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# ANNALS

OF THE

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## THE GROWTH OF GREAT CITIES IN AREA AND POPULATION.

The growth of urban population during the past century in Europe and the United States has been so marked as to excite the universal attention of students of our social, industrial and political conditions. Not only has the population living in cities increased enormously in absolute numbers during the last hundred years throughout the world affected by European civilization; but the proportion of the total population dwelling in cities has increased in almost as remarkable a manner. This is true no matter how we define the expression urban population, so long as we give a reasonable sense to the term.

The United States forms a striking example of this development. Owing to the enormous extent of its unoccupied and unsettled territory, and the rapid rate at which it has occupied the wilderness, we should have expected to find simply this tendency to diffusion, but parallel with it has gone a tendency to concentrate in cities. The following table shows the growth of urban population from 1790 to 1890:

GROWTH OF URBAN POPULATION IN THE UNITED STATES FROM  
1790-1890.\*

Census years.	Population of the United States.	Population of cities having 8000 or more inhabitants.	Percentage of the population in such cities to the total population.	Number of cities of 8000 or more inhabitants.
1790 . . . . .	3,929,214	131,472	3.35	6
1800 . . . . .	5,308,483	210,873	3.97	6
1810 . . . . .	7,239,881	356,920	4.93	11
1820 . . . . .	9,633,822	475,135	4.93	13
1830 . . . . .	12,866,020	864,509	6.72	26
1840 . . . . .	17,069,453	1,453,994	8.52	44
1850 . . . . .	23,191,876	2,897,586	12.49	85
1860 . . . . .	31,443,321	5,072,256	16.13	141
1870 . . . . .	38,558,371	8,071,875	20.93	226
1880 . . . . .	50,155,783	11,318,547	22.57	286
1890 . . . . .	62,622,250	18,284,385	29.20	448

It will be noted that in the above table only that population is counted as urban which is to be found in cities of 8000 inhabitants or upwards. To accept the number 8000 as marking the limit of urban population is certainly an arbitrary choice, and the figure is one which on the whole is much too high, since people are living under practically urban conditions as distinct from rural in much smaller communities than those of 8000. But owing to the manner in which previous censuses have been taken, this is the figure for which we have most easy and definite comparisons. A glance at the table shows the percentage of urban population to the total population to have risen from a little over 3 per cent in 1790 to nearly 30 per cent in 1890.†

In order to determine, however, the real urban population we may properly take a much lower figure than 8000. The census of 1890 showed 905 places with a population of 4000 and over, containing 20,799,296 people, or 33.21 per cent of

\* "Report on the Population of the United States at the Eleventh Census," 1890, Part I. Washington, 1895. Pp. lxxv et seq.

† See "A Model City Charter," by Edmund J. James. Publications of National Municipal League, Philadelphia.

the total population of the country. If we take the figure somewhat lower, namely, 2500, we find that in 1890 there were 1522 places with such a population, having a combined population of 22,717,465, representing 36.28 per cent of the population.\* If we count as urban the places with a still smaller population, namely, 1000 or more, it appears, according to the census of 1890, that there were 3715 places in the United States within this category having a total population of 26,109,074, or 41.69 per cent of the total population of the United States.†

A remarkable phenomenon in this connection is the growth of cities in the more sparsely settled states. The appearance of such urban agglomerations as Minneapolis and St. Paul, Omaha, Kansas City, etc., in what are chiefly agricultural states, is one of the most striking facts of our social life. The three Pacific States, with a remarkably sparse population on the whole, showed in 1890 a population of 901,644 in cities of 8000 or more inhabitants, while the rest of the population, rural and village together, only amounted to 969,643. A similar state of things exists in Australia, where a still larger per cent of the population live in cities of over 8000 inhabitants than in the United States.‡

The total population of the United States increased in the decade from 1880 to 1890 by 12,466,467, or almost exactly 25 per cent (24.86 per cent). The urban population, counting as urban the places having 1000 or more inhabitants, showed an increase of 8,366,949, *i. e.*, an increase of 47.07 per cent, while the rural population, meaning by that the population of all places containing less than 1000, showed an increase of only 4,099,518, or 12.66 per cent. That is to say, the increase in the towns of 1000 and more inhabitants was absolutely more than twice as great as in all other

\* "Compendium of the Eleventh Census," Part I, p. 442. Washington, 1892.

† *Ibid.*, p. 453.

‡ "Growth of Cities in the United States during the Decade 1880-1890," by Carl Boyd. Publications of the American Statistical Association, Vol. iii (1893), p. 416.

places, while relatively it was nearly four times as great, and this in spite of the fact that in certain portions of the country, as notably in New England, the population of the smaller towns had nearly uniformly shown a decrease. Thus in the aggregate, the towns of Massachusetts having less than 2000 inhabitants in 1890 (179 in number) had a smaller population in that year than in 1820, seventy years before.\*

A similar tendency to that which has shown itself in the United States has revealed itself also in other countries, notably in England, France and Germany. Taking the population of the so-called urban sanitary districts in England as urban in character, the following table shows the urban population of England by classes of districts in 1891, and also the percentage of increase from 1881 to 1891.†

URBAN POPULATION IN ENGLAND.

Population of Districts.	Number of Districts.	Aggregate population of Districts, 1891.	Percentage of entire population, 1891.	Percentage of increase, 1881-1891.
250,000 and upwards . . . . .	6	6,375,645	22.0	9.1
100,000-250,000 . . . . .	18	2,793,625	9.6	19.1
50,000-100,000 . . . . .	38	2,610,976	9.0	22.9
20,000- 50,000 . . . . .	120	3,655,025	12.6	22.5
10,000- 20,000 . . . . .	176	2,391,076	8.3	18.9
3,000- 10,000 . . . . .	453	2,609,141	8.9	9.6
Under 3,000 . . . . .	195	367,282	1.3	2.6
<b>Total Urban . . . . .</b>	<b>1,006</b>	<b>20,802,770</b>	<b>71.7</b>	<b>15.3</b>
“ Rural . . . . .	. . . . .	8,198,248	28.3	3.4
<b>Total population . . . . .</b>	. . . . .	<b>28,001,018</b>	<b>100.0</b>	<b>11.65</b>

From these figures it appears that in 1891 22 per cent of the population of England and Wales lived in six towns of upwards of 250,000 inhabitants; 31.6 per cent lived in

\* "Decrease of Rural Population," John C. Rose, *Popular Science Monthly*, Vol. xlii (1892). p. 621. Also, "Statistics and Sociology," by Richmond Mayo-Smith, p. 369.

† "Statesman's Yearbook." 1897. p. 19.

twenty-four towns of over 100,000 inhabitants; 40.6 per cent in sixty-two towns of over 50,000 inhabitants; 53.2 per cent in 182 towns of over 20,000 inhabitants, and 61.5 per cent in 358 towns of over 10,000 inhabitants. It also appears that, while the increase of the total urban population was more than 15 per cent in the decade from 1881 to 1891 (15.3), the increase of the rural population was less than 4 per cent (3.4), the increase being over four and one-half times as rapid in the total urban as in the rural districts.

France shows the same tendency, especially during the last fifty years. Taking the communes with a population of over 2000 as the basis of the urban population, the following table shows the percentage of the urban population in France to the total population by five year periods, from 1846 to 1891:

GROWTH OF URBAN POPULATION IN FRANCE, FROM 1846-1891.\*

	Per cent of Urban to Total Population †	Per cent of Rural to Total Population.
1846 . . . . .	24.42	75.58
1851 . . . . .	25.52	74.48
1856 . . . . .	27.31	72.69
1861 . . . . .	28.86	71.14
1866 . . . . .	30.46	69.54
1872 . . . . .	31.06	68.94
1876 . . . . .	32.44	67.56
1881 . . . . .	34.76	65.24
1886 . . . . .	35.95	64.05
1891 . . . . .	37.4	62.6

In fact, almost the entire increase in population in France of late years has taken place in the cities, the rural population, as a whole, having absolutely declined. Thus from 1886 to 1891 the total population of France increased by

\* "Statistique générale de la France." *Resultats statistiques du Dénombrement de 1891.* Paris, 1894. p. 65.

124,289 souls, but the population of cities having over 30,000 inhabitants increased in the aggregate by 372,074; Paris alone by 103,407.\* The rural population, estimated on the basis given in the above table, declined by 450,000 souls. The following table shows the population of the Department of the Seine (Paris and its suburbs), having a total area of 185 square miles,† compared with that of the political Paris for certain periods between 1800 and 1896:

	Greater Paris.	Political Paris.
1800 . . . . .	630,585	547,756
1831 . . . . .	935,108	785,862
1851 . . . . .	1,422,065	1,053,262
1872 . . . . .	2,220,060	1,851,792
1881 . . . . .	2,799,923	2,239,928
1891 . . . . .	3,141,595	2,447,957
1896 . . . . .	3,340,514	2,536,834‡

This table shows in the course of ninety years over a five-fold increase, while the population of the nation as a whole has not nearly doubled, increasing from 27,349,003 in 1801 to 38,343,192 in 1891, or in the ratio of 100 to 140. In the five years from 1891 to 1896 the total population of France increased by 175,027, but the population of cities over 30,000 increased by 327,009, showing again a positive decrease in the population outside of cities of over 30,000.§

In Germany the same tendency is revealed as in the other countries mentioned before. Taking the places with a population of 2000 or more as urban, the following table

\* "Dénombrement de la Population, Avril 12, 1891." Paris, 1892. p. 829.

† "Annuaire Statistique de la France." Vol. xvii (1897). p. 7.

‡ "Dénombrement de la Population pour 1896." Paris, 1897.

§ See (1) Sedlaczek, "Die Bevölkerungszunahme der Grosstädte im XIX Jahrhundert und deren Ursachen." "Report of the Eighth International Congress of Hygiene and Demography, held at Budapest September 1-9, 1894." Budapest, 1896. pp. 358 et seq.

(2) Levasseur, "La Population Francaise." Paris, 1891. Vol. ii, pp. 338 et seq.

(3) Maurice Block. "Statistique de la France." Paris, 1874. pp. 34 et seq.

(4) "Annuaire de l'économie politique et de la statistique." Paris 1844 and following years.

(5) Bulletin de Statistique et de Législation comparée. Vol. xlii (1897). p. 78.

(6) Journal de la Société de Statistique de Paris. Vol. xi, quoted in Sedlaczek.

shows the growth of urban population within the limits of the present German empire from 1871 to the present. The cities are divided into four classes as indicated in the tables below:

THE NUMBER OF CITIES IN THE GERMAN EMPIRE, 1871-90.

Classes.	1871	1875	1880	1885	1890
1. Large cities, 100,000 and more	8	12	14	21	26
2. Middle cities, 20,000-100,000 . . .	75	88	102	116	135
3. Small cities, 5000-20,000 . . . .	529	591	641	683	733
4. Rural cities, 2000-5000 . . . . .	1761	1837	1950	1951	1997
	2373	2528	2707	2771	2891

POPULATION OF THE CITIES BY CLASSES.

Classes.	1871	1875	1880	1885	1890
1. Large cities, 100,000 and more . . . . .	1,968,537	2,665,914	3,273,144	4,446,381	5,995,972
2. Middle cities, 20,000-100,000 . . . . .	3,147,272	3,487,857	4,027,085	4,171,874	4,824,754
3. Small cities, 5000-20,000 . . . . .	4,588,364	5,124,044	5,671,325	6,054,629	6,480,192
4. Rural cities, 2000-5000 . . . . .	5,086,625	5,379,357	5,748,976	5,805,893	5,942,311
	14,790,798	16,657,172	18,720,530	20,478,777	23,243,229
5. Other places-rural districts . . . . .	26,219,352	26,070,188	26,513,531	26,376,927	26,185,241
	41,010,150	42,727,360	45,234,061	46,855,704	49,428,470

PERCENTAGE OF THE TOTAL POPULATION IN THE CITIES OF THE VARIOUS CLASSES.

Classes.	1871	1875	1880	1885	1890
1. Large cities, 100,000 and more	4.8	6.2	7.24	9.5	12.1
2. Middle cities, 20,000-100,000	7.7	8.2	8.9	8.9	9.7
3. Small cities, 5000-20,000 . . .	11.2	12.	12.54	12.9	13.1
4. Rural cities, 2000-5000 . . . .	12.4	12.6	12.71	12.4	12.
	36.1	39.	41.39	43.7	46.90+
5. Other places—rural districts	63.9	61.	58.61	56.3	52.96

This table shows that in the course of twenty years the number of cities in Germany having a population of

100,000 and more increased from eight to twenty-six; the total population within such cities from 1,968,537 to 5,995,972, and that while their aggregate population amounted to 4.8 per cent of the population of the empire in 1871, they made up 12.1 per cent in 1890. The following table shows the annual rate at which the urban population in cities of over 20,000 increased as compared with the total population of the empire by five-year periods from 1871 to 1895:\*

	1871-75	1875-80	1880-85	1885-90	1890-95
Rate of increase of total population . . . . .	1 per ct.	1.14	.70	1.07	1.11
Rate of increase of urban population (cities of 20,000) . . .	3.06	2.39	2.24	2.87	2.20

What is true of these four countries is true in a general way of Italy, Austria and Russia as well, and even of Spain.†

But it is not only true that the urban population, has increased both absolutely and relatively; but this is also true of the people living in the great cities, the enormous aggregates of population.‡ Indeed the growth of the great cities, meaning by that cities with a population of 200,000 and upwards, has been perhaps the most remarkable fact in this whole phenomenon of urban growth. One may truly call this century not only the age of cities, but also the age of great cities. It is interesting to note also that with few exceptions this enormously rapid rate of growth began rather in the latter half of the century.

The following table shows this tendency in a marked manner:

\* See *Vierteljahrsheft zur Statistik des deutschen Reichs*. Vol. v, 1896. No. II, pp. 114 et seq. Also, Vol. i, 1892, No. II, p. 29; also, *Statistik des deutschen Reichs*, Neue Folge, Vol. 32, 1888. "*Die Volkszählung im deutschen Reich am 1 December*," 1885.

† See Georg v. Mayr, "*Die Bevölkerungsstatistik*," Freiburg, 1897.

‡ See Sedlaczek *op. cit.*

City.	Population with which Compared.	Year.	Per cent of Total Population	Year.	Per cent of Total Population
Berlin . . .	German Empire	1820	.76	1890	3.20
Paris . . .	France . . . .	1840	2.73	1891	6.32
Vienna . . .	Lower Austria .	1840	27.41	1890	51.27
Chicago . . .	United States .	1840	.03	1890	1.76
Philadelphia	“ “ .	1800	.78	1890	1.67
London . . .	England&Wales	1801	10.78	1891	14.52
Budapest . .	Hungary . . . .	1840	.94	1890	3.25
Glasgow . . .	Scotland . . . .	1801	4.80	1891	14.10
Hamburg . . .	German Empire	1820	.43	1890	1.14
Brooklyn . .	United States .	1800	.04	1890	1.29
Dresden . . .	German Empire	1820	.20	1890	.56
Leipzig . . .	“ “ .	1820	.14	1890	.59
Munich . . .	“ “ .	1820	.20	1890	.70

The group of cities of 100,000 inhabitants seems in all countries to have increased relatively more rapidly than the smaller cities. There seems to be a tendency, it is true, in the last few years toward a relatively slower growth of the great centres. Sedlaczek calls attention to this fact in the article referred to before.\* He says that while the population of the great cities comprises from decade to decade an increasing percentage of the total population of the countries within which they are situated, it does not appear that the attractiveness and rate of growth of a city increases in proportion to its size as some have maintained, at least so far as this is revealed by the mere percentage of increase in the population. Boyd, in the article referred to before,† calls attention to the fact that the highest rate of growth showed itself in the case of cities having a population of from 75,000 to 100,000, the increase being 91.25 per cent. Cities with a population of from 60,000 to 200,000 increased at the rate of 63.07 per cent, while those with a population of over 200,000 showed a rate of increase of only 36 per cent. The later censuses seem also to bear out the idea that a slower rate

\* See also "London Statistics, 1896-97." Publications of London County Council, Vol. vii, p. x, 1898.

† "Growth of Cities in the United States," p. 416.

of growth has begun for these enormous aggregates of population, but we cannot infer this too definitely without a close examination of the facts relating to the territorial increase of such cities, and to the growth of their suburbs, facts which are rarely considered in the reports. At any rate it must be allowed that for the latter half of the century as a whole this relative increase of the larger aggregates of population is one of the striking factors.

Although these facts are commonplaces to which the attention of intelligent persons has been called again and again, it is doubtful whether, after all, the general public realizes fully the true significance of these facts for our social, industrial and political future. Indeed, it is doubtful whether we fully realize even the plain simple facts themselves, to say nothing of the deeper meaning which reveals itself upon a closer investigation and analysis. This is perhaps owing, among other things, to defective methods of presenting the facts in regard to this development. Our statistical tables, as ordinarily prepared and published, do not present the facts in such a way as to bring home to the public consciousness their absolute or relative importance. This arises from a multitude of circumstances, some of which will be discussed more fully later. It will be sufficient here to refer to one or two of them for the purpose of making plain what is meant. In the ordinary tables of the population of great cities we find the cities arranged in a certain order according to population. Thus if we were to take the tables prepared upon the basis of the census returns collected in the various countries from 1890 to 1895, we should find Registration London put down with a population in 1891 of 4,211,056, and March 29, 1896, of 4,411,271; New York, with a population in 1890 of 1,515,301; Chicago, in 1890, with a population of 1,099,850; Paris, 1891, with a population of 2,424,705; Berlin, 1890, with a population of 1,579,542.†

† Sedlaczek, *op cit.*

Now the merest glance at such a table as this on the part of one familiar with the facts shows that it fails to give the person who reads it an adequate notion of the enormous aggregates of population which are to be found to-day in these centres. Thus London, which is put down with a population of a little over four millions, had, if we should give a large definition to it, a population a little in excess of six millions.\* New York, with a population of a million and a half in 1890, was the centre of an agglomeration dependent for its life and activities upon the city of New York, with a total population of nearly 3,000,000. The recent additions to the city have increased the census population to perhaps three and one-half millions.

New York is considered in the tenth census (1880)† as a metropolis, including the political units New York, Brooklyn, Jersey City, Newark and Hoboken. The growth of the Greater New York as compared with political New York is indicated in the following table:

	Population of the Metropolis.	Population of New York.
1790 . . . . .	34,734	33,131
1800 . . . . .	62,893	60,489
1810 . . . . .	100,775	96,373
1820 . . . . .	137,388	123,706
1830 . . . . .	220,471	197,112
1840 . . . . .	369,305	312,710
1850 . . . . .	660,803	515,547
1860 . . . . .	1,183,148	805,658
1870 . . . . .	1,546,293	942,292
1880 . . . . .	2,061,191	1,206,299
1890 . . . . .	2,710,125	1,515,301

It will be seen that by 1890 the population of the Greater New York had become nearly twice as large as that of the political New York.‡ Paris, Vienna and Berlin should

\* "London Statistics, 1896-97." Vol. vii, p. x.

† Volumes on "Social Statistics of Cities." Vol. i, p. 531.

‡ See also the history of the growth of Boston and suburbs. Massachusetts Census, 1895. Vol. i, pp. 45 and 219.

certainly have their corresponding figures increased by from one-fifth to one-half, in order to convey an adequate idea of what these great cities have become. The following table shows the growth of the Greater Berlin from 1801 to 1895:

POPULATION OF BERLIN.\*

	1801	1875	1880	1885	1890	1895
Berlin (Political) . .	173,440	966,858	1,122,330	1,315,287	1,578,794	1,677,304
Larger Berlin (area ten miles from mid- dle point) . . . . .	197,112	1,131,706	1,314,286	1,558,395	1,957,117	2,254,570

If we look in the ordinary table of population we shall find the city of Manchester put down in 1891 with a population of 505,368; and yet within an area of ten miles from the Guild Hall in Manchester there was probably at that time a population of over three millions. Now it is plain that from such tables one can derive no adequate idea even of the plain and simple facts in regard to these questions, and we are misled time and again in our estimates of what is reasonable and proper in the field of social and economic policy by depending upon such figures as these to give us the requisite basis for reasoning. Thus it seems an unreasonable proposition that a city of half a million of people, like Manchester, should invest \$75,000,000 and upwards in the construction of a ship canal for the purpose of making Manchester a seaport. It is impossible to believe that such an expenditure of public or private capital can be justified by the increase in facilities, and by the greater opportunities for development which such a project, if successfully carried out, may bring. But it is an entirely different proposition if, upon examination, we find that for all purposes of the canal it is to serve the wants of what is practically an urban district, taking somewhat larger limits than those given above of ten millions of people. In the

\* See "Statistisches Jahrbuch der Stadt Berlin." Vol. *xxi* (1894). Berlin, 1896. p. 14 and Vol. *xxii* (1895). Berlin, 1897. For Paris and its suburbs (the Department of the Seine), see p. 6 of this paper.

same way the enormous expenditures of the city of Paris have a different significance and meaning and a different justification for a population of nearly four millions from what they have if you are considering a population of somewhat less than three millions. Likewise in the case of the city of Berlin; what seems perhaps extravagant and unjustified in connection with a population of a million and a half becomes only reasonable, or perhaps necessary, for a population of two and one-half millions, which is nearer the figures of the Greater Berlin.

These facts are of course recognized by students, but they are not always considered by those who have not the time to examine the details of such matters, and it is no uncommon thing even in the writings of persons who should know better to find arguments based upon these figures taken as they are, and as if they applied to something like the same thing.

The source of error in such reasoning arises from the fact that while we are ordinarily concerned in such discussions with social, or industrial, or economic phenomena or policies, we do not take the social, industrial, or economic unit as the basis of our discussion, but take instead an entirely different thing, namely, the political unit known as the city of London, of Paris, of Berlin, of New York. There would be, of course, little cause for error if as a matter of fact the political unit corresponded with reasonable accuracy to the social or industrial or economic unit. But this is true only in the case of comparatively few of the tables of population which have been constructed to show the growth of urban population in the modern world. It is true that within the last few years cities have shown a decided inclination to make their political boundaries correspond to some extent at any rate with their social, industrial, and economic boundaries. This is the real meaning of the marked tendency toward the increase of city areas, which has shown itself in the last twenty years in all civilized countries. It is rather remarkable

indeed that the extension of the boundaries of the cities have been long delayed,—in many cases, for a full generation after the economic and social conditions demanded an extension.

The history of these extensions is an extremely interesting one, and would well repay a detailed examination. Much ridicule has been thrown on the ambitions of cities in various portions of the world as revealed by their attempt to draw within the circle of their control the immediately adjacent territory. But in such a movement there are more powerful forces at work both to extend the limits of a city, and to prevent their extension than petty pride. Thus there is a very common tendency in recent times for many people who do business within a given centre to move outside the limits of the area controlled, politically speaking, by that centre. Ordinarily the rates of taxation are higher within the city than in the suburban districts, and an addition of a suburban district, while it may mean to the city an increasing expense in certain ways for laying out of streets, water mains, etc., means also an increased rate of tax for these new areas. Practical questions of this sort are liable to be determined largely by questions of local interest. Certain influences favor extension, other influences oppose it. The final outcome is nearly always a compromise entirely satisfactory to no one, and based as a rule on no principle.

But even as a theoretic question it is not easy to determine the point at which a given area adjacent to a city should be annexed and brought within the scope of municipal authority, and the question must undoubtedly be settled largely by local conditions.\* Thus it is plain that if a given suburban region is to be settled up rapidly, it lies in the interest of the city, and, in the long run, of the suburban region itself, that the area shall be added to the city soon enough in the history of its development so that the general scheme

\* See "Pamphlets Against Consolidation," Nos. 1-5. Published by League of Loyal Citizens. 44 Court St., Brooklyn, 1895.

of streets, of sewers and drainage, of water supply, the general school system, etc., can be easily harmonized and integrated with the existing system of the city.\* Otherwise a system of streets and a system of public services of various kinds may be worked out in the case of the suburban district which would require extensive and expensive alterations and sometimes indeed entire reconstruction and rebuilding in order to fit it into the plan of a great city. In some cases it is plainly to the interest of the suburban region, where local conditions are favorable, to keep out of the reach of city control and city taxation as long as possible, while it is plainly unfair in other instances that such adjacent regions should enjoy all the privileges of city life and be enabled to escape a large share of its burdens. So difficult is this problem of adjustment between the interests of suburban regions and the cities, that long periods have elapsed in the history of many of our great cities after the time when the suburban regions should have been annexed before it was possible to overcome the opposition of conflicting interests and bring about the adjustment which lay in the wider and larger interests of all. Philadelphia, before referred to, offers an excellent illustration of this fact.† Around the old city which had only an area of two square miles had grown up a series of suburban regions which, for all practical purposes, were portions of the city, each one to a large extent with its own scheme of local improvements, each one unwilling to yield its independence and fancied superiority for the sake of the larger welfare, and there is no doubt that the people of Philadelphia had to bear a larger additional burden of taxation for the purposes of reconstructing and readjusting and bringing into harmony these local differences than would have been necessary if the area of the city had been enlarged fifty years

\* See " *Die Einverleibung der Leipziger Vororte und ihre sozialpolitischen Wirkungen.*" Dr. Ernst Hasse, *Blätter für soziale Praxis.* 1894. Numbers 76-78.

† See " *The City Government of Philadelphia.*" With an Introduction by Edmund J. James. Philadelphia, 1893.

sooner to something like a reasonable point. As an instance of the inconveniences growing out of waiting to annex territory until it has developed a life and organization of its own, the history of annexations in the city of Chicago may be quoted. The sewage system, the water supply system, and the system of schools to some extent which grew up in the districts immediately surrounding the city were at many points so different from that of the city itself, that large reconstructions were necessary, involving great expense to all parties. Thus at one time there were twelve or fifteen different streets within the city having the same name; a circumstance growing out of the fact that the various suburban regions had duplicated in many instances the names of streets in the city. Annexation involved a renaming and a renumbering at the least, a comparatively small matter, but after all one involving considerable inconvenience.

For decades before 1890 strong efforts had been made in Vienna to bring about a political union between the old city and the numerous suburbs which had sprung up about it. The existence of an elaborate system of city customs duties upon various important articles of consumption introduced many complications into the problem. The suburbs did not wish to accept such a method of getting revenue while the old city declared it fundamental to a sound financial system. After long years of fruitless negotiation union was effected under pressure from the general government in 1889-90.\*

Ever since 1852 agitation had been going on looking to an extension of the boundaries of Leipzig, but it was not until 1889-90 that the negotiations reached a point where success was possible. The suburbs wished to join for some purposes, but not for others. They proposed many conditions, most of which had a tendency to thwart the very aim of consolidation and when the extension of the territory was

\* "*Die Gemeinde-Verwaltung der Stadt Wien in den Jahren 1889-1893.*" Vienna, 1895. p. 1.

finally made, it did not include by any means all the places contemplated at first.\*

The complex of different authorities to be found in many of our American cities is to be explained to some extent by the imperative necessity of securing a certain uniformity of treatment in regard to some of the larger elements, such as drainage and water supply over large areas, combined with the unwillingness of portions of this area to enter upon all the duties and obligations, as well as the privileges of the city portions of the area. In nearly all communities of the old world, and in many of our own, the unit of police administration, for example, has been made much larger than the city in the narrow sense with which it is associated, as it is claimed that no efficient police service can be built up within a city surrounded by suburban regions with essentially city characteristics, but without organic connection with the city itself. Thus the police area comprises in the case of the city of Berlin a much larger area than the city proper, and the same thing is true of other cities in Europe and the United States. In some instances a general scheme of water supply, or of drainage, or of fire service, has been adopted for the city and the suburban regions necessitating the creation of separate and to a large extent independent boards, leading to a division of authority, and to a working at cross purposes which can only result in inefficiency and enormously increased expense. The English system of the Metropolitan Board of Works, adopted in London, which was in operation for nearly fifty years, was a creation of this sort to carry out certain public services, which to be efficient must be carried out according to a common plan, and yet which could not, prior to 1890, be under the authority of the city of London, whose municipal authority did not cover so wide a territory.

These considerations may suffice to indicate at least the

\* See "*Verwaltungsbericht des Rathes der Stadt Leipzig für das Jahr 1893.*" Leipzig, 1895.

complexity and difficulty of this problem of annexation which has faced every modern city, and which perhaps nowhere is ever solved to the satisfaction of all parties.

It is plain also that for the same reason it is difficult to make thoroughly accurate comparisons between cities of different countries, or even the cities of the same country, in regard to many of the most important branches of the public service, owing to the fact that the statistics and reports kept by these cities do not cover the same body of facts or similar bodies of facts. Enough has been said perhaps to indicate the reason for the statement made at the outset that our statistical tables do not present the facts in such a way as to convey the impression of the real state of affairs to the mind of the reader. But it is worth while to stop a moment longer for the purpose of calling attention to some of the most common errors arising from these misleading comparative statements.

We have already referred to the fact that the ordinary population tables are misleading because they take the political unit instead of the real urban unit and thus give entirely false notions as to the real relative size of great cities. New York, London and Manchester were specially mentioned. Some other cities such as Leipzig, Cologne, Breslau, afford quite as remarkable illustrations, and indeed one may say that there is scarcely a large city in modern Europe or the United States which might not serve as an example of the same proposition. If we were to take the populations of the urban areas instead of the political areas, the tables of population, as ordinarily constructed, would be radically changed, and the order of size would be reversed in very many cases.

It is a mere corollary of this proposition that all these tables show very misleading comparisons as to the relative rate of growth, and as to the relative density of the population. Thus, if we compare the population of Chicago in 1880 and 1890 as given in the ordinary tables, we find that it increased from 503,185 to 1,099,850. This seems to be a

most astonishing growth, a rate of 118 per cent in ten years, and although the city, within the limits of 1880, had a remarkable growth in the subsequent ten years it was far from being so great as these figures would indicate. When we turn to the table showing the increase in the area of the city of Chicago between these two years, we find that the area was increased from 35.662 square miles to 174.554 square miles, an increase of nearly 400 per cent. The greatest increase of population occurred in the annexed area. It had some population in 1880, and the growth of the city as reported was therefore much greater than the growth of population with the limits of 1880.\* A still more striking case is afforded by the city of Philadelphia, which, in the year 1850, had a population, according to the census returns, of 121,376, and in 1860, ten years later, a population of 565,529, an increase of over 300 per cent in the limits of one decade. Surely a marvelous rate of progress for a city of over 100,000 population to make. A glance at the table of areas, however, shows that the area was increased from a little over two square miles in 1850 to something over 129 in 1860, an increase of nearly 6500 per cent in area. These annexed areas had already in 1850 a population of 285,396 and annexation without growth accounts for the chief increase in the population of the city during that decade. The same thing is true of European cities. Cologne, for example, increased its population from 144,772 in 1880 to 281,681 in 1890, a marvelous rate of increase for such an old city, to be explained largely by the fact that it increased its area from 770 hectares to over 11,000 hectares, most of the annexed territory containing a fairly dense population. Leipzig showed a population of 149,081 in 1880

\*The population in 1880 of the annexed areas is not ascertainable. It included the townships of Hyde Park, Jefferson, Lake and Lakeview, with a population of 45,537 in 1880, also a part of Cicero township, whose aggregate population in 1880 was 5,182, and part of Calumet township whose total population in 1880 was 2,576. As several villages in the two last named townships which were not incorporated in Chicago had, in 1880, a population of 4,872, it is obvious that the population of the annexed district in 1880 fell short of 50,000 persons, while in 1890 it was nearly or quite 300,000.

and of 400,000 in round numbers in 1896; truly a remarkable increase, largely explained, however, by the increase in area from 1640 hectares in 1880 to 5770 in 1896, nearly all of the annexed territory being fairly densely populated.

It follows as a matter of course that all figures in regard to density of population, or the relative rate of increase of density of population, are also untrustworthy and misleading as given in ordinary tables. Thus in the tables constructed by Dr. Sedlaczek, we find that from 1881 to 1890 the population of Chicago increased at a rate of 60,000 per year in round numbers, while in the decade from 1871 to 1880 its increase was only a little over 20,000 per year. This would seem to imply a remarkable rate of increase in the decade from 1881 to 1890 as compared with 1871 to 1880. It is as above stated to be explained in part by the incorporation of fairly well populated territory. The city of Paris showed an increase of 64,288 per year in the decade from 1852 to 1861, and only 15,565 in the decade from 1862 to 1871, which would seem to imply a great falling off in the rate of progress. It is to be explained, however, by the fact that in the decade from 1850 to 1860 Paris increased its area from 3438 hectares to 7802, while it made no increase in the decade 1860-1870. In the same way the city of Manchester showed an average yearly addition to the population of 16,389 from 1882 to 1891, and an actual decrease of 977 per year in the decade from 1872 to 1881. Any deductions from this fact that the city of Manchester was declining in the decade 1871-1880, while it showed a remarkable reversal of its tendencies in the decade 1881-1890, will be of course misleading in the highest degree. As a matter of fact the population of the city of Manchester, as a political unit, decreased, owing to the removal of people from the business portion of the city to the suburban or residence portion. It increased at such a large rate in the decade from 1882 to 1891, among other reasons, because the area was increased from 1737 hectares to 5175.

The population of Liverpool decreased absolutely between 1881 and 1891, declining from 552,508 in the former year to 517,980 in the latter, a decrease of over 6 per cent, and yet this decade was one of marked growth and prosperity in the city. The explanation is again the same. The city, in a political sense comprising less than nine square miles, is only the nucleus of the real city and like so many other "city" or business districts, actually declined in population owing to the removal of residences from the heart of the city to the outer rings. The rapid increase from 1831 to 1841 (165,000 to 286,487) is to be explained, on the contrary, by the enlargement of the city territory from 752 to 2108 hectares.

That experts as well as laymen need to keep these things in mind is shown by the use which Noel A. Humphreys makes of population tables\* where he compares the growth of Chicago and Liverpool as if the figures given in the census meant anything for such a comparison.

The above considerations are sufficient to demonstrate that our tables as at present constituted are for purposes of social, economic, and industrial investigation, likely to be the source of much confusion and error unless used with great care.

If we are going to make, therefore, any comparative studies in the growth of great cities, we must reconstruct our tables and base them upon some unit which will correspond to the unit of our investigation, whatever that may be. If we desire to utilize these facts for deductions as to facts and policies in social, industrial, and economic matters, we must strive in some way to obtain an urban unit in each case which will correspond to the social, industrial, and economic unit of which we are speaking, and with which we have to do. To put the case in another way, we must

\* "Results of the Recent Census and Estimates of Population in the Largest English Towns," *Journal of the Royal Statistical Society*, June, 1891, Vol. liv, p. 311 et seq.

seek a common denominator for our comparisons, if these comparisons are to be of any assistance for theoretical or practical purposes. Now there are many serious difficulties in the way of obtaining such a common denominator, a common unit of comparison, and these difficulties are partly theoretical and partly practical, and both are equally serious. In the first place, it is by no means easy to determine in any individual case even, to say nothing of a large number of cases, what we should include within the urban unit.\* How far shall the radius extend from the centre of one of these agglomerations or aggregations of people so as to include all that ought to be included as a part of the urban aggregate, and exclude what does not belong to it? Various attempts have been made to answer this question, with greater or less success, but all of them based in the last analysis upon a more or less arbitrary assignment of bounds, and consequently upon an assignment which one finds more or less difficult to justify.

Dr. Ernst Hasse has endeavored † to find such a common denominator for German cities. He attempts to draw a distinction by constituting three circles; first, the real city, being the nucleus of the metropolitan aggregation, which is also, generally speaking, the political unit. Second, the city with those suburbs which form a real part of the urban agglomeration. Third, the city with its outlying dependencies, which although dependent in many respects for their life upon the existence of the city, do not really form a part of the urban agglomeration. Now it is evident that the opinions of no two people would probably agree in any individual case as to where such circles ought to be drawn, and consequently in attempting to set such boundaries to the different cities there would be the greatest room for arbitrary designation of boundaries. Indeed Dr. Hasse

\* See "Reports of the Tenth Census" (1880), volume on Population, p. xxviii; also "Report on Social Statistics of Cities," Vol. i, p. 531.

† In Mayr's *Allgemeines Statistisches Archiv*, Vol. ii, 1891-92, pp. 16 et seq., in the article on the "Density of Metropolitan Populations."

makes little or no use of this division, but proceeds to an entirely different principle as the basis of his extremely interesting comparisons, namely, that the urban unit is to be determined by the fact of density of population, that this is really at bottom the sole test, and that beginning at the centre of the population aggregate, we should include the area in concentric rings until we have reached a point at which the average density of population in the last ring falls to the average density of population (excluding the urban unit) in the larger district of which the city forms a part, such as county, province, state, etc. Thus if we take the province of lower Austria excluding Vienna, we find that the average population is fifty-nine persons per square kilometer. Now the average density of the tenth kilometric ring, counting from the centre of the city of Vienna, is far above this, and probably we should have to proceed to, say the fifteenth kilometric ring, before the average density of population would sink to the average of the province, excluding the metropolis, in which case the first fourteen kilometric rings, counting from the centre, would constitute the urban district of Vienna. This method of determining the urban area has the advantage of resting upon at least one sound characteristic of urban populations, and although the defects are apparent, perhaps it is as good a method as we have.

Dr. N. Brückner \* adopts another system which at bottom is nothing more than accepting the opinion of the officials in the different cities as to what constitutes the real economic unit of their respective cities. This is of course practically taking in each individual case the arbitrary opinion of the statistical office of the various cities instead of trying to base the estimates upon any common principle.

It has been proposed to take as the urban unit the territory

\* In two articles upon the "Development of Metropolitan Population in the German Empire," published in Mayr's, *Allgemeines Statistisches Archiv*, Vol. i, 1890, p. 134 et seq., and 614 et seq. Somewhat similar are calculations of Dr. G. L. Matzsch, in his work, "*Die Bewegung des Bevölkerungsstandes im Königreich Sachsen während der Jahre 1871-1890*," pp. 22, et seq.

around such an aggregate of population, which with a reasonably dense population, has shown a tendency to increase in population at a certain constant rate. Thus the area about London, to which the term the Greater London is sometimes given, including what is known as the Metropolitan Police District, was in 1801 fairly densely populated. In the next forty years it doubled its population, and in the next forty years doubled it again; and if we take the outer ring of this region, it increased by almost exactly 50 per cent from 1871 to 1881, and again from 1881 to 1891. The rate of increase of Registration London during a series of eighty years, was remarkably uniform, varying per decade between 17.28 and 21.9 per cent. Registration London, therefore, or the Metropolitan District taken by the Registrar General as included within the metropolis in 1851, shows from this point of view an approximation to what might be called the metropolitan unit.

Certainly we cannot say that up to the present any very satisfactory method has been found of determining what ought to be considered as the urban unit, and we shall see in the subsequent investigation that this is reflected in all the tables, statistical and otherwise, relating to the growth and development of our great cities.

Another real difficulty in the way of intelligent comparison of great cities in the matter of population is to be found in the lack of facts relating to the real population of different districts at different periods. Thus, owing to the shifting of census areas at different times, it becomes impossible to get the exact population of a given area for a long series of years. This is strikingly illustrated in our American cities, particularly in those cities which have added largely to their population and to their areas. Thus in Chicago, for example, where the population of the city has been taken at various times by wards, it is almost impossible to ascertain for any single ward in the city the population at different census periods, owing to the continual shifting of ward boundaries.

Thus when a township or a portion of a township has been annexed to the city it appears in the new census as a part of a given ward; it appeared in the old census as a part of a given township, and in neither case is the population given specifically for the particular area in question. Of course this is a kind of error which it is impossible to make good where the original material of the census has been destroyed, or where in the original material the units taken in one census cannot be in any way made harmonious or co-terminous with the units of the following census. In a few cases the census units have been preserved through a long period. This is true in the case of many of the European cities. In Leipzig, for instance, the population has been taken by *gemeinden*; in London,\* many of the censuses, by parishes. The boundaries of these *gemeinden* having remained the same from the beginning, it becomes possible to compare the actual growth within a given area from decade to decade. R. Price Williams declares, however, that even in the case of London it is difficult to trace with any detail the various changes which have occurred in the population of the different districts of the metropolis prior to 1841; owing partly to the scanty information afforded in the earlier census returns, and also to the extensive alterations in the arrangement and grouping of the different sub-districts in the censuses of 1871 and 1881. It will be difficult indeed to secure the basis for comparative study of the past history of these great cities, so far as it is dependent upon this circumstance. The only remedy is to try in the various countries to get the census departments to adopt units for the future which may be kept permanent, or the identity of which can be traced in subsequent periods.

In comparing the areas of great cities, we find a further difficulty in the lack of definite and trustworthy topographical surveys. Mr. Price Williams, in the article referred to, calls

\*R. Price Williams, "The Population of London from 1801 to 1881." *Journal of the Royal Statistical Society*. Vol. xlviii(1885), p. 349.

attention to this fact in regard to London, and notes that the area of Registration London has been given differently in all four censuses from 1851 to 1861. The following table shows the figures:

TOTAL AREA OF REGISTRATION LONDON.

	1851.	1861.	1871.	1881.
	Acres.	Acres.	Acres.	Acres.
Area, including water . . .	78,029	77,997	75,362	75,334
Area, excluding water . . .	75,260	75,219	74,445	74,427

The actual boundaries of Registration London have remained the same, but, owing to errors in computation of areas, the total number of acres given at different times differs considerably. It will be seen that there is a difference of over 2000 acres between the census of 1851 and 1881, the difference being entirely due to incorrect measurements. It was not until the census of 1881 that full advantage was taken by the Census Department of the ordinance survey maps of the city of London. Even now the different authorities give different areas for the same district. Thus, Price Williams gives the area of Registration London in 1891 as 74,427 acres excluding water, or 75,334 including water. Whitaker's almanac gives 74,692 for the same area. The area of the different cities in Germany is being steadily computed with more exactness. Thus in the single year, 1891-92, the area of the city of Breslau was increased by 58.56 acres, as a consequence of new surveys and correction of errors in computation. The reports of the area of different cities are based partly upon a full catastral survey, and partly upon planimetric measurement. The statement is made on good authority\* that very few of the German cities have such accurate surveys as enable them to determine the boundaries and the area of each portion of the city territory,

\* "Statistisches Jahrbuch deutscher Städte," Vol. iii, 1893, p. 1.

and that this is true is indicated by the number of corrections made in the areas of the cities during the years 1891-1898. No two tables of the areas of the German cities correspond exactly. Thus in regard to Berlin,\* it is stated that the area given in the table is based upon the tax levy tables for the year 1890-91, and differs from the same area for the preceding year by one hectare, eight ares and eighty-five square meters; while the area of the city, as stated in the report of the statistical bureau of the preliminary results of the census of December 1, 1890, is given as 6453 hectares, instead of 6338, a difference of 275 acres. It is further stated that the reason for this very considerable difference will be found only when the new survey of the city area is completed, which will not be for several years. In the report for 1897, in a list of some fifty-five cities, no fewer than nineteen corrections are made in the area as given in the preceding year, these corrections being rendered necessary by the discovery of wrong computations or by the completion of more accurate surveys. Many of the German cities are engaged in making accurate surveys of the entire area of the city. Thus the city of Munich made an appropriation of some \$60,000 to pay its share of the expense, the state government also bearing a portion. Berlin has been carrying on such a survey for over twenty years past, beginning in 1876. Up to 1893-94 it had surveyed a little over 5000 hectares out of a total area of 6339, and at a cost up to that time of nearly \$350,000.

No effort has been made so far as is known on the part of any American city to carry out a survey in this sense of the territory included within its boundaries, all our areas being computed upon the basis of maps based upon more or less accurate general surveys. It will be seen, therefore, that in subsequent computations there is an error of more or less importance arising out of the uncertainty as to the actual area of the cities concerned.

\* *Ibid.*, p. 18.

It is stated on official authority\* that "no information exists as to areas in the city of Boston sufficiently accurate to be worth publishing." When the commission began its work it found that the list of real estate owned by the city as published by one department did not correspond at all with the statement as made by another. In one such list discrepancies existed in four cases out of every ten. No compilation of the area of the city by wards existed, and no two computations of the city area agreed. What is true of Boston is practically true of the other leading American cities.

There is the same difficulty in tables of population and areas for different countries as for the cities.†

The same thing is true of areas in general in the United States. Thus the area of Long Island, New York, varies, according to different authorities, from 1007 square miles to 1682 square miles, or over 50 per cent of the lower estimate. The measured area of Long Island on the coast survey charts is given at 1353.8 square miles, while the area accepted in the Census Bulletin of 1890 is 1007.‡

The discrepancies in the tables printed in the census of 1890 throw a suspicion upon the correctness of the work at many points. Thus the area of St. Louis is given at one place in the reports as 48, at another as 61 square miles; San Francisco as 50 and 15; New Orleans as 187 and 37; Holyoke as 4 and 18. These figures are evidently based on different units, but no explanation is offered as to their lack of agreement.§

The areas of the United States, of the states and territories and of the counties and parishes at the date of the eleventh

\*The First Annual Report of the Department of Municipal Statistics of the City of Boston, January 31, 1898, p. 5.

†Levasseur, "Area and Population of Leading Countries," *Journal of the Royal Statistical Society*, January, 1892. Vol. li, p. 298 et seq.

‡See Walter F. Wilcox, "Area and Population of the United States at the Eleventh Census." *American Economic Studies*, Vol. ii, No. 4, p. 224. *American Economic Association*, August, 1897.

§*Ibid.*, p. 227.

census are stated in Census Bulletin No. 23, dated January 21, 1891, and prepared primarily for the use of the Census Office. The area of each city of over 10,000 inhabitants was asked of the city authorities and published in Census Bulletin No. 100 on the "Social Statistics of Cities." Where cities and counties coincide we have two independent measurements, and in general they do not agree at all. \*

Another serious difficulty in the way of securing an accurate basis, or even an approximately satisfactory basis for such comparisons of urban phenomena is to be found in the fact that even where the census has been taken with regularity in many cases, it has been taken for some specific purpose, and therefore in some particular way, and city authorities have been unwilling to take the trouble of extracting from the mass of information which they have that particular information which is necessary for this sort of work. Thus the surveyor of the city of Baltimore writes that it would be impossible to get the information relative to the progressive additions to the territory of Baltimore from the beginning. Doubtless the full information in regard to such annexation, and additions is to be found in the surveyor's office, but kept probably in such a defective way as to make it impossible to ascertain it exactly without, as he says, some trouble. Dr. Hasse, in the article before referred to, relating to the density of metropolitan populations, says that he was compelled to send special circulars and blanks to the various statistical offices in Europe, which they filled out with more or less accuracy and promptness, but which some authorities declined to fill out on the ground that it would take entirely too much time and too much labor, indicating that their records were not kept in a way which enabled them to answer fundamental questions in a satisfactory way within a reasonable time. Generally speaking, data collected by our American cities have been either so untrustworthy, so inadequate, or have been kept in such a

\* *Ibid.*, p. 216.

careless way that the value of their returns is very far inferior to that of continental urban authorities, particularly French and German. The English returns, though perhaps more accurate, are not much more satisfactory than our own, since they fail to collect at many points the information which is needed. In fact one may say that the data concerning the life of great cities are perhaps nowhere adequately collected. They are best collected however in those places where the city supports a statistical bureau whose special function it is to collect statistics concerning the life of the city in various directions.

There is another consideration which ought not to be lost sight of in the study of this and similar problems, and that is that in order to get a fairly adequate idea of the real facts concerning any one of these prominent aspects of urban life, any particular fact should be studied from a number of different view points. The population of a given city, for example, should be compared with the population of other cities, the density of population with the density of population of other cities, the area with the area of other cities; the population in different concentric areas should be compared; the density of population with that of the larger units, such as counties or provinces; the population, as far as possible, with that of the outlying districts, and many other similar facts, in order to avoid erroneous conclusions that might be deduced from a single table or a single set of tables.

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## THE FINAL REPORT OF THE MONETARY COMMISSION.

The avowed purpose of the Indianapolis Monetary Convention was to select a "non-partisan" commission composed of men of "such high attainment and character as not only to allay all suspicion of any influence from class or sectional interest but of such fitness as to inspire confidence in the mind of the fair-minded citizen of the republic that its work will be done for the permanent welfare of the nation." To this end eleven men of recognized ability were chosen and assigned the duty of preparing a "plan" which could be embodied in such legislation as would "place our monetary system on a permanently sound basis." A "plan" having been prepared and submitted, the commission then set about "to marshal those facts and arguments which truly supported" their conclusions. These constitute the "Final Report" of the commission, a book of some six hundred octavo pages. Professor Joseph French Johnson, of the University of Pennsylvania, has pointed out in the ANNALS\* what appear to him to be the patent defects of the proposed "plan," and it is not the purpose of this article to discuss the merits of its proposals. Assuming that they have merit, the present purpose is to examine the presentation of "facts and arguments" in the "Final Report."

That the report contains much of historical value and many suggestions of interest to the students of finance and monetary reform is not to be questioned. But in estimating the value of a treatise it is proper to notice the methods employed in its preparation. In so far as it purports to be an "exposition" of "facts," it is incumbent not only to examine whether the statements be true, but also whether all of the facts necessary to an understanding of the subject are included. If the treatise does not stand this double test

\* March, 1898.

then any conclusions which are based on these statements will be unsafe as premises for further reasoning. Again, the theories employed as premises must take account of all the facts and explain all of the phenomena within the field of investigation. If they do not they will serve only to bewilder and confuse instead of leading to a better understanding. Further, the processes of reasoning must be logical; for if they are not the truth of the facts employed and the conclusiveness of the premises cannot save the conclusions. It is not to oppose any of the theories employed or to deny the truth of any of the conclusions reached, but to submit the statements, theories and conclusions contained in the report to the test proposed, as a means of estimating its value, that this paper is written.

The Indianapolis Monetary Convention in the course of deliberations on the prerequisites of "a consistent, straightforward and deliberately planned monetary system" reached the following conclusions:

*"First,* That the present gold standard should be maintained.

*"Second,* That steps should be taken to insure the ultimate retirement of all classes of United States notes by a gradual and steady process.

*"Third,* That a banking system be provided which should furnish credit facilities to every portion of the country and a safe and elastic circulation."\*

Upon these three propositions rest both the plan proposed and the final report. As the first is essential to all that follows, and as it is subject to greatest controversy, it would seem necessary, therefore, to establish it beyond a reasonable doubt. The first labors of the commission in the preparation of the final report are devoted to its demonstration; therefore, our examination of methods employed will begin here.

Upon investigation it will be found that the form of reasoning employed to establish the conclusion "that the

\* P. 8.

present gold standard should be retained" is *a priori*. The syllogism is as follows:

*First premise*:—A perfect standard is one which will "place both debtors and creditors in exactly the same absolute and the same relative position to each other at the end of the contract that they occupied at its beginning."

*Second premise*:—While, in practice, no standard can meet these requirements, the "single gold standard" meets them more nearly than any other.

*Conclusion*:—Therefore, the single gold (the present) standard is more nearly perfect than any other and should be retained.

The conclusion from the premises seems unassailable. But in this as in all examples of *a priori* reasoning the inquiry is pertinent: Are the premises true? The major premise is quite generally admitted. Relying on this fact the commission simply postulate it without attempt at argument or demonstration and for the present purposes we will accept it in the form stated as the norm for our judgment of a perfect standard. This leaves the second premise only to be discussed. The truth of the second premise is denied by a very large number of thinkers; it cannot, therefore, be admitted without demonstration. On this account the commission proceed to its establishment.

In this connection, it should be noticed that the statement of the second premise, which is the present subject of inquiry, involves a comparison of the gold standard with all other standards; that it is premised as being "the most perfect;" and that the norm of perfection set up for judgment is found in the first premise. The commission seek to determine the higher degree of perfection of the gold standard by comparison and the gradual elimination of those standards which, judged by this norm, are found less perfect.

In this process it is first concluded that "owing to their durability, the precious metals are least likely to vary in

value on account of changes affecting themselves."\* This conclusion excludes all base metals, paper and other easily destructible materials which have been used. Then a second conclusion is reached that "the choice of a standard lies between gold and silver."† By this, the field is again narrowed; all precious metals except gold and silver are eliminated. There are now four standards left to be considered, viz:— (1) the "combination standard" (advocated by some theorists) which would, by international agreement, make coins of such alloy of silver and gold as would absorb the money supplies of both; (2) the "bimetallic standard," which would use each metal, in turn, as a standard, whenever the coins made from the one metal or the other, as the case might be, should be of lower value—the metal to be coined under a system of free-coinage of both, with full legal tender qualities, at a fixed ratio; (3) the "the single silver standard;" (4) the "single gold standard." The first three of these are eliminated by the following process:

The "combination standard" is dismissed by showing that even when combined in an alloy there would be nothing to keep the metals at a parity in the ratio agreed upon and that consequently the value would tend, as before, to a wide divergence.

The "bimetallic standard" receives more attention; it is not so quickly set aside by the commission. It has had and still has many friends. Its advocates claim that it not only provides for the use of the entire stock of both metals available for coinage purposes, but also that under the bimetallic system the forces of supply and demand are set in operation in such manner that the values of the coins can not, and in practice do not, widely diverge; that the "bimetallic standard" makes provision against the defects of any "combination standard" which might be proposed, and therefore meets all of the objections urged on account of wide

\* P. 97.

† Ibid.

divergence of value; that while the metal which is temporarily lower in value will, for the time being, be used as the standard yet, on account of the provision made in the "bimetallic system" for shifting the monetary demand from the higher to the lower, these values will keep so nearly together that no loss will be occasioned in business exchanges or the settlement of debts, on this account. In support of this theory they cite the quotations on gold and silver, and the history of the process of "shifting" from one standard to the other, during a long experience under the bimetallic system. They further claim that, by reason of this fact, when changes do take place, which affect the value of the metal that happens at the time to be the standard (the demand being shifted) there is little or no effect produced on prices unless the value of the other metal is also affected, and that in this case the one affected the least will be the standard; that "bimetallism," while it has only one standard at a time, has the benefit of a standard which in its operation includes the total available supplies of both metals, and will be least influenced by speculative movements. This they support by the data of business, the nearly corresponding movements of gold and silver values prior to 1873, the gradual divergence in values of gold and silver since that date, the data concerning the effects of speculation, the statistics of production of the precious metals, etc. Such are the arguments to be met and such the data to which we are referred in discussions involving a comparison of the two standards.

It is to be noticed that the commission do not attempt to overthrow these claims of the "bimetallists" by showing their premises to be incorrect, their reasoning illogical, or their conclusions contrary to the facts of monetary experience. They would eliminate the "bimetallic standard" by a process of indirection. Certain theories are offered in opposition. The first of these reads as follows: "We can not have two different standards of value, at the same time,

without having two sets of prices."\* Does this theory accord with any of the facts of monetary experience? When the "bimetallic standard" was the one used, did we have two sets of prices or two scales for the liquidation of debts? If such was not the experience then the theory can be of little use in explaining the phenomena of that period. In the second place we will test it as a logical process. Does it, even if theoretically true, in any manner oppose the statements, logical processes, or conclusions of the bimetalist? It is only by a peculiar license of expression that the bimetallic system can be said to have "two standards" at any one time. Under bimetalism there never was more than one standard at a time, nor was this ever claimed by those who express themselves accurately. The theory proposed by the commission relative to "two standards" and "two prices," however true hypothetically, is wholly out of point. As no further use of the theory is attempted, as they leave the conclusion to be inferred, we pass to the next theory stated.

This is in form the following:

"Even if gold and silver were bound together, changes in prices relative to them must necessarily take place if changes occur in the cost of production of articles exchanged against the double standard."\*

This case is found to be entirely hypothetical. When brought to the test of fact we find that under bimetalism, gold and silver never were "bound together" in any other than a figurative sense, and a figure of speech unless given an exact scientific meaning is dangerous when used as a premise for argument. The only manner in which the two metals were ever bound together, in practice, under the bimetallic system was by operation of the forces of supply and demand. This being understood as the meaning of the commission, we will apply the test of its logical importance

\* P. 97.

† Ibid.

in argument. Whatever may be the theory of "cost of production" of articles exchanged against the "double standard" the theory would apply equally to each metal or both. It cannot be used, logically, to show the greater perfection of the one as compared with the other. One other expression should be noticed in the statement—the phrase, "the double standard." This expression, in order to do violence neither to fact nor to theory must be understood as having the technical meaning of "the bimetallic standard." The object of comparison being to determine which standard is more nearly perfect, this second theory can serve no logical purpose other than to direct the attention away from the issue.

The third theoretical statement directed against bimetallism is as follows :

"Granting all that may be asserted by the advocates of international bimetallism, conceding that the values of gold and silver may be maintained at a fixed ratio to each other, it must be evident that the problem of a standard of deferred payments is not thereby solved ; because it does not follow, even if gold and silver can be successfully tied together, that they together will always maintain the same exchange relations and the same level of prices with labor and with all other commodities."\*

In considering this objection it must first be noticed that the commission, in "granting all that may be asserted by the advocates" of bimetallism, grant nothing which they claim. No claim of the bimetallists corresponds to the concession "that the *values* of gold and silver may be *maintained at a fixed ratio* to each other." Their contention is that, the *ratio of coinage* being fixed by law, the forces of supply and demand will cause the values in their *fluctuations* to approximate that ratio.

The only part of bimetallic theory which deals with a fixed ratio is that wherein the ratio of coinage is fixed by law and no one would say but that this might be

\* P. 97.

maintained whatever the values of the metals. The second form of expression is "if gold and silver can be successfully tied together." This is another figure of speech to which the criticism urged above should be made. Therefore, though they purport to concede, for the sake of the argument, the theory of bimetallism no such grant is found in their statements and in so far as these statements might enter into the argument the conclusion would be invalid. But these statements do not enter into the argument; from a logical standpoint, they are purely linguistic overtures, and only amount to a misleading description of the system with which they are making the comparison. The argument stated is: Conceding the position of the bimetalist, it does not follow that the bimetallic standard will always maintain the *same level of prices*. Bringing this to a logical test we find that it states a different norm of judgment from that set up for the comparison in their first premise. Their second premise now under discussion, asserts that no standard can operate with perfection according to the rule stated in the first, but that gold approaches this *more nearly* than any other; now they would condemn the "bimetallic standard," because it would not operate with perfection according to that ideal. The point at issue is one of comparison; but no comparison is made. The argument put forth, therefore, has no logical place from any point of view. The statements and conclusion may be admitted as true, but still they would not be germane to the issue.

The fourth attack on bimetallism is that "we are forced to believe that bimetallism, national and international, is impractical."\* This is left entirely without argument or attempt at demonstration.

The conclusion follows immediately, viz.:

"If we are thus—as seems inevitable—forced to set aside the plan of attempting to regulate the values of gold and silver, at some ratio, then the choice is between a single gold, or a single silver standard."†

\* P. 97.

† Ibid.

The question is certainly pertinent: Have the commission shown beyond a reasonable doubt that the "single gold standard" is more nearly perfect than the "bimetallic standard?" Without in any manner attempting to show, prior to reaching their conclusion, that the bimetallic theory is wrong or that their own theory accords with the facts of monetary experience, by a process that will not stand the test of reason, the "bimetallic standard" is eliminated and we are brought to consider the remaining two—the "single silver" and the "single gold" standard. We will therefore accept this conclusion in order that we may follow the process to the end.

The report now proceeds to its final comparison of standards. The form of argument used to show that gold is a better standard than silver is as follows: (1) By reason of the taking away of the "monetary demand" for silver, it has been subject at times to great changes in price.\* (2) "No such sudden and erratic changes have taken place in the exchange value of gold."† (3) The conclusion is then stated as if logically following. It is scarcely necessary to call attention to the character of such an argument. The line of reasoning is, in short, that silver has been demonetized; therefore gold is the better standard. But, admitting that a demonetized metal may be used for purposes of comparison, the fact that it has fallen in value relative to gold proves nothing. The norm of judgment is quite a different one than that at first set up. When the first premise is adhered to another conclusion may be reached.‡

But with this step the commission deems that it has established the second premise to the main conclusion—"that gold is a more perfect standard than any other."

\* "Losing a great part of its monetary demand, this large mass became heavy in value, and in its downward movement it showed possibilities of sudden rushes as it fell (like an avalanche) from one point of support to another lower down."—"Final Report," p. 99.

† P. 99.

‡ See *Journal of Political Economy*, March, 1897. "Gold and Silver in Terms of Commodities," by E. S. Meade.

"The conclusion, therefore" says the report, "is *irresistible*, that since it is desirable to choose a commodity as a standard which fluctuates least in its exchange value in short periods of time, for reasons affecting itself, *gold* must be that commodity."\*

This conclusion having been reached, it might seem that further discussion of standards was unnecessary. But, in the conclusion just quoted, we find the important qualification "in short periods of time," which leaves out of consideration long time contracts, concerning which the whole argument about standards has arisen. It has been the fluctuations over long time periods that have led to charges of injustice, and to the whole question, "What is the more perfect standard?"

The commission appear to recognize that their case is not complete, for they now seek to justify the fluctuations of the gold standard over long periods. To meet the charge that such fluctuations have wrought great injustice to those who have made business ventures requiring a period of years for development, and the complaint that the gold standard has fallen very far short of the norm of perfection, another process of reasoning is employed. Comparisons are laid aside. Regarding long time contracts the commission affirm that "it should be kept in mind that it is not a proper function of government to step in and save men from the *ordinary risks* of trade and industry."† But what has the question in hand to do with "ordinary risks" of trade and industry? Are changes due to the acts of government in the adoption of a standard "ordinary risks?" Does a man in business ordinarily calculate on his properties depreciating 50 per cent in ten years owing to the enhanced value of the standard? But admitting that these are ordinary risks, then the theory proposed is directly opposed to the underlying purpose of the discussion. Does not the whole argument turn on the maintenance of a certain standard *by the government*? Was it not the

\* P. 100.

† P. 103.

object of the convention to have the government to "step in" and act according to a "plan" to be proposed by *them*, in order to "place our monetary system on a permanently sound basis?" They see evils in our "present system," which make the conditions of business very uncertain and hard, and would have the government establish a system to correct them. This attempt at justification, therefore, when considered in the light of their own reasoning, is illogical throughout.

To reinforce their position they propose another argument—that losses occasioned by fluctuations of the standard are attributable to "inefficiency" and "lack of judgment" on the part of the business man. In the language of the report:

"A government should no more appear in such cases to remedy the *inefficiency* of business men than to indemnify them for losses occurring in business, due to *lack of judgment* in other directions."\*

The manufacturer who, in 1885, borrowed money to build his plant, on a ten-year loan, is chargeable with "inefficiency" and "lack of judgment" because in 1895, when the obligation becomes due, his product and his plant are worth only 60 per cent of their value in 1885. But the other side of the operation must also be taken into account—the creditor's gain on account of the fall in prices or the increased value of money during the ten years. The commissioners should have attributed this to the *greater efficiency* or *better judgment* of the creditor, but they prefer to call it an "unearned increment" which could not be rightfully claimed by anyone and therefore belongs as much to the creditor as to anyone else.

To show that we have here an unearned increment, a very striking argument is elaborated—a theory of "cost of production" that is *sui generis*. The commission, in discussing the functions of money, have shown that "value is a ratio;" that "the value of anything is the quantity of the

\* P. 104.

other articles for which it will exchange;" that "the price of anything is the quantity of the standard for which it may be exchanged;" that "it depends merely upon the side looked at whether there has been a rise or fall in value . . . if the price of wheat rises we may correctly say, that since wheat commands more grains of gold, either wheat has risen or gold has fallen in value, relative to the other." Now in this relation the commission reach the conclusion that, owing to the improved processes of production

"there has been greater ease of acquisition of both gold and goods . . . but goods have *cheapened somewhat more* than gold; hence the resulting fall of prices."\*

This might be logically used to show why wages or the return for human effort should have advanced, but when applied to the price ratio between gold and commodities it gives us a new theorem in mathematics. A process of reasoning is hereby evolved which will allow each side of a ratio to decrease relative to the other at the same time.

Some attention is also given to the "common belief" that one of the causes for the alleged "fall in prices" is the relative scarcity of gold. The theory offered in opposition to this is that

"when people who are hard pressed . . . say that there is not money enough they mean that they do not have wealth or property enough to satisfy their wants. Those who have marketable property have no difficulty in getting money."†

Does this theory accord with the facts? The people who usually make the complaint are those who are in debt; they are not those who have no property, otherwise they would not have had such heavy obligations. They are those who, estimating the value of their property, have incurred *obligations to pay money* which, at the time, were considered safe by both debtor and creditor. Their complaint is not that they have nothing to sell, but that they

\* P. 101.

† P. 83.

cannot get as much for what they have as they could at the time of contracting the debt. They complain of the fall in prices, in other words the comparative rise in the value of the standard and the increased difficulty of exchanging their property, or of converting it into means of payment. To such the commission offer the theory that it is not money they need, but property. The debtors appeal to the norm set up by the commission in its first premise. They ask that they may have a standard of deferred payments which will place them in the same relative position at the time when the debt is due that they were in when the debt was contracted. The answer of the commission seems neither to take cognizance of facts nor to be consistent with reason. But since the debtor complains of the injustice of the standard, and cites the fall in prices, or conversely the rise in the value of gold, in justification of his plea, the commission have undertaken to answer him by another line of argument.

The interesting point is, say the commission, that as compared with human labor, gold has depreciated.\* "If gold had risen in value relative to both labor and goods there might be some plausibility in the conclusion that it was 'scarce.'" In another place it is indicated that the exchange value of labor has risen because under the improved processes of production the returns on industrial effort have been largely increased and, therefore, in the competitions for efficient laborers the undertaker has been compelled to bid higher for his services. But what has any theory of the increase in the price of labor to do with the question of a standard of deferred payments? Payments for labor are made when the service is complete. They have nothing to do with long time fluctuations. They are practically on the same basis as cash transactions. As shown by the commission in another place, in "transactions which begin and end on the spot," the parties have all the elements to the transactions in hand and therefore no question of justice or

\* P. 101.

injustice on account of fluctuations can arise in these. For the purpose of exchange it is largely a question of convenience; the norm of "perfection" is an entirely different one. The conclusion, therefore, that "the great gain to the laborer at the close of the century is the fact that his labor exchanges for more gold; and that in addition gold exchanges for more of the comforts and necessities of life," is quite irrelevant.

If it be true that labor exchanges for more gold and gold for more of the comforts and necessities of life than at the beginning of the century, what then? If the value of the standard had gradually decreased so that the prices of commodities had been twice as high as at the present would not labor, for the same reasons, have been twice as high also? Would not a day's work have purchased exactly the same amount of the comforts and necessities? This whole discussion is not only beside the point, but also illogical throughout. The question as to whether the gold standard places the business man, the one who undertakes an industrial enterprise which requires years to develop, who borrows capital on long time, in relatively the same position as at the time of contracting the debt or undertaking the enterprise is not answered.

Not only has the commission attempted to show by the method above set forth that money is not "scarce," but that there is little or no use for money; that

"to-day this medium of exchange (credit) is so largely used that over 90 per cent of the large exchanges of the country are performed without the use of actual money;" "that if all persons were of high honor and intelligence, and if the transaction were large enough to warrant the trouble and expense of borrowing at the bank, there would be almost no use at all for actual money in exchanging goods."\*

These conclusions rest upon a part only of the facts within the field of investigation. The statement that "over 90

\* P. 81.

per cent of the large exchanges are performed without the *use* of actual money," loses sight of the immense sums of money used as a basis for this credit. The commission shows that there is \$3,210,735,758 of deposit currency. This they would have us believe, "takes the place" of so much money. We also have our attention drawn to various other credit devices for doing business. But why are these used? Is it not because all who hold these credit instruments and devices can obtain money on them on demand or when due? Are there not about 25 per cent of "money reserves" held against the deposit currency above referred to? Do not some of the largest banks find it necessary to hold from 30 to 40 per cent as reserves in order to be able to meet these demands? Are not these money reserves in use just as much as, even more actively than, the coin in the pockets of the people "in general circulation?" The money in the pockets of the people is kept as a reserve to pay their small debts. The money in the vaults is kept to pay the debts of the banker, to his customers in the settlements of large transactions. When they announce the theory above stated they lose sight of these enormous "money demands" which are made and which must be met in order to support the credit devices of individuals and monetary institutions.

But time and the patience of the reader will not permit the enumerations and analysis of more of the theories and "arguments" employed by the commission in seeking to show that the "in long periods of time" the gold standard also meets the requirements of the most perfect standard and therefore should be maintained. In order to follow the methods presented in reaching the other conclusions of the commission, however, as before, we will accept the first proposition as if established.

The second main conclusion of the commission, "that steps should be taken to insure the ultimate retirement of all classes of government notes," follows directly from the first. As shown in the report, the money demands

upon the standard supply are greater than can be continued with safety. The demand obligations of the various kinds of representative money alone, at the time of last official information,\* were about as follows: Silver dollars in circulation, \$61,491,073; subsidiary silver, \$65,720,308; gold certificates, \$36,557,689; silver certificates, \$376,695,592; treasury notes of 1890, \$103,443,936; United States notes, \$262,480,927; currency certificates, \$43,315,000; national bank notes (redeemable at the treasury of the United States), \$223,827,755; making a total of "representative money" for which gold could be demanded of \$1,183,532,280. To meet these demand obligations the government held in the treasury \$197,469,236.† Considering all of these facts the commission reached the conclusion "that the most serious evil affecting our present monetary system is the threatened degradation of the standard;" that "the first need of the situation is to fortify that standard." Granting the first main conclusion as a premise, viz., "that the gold standard should be retained," and this second conclusion is inevitable.

How is this standard to be fortified? Cut down the money demands. In the judgment of the commission the demand obligations of the "representative" forms of money are fully \$400,000,000 too large; the "United States notes" are the most objectionable form outstanding; therefore by retiring these and a small part of the silver obligations, the standard will be safe. A statement of the amount of "representative money" which it is necessary to retire to protect the standard from this form of demand is a question of judgment and expediency which we cannot here go into. But assuming that the judgment of the commission is well founded, does their conclusion that, by retiring the "notes"

\* "Monetary Report," p. 87.

† There were also about \$195,000,000 of gold on deposit in national banks, but as about this amount would be required to be kept there to supply the demands of its customers, any attempt on the part of the government to get at this supply, through note redemptions, would probably be met by counter demands on the treasury through the other forms of demand obligations.

and the prescribed quantity of silver, the standard will be safe, follow? If this conclusion is to be accepted then it must appear that they have taken account of all of the demands which threaten the safety of the standard. A careful examination of the report will show that they have taken into account the demands of "representative money" for redemption, but have entirely ignored the "legal tender" demands; not only have they ignored this class of demands on the standard, but in places have even gone so far as to deny its existence. Before reaching the conclusion that a retirement of the greenbacks would make the standard safe against degradation, should they not have considered whether the \$3,210,735,758, of deposit currency constitutes a demand; whether the bank discounts of something like \$3,000,000,000 would in any manner look to the standard for support; whether the various forms of collateral security held in banks, and which must be liquidated, would add to the strain? Should not the principal and interest of public debts which must be met, the large volume of private accounts (many times larger than the bank obligations), payable on demand and which in times of financial strain are demanded, the time obligations of private parties, the demand obligations to labor, the stated dues on insurance, interest, assessments, etc., should not all of these forms of money demands at least receive a fair consideration before dogmatically declaring the result? In this relation have they not overlooked the whole credit system?

It may well be, if we are to retain the gold standard, that the proposed "plan" does not go far enough. In times of monetary stress, the United States ought to be in the best possible position to obtain gold, and that end can be best attained when the money in circulation—*i. e.*, in the pockets of the people and in the vaults of banks—is gold instead of silver and other forms of demand obligations for gold.

Again, in considering the various arguments for "retirement," we find them wanting in continuity. Looking

to this we find that the main argument, the fundamental theorems used by the commission in establishing the expediency of retiring the demand notes, is almost entirely lost in a confusion of side lights. One must look through the entire volume to find the underlying argument. The arguments which are given a prominent place pertain to subjects quite foreign to the main issue. For example, a chapter is given to the effect of paper issues upon wages during the civil war. It is difficult to see just what bearing a discussion of wages during a period of "depreciated paper" has upon any issue presented. Another chapter is devoted to the effect of paper issues on prices during the civil war. Again we ask, what has the question of prices, quoted in a depreciated paper currency, to do with the subject in hand? One part of the argument is pertinent, viz., that part which relates to the "alleged contraction." It appears desirable to show that the retirement of notes would not cause a further fall of prices. To this end the report seeks to show that the fall in prices after the civil war was not in any manner due to contraction. Its method is to assign another cause for the price movement. In so doing the commission have taken a position diametrically opposed to that assumed in the main discussion on the subject of the standard. The argument is here as follows:

"The real cause . . . was not an imaginary contraction, but the serious change which was taking place in the value of the standard itself. . . . At the close of the war prices were expressed in terms of a currency which had suffered heavy depreciation. As conditions became more settled and the credit of the government rose, the value of its promise rose correspondingly. This merely amounted to a continual change in the standard, and entailed the usual injurious consequences upon those who had made contracts at the time when paper was more heavily depreciated. . . . The value of a dollar in greenbacks had been steadily rising, and, by the middle of 1867, had reached seventy-one cents in gold. The result of all this had been a decrease in prices."\*

\* P. 418.

The contrast is striking between the theories employed in support of the "single gold standard" and those here used relative to the "government credit standard." In the former case it was said that the fall in prices was due to decreased cost of production; that the margin of difference due to the fall was an "unearned increment;" that the fall in prices caused no injustice to anyone and in fact was a "great gain to the laborer." In the latter case the fall of prices is considered a "cause of suffering" which entailed "great disorder in business," and "the usual consequences upon those who had made contracts at the time when paper was more heavily depreciated." This "suffering" and these "usual consequences" it is said, were "due to a change in the value of the standard." By an evolution of thought in the minds of the commission which we will not here attempt to explain, the gradual fall of prices from the time of greatest depreciation in paper until 1879, is viewed as a most serious misfortune, while the like downward movement of prices from 1879 to the time of writing the report is held to be not only *just* but a *blessing*. Does the conclusion that contraction did not affect prices follow from the premises? Granting that the increasing value of the paper standard had the effect of continually lowering prices, what was the course of gold prices at the time? There was in fact a contemporaneous decline in gold prices, though at a less rapid rate. The commission not only take a paper standard as a premise for a conclusion relative to gold prices, but ignore entirely the fluctuations in gold prices. They arrive at the conclusion that the price fluctuations were not due to retirement of notes.

In discussing the effect of paper issues upon prices, the statement is made that during the war

"the issues of an irredeemable government currency destroyed the existence of the former gold standard and substituted for it a standard of government paper—a standard consisting only of the government's promise to pay." "We often speak," says the report, "as if the

paper currency issued by the government had some value of its own. This is not the case.”\*

Later, in dealing with the same subject, we read that “the *value* of the legal tender note was, in short, regulated by the same forces which controlled that of any other form of government debt.”†

Now in the light of these statements may it not be pertinent to ask which theory has the greater weight with the commission—the one which holds that paper money has no value, or the one which assumes that it has value?

Another example of the method employed appears in the discussion of the bond issues of 1894-96. It is asserted that the government received “some \$40,000,000 less than the amounts for which the same bonds could have been sold a few years earlier,”‡ because “for some reason,” the credit of the government was impaired and confidence in its ability or intention to pay had been lost. Does the theory explain the facts? Is any account taken of the increased value of money? Do investors usually pay a premium on low rate securities of any kind where the credit of the debtor is impaired and “confidence lost” in the ability or intention to pay?

We pass to the next consideration, the third main proposition of the commission, “that a banking system be provided which should furnish credit facilities to every portion of the country,” etc.

Thus stated, the proposition would be accepted without argument. But it is not primarily to establish this principle but to draw conclusions from it which is the purpose of the commission. After postulating what a banking system should do, the commission seek to show that the proposed system will do this better than any other, and hence it should be adopted. It is with the methods employed to establish the second premise that we are concerned.

\* P. 466.

† Ibid.

‡ P. 483.

Their first effort is directed toward a theory of banking which will be in harmony with the conclusions of the preceding parts of the report. It seems desirable that the credit system shall not appear to make heavy demands on the standard. The arguments employed relative to "prices," the alleged "scarcity" of money, etc., forbid. Then, too, the principal reason for urging the retirement of government notes is that the token and other monetary demands must be reduced so that the monetary system, supported by the single gold standard, will not fall by reason of its own weight. If the credit system also constituted a heavy demand upon the standard, *i. e.*, upon legal tender money, difficulties would multiply. The commission meet this issue by employing a theory of credit and banking which avoids it. This theory is that banking is a process of "coining property." Banks are conceived of as institutions which estimate the values of marketable goods, or property, in terms of the standard and then issue a currency of their own based, not on money, but on this property. Credit is viewed, not as a demand for money, but as a "title" to property.

"The operations of legitimate banking," say the commission, "are based on property." "A man having property can borrow upon the strength of it, get the value of that property converted into means of payment, and exchange it for other forms of property."\*

The banking process is illustrated as follows:

"A manufacturer may have a stock of hardware, and yet he needs a means of payment at the present moment. If he has sold goods on ninety days' time and needs means to pay a note maturing to-morrow . . . he can present his evidence of sale of this property to a bank and get it changed into means of payment. The value of goods expressed in terms of money (the common denominator) is by the bank converted into means of meeting obligations so that goods may be exchanged against goods."†

\* P. 163.

† P. 168.

It will not be denied that transactions of this nature do take place. But such a theory relegates the business of banking to the scope of the pawnbroker or the chattel mortgage loan agency. Generally speaking, the bank has little to do with "titles" to property. Its main business is dealing with demands for money. Very often a business man may wish to obtain means of payment before his "bills receivable" that have arisen out of property exchanges come due, and these are turned over to the bank. But these "bills receivable" usually are not "titles" to property and, moreover, the bank does not become the owner of them. They are usually taken as collateral; in case they are paid when due, the amount received goes to liquidate the debt of the borrower; in case they are not paid, the borrower is at once notified by the bank that his collateral has not been honored. But when we have accounted for the chattel mortgage loans and the bank loans based on collateral, there are still a large number of transactions that remain unexplained and unaccounted for—transactions which have nothing to do with goods (expressed in terms of the common denominator and then represented on paper in such a manner that they may be exchanged against other titles to property). By referring to the report of the comptroller it will be found that about 50 per cent of the loans made by the New York banks are on paper without any collateral, and a large part of these are on paper unendorsed. Under a theory that banking is a coinage of property how are these transactions to be classified? This theory either fails to take into account more than a small part of the operations of a bank or else it is so highly figurative as to be misleading. It certainly lends nothing to an understanding of the facts of banking, nor does it contribute to systematic thought on monetary problems.

In order to fortify the position that the credit system does not constitute a demand on the standard, it is affirmed that

the legal tender quality does not affect the value of the standard commodity.

“It should be learned,” the report has it, “that a commodity or standard holds its value quite independent of the fact that it is given legal recognition.”\*

Yet elsewhere it would appear that the standard is created by giving the legal tender quality to a certain kind of money. This at least is the theory which underlies the discussion of the paper standard used during the civil war.

Another instance of the arguments of the report may be cited from its discussion of bank issues. It is evidently desirable to overcome the common belief that banks make a profit out of the issue privilege. “To assert that the banks make a profit out of the notes issued,” it is affirmed, “is sheer ignorance of banking.”† The logical processes employed to correct this erroneous concept is worthy of notice. The commission first present an analogy between the obligations arising out of bank deposits and bank notes. From this analogy it is concluded that bank notes and bank deposits are identical. Upon this hypothesis of the “identity of the note and deposit” a comparison is instituted between two banks of like capital, the one enjoying the issue privilege under the present National Bank Act and the other not having this privilege. The illustration‡ is so singular that it may be given in full:

I. NOTES AND NO DEPOSITS.

Bonds at 3 per cent . . . . .	\$107,861	Capital . . . . .	\$100,000
Loans at 10 per cent . . . . .	68,639	Notes . . . . .	90,000
5 per cent redemption fund . . . . .	4,500		
10 per cent reserve . . . . .	9,000		
	\$190,000		\$190,000

\* P. 133.

† P. 186.

‡ P. 190.

I. NOTES AND NO DEPOSITS—*Continued.*

## Income:

On bonds . . . . .	\$3,235.83	
On loans . . . . .	6,863.90	
		—————\$10,099.73
Deduct special expense on notes . . . . .		958.65
Net income . . . . .		<u>\$9,141.08</u>

## II. DEPOSITS AND NO NOTES.

Loans at 10 per cent . . . . .	\$176,500	Capital . . . . .	\$100,000
15 per cent reserve . . . . .	13,500	Deposits . . . . .	90,000
	—————		—————
	\$190,000		\$190,000
Income in loans . . . . .			\$17,650.00
Deduct net income above . . . . .			9,141.08
			—————
Balance in favor of second plan . . . . .			\$8,508.92

The conclusion is that "the advantage in favor of the deposit system is thus \$8,508.92."\* The palpable absurdity of the illustration and the conclusion is such that comment may be brief.

In the first case we have an original investment of \$107,861. This capital is invested in government bonds at 3 per cent. But under the law the banker is allowed to deposit this first investment as security and receive \$90,000 in notes which, less legal reserve, he can again invest at 10 per cent. In the second case we have an original capital of \$190,000—\$100,000 of the banker's money and \$90,000 procured from others without in any manner investing the first \$100,000. By law the banker may invest \$176,500, which he loans at 10 per cent. The fallacy appears in assuming that there is the same amount of active capital in each case. Leaving out of consideration the minor details, the comparison is between an active capital of \$107,861, and \$176,500, instead of two capitals of \$100,000 each.

Why did they not argue that if there were two banks possessing \$100,000, one having \$90,000 in notes and no

\* P. 191.

deposits, while the other had \$500,000 deposits and no notes, the second would make larger profits. It would have been equally true and equally irrelevant to the question whether bank notes afford a profit.

Passing over this remarkable slip we may note that the doctrine that bank notes afford no profit, finds no place in the chapter on circulation secured by bonds. Here it is held that the present system is inelastic because the amount of notes issued depends not in the accommodation of the public with a suitable currency, but on which investment is the more profitable at a given price for bonds. If bonds are high then the banks sell, for they can more profitably invest in other securities; if they are low banks may derive a larger income by investing in these low rate government securities and then issuing notes thereon. How does the commission harmonize this position with the one taken above?

As already stated I would not be understood as opposing the plan or the conclusions of the commission. Every proposition may be worthy of adoption; every conclusion may be true to the best interests of the nation. It is only affirmed that the arguments of the commission do not justify its conclusions; that in so far as the report deals with pre-conceived theories and conclusions, their exposition of facts has been partial and is inadequate to furnish a safe basis for reasoning; that the theories employed as premises have not explained the facts and phenomena within the field of inquiry; that the processes of reasoning are illogical, and therefore, however true the conclusions, their truth or falsity does not appear from the report.

It is much to be regretted that such is the case. The time is one in which citizens of a common country in a common cause are considering problems of deepest import to the welfare of the nation. A carefully compiled statement of facts on the subject of money and banking, in itself, would have been of inestimable service. Having the facts

necessary to a mastery of the subject well in hand, or within easy reach, the commission might have evolved a body of thought which would give a proper understanding of the facts. This done, a "sound" system of money and banking might be adopted by the government, having such popular sanction as to make it "permanent."

In the report there is a large fund of information collected; also many suggestions of value are made. In so far as the commission have not appeared conscious of an imperative necessity to support some preconceived opinion or theory, the report may be considered as a valuable contribution. Their exposition and discussion of our present monetary system, of the functions of money, the banking principle, note issues based on commercial assets, elasticity, redemption, uniformity of note issues, bank reserves, inspection and examination, the guaranty fund, insolvency of banks, branch and small banks, the retirement of government notes, etc., in the main, are of a high character. The only danger to be avoided in reading the report is that encountered by the commission themselves—that of a failure to discriminate between facts and arguments selected and directed toward an end, and a scientific investigation of all of the conditions of business and finance, leaving theories and conclusions to follow as a logical result.

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*Chicago.*

## WEALTH AND WELFARE.\*

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### *Chapter III.*

#### IMPORTANT ECONOMIC CONCEPTIONS.

The cases are fortunately few in which it will be necessary to use words in several senses or in a sense widely different from that which they have in popular speech. But whether used in a new sense or an old sense, in one sense or many senses, there is equal need of definiteness and consciousness of our own processes. There is all possible difference between systematic elasticity, and indefiniteness and vagueness. In addition to the important distinction between object and subject, considered in the preceding chapter, a number of important conceptions require analysis before we can safely proceed with our discussion.

The group of words, happiness, pleasure, enjoyment, etc., have not been more fortunate than wealth at the hands of careful writers. We saw that philanthropy and class conflict have had a hand in shaping the definition of wealth. Philosophical controversy has had a hand in defining happiness, which is incomparably worse. The first gives us only the tangle of accident; the second gives us the tangle of planful ingenuity.

Is happiness one thing or more than one? Do happiness and pleasure stand for distinct and inconvertible experiences, or are they but species under a true genus? Is happiness attainable as the result of conscious search, or is it incidental to the pursuit of something else? Into the discussion of these questions we cannot now enter with profit. It is reasonable to hope that our inquiry into the nature of the satisfactions which men derive from their contact with

\* Chapters one and two were published in the preceding issue of the ANNALS. The concluding chapters will appear in the March issue.

persons and things will throw some light upon these questions, but we will not prejudice our inquiry by needless assumptions. For the present all we need to decide is which of these terms we are going to employ and in what sense.

The terms happiness and pleasure have become relatively specialized and contrasted with each other. Happiness suggests a relatively permanent state of mind and pleasure a temporary and superficial experience. The one is associated with character and virtue, the other with circumstance and indulgence. The familiar definition of happiness in treatises on ethics as "pleasure resulting from right action" gives technical sharpness to this popular distinction. Whatever may be the validity of this distinction, it plainly is not so fundamental as to require us to recognize it at the outset. Underneath the specific difference there is still a generic unity which is artificially obscured by the popular emphasis upon prominent characteristics. When a man enjoys actions and experiences which most men associate with discomfort, his enjoyment is naturally attributed to a predisposing character on his part. His enjoyment is attributable to himself. But if he enjoys what other men enjoy it does not seem peculiar. Attention is directed to the circumstances which are familiar to all as fugitive conditions of enjoyment. Such enjoyment is attributable to circumstances. Of course both explanations ignore that which is common to both and so unemphasized by contrast. No amount of susceptibility in itself creates happiness. Men do not enjoy susceptibility, they enjoy by means of it. Equally, no amount of favoring circumstance can produce enjoyment without some degree of favoring susceptibility. Character enjoyment and circumstance enjoyment are alike dependent on two factors, character and circumstance, which though differing widely in kind and amount, must invariably co-operate. This co-operation of character and circumstance, susceptibility and environment, subjective and

objective, is fundamental and generic, is precisely the relation we are to consider in the broadest sense. The differences of kind and amount are specific and subordinate. That they may be and often are of the profoundest practical import, I by no means deny and in all relevant connections am eager to affirm, but they are not basal to our inquiry.

What is the generic character for which we seek a name? The one fact which is common to all these experiences is that they are *experiences which an individual, knowing their character, would undergo for their own sake*. Such a category would exclude many wholesome experiences, which though conducive to ultimate enjoyment, are not in themselves enjoyable; it would also include many experiences which are ruinous in their consequences but enjoyable in themselves. The criterion applies to the experience itself, not to some other which precedes or follows it. It applies equally to all agreeable experiences, no matter how concentrated or diffused.

The terms happiness and pleasure do not ordinarily designate any such inclusive category. They are popular names for species under the genus. We cannot profitably use them, therefore, until we come to discuss these specific differences. The term enjoyment, on the other hand, has acquired no such limiting associations, but is comprehensive in its suggestions and fitted to designate the aggregate of the experiences we are to study. I shall continue to use it in this sense as I have hitherto done.

But this use has one great disadvantage. Enjoyment has no correlative term to express its opposite. We have happiness and misery, pleasure and pain, comfort and discomfort, but no such correlative for enjoyment. Whenever we have no occasion to emphasize this distinction the word may very well stand for both. The term enjoyment would therefore be applied to all agreeable and disagreeable experiences taken together, while all objects would be called enjoyable which in any way affect enjoyment. But the moment we

wish to distinguish between agreeable and disagreeable experiences we are embarrassed. I have already expressed my aversion for such clumsy phrases as positive enjoyment and negative enjoyment, whose scientific advantages are more than counterbalanced by their literary defects. Of the various correlatives available for this purpose pleasure and pain seem least objectionable. It will be understood therefore that when used as correlatives pleasure and pain are inclusive terms referring respectively to agreeable and disagreeable experiences in general and with no reference to differences between high and low, sensual and spiritual, character and circumstance.

The word consumption has had a most unfortunate experience in economic literature. At least three meanings can be traced, with the usual variations and blendings. It is an open question whether the term has not become radically and incorrigibly misleading, not so much because of its different meanings as because of its inherent unsuitableness for them. Its primary and irrepressible suggestion is that goods are *used up*. The word was selected at a time when attention was concentrated on goods of which this was conspicuously true. These goods still have undue prominence in the minds of economists. Of course Walker and others have called attention to the fact that goods are not destroyed by use to anything like an equal extent, some not at all, to which may be added that some goods are actually preserved by using and perish by disuse. But still the incident of the process is more prominent than its essence—thanks to this same ill-chosen word. Sometimes the essence is forgotten altogether, as in the recent treatise of Nicholson.

“On the other hand, sometimes the work of consumption is performed by nature altogether against the wishes of the possessor of the commodity. Thus breakwaters, embankments and docks are wasted by the powers of wind and water; buildings crumble away under atmospheric influences; useful plants and animals are destroyed by living plagues; whilst in addition to the accumulated effects of

slowly-working causes, we have occasional catastrophes through hurricanes, floods and earthquakes."

And this is not the worst. This conception of consumption is at least definite, if not wholly justified, by the etymology of the word. It means destruction, nothing more nor less, and might be dismissed with no other commentary than that the word, destruction, would have been a better name for it. But this same writer mixes this conception inextricably with the other which economists have been striving to associate with the unfortunate term, namely enjoyment or use, thus sanctioning the very confusion which it is so important to avoid. We have small reason to wonder that popular conceptions of economic relations are vague.

The deterioration of goods, either through use, accident or causes inherent in their nature, is a matter of importance in economics as in practical affairs, and one which can not be ignored in a consideration of enjoyment. But to describe this process the word deterioration is as unambiguous as words are apt to be. For that specific kind of deterioration which is incident to use the word consumption is admirably adapted. The deriving of satisfactions from goods is a perfectly distinct process, bearing only a fortuitous relation to the foregoing. For this process, too, we have a number of terms—use, enjoyment, utilization—none of them ideal, but all of them fairly available. But fate has willed that this process should be known as consumption in all recent discussions. It is not without hesitation that I decide to try to stem this current of vicious tendency, but if such an effort is ever worth while it is so here. All principles of terminology demand the change. We are dealing with distinct conceptions which need names, and usage, while piling up words on one of them, leaves the other with no distinctive designation. The use of the word consumption to indicate the enjoyment of goods by processes often involving no consumption at all, is in defiance of an etymology that is visible on the surface and an extensive

counter usage with its powerful current of suggestion. Even within the technical field where this incongruous meaning has grown up, the original and incompatible meaning has persisted with most mischievous results. So I will venture to excuse the term from its new duties and confine it to its original use. Except when quoted or in references to quotations from other authors, I will use the word only to indicate the destruction of goods incident to their use. This is not necessarily all the destruction which is simultaneous with use, since nature destroys on her own account, a destruction for which use is not responsible. Nor does it necessarily involve a net increase of destruction, for consumption may displace a destruction which would be more serious than itself, or finally there may be no effect, destructive or preservative, in connection with use, in which case consumption is nil. But it is only to this incident of use that the word refers, a distinctly objective phenomenon as contrasted with enjoyment, which is a subjective phenomenon. The generic term for these unfavorable changes in goods is deterioration, of which consumption and destruction are species, the one incident to use and the other independent of it.

The word use is an excellent example of that elasticity of meaning which we have noticed as the characteristic of popular speech and which in this case at least has proved safe and serviceable in scientific discussion. In such expressions as: What is the use of doing that? the use of silk is increasing; the muscles are developed by use, the variety and the definiteness of meaning are both apparent. There seems to be no occasion to protest against this free use of the term, but it is desirable to notice the fundamental meaning of the word and its relation to other conceptions which we have considered.

All economic processes are reducible to two, getting good out of things, and putting good into things. The first and more fundamental process is use, the second and subsidiary

one is production. The good which men are thus busy in getting out and putting into things is usefulness or the power to further our enjoyment, and things which have this good, artificially or naturally, are goods. These goods are of two kinds, final and mediate, the former yielding up their usefulness in the form of enjoyment, the latter passing it on into another good. The former goods are enjoyable, the latter are not, but all are useful. Usefulness is therefore the capacity to produce enjoyment, directly or indirectly; enjoyableness the power to produce it directly. Enjoyableness is therefore a variety of usefulness, the final form into which it passes as the result of its many transformations. Thus we enjoy pictures, but we use paint. The latter does not assume an attractive form which directly contributes to our enjoyment till the painter has *used* it and *produced* a picture. The laws of use are therefore closely analogous to the laws of enjoyment, the same laws in fact in wider application.

It will be noted that while use is entirely distinct from production in the case of final goods, it is apparently identical with it in the case of mediate goods or capital. We can not use such goods without producing goods, since by hypothesis that is the only thing they are good for. But after all, the identity of the two is merely apparent. When we use flour we produce, but we do not produce flour; we produce bread. Logically and in their bearing upon a particular good the two processes are fundamentally opposed. To pour wine out of a bottle and into a glass is a single process, but for all that there is a difference between pouring out and pouring in. While therefore use is intimately associated with production, it is never to be confounded with it. It is one aspect of a process which in its other aspect is either production or enjoyment according to the nature of the good.

I have so far avoided the term utility, which is generally regarded as the more scientific synonym for usefulness. So

far the two terms have not been differentiated, because the two conceptions toward which they severally gravitate have not been clearly distinguished. But it is plain that there are two conceptions and that the word utility, which has been applied to both, has been used in a double sense. The first of these is power to further enjoyment, which I have designated as usefulness. The second is apparent or anticipated power to further enjoyment, which may be conveniently called utility. So far as etymology goes this distinction is an arbitrary one, but it is plainly foreshadowed by recent discussion. In all discussions of value and in the definition of value as marginal utility it is this anticipation or estimate of enjoyment which is considered. The distinction is important because anticipation not only differs from realization but it differs from it pretty regularly and in accordance with principles which may be formulated, at least in part. In certain connections, however, this approximate parallelism between the two makes the distinction unimportant. When we consider the relation of utility to any other phenomenon it must be sharply distinguished from usefulness. But if we consider the relation of one kind of utility to another, it makes no difference whether we consider actualities or anticipations. What is true of the one will be true of the other, with slight differences of degree. Wherever relations can be discussed equally well as anticipated or realized it will be convenient to use the term utility without emphasis upon the special meaning here defined. Although standing for the less fundamental of the two conceptions it is the more familiar of the two terms and can be safely used in the more representative sense.

*Chapter IV.*

## ECONOMICS AND EVOLUTION.

In considering the nature and extent of economic jurisdiction we have so far confined our attention to internal problems. We now turn to the problem of foreign relations. These present somewhat perplexing examples of dependence and independence, joint and rival jurisdiction. The most important of these inquiries is that of the relation of economics to evolution. Economic problems are problems of enjoyment. We have seen that this is the lodestone of all economic impulse, whether recognized or unrecognized, visible or concealed. The problem before us is therefore that of the relation of enjoyment to evolution.

The economist has seldom troubled himself with such an inquiry, has often indeed been conspicuously averse to doing so. And strictly speaking, it is hardly a part of economics. But if he cares more to come to correct conclusions than to be exclusively economic such an inquiry will be profitable. It concerns the main premise of the science and one which has been the subject of persistent fallacies. The study of organic evolution has thrown much light upon the origin, nature and limitations of the impulse to enjoyment, and in assuming it as the starting-point of economic inquiry it is well to know what we are assuming. In revising the premises of our science we have much to gain by a careful study of the laws of evolution, the process to which all the phenomena with which we deal owe their existence. Impulses and energies must be understood in their largest relations if they are to be made the basis of sound conclusions. This is a very different thing from merely translating economics into the language of biology under the plea of making it an evolutionary science.

One of the most persistent obstacles to an understanding of this relation is the assumption that enjoyment (happiness) is the purpose of evolution, or in older phrase, the

purpose of nature or of creation. The assumption that nature goes about her work knowingly and has an eye to the satisfaction to be gotten out of her work is so instinctive and universal that it has governed the development of language so that we can not speak of nature without seeming to subscribe to the theory. Such an assumption would be profoundly significant if it were not the obvious result of our limitations rather than of our insight. We naturally explain the unfamiliar by the familiar, the actions of others by our own, the activities of nature by the activities of men. The echo is supposed to be somebody speaking; actions are regarded as malign which would have been malign had we committed them. The process is valid enough, but with the meagre data of individual experience, its conclusions are often false. There are few better tests of culture than the ability to escape from the provincialism of individual experience. In accord with this tendency the savage peoples his little world with ghostly agents; Ulysses, baffled by storms, attributes the hindrance to the anger of Neptune, and the philosopher, noticing adaptations in nature with little attention to the changes that produce them, reverts to the same ready explanation of personal purpose. In all these explanations we can discern the reasonings of men too absorbed in their own activities and disproportionately conscious of the causes which emanate from their own minds.

By a slow but wholesome process, exceedingly wholesome in its reaction on human conduct, nature is exonerated from the motives thus attributed to her specific acts. Storms become impersonal and men build breakwaters instead of altars to Neptune. Disease is attributed to bacteria instead of demons and inoculation takes the place of incantation. The attribution of purpose retreats from the specific to the general. It is there that we encounter it as the assumption that the purpose of evolution is enjoyment, that this is the

goal toward which the whole movement has from the first been and still is intentionally directed.

I am far from asserting that this assumption is false, but it is certainly premature. We know all too little of the direction of evolution in its various stages and are still too ignorant of what it has accomplished in the way of conscious happiness to warrant so sweeping a conclusion. The most that we can confidently assert is that force is not in equilibrium, that change is constant, and that for a long time back this change has been in the direction of increasing complexity of organic life; that finally, pleasure and pain are familiar experiences to higher organisms and bear to each other an uncertain proportion, whether favorable or unfavorable, constant or changing in the aggregate we can not say. Avoiding, therefore, any such dangerous working hypothesis as this, we have simply to observe the circumstances under which enjoyment appears and the rôle which it plays in the evolution of organic life. Why has life developed the power of feeling pleasure and pain? What function do these experiences perform?

The general law of organic evolution is familiar. There is reproduction in geometric ratio, (quite inevitably) overcrowding, struggle for existence and natural selection or survival of the fittest. The result is an increasing adaptation of the organism to its environment. If the environment itself were fixed the adaptation would become complete and the species would have an absolute hold on life. But as the environment itself is subject to change, and as the rate and direction of the change in the two cases may not be the same, the evolving organism may run a losing race and eventually be ruled off the field. How is this process affected by the susceptibility to pleasure and pain?

An organism that knows nothing of evolution and is oblivious of remoter consequences will do its best to secure pleasure and avoid pain. But it does not follow that because the organism seeks enjoyment nature will co-operate to that

end. An individual may conceivably enjoy things which are detrimental to him, in which case nature may mark him for extinction instead of furthering his desires. Pleasures are not necessarily profitable experiences and any amount of divergence is possible between the desires of an organism and the necessities of its existence.

Yet in the long run pleasures and pains tend to identify themselves with profitable and unprofitable experiences, respectively, or rather, there is a tendency for those experiences, and only those experiences which are favorable to existence to become pleasurable. If we introduce into a sheep pasture a plant which is injurious to sheep and different from any with which the sheep are familiar, there is likely to be at first a difference of taste regarding it on the part of the sheep. Some will like it and some will not. Eventually, as the result, it may be, of a heavy mortality among the sheep, all will come to dislike and avoid the noxious plant, not so much because of any observation of its consequences as because the plant will have sorted the sheep and eliminated those with unfortunate predilections. Thus conduct unfavorable to life becomes associated with disagreeableness or pain. In the same manner experiences favorable to life become associated with pleasure, not because there is any necessary or predetermined relation of this kind, but because only those species can permanently exist whose members establish such a relation.

This seems at first sight to point to the conclusion already referred to that enjoyment is the end of evolution, but such a conclusion is subject to serious qualifications. Aside from the fact that evolution encourages pleasure apparently as a means rather than as an end, there is the farther and more serious fact that pain is developed and used in precisely the same way. The two seem to serve a similar purpose and to be employed by nature in no fixed proportion. Whether she rewards the necessary act or punishes its neglect, it is likely to be performed in either case if the connection is

perceived and the incentive sufficient. Doubtless the one line of incentive is better adapted to certain cases than the other, but we can discern no fixed necessity calling for an increased proportion of pleasure as evolution proceeds.

In the second place, evolution does not assure increasing adjustment, only a constant tendency toward it on the part of the organism. Lesson after lesson may be learned and the proper adjustment established between profit and pleasure, and still the lessons to be learned may be more numerous and perplexing than before. There may be more perilous pleasures and more ambiguous pains than at an earlier period, all because the environment to which the species is trying to adapt itself, will not stay fixed, but goes on changing under the pressure of forces which have no regard for these adaptations.

Finally, changes in the environment may make previous adjustments into misadjustments and thus give the lie to their associated pleasures and pains. A line of action which has long been profitable and so has become uniformly pleasurable by selection, may become by a change of circumstances unprofitable and dangerous, while still for a long time its pleasurable nature persists. This is peculiarly true of the human species in its relatively recent social evolution. Countless centuries of organic evolution have established instincts and pleasures useful in a pre-social state, but inimical to associate life. The most poignant of our miseries are connected with this painful undoing of nature's amazingly perfect work. These social requirements are but an extreme example of what is continually taking place, a change in environment requiring new or even contrary adjustments. If such a change is more rapid than the adaptive changes in the organism, the adjustment between pleasure and pain on the one hand and wholesomeness on the other, becomes less perfect, and for a time we have retrogression, a decrease in enjoyment and a lower general vitality in the species. Periods of retrogressive evolution

or decreasing adaptation seem to be unfavorable to enjoyment and the same is apparently true of all periods of extensive readjustment. In periods of relative quiescence the species seems to enjoy with less discount the fruits of hard-won adaptation, but even here the good of pain is not absent nor the pleasure of life unmixed. We can not assume that there is any force outside the individual which tends irresistibly to secure a preponderance of pleasures over pains in his experience.

We have now to consider what opportunity is granted to the individual by this all-enveloping process to work out his own enjoyment. For the individual knows nothing of evolution and its ends, as evolution knows nothing of him and his. He prefers the enjoyable as uniformly as nature prefers the livable. That his preference must be subordinate to hers is plain, for if he chooses the inadmissible he will not live to do much choosing. Nature seems not to have created man with any intention of making him happy or making him miserable, but those whose inclinations and aversions are such as to impel them along the straight and narrow path that leads to life, these persist and perpetuate their type and their inclinations.

So far as the foregoing considerations have to do with the problem of survival they are apart from the problem of economics which is concerned with enjoyment rather than with life. To this problem we must now more definitely turn. What bearing has this subordination of enjoyment to vital interests upon our study of the laws of enjoyment?

In the first place this general subordination of enjoyment to vital interests is in itself the fundamental law of enjoyment, one which limits all others. It is thus the main premise of our science. Every tendency to pleasure is sure sooner or later to encounter the inexorable requirements of life and to suffer subordination or annihilation as a result. This inevitable encounter is of interest alike to the study of

enjoyment and to the study of life. We have not completed the life history of an enjoyment until we have followed it to this critical point and discovered what becomes of it. To study subordinate phenomena and ignore their subordination, is misleading in both theory and practice. We lose sight of the co-ordinating principle and open the way to all manner of baseless assumptions. In the present connection we also lend countenance to mischievous fallacies in practice. The notion that all enjoyments are matters of taste and that one man's taste is as valid as another's, while not without a certain limited justification, is troublesomely prominent in popular thought. But what has economics to say against such a notion if it ignores the ultimate subordination of enjoyment to vital interests, that is, its functional character in the evolution of the species? We need not be disturbed by the temporary moral consequences of scientific inquiry, but we may well have a concern for the moral consequences of unscientific inquiry. This is our main premise: Enjoyment is the servant of life.

But is this serviceable pleasure the only enjoyment to which man may attain? Such an assumption would poorly account for the phenomena of life as we now see it. In spite of the inexorableness of nature's processes, there is in them much of alternative, much of elasticity. Some things man must do or forbear doing on pain of death, but there are many more which he may do or not as he likes. Eating is a necessity to which man is impelled somewhat by the promise of pleasure, more by the threat of pain. But gastronomy is not a necessity. It is man's deliberate effort to enhance the feeble pleasure of eating. Nature looks on indifferent at man's manipulation of his surplus resources, knowing full well that whether he succeed much or little, sufficient incentives will remain for the accomplishment of her necessary purpose. Man is equally concerned to lessen the pain which constantly attends upon nature's requirements. The numberless pitfalls in man's primitive

environment are avoided only by the admonitions of nature, which are more or less painful in their working. Man undertakes extensive modifications, which by removing the pitfalls make the admonitions unnecessary. Thus all the way from the growing of seedless grapes and thornless roses to the blasting of Hell-Gate the pain-destroying process goes on, nature not forbidding till by an unlucky venture some pain is removed which guards an interest or some pleasure devised which betrays him whom it tempts. Then, again, remorseless nature intervenes with her Draconian penalty. Thus eating is required, gastronomy permitted, gluttony forbidden.

Man is thus permitted to achieve for himself a happiness to which the process of evolution is indifferent and which it does not assure. He exploits the neutral territory, not without danger, for to trespass beyond its uncertain boundaries is death. It remains to note that this neutral territory is perhaps an enlarging one. As man acquires power over nature and masters her secrets he finds new ways of meeting her requirements with less of risk and pain. More of marginal resource, more time and strength, are thus available for his chosen purpose. The requirement to eat is as imperative as ever, but a requirement which once took all his time and strength now takes but a small part of it. The rest is free for activities before impossible. Doubtless these activities tend to become essential in turn, if not for physiological, at least for social reasons which are not less imperative for the perpetuation of the individual living under social conditions, but this takes time, and such pleasures remain often for a long time functionless and self-justifying. Dangerous pleasures, too, are handled with more skill in the light of greater knowledge. Gastronomy has greater possibilities than before without lapsing into gluttony. The range of territory which may be exploited in the interest of enjoyment is thus extended. Though it is constantly encroached upon by the growing requirements of life, it is

as constantly enlarged by the exploring pleasure interests. This neutral territory is thus a shifting but a perpetual fact.

Specific pleasures after a probationary period acquire a definitely favorable or unfavorable character, but in a progressive evolution there are always pleasures on probation. These probationary enjoyments constitute a second and important part of our subject. They are of the profoundest importance to the problem of survival, since from them are recruited the ultimate forces that make for or against life. They determine, too, which of many alternative paths life will follow in its growth and the kind of necessities which it will develop. But for the time at least this territory is one of relative freedom for the exploiting interests.

These neutral pleasures are not necessarily higher or lower than others, as these terms are commonly used, but are intimately associated with pleasures of every order. No illustration can be given which is not purely relative. Eating is the most mandatory of obligations, but the eating of an orange to one who has an unimpaired digestion may not affect in the slightest degree the chances of survival, either of himself or his posterity. Like illustrations may be found in the intellectual and emotional spheres. There is apparently no form of human activity which may not under certain conditions have this neutral character as regards vital interests.

In contrast with these neutral pleasures and pains whose character is sufficiently plain, stand those already described as guarding interests which affect the existence of the individual and the species. These, which may be appropriately designated as vital pleasures and pains, present variations and complications which have occasioned much confusion in economic inquiry. In spite, therefore, of their subordinate character, we can not profitably postpone their consideration. We can best get at the problem by means of an illustration.

Picking my way absent-mindedly across a muddy street,

I am suddenly apprised that a runaway team is almost upon me. With a frantic effort I escape the whirlwind that sweeps past me and stand exhausted and trembling with the awful terror, from which it takes me some time to recover. But after a while I meet danger in a new form and my conduct is strangely inconsistent. The physician tells me that certain ominous symptoms imply over-work or ill-regulated life and prescribes rest or dieting as imperatively necessary. I almost resent the information and the advice. My action instead of being instant and strenuous is probably both grudging and ineffectual. Similar contrasts are manifest in the eating of food. The starving man eats the most indifferent food with frantic eagerness, while the normal individual gets from dainties only a finite satisfaction.

In recent discussions of utility these facts have been obviously embarrassing. The intense eagerness with which the first few mouthfuls of food are eaten after a long fast had to be accounted for. As it seemed to be out of proportion to the immediate pleasure of eating, the utilitarian has usually fallen back on one of those pseudo-explanations which always stand ready to relieve embarrassment. These first mouthfuls furnish infinite satisfaction because they are the condition of life itself. Farther eating is pleasant, but nowise necessary; so we get less pleasure from it. The general acceptance of this explanation is surprising, in view of the obvious objections to which it is open. It certainly speaks poorly for the power of psychological observation which has been at the disposal of economics.

First of all, whatever may be the net advantage of living, it is not infinite. It may even be nil or less. If the morsel of food which keeps a man from starving assures him all the pleasures which after-life can furnish, it just as certainly assures all the pains which after-life involves. Whatever the balance between these two may be, it is not the principal determinant of men's action. Our illustration makes this clear. In the first place, the same man acts differently

under different circumstances in defence of the same interest. A sudden menace to his life produces energetic action; a slow one, weak and ineffectual action. If the action is naturally less frantic in the second case than in the first it remains to be explained why it is less willing and effectual. On the other hand, men act alike who estimate the value of life very differently. The suicide planning his own destruction will dodge a bullet or flee from sudden peril quite as effectually as the exuberant optimist. The man who insists that life is not worth living may be an exceptionally anxious observer of his own physical symptoms.

In the second place, it is clear from these same considerations that whatever may be the net value of life, men do not calculate that value before they dodge a runaway or begin to take medicine. Indeed such calculations tend rather to weaken than to reinforce their efforts, for the instinct of self-preservation acts most vigorously in creatures which are incapable of making such calculations. The value of life is therefore in no constant proportion to the effort which is put forth to preserve it, and if it were, the organism would not know it or act in deference to it.

But if these efforts are not to be explained as motivated by the pleasure of living, can they be explained by any reference to pleasures or pains? Patten, the most acute of recent writers on this subject, seems to think that they can not. He distinguishes between "absolute" and "positive" utility. Absolute utility is the capacity which a good has of maintaining life. Absolute utilities take precedence of all other considerations, no matter how important, by virtue of their paramount necessity. "No matter how great a sum of satisfaction is sacrificed, these absolute utilities must be secured." "Life is precious and we are willing to sacrifice other ends to preserve it" (a statement which unconsciously involves the theory which we have mentioned and which Patten rejects). "In contrast with these absolute utilities,

positive utilities refer, not to life, but to the content of life; they are the sum of satisfactions that can be added to a bare living." From these and other passages it is plainly to be inferred, though nowhere explicitly stated, that the first increments of a commodity used produce a particular kind of result which demands full precedence of the other result. This primary result once accomplished and out of the way, a new kind of use begins which produces a result which did not in any degree follow from the earlier use. Patten does not indeed draw the line so sharply, but his words necessitate the inference we have drawn. In the interest of clearness it is to be regretted that the matter was left to inference. But postponing for the present the question of the order or combination in which these utilities appear, let us inquire whether they are, after all, so radically different. Different, they certainly are, but are they so different that one impulse is referable to pleasure instincts and the other not?

We have seen the fallacy of trying to completely identify these impulses. It involves an ingenious philosophy of life resting on reasons which the individual never thought of and motives which he does not feel. The starving man not only makes no calculation as to the net value of life, but there is no telling what his conclusion would be if he did. If all the good of after-living is contained in a morsel of food, all the pain of living is wrapped up in it, too. The sweet may entice us, but the mixture of bitter and sweet is of doubtful attraction. And even when the food is eaten and life assured, all its good things remain to be paid for at much their full value. Why pay an infinite price for the food which only assures us the privilege of making farther purchases? I am not trying to prove the futility of living, but rather to prove the futility of such calculations as are here presupposed. The agonizing struggle for existence could not be accounted for by any such calculus of pleasures if there were one; but there is not. The great majority of

mankind live on by default, asking no questions as to the aggregate profit of the transaction.

But if the preservative impulses can not be explained by reference to the pleasure of living, either present or prospective, have they no relation to pleasures and pains? Must we assume them to be absolute, *i. e.*, inexplicable? I am surprised that the alternative explanation has not commended itself to writers on this subject, the more so as it is confirmed by unmistakable experience. The impulse to escape sudden danger is not a struggle for pleasure; it is a recoil from an awful terror which nature has evolved in all species as a condition of their existence and which, while it lasts, is the most terrible of all agonies. The enormous value of the means to that escape as of a plank to a drowning man, is due, not to the exceeding joy of living, but to the terrible pain of dying, which this means enables us to escape.

If we could consider calmly all that is involved in the two alternatives of living and dying, we might act very differently. To live is too often to suffer, and after all, the dying must come. As a mere matter of advantage, therefore, why should a man flee—it may be ignobly—from the peril of sudden death to the prospect of living unhappily and dying with lingering disease? But when confronted by sudden danger we can not figure things out like this. Present pleasures and pains necessarily occupy the foreground of consciousness, and if they are very near they hide all else from view. On the other hand, when the danger is remote and we have an opportunity to compare and estimate advantages, we do make just such calculations, and our action is correspondingly uncertain and inefficient.

These same principles hold true of preservative pleasures, but the extremes are less marked. No appetite, at least in man, acts with the suddenness and intensity of the dread of death, unless it be in those extreme cases where again the

motive is pain rather than pleasure. But who has not known the experience that present pleasures have been inordinately tempting and have subordinated considerations of prudence to a degree inexplicable in moments of later reflection?

The conclusion of all this is so obvious that it may seem to have been unwarrantably deferred. Vital pleasures and pains, though more intense and urgent than others, involve no new principle. The most intense instinct, like the most far-reaching plan or the feeblest inclination, is but a phase of the universal recoil from suffering and attraction toward enjoyment. The intensity of this recoil or attraction is determined, not by the intensity of the ultimate experiences, but by the vividness with which they are anticipated at the moment in question, a fact that explains many apparent inconsistencies. Incidentally it is of interest to note that the more intense preservative instincts are based on pain stimuli rather than on pleasure stimuli. Their gratification involves no infinite satisfaction, indeed no positive satisfaction at all, a fact abundantly attested by experience. If it involved the infinite satisfaction so often assumed, the ideal condition of life would be to live in continual peril or on the verge of starvation.

There are not two kinds of utility, therefore, but one. When we include pain in our calculations we are quite able to explain why a few morsels of food may at times have such an extraordinary value without imagining computations which nobody makes or presupposing any inexplicable impulses. We have now to note that this "infinite value of the first increment" is ordinarily a pure fiction. The pleasure derived from the first mouthfuls of one's dinner is nothing so very considerable. If they exorcise the spectre of famine they may indeed be precious, but ordinarily there is no such spectre to be exorcised. Only in the rarest cases have the earlier increments of consumption any such exaggerated importance. On any such supposition

computations of total utility all figure up to infinity. Not only is food of infinite utility, since it saves men from starving, but as planks may save men from drowning, there must be an infinite utility for planks. Economics becomes a bewildering computation of infinities. But the opportunity to render such extraordinary services is fortunately rare. The ordinary loaf or plank, even though it be the first of its kind, has but a commonplace opportunity. It is a travesty on experience to assume that the first morsels of an ordinary dinner have an incalculable utility to a person who never got wholesomely hungry in his life.

It will be useful to recall briefly the conclusions reached in this chapter. We have seen that enjoyment in its double form of pleasure and pain is not an accident or an arbitrary addition to life, but a means to its preservation and development. Its function is to incite to wholesome and deter from unwholesome action, a function which it is ultimately constrained to perform. But while pleasures tend to become identified with wholesome experiences and pains with those that are unwholesome, there are at all times pleasures which have not acquired such associations or in which these associations have become obsolete or even reversed. There are therefore mandatory, neutral and forbidden pleasures, and monitory, neutral and obligatory pains. The more urgent interests, especially those of self-preservation, are in general entrusted to the protection of monitory pains; the less urgent, including those of procreation, are secured by mandatory pleasures or appetites. Forbidden pleasures and obligatory pains are in general survivals of conditions which have disappeared, or they are the product of disturbances in settled adjustments due to the appearance of new interests. Pleasures and pains which are closely associated with vital interests can not be consciously manipulated with any profit. Human enjoyment, so far as it depends upon these, can be modified only by modifying individuals so as to bring them into harmony with nature's requirements. This can be

temporarily accomplished by education, the encouragement or repression of tastes as need may require, but its permanent accomplishment must depend, we are constrained to believe, principally upon the efficiency of natural and social selection, a process to which as yet our conscious efforts lend but doubtful assistance. With this process, conscious or unconscious, we are not at present concerned, save in so far as its consideration is inseparable from enjoyment. It is the subject of a distinct study.

Neutral pleasures and pains, those not yet drafted into the service of vital interests, or those that have been set free from that service, those indeed which, like eating, are charged with important functions, but have a certain margin of freedom at their disposal, these may be legitimately manipulated in the interest of immediate enjoyment. Of course the enjoyments which economics must consider are not confined to those which vital interests would pronounce legitimate. Prohibited pleasures are feverishly pursued and monitory pains are deadened with opiates, but these manipulations are ephemeral. There is not and can not be any permanent tampering with vital interests. These enjoyments, whether legitimate or illegitimate, wholesome or unwholesome, are the subject of our present study. Taken in connection with the activities to which they give rise they are the subject of economics.

H. H. POWERS.

## BRIEFER COMMUNICATIONS.

### A "UNIT" IN SOCIOLOGY.

Professor Lindsay's thoughtful paper on "The Unit of Consideration in Sociology"\* suggests to me a number of queries which I submit for what they are worth.

It is growing more and more evident that the people who call themselves sociologists are of two varieties: First, those who start by abstracting something or other which they are pleased to term "social" from the sum of associated human activities or their qualities, and who declare that formulation of the part which this "social" element plays in the world be called "sociology;" second, those who think of sociology as a search for the meaning elements in associated human life, how many soever they may prove to be, and a setting of these elements in order in their functional relations to each other. My questions assume that Professor Lindsay does not belong to the former of these groups. If the assumption is incorrect, my questions may be understood as addressed to sociologists who propose the broader inquiry, yet use language very similar to that in Professor Lindsay's paper.

I agree with Professor Lindsay that Professor Ross sounded a true note when he spoke for less debate about what society is and more discovery of what society does. I suspect that Professor Lindsay's concern about a "unit of investigation" is not quite consistent with the aim thus endorsed. It looks to me that throughout the motley miscellany of "sociologists," however divergent their conceptions of "sociology," there is a common desire to know what is generally true about men in association (*i. e.*, what society does); and more than that, to know how to account for those things that are generally true (*i. e.*, why associated men do what they do). These desires are common to both varieties of "sociologists," although the former decline to classify all the knowledge that the desires call for as proper subject-matter of sociology. Not to enter upon the merits of that question, does not the spirit of Professor Ross' program impel search rather for classes of facts presented by men in association than for "a unit of investigation?" It seems to me that Professor Lindsay calls for something that cannot be had until we are well along toward the end of the sort of investigation which he has joined Professor Ross in approving. Professor Lindsay would start his method of inquiry with the question (p. 44):

\* ANNALS, Vol. xii, p. 214, September, 1898.

"Is it possible to find in the data of sociology any constantly recurring factor in the socializing process which is fundamental to the concept of society in all stages of development, and which therefore can be regarded as a unit of investigation, consideration and reference for all true sociological data?"

Does not this question assume precisely what Professor Ross' proposal implicitly denies, viz., that the "data of sociology" are in hand? Professor Ross starts with the perception that we have not done as much as we should in the way of collecting and organizing the evidence as to what society does. He maps out a splendid piece of sample exploration. Nobody can foresee how many more such pieces of work will be necessary before we shall have in hand sufficient data about the activities of associated men in all their departments of action. Until we have gathered and classified samples of all discoverable types of facts that make up what associated men do, how can we say what is a common or general *factor* in the things that they do?

It is as though we should start a theory of arithmetic with the assumption that there is some prime factor common to all numbers, although we had "factored" only a few even numbers. If we should proceed on that hypothesis we should be in hot water from the outset. No factor that we could pick out would appear in all the new cases that would present themselves. If we should give up trying two, and experiment with three, and then fly to five, and so on, we should be repeating the pitiful process of those sociologists who are trying to generalize before they analyze and compare. We might squabble forever over the claims of one proposed "factor" after another. There would be no peace till we dropped the original assumption that there is a factor common to all numbers.

I am not now contending that there is no common factor in society, although, as a matter of fact, I do not believe there is any absolutely general factor, with the exception of the human individual on the one hand, and the physical and moral environment on the other. I am content just now with urging that at present we are not wise enough to demonstrate any such factor. I would point out also the inconvenience of loading ourselves down with the assumption of a universal factor in societary combinations before we are able to make out the different types of combination in which men act, and thus to distinguish the particular factors present in these combinations. Until we get such comprehensive data, what we call generalizing is very amateurish particularizing. It is apt to be merely conceited guessing. It is at best a very precarious centre of gravity for a "science." Serious students of society

ought to be able to take the logical measure of that illusion by this time.

I am led then to a query about the precise content of the concept "unit of investigation," or "unit of consideration." What does Professor Lindsay mean by it? Does he mean "an ultimate component" in terms of which the sociologists may formulate all their facts? To quote my colleague, Professor Henderson: "Does he mean a unit by explaining which we may suppose ourselves to have explained the whole societary unity? If so, he is talking about something which exists only in words." There is no objective reality which can go very far toward explaining the rest of society, without exposing the need of resort to this rest of society, to explain itself. Even if we were to fix upon some common factor which appears in all societary combinations, it is a far cry from that to a "unit" in the sense which Professor Lindsay seems to suggest. Or does Professor Lindsay mean by "unit of inquiry" a norm of limitation to mark off a certain abstraction which shall be the field of consideration? This would, of course, carry him into the former of the two camps of sociologists distinguished above. Does he sometimes think of a "unit of inquiry" as the starting point of description, a simple element to be analyzed before passing to more complex parts of the social whole? In either case, has Professor Lindsay sufficiently considered whether the discovery of such a factor necessarily makes that factor the "unit of inquiry" in sociology?

General chemistry is sometimes defined as "the science of atoms and their behavior." The same chemists who use this definition acknowledge that they have never discovered the hypothetical "free atom." The only close likeness in this respect that I can discover between general sociology and general chemistry or biology is in the fact that we must use the conception of human individuals, although we can find no such object in reality as the free individual. If we should describe sociology as "the science of human individuals and their behavior" we should be in verbal uniformity with one way of defining chemistry; but I do not see any profit from that fact in the shape of more knowledge about society. Unless we are willing however, to take as our ultimate concept "the human atom," "the individual," "the social man," or whatever we may choose to name the irreducible element in societary combinations, I see nothing but arbitrariness in the plan of adopting a "unit of inquiry." Is it not a purely gratuitous assumption that at present sociology needs or can use a unit of inquiry in the sense to which Professor Lindsay seems most to incline?

My next query assumes, for the sake of argument, that the foregoing is all answered in Professor Lindsay's favor, and that the idea of a "common factor" must be accepted. Must we then accept the special hypothesis of such common factor which Professor Lindsay proposes? "To view the facts of social life as they relate to *some social imperative* . . . . should be a chief aim of sociology" (p. 56).

The indefinite article in the last clause seems to me to indicate an auspicious reservation in Professor Lindsay's mind after all. I cannot take issue with this particular proposition, if the word "chief" is not pressed to the limit; but it appears to me to assert less than the paper as a whole seems to demand. No one can doubt the importance of finding out what rôle a social imperative of any sort plays in society. My questions, however, are these: Just what does the phrase "social imperative" mean to Professor Lindsay? Does it mean a *consciousness* on the part of the individuals in association that they are under some sort of bond to conform to the societary will; and does it mean that all acts in society are to be considered as functions of this consciousness? If this is the sense, who can prove that such a factor presides universally in human association? Is not this one of the very things that we are trying to find out? Or does Professor Lindsay mean by "social imperative" an actual power exerted by society to mould men's actions, whether individuals are conscious of the influence or not? If this is the thought, I should regard the phrase as unfortunately chosen. It necessarily suggests to my mind the former idea. Supposing, however, that Professor Lindsay has this second interpretation in mind, several questions arise. Thus: Is it not premature to assume that the stimuli which produce action among associated men are in any demonstrative sense one, rather than many? If we answer this question in the affirmative, must not the phrase "social imperative," instead of standing for an ascertained factor in society, serve at most as an interrogation point, as another way of expressing the unsolved question, What factors make men act as they do in society? Can the phrase at present serve as anything more than a classifying title under which to arrange social stimuli when discovered?

My query may be put in another form, viz.: Is not the universality of a "social imperative" substantially the present bone of contention between MM. Tarde and Durkheim? Are we not all weighing with interest the *pros* and *cons* as to the generality of a social constraint that reduces the individual to the rank of clay in the hands of the social potter? Would not Professor Lindsay be within more correct logical lines if he declared that "a chief aim

of sociology should be to find out how generally and how decisively a 'social imperative' (in either of the above senses or in any other) has part in the activities of associated men?" Would not this better carry out the program suggested by Professor Ross? Is not this really what Professor Ross undertook to do in part, and did he not show wisdom in implying that his was not the only quest for sociologists to pursue, but one of many? Would not acceptance of the latter view avoid premature judgments about the relative rank of other societal factors? Would it not leave us the real "unit of inquiry" after all? The actual unit is the social unit. It is not an abstraction, but as sociologists are coming more and more to agree, it is the concrete whole, viz., all men pursuing the aims of human life under the inevitable conditions of reciprocal influence. The real search of the sociologists is for that which is universally, generally or typically true within these actual relationships. Are not the primary technical desiderata then appropriate terms of description, and suitable categories of classification, rather than a less concrete and real "unit of investigation?"

All these queries amount to this: Are we not far enough along in the organization of inquiry into societal facts to tolerate *many kinds* of research, with the expectation that they will at last complement each other? Can we not see reasons for Ward's search after the "psychic factors," and Patten's examination of the "social forces," and Tarde's hunt for "imitation," and Giddings' quest of "the original and elementary subjective fact," etc.? May we not profitably exercise a little more restraint upon our disposition to pronounce premature judgments upon the relative importance of societal factors? May we not meanwhile advantageously push generalization of observable facts as far as actual uniformities warrant? Have we not in fact the two general categories, "societary forms" and "societary forces?" Are we not as yet very imperfectly instructed about the essentials of both? Will not progress in classification depend upon further observation, analysis and generalization of the workings and interworkings of these forms and forces? Is it not safer to hold the concept of a universal factor within these particulars as a strictly formal conception, to be filled up with a content by severely inductive generalization? If, on the contrary, we attempt at present to fill out this formal concept with an actual content by hypothesis, are we not in danger of retarding knowledge of objective reality by arbitrary assignment of values?

ALBION W. SMALL.

*University of Chicago.*

## A "UNIT" IN SOCIOLOGY—A REPLY TO PROFESSOR SMALL.

The questions which Professor Small raises in connection with my paper on "The Unit of Consideration in Sociology" indicate plainly that I have not made my thought clear in respect to one or two fundamental notions involved in the discussion. Some of Professor Small's inquiries would carry the discussion a step farther than was attempted in my original paper, and I am indebted to him for some suggestions which make possible a restatement of my thought in a way that I did not contemplate at the outset.

Professor Small's two classes of sociologists are not mutually exclusive, but if I understand his meaning he is right in supposing that my sympathies would be rather with the second class to which he refers, namely, "those who think of sociology as a search for the meaning elements in associated human life." Such an aim gives us a concrete science but does not prescribe any particular method. In general, I fancy that I would lay more stress than Professor Small upon the use of a deductive method, even in a concrete science, in the classification and arrangement of the multitudinous inductions necessary as a part of this "search for the meaning elements in associated human life." It was this factor of method in Professor Ross' work that seemed to me to make his achievement something of a new departure in recent sociological literature. I do not assume at all that the data of sociology are at hand in the sense that they are complete. Some data are readily accessible, and the work of making them complete will progress as scientific description of society gains in accuracy and in extent. The trained observer is not so useful in any science in its infancy, paradoxical as this may sound, as the man who can make some use of the meagre results of even crude and imperfect observation, and single out the few elementary, general and typical things that hold good within limits that determine the boundaries of a science. Ricardo was a poor observer of the facts in the economic life of his time, but no one did more to advance economic science to a stage at which verification of established principles and modification of those principles in the light of subsequent verification could be carried on by others. When a science is in this stage the trained observer, the man who will enlarge the basis of generalization, is the man who is at a premium in the ranks of its devotees. It seems to me that sociology has suffered because the basis of generalization has been altogether too broad out of which to construct a single science unless it be a general science of social phenomena, so vast in its scope and so exacting in its demands as to be, as Professor Alfred Marshall has said, highly desirable but humanly speaking, unattainable."

Another point on which, judging from Professor Small's inquiries, I have laid myself open to misunderstanding, is in the attempt to make all sociological investigation conform to one mould or type of scientific inquiry. I said at the outset of my paper, after having examined briefly the nature of the kind of unit to be considered, that I proposed "to examine briefly one such unit which I will call the 'social imperative.'"<sup>\*</sup> I had in mind distinctly the thought that there might be a number of similar units around which sociological material, or, to be more explicit, newly acquired data in sociology might be profitably grouped. My only contention, if, indeed, contention it be, was regarding the necessity of a unit. It does not seem to me that from the time of Bacon down to the present, the men of science who throw the emphasis upon observation and induction without consciously starting with a principle, however crude, which rests upon previous induction, have materially advanced the subject-matter in hand. One may range the earth for facts and add to his collection to the end of his days without ever getting on the right road to a general principle. General principles are discovered only when, in the examination of facts in the process of verification of some already known or hypothetical principle, one is led to see the truth of a new principle which is capable of wider or deeper verification.

Taking up once more the "social imperative" as a possible unit in sociology, I may add one or two statements to the brief discussion I was able to give in the limits of the first paper. Society arises where a man in his contact with his physical environment finds co-operation with his fellows useful in enabling him to satisfy his primary economic wants. Thus Plato and not Aristotle was right in his account of the origin of society, as I think is abundantly shown by accumulating materials which furnish us information about the most primitive forms of social organization to be discovered on this planet. "Man is by nature a political animal," says Aristotle, and by "political" he means of course social; but this is a generalization that can be verified only in comparatively advanced stages of society when man's nature has been modified by contact with his environment. But the economic factor which accounts for the origin of society and causes one transformation after another in the forms of human society, does not explain the phenomena of society in any of its stages. Here is where the line between economics and sociology, as separate and distinct sciences, must be drawn. If we study any given stage of society within a fixed geographical environment, we can readily find certain economic factors

<sup>\*</sup> ANNALS, Vol. xii, p. 218, September, 1898.

which will account for the existence of this particular stage of society when contrasted with the immediately preceding stage out of which it grew. But the individuals who make up and are a part of this new objective society by reason of changes in their environment, bring with them social standards, ideals and ambitions which are the product of a number of stages of society preceding the one under consideration. What is then sure to happen is, that the great body of these individuals will soon be adjusted to the new economic conditions, but that there will not be a social life and social control to correspond. A few individuals will begin to project in their thought and conduct new modes of activity in their relations to their fellows, and a few new social institutions will arise which must be harmonized with the inheritances of the past. Those modes of social activity more or less adjusted to the economic conditions of a period as embodied in a few individuals and still fewer social institutions, social ambitions and social standards, constitute what I would term the "social imperative." If, therefore, in our "search for the meaning elements in associated human life" the sociologist in whatever department of social facts he is working, will first attempt to ascertain the social imperative, I think he will have a unifying factor that will make his work stand out with perfect clearness, and that he will perform a service not at present rendered by any of the other social sciences.

Such a concept of a unit of investigation does not restrict the freedom of sociologists nor condemn in advance any of the various types of sociological investigation to which Professor Small alludes. In the history of most sciences and especially in the history of economics the attempt has been made to regard some one principle at some time or other as co-extensive with the science. Thus in economics it was supposed that all economic phenomena could be interpreted in terms of the law of diminishing returns, and again in the law of rent; in physics, that all phenomena of physical science could be interpreted in terms of the law of gravitation. Subsequent progress in these sciences proved of course that these general laws and principles furnished a formula for stating only a portion of the observed facts. If the social imperative proves to be a useful concept in connection with some of the more important problems now engrossing the attention of sociological students, as I believe it will, it may well fall into its relative place along side of other concepts which are destined to advance our science.

SAMUEL, MCCUNE LINDSAY.

*University of Pennsylvania.*

P. S.—Proof sheets of the above statement were sent to Professor Small and with his permission I quote a few sentences from a letter received from him after

he had read my reply. "Your reply has just reached me, and it leaves nothing for me to say. Perhaps the misunderstanding is entirely the reader's fault, but I am certainly one among several who read your paper without getting the impression which this reply conveys. Perhaps others will think that we have wasted words over this matter, but I am glad to find myself more nearly in agreement with your thought than I supposed. . . . My whole objection was virtually to the use of the idea of a 'unit' in the sense to which you allude in your closing paragraph. I think you have not overestimated the probable usefulness of the *social imperative* idea, if it is guarded from being a blanket mortgage upon 'meaning elements.'"

## PERSONAL NOTES.

### AMERICA.

**Ann Arbor.**—Hon. Thomas McIntyre Cooley died at Ann Arbor, Mich., on the twelfth of last September. He was born near Attica, Wyoming County, N. Y., January 6, 1824. In 1834 he removed to Michigan, and, after his admission to the bar in 1845, he practiced law in Tecumseh, Mich. Settling in Adrian, he edited the *Watch Tower*, in which capacity he gained a reputation for good judgment and solid attainments. In 1857 he was selected by the Michigan legislature to compile and publish the state laws, and a year later was also appointed reporter of the decisions of the supreme court. In 1859 he was chosen as one of the professors in the law department of the University of Michigan. He became dean of the faculty and continued in that position until 1885, when he retired from the bench. He served as justice of the Michigan Supreme Court for eight years and as chief justice from 1868 to 1869. From 1885 to 1888 he was Professor of American History in the University of Michigan, lecturing also on constitutional law and kindred subjects. In 1887 the United States circuit court at Chicago appointed Judge Cooley receiver of the Wabash Railway Company. He undertook the active management of this property until President Cleveland urged him to resign and accept appointment as Interstate Commerce Commissioner. This position he held for four years. His fellow-members chose him as chairman of the commission. His health broke down in 1891 and he retired from active life. Judge Cooley will be remembered longest for his achievements in the field of constitutional law. His great work, "The Constitutional Limitations Which Rest Upon the Legislative Power of the States of the American Union," which was published in 1868, at once became the standard authority on that subject. Besides this and works that may be called compilations, as "The Michigan Reports and Digests," he edited the "Commentaries" of Blackstone and Story's "Commentaries on the Constitution of the United States." His other works are:

"*Law of Taxation.*"

"*Law of Torts.*"

"*General Principles of Constitutional Law in the United States.*"

"*Michigan, a History of Governments.*"

Most of the legal articles in the "American Cyclopaedia" were also written by him, and he was for many years a prolific contributor to reviews and magazines.

**Chicago.**—Dr. Elisha Benjamin Andrews has recently been appointed Superintendent of the Chicago Public Schools. Dr. Andrews was born January 20, 1844, at Hinsdale, N. H., and received his early education in the public schools of Montague, Mass., and later at the Connecticut Literary Institution, at Suffield, Conn. He left his studies in April, 1861, to enlist as a private in the Union Army. He remained in the service of the United States until October, 1864, when on account of a severe wound he received his discharge, having at that time attained the rank of second lieutenant. He then finished his preparation for college and entered Brown University in 1866 and received the degree of A. B. in 1870. He has since received the degrees of A. M. from his *alma mater*, in 1873, and the honorary degrees of D. D. from Colby University, 1882, and LL. D. from the University of Nebraska, 1884. After his college graduation he became principal of the Connecticut Literary Institution at Suffield, Conn., and held this post for two years, when he entered the Newton Theological Institution at Newton Centre, Mass., from which he graduated in 1874. He has subsequently held the positions of pastor of the First Baptist Church, Beverly, Mass., 1874-75; President of Denison University, Granville, Ohio, 1875-79; Professor of Homiletics in the Newton Theological Institution, 1879-82; Professor of History and Political Economy in Brown University, 1882-88; Professor of Public Finance, Cornell University, 1888-89, and President of Brown University, 1889-98. Before entering on his duties as professor at Brown he was absent in Europe for a year, pursuing studies at the Universities of Göttingen, Berlin and Munich. In 1892 he was a member of the Delegation of the United States to the International Monetary Conference at Brussels.

Dr. Andrews has been a prominent member of the American Historical Society and of the American Economic Society since their foundation, and is connected with various other organizations. He has been a prolific writer, and in addition to a large number of articles published in the general periodical press, as well as the economic journals, he has published the following books:

“*Institutes of General History.*” Boston, 1886.

“*Constitutional History of the United States.*” Boston, 1886.

“*Institutes of Economics.*” Boston, 1887.

“*Popular History of the United States.*” Two volumes. New York, 1888.

“*Wealth and the Moral Law.*” Hartford, 1893.

“*Eternal Words*” (sermons). Hartford, 1893.

“*An Honest Dollar and Other Essays.*” Hartford, 1894.

"*History of the Last Quarter Century of the United States.*" Two volumes. New York, 1895.

**Dartmouth College.**—Dr. Frank H. Dixon\* has been appointed Assistant Professor of Economics at Dartmouth College, and he has entire charge of the work in that department. He has written:

"*Railroad Control in Nebraska.*" Political Science Quarterly, December, 1898.

**Harvard University.**—During the absence of Professor Ashley in Europe his place will be filled during the spring term by Dr. William Cunningham, of Trinity College, Cambridge. Since Dr. Cunningham was elected professor in King's College, London, †—a position which he resigned last year, owing to the increasing pressure of his duties in Cambridge—he has been engaged in investigation in the lines with which his name has been associated. In addition to his university duties Dr. Cunningham is rector of an important parish in Cambridge and has in this connection been frequently called upon to discuss social problems from the Christian standpoint. He has devoted his leisure for some years past to antiquarian pursuits, especially his "History of the English Towns." In this connection he has brought together a unique collection of lantern slides, which illustrate his lectures and lend a particular interest to them. These materials have not yet been published, but his argument on the far-reaching "Influence of Hippodamus of Miletus" will appear in the next volume of the Transactions of the Antiquarian Society. His publications since 1891 have been as follows:

"*The Growth of English Industry and Commerce in Modern Times.*" 1892.

"*The Relativity of Economic Doctrine.*" Economic Journal, 1892.

"*The Perversion of Economic History.*" Ibid., 1892.

"*A Plea for Pure Theory.*" Economic Review, 1892.

"*Die Regelung des Lehrlingswesens.*" Zeitschrift für Social und Wirtschaftsgeschichte, 1893.

"*The Laws of the Mercers' Company of Litchfield.*" Transactions of the Royal Historical Society, 1893.

"*Discourse Concerning the Commonweal*" (edited with Miss Lamond). 1893.

"*Political Economy and Practical Life.*" International Journal of Ethics, 1893.

"*Dr. Cunningham and his Critics.*" Economic Journal, 1894.

\* See ANNALS, Vol. x, p. 432, November, 1897.

† See ANNALS, Vol. ii, p. 256, September, 1891.

"*Economists as Mischief Makers.*" *Economic Review*, 1894.

"*Why Had Roscher So Little Influence in England?*" *ANNALS*, November, 1894.

"*The Living Wage.*" *Contemporary Review*, 1894.

"*Outlines of English Industrial History*" (with Miss E. A. MacArthur). 1895.

"*The Gild Merchant of Shrewsbury and Walter of Henley.*" *Transactions of the Royal Historical Society*, 1895.

"*The General Election and Prospects of Social Legislation.*" *Economic Review*, 1895.

"*The Growth of English Industry and Commerce in the Early and Middle Ages.*" Revised edition, 1896.

"*Modern Civilization in Its Economic Aspects.*" 1896.

"*Alien Immigrants to England.*" 1897.

"*Essay on Western Civilization.*" Volume I. 1898.

**Norwich, Conn.**—David Ames Wells, the economist, died at Norwich, Conn., November 5, 1898. He was born June 17, 1828, at Springfield, Mass., and graduated from Williams College in 1847. After leaving college he was identified for a time with the *Springfield Republican*. In 1849 he entered the Lawrence Scientific School of Harvard University, graduating in 1852. He was afterward an assistant professor at Harvard. In 1857-58 he was a member of the firm of G. P. Putnam & Co., New York, and in this period he compiled school text-books on physics, chemistry and geology.

In 1864, while living at Troy, N. Y., he published a pamphlet "*Our Burden and Our Strength*," dealing with the financial system of the Federal Government. In the spring of 1865 Mr. Wells was appointed chairman of a commission to consider means of raising revenue for the needs of the government. In January, 1866, he was appointed special commissioner of the revenue, an office which he held until 1870. He was then appointed by the governor of New York chairman of a tax commission, which submitted reports on state taxation in 1872 and 1873. Mr. Wells was a member of the Cobden Club, and an honorary member of the Royal Statistical Society, and an associate of the French Academy of Political Science. In 1871 he received the degree of LL. D. from Williams College, and in 1874 that of D. C. L. from Oxford. Besides innumerable contributions to magazines and the government reports already mentioned, Mr. Wells published:

"*The Creed of Free Trade.*" 1875.

"*Production and Distribution of Wealth.*" 1875.

- " *Robinson Crusoe's Money.*" 1876.  
 " *Why we Trade and How we Trade.*" 1878.  
 " *The Silver Question.*" 1878.  
 " *Our Merchant Marine.*" 1882.  
 " *A Primer of Tariff Reform.*" 1884.  
 " *Practical Economics.*" 1885.  
 " *Principles of Taxation.*" 1886.  
 " *A Study of Mexico.*" 1887.  
 " *Relation of the Tariff to Wages.*" 1888.  
 " *Recent Economic Changes.*" 1891.  
 " *Principles of Taxation.*" Series of articles in *Popular Science Monthly.* 1898.

**Washington and Lee University.**—Dr. Henry Parker Willis has been appointed Adjunct Professor of Economics and Political Science in the Washington and Lee University, Lexington, Va. He was born August 14, 1874, at Weymouth, Mass., and received his early education in the schools of Racine, Wis. He attended the Western Reserve University and the University of Chicago, where he received the degree of A. B., in 1894. After completing his undergraduate course he became a Fellow at the University of Chicago and pursued his studies at that institution, and also in Paris, Leipzig and Vienna. The University of Chicago conferred upon him the degree of Ph. D., in the year 1897. Dr. Willis was assistant to the Monetary Commission of the Indianapolis Convention in the year 1897-98, and assisted Professor Laughlin and Mr. Root in preparing the final report of the Monetary Commission.

Dr. Willis has published:

- " *Income Taxation in France.*" *Journal of Political Economy*, December, 1895.  
 " *Vienna Monetary Treaty of 1857.*" *Ibid.*, March, 1896.  
 " *Credit Devices and The Quantity Theory.*" *Ibid.*, June, 1896.  
 " *History and Present Application of the Quantity Theory.*" *Ibid.*, September, 1896.  
 " *Monetary Reform in Russia.*" *Ibid.*, June, 1897.  
 " *History of the Latin Monetary Union.*" In press, 450 pages.

**William and Mary College.**—Dr. Lyon G. Tyler, President of William and Mary College and formerly Professor of Moral Science and Political Economy in that institution, has been elected Professor of Economic History and Politics, while still continuing as President of the college. Dr. Tyler was born August, 1853, in Charles City County, Va. His early education was obtained from

private teachers, and in 1870 he entered the University of Virginia. He graduated in 1874 with the degree of A. B. and received the degree of A. M. in 1875. The next year he studied law at the same university. In 1877 he became Professor of Belles Lettres in William and Mary College. The next four years Professor Tyler was principal of classical schools in Memphis, Tenn., and Waco, Tex. In 1882 he removed to Richmond, Va., where he engaged in the practice of law. During 1887-88 he was a member of the Virginia House of Delegates, and in the latter year he was elected Professor of Moral Science and Political Economy at William and Mary College and also President of that institution. In 1895 Professor Tyler had the degree of LL. D. conferred upon him by Trinity College, Connecticut. He is a member of the American Philosophical Society, American Historical Society, Virginia Historical Society, Maryland Historical Society, New England Historical and Genealogical Society and the New York Historical and Genealogical Society.

Professor Tyler has been editor of the *William and Mary Quarterly Historical Magazine* since its establishment in July, 1892. He has also written:

"*Letters and Times of the Tylers.*" Vol. I, pp. 633 (1884); Vol. II, pp. 736 (1885); Vol. III, pp. 234 (1897).

"*Parties and Patronage in the United States.*" Questions of the Day Series. Pp. 133. New York, 1891.

Address at Jamestown, published in *Richmond Times*, May, 14, 1895.

Address made before Richmond College on "Yorktown and Its Memories," published in *Richmond Times*, 1895.

#### GERMANY.

**Greifswald.**—Dr. Magnus Biermer,\* formerly of Münster, has recently been appointed Ordinary Professor of Political Economy at the University of Greifswald. In recent years he has been an active contributor to Conrad's "*Handwörterbuch*" and Elster's "*Wörterbuch der Volkswirtschaft*," contributing about forty articles upon labor questions to these two compilations. His other publications have been:

"*Leitsätze zur Beurtheilung der gegenwärtigen Währungssituation.*" Berlin, 1896.

"*Leitsätze zur Beurtheilung der Währungsfrage*" (second enlarged edition of the preceding). Berlin, 1896.

"*Die Goldwährung.*" Münster, 1896.

\* See ANNALS, Vol. iv, p. 813, March, 1894.

"*Eine neue britische Stimme über das Lohn- und Gewerkvereins-problems.*" Schmoller's Jahrbücher, 1897.

"*Die Arbeitseinstellungen in Preussen in den letzten Jahren.*" Conrad's Jahrbücher, 1897.

"*Die neueste Entwicklung der britischen Arbeiterbewegung.*" Münster, 1898.

"*Die britische Arbeiterbewegung.*" Jahrbuch der internationalen Vereinigung für Rechtswissenschaft und Volkswirtschaftslehre, 1898.

**Heidelberg.**—Dr. Karl Knies, Professor of Political Economy at the University of Heidelberg, died August 2, 1898. He was born in 1821 at Marburg, where he began his career as a teacher in 1846 as privatdozent for history and political economy. In 1849 he became a teacher in the polytechnic school at Cassel; in 1852 in the cantonal school of Schaffhausen, and in 1855 he became Professor of the "Cameralistic" Sciences at the University of Freiburg, Baden. In 1865 he accepted the post of Professor of Political Economy at Heidelberg, which he held until his death. His principal publications are as follows:

"*Ueber die in Kurhessen angeregte Forderung eines konstituierenden Landtages.*" Marburg, 1898.

"*Die Statistik als selbstständige Wissenschaft.*" Kassel, 1850.

"*Die katholische Hierarchie in den grossen deutschen Staaten seit 1848.*" Halle, 1852.

"*Die politische Oekonomie vom Standpunkte der geschichtlichen Methode.*" First edition, Brunswick, 1853; second revised edition, 1883.

"*Die Eisenbahnen und ihre Wirkungen.*" Brunswick, 1853.

"*Der Telegraph als Verkehrs mittel.*" Tübingen, 1857.

"*Die Dienstleistung des Soldaten.*" Freiburg, 1860.

"*Zur Lehre vom volkswirtschaftlichen Güterverkehr.*" Freiburg, 1862.

"*Das moderne Kriegswesen.*" Berlin, 1867.

"*Finanzpolitische Erörterungen.*" Heidelberg, 1871.

"*Geld und Kredit.*" Two volumes. Berlin, 1873-79.

"*Weltgeld und Weltmünze.*" Berlin, 1874.

"*Karl Friederichs von Baden brieflicher Verkehr mit Mirabeau und Du Pont*" (edited, with an introduction). Two volumes. Heidelberg, 1892.

"*Machiavelli als volkswirtschaftlicher Schriftsteller.*" Zeitschrift für die gesamte Staatswissenschaft, 1852.

"*Das Getreidewesen in der Schweiz.*" Ibid., 1854-55.

"*Die nationalökonomische Lehre vom Wert.*" Ibid., 1855.

"*Ueber die Geldentwerthung und die mit ihrer verbundenen Erscheinungen.*" Ibid., 1858.

"*Erörterungen über den Kredit.*" Ibid., 1860.

**Leipzig.**—The Professorship of Political Economy vacated by the retirement of Professor von Miaskowski, has been filled by the appointment of Dr. Wilhelm Stieda, previously of the University of Rostock. Dr. Stieda, was born April 1, 1852, at Riga. He studied at the Universities of Dorpat, Berlin, Strassburg and Tübingen. From the last named he received the degree of Doctor of Political Science in 1875 and from the University of Dorpat the degree of Doctor of Philosophy in 1879. In 1876 he became privatdozent at Strassburg, and was called as Extraordinary Professor for Political Economy and Statistics to the University of Dorpat in 1878, where a year later he was appointed ordinary professor. From 1882 to 1884 he was connected with the Statistical Office of the German Empire in Berlin and in 1884 accepted the post of ordinary professor at Rostock. Dr. Stieda has published:

In the "Handwörterbuch der Staatswissenschaften," the articles "*Arbeitsbuch,*" "*Arbeitseinstellungen,*" "*Artelle,*" "*Einigungssämter,*" "*Enquete,*" "*Fabrik,*" "*Gewerbegericht,*" "*Handwerk,*" "*Innungen,*" "*Jugendliche Arbeiter,*" "*Koalition und Koalitionsverbote,*" "*Lehrlingswesen,*" "*Normalarbeitstag,*" "*Sontagsarbeit,*" "*Stapelrecht,*" "*Südseegesellschaft,*" "*Trucksystem* and "*Zunftwesen.*"

"*Die Artelle in Russland*" Conrad's Jahrbücher N. F. Bd. 6.

"*Haftpflicht und Unfallsversicherung.*" Ibid. N. F. Bd. 8.

"*Frauenarbeit.*" Ibid., iii. F. Bd. 2.

"*Das Reichsgesetz über die Gewerbegerichte.*" Ibid., iii. F. Bd. 2.

"*Die Syndikatskammern der französischen Arbeitgeber und nehmer.*" Schmoller's Jahrbuch. Bd. 2.

"*Deutschland's sozialstatistische Erhebungen im Jahre 1876.*" Ibid., Bd. 12.

"*Russische Zollpolitik.*" Ibid., Bd. 7.

"*Die Enquete über der Sonntagsarbeit.*" Ibid., Bd. 12-13.

"*Das Sexualverhältniss der Geborenen,*" Strassburg, 1875.

"*Zur Entstehung des deutschen Zunftwesens.*" Jena, 1876.

"*Die Eheschliessungen in Elsass-Lothringen, 1872-76.*" Strassburg, 1879.

"*Die gewerbliche Thätigkeit der Stadt Dorpat.*" Dorpat, 1879.

"*Revaler Zollbücher und Quittungen des 14 Jahrhunderts.*" Halle, 1886.

"*Die deutsche Hausindustrie.*" Leipzig, 1889.

"*Das Gewerbegericht.*" Leipzig, 1890.

"*Die Schragen der Aemter, und Gilden in Riga,*" (with C. Mettig)  
1894.

HOLLAND.

**Hague.**—Dr. Walter Albert Baron van Verschuer, president of the Statistical Central Commission of the Netherlands, died at the Hague September 27, 1898. He was born at the Hague February 2, 1840, and pursued legal studies at the University of Leyden, where, in 1861, he received the degree of doctor juris utriusque, after defending a thesis upon the political life of Baron de Repperder, a Dutch diplomat of the eighteenth century. In 1863 he was appointed chief of a bureau in the council of state, in 1870 chief of division in the Ministry of Finance. In 1878 he was transferred to the Ministry of Commerce. From 1879-86 was a delegate in the Central Commission for the Navigation of the Rhine, and from 1888 to 1893 delegate of the government in the administration of the railroad companies of Holland. When the Central Commission of Statistics was organized in 1892, Baron Verschuer was made its president and remained in this office till his death.

## BOOK DEPARTMENT.

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### NOTES.

“CAUSES AND CONSEQUENCES” \* is the attractive title which Mr. John Jay Chapman has chosen for his last volume of essays. They discuss “politics,” “society,” “education,” “democracy” and “government,” with a view to unfolding “the idea that man is an unselfish animal.” The author thinks “our political corruptions and social inferiorities can be traced to the same source—namely, temporary distortion of human character by the forces of commerce.” He is an ardent disciple of Froebel, finding “in a mere niche” of the latter “the whole of Emerson.” “Our frame of government” he believes to be “in accord with sound philosophy and a constant influence tending to correct the distortions” alluded to above. As these quotations suggest, the most characteristic quality of Mr. Chapman’s essays is the abounding optimism that pervades them. They have in addition a freshness and freedom from academic bias that makes them pleasant reading.

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MR. COLQUHOUN’S BOOK on the Nicaragua Canal has made his name known to many American readers, but his last book on “China in Transformation” † will secure him a much larger audience, both because of the present public interest in the subject and because of the unquestionable merits of the book. Mr. Colquhoun is an engineer and geographer, who has held official administrative positions in Burma and Africa, and who has made several visits to China both as a special correspondent of the *London Times* and in connection with negotiations concerning the location and construction of railways in China. The author has written upon a subject in which he has a keen interest; his information is extensive, his presentation is temperate and fair, and his style is clear and entertaining.

After describing the geography of the Empire and giving a brief account of the history of China’s foreign relations, the author devotes several chapters to economic and commercial questions and England’s relation to them. The remaining sections of the book deal mainly with the political and social institutions, and the work closes with an analysis of the present political situation.

\* Pp. viii, 166. Price, \$1.25. New York: Charles Scribner’s Sons, 1898.

† *China in Transformation*, By ARCHIBALD R. COLQUHOUN. Pp. x, 397. Price \$3.00. New York and London: Harper & Brothers, 1898

The most striking characteristic of the book is the author's seemingly thorough appreciation of Chinese motives and the traits of Chinese character. He avoids being censorious or picturesque. In describing the government, the diplomatic intercourse, the native press, or the Chinese people, he is always able to account for the existence of institutions which seem strange or objectionable to the western mind. There is always a reason from the Chinaman's standpoint why he thinks and acts as he does, and Mr. Colquhoun seems to know the Chinese people well enough to appreciate the reason.

The author believes China to be in imminent danger of Russianization, and the book closes with an earnest plea for immediate and determined action on the part of Great Britain to check the further encroachment of Russia in China. Russian influence must be kept north of the valley of the Yang-tze-Kiang, or Great Britain will lose not only her foothold in China, but also her control of India. In other words, the struggle of the giants, the Anglo-Saxon and the Slav, is inevitable, and if the Anglo-Saxon giant is to win, he must strengthen his position by controlling the economic development of central China.

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PROFESSOR J. W. CROOK'S monograph on "German Wage Theories,"\* following after the chapter in Taussig's "Wages and Capital" on the "Wages Fund in Germany," will be of the greatest assistance to students who wish to obtain some idea of the development which economic theory has received at the hands of German writers, but are either unwilling or unable to seek this knowledge at the sources. The book is divided into seven chapters, of which the first four treat of Hermann, his forerunners and successors, and the last three of von Thünen, the socialists and Schulze-Gävernitz. The author emphasizes the intimate connection between the development of English and German economic thought and explains the lack of originality on the part of German writers by reference to the tardy industrial development of the country. In his treatment of contemporary writers he groups Brentano and Phillipovich together as followers of Hermann and contrasts with them the socialists and Schulze-Gävernitz, a German representative of the residual claimant theory. The longest chapter of the seven is devoted to von Thünen, "a genius, about whom it is desirable that American students should know more." The monograph is without an index.

\* *German Wage Theories. A History of Their Development.* Pp. 113. Price, \$1.00. Columbia University Studies. New York: The Macmillan Company, 1898.

MISS JULIA FRANKLIN "has put the English reading public under much obligation" by her admirable translation of Rodbertus' theory in regard to the cause of crises\* as set forth in his letter to von Kirchmann, first published in German in 1850. The work is supplied with a critical introduction by Professor J. B. Clark, which not only explains the problem to be solved and the chief points in Rodbertus' solution, but indicates some of the lacunæ in the latter's reasoning, and thus prepares the way for a different treatment of this much debated topic. In its English dress Rodbertus' theory loses none of its persuasive attractiveness, and its perusal in conjunction with Professor Clark's criticisms may be commended as a valuable training in economic reasoning.

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SINCE THE APPEARANCE of Wilson's "Congressional Government," considerable attention has been directed to the peculiarities of our congressional system. Dr. McConachie's book on "Congressional Committees"† is the latest treatment of the subject along these lines. The author points out that the committee is a necessary and universal means of saving time. "The Christian Endeavorers find remarkable utility in the committee idea. So does Tammany Hall." The difference between various systems of government lies principally in the different uses made of committees. As to the origin of the American committee system, the author explains that "from England the American colonies, most notably Pennsylvania and Virginia, drew and transmitted to the legislative bodies of our Federal Union the commonest parliamentary forms relating to the use of select and standing committees, as well as the device known as the Committee of the Whole." Naturally the colonies had not developed a Cabinet Committee; therefore this feature of the present English system was not transmitted to the Federal Union. In the Continental Congress and under the Articles of Confederation committees were also entrusted with executive power in the absence of any regular administrative organization. With the growth of federal powers has come an enormous increase in the extent and variety of committee work. The author traces the rise and development of the more important committees, showing their influence upon legislative methods in general and the concentration of power in particular. To outward appearances legislative organization is based upon the equality of

\* *Over-production and Crises*. By KARL RODBERTUS. Translated by Julia Franklin. With an introduction by John B. Clark. Pp. 140. Price, 2s. 6d. London: Swan Sonnenschein & Co. New York: Charles Scribner's Sons, 1898.

† *Congressional Committees*. By LAUROS G. MCCONACHIE, Ph. D. Library of Economics and Politics. Pp. xiv, 441. Price, \$1.75. New York: Crowell & Co., 1898.

individual legislators and the perfect freedom of debate; in reality nothing could be farther from the truth. Legislative work consists not in deliberation, but in action; hence freedom of debate is impossible. Legislative action is determined by the chairmen of committees, who in their turn are but chosen lieutenants of the speaker; therefore the equality of members is but nominal. Among the interesting changes proposed by the author are the popular election of the speaker and the establishment of public sessions for all committees, with special committee chambers and all the officers and accessories of a miniature legislature.

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THE MACMILLAN COMPANY is about to bring out Professor Patten's latest work entitled "The Development of English Thought." Those who have read the book in manuscript declare it the most profound and suggestive work which has yet been written by this well-known economic author. Professor Patten's study is confined to the thought-life of England, but incidentally offers many suggestive hints as to the underlying causes of the important social, political and economic institutions of the last three centuries. As was to be anticipated the author looks for the explanation of philosophical systems in the great economic changes that preceded them. Beginning with Hobbes, he shows how every great English thinker down to Ruskin in our own day has been influenced by his environment. Even those who are least in sympathy with this attempt to offer an economic interpretation of history will welcome the work as the first serious effort of a trained economist to prove the thesis which so many writers on contemporary problems tacitly accept. In its scope and originality Professor Patten's work is comparable with that of Buckle.

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A COMMENDABLY TEMPERATE advocacy of the program of the followers of Henry George is presented in a brief monograph entitled "The Standard of Living in Its Relation to Economic Theory and Land Nationalization," \* by Frederic W. Sanders, Assistant Professor in West Virginia University. The work is divided into two parts, the first treating of "Economic Theory," and the second pointing out the "Application." The argument is so lucid and succinct that it would be unfair to the author to attempt to abridge it. Convinced that the "standard of living" is the source and index of social progress, the author approves of land nationalization on the ground that it will equalize industrial opportunities at the same time that it raises wages and interest and thus stimulates

\* Pp. 64. Chicago: The University of Chicago Press, 1898.

industry and thrift. Unlike so many of the followers of Henry George, he recognizes that this is no panacea, and presents it merely as "the most important reform before the public." It is to be hoped that the author will supplement this theoretical study with a monograph dealing with equal frankness with the practical difficulties in the way of land nationalization.

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THE TWELFTH ANNUAL REPORT\* of the Commissioner of Labor of the United States consists of an interesting study of some of the "Economic Aspects of the Liquor Problem." After the general introduction are special chapters on the production and consumption of liquors, on traffic in liquors, revenue from liquors and the practice of employers in regard to the use of liquors by their employes. Then follow eleven tables giving the available statistics on the subject, while the work concludes with a synopsis of the laws regulating the revenue derived from liquor production and traffic. Not much of the information contained in the report is new, but as a compilation it should prove of value to students of this perplexing social question.

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"THE WONDERFUL CENTURY †" is the title which Mr. Alfred Russel Wallace has chosen for a volume of notes upon the world's successes and failures during the period covered by his long life. The book is divided into twenty-one chapters, of which fifteen describe the scientific discoveries and mechanical inventions of the last hundred years, while six are reserved for the condemnation of our present society for delusions which it still cherishes and abuses which it continues to tolerate. The titles of these last chapters indicate with sufficient clearness the point of view of the author. They are: "The Neglect of Phrenology;" "The Opposition to Hypnotism and Psychological Research;" "Vaccination a Delusion—Its Penal Enforcement a Crime;" "Militarism—the Curse of Civilization;" "The Demon of Greed," and "The Plunder of the Earth." The book is well written and contains a great deal of interesting information not often presented in such a popular way.

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IN HIS VOLUME on "American Citizenship," ‡ Professor Willoughby has given us what is undoubtedly the best introduction to the study of

\* For 1897. Washington: Government Printing Office, 1898.

† Pp. 400. Price, \$2.50. New York: Dodd, Mead & Co., 1898.

‡ *The Rights and Duties of American Citizenship.* By W. W. WILLOUGHBY. Pp. 336. Price, \$1.00. New York: The American Book Company, 1898.

government that has, as yet, appeared. The work is intended primarily as a textbook for class-room purposes and is particularly well adapted to the needs of high schools or for the first year of university instruction. A clear and interesting style, aided by a skillful use of illustrations of political theory from the facts of political life, give to the book a value beyond that of the ordinary textbook. The information which it contains is such as every citizen should possess in order to discharge intelligently the duties of citizenship. It is safe to predict that the book will enjoy a wide circulation, as it is the only work that corresponds in scope and content to Raleigh's admirable "Elementary Politics," which received so cordial a welcome in England.

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STUDENTS WHO ARE about to enter upon legal studies will find Professor Edwin H. Woodruff's little book, "Introduction to the Study of Law,"\* suggestive and helpful. It will give them an elementary notion of the scope of law, of how and where to find the law, of the operation of law and of the courts and their procedure. Two-thirds of the book is devoted to a description of the operation of law and the subject is well handled.

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#### REVIEWS.

*Aristocracy and Evolution. A Study of the Rights, the Origin and the Social Functions of the Wealthier Classes.* By W. H. MALLOCK. Pp. xxxiii, 385. Price, \$3.00. New York and London: The Macmillan Company, 1898.

The sub-title of this book fairly describes it. The social functions of the wealthier classes mean, however, not their responsibilities, so much as their agency in causing modern civilization. Their rights are also emphasized. In writing this book, Mr. Mallock aims to correct erroneous sociological method, and at the same time he hopes to undermine socialistic teaching. Many writers have conceived society as composed of approximately equal units, whereas congenital inequalities exist among men and must be postulated to explain adequately sociological facts, including social inequalities. This is the correction which Mr. Mallock suggests for the sociologists. The socialists have demanded that exceptional reward shall not go to any class of men; that all shall labor and share approximately alike. Mr. Mallock champions the cause of the exceptionally gifted

\* *Introduction to the Study of the Law.* By EDWIN H. WOODRUFF, Professor of Law in Cornell University. Pp. 89. Price, \$1.00. New York: Baker, Voorhis & Co., 1898.

by pointing out their matchless services to society, and seeks to justify any exceptional reward which comes to them in consequence. In this aspect the book is an argument in favor of attributing to great men the chief credit for social progress. The first step in the argument is to isolate the great man from the aggregate. In attempting this Mr. Mallock must fight Herbert Spencer at every turn, but his modesty is not allowed to exercise a restraining hand. Mr. Spencer had minimized the agency of particular men in great discoveries and great movements. He argued that every so-called first discovery was involved in previous discoveries and that any ability which may be found in one man is the product of the past. "If it be a fact," says Spencer, "that the great man may modify his nation in its structure and actions, it is also a fact that there must have been those antecedent modifications constituting national progress before he could be evolved. Before he can remake his society, his society must make him, so that all those changes of which he is the proximate initiator have their chief causes in the generations he descended from." Mr. Mallock treats these views lightly, claiming that they are either irrelevant, or, if true, theoretically, are not true practically.

Having brushed Spencer aside he proceeds to distinguish the work of great men from that of the physiologically fittest survivors. The latter promote progress by simply surviving and thus raising the general level of the race. The former promote progress by being superior to their contemporaries. One causes slow movement, the other rapid movement. Great men's superiority is essentially cleverness as distinguished from ordinary ability and stupidity. The test of cleverness is success. The various systems of economic organization, such as slavery, serfdom and the wage system, are methods by which the great men apply their greatness to wealth production. Capitalistic competition means the domination of the fittest great men, and the fundamental condition of progress is the industrial obedience of the many to the few. Such are some of the views expressed in exposition of the great man theory of history which Mr. Mallock appears to accept in its entirety.

One of the most difficult problems that face the socialists is to find motives sufficiently strong to insure efficient economic activity when the motive of wealth accumulation shall be removed. They have had to rely upon the higher nature of man, such as the hope of honor, the pleasure of doing good to the whole community, and the desire to excel. Mr. Mallock in Book IV, Chapter II, does something to show the inadequacy of these motives for wealth production.

But in the final chapter he is not always so happy, for he undertakes the difficult task of showing that the unequal distribution of wealth has no natural tendency to cause unhappiness. However, Mr. Mallock admits the existence of discontent with unequal distribution, but accounts for it by saying that socialism creates a spurious desire for wealth, and hence the discontent it breeds is barren and artificial.

Mr. Mallock's treatment of socialism, while not original, contains some good points well put. On the whole the book impresses one as lacking depth, and as unnecessarily controversial.

J. W. CROOK.

Amherst College.

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*The State and Charity.* By THOMAS MACKAY. English Citizen Series. Pp. viii, 201. Price, 2s. 6d. London: Macmillan & Co. 1898.

The author of this little book is Honorary Secretary of the St. George's-in-the-East Committee of the London Charity Organization Society. He is a vigorous opponent of socialism;\* of increased state intervention in industry;† of the principle of a minimum wage;‡ of public relief works;§ of public outdoor relief;|| and of any state system of old-age pensions.¶ Any person, however, who jumps to the conclusion from familiarity with the general standpoint of the author that there is nothing to be learned from this book, and that the views expressed in it may be inferred from the title, will make a serious error. The author well says that "Charity, whether we regard it as a Christian virtue, or as the voluntary benevolent act, or as the compulsory benevolent act which is not charity, but the Poor Law, or again as a tenure of property specially recognized by English law, touches everywhere on fundamental principles of human society." Several of these principles are subjected to a searching analysis in the present volume.

The introductory chapter is devoted to a definition of the legitimate place of charity in our social economy. Its early history is

\* "A Plea for Liberty," London, 1891; "A Policy of Free Exchange, London, 1894. Both edited by T. Mackay.

† *National Review.* August, 1896.

‡ *Charity Organization Review.* January, 1894.

§ *Ibid.*

|| *Ibid.*, August, 1893; April, 1894.

¶ Paper read at a meeting of the Society of Arts on February 22, 1893. Reprinted in *Charity Organization Review* February, 1895, from the *Journal of the Society of Arts.*

then sketched and the disintegration of our naïve faith in the efficacy of relief giving under the criticism of eighteenth century scepticism is described. A chapter is devoted to Turgot and the economists, and there is a careful examination of the inquiry started by Mr. (afterward Lord) Brougham and the subsequent struggle for the reform of charitable endowments. Mr. Mackay points out that the attitude of those who seek to protect the interests of the poorer classes by talk about a "fair" or a "living wage" is reactionary, and for himself cherishes a "restrained and reasonable optimism" leading to a belief that any want of remunerative employment is due to the fact that the mechanism of exchange is not yet fully developed. Another interesting generalization which is not flattering to the principle of democracy is that "all the worst abuses of the old Poor Law, all the worst abuses of the present Poor Law [in England] have been due to the inability of a local majority to refrain, in this matter of public relief, from urging the responsible authority to spend the public money lavishly and without system."

Public opinion has tended to distinguish between the common property in a system of poor law relief and that in charitable endowments, admitting the evils of the former, but assuming that the latter can be rendered not only innocuous but even useful. The author inclines toward the earlier views of Turgot and Adam Smith that endowments also are on the whole pernicious. It is evident that this question is one of vital interest in America, where the successors of the old-time pious founders are able because of greater resources to accomplish vastly more for good or ill than their prototypes. Mr. Mackay excepts from his condemnation those endowments of which the benefits are susceptible of a full and common enjoyment. Parks, museums and cathedrals are to be approved, since they are capable of enjoyment by all without any act of personal appropriation. A dole charity is at the opposite extreme. The whole subject, however, is as much in need of study and investigation as when it was courageously attacked by Turgot in the *Encyclopædia* in 1756.

Nothing could be better than the keen analysis of the existing agencies of relief and the discussion of hospital reform contained in the two concluding chapters of the book. Especially valuable are the details as to the inner history of the reform movement in London prior to the foundation of the Charity Organization Society in 1869, including the labors of Edward Denison in the east of London. The author believes that after thirty years of persistent and not unsuccessful agitation this reform is still in its early stages. The great end to be achieved is the establishment of a clearly recognized

division of labor between private charity and the poor law in order that so far as the relief of families in their homes is concerned the stern disciplinary check of the poor law may be replaced "by a sentiment which is honorable in itself, and which does not necessarily confine the generosity of the giver to any narrow and pedantic interpretation of a bare adequacy." In Mr. Mackay's opinion "it is impossible to eliminate the injurious effects of a system of legal outdoor relief."

EDWARD T. DEVINE.

*New York City.*

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*Des Agglomerations urbaines dans l'Europe contemporaine.* By PAUL MEURIOT. Pp. 475. Paris: Belin Frères, 1898.

The growth of cities and the accompanying migration from rural to urban districts are phenomena which have attracted the attention of every writer on social topics. The existence of the movement of population toward cities is so evident that little effort has been made to analyze and compare the available data. The work of Professor Meuriot is the first systematic attempt to present the facts in regard to urban development and to compare the strength of the movement in different countries. In the twenty-two chapters into which the book is divided the author considers every phase of the question, dealing in Part I with the facts of city growth; in Part II with the causes and method of rural and urban migration; and in Part III with the social, moral and political consequences of urban growth. In his arrangement of statistical data Professor Meuriot shows rare good judgment and sense of proportion. He devotes but little space to the general facts of urban development, assuming that these are well known to everyone who has given any attention to the subject. On the other hand, we are given a most careful analysis of the internal and inter-state movement of the population of Europe, which makes it possible to trace more clearly and accurately than ever before the specific causes that have led to the concentration of population. Fortunately, the author has recognized the necessity of placing the great metropolitan cities in a separate category. An entire chapter is devoted to the growth of these centres of population. The author shows that the position of these cities has been determined primarily by geographical conditions: Paris is the centre of the great trade routes; London is the natural receiving port of the great trade routes from the Continent; while Berlin occupies a point of commercial advantage as the crossing point of commercial routes from north to east and

south to west. The author recognizes, however, that while geographical considerations are of primary importance, political conditions have largely contributed to give to such cities their predominant place in the political and social life of the country. The fact that Berlin was made the capital of Prussia and in 1870 that of the German Empire, has given it a commercial importance which it would never have acquired under ordinary conditions. The same is true of Paris and of Vienna.

In discussing the growth of the metropolitan cities the author discusses tendencies in the movements of population within the limits of the municipality. In all the great cities of Europe we find the population of the central districts rapidly decreasing, while the peripheral areas give evidence of phenomenal growth. The recent development of adequate means of urban transportation accounts largely for the strength of this movement.

The work of Mr. Meuriot will be warmly welcomed by every student of social science, because of the detailed information it furnishes upon many subjects which up to the present time have been discussed only in a very general and unsatisfactory way.

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L. S. ROWE.

*Railway Economics.* By H. T. NEWCOMB, LL. M. Pp. 152. Price, \$1.00. Philadelphia: Railway World Publishing Company, 1898.

The present volume is the outcome of a series of short articles recently published in the *Railway World*, presenting the principal facts of railway transportation in the United States in their relation to the general industrial conditions of the country. The book is a popular treatise likely to have a large circulation. While we can not apply the stricter canons of criticism to such a work, we should attempt to show its agreement with or its deviation from the accepted thought upon the subject.

Mr. Newcomb's positions in the Department of Agriculture and on the staff of the Columbian University, as well as his former connection with the Interstate Commerce Commission, have well equipped him for his task. The present book is not without defects, due to its rapid conception and execution; but its many virtues give promise of far better work from the author in the future.

In twenty-nine short chapters he discusses the development and present condition of American railways, and the general problems of competition, consolidation, pooling, discrimination, rate-making and taxation of railways. Mr. Newcomb rejects the popular hypothesis that railway competition has reduced rates, and maintains that this

force has merely succeeded in increasing railway capital and diminishing railway earnings. The decline in railway rates he attributes to the competition of shippers and of districts rather than of carriers. The reduction has been made possible by the reduced cost of operation, due to an increase in the intensity of traffic and to improved apparatus and methods.

The keynote to Mr. Newcomb's thought is the wastefulness and uselessness of competition and the necessity of concerted action upon the part of the railways. He shows how the railways ruin themselves and the public by their reckless, internecine struggles, and quotes Commissioner Knapp's laconic statement of the situation: "The power to compete is the power to discriminate." As competition is wasteful and ineffective, and as most forms of the resulting discrimination are inequitable and unjustifiable, the railways must be allowed, if not compelled to co-operate. Railway associations under our present laws have been of minor value. Consolidation, which is not inherently bad, may result in serious detriment when the railways are forced into it. Pooling, therefore, which was successful before 1887, and the prohibition of which was forced into the present Interstate Commerce Law by a clamorous and obstructive but numerically insignificant minority, remains the only remedy for the evils of the situation. The author recommends that pooling agreements subject to the regulation and control of the Interstate Commerce Commission be permitted. The book further suggests the necessity of some remedy for the excessive and unequal taxation of railways and for indiscriminate and ill-advised construction of new lines, and it also contains an attempt to establish a general theory of reasonable rates.

We may now turn from an exposition of the contents to a criticism of the defects of this book. The many excellent features of the work render its faults the more glaring, and the signal ability of the author is to be considered rather as an aggravating than as an extenuating circumstance. Mr. Newcomb has not done his best in this work. The style is prolix and involved. It interferes with clear thinking. The author frequently appears to have solved a problem that he has no more than touched. His analysis of reasonable rates amounts to this: That for any individual service no less shall be charged than what that single service actually costs the railway, and, that under one condition, the rates shall be so fixed as to provide the largest practicable contribution toward reasonable remuneration of other expenses (p. 88). This is the theory of "what the traffic will bear" in its purest and most unadulterated form. The condition above referred to is, that if remunerative

traffic prevents the movement of a larger quantity of unremunerative traffic, the business that does not pay should be preferred to the business that does pay. At its best, the theory does not tell us what the relation of coal rates should be to wheat rates, or what "reasonable remuneration" of joint expenses should include. Mr. Newcomb has in our opinion resorted somewhat too freely to indefinite statements. He holds that the railway companies should receive a "reasonable remuneration for the sacrifices involved" (p. 79), or "the same remuneration as a similar amount of energy expended in other lines of production" (p. 69), without, however, explaining to what extent the allegedly watered stock has a right to remuneration. Mr. Newcomb's position that there may be too much and consequently socially undesirable transportation is well taken, but more might have been made of this discussion by not limiting it so exclusively to the long and short haul controversy. The latter problem, moreover, might advantageously be dealt with more from the point of view of distribution and less from that of production.

There are other points upon which many would be forced to disagree with Mr. Newcomb. On page 42 he states that the business depression of 1893 and 1894 did "not result in any material reduction in the rates of wages paid to railway employes" (compare, however, with page 77). While the average rate of wages did not decrease materially, ninety-four thousand men, or almost 11 per cent, were thrown out of employment in a single year, and the weeding out of the comparatively inefficient probably had the further effect of raising the general average. It is equally difficult to agree with Mr. Newcomb that a railway tax, or at least the greater part of it, can be shifted from the carrier to its patrons (pp. 145-47).

Other questions raised by this book might be treated if there were no limits to the reviewer's space. In recapitulation we may say that the work has great merits and glaring defects, and that, while it exhibits knowledge and originality, the haste and lack of thoroughness in its preparation mar its usefulness. The demand for books upon this subject will, we hope, result in the bringing out of a second and improved edition of Mr. Newcomb's work.

WALTER E. WEYL.

*Philadelphia.*

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*The Monroe Doctrine.* By W. F. REDDAWAY, B. A., Fellow of King's College, Cambridge. Pp. vii, 162. Cambridge University Press, 1898.

Mr. Reddaway touches American susceptibility rather rudely in his introduction by claiming a place for the history of the Monroe

Doctrine "in the record of human error." His account of the origin and evolution of the doctrine itself is, however, strikingly free from prejudice and contains little to which an impartial critic would care to take exception.

The "complex circumstances" leading to the final enunciation of the Monroe Doctrine are succinctly set forth in the first four chapters of the book, in which the author first lays down the postulates of the doctrine, then depicts the international situation in 1823, next describes the Monroe administrations, and finally characterizes the diplomacy resulting in the President's Message. In the matter of the authorship of the doctrine, Mr. Reddaway gives Adams the real credit he deserves. "The connection of Canning with the doctrine, of which he has often been termed the author," is clearly exposed, and "the part played by Jefferson, on whose behalf also a claim has been put forward," seems in the author's mind "to be defined in the fact that his advice was sought and was not followed." "The problem therefore reduces itself to a decision between the claims of the President and the Secretary of State," and after a careful analysis of the question, Mr. Reddaway concludes that "the conception of the Monroe Doctrine and much of its phraseology came from Adams, and that the share of Monroe did not extend beyond revision."

In criticising the later appeals to the Monroe Doctrine, Mr. Reddaway takes the doctrine itself too literally. It was, as he himself admits, but the expression of a national sentiment, its keynote being "the sharp political severance of America from Europe;" and thus, though the sentiment remained the same, the mode of its expression was bound to adapt itself to the altering diplomatic situations. Under no theory of national dynamics could we expect the wording of 1823 to apply exactly to a case arising in 1895; it is enough if the principle was found applicable.

Mr. Reddaway's book is serious in tone, judicial in presentation, and apparently authoritative in matter. It is well written—with the exception of an exasperating frequency in the use of the pluperfect tense—and altogether a solid addition to the literature on an interesting and important subject.

LINDLEY M. KRASBEY.

*Bryn Mawr College.*

*Petrarch, the First Modern Scholar and Man of Letters.* A Selection from his Correspondence with Boccaccio and other Friends, Designed to Illustrate the Beginnings of the Renaissance. By JAMES HARVEY ROBINSON, with the collaboration of HENRY WINCHESTER ROLFE. Pp. x, 436. Price, \$2.00. New York and London: G. P. Putnam's Sons. 1898.

The scope of this important contribution to our understanding of the significance of the Renaissance is clearly indicated in its title. In his introduction, which has literary charm as well as historical interest, Professor Robinson characterizes the position of Petrarch with reference to the mediæval and modern epochs as that of the chief figure in the period of transition. The relative merits of his prose and poetry are discussed and some striking facts in regard to the appreciation they have enjoyed, respectively, since the time of their production, are given. The conclusions of de Nolhac as the result of his attempt to trace Petrarch's library to its final disposition are related, and Petrarch's connection with the philosophy and educational methods of the schools is set forth.

The first chapter of the book itself is biographical, and opens with Petrarch's own narrative of the events of his life in the "Letter to Posterity." In Chapter II, Professor Robinson has permitted the letters themselves, in graceful and effective translation, to tell the story of Petrarch's relations with his literary contemporaries. In Chapter III, Professor Rolfe has advanced in a dozen pages the thesis that Petrarch, more than any other man, was responsible for the Renaissance, and has fortified his assertion with fifty pages of *pièces justificatives* from the Letters. Professor Rolfe sees, perhaps, too vividly the great mediæval and modern epochs narrowing down to a point of union, where Petrarch stands like a magician, summoning the spirit of reason from out the mists of theology. This fault, which permeates the whole philosophy of the book, must find its justification, if anywhere, in the dramatic necessities of presentation.

The other chapters by Professor Robinson deal with travels, political opinions, and the conflict of monastic and secular ideals. Here, as throughout the book, the happiest use is made of extracts from Petrarch's letters, which bring out the conditions of the time more clearly than any amount of second-hand description could do.

The book is beautifully made. It has a wholesomeness that invites perusal and ownership. The illustrations possess the merit that they are of Petrarch's own time. The portrait opposite the title page, from a manuscript in the National Library at Paris, although it lends to Petrarch a certain robustness which disqualifies

him as a member of the famous trio of dyspeptics, carries with it a sense of unquestionable resemblance, like a spirit out of the past. The single criticism which the manufacture of the book inspires touches the use of Petrarch's sketch upon the cover; this both on account of its lack of symmetry and of its poverty of meaning. A trifle thrown off by a man of genius in the direction of his ineptitude is not adapted for the symbolic characterization of his work and personality.

As a piece of scholarly work the book meets all requirements. It is withal so charming and, now that it is done, so necessary, that the reader is tempted to wonder why the task has been so long deferred. Of the three men, Petrarch, Erasmus and Voltaire, whose lives afford such interesting parallels, primarily because they were unfettered with the ideals and conventions, religious and otherwise, of their times, the first in chronological sequence has been the last to find a sympathetic expositor in the English tongue. In the case of Erasmus, peculiar circumstances, the fact of his left-handed connection with the Lutheran movement, called him forth from obscurity at a time when men of his rationalistic tendencies might otherwise have failed of recognition. Two men at least were moved to construct epistolary Lives, whose chief motive was to minimize his fault toward Luther; to erect, in other words, a defence where none was needed and to sacrifice the impregnable logic of Erasmus' position. Fate has been kinder to Voltaire in later times, trusting his memory to the hands of a biographer, who, though differing from Voltaire in point of view, has so much in common with him in the manner of his thought that his presentation weakens in no wise the significance of Voltaire's activity. It would be interesting in this connection to discover the reasons that have conspired to delay so long the rehabilitation of the eldest of this trio of spiritual free lances, whose offence against theology is of so long standing that he might well pass muster as a religionist of to-day.

That Petrarch may be presented without Laura, and that his rhetorical complaints against the corruptions of Avignon may be relegated to a comparatively insignificant space, is nothing if not a sign of better times in the intellectual world and of a disposition and an ability to make use of the more valuable, if less dramatic, materials that history affords. Petrarch presents an excellent example of the manner in which a progressive civilization seizes upon and utilizes the things which nourish its transient ideals. A sentimental period, for instance, has found in Petrarch the hopeless lover of Laura, pouring forth his sorrows in lyrical rhapsodies, when very likely Laura was never more than a song-motive or a bit of

conventionalism from the Provençal. Another, a polemical period, seeking to build up a lurid background, to justify the main facts of Protestant defection, hunting the cradles and the graves of pre-Lutheran generations in search of Reformers before the Reformation, has seized upon Petrarch's invectives against the Babylon of the West, invectives motived by patriotism or irritability, to make this man of books, the least of whose interests was theological, bear unwilling witness against a corrupt Papacy. When Petrarch has been put to such frivolous and unworthy uses, surely it is sounding the note of advance to bring him forward in all the length and breadth of his intellectual interests.

It is not as a biographer, Professor Robinson tells us at the beginning of his book, nor as a literary critic that he approaches his subject. His effort is to present Petrarch "as the mirror of his age." But is the phrase well chosen? A little further on, opposite the opening page of Chapter I, our author has set a half dozen lines from M. de Nolhac, whose work on Petrarch is elsewhere warmly commended. Here Petrarch is called "*le premier homme moderne,*" a note, by the way, of biographical enthusiasm rather than of scholarship; and it is said to be "the least contestable mark of his genius" that "he escapes almost entirely the influence of his century and of his environment." Which view shall we accept? for unquestionably here lies a contradiction. Perhaps the point is not worth the taking; but what Petrarch really does mirror is not his age, in its intellectual achievement or otherwise, but the activity of a chosen coterie of spirits, who were exceptional in their generation and rather of a piece with an age to come.

It will be interesting to observe what success will attend the literary venture of Professors Robinson and Rolfe. Since the work has been so well done, its success will indicate to what extent the English reading public has come to the point of interesting itself in a treatment of the purely cultural side of the first of humanists. Already in France, M. Victor Develay has thought to discover a demand for Petrarch's Letters. The conditions that determine the sale of books are often individual and altogether elusive, but the fact that the "*Lettres à Boccace*" and the crisp little booklets of the *Librairie des Bibliophiles* are so easily to be had, with uncut pages, at half the publication prices, merely stimulates the hope that another public may prove more appreciative.

MERRICK WHITCOMB.

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*A Constitutional History of the American People, 1776-1850.* Illustrated with maps. By FRANCIS NEWTON THORPE. In two volumes. Pp. xxvii, 486; xv, 520. Price, \$2.50. New York and London: Harper & Brothers, 1898.

It is an ambitious effort which Professor Thorpe has made in his "Constitutional History of the American People." Von Holst in his admirable work has discussed the constitutional principles underlying our government, emphasizing the increased importance attached to the ideal of national unity with the growth of the nation. McMaster, approaching our history from another side, has pictured the life of the people, their social and intellectual development and the influence which this development has had on our national institutions. In the work under review, Professor Thorpe has attempted to combine these methods, finding a middle ground of authority in the laws and constitutions of the various states and the proceedings of their constitutional conventions. "They are the most reliable history extant of democracy in America."

This democracy is the real text of the author's work. He defines it as "the fruit of ages," resting upon a "foundation of free labor," "which has for its ultimate that with which it began, man," and "whose element of decay is the cheapness at which it holds men." Partly perhaps because of the author's delight in epigrams, illustrated in the foregoing definition, and partly because of the sources upon which the author relies, the work before us is not a consecutive history. It is rather a series of essays upon the significance of the changes which have been made in our state constitutions, and the development of certain tendencies in our national life which are considered peculiar to a democracy.

Dividing his work into two periods, the writer first compares the constitutions of the several states prior to 1800, showing the characteristic features of those documents in 1776, and the successive changes introduced during the first quarter century of our national existence. In this period sixteen states adopted twenty-six constitutions, an activity which is considered as due not so much to the hurry in which the first documents were framed, as to the early recognition of the fact that declarations of right and the enunciation of political theories were not satisfactory bases for an administrative organization. "The national constitution was intended to be not a theoretical but an administrative document," and as the forces of democracy advanced, increased attention was paid to this department of government, in the states as well as in the nation.

In the second part of his work Professor Thorpe considers the drift of democratic sentiment illustrated in the constitutions adopted

between 1800 and 1850. The new constitutions and the changes in the old demonstrate to him the prevailing force of one principle; theories of government giving place to rules of administrative action, and in the new duties of the governor he finds a specific example of the change he is noting. Political parties unimportant in colonial times and which "are yet in the infancy of their power," are also a distinct mark of the new epoch for they are always founded because of administrative errors although they may later seek out some theoretical principle as their reason for existence.

This analysis and comparison of constitutional changes forms the body of the work we are considering. In the first volume an attempt is made to treat the union as a whole; in the second, typical states are selected to illustrate general sentiment. There are also several chapters in which the author describes the conditions of life in the middle west during the first portion of the present century. Here was the origin of the United States as distinct from the states united, for the original commonwealths looked on the national government as their creature, while the western states regarded it as their creator. No less important will be the influence of this section upon the nation's future for here population tends to be centred and the democratic spirit is most powerful.

Whether or not the reader agrees with the author in his estimate of the value of the sources upon which his work is based, all students must thank him for the close examination he has given to them. Some researches have already been made among his authorities, but results covering a long period of time have never before been so well tabulated and made available for the general student. Especially in his opening chapters Professor Thorpe has succeeded in giving a comprehensive account of the tendencies which permeated our early fundamental laws, and although the second volume hardly maintains the standard of the first we realize that fields of information hitherto neglected have been utilized and a decided advance made in this method of comparative study. The constitutional convention originated in America and its work has become a recognized factor in modern politics. Indeed the author considers it our chief contribution to political practice. We are the first nation to make a judicial body the final arbiter in national questions and to abide by its decisions. It is in the authorities mentioned by Professor Thorpe that we find authentic records of the acts of these conventions and the establishment of that judicial system. Why then should they not form a good basis for the study of constitutional history? "In the state constitutions have been crystallized the various meanings which now for more than a

century have been read into the national constitution by successful political parties." Why, then, should they not reward intelligent research? There is but one answer to these questions and our author has given it in the valuable results he has obtained.

Yet this is not all that can be said. Although Professor Thorpe has placed great emphasis on definite legal changes he has neglected to call attention to influences which have affected our constitutional thought no less truly than have they. Noting carefully the definite action of constitutional conventions he appears to disregard all changes in political theory which have been due to custom alone. Until a social change has become incorporated in some written law or constitution he does not recognize it as a force in history. Indeed, we can go farther and say that rarely does a legislative interpretation of a constitutional clause receive consideration at his hands. Above all that important part of our national constitution which rests solely on judicial interpretation is practically ignored. These, in our opinion, are serious omissions, and although limitations of space may have compelled the author to neglect many features of our constitutional history, epigrammatic eulogies of democracy are a poor substitute for a study of the unwritten law of the land.

In several instances Professor Thorpe departs from strict constitutional study to give the history of some popular institution which has been affected by the democratic movement. Thus the importance of the church during the first half of the present century is well contrasted with its influence at an earlier period. As the later constitutions are studied the falling away of colonial ecclesiasticism is easily noticeable. One by one the conventions ceased to provide for any connection between church and state. Religious as well as property qualifications for the suffrage began to be rejected as undemocratic and out of accord with the recognition of men rather than of principles. The author considers the decreasing severity of punishments as another example of the new way in which the people were regarded. No longer was the criminal to be forever kept from his fellowmen, but he was to be reformed and made once more a progressive factor in civilization. Imprisonment for debt was abolished and gradually "as public opinion became crystallized these reforms were placed in the state constitutions." By 1850 catering to the people, or, as Professor Thorpe would say, trust in democracy had gone so far that Michigan incorporated an exemption clause into her constitution, though with some doubt as to the equity of such action. This was due not only to the debtor class forming a majority of the population, but also to the discovery that married women had property rights. The measure was popular although

“passing the sentiment of the exemption, which is very beautiful it may be questioned whether it has strengthened public morality.”

Another result of the increased respect paid to democracy was the necessity of public education. In New England alone was early provision made for this training of voters. John Adams, writing the constitution of Massachusetts in 1780, put in educational clauses which make us regard him as the father of the public school, the state college and the institutions for the training of teachers. This provision, copied by the several states and greatly aided by the national government through its system of land grants was in truth, the reason why the Jeffersonian doctrine of men could replace the colonial régime of property. This transition from property to men is one of the chief points emphasized by the author. Again and again he bends his study to the illustration of this movement and so increases the impression of a series of argumentative essays rather than a connected history.

It is in the tabulation of constitutions and the bringing to light of doctrines there illustrated that Professor Thorpe has done his best work. When we turn from this field there is a slight weakness of argument and an occasional misstatement of fact which awakens a distrust much to be regretted. Thus he says (Vol. i, p. 56) “but one commonwealth now retains its annual legislature,” the context seeming to show that what is meant is the annual assembling of that body. Surely Massachusetts is not the only state in which such is the case. Dates are also carelessly used. Thus within two pages the winter of 1797 is spoken of as the completion of Jefferson’s first year in the vice-presidency, the eighth year since he entered Washington’s cabinet and the beginning of the second decade of the national government. Such carelessness of statement together with the grouping of references at the beginning of the chapters rather than giving them as authority for specific points, serves to throw suspicion upon the whole tabulation, a suspicion the more to be regretted because in our opinion it is upon the whole unjustified.

The volumes are a welcome addition to the student’s library, although their excellencies are marred by the style in which they are written. The author’s tabulation and comparison of constitutions would alone make us wish to see the work brought down to our own times. It is only when we compare his work with that of Von Holst and McMaster that we realize the magnitude of the task which Dr. Thorpe has attempted. It is only when we consider what might have been done that we are dissatisfied with what he has accomplished.

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*Philadelphia.*

*The Philippine Islands and Their People.* A record of personal observation and experience, with a short summary of the more important facts in the history of the Archipelago. By DEAN C. WORCESTER, Assistant Professor of Zoology, University of Michigan. Pp. xix, 529. Price, \$4.00. New York: The Macmillan Company, 1898.

Professor Worcester's book is as meritorious as it is opportune. The author's preparation was derived from extensive travels and explorations in nearly all parts of the Philippines. In 1887-88 he was one of a party which, prompted by "an interest in the study of birds, as well as a desire to aid in the exploration of a little-known country," spent eleven months in the Archipelago and visited fifteen of the islands. In 1890 Professor Worcester and one of his former fellow-explorers returned to the Philippines and continued their explorations for a further period of two years and eight months. Being naturalists as well as explorers, the author and his associates did not follow the usual lines of travel, but spent much of their time in the interior of the islands and among the primitive and oft-times barbarous tribes which constitute a large portion of the population. The reader of Professor Worcester's book finds it hard to decide which passion is stronger in the author, the love for science or the fondness for adventure; he needed both to accomplish his work, and he possesses both in a high degree.

The story of the dangers encountered by Professor Worcester in his contact with disease and savagery is sometimes humorous, often thrilling, and always interesting; the purpose of this review, however, precludes the discussion of that side of the book. This is the less to be regretted since in the book itself these are incidental to the description of the "Philippine Islands and Their People."

This record of personal observation and experience presents a very instructive concrete picture of the governmental institutions, political and clerical, which Spain has imposed upon the Philippines. The author is everywhere temperate in his statements, but his description of Spanish oppression compels the use of strong language. After depicting some of the inhuman devices resorted to by the government officials to compel the people of the island of Panay to pay their tax levies, he says (p. 237):

"The simple fact is that many of these poor people spend their lives in a fruitless effort to meet their obligations to a government which neither protects their lives and property nor allows them arms to protect themselves; which utterly fails to give them justice if they become involved in legal difficulties; which does not construct roads, build bridges, or open up means of land communication

and transportation; which makes no adequate provision for the education of their children, and treats them as suspects if they gain education abroad; which offers no relief if starvation or pestilence overtakes them; which even drafts the men for soldiers and then confiscates their property and imprisons their wives and children, because they cannot alone meet their obligations to the government which their husbands, brothers and sons are fighting to defend."

The record of the incidents of governmental oppression that came under the author's personal observation during his three and a half years' residence in the Philippines is a convincing corroboration of the literal accuracy of the foregoing sentences.

The church everywhere occupies such a prominent place in the government of the Philippines that Professor Worcester and his associates were brought into contact with it wherever they went, and the author's testimony regarding the religious institutions and officials ought to be valuable. He is not a Catholic, and in order to be fair, he makes his indictment chiefly by quoting from a Catholic, John Foreman, whose book on "The Philippine Islands" appeared in 1892. Professor Worcester commends the work of the Jesuits. They "stand for education and morality, while among their number are to be found the only men in the Archipelago engaged in scientific research." With the exception of the Jesuits the clerical orders are severely criticised. The state has entrusted the work of education to these religious orders, but they have neglected it and have joined the state in the business of extortion. He says (p. 347):

"It is certainly not too much to say that, in spite of some bright exceptions to the general rule of ignorance and brutish licentiousness, the friars as a class exert an extremely bad influence. The unwisdom of allowing them privileges in the Philippines which would not be accorded them elsewhere would seem to have been sufficiently demonstrated. That their evil practices have been one of the potent causes leading to the recent revolt, no one doubts who is the least familiar with social and political conditions in the Philippines; and much can be said in favor of the insurgents' demand that they be expelled from the colony and their places taken by *clerigos*, or secular clergymen not belonging to any order."

The author pictures in detail the social conditions obtaining in different parts of the Archipelago. It is very evident that the Philippines are fitted only for a paternal government which must be administered with vigor and justice. If they ever become capable of self-government, especially those who are not inhabitants of Luzon, it will only be after a long tutelage. Professor Worcester's

record of personal observation indicates very clearly that the Philipinos need three things above all others, honest government, sanitary regulations and education.

The economic resources of the Philippines are briefly considered in various parts of the book and in the appendix, which contains "notes on the natural resources . . . . and the conditions governing their development." That the islands are fertile and are stocked with valuable mineral resources is certain; but the extent to which industry can exploit these resources will depend not only upon the amount of capital invested but also upon securing efficient labor. "The native is a philosopher. He works when obliged to, and rests whenever he can get an opportunity." For the present it would seem that the requisite labor must be imported to a considerable extent. This labor must of course be drawn from tropical and sub-tropical countries; the climate of the Philippines will always keep the people of the temperate zones from settling in large numbers in the Archipelago.

EMORY R. JOHNSON.

## NOTES ON MUNICIPAL GOVERNMENT.

### AMERICAN CITIES.

**Greater New York.\*—*The Election.***—The election held on the eighth of November was chiefly for state officers. The principal matter of local concern to the voters of New York City was the election of three judges of the supreme court in the first judicial district, which includes the borough of Manhattan and part of the borough of the Bronx. Of the three judges whose places were to be filled two were eligible for re-election. One of these was Judge Joseph F. Daly, who had served as judge for twenty-eight years. He had been elected as a Tammany candidate; and, having made an excellent record, deserved a renomination almost as a matter of course, in accordance with the well-established practice. Tammany's refusal to nominate him this year was openly stated to be that Judge Daly had refused to appoint as an officer of his court a man who was selected by the organization, but whom Judge Daly believed to be unfit. The nominee of Tammany for Judge Daly's place was condemned by the Bar Association as unworthy. A strong committee of one hundred was organized, and an active campaign was conducted against the Tammany judicial candidates, upon the simple issue of the independence of the judiciary. Tammany was, however, successful throughout the city, electing nearly all its candidates, to the bench, to congress, and to the state legislature.

The campaign was marked by two interesting developments in the career of Richard Croker, the boss of Tammany. He made a successful effort to get control of the state machine of the Democratic party, and, as state boss, he dictated the nominations which were made by the Democratic party. Perhaps as a result of this widening of his vision, he changed his policy of silence. At short intervals during the campaign he gave out more or less elaborate statements in the nature of campaign documents, but in the guise of "Interviews" or of "Speeches to the Executive Committee of Tammany Hall."

***The Election Law.***—The experience of the Committee of One Hundred for the independence of the judiciary emphasized the cumbersome and confused character of the present election law,

\* Communication of James W. Pryor, Esq., Secretary, City Reform Club.

with its party columns and its almost necessarily complicated provisions for splitting one's ticket in any case in which three or four candidates are to be elected to any one office. Appreciation of the defects of the law is now much more general in this city than it was before the last election; and the time is propitious for agitation for an improved and simplified law which shall place all candidates and all voters upon an equal footing. So far as the city is concerned, it is of great importance that this reform in the election law should be secured before the next great municipal election, in 1900.

*City Budget.*—The city budget for 1899 was adopted by the board of estimate and apportionment on the last day of October, and is now before the municipal assembly. The total amount is \$93,500,000. In a formal statement accompanying the charter as drafted by the charter commission, a majority of the commissioners placed the probable amount of the annual budget at \$60,000,000.

**Chicago.\***—*City Schools.*—An important change was made in the conduct of the public schools of Chicago when the new board of education last summer elected as superintendent President Andrews, of Brown University. This was not brought about without elaborate and persistent efforts. Some friction between the board and the superintendent has developed already and the resignation of the superintendent is threatened. This grows out of a desire by certain members of the board to dictate the appointment of school principals, to which the superintendent does not accede and it is not certain how far the conflict may be carried. Such control by the board is not in accord with the recommendations in the elaborate report of the Educational Commission, which is finished but not yet accessible.

*Street Railways.* The absorbing question just now in Chicago is as to the future of the street railway franchises. With this end in view the companies are straining every nerve and enlisting every influence in their power. An effort to obtain the support of the real estate board for these measures, however, has resulted in ignominious failure. This body, mainly composed of the leading real estate agents and brokers of the city, is influential and representative in its character and has taken a leading part in promoting revenue legislation and other reforms closely related to taxation and real estate interests, and its endorsement was eagerly sought by the companies. An attempt to rush through a special meeting by dark lantern methods, at which representatives of the street railway companies argued the question from their standpoint was defeated; and resolutions subse-

\*Communication of Newton L. Partridge, Esq.

quently introduced on their behalf at a regular meeting were voted down by an overwhelming majority.

The ordinances were prepared and, as usual in such cases, were kept in absolute secrecy until presented to the council at its meeting on December 5. The immediate occasion of this attempt to obtain renewals of ordinances, the first of which will not expire until 1903, is to be found in the fear that the legislature may and probably will repeal the amendment to the street railway law called the "Allen Bill," passed in 1897. For many years, twenty years has been the limit fixed by statute for street railway ordinances, but the limit was made fifty years and the minimum fare was fixed at five cents for the first twenty years by the "Allen Bill." The probability of its repeal is based upon the facts that a majority of the members who voted for that act were not re-elected, while many were defeated for nomination, or at the polls upon that issue alone; that a majority in the house have publicly stated that they will vote for a repeal; and that Governor Tanner seems to have broken definitely with the corporate interests to seek popular support.

A committee of the Civic Federation has been engaged for some months in the investigation of matters connected with the proper relations of street railways to the municipality, and with special reference to the amount of compensation to be obtained from the companies. For several weeks an expert accountant has examined the books of the street railway companies on behalf of this committee whose labors are now approaching completion and a report from whom embodying their conclusions may soon be expected.

Should the council pass the ordinances meantime, of course this labor will be largely lost. These ordinances, as introduced, provide for a compensation for fifty year franchises, ranging from nothing to a maximum of three per cent of gross earnings. It may be confidently asserted that a severe struggle will be required to rally the forty-six votes necessary to pass these ordinances; for the mayor will hotly contest their passage and he will be aided by a strong public agitation which will surely bring much pressure to bear on the aldermen.

**Boston.\*—Municipal Concerts.**—The organization of a music commission to take charge of the musical entertainments given by the city has been the cause of an important extension of municipal activities in the direction of popular recreation. Usually such entertainments are confined to open-air concerts given during the summer in various parts of a city. With the creation of the music

\* Communication of Sylvester Baxter, Esq.

commission a marked improvement in this respect takes place. A municipal band has been organized and concerts are given in various parks and other open spaces throughout the city at a considerable saving of expense and with a marked improvement in the character of the music. For the winter, indoor concerts have been decided upon. These are proving remarkably successful in every way. About thirty years ago a course of several free municipal concerts was given in Music Hall, but the practice was abandoned. This year a course of municipal concerts has been instituted in Music Hall, with a municipal orchestra organized for the purpose and with vocal soloists. A charge of ten and twenty-five cents is made, according to location of seats. The order of music is high, comprising such selections from classical and standard composers as are popularly pleasing. The audiences have filled the hall moderately. After one or two concerts were given it was stated by the corporation counsel that the city had no legal authority to give entertainments for which an admission fee was charged, so the direct municipal backing had to be withdrawn, the music commission continuing to act as the agent for public-spirited persons who had contributed a guarantee fund for the purpose. It seems probable, however, that the concerts will prove not only self-sustaining but yield a profit, to be devoted to the city hospital. The circumstance that the music commission is in charge of the concerts makes them *de facto*, though not *de jure*, "municipal." The objection of the corporation counsel does not apply, however, to the chamber concerts given by a municipal string quartette in suitable halls in the various sections of the city, for no entrance fee is charged for these, the tickets being distributed free of cost, through the agency of school teachers and other prominent persons in each section, to those who are likely to enjoy such entertainments. These municipal concerts have a real educational value, for they enable high-class music to be enjoyed by persons who otherwise would not be likely to hear it.

*Municipal Camp for Boys.*—The past summer, on the recommendation of the mayor, a municipal camp for boys was instituted on city land at Long Island in the harbor. It was planned to accommodate a hundred deserving boys from the public schools; a week at a time. In all, 831 boys enjoyed the privilege. A simple, but varied and substantial dietary was provided. The organization was on a semi-military basis, the daily schedule being made up of reveille, roll-call and drill, salute to colors, breakfast, police duty, inspection of quarters, guard mount, dinner, guard mount again, followed by recreation and lectures, supper, sunset-flag, camp-fire

talks, and, at 9.30, taps. The total cost of the camp was \$2499.08, leaving a balance of 92 cents within the appropriation of \$2500. For another year it is proposed to appoint an unpaid advisory and executive board to take charge of the camp, to lay a greater emphasis on military forms in administration and discipline, to give increased attention to elementary instruction in natural science, military hygiene and out-of-door sports, and to secure the co-operation of the school committee in developing the suggested scheme of instruction. In commenting on the matter, Mayor Quincy points to the low cost of maintenance, \$1.83 per capita, and says that for \$10,080, five hundred boys at a time could be kept in camp for a week each during a season of ten weeks, or five thousand boys in all.

**Cleveland.\*—Street Railway Fares.**—There are two street railway companies in Cleveland which hold between them all of the nine franchises originally granted, together with renewals and extensions. The franchises were granted for twenty or twenty-five years, and existing grants expire from 1904 till 1914. The city council has recently passed ordinances reducing the fares on two lines. The ordinances provide for a four-cent cash fare and the sale of seven tickets for twenty-five cents. The lines affected do about one-fourth of the total street railway business of Cleveland. The companies have secured a temporary injunction in the United States circuit court restraining the city from enforcing the ordinances on two grounds, namely, that the ordinances are in violation of the contract rights of the companies, and that the rates of fare fixed by the ordinances are unreasonable. The case will probably be carried through to the United States Supreme Court as quickly as possible, whatever the decision of the lower courts may be. The present city administration has made a political issue of the street railway question during the last two councilmanic campaigns. The result can be seen in the vote on the low fare ordinances. In the fall of 1897 the same ordinances were defeated by a tie vote in the city council. A year later they were passed with every councilman present voting in the affirmative. The Reynolds ordinances introduced in 1897 to grant a uniform renewal of franchises for twenty-five years on terms favorable to the companies were defeated with difficulty. Since then the state legislature has repealed the Rogers fifty-year franchise law enacted in 1896, and the people have declared emphatically in favor of lower fares and against the renewal of franchises until the existing ones expire. There is no doubt that the sentiment in favor of municipal ownership of at least the tracks and roadbed is rapidly increasing. Under the present state laws the city has no

\* Communication of Dr. Delos F. Wilcox.

power to buy the roads. But if the legal difficulties are removed, it seems quite possible that there may never be a general renewal of street railway franchises in Cleveland. Mr. William R. Hopkins, whose able monograph on "The Street Railway Problem in Cleveland" was published by the American Economic Association in 1896, is a member of the city council, and has been one of the leaders in the fight for lower fares. It is hoped that the present litigation will compel the companies to produce their books, and that the city will come into the possession of facts which will put it into a better position for making a good bargain with the companies when the existing franchises expire. If the courts should sustain the low fare ordinances, there would remain a few years in which to observe their effects before the first franchise expires. This is a part of the general policy outlined by Mr. Hopkins in his monograph and ably supported by him in the city council.

**Cincinnati.**—*Parks.*\*—The citizens of Cincinnati, by a vote of over thirty thousand nays to twelve thousand ayes, resolved against the proposed \$2,000,000 park extension bonds. The strong opposition was due solely to the fear of increased taxation. A few weeks before the election, the mayor appointed a park commission composed of men who had the respect of the community, but the *personnel* of this board could not save the measure. The defeat of this park project is greatly to be regretted, for the city at present has a very small park area.

*Local Election.*—The bar movement, called forth by the turning down on the part of the boss of a reputable judge, was not successful. The lawyers were handicapped in not having a daily paper to advocate this cause. The candidate disapproved of by them ran nearly 7000 behind his ticket, and only 3000 ahead of his opponent. At a normal election (the Republican majority was over 13,000, normally it is between 5000 and 6000) the movement would have succeeded despite the fact of straight ticket voting. This method of voting, by placing an X in the circle at the head of the ticket is a great drawback to independent candidates.

**Providence.**†—*City Charter.*—In February, 1896, a committee was appointed to draft a new city charter for Providence. The modifications of the old charter of 1832 have been comparatively few for a city that has grown from 17,000 in 1832 to about ten times that number. The requirements of the present city are far different from those of the small community of 1832, and the need of a new charter

\* Communication of Max B. May, Esq.

† Communication of Professor George G. Wilson, Brown University.

which shall make it possible to manage the municipality on modern business principles is evident.

On November 17, 1898, the committee appointed nearly two years earlier submitted their report. This committee consisted of the following representative men: William C. Baker (mayor and chairman), Charles C. Nichols, Robert B. Little, Rathbone Gardner, Charles Sisson, William Gammell and Arthur L. Brown. The report of this committee resembles in many respects the report presented to the New York State Legislature for the government of second-class cities. The adoption of this new charter would bring Providence into line with modern municipal ideas and would certainly secure an efficient and responsible administration. It is hoped that the city council will adopt the new charter without serious modification and that the general assembly of the state will ratify this action. The nature of the new charter is best briefly given in the words of the commission:

“First. The proposed charter aims to confer upon the municipality such powers of self-government as are ample for the performance of its proper municipal functions, and no more. It is hoped thereby to obviate the necessity of constant application to the State Legislatures for special enabling acts, and to do away with the interference of successive legislatures in the affairs of the city, which has been found so contrary to the principle of municipal home rule, and so destructive of wise and consistent municipal action, in accordance with the will of a majority of our citizens.

“Second. The Commission has aimed at the entire separation of legislative and executive functions which, under our present system, are now so confused.

“Third. They have provided for a single legislative body, with careful safeguards against hasty action. The members of this body, except the president, are to serve without pay, and to be elected biennially.

“Fourth. They have conferred upon the mayor the largest executive powers, giving to him the appointment of all executive officers and boards, in the belief that in accordance with the modern theory, now almost uniformly adopted in this country, better results are obtained where the responsibility rests upon one individual, rather than upon a large number.

“Fifth. The actual executive functions are performed by boards who appoint their own administrative officers, instead of by committees of the legislative body, as at present. Among these boards are:

“(a) A Board of Estimate and Apportionment, consisting of the

mayor, the comptroller (substituted for our present city auditor), the city solicitor, the city treasurer, the president of the common council, and the president of the Board of Tax Assessors.

"This board makes up the appropriations for all departments, which may be reduced, but can not be increased, by the Common Council.

"(b) A Board of Contract and Supply, consisting of the mayor, the comptroller, the commissioner of public works, the city solicitor and city engineer.

"This board makes contracts for all work, material and supplies to be performed or furnished for the city.

"(c) A Police Board, which is composed of three (3) commissioners appointed by the mayor, to whom is entrusted the entire administration of the Police Department, and the appointment of all officers. The members of this board are to receive such salaries as the Common Council shall ordain.

"(d) A Board of Public Instruction, composed of six (6) commissioners, appointed by the mayor, to serve without pay, who have entire charge of the administration of the Public School System.

"(e) A Board of Fire Commissioners, who are salaried officers, and who have charge of the administration of the Fire Department, and the appointment of its employes.

"(f) A Board of three (3) Assessors of Taxes, who are salaried officers, who perform the duties now imposed upon the assessors of taxes in the city, with some modifications, the chief of which is that the board is required to make up tentative lists of assessment, which are open to examination of taxpayers, and subject to change and revision during a limited period.

"(g) A Board of Health, consisting of four (4) members, serving without pay, and of which the city engineer is also a member, who have entire charge of everything relating to the health of the city, appointing the superintendent of health, and not more than seven (7) district physicians.

"(h) A Board of Charities and Corrections, to serve without pay, who appoint the overseer of the poor, and have charge of the administration of the Poor Department.

"(i) A Board of Canvassers and Registration, performing the duties of the present board, but receiving their appointment from the mayor, and entitled to a salary fixed by the Common Council.

"In the provisions with reference to the lay out of streets and highways, the commissioners are authorized to assess upon the parties benefited the entire land damages and the cost of construction involved in the building of new streets."

**Alameda, Cal.—Referendum.\***—The city of Alameda, Cal., containing 15,000 inhabitants, is a residence town, and is practically a suburb of San Francisco. It is said to be the only city of its size in California enjoying a non-partisan government. On March 4, 1895, it passed what is known as the Referendum Ordinance, which provides :

“SECTION 1. Whenever ten per cent of the legal voters of the city of Alameda shall petition in writing therefor the Board of Trustees thereof shall submit to said voters such proposition of local public interest as may be specified in said petition, said submission to be made for the purpose of enabling the said voters to express their approval or disapproval of the question so to be voted upon, and to be made in the form and manner in the ordinance hereafter provided.

“SEC. 2. The signatures to said petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of such paper or papers shall swear that the statements therein made are true and that each signature to said paper appended is the genuine signature of the person whose name is thereto subscribed.

“SEC. 3. Whenever such petition shall have been filed with the city clerk of the city of Alameda not less than fifteen days prior to any general or municipal election, it shall be the duty of said city clerk to cause to be printed on the ballot to be used at the said election then ensuing (provided said ensuing election is to be a municipal election), the question to be voted upon, in the manner and form prescribed by law for voting on constitutional amendments and other questions.

“SEC. 4. In case said ensuing election is to be a general election, the city clerk shall cause to be printed ballots containing the question to be voted upon as in Section 3 of this ordinance; provided said ballots to conform in other respects to the requirements of the laws of the State of California. And the Board of Trustees shall provide separate boxes for the reception of the same.

“SEC. 5. The result of said balloting shall be embodied in the records of said board, and shall be regarded by the trustees of said board as expressing the wishes of the majority of the voters of the city of Alameda, and as advisory of the line of action of said board.”

This ordinance has received the endorsement of every local convention during each of the last two city campaigns. According to Section 5, the wishes of a majority of voters expressed in accordance with this law are considered as advisory only. Yet probably no official with a regard for his political future would disregard the pronounced preference of the people upon a question of public interest. On two occasions the law has been put in operation. In one case the question was,

\* Communication of G. R. Dodson, Esq., Alameda, Cal.

"Shall a special tax of twenty cents on the \$100 be levied for the purpose of erecting a new library building?" There were 916 yeas and 891 noes, while a large proportion of the voters expressed no opinion upon the subject. As the taxes were quite high that year and the vote did not indicate a strong desire on the part of the people for the new building, nothing was done in the matter.

In 1897, at a general election, there was placed upon the ballots the question, "For the saloon in this precinct?" The vote was as follows:

Precinct.	1	2	3	4	5	6	7	8	9	10	11	12	13	Total.
Yeas . . . . .	105	66	65	78	68	63	55	11	16	95	132	126	53	993
Noes . . . . .	74	93	65	70	81	59	70	67	67	75	98	49	42	910

It will be noted that there was a majority in favor of the saloon; also, that seven precincts voted for and five against, while in the third precinct there was a tie vote. At the time the vote was taken the city clerk states, there were saloons in precincts number 1, 3, 4, 8, 10, 11 and 12. Of these seven, only one voted no. Of the six without saloons, two voted to have them. On such a close vote the city trustees did not feel bound to act according to the wishes of the people as expressed by the ballot.

#### FOREIGN CITIES.

**Paris.**—*Municipal Taxation.*—During the last few years we have had occasion to discuss the attempts of the French municipalities to reorganize the system of local taxation particularly to abolish the "*Octroi.*" For a long time the central government, as well as the local authorities, have acknowledged the injustice of this form of taxation, particularly because of the heavy burdens which it places upon the poorer classes. The constant demand for a different system has been met with the answer that this form of indirect taxation can not be dispensed with, because of its great productivity. The tax upon the necessaries and luxuries of life, which is imposed upon these articles at the gates of the city, offers almost unlimited possibilities of extension. With a budget as heavily weighted as that of Paris, the difficulty of replacing the 151,000,000 francs which these excise taxes furnish is almost insuperable. Commissions, both municipal and state, have been appointed every few years to devise some means of solving the problem, but their proposals have been met either with some local objection or the opposition of the central government. During the present year two commissions have been at work, both presenting reports of very great interest. The greatest

difficulty of supplying the deficit which the abolition of the "*Octroi*" would produce is to be found in the fact that real and personal property is already burdened with high state and local taxes. It is, therefore, necessary to find some other means of raising the necessary income of the city. In the report of the commission it is proposed to rearrange rather than abolish the "*Octroi*" taxes, with a view to placing additional burdens upon what the commission calls the "unnecessary or superfluous consumption," such as alcoholic liquors, beer and the like. Furthermore, to establish a municipal inheritance tax, ranging from 1.25 per cent on the net inheritance in cases of lineal heirs to 11.25 per cent in the cases of persons not related to the testator. Furthermore, a graduated rental tax is to be introduced, ranging from one dollar on rentals of \$100.00 to \$1,500 on rentals of \$10,000 and over. The commission finds, however, that all of these will not furnish sufficient to replace the "*Octroi*" and, therefore, proposes in addition a series of minor taxes, such as :

First. A tax on owners of horses at a rate of \$14 for each horse.

Second. A tax on the better class of restaurants amounting to 50 per cent of their rental value.

It seems hardly likely that this rather complicated and in many respects objectionable system of taxation will be accepted by the municipal council, and even if accepted it is probable that the central government will refuse to sanction so radical a change. It is to be noted that the municipal council of Paris, with its radical and even socialistic tendencies, is anxious to shift the burden of taxation from the poorer to the wealthier classes, and in fact to do everything to relieve the working classes from direct contribution to the public treasury.

## SOCIOLOGICAL NOTES.

**Organizations of Pupils in the Public Schools of Paris.**—An interesting work in connection with the public schools of Paris is being encouraged and partially supported by the municipal council of that city. It seems that there are at the present time seventy-eight organizations in different sections of the city of Paris, composed of the school children who have left the schools. The object of these associations is to keep track of the children after leaving school, to bring them together at stated intervals for social and intellectual entertainment, to assist those who may be in distress, in exceptional cases, to endeavor to find positions for those out of employment, and, in general, to bring the influence of the graduate body to bear upon the present pupils in the schools. Such organizations correspond roughly to the alumni societies of our higher schools, and constitute an interesting experiment in secondary education. Some eight or ten thousand children were within the past year more or less regular attendants at meetings of these associations, and one of the committees of the city council has recommended that 27,000 francs be appropriated in amounts ranging from 200 to 1,000 francs for the expenses of such organizations. In most cases the amount recommended for each separate association is the same as that actually voted by the municipal council for the year 1897, and the results of that expenditure are viewed in the report of the committee with great satisfaction.

**United States Industrial Commission.**—Under an act of Congress approved June 18, 1898, an Industrial Commission, to be composed of five members of the Senate, five members of the House of Representatives, appointed by the presiding officer of each house respectively, and nine other persons "who shall fairly represent the different industries and employments," appointed by the President, was constituted. The names and addresses of the men organized in pursuance of this act of Congress are as follows:

Senator James H. Kyle, Aberdeen, S. Dak.; Senator Boies Penrose, Philadelphia; Senator Lee Mantle, Butte, Mont.; Senator Stephen R. Mallory, Pensacola, Fla.; Senator John W. Daniel, Lynchburg, Va.; Representative John J. Gardner, Atlantic City, N. J.; Representative William Lorimer, Chicago, Ill.; Representative L. F. Livingston, Kings, Ga.; Representative John C. Bell, Montrose, Colo.; Representative Theobald Otjen, Milwaukee, Wis.; Mr. Andrew L. Harris, Eaton, Ohio; Mr. S. N. D. North, Boston; Mr. Ellison A. Smyth, Pelzer, S. C.; Mr. John M. Farquhar, Buffalo, N. Y.; Mr. Eugene D. Conger, Grand Rapids, Mich.; Mr. Thomas W. Phillips,

New Castle, Pa.; Mr. Charles J. Harris, Dillsboro, N. C.; Mr. M. D. Ratchford, Massillon, Ohio; Mr. John L. Kennedy, Washington, D. C.

The officers chosen by the commission at its meeting for organization were: Chairman, James H. Kyle; first vice-chairman, Thomas W. Phillips; second vice-chairman, John J. Gardner; secretary, P. H. Donnelly, and clerk and disbursing agent, William E. Sackett. Five sub-commissions were organized: On agriculture and agricultural labor, Andrew L. Harris, chairman; on conditions of labor and capital employed in manufacturing and general business, E. A. Smyth, chairman; on conditions of labor employed in mining, John W. Daniel, chairman; on transportation, Thomas W. Phillips, chairman; on statistics, S. N. D. North, chairman.

The standing committees are: on organization, S. N. D. North, chairman; on business, Eugene D. Conger, chairman; on procedure, John J. Gardner, chairman. In the report of the committee on procedure, which was adopted by a meeting of the Industrial Commission held November 15, 1898, the following general plan for the work of the commission was outlined :

The purpose of this commission, as must be inferred from the wording of the law creating it, is to ascertain the nature of the existing legislation of the several states and of the United States bearing upon industrial conditions; the actual operation of that legislation in its relation to the workingman, to the manufacturer and business man, and to the consumer; the character and effects of similar legislation in foreign countries, and how far it is applicable or desirable in the United States, and what legislation, if any, along new lines, is practicable or desirable for the improvement of industrial conditions, with a view to determining how far it is possible to frame uniform industrial laws, the adoption of which can be recommended to congress and to the legislatures of the several states

A similar statement will apply to the work of the commission so far as it relates to agriculture, to mining, and to transportation.

The main work of the commission may, therefore, be said to be to study and compare existing laws bearing upon industrial conditions here and elsewhere, to ascertain by competent testimony wherein they are deficient, defective, inoperative, or oppressive, and to recommend such remedial statutes as will tend not only to make the conditions of industry more uniform as between the several states, but to remove such existing sources or causes of discontent, inequality, and injustice as can be reached and regulated through legislation.

The committee believes the above statement to embody practically the whole program of procedure that it is either desirable or necessary to formulate in advance of the preparation of the syllabus of

inquiry, and until the commission is brought more closely in touch with the actual conditions which surround business and industry in the United States to-day.

Such a work is vast enough and important enough to require the best energies of all the members of this commission for the period of two years.

It is the first attempt made, under governmental authority, to ascertain these facts for the guidance of congress and state legislatures in the enactment of a constantly increasing body of industrial legislation.

In order to secure satisfactory results, the committee think it to be imperatively necessary that the work shall be confined strictly to the main purpose, viz., of ascertaining the nature and effects of existing legislation, and the nature of remedial legislation which may be necessary or desirable to equalize conditions in industry and to remove any just grounds of complaint on the part of either labor or capital or of the people at large.

To facilitate the progress of the work the division is recommended of the commission into four sub-commissions of five members each, to be severally charged with the investigation of present conditions and the formulation of remedial suggestions in the following branches of industry.

1. On agriculture and agricultural labor.
2. On the conditions of labor and capital employed in manufacturing and general business,
3. On the conditions of labor and capital employed in mining.
4. On transportation.

In addition, a fifth sub-commission is recommended, to be known as the sub-commission on statistics, in the membership of which there shall be one representative of each of the above sub-commissions, and which shall be charged with the collaboration for the use of the commission of all the statistical material now available, and of such original statistical material as may from time to time be found necessary. Upon this sub-commission will also naturally fall the supervision of the preparation and publication of results.

The committee recommends that the preparation of the detailed syllabus of inquiry, which will be necessary in each sub-commission, be referred to these sub-commissions.

It recommends that each sub-commission, after it has prepared its syllabus, report the same for the approval of the full commission, in order that there may be established a general harmony between the several inquiries, and in order to avoid any unnecessary duplication of investigation; and that the syllabus of each sub-commission shall

contain full inquiries respecting the existence and effect of combinations and trusts in their particular subjects of inquiry.

The committee also suggests that there are certain subjects of inquiry which appertain equally to all the groups into which it has recommended that the commission be segregated. The subjects of immigration, of education, of combinations and trusts and of taxation at once suggest themselves as belonging in this category. It is, therefore, recommended that these subjects, one or more of them, be examined into by the full commission pending the organization of the several sub-commissions.

The ultimate results of the work of the Industrial Commission in each of the fields into which it is proposed to inquire should come for approval before the full commission before they are transmitted to congress or forwarded to the several state governments as the official conclusions reached by the commission. Such a rule is absolutely necessary to secure harmonious and consistent results.

It is therefore recommended that the reports of the several sub-commissions shall be first submitted to the full commission for approval. This recommendation is based upon a rule adopted by the British Royal Labor Commission of 1891.

Another question which has received the attention of the committee has to do with the gathering of materials and information upon which to base its findings.

An immense amount of this material is ready at their hands, in the reports of the several investigations conducted by committees of congress, the reports of the National Bureau of Labor Statistics, the bureaus of labor statistics in thirty-two states of the Union, the reports of factory inspectors in many states, the reports of the several royal commissions on labor in England, and on the continent of Europe and in Australasia, and in numerous other documents, public and private, and in the voluminous literature, economic and controversial, of the labor question,

So far as possible it is desirable to avoid any duplication of this information and material.

If the commission should undertake to cover all the ground already covered in these reports, it would find itself confronted with an interminable task, the cost of which, if undertaken as thoroughly as it has already been done, would amount to much more than \$1,000,000.

It was ascertained that the work of the Department of Labor from the date of the organization of the Bureau of Labor in January, 1885, in the preparation of its thirteenth annual report and nine official reports, not including however the cost of printing and binding reports, has amounted to about \$2,000,000, and it was therefore decided

not to attempt to duplicate this work or to carry out any part of it in greater detail along the same lines. The secretary of the Industrial Commission is expected to digest and to classify testimony offered before the commission, following the plan of the Royal British Labor Commission of 1891, and such digest will be printed as a part of the final report of the commission. It has also been decided that all hearings of the commission shall be public and that the press of the country shall be invited to publish such portions of the testimony as it may desire. The syllabi of inquiry to be adopted by the sub-commissions will be made public in the near future.

**A City Trades School in Boston.**—An interesting discussion took place recently in Boston on the question of establishing a city trades school, to be known as the Franklin Trades School. The Franklin fund of the city of Boston now amounts to nearly \$360,000, and the mayor suggested that \$200,000 be set apart for public all-the-year-round baths, and the balance for the erection of a fine municipal building upon the lot on Washington street, near the corner of Dover street, upon which the old Franklin school house now stands. The recommendation of the mayor stated that :

“Such a building should include, in my opinion, a large hall, for use as a wardroom and also for public meetings, concerts, lectures, exhibitions and entertainments ; a smaller hall for society meetings, rooms for the Grand Army posts and Naval Veterans now quartered in the building ; offices for the use of the central labor organizations, and possibly offices for some municipal departments. The hall could be used to great advantage for courses of practical lectures, for the various classes of wage-earners, and thus the mechanics and artisans whom Franklin intended to assist by the provision in his will regarding the use to be made of the fund during its period of accumulation would be benefited by this final disposition of a portion of it.”

The Boston Trade School Association, however, desires to have some of this money used for the establishment of a trade school to supplement the public schools and strengthen the work of manual training. The Franklin fund trustees had already taken action favorable to such a proposition as far back as December 28, 1893. On recommendation of the mayor to rescind this vote a public hearing was granted on November 14, 1898, at which several distinct interests were represented and the discussion is valuable in that it throws light on the position of organized labor in reference to the question of trade schools. Mr. Charles W. Birtwell spoke in favor of the plan for a trade school. He claimed that the statutes of Boston gave the legal right to teach boys and girls trades, and that the trustees had no right to rescind the vote. He said: “If this money is to be drawn

back and devoted to something else, the trade school cause will be doubly betrayed. If money is needed for bath houses let the citizens interested in them stand up and ask for it from their fellow-citizens. If the G. A. R. and the labor organizations want a free rental of rooms and a forum, let them ask for it; let them not seek to convert any institution for the youth into a fund for such purposes; let them meet their issue fairly."

Colonel Henry L. Higginson spoke in favor of the trades school and in reference to the position of the trade unions said, "The trade unions can do a great deal of good, but if they undertake to say 'we will not have anybody else' their day has come." Several other speakers argued that a trades school would not be an injury to the trade unions, and the secretary of the Master Builders' Association spoke in favor of the trades school. President F. S. Pickett, however, of the Central Labor Union, stated that a number of persons representing the Central Labor Union and the Building Trades Council, of Boston, desired to be heard. Among the speakers introduced by him were the following:

George E. McNeill said there was no agreement as to what is meant by a trade school. The opposition of the unions is because they believe that a trade school does not come within the provision of the will of Benjamin Franklin, and that it is antagonistic to the best interest of organized labor, consequently against the best interest of Boston and her citizens. "What we ask," he went on to say "is the establishment of a Franklin institute that shall combine within its walls the bath, the gymnasium, the forum and the trade school in its highest and broadest sense. We want to qualify boys for citizenship. We want blacksmiths who are capable of being congressmen even if not able to be elected, and when we get the mass of the people capable of serving us in congress, then congress will be leveled upward.

"To establish the trade school, as proposed, is simply a reactionary process, an attempt to get back into the so-called good old time of master and servant. The day of small manufacturers is gone."

**Summer Outings for Children.\***—From the income of the fund left by George L. Randidge for excursions to be given by the city for the children of Boston, 13,551 children have each been given a day's outing the past summer at an average cost of fourteen cents apiece, including a steamboat trip to Long Island, a luncheon and bathing facilities. The street railway company contributed a large number of free tickets and furnished special cars to convey the children to and from the wharf. The mayor regarded the bequest of Mr. Randidge as such an interesting and significant one that he took a deep interest in demonstrating what could be accomplished in this

\* Contributed by Sylvester Baxter, Esq., Boston.

line of practical philanthropy with a comparatively small sum of money by making use of the organization and facilities of the city. He thinks it undeniable that the record could not be duplicated, or even approached, by any private charitable organization. He says: "The giving of these excursions has merely involved outside of the expenditures made from the income of the fund, the fuller use, without additional cost, of facilities, in the way of wharves, steamers, grounds, beaches, etc., which were already in the possession of the city. This record may well inculcate the lesson that a fuller utilization can be made, to the great benefit of the people, of facilities owned by the city." He regards it as a striking illustration of the large scale upon which philanthropic work of this character can be successfully carried out through municipal agency.

**The Humanity Club of St. Louis,**\* which has for its motto: "Nothing Human Is Alien to Me," has had a successful career. It was founded in 1893 by Mrs. John W. Noble, and has confined itself mainly to the improvement of existing conditions of the various municipal institutions of St. Louis. For instance, it was instrumental in having the city place women guards in charge of women confined in the jail and workhouses, which effort has resulted in a material improvement of conditions, and has made these houses of detention less of a dungeon and a means of punishment and more of a means of reform. There has also been a constant improvement in the discipline. The club was also influential in having a law passed for the building of an exercise room and a bathroom for the women in jail, and has since the enactment of the law seen that it was efficiently enforced. It also succeeded in getting the "possibly" insane transferred from the hold-over, where formerly they were detained along with drunkards and criminals, to the city hospital for observation, a reform that has restored liberty to many.

It was also instrumental in establishing a maternity ward at the woman's hospital, and from its members were chosen the first women to be appointed of the Board of Managers of the House of Refuge, where all women in the care of the city are taken; through which board many improvements have since been inaugurated.

The club has thus far worked through those in authority rather than making any attempt to replace those in authority with new men. It has been quite successful in convincing those in power that their responsibilities should be used to prevent abuses and to improve conditions.

\*Contributed by Hon. Clinton Rogers Woodruff.

BOOKS RECEIVED FROM SEPTEMBER 25, TO  
NOVEMBER 25, 1898.

- Adams, H. C., *The Science of Finance*. Holt.
- Bogart, E. L., *Housing of the Working People in Youkers*. (*Economic Studies*, Vol. III, No. 5.) Macmillan, \$0.50.
- Böhm, O., *Die Kornhäuser*. (*Münchener Volkswirtschaftliche Studien*, XXVI.) Stuttgart: Cotta. 2.40 m.
- Cahn, E., *Das Schlafstellenwesen in den Deutschen Grosstädten und seine Reform*. (*Münchener Volkswirtschaftliche Studien*, XXVIII.) 3 m.
- Channing, E., *A Students' History of the United States*. New Edition. Macmillan. \$1.40.
- Chapman, J. J., *Causes and Consequences*. Scribners. \$1.25.
- Colquhoun, A. R., *China in Transformation*. Harpers. \$3.00.
- Deploige, S., *Referendum in Switzerland*. (*Studies in Economics and Political Science*.) London: Longmans. 7s. 6d.
- Diehl, K., *Ueber die Verhältnisse von Wert und Preis im ökonomischen System von Karl Marx*. Jena: Fischer. 1 m.
- Éliot, C. W., *Educational Reform*. Century Co. \$2.00.
- Foncin, P., *Les Pays de France (Questions du Temps présent)*. Paris: Colin. 1 fr.
- Ford, H. J., *The Rise and Growth of American Politics*. Macmillan. \$1.50.
- Giddings, F. H., *The Elements of Sociology*. Macmillan. \$1.10.
- Green, M. E., *Food Products of the World*. Chicago: The Hotel World. \$1.50.
- Greene, E. B., *The Provincial Governor in the English Colonies of North America*. (*Harvard Historical Studies*, VII.) Longmans. \$1.50.
- Grieb, R., *Das europäische Oedland, seine Bedeutung und Kultur*. Giessen: Münchow.
- Gronlund, L., *The New Economy*. Chicago: Stone & Co. \$1.25.
- Hall, F. S., *Sympathetic Strikes and Sympathetic Lockouts*. (*Columbia University Studies in History, Economics and Public Law*, Vol. X, No. 11.) \$1.00.
- Henry, H. T., *The "Original Sources" of European History*. Reprinted from *The American Catholic Quarterly Review*, July, 1898.
- Hollander, L., *Die Lage der deutschen Mühlenindustrie unter dem Einfluss der Handelspolitik, 1879-1897*. (*Münchener Volkswirtschaftliche Studien*, XXIX.) 2.40 m.
- Judson, H. P., *Europe in the Nineteenth Century*. Meadville, Pa.: Flood & Vincent. \$1.00.
- Kalender und Statistisches Jahrbuch für das Königreich Sachsen nebst Marktverzeichnissen für Sachsen und die Nachbarstaaten auf das Jahr 1898*. (*Statistisches Bureau des K. Sachs. Ministeriums des Innern*.)
- LeBon, G., *The Psychology of Peoples*. Macmillan. \$1.50.
- Lewy, A., *Zur Genesis der Heutigen Agrarischen Ideen in Preussen*. (*Münchener Volkswirtschaftliche Studien*, XXVII.) 3 m.
- Lichtenberger, A., *Le Socialisme et la Révolution française*. (*Bibliothèque d'Histoire contemporaine*.) Paris: Alcan. 5 fr.
- Lloyd, H. D., *Labor Copartnership*. Harpers. \$1.00.
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# ANNALS

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OF

POLITICAL AND SOCIAL SCIENCE.

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## THE REGULATION AND NATIONALIZATION OF THE SWISS RAILWAYS.\*

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*The Origin of the Law of 1852.—Introduction of the System  
of Private Railways.*

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During the period from 1813 to 1848 Switzerland was a loose confederacy of small, almost entirely independent, states, whose central government possessed no original powers over internal affairs. It is clear that such political conditions were highly unfavorable for the projection of great public works whose compass would extend far beyond the limits of individual cantons. Indeed, the thirties and forties were continually occupied with political struggles and disturbances which absorbed both the energy of the country and the attention of the government. We can understand why the development of railways began much later in Switzerland than in most other European states if we remember that the country was poor in natural resources, that trade and industry were confined to a few municipal cantons, and that climate and soil offered serious

\* Translated from the German by B. H. Meyer, Ph. D., University of Wisconsin.

obstacles to railway construction, technically but imperfectly developed. As a matter of fact, the first railway was not opened until June 15, 1844, and this was a line, 1.8 kilometers long, from Bâle to the French boundary at St. Louis. Three years later, in 1847, followed the Northern Railroad, from Zurich into Baden, with a length of 23.3 kilometers.

In 1848, the federal constitution was so revised as to meet the requirements of the age, and a firm central government placed over the cantons. Although the sovereignty of the cantons remained unimpaired the central government was entrusted with a number of important powers. Article 21 of this constitution provides that:

“The federation shall have power, in the interests of the *Eidgenossenschaft* or of a large part of the same, to erect or to aid in the erection of public works at the expense of the *Eidgenossenschaft*.

“The federation is also authorized to exercise the right of expropriation, full compensation being given. Detailed provisions concerning expropriation are reserved for federal legislation.

“The federal assembly may prohibit the erection of public works which prejudice the military interests of the *Eidgenossenschaft*.”

Upon the basis of this article the federal assembly of 1849 requested the *Bundesrat* to submit to it data upon the following propositions:

1. A plan for a general Swiss railway network, and on consultation with disinterested experts, a plan for undertaking the preliminary technical work.
2. An outline of a federal law concerning expropriation for Swiss railway construction.
3. Opinions and propositions relating to the participation of the federation in the construction of a Swiss railway network.

It was the prime motive of the federal assembly to provide for the systematic and energetic building of railways in Switzerland, leaving open the question whether the state or private individuals should undertake the task.

The *Bundesrat*\* did as requested. It ordered exhaustive opinions to be elaborated on the technical and financial basis of railway construction, and for this purpose called two eminent authorities from England, Robert Stephenson and Henry Swinburne.

Meanwhile the *Bundesrat* itself brought before the councils an expropriation law, the federal law concerning liabilities for the surrender of private rights, which went into effect on May 1, 1850, and which has remained in force unchanged till the present time. Article 1 of this law stipulates that

“when in accordance with Article 21 of the federal constitution public works are erected on the account of the federation, or when the application of this federal law to other public works has been decreed by the federal assembly, everybody shall be in duty bound, in so far as such public works may necessitate the same, to cede his property or other rights to immovables, temporarily or permanently, in return for full compensation.”

This article contains the essentials of the law, which, in addition, regulates numerous questions of detail and procedure that find their application in the execution of the law on expropriation. With this the foundation for Swiss railway legislation has been laid; for, as we shall see below, the expropriation law was soon declared applicable to railway building in a generally binding form.

During the autumn of the same year (1850) the experts submitted their report. The technical opinions elaborated by the two Englishmen contained a plan for a Swiss railway system, 650 kilometers in length, and recommended the execution of the same by the state. The experts on finance believed likewise that a Swiss railway system could not be brought into existence without the co-operation of the state, but they were divided in their opinions as to the form

\* The *Bundesrat* is the federal executive. It is a committee chosen by the federal assembly in joint session. The federal assembly is composed of two chambers, *Nationalrat* and *Ständerat* (national council and council of states), which are frequently spoken of collectively as “*Räte*” (councils).—*Translator*.

which this co-operation should take. One proposed building through the joint agency of the federation and the cantons; the other, building by private individuals with a guarantee of a certain minimum revenue by the state.

Based upon these preliminary estimates, the *Bundesrat* brought a draft of a railway law before the federal assembly in 1851. This law provided for the building of the network of railways, proposed by the technical experts, through the joint agency of the federation and cantons, although the *Bundesrat* asserts in its message\* that it would have preferred building by the federation alone had it not been restrained by financial considerations. The pecuniary resources and revenues of the federation were extremely limited, and it was thought at this time that the operation of railways would certainly involve a deficit. It was for this reason that the *Bundesrat* proposed that the designation of the projected lines and the determination of the conditions under which these should be built and operated within the domain of the *Eidgenossenschaft* should be left to the federation (Art. 1); while the construction itself and operation should be the joint undertaking of the federation and of the cantons (Art. 7). This participation was planned in such a manner that the requisite funds were to be raised by issuing Swiss railway partials† upon which the federation was to guarantee a certain minimum rate of interest, while the cantons were to reimburse the federation, to the extent of two-thirds, for whatever contributions it might be compelled to make in consequence of the interest guaranty. Naturally only those cantons would have been drawn into account which were touched by the railway in question. Any surplus above the guaranteed interest was to be participated in by the holders of the partial obligations.

\* Propositions relating to laws and resolutions, which the *Bundesrat* submits to the federal assembly, are regularly accompanied by an explanatory report, called a message, *Botschaft*.

† Partial or partial obligations are bonds divided into parts and supplied with continuous numbers. Brockhaus' "*Conversations-Lexicon*."—Translator.

The administration of every individual enterprise was to be undertaken by an administrative council, elected in part by the federation and in part by the cantons, and which was to have appointed a tolerably independent directory for current business. Provisions were also made for concentrating several different enterprises under one administration or directory. In addition, there was to be created a permanent commission, elected by the federation, for the revision of the accounts of all the railways.

Both the national council and the council of states referred this bill to commissions for criticisms and opinions. The national council received its report first. This commission was divided in its opinions. The majority supported the point of view of the *Bundesrat* but went even farther and gave a less qualified sanction to the idea of state control in railway matters. The minority desired to leave railway matters with the cantons or private individuals.

The majority, whose report was a lengthy and excellently written defence of the state railway system, advocated the following postulates: (1) railway transportation is a state business, and the state should raise the necessary capital; and (2) the location and building of the Swiss railway system and its organization for construction and operation are subjects for federal legislation.

These claims were strongly supported upon economic and political grounds. At the same time the majority accompanied the bill of the *Bundesrat* with the draft of a law worked out by its own members. In accordance with this scheme the establishment of the Swiss railway system and its organization for purposes of construction and operation were to be exclusively the concern of federal legislation; the actual construction and operation, however, was to be the common business of the federation and of the participating cantons. The payment of interest on the capital stock, which was to be raised by four per cent federal loans, without sharing the profits with bondholders, was to be borne

equally by the federation and by the cantons. The *Bundesrat* and a general directory subordinate to it were to be the highest administrative organ. The entire network of railways was to be divided into six circuits, each under the direction of an administrative council of from five to nine members—two elected by the *Bundesrat* and the others by the cantons in proportion to their participation in the enterprise; and each administrative council was in turn to elect a directory for its circuit.

The minority of the commission attempted to refute the arguments of the majority report in favor of a state system and to prove that the building of railways for Switzerland through private means, without any assistance from the state, was not only possible but extremely advantageous. Like the majority, the minority embodied its views in the form of a bill which need not be discussed here because it formed the foundation for the first railway law, the contents of which will be presented below.

The national council decided in favor of private enterprise, accepted the report of the minority by a vote of 68 to 22, on July 8, 1852.

In this manner "The Federal Law concerning the Construction and Operation of Railways in the Domain of the *Eidgenossenschaft*," of July 28, 1852, was enacted. The law remained in force unchanged till 1872. This interval of twenty years may be regarded as a closed period in the history of Swiss railways, especially in the history of the relation of the railways to the state. It is characterized by the supremacy of the cantons in railway affairs. The powers reserved to the federation are very insignificant. But since the cantons were small and weak they soon realized their inability to exert an appreciable influence on the development of the railway system. The companies, which, of course, were organized, in the face of the apprehensions of the majority of the commission of the national council, soon learned how to withdraw themselves from the

guardianship of the cantonal governments; but the federal government, in spite of its insignificant powers, did not lose sight of them. In proportion as the companies grew larger and more influential, as the railway network was enlarged and extended, as traffic increased in volume and significance—which it did at a rate that no one had anticipated—the necessity for a change in federal legislation and for greater supervision and participation in railway matters on the part of the state increased. This development received its last complement in the federal law of October 15, 1897, which ordered the repurchase of the railways. It is a long step between the laws of 1852 and 1897. It is necessary to follow out here the manner in which the revolution in public opinion with reference to the relation of the state to railways was gradually brought about, in order to show subsequently how legislation developed harmoniously with these changes.

*The Development of the Idea of State Railways.*

Article 1 of the railway law of 1852 reads:

“The construction and operation of railways within the domain of the *Eidgenossenschaft* is left to the cantons, or, when suitable, to private activity.”

while Article 1 of the law of October 15, 1897, says:

“The federation may purchase and operate on its own account, under the name of ‘Federal Swiss Railways,’ all those Swiss railways which, because of their economic or military significance, serve the interests of the *Eidgenossenschaft* or of the major part of the same, when these can be acquired without making disproportionate sacrifices.”

To be sure, there were private Swiss railways before the law of 1852, and such will probably exist following that of 1897, because it will be several years before the transfer of the railways to the federation can be made possible. Yet we may designate the two laws just cited as boundary posts which mark off the system of private railways.

The development of these forty-five years was neither sudden nor spasmodic. The idea of state railways had succumbed, but it had not been destroyed. As early as 1857, on the occasion of a report to the *Bundesrat* relating to Swiss railways, the department of post and building incidentally discussed the question of repurchase and submitted the following propositions:

1. The repurchase of the Swiss railways by the federation is desirable as a matter of principle.

2. In consequence of the above mentioned joint proceedings this repurchase is to be attempted immediately; and, in this case, proposals are to be submitted to the companies in accordance with one of the three following systems: (*a*) shareholders may exchange their stock for government bonds bearing a fixed rate of interest and redeemable within a certain number of years; (*b*) or, there may be granted to shareholders, in addition to the stipulated rate of interest on bonds, a portion of possible surplus revenue for a definite number of years; (*c*) or, instead of this portion of the surplus revenue a fixed annual sum, *e. g.*, one-half per cent of the total capital may be paid to shareholders in lottery premium certificates.\*

3. There shall also be kept in view, even at the present time, the repurchase of the railways at the expiration of the first period of thirty years for which charters have been granted, and for this purpose the following provisions shall be made: (*a*) there shall be paid annually into the federal treasury a certain sum which shall constitute a repurchase and amortization fund; (*b*) this repurchase fund shall be applied to the acquisition of Swiss railway stock rather than be put out at interest; (*c*) in case of a possible general fusion the federation shall strive to assume all new stock which may be issued.

This movement did not make further progress. Its purpose appears to have been accomplished with the conclusion of the deliberations of 1852. The expectations of the friends of private railways were being fulfilled in a brilliant

\* The author uses the term *verloosenden Prämien*. These "premiums" are obligations or bonds issued for loans, the payment of interest upon as well as the amortization of which "ensues in part or entirely in accordance with a definite scheme of drawing on the lottery plan." The holders of these obligations are paid off whenever the bond which they own is "drawn" by lot. Compare Brockhaus' "*Lexicon*."—*Translator*.

manner. In a few years there came into existence an extensive network of railways which overspread nearly the whole country, and which was much more dense than the system of state roads that the federation had originally projected.

The first vigorous voice which again was raised in behalf of a state system was that of Stämpfli, president of the federation, who, in 1862, in a pamphlet which attracted an extraordinary amount of attention, advocated the repurchase of the railways by voluntary agreement with the companies. As early as 1857—and this is but little known—Stämpfli had presented a memorial to the *Bundesrat* in which he explicitly supported repurchase. This body, however, gave no support to his propositions.

Stämpfli, well known later as president of the tribunal of arbitration in the Alabama claims of the United States against Great Britain, maintained that the existing railway conditions were unsound and that the excessive scattering of energy was injurious to society, to the public and to the state. He declared, however,

“in order to avoid every possible misunderstanding,” that “because of the nature of existing charters repurchase is possible only by means of voluntary agreements, and that no other method has entered my mind.”

Yet such a repurchase was to be attempted forthwith. It is true, Stämpfli's voice, which was persistently interpreted as a purely private utterance, died away without any direct results; but the impression which his keen project had made and the authority which the great statesman justly enjoyed, long remained so influential that every movement in behalf of nationalization was attached to Stämpfli's name, and every possibility of repurchase according to charter provisions appeared to be excluded for all future time. As a matter of fact, no serious proposition for the accomplishment of nationalization on the basis of the respective charter provisions was made until the year 1897, when the idea

was realized. The state became only gradually conscious of the advantages which had been placed in its hands when it had been authorized to legislate for repurchase in accordance with charter provisions.

Stämpfli made nationalization a positive quantity. His pamphlet shortly called forth a series of replies, which he met in a second edition. His ideas also found independent supporters who sought to elaborate his views and to give them a more practical form.

Meanwhile the period of excessive zeal for the extension and development of the Swiss railway system had been followed by a season of business depression, a general railway crisis, which affected not only all railway companies but also the financial interest of most remote sections of the country. During this critical period the eyes of many were once more turned toward the state, and the acquisition of the railways by the federation—be this by way of agreement or of expropriation (Dietler, 1877), or even in the form of state operation with private ownership (Zschokke, 1877)—was again characterized as the safest way out of the then existing unhealthy conditions in railway affairs. It can furthermore not be doubted that if the state, during this period of depression, had followed the advice of experienced and far-sighted men and acquired the most important lines of railways, it would have come into possession of a great network on remarkably favorable terms.

The state did not venture to take this step. The notion of state railways had not yet struck root either in the leading circles or among the masses. The political ideas obtaining at that time did not tend toward a considerable increase of the federal power; likewise the economic views of the times were overwhelmingly averse to increased state interference in industrial matters. For this reason, on June 6, 1877, the council of states rejected a bill which provided as follows:

“The *Bundesrat* is requested to subject the question of what, if any, changes are to be made in the existing railway legislation in the light of recent experiences in Switzerland, to an exhaustive investigation; and in case the *Bundesrat* should conclude that public interests demand a modification of the laws, it is requested to accompany its report by a suitable bill.”

On June 19, the council of states approved the following motion:

“The *Bundesrat* is requested to order an investigation which may determine whether in view of past experiences and of the present state of affairs it is expedient for the federal government to inaugurate reforms in Swiss railway affairs.”

There was a lack of courage and confidence. The situation of the railway companies appeared to be too critical and hazardous to make it desirable to put the federation in their place. It was thought that enough had been done through the laws of 1874 concerning railway mortgages and forced sales, the transportation law of 1875, the adoption of uniform transportation regulations in 1876, and the law of 1878 relating to the subvention of Alpine railways. The reorganization of the Swiss railways was left to private initiative and private capital just as had been done twenty-five years earlier when the first railways were built.

It can not be said that people were deceived in their expectations. Thanks to the strenuous endeavors of administrative officials, the manifold support of foreign capital, and the favorable influence of the Gothard Railway which had meanwhile been opened for traffic, an improvement in the conditions of most of the railways was perceptible in a relatively short time.

After the *Bundesrat* had relinquished, in 1877, repurchase on the basis of voluntary agreements or by means of expropriation legislation, it was soon confronted by the question as to what attitude it should take toward the repurchase of a number of railways whose charter limits expired on May 1, 1883.

A thorough examination of the circumstances, inspired perhaps still by the influence of Stämpfli, convinced the *Bundesrat* that it was not best to take advantage of its right of giving notice of intent to purchase at this time.\* In the message that accompanied this resolution when it was submitted for the approval of the councils, the *Bundesrat* very urgently called attention to the difficulties involved in the repurchase of railways according to charter provisions. It pointed out, especially, the indefiniteness of the two fundamental notions, "capital stock" (*Aulagekapital*) and "net profits" (*Reinertrag*), and the impossibility of accepting the accounts of the railway companies as a basis for the determination of the purchasing price.

The council of states approved the resolution of the *Bundesrat* on April 4; and the national council did the same on the twenty-first of the same month, although it did so by a vote of only 67 to 59. Indeed, the majority of the commission, to which the investigation had been entrusted, reported in favor of the purchase of at least the Swiss Central Railroad and its associated lines.

This momentous problem of repurchase was not yet thought to be sufficiently clarified to be solved in the affirmative contrary to the best judgment of the *Bundesrat*. But apart from this, economic and political doubts concerning the principle of state railways were yet so strong that the council of states would hardly have given its approval to a resolution of the national council in favor of nationalization. The proceedings in this matter brought to light very clearly the fact that the rank and file of those who were fundamentally opposed to a state railway system had become more enlightened. Hereafter, men scarcely dared openly to announce themselves as unqualified opponents of a state system, but rather strove to push the practical difficulties into the foreground, and thus make it unnecessary for them to commit themselves on the question of principle.

\* Federal resolution of March 6, 1883.

This gradual change in opinion was naturally intimately associated with the contemporaneous change of views concerning the relation of the state to the public economy. The statesmen and politicians of the year 1883 were even then inclined to extend the activity of the state much farther than would have been considered admissible thirty years previous. Faith in the superiority of absolute freedom of the individual in the domain of economic phenomena, which had been considered the inseparable correlate of political freedom, had been greatly shattered. Men had begun to reconcile themselves to the interference of the state in all spheres of practical life. The activity of the state in promoting trade and the public defence, agriculture, industry and especially labor, education and sanitation; in regulating and correcting the flow of water in meadow and mountain; in extending streets and Alpine paths, and the telegraph and postal service; and, last, but not least, the extended powers which the state already possessed in the domain of railway transportation—about which more will be said below—no longer permitted the transfer of the railways into the hands of the state to appear as an innovation having deep and fundamental significance. Only the practical question *how* was left unanswered.

Of course, the attitude of foreign countries toward railway problems was not unnoticed and it created a lively impression and lasting influence on the views of influential persons and on the opinions of the people of Switzerland. It was during these years that a strong tendency toward nationalization of railways asserted itself over the entire European continent.

Belgium, which had accepted the principle of state roads at the outset, but had subsequently, for reasons of expediency, left the extension of its railway network to private activity, carried out most vigorously the policy of repurchase from 1870 to 1880. Of the total mileage of Belgian

railways in 1870 there were in the hands of the state about 43.5 per cent, or 745 kilometers; in 1880 this had increased to  $65\frac{1}{4}$  per cent, or 2568 kilometers; and in 1888 it reached  $72\frac{1}{4}$  per cent, or 3200 kilometers.

In Prussia the nationalization of railways was vigorously prosecuted after the year 1876. From this date to 1890 the state acquired about 14,000 kilometers of private roads; and of these upwards of 10,000 kilometers were taken between 1876 and 1884.

Austria, which at one time had shifted from state to private operation, likewise changed its railway policy during this period; and, by enacting the law of December 14, 1877, inaugurated a new epoch of state railways. By the close of 1879 the state had acquired 950 kilometers of private roads. At the end of 1892 this network had been increased to 7581 kilometers, partly by the purchase of existing railways, partly by building new lines and partly by the of operation private roads.

Hungary, whose state system embraced 603 kilometers in 1872 and twenty years later 9810 kilometers, pursued a similar policy.

In France, after protracted debates, in 1877, the legislature authorized the government to purchase a number of lines, mostly suffering ones. A system of 2615 kilometers passed into the hands of the state in 1878.

Likewise the countries bordering Switzerland on the north—Baden, Württemberg and Bavaria—possessed a part of their railways from the first, and they changed over to a state system during this same period.

These events must have exerted a strong influence in Switzerland. They did not permit the movement toward nationalization to come to a halt. The movement also gained a powerful friend in Welti, for many years the director of the department of railways and a member of the *Bundesrat*. He used his influential position with much effect to promote the policy of nationalization.

*Attempts at Nationalization previous to 1897.*

Since repurchase in accordance with charter provisions was considered too difficult, the *Bundesrat* attempted to approach the desired aim by way of voluntary purchases. During December, 1887, the *Bundesrat* consummated an agreement for the purchase of the Northeast Railroad. In accordance with this agreement the Northeast Railroad Company was to cede to the federation all its movable and immovable property and receive in return, at their nominal value, Swiss (*eidgenössischen*) bonds bearing  $3\frac{1}{2}$  per cent interest, at the rate of 600 francs for each preferred share and 500 francs for every common share. The general meeting of shareholders ratified the agreement but demanded additional concessions, apparently of little significance. The *Bundesrat*, however, seized upon this opportunity to withdraw from the negotiations, presumably because of its solicitude about securing a majority vote in the federal assembly.

A few years later they went one step farther with reference to the Jura-Simplon Railroad. After the *Bundesrat* had reserved for itself the right, when the fusion of the *Suisse occidentale* and the Jura-Bern-Luzern railway companies had been brought about, to exempt all shares which it might eventually possess from the restriction on voting in the general meeting (according to Swiss law not more than one-fifth of the whole number of votes can be concentrated in the same shareholder) it resolved, in 1890, to purchase 30,000 preferred shares of the above company, which were at that time owned by the canton of Bern. The purchasing price amounted to 600 francs (per share of 500 fr.), *i. e.*, 120 per cent, payable in 3 per cent bonds quoted at 90. Similar purchases were repeated, so that by the close of 1891 the federation possessed 77,090 preferred shares of the Jura-Simplon Railroad. Financially the result was not

favorable, and the anticipated influence on the authorities of the Jura-Simplon Railroad was not secured; consequently no additional purchases of this stock were made after 1891.

A third trial was made with the Central Railroad. The *Bundesrat* negotiated at first with an association of shareholders of the company concerning the cession of a large installment of stock, and later with the directory itself for the purchase of the entire railway. In June, 1891, the federal assembly empowered the *Bundesrat* to execute a contract for the transfer of the Central Railroad at a price of 1000 francs for every share of 500 francs payable in 3 per cent bonds quoted at par. However, these terms seemed so unfavorable for the federation that the referendum was resorted to, and, on December 6, 1891, the contract was rejected at the polls by a large majority.

These consequences demonstrated more clearly than had at first been assumed that not only a certain aversion to the principle of nationalization but also, and much more, the special conditions of a concrete case condemned the bill.

As early as January 29, 1892, the federal assembly passed a resolution requesting the *Bundesrat* to institute a comprehensive investigation of the railway problems (railway reform and railway repurchase) and to submit a report, accompanied by a bill, on the ways and means by which to proceed.

The outcome of this investigation, which the *Bundesrat* soon took in hand, was the accounting law (*Rechnungsgesetz*) submitted November 2, 1895. The *Bundesrat* had reached the conclusion that the accomplishment of nationalization was desirable, that the next possible opportunity for repurchase in accordance with charter provision in 1903 was preferable, but that existing laws were inadequate for the solution of preliminary problems, such as the determination of the price, etc., and that therefore they must be amended.

This accounting law is the last link in a long chain of legislative enactments through which the relation of the state to the railways has been gradually modified in the direction of increased state influence. The laws are an expression of the gradual development of the idea of state railways. Nearly all these laws, except the last and the most decisive one, were passed without appreciable opposition, and this is proof that their tendency on the whole ran parallel with the transformation of public opinion on the economic functions of the state. When finally the last step, the change to the state system, was to be taken, it was found that the way had long been prepared.

Guided by this legislation we may now study the relation of the state to railway companies up to the time of the enactment of the repurchase act.

### *Railway Legislation from 1852 to 1872.*

The expropriation law of 1850 has already been mentioned. It was the first result of the task which the federal assembly had assigned to the *Bundesrat*, and which was discussed above.

The next and most important consequence of the same report was the "Federal Law Concerning the Building and Operation of Railways in the Domain of the *Eidgenossenschaft*," of July 28, 1852. It was modeled, as has already been stated, after the minority report of the commission of the national council. The following were the essential contents of this law:

The building and operation of railways in the domain of *Eidgenossenschaft* is reserved to the cantons, or to private activity.

Charters for railway enterprises emanate from the cantons, subject to the approval of the federation through the agency of the federal assembly (Art. 18).

The federation must grant this approval if the projected enterprise does not prejudice the military interests of the *Eidgenossenschaft*. But it has the power to decide whether this is the case or not. So far as the author knows, it has never happened that railway charters have been refused for purely military reasons, even though apprehensions of this nature have repeatedly been uttered in discussions on applications for charters.

The law, however, makes the granting of charters depend upon the fulfillment in favor of the *Eidgenossenschaft* of certain conditions relating to the administration of the postal system, the telegraph and the army. They are the following: (1) Railways are bound to transport free of charge letters and sealed packages up to a weight of 5 kilograms. Likewise railway post-offices and postal clerks must be carried gratis. (2) Railways are required to permit the establishment of telegraph lines along the railways without compensation, to direct and supervise the construction and the more important repairs of such lines through their own engineers, and by means of their own staff to make lesser repairs and to maintain the line. (3) Railways are compelled to transport the *Eidgenossenschaft's* army and accoutrements of war at one-half of the lowest regular rates.

In addition, the *Bundesrat* reserved the right to declare a charter null and void if the work of grading was not begun within a specified time and proof given of the company's ability to execute the work in a proper manner. It also reserved the right to prescribe regulations that might be necessary to insure the technical unity of the Swiss railway system. The *Bundesrat* further reserved the right to decide disputes among railway companies over the manner of making junctions with one another. The law provided that every railway company should be in duty bound to permit the establishing of convenient junctions, without the company requiring the rates of the roads making the junctions to be kept at a lower level in its favor.

Finally the *Bundesrat* reserved the power to participate in the negotiations between the cantonal governments and private parties concerning the granting of charters, which right it has, however, never exercised, because the law did not accord to it a dominant position in these negotiations. In case a canton should attempt to prevent or to make more difficult the construction of a railway of importance to the public, the federal assembly was empowered to interfere of its own accord and to order what seemed necessary. It is not very clear just what was to be understood by the "necessary" which, under such circumstances, the federal assembly was empowered to order; and it is at least very doubtful whether the establishment of railways by the *Eidgenossenschaft* was intended.

As compensation for these responsibilities the railways were empowered to apply the expropriation law of 1850 everywhere in the domain of the *Eidgenossenschaft*; besides they were to be allowed to import for a period of ten years, free of duty, rails and other materials required in railway construction, such as wheels, axles, locomotives and coal.

The law was not sufficiently precise in such important provisions as those relating to repurchase. It was content with retaining the possibility of repurchase by the *Eidgenossenschaft* and postponed to a subsequent date the adoption of specific terms. Article 14 of the law provided that

"the time limits at the expiration of which the federation may purchase for full compensation the railway in question, together with the material and supplies belonging thereto, and the terms upon which repurchase may take place, shall be determined from time to time and for each case by itself."

It was clear that the federal assembly would soon be forced to take a stand on this question of charters. As a matter of fact, during the very session in which the railway law was enacted a series of cantonal charters were introduced for its approval.

These bills related to railways that had been chartered by the authorities of the cantons of St. Gallen, Thurgau, Waadt and Luzern. During the discussion on the applications for these charters the friends and foes of a state system contended with vigor. Some sought to incorporate in the resolutions approving the charters provisions which would make it easy and advantageous for the state to repurchase the railways; others took pains to give the longest possible life to the system which they had only recently created.

Various bills designed to solve these difficult problems were brought before the federal assembly. The *Bundesrat* proposed to fix the terms of repurchase in the following manner:

“The federation shall have power to acquire, for full compensation, all railways, together with the materials, buildings and supplies belonging thereto, after the twentieth year of the operation of the same, and on giving the respective railway companies one year’s notice.”

But the federation could not make use of this right before the expiration of the charter period, which was fixed at ninety-nine years.

The amount of compensation was to be ascertained exclusively on the basis of (*a*) the average net profits of the road during the last twenty years; (*b*) the original capital stock of the road and of its dependent lines; (*c*) the estimated sum which the construction and equipment of the road would cost at the time of purchase.

From the sums paid by virtue of *b* and *c* a reasonable deduction was to be made as an allowance for the past wear and tear of the railway. Should the federation desire to exercise its right of repurchase before the expiration of the charter limits—that is, between the twentieth and ninety-ninth years—then the price was to be advanced ten per cent. When an agreement between the federation and a railway

company could not be reached, a court of arbitration was finally to fix the purchase price on the basis outlined above.

The council of states first deliberated upon the bill, and, with unessential modifications, approved the scheme of the *Bundesrat*. The national council, on the other hand, engaged in a lively discussion which finally led to the adoption of the following repurchase clauses:

1. The federation shall have power to repurchase a railway at the termination of the thirtieth, forty-fifth, sixtieth, seventy-fifth and ninetieth years, and at the expiration of the charter in ninety-nine years.

2. As an indemnity against the exercise of this power there shall be paid twenty-five times the average net profits for the ten years immediately preceding the repurchase in the thirtieth, forty-fifth and sixtieth years; in the seventy-fifth year twenty-two and a half times, and in the ninetieth year twenty times this average; but in all cases an amount equal at least to the original capital stock shall be paid. Repurchase in the ninety-ninth year should be made by a reimbursement equal to the probable cost of the road at that time.

3. The road was to be transferred in a thoroughly satisfactory condition; and should it not meet these requirements a corresponding reduction was to be made from the amount awarded as an indemnity.

4. Disputes as to the amount of the award were to be submitted to a court of arbitration composed of two members appointed by each of the parties in the controversy, and these four were to choose a fifth as chairman. Should the arbitrators fail to agree upon a chairman the *Bundesrat* was to nominate three persons from whose number the plaintiff might first strike out one, then the defendant another. The remaining nominee was to be the chairman.

These propositions were finally approved by the council of states and this approval laid the foundation of Swiss railway legislation for many years to come. The law, whose contents have been indicated above, fixed the rights and duties of the state toward the railways. It still required elaboration. The adoption of the repurchase clauses was the first step in this direction. These, however, did not constitute a part of the law, but were merely resolutions of the federal assembly which were incorporated in the acts of

the federation for the approval of cantonal charters. After an agreement had been reached concerning the contents of these charters the resolutions were applied in tolerably uniform manner for all charters of standard roads granted by authority of the first railway law.

All further regulation of the legal relations of railways, in so far as they had not been provided for by the federal law of 1852, was left to the cantons.

In this connection it is, of course, quite impossible to enter upon a more detailed account of the manner in which the cantonal governments made use of their legal rights in the domain of railway affairs. The results of the exercise of these rights, however, are very small and their practical effect a vanishing quantity. In the nature of things the tendency would be not to obstruct the construction of international railways by means of exhaustive legal provisions which, because of the great difference in the conditions in the various cantons, could not well have been enacted.

The cantonal charter acts, on the other hand, were much more detailed and thorough. As a rule they contained careful directions concerning the approval of plans and the beginning, duration and nature of the construction. They required all plans to be submitted to the government. The construction of passenger coaches, the number and speed of trains and maximum rates were prescribed and provisions made concerning the policing of the railways. The companies were required to charge equal rates for all, and to grant favors to no one which could not be secured, under the same circumstances, by everybody else. A transfer of the charter was usually dependent upon the approval of the cantonal governments. The cantonal governments also reserved special rights of repurchase, modeled after those of the federation, but naturally inferior to them. The Canton of Bern alone exercised this right to a considerable extent, and it later sold its roads to a private company. The

railways, however, in addition to considerable financial support, received from the cantons numerous favors, two of which have special significance. One was the assurance that no other road should be chartered in the same direction or region; the other, exemption from cantonal and communal taxes. (The *Eidgenossenschaft* levies no taxes.) The "monopoly rights" against other roads led to numerous complications and later on, after the power to grant charters had been vested in the federation, the *Eidgenossenschaft* declared them not binding. Roads upon which the right of exemption had been bestowed at that time still enjoyed this privilege. Up to date the federal courts have defended them in the possession of this right against all attacks of the cantons; and since the railway companies have been placed in fair and, in some cases excellent, financial condition, these attacks have not been wanting.

Lastly, most of the cantonal charters took advantage of the right which the law of July 19, 1850, concerning exemption from military duty, had conceded to them, a law exempting railway engineers and machinists from military service. Experience, however, soon demonstrated that this exception to the principle of general military duty did not adequately meet the needs of the traffic; and so, by a federal resolution of July 20, 1853, the *Bundesrat* was authorized to determine for each railway separately, who among the employes, upon whom devolved the care of the safety of operation, should be released from the performance of the general military duties. This permission was granted only with the greatest possible restrictions, but with the introduction of the new military organization, exemption has been extended to all persons employed in the operation of railways.

These conditions can in nowise be characterized as ideal but the Swiss railways developed at a moderate rate. The demand for the new means of transportation had so long been checked by the unfavorable political and social conditions that, as soon as a certain degree of stability had been

brought about, the development of the net began. However, the legislation of the federation followed this development rather hesitatingly.

To carry into effect the provisions of Article 12 of the Railway Law, the *Bundesrat*, in 1854, issued an "Order Concerning the Technical Unity of Swiss Railways" which contained rather careful directions aiming to secure the greatest possible uniformity in construction and equipment. This order regulated the width of track, the radius of curvature, the height in the clear of tunnels, the maximum height and width of cars, the distance between wheel centres, the width of rims, etc. This unification of the equipment on Swiss railways was considered a military necessity.

The federal assembly took no further action regarding railway affairs for several years. In 1858, it declined to pass a bill relating to the regulation of the conditions of exclusion from Swiss Railways which the *Bundesrat*, in carrying into effect Article 13 of the law of 1852, had brought before it, because the *Bundesrat* possessed the necessary power to regulate those conditions "in the interests of the public traffic, the public service, as well as of the most efficient operation of the roads." So, also, in 1863, when numerous petitions had been presented from the business circles of several cantons praying for the removal of various evils connected with transportation on the Swiss railways, this body refused to act. This refusal was made because it was thought that a recent agreement among the different railway companies on uniform regulations would meet most of the complaints ; also because it was the duty of the cantons rather than of the federation to interfere. The federal assembly also thought that the *Bundesrat* would be able to deal with such complaints should they continue to be made.

It is to be noticed that the federal assembly remained opposed to state interference in railway matters, although the people generally were demanding this interference.

This resolution of the national council was passed during the presidency of Alfred Eschers who was spokesman for the minority of the commission of the national council in 1852 and had defeated the idea of state railways.

But circumstances are more powerful than men. The federal assembly could not long resist the current of public opinion. During the summer of 1869, it requested the *Bundesrat* to submit a report and a bill granting additional powers to the federation in relation to the operation of railways.

At this juncture an event happened which not only contributed powerfully to direct public opinion towards the desirability of the participation of the state in railway transportation, but also showed to the federal assembly that, at least, under certain circumstances the state could not and dared not stand idly by and quietly watch the development of the railway system. In the extension of the network of Swiss railways the task of building over the Alps presented itself and proved too great for the combined efforts of the cantons and private persons. The *Eidgenossenschaft* had to conduct the diplomatic negotiations with foreign countries which were to aid the work by the granting of subsidies.

By the treaty of October 15, 1869, between Switzerland and Italy, which was later on accepted also by the North German Federation, the foundation of the Gothard enterprise was laid and at the same time powers were entrusted to the Swiss *Bundesrat* to execute the provisions of the treaty by means of the Gothard Railway Company. These powers gave the *Bundesrat* a very different position in relation to railway affairs than it had hitherto held.

The *Bundesrat* objected to the creation of two kinds of railway law, one for the Gothard Railway and the other for all the remaining railway companies; and hence it gladly responded to the invitation of the councils to submit the draft of a new railway law (1872) that would unify the railway code.

The Gothard Railway thus became one of the most important immediate causes that brought about an extension of the rights of the state in railway control. It is a most peculiar coincidence that for the many years of his restless activity for the inception of the Gothard Railway Alfred Eschers received a reward which rarely comes to an individual. The most pronounced and proudest champion of the independence of the railways from the state, the spiritual father of the railway law of 1852, now, without intending to do so, gave the most important impulse toward the new railway law of 1872.

*The Railway Law of 1872.*

The *Bundesrat* presented the draft of a new law together with a very elaborate report to the councils in 1871. This report characterized as an especially great evil the inability of the individual cantons to assert their authority against the greater railway companies. As a result of this inability there had arisen a series of misunderstandings and conflicts over the establishment of new lines or their transfer to third parties, over the regulation of junctions, the lack of harmony in time tables, rate questions and the arbitrary action of the companies in cases of liability. All these misdemeanors could be brought to an end only by the strong hand of the central government.

This report scarcely exaggerated existing conditions. There was the greatest incoherence in Swiss railway regulations because of inadequate federal legislation. There had clung to Swiss railways from the beginning a strong particularism and an inability to renounce, for the sake of the simplification and unification of its administrative machinery and traffic regulations, claims which were more or less just. The public was all the more inconvenienced by these conditions because the lines of the

individual companies were less extensive and their most important roads were only sections of prominent through routes. In this respect, however, conditions were improved little by little, partly through the consolidation of smaller companies; partly by the direct pressure exerted by the trafficking public or the state, and not least, by the continued exertions of far-sighted professional men. Nevertheless it is certain that the weakness of the railway companies and their inability to unite interests diverging in so many directions became fatal to them. They supplied the state with a welcome argument for, and a certain justification of the uninterrupted extension of its authority in the domain of railway affairs.

From the beginning the railway companies had denied to the federation the right to alter their legal status through legislation because this status rested on a private contract—the charter. In its message the *Bundesrat*, however, took a very decisive position against this conception by asserting that charters are one-sided acts of the state power which may be repealed or modified by the same authority. Nevertheless, it admitted that certain private rights grew out of charters which could not equitably be annulled without compensation. Such, however, were not in question here, because the *Bundesrat* was now dealing with provisions for the maintenance of public order, for the protection of individual rights of public traffic, of the safety and health of the people, and that all individuals, associations and corporations as well as the private citizen must be subordinated to these higher interests of civil society.

The law as it finally emerged from the federal assembly on December 23, 1872, is in four parts:

1. The granting of charters.
2. Contents of charters and the legal status of the incorporators.
3. Provisions concerning the unity of construction and operation of Swiss railways.
4. Questions of jurisdiction and transitional regulations.

As regards the granting of charters, power is to be exercised solely by the federation which must, however, previously consult with the cantons. The federal assembly may refuse to grant charters for railways which prejudice the military interests of the *Eidgenossenschaft*. A charter may be granted even against the protests of a canton, but in such a case the canton has a right to build and to operate the railway in question on its own account. The law stipulates that charters shall be granted only for limited periods of time and shall contain no rights of exclusion. The regulations of the railway companies, as well as every alteration of the same, require the approval of the *Bundesrat*. Charters are transferable only with the consent of the federation. The execution and authorization of liens on railways and the procedure in case of insolvency shall be regulated by a special federal law. The expropriation law applies to all chartered railways. A period of time shall be fixed within which the work of grading must be begun and evidence given of ability to continue the same under penalty of forfeiting the charter. (In practice, no objections were, as a rule, raised against an extension of this time limit on the application of the incorporators.) The *Bundesrat* shall also fix a term of years for the completion of the road, in violation of which, unless an extension is granted by the federal assembly, the same shall be sold at auction on the account of the company. All plans must be submitted to the *Bundesrat* for approval. This body has the right, in the interests of public safety, of traffic and of public defence, to order the construction of double tracks, new stations, etc. The federal assembly decides upon these matters in the last resort. For all demands exceeding the legal and concessional requirements the companies shall, within certain limits, receive compensation. During the period of construction and operation the railway company shall, at its own expense, take all measures necessary for the safety of traffic on existing highways, etc., and for the

protection of adjacent property from injury. The railway shall not be opened for traffic until after the *Bundesrat* shall have granted permission to do so. The *Bundesrat* shall previously authorize experts to inspect the road at the expense of the company. Following the completion of the road, plans and an inventory of the entire plant, in addition to a correct account of all expenses, shall be handed in to the *Bundesrat*. The same shall be done for later construction not falling under the head of maintenance and for the purchase of equipment. Railways are bound to transport mail free of charge. The federation may collect annually a charter fee proportionate to the net profits. In case of interruptions in traffic due to accidents provisional transportation of mails and passengers shall be provided for. The provisions relating to the construction and maintenance of telegraph lines are analogous to those of the law of 1852. In times of war the federation is authorized to take possession of the railways with all their equipment, compensation being given. During times of peace the army and accoutrements of war shall be transported at one-half the ordinary rates. Every year the companies shall transmit to the *Bundesrat* reports of their annual meeting, extracts from the reports of the general meeting of shareholders, and all material necessary for the compilation of statistics. The more detailed provisions concerning repurchase are to be stipulated in the charters. On non-fulfillment of legal and concessional obligations and the observance of a certain mode of procedure, a charter may be declared void and the road, together with its equipment, sold at auction on the account of the company.

The law further gives (Art. 29-38) the federation extensive powers for the establishment of unity in the construction and operation of Swiss railways. They extend to construction, equipment, manner of building, heating, lighting, condition of cars, minimum of equipment required of every railway, railway police, number of trains and

observance of train regulations, the adoption of uniform traffic regulations. Rates were completely subordinated to the control of the federation, which asserted the right to inspect all acts and contracts relating thereto. Nevertheless, the *Bundesrat* acknowledged in a message that rates were regulated less by the directions of the state than by the demands of traffic. Consequently it based its regulations on the two principles that all rates must lie within concessional limits and that no tariffs, not provided for in the charters, can be collected unless they have been expressly approved by the *Bundesrat* and publicly announced. Such publication, which is required for all changes in rates, shall be made at least fourteen days before the rates in question shall take effect. Finally, the federation reserved the power to legislate on matters pertaining to freight regulations and to the liability of railways for deaths and injuries connected with the construction and operation of the railways.

Such were the main provisions of the new railway law. They demonstrate that the federal assembly which enacted this law no longer occupied the ground of the federal assembly of 1852. The state at this time interferes vigorously with matters which twenty years before had been considered within the exclusive domain of private interests.

This law, however, did not terminate Swiss railway legislation; it was rather the first step in a new direction.

HANS DIETLER.

*Luzern.*

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—THE EDITOR].

## HEALTH AND WELFARE.\*

### *Chapter V.*

#### ECONOMICS AND PSYCHOLOGY.

The associations connected with the term economics are for the most part objective and concrete, and a proposal to discuss its relations to psychology may suggest a serious innovation. But this innovation is only apparent. Economics has never been a mere study of things like chemistry or physics, but a study of the relation between men and things, at first with emphasis upon the latter, but the former have never been ignored. A psychological basis for economics is altogether indispensable. The only question is whether it shall be a conscious or an unconscious, an accurate or an inaccurate one.

The relations of economics to psychology may be stated in a few words. It is but an application of the principle which governs all such relations. The sciences are distinguished, not by the materials they investigate, but by the purpose with which they investigate them. Economics and physics may study the same things, but not with the same purpose. To put it technically, a science is the study of an abstraction, that is, of a particular aspect of phenomena disentangled from all other aspects with which it may be associated. This abstraction once determined, the science may go anywhere and study anything that contributes to its purpose. Thus sociology studies association, psychology studies sensation and economics studies enjoyment. The great majority of the concrete processes studied are the same in the three cases, but the sciences are radically distinct. The sociologist studies division of labor as affecting the development and perpetuity of social organization. Its

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bearing on happiness is ignored or considered only in its further bearings on association. The economist reverses the order of procedure, formulating all relations from his particular point of view. A similar relation exists between economics and psychology. The latter science, starting with sensations, analyzes psychic processes, the mechanism of feeling and thinking. Of course this is the field in which all enjoyment is located, but enjoyment is not the subject of psychological inquiry. Pleasures and pains are rather considered merely as the constant stimuli inciting to psychic development, a means to psychic ends. Here again economics, though studying the same phenomena, reverses the relation. It investigates, not the reaction of pleasures and pains upon psychic processes, but the reaction of psychic processes on pleasures and pains. Even ignoring the physical side of economic investigation, the two sciences are wholly distinct despite their intimate association and their constant appeal to each other. The one gives us an analysis of psychic activities and the other an analysis and inventory of enjoyments.

But what is needed in this connection is not so much an idea of the relation of economics to psychology in the abstract as of its relation in the concrete, that is, a careful statement of those psychological principles which must be assumed as the premises of economic inquiry. Perhaps we may say that what we need is a sound and adequate economic psychology. Doubtless it would be profitable to have a complete formulation of psychology as of other sciences with reference to the study of economics. But whatever may be desirable or possible in this connection, no such ambitious attempt is here proposed. It will be sufficient for the purpose of the present inquiry to enumerate somewhat systematically some of the more important principles of familiar, perhaps, I may say, popular psychology, principles which are not questioned, but which, as experience proves, are frequently overlooked. Here as elsewhere the

principal task of economics is to note new relations between commonplaces of experience. It is seldom that we discover a novel process, but it is surprising how often sections of our experience are found lodged in separate compartments of the mind to the concealment of the relations between them. If I tax the patience of the reader by enumerating familiar things, it is only that I may later indicate their unfamiliar significance.

The fundamental psychological fact is sensation, resulting from some sort of direct contact with objects, as touch, sight, etc. These sensations have in general the character of pleasures or pains, and as such they are the interpreters of environment and the stimuli which prompt us to adapt ourselves to it. They are the primary or original pleasures and pains from which all others are derived, and no matter what proportions the derived feelings may attain, we never think of them as having quite the same concreteness as these original experiences. We may disparage the pleasures of sense in deference to prevailing sentiment or personal conviction, but we never get over the feeling that they are more real and certain and more definitely ours than their worthier rivals. And this rests on the psychological fact that these primary sensations are more universal and more vivid than secondary or derived sensations.

But primary enjoyments once experienced may reappear in a weakened form and in various relations, thus giving rise to secondary enjoyments which, despite their secondary origin and relative faintness, become vastly more important as sources of satisfaction than the primary ones. Simplest of these is memory, the reappearance in weaker form of past sensations. Whatever recollection may lose in vividness it may gain, perhaps many times over, by repetition, thus becoming an important source of enjoyment. One of the principal objects of economic activity is therefore to stimulate and develop the memory, and a large class of goods owe their importance to their services in this connection.

But memory does not recall past experiences automatically and without occasion. A suggestion is necessary to set it going. Something happens like that which happened before and that reminds us, as we say, of other things that happened in the same connection. A part of the original experience being thus reproduced, memory goes on and fills out the whole along the former lines. The recollection of a past experience may thus become the ground for anticipating a future experience. The sight of an orange not only recalls the pleasure we have had in eating other oranges but it suggests the pleasure we are going to have when we eat this one. Thus we not only re-experience sensations but we pre-experience them, so to speak. This too may happen any number of times, so that in spite of the relative feebleness of these pre-experiences their aggregate importance in a given case may far exceed that of the ultimate experience itself. In this sense at least anticipation may be better than realization.

The mind thus reaches forward into the future as it reaches backward into the past. In precisely the same way it extends its reach laterally, as it were, quite beyond the original limits of sensation. It learns to read between the lines of the scanty reports brought to it by the senses. Such an inference is involved in the anticipation already mentioned. The outside of the orange suggests the nature of the inside, which is the thing that excites pleasant anticipations. This process of inference is so natural and universal that we are not always able to separate it from the primary and usually very rudimentary sensations on which it is based. Beginning with simple cases like that just mentioned we may pass on to cases in which inference is piled upon inference in the utmost complexity. Things thus acquire an enjoyment-character which is entirely unlike and out of all proportion to their original power over the senses. Goods become symbols fraught with vast import, due not to any enjoyableness of their own but to the fact that they

serve as mental stepping-stones to other things. We may get an idea of the scope of suggestion as affecting human enjoyments if we notice its application to human relations. Originally we may assume that persons have a certain enjoyableness based on their concrete character and independent of all inferences. They can be made useful in various ways, and on the other hand they may become annoying and injurious. According as they amuse and serve us or strike and bite we size up their economic character, their usefulness to us. But observation teaches us to anticipate their action. Instead of waiting till they strike us, we watch to see if they look like striking. Their looks and gestures thus become a new source of comfort and discomfort by reason of the inferential character they thus acquire. A man who never touches us may by such means make us thoroughly uncomfortable for an indefinite time.

Having thus learned to notice looks and gestures, and interpreting them of necessity by comparison with our own, we come through inference to another fact of the utmost importance, namely the feelings of others. While we at first became conscious of feelings which are especially directed toward ourselves this is only the starting-point. Sooner or later the various expressions of feeling become intelligible to us, and we live in a consciousness thronged with the experiences of others. The walls that separate us from our fellows seem, as it were, to grow transparent, and we see what passes beyond them so plainly that at times we forget their very existence. These alien experiences reach us, of course, dimmed by transmission and distorted by refraction, but their scope is so vast that their aggregate importance may easily outweigh that of all other feelings, direct and indirect. Especially is this true when natural cries and gestures become organized into language, an instrument of precision for the transfer of feelings and thoughts. This generalization of individual experiences by suggestion and inference is aptly designated by the old

Greek term sympathy or fellow-feeling. Thus on the basis of a few primary feelings suggestion builds the wonderful structure of individual experience, each later addition eclipsing all preceding ones. It is in these later experiences that the developed mind lives and moves and has its being. Even when the pleasures of sense seem prominent they are really valued primarily for the trains of suggestion which they set in motion. The student of these phenomena must not ignore this true perspective. The theory of enjoyment must be more than a theory of eating and other crude primary pleasures. Above all things he must avoid that provincialism of individual taste which is naïvely expressed in the statement that "a diamond has scarce any value in use." In the analysis of these subtle elements of enjoyment and the resulting incentives to action must be sought the principal benefit to be derived from such a study.

But the feelings acquired through sympathy are by no means the end of this remarkable evolution. They become in turn the starting-point of a new development. Through the transparent walls which separate mind from mind, we not only look into other people's mental premises, but we perceive they are looking into ours, and that not indifferently but with farther emotions induced by what they see. Sympathy, gratitude, admiration, respect, sentiments long associated with profitable relations and pleasurable to contemplate, and resentment, suspicion, disapproval, etc., with their opposite character become new and patent factors in determining our enjoyment. These are not simply other people's feelings, but they are feelings specifically focused upon *us*. It is obvious that these particular feelings generate new feelings in us which become manifest in turn and produce farther reactions and new complications of our own emotional environment and so on *ad infinitum*. It is the purpose of the present chapter to indicate the existence and emphasize the importance of these derived feelings rather than to trace their various forms and enumerate their peculiarities.

An attempt at this fuller analysis will be made later, though it is needless to say that no more than a bare beginning is as yet possible.

As the result of the development of successive faculties we thus find ourselves surrounded by a fourfold environment. The first consisting of things is the most concrete, the nearest, the earliest and the least. Next comes the circle of our own objectified sensations experienced in duplicate by the aid of memory and anticipation. Then comes the circle of other people's experiences made visible by suggestion and inference. And finally there is the circle of other people's sympathies, or feelings induced in them by their contact with our feelings as revealed by suggestion. These four elements in our environment produce corresponding feelings by contact. I do not mean to imply either that these four orders of feeling arise in the order in which I have described them, or that there is any very fundamental separation between them, least of all that the classification here suggested is the only one, or one suitable for other purposes. But I think it will hardly be denied that these sources of feeling are realities, or that they may serve a useful purpose in guiding our present inquiry. This is all that I assume.

Having thus briefly noticed the rôle of suggestion in multiplying and varying our original sensations, we have now to consider certain systematic metamorphoses which facts and feelings undergo under the influence of suggestion. We will again begin with memory, the simplest case.

It is a familiar fact that we do not remember accurately. Not only is the second impression less vivid than the first, but it is distinctly different. Some parts of the original experience have fallen out altogether, while others have become exaggerated. It is as though some colors in the original picture had affected the sensitive plate of memory unduly and others scarcely at all. And as time goes on, along with the general weakening of the picture, there goes

an increase of this process of distortion or retouching as we may better call it, until, despite all sincerity and care, recollection often comes to bear but little resemblance to the experience which it purports to reproduce. But a little observation of these caprices of memory shows that there is method in her madness. In the first place the more prominent features of the original experience are longer and better remembered than others. The obliteration of details thus gives them still greater prominence and simplifies the experience. But prominence is a relative term depending quite as much on subjective as on objective conditions. The items that most impress one mind will impress another but slightly. Hence as the process of obliteration, retouching and simplification goes on in different minds it brings about very different results. The simplification thus becomes an assimilation and the stored up residue of our experiences becomes unified and harmonized with our own character. That part of an experience which is at first the principal thing, and later the only thing that we remember, is simply that part to which we are most susceptible. We often wonder that men are so little influenced by experience. The reason is that experience is so much influenced by men.

Anticipation, we have seen, is but an inference based on memory. It will of course be affected by these deviations of memory from fact. If we have slowly idealized an experience, that which leads us to anticipate its repetition will in fact suggest not the actual experience, but the idealized experience to our expectant mind. But aside from this inevitable deviation, anticipation involves new deviations of its own. The thing that recalls the past experience is not quite like anything that was actually connected with it, but has peculiarities of its own. So we shall not expect quite the same experience as we had before, nor yet quite the same as we think we had before, but such a variation of it as comports with the changed conditions. Here is a new and liberal element of elasticity in our mental processes. The

pressure of temperament again makes itself felt and remodels the yielding material of suggestion pretty much to its mind and each new anticipation becoming in turn a new suggestion and the starting-point of a new construction, reality and probability are easily forgotten, and anticipation passes over into unfettered fancy. Here most of all, perhaps, where all idea of realization is abandoned and imagination becomes an end in itself, do these far-off echoes of experience assume their true importance as a factor in enjoyment. In its more restrained form where it borders closely on the concrete it is the guide of the inventor and the scientist, a means to valuable ends, but in its wider range it is such an end in itself, one of the principal objects of human endeavor. What a multitude of servants man employs to minister to this supreme pleasure-giving faculty!

It is interesting in passing to note the influence exerted upon human evolution by this metamorphosing process by which all our derived experiences receive the stamp of our individuality. It is clear that the recollection of past experiences and inference as to future ones is necessary to enable us to choose between the different alternatives offered to us; but what is the effect of this systematic warping or falsification of experiences by memory and imagination? Simply to more completely differentiate them for purposes of choice. As we work over these experiences, sorting out and magnifying the elements that are in the line of our emotional specialty and eliminating those that are not, they gradually move to one side or the other till choice becomes unhesitating. As idealization thus blackens or whitens the neutral gray of reality, it not only intensifies the differences between experiences, but it intensifies the differences between temperaments and so facilitates natural selection as it before facilitated individual choice. The accentuation of choices is the accentuation of character, and upon this, nature's choice of the individual is based. Here is to be found the explanation of the almost universal triumph of the sanguine

temperament. Whatever may be said for pessimism, nature is irrevocably against it. She does not proceed against the philosophy but against the philosopher, and exterminates the one by exterminating the other. A prudent optimism is as certain to be the dominant philosophy of all time as confident energy is certain to be the condition of survival for individuals and societies. No matter whether it is true or not, a philosophy cannot live unless it is livable; and in the last resort what else is the criterion of truth? Human experience pronounces as true those impressions which prove to be permanently compatible with the necessities of existence. Beyond this we know nothing. It is as impossible that a race should be permanently and pre-eminently pessimistic as that it should be permanently and pre-eminently unhappy.

The work of suggestion in the field of sympathy is not more infallible than in that just considered. Our knowledge of other people's feelings at the best is derived from inference based on their action and expression, and these are necessarily interpreted by reference to our own habits of action and expression. Comparison of many observations eventually shows us that we have our bias in all these inferences, but it is only by inference that we can discover what that bias is. Examples are common enough of the misconception of other people's feelings by a sympathy which is so largely under the control of temperament. Manifestations of pain are attributed by one observer to sensitiveness, which to another suggests cowardice. A sensitive person suffers more from seeing a horse whipped than the horse does from the whipping, while the little girl who shed tears of sympathy when her brother whipped the broomstick which he was astride, suggests the possibilities of sympathetic misrepresentation. Here as elsewhere, temperament projects itself upon environment and so derives from that environment pleasures and pains which are fashioned to its own susceptibility. Here again the individual adjusts

himself, not to realities, but to imaginations, and so puts himself and his imaginations continually to the test of livableness.

Perhaps the foregoing mention of psychological processes will answer our purpose. It remains for us to consider certain principles which govern the growth of our feelings and which have a far more direct and important bearing on present economic and social problems than anything so far noted. The first may be described metaphorically as the transplanting of emotional interests. It resembles the action of those plants which, putting out runners from an original centre, strike root at a new point. For a time the new plant draws its nourishment from the old, but eventually it becomes independent and self-supporting and the runner dies away. The plant thus lives for itself and forgets its origin.

Something like this is continually happening in our psychological development. It must not be forgotten that psychological development is but a phase of that general development which is governed in all its details by the necessities of existence. Whatever new faculties or experiences are permanently acquired in the course of our development must in the long run be useful faculties and experiences. We continually speak of a certain small number of things as "necessaries," implying that the great mass of goods which we strive for, and the activities to which they minister, are superfluities serving no other purpose than our delectation. But nature tolerates no such burden of superfluities. That which does not help, hinders and eventually kills. We have an all too-rudimentary notion of the necessities of life under modern conditions. When a person speaks of higher products of culture as necessities, it is usually taken as a mere extravagance. But it is a literal truth. There is no permanent demand of culture which does not become a physical necessity of existence, either for the individual or his posterity. Food and clothing may maintain existence for

brief periods and for individuals, but for societies and in the long run they will not. It requires but a superficial observation of society to show that a man's choice of neckties and his manners at table are factors in determining whether or not he shall perpetuate his kind.

Bearing in mind this dependence of all progress on the primary vital interests another step will bring us to important conclusions. It is plain that human progress as seen in the development of civilization, is merely an increasing control of the means of existence. Beginning with the few primary needs man fixes his attention upon the things that immediately interest him and seeks to control them. Eventually he discovers that other things lie back of these which it is desirable to control. Instead of fighting for a deer the savage learns that he is less likely to go hungry if he fights for the hunting-ground on which the deer is taken. Other conditions again are discovered back of these which he seeks to control for his advantage. Instead of living from hand to mouth he lays by much goods for many years; he takes note of the most remote and indirect forces which can be made to contribute to his ends. Activities are continued for many years, which have so remote a bearing on the elementary needs with which he started, that they seem to be arbitrary and unnecessary. So intricate does this network of activities become that not only the man himself, but even the careful observer loses sight of its controlling purpose.

What makes men do all these things? Necessity, undoubtedly, in the long run, but that is not the reason which appeals to the individual mind. This objective development of civilization is possible only on condition of a like development of perception and feeling which follows it step by step. In what does this subjective development consist?

The first and natural answer is that it consists in the development of foresight. If man plans farther ahead it is because he sees farther ahead. If he reaches out to control more forces it is because he perceives more relations.

Thus it comes that beyond the circle of enjoyable goods and activities we slowly become aware of other circles of goods and activities which interest us, not because they are enjoyable, but because they are useful. The first group of goods and activities are final, so far as anything outside ourselves can be; the others are mediate. Hence grows up the great distinction between final and mediate goods and activities which plays so large a rôle in economic discussion. The psychic development which we are considering is generally conceived as an enlarged perception of usefulness, which is continually extending our interest to another and remoter circle of means. It is generally assumed, however, implicitly if not explicitly, that the division between the useful and the enjoyable is sharp and fixed, and that we have entirely different feelings toward the two. Industrial progress thus appears as an ever-enlarging care and effort for a fixed good, surely a questionable advantage.

Whether or not such a progress would be advantageous or possible it is certainly not the kind of progress that we have had. In nothing have we grown any faster than in enjoyments themselves. We do not simply discover new means for securing old pleasures; we discover new pleasures. Where do these new enjoyments come from? Precisely where the first enjoyments came from. That which makes for life eventually becomes enjoyable. If we discover a new and remoter force which can be turned to account, it must eventually also become enjoyable if of permanent advantage. When we see its usefulness we prize it as a means; when we *feel* its usefulness we prize it as an end. The sentiment of usefulness is nothing but the offshoot of enjoyableness which has not yet struck root. But it is a psychological law as inexorable as gravitation that that which is long the object of our attention and effort eventually becomes the object of our feeling. The widening circle of interest is closely followed by the widening circle of enjoyment. How impossible would be all this vast and labyrinthine development of

activities if men had no pleasure in it all, if they had only the meagre stimulus of primitive satisfactions to impel them to patience and ingenuity ! Of course nobody supposes this to be the case. It is known that civilization has enlarged the circle of enjoyments while it has enlarged the circle of activities. But it is still supposed that the latter has been enlarged much farther and faster than the former. This is a psychological impossibility. Men can carry their activities only a little way beyond the pleasure line and that but feebly and fitfully. No activity is firmly established or approximates to its fullest efficiency until it acquires emotional independence and becomes self-justifying and self-remunerating. The reason why the growth of economic activities has been traced so much farther and so much better than the growth of economic impulses is to be found in the tendency so often noted to observe the objective and overlook the subjective. Action is visible and feeling is concealed; the one is tangible and the other intangible. Thus while our analysis of the one is up to date our analysis of the other omits those later additions which have not yet forced themselves into prominence and which are nevertheless indispensable to an understanding of modern activities. No factor in economic life has been more constantly or perniciously disregarded than the tendency of economic activities to become self-remunerating. I need but allude to the prevalent theories of capital formation in illustration of my point. Theories which ignore the mainsprings of human action are in turn made the basis of schemes of social reconstruction, socialistic and anti-socialistic, which are travesties on economic psychology. The application of this principle to some of the more important economic problems here suggested will be the subject of a later chapter. For the present it is sufficient to note that we learn to like the things with which we busy ourselves profitably. The farmer comes to dote on his cows, the gardener on his garden, the student on his books. The mind, at first busying itself

with these things in the interest of enjoyments elsewhere, eventually comes to transfer its emotional headquarters to the new centre, gradually withdrawing all interests from the old station and grouping them about the new. The student who at first devoted himself to books in order that he might earn his bread at last denies himself bread in order that he may buy books.

Now let us suppose that the object of interest is a person. The psychological principle involved is precisely the same, but the nature of the object introduces some interesting and confusing variations. There is the same slow learning to like, the same transfer of the emotional headquarters, but the new emotional centre is sentient, having its own independent interests. This puts us out of all our reckonings. Let us see if we can get our bearings.

When a man devotes himself fondly to his garden, delighting in each additional touch of perfection that he can give it, his purpose is clearly to please himself, for there is no such thing as pleasing the garden. But a precisely similar devotion to a person we call altruistic, or an effort to please another. The reason is that the person being sentient, and thought of as such, his feeling is the matter of supreme concern to others. If a man is to enjoy his garden he must cultivate the agreeable plants to luxuriance and keep down the disagreeable ones. If he is to enjoy his neighbor he must do the same, cultivate that which pleases him and repress that which does not. But in this case he has to deal with a different kind of plants, namely, the feelings of the other person. This brings us to what is perhaps the most important application of the principle we have been considering. A man's treatment of his neighbor will depend upon the relative maturity of the relation between them. This relation seems to be at the outset one of interest or profit. He finds that his neighbor can be useful or troublesome and tries to influence his conduct accordingly. The neighbor is a means to his enjoyment, but not an object of

enjoyment. His feelings are a force to be reckoned with, but not an object of concern otherwise. But the inevitable transfer takes place and the means becomes an end. Attention to the actions and feelings of others, as mere factors contributing to other ends, has at last developed a new sensitiveness and made these feelings an immediate condition of enjoyment. The old purpose of our solicitude may be forgotten, and in the enjoyment of the feelings which dispose men to serve us we may cease to care to be served. The egoist, who regards other people's feelings as capital, becomes the altruist who regards other people's feelings as final goods. With the growth of our sympathies, that is, our susceptibility to other people's feelings, our gardening becomes more and more a problem of growing the right kind of feelings which we may enjoy by suggestion or sympathy. It is constantly objected to this explanation of altruism, which recognizes its fundamental dependence upon the laws of enjoyment, that altruistic action is not directed by any conscious purpose of self-enjoyment. Of course not, neither is good gardening. There is no line of action that can be pursued with profit if the energies of the mind are constantly diverted to sordid self-consciousness or morbid self-introspection. The law of all successful effort is that it should be directed outward to an object on which attention is focused and which is conceived as an end. This is no peculiarity of altruistic action. As long ago as the days of Sismondi it was observed to be the ground of the immense advantage of peasant proprietorship in agriculture. To the hired laborer and the tenant at will the land is an object of interest; to the peasant proprietor it is an object of affection. The attitude of the true gardener is a model of altruism.

Our excursion into the field of social psychology may profitably be extended a step farther. We have observed the enormous extension of individual experience through suggestion or sympathy. Not only other people's temporary feelings, but their more permanent inclinations. Their

thoughts and judgments are forced into our consciousness, welcome or unwelcome, to the utter disregard of that psychic privacy which we call our individuality. With this opening of our private premises to the great currents of public traffic our own little individual and independent doings, if there are such, dwindle into insignificance. The point now to be noticed is that this overwhelming invasion brings with it an all-mastering control. It is not chaotic, but orderly. If our own few thoughts are lost in the throng, they move with the throng. If the most of our thoughts are other people's thoughts, the few that we originate will be *like* other people's thoughts. The result of sympathetic suggestion is, therefore, not merely to amplify our experiences, but to assimilate our experiences to the prevailing type. The impulses of the individual, therefore, tend inevitably to be like those of the society to which he belongs, and especially like those of the group or industrial class with which he is more closely identified. If this group control of individual experiences does not enable us to predict with confidence the action of every individual, it enables us to predict with absolute certainty the feelings and actions of the group as a whole, of which he is a representative. In the study, therefore, of both enjoyments and incentives we have to do with group phenomena far more than with individual phenomena. Individual peculiarities are but the surface play on the current of social life.

All this is no secret, and the dominance of class feeling and incentive has usually been tacitly assumed in economic discussion. But here as elsewhere tacit assumption does not seem to be sufficient to insure consistent application. Oversights are common enough and not without serious consequences. Perhaps no single inquiry would be more remunerative in its contribution to the vexed problems of modern industry than that as to the real scope and influence of the social instincts in the economic field. The tremendous rôle played by the anarchist, the capitalist and the speculator

with modern equipments has made society nervously apprehensive as to its dependence on individuals, and has instituted anxious inquiry as to the adequacy of the guarantees which protect society from individual caprice. In the formation and management of capital, the allotment of individual shares in the product of joint industry and the organization of collective enjoyment everywhere the question is raised. No question can be more important, and society must gratefully recognize any dispassionate statement of the inadequacy of its safeguards and all helpful suggestions with regard to their extension and improvement. But the inevitable tendency to over-emphasize the objective and the concrete in all observations and analyses of society is here conspicuously manifest. There is great danger that the real forces of social control should be overlooked or disparaged and that forces should be invoked which are more tangible but less efficient and less compatible with the conditions of individual development. It can hardly be doubted, indeed it is seldom denied, that the development of industry is and should be toward greater co-ordination as well as toward greater socialization or subserviency to the general weal. But there is the profoundest difference of opinion as to how that co-ordination should be effected and that subserviency secured. Without anticipating later discussions of particular problems it may suffice to suggest in closing this chapter that the psychic forces are probably more efficient and far-reaching than is usually supposed and that they are destined to play an increasing part in the development of organized industry.

The latter part of this inquiry would be equally relevant to a discussion of the relation between economics and sociology, two sciences which are intimately associated as regards their subject-matter but wholly distinct as regards their object. The discussion in this and the following chapter will suffice incidentally to make that relation plain.

*Chapter VI.*

## ECONOMICS AND ETHICS.

In contrast with the general unity and consistency of earlier economic thought, the past half century has been a period of protest, discord and reconstruction. The complacency with which Mill regarded the work of his distinguished predecessors seems to have been the exception among later economists, whose varied criticisms reflect the popular dissatisfaction with the "dismal science." The effort at a critical period to reduce Ricardo's abstractions to rules of thumb for practical guidance was a predestined failure, but the result which only demonstrated their abstractness seemed to demonstrate their falsity. In the confusion which has followed we may distinguish two main movements or tendencies, the historical and the ethical. The first has been so frequently and thoroughly discussed that we may pass directly to the second which has been less satisfactorily examined.

Whatever be the merits of "ethical economics" there can be no doubt as to its popularity. There seems to be a general impression that instead of being a dismal science, ethical economics is a sort of gospel, bringing a message of good will to men. Under the influence of this welcome belief enthusiasm for economics has grown apace. Chairs have been endowed and lecture rooms crowded, not wholly for this reason to be sure, but there has been a marked preference for the more benevolent aspects of the science. How much the science will ultimately profit by this popularity is hard to say, but for the present it is in unwonted favor. It will be well for us to examine the movement more closely to determine, if possible, first, what the present ethical tendency really means, and second, what the relation of economics to ethics must ultimately be.

It is plain at the outset that the movement has little more than a verbal unity. Ethics is a good word to conjure with, the more so because it so often carries with it little more than a suggestion of good things generally. It is natural, therefore, that this nebulous term should stand for very different tendencies. In trying to distinguish these tendencies we shall get little help from the direct statements of the writers of this school. The tendencies in question are diffused through their writings rather than formulated, and distinct tendencies are usually unconsciously blended into a seeming unity. As my purpose is to distinguish principles rather than to find who is responsible for them, these paragraphs are written with little reference to individual writers.

The most conspicuous form of ethical economics we may perhaps call hortatory economics. It is developed in connection with efforts to reform or perfect the industrial order. Starting with some sort of a conception of what order is, the reformer urges that these things ought not so to be. The laborer should receive a larger part of what he produces. The disinherited should have access to the soil; the burden of taxation should be more equitably distributed; monopolies should be restrained or abolished, etc. And these things are to be accomplished, not by the natural working of forces now in operation, but by direct intervention under the impulse of an aroused conscience. The whole impulse implies a relative emphasis upon the conscious and ethical factors in social evolution, the unconscious and egoistic factors being even assumed at times to endanger the social organism and deprave individual character. To arouse the necessary moral activity exhortation and denunciation alternate in the reformer's program. Economic analysis occupies but a second place, no matter how elaborate and voluminous its form.

I sincerely regret that economists have so often treated the persons referred to with scant respect. The result has not been favorable either to science or to reform. The economic

agitator has his place in the economy of society quite as much as the economic investigator, and he easily surpasses him in generous impulses, if not in general ability and knowledge of practical affairs. But he is not a scientist. On this point all experience is a unit. From the Gracchi to Henry George the economic agitator has made no permanent contribution to the science. He has done well when he has borrowed judiciously and avoided misrepresentation and absurdity. Doubtless the same man can be both scientist and reformer in a limited way, but he plays the two rôles best who mixes them least and forgets the one when he is playing the other. In the nature of the case this is all but impossible. The two activities are backed by different impulses, and in their fuller development they are essentially incompatible. The man who becomes possessed of definite purposes which fill his mind and control his action and engage his sympathies, which persist against all opposition and through all delay and beyond all disappointments, bending all forces to their accomplishment, such a man can not divest himself of these purposes as of a garment and forget what manner of man he was. Men do not do it, too often do not even try. That which dominates their action dominates their thinking. They sort over facts in the interest of their purpose and size them up according to their special serviceableness. Especially welcome or unwelcome discoveries will set them hunting after confirmations and counter-weights, and so rob their investigations of all symmetry and proportion. Valuable finds will be ignored because they do not "help along the cause." This will be true at the best when the study is of tangible things and realities are stubbornly obtrusive, but in the study of psychic phenomena, where fancy so easily counterfeits reality, a man can usually come to any conclusion he wishes if he only wishes it enough. Only those conclusions have a presumption of truth which are reached without consulting our preferences.

Doubtless quite as bad a case can be made out against the scientist from the other standpoint. He is made of no better stuff to start with, and is also a victim of specialization. There is, also, much in his occupation which tends to lessen sympathy between himself and the reformer. It is his ungracious task to expose fallacies and destroy illusions, to declare a dozen brilliant schemes impracticable for every modest proposal that he can commend. As the mouthpiece of nature, he seems to those who are trying to stampede society toward progress the most stubborn of all obstructionists. His respect for the ponderous inertia of nature, against which radical and reactionary alike storm in vain, is mistaken for unsympathy and temperamental conservatism. Doubtless these charges have some foundation. Scientists have temperaments like the rest of mankind, and are apt to acquiesce somewhat in the rôle which is persistently thrust upon them. While no man who lives in intimacy with nature talks of the good old times, on the one hand, or hopes for a speedy millennium, on the other, it would be strange if the scientist did not at times identify himself with one side or the other under the pressure of persistent attack.

But this is a side issue. I am not undertaking to defend or criticise a profession or class, but merely to distinguish between functions. I know that these functions are not thus distinguished in practice, that the differentiation is only approximate and that it can never be complete. But that does not mean that there is no point in the distinction. The indispensable condition of sound inquiry is that the process of observing things should be distinguished from the process of fixing things. The more a man desires a conclusion the less it is worth when he gets it. Reform and propaganda are not science, no matter how valuable they may be. All this has been said many times before, but as often forgotten, which is my reason for saying it again.

I have a suspicion that the new popularity of economics is due in no small degree to the breaking down of this

distinction. Pseudo-systems, introducing plausible programs of reform, have attractions which are quite extra-scientific. The picture of present conditions, which may seem "dismal" by itself, serves so much the better to heighten by contrast the attractiveness of the substitute proposed. What is desired is not diagnosis, but remedy, and the sooner a man is done with the first and hastens to the second the better he will suit. Only slowly does careful diagnosis reveal its worth. It is hardly necessary to add that this hortatory economics is not an ethical economics. Ethics is not a moralizing science, but a science of morals. If economics is to be made an ethical science it must be, not by pleading the cause of morals, but by investigating the nature of morals. He has little real faith in science who does not trust to the ultimate efficacy of simple revelation.

Before inquiring how far economics can or should be made an ethical science in this strict sense we may notice another subordinate phase of the ethical movement. The science of Smith and Ricardo was individualistic. The one believed that individual self-interest would work out an equilibrium conducive to the general good; the other, without assuming that the egoistic impulses were beneficent, accepted them as a matter of course. Their conclusions were unfavorable to interference with the natural order in the name of justice and benevolence. Their personal moral code was above criticism, but they assigned to social or group action and feeling a relatively small function. But the conclusions of science have been modified by the logic of events. Egoistic competition has not yet brought the beneficent equilibrium that was predicted, nor is it certain that it ever will. In any case men have grown tired of waiting for the slow result, and conscious social forces have been turned loose upon the scene of the disorder. Whatever may be the ultimate results, they seem to have mended matters for the present. In the light of recent experience economics seems

to assign a larger function to moral factors in the industrial organization of society. But this again does not mean that the science has become ethical, it merely recognizes the fact that society has become more ethical in its recent economic policy, and that social consciousness and social conscience have modified, and presumably must always modify, the interplay of individual and egoistic factors.

This once admitted it is plain that economics has a new subject for analysis. It is not enough to recognize moral forces merely as "disturbing factors" in the industrial order. Such a recognition is a subtle begging of the question as regards both their importance and legitimacy. There are no disturbing factors but merely contributing factors of various degrees of importance. If some of these are so unimportant that they may be safely ignored, this cannot be said of the ethical factors. It is of the utmost importance to determine how far and in what respect they influence economic relations. In this particular there has been more change in the theory than in the practice of economists. The earlier writers, even when professing to deal with self-interest as contrasted with moral sentiments, seldom confined themselves to this part of their subject. There has been a tendency on the part of modern writers to consider more systematically what was before considered incidentally, to make the altruistic impulses co-ordinate if not co-extensive with the egoistic as economic incentives. Whatever may be the result of this analysis there can be no question of its propriety. It is as legitimate to study the economic results of ethical forces as to study the economical results of chemical forces. The only question is, are we confining ourselves to economic results, that is, to the bearing of these forces on human enjoyment, or if we will, on the means to human enjoyment? In this sense and in this sense only economics may and must become ethical. This need not prejudice its scientific character nor yet trespass upon the domain of other sciences.

But while economics is no substitute for ethics and has no desire to trespass on its domain, an understanding of the nature of ethical forces and a brief résumé of ethical principles is necessary to the investigation we have just considered. If we are to investigate the economic results of ethical forces we must know an ethical force when we see it, no matter in what connection or under what disguise. It is important also that we should know the fundamental relation of the ethical to other economic forces. Duty is one thing and pleasure another thing, but not necessarily an unrelated thing. Do they differ as black does from white, or as youth does from old age? Our conception not only of the relation of ethics to economics but of the conditions of social progress will be modified by our answer to this question. The necessity involved in our own discussion is a sufficient excuse for this brief discussion of ethical principles. If it involves an incipient theory of ethics, it is as far from pretensions to completeness or technical character as is the discussion of psychology in the preceding chapter. It will satisfy all requirements if it facilitates our further inquiry and should be judged in that connection.

We have seen that in the evolution of an organism profitable experiences become pleasurable and unprofitable experiences painful by the action of natural selection. This assures the necessary choices on the part of the individual and is the real advantage of sentient life. The longer an organism lives under fixed conditions the more definite the association between pleasure and profit becomes through the continual elimination of individuals whose predilections are unwholesome. Life thus intrenches itself behind instincts that steadily tend to become impregnable.

But when conditions change, established pleasures and pains become a delusion and a snare. The old preferences, deeply seated in the organic constitutions, are perpetuated by heredity with characteristic pertinacity and resist the process of readjustment which the new conditions require.

Eventually, of course, the old preferences give way, new tastes are acquired and the organism is again reconciled with nature, unless peradventure, the readjustment was more than it could effect in which case the species disappears. Illustrations abound not only in geologic records, but in the migrations of species effected by human agency, organisms being brought under new climatic conditions or into contact with new enemies. Everywhere the alternative is, change or perish. If nothing more is needed than to learn new arts under the lead of old inclinations, it may be quickly accomplished, but if inclinations themselves have to be changed it is apt to be exceedingly slow. The American shrikes have learned to deal with the English sparrow in a few years, their previous inclinations being quite appropriate. But the cat though domesticated for thousands of years with constant repression of its primitive instincts, has still a vigorous and wholly unnecessary appetite for canary-birds, while the dog with a domestication, perhaps ten times as long and far more repressive, still shows at times an atavistic inclination to kill sheep.

It is with one of these changes of condition and indeed with the most far reaching and complex of them all that our present inquiry has to do. This change we may call socialization or the change from the solitary or individual to the social state. Combination for purposes of mutual protection and assistance is only one of many ways in which a species may attain pre-eminence, but if specialization takes this direction the organism must undergo a pretty thorough reconstruction. For one thing, its predatory instincts and even its instincts of independent self-gratification must be restrained, for a fundamental condition of association is mutual forbearance, forbearance from direct injury to fellow members and forbearance from such pursuit of self-interest as may involve this injury. Of course this forbearance is never complete and perhaps it never can be, for it is not yet clear how far socialization can be advantageously carried—

this is a side question—but the farther socialization goes the more this forbearance is required. In some respects this restraint of impulses is more difficult than a direct elimination. To maintain an instinct in full vigor and yet restrict its action within prescribed limits presents peculiar difficulties.

But the positive requirements are far more complex than the negative. Forbearance is but an incident to co-operation, which is the real object of association. There is no advantage in a mass of individuals unless they co-operate, that is, pool their issues and act as a unit, at least in some connection affecting their vital interests. This might conceivably come about by cool calculation, by a social contract or voluntary partnership in which individuals co-operated in the hope of private gain. As a matter of fact it is not effected in that way, nor can it be until a condition of intelligence has been reached, which is only possible as the result of long association. It is effected at the outset precisely as other changes of condition are effected, by a growth of new inclinations supplementing, restraining or supplanting those that preceded them. Although men do not associate in the first instance because they like each other, they must learn to like each other before they can be very firmly associated. They must learn to do, and so must learn to like to do what is profitable for the group, if there is to be any group or any profit in having one. No clan ever held together by virtue of a simple agreement to avenge one another's injuries and enforce one another's rights. Such common action must be the result of an instinct which makes the group feel and resent an injury to one of its members, as though it were an injury to all.

In the preceding chapter we have noticed the psychological process by which the chief of these group instincts is developed. Suggestion and inference combine to lay the foundation of sympathy by which we become conscious as it were of other people's feelings, and so become subject

to their impulses and participants in their interests. The social instincts resulting from sympathy are perhaps the highest and the most efficient of all those that contribute to the maintenance of society. There seems to be no reason to believe that these highest social instincts cannot be indefinitely developed and be made to include any number of social relations in the circle of their influence, but their development is a slow and difficult task, and one by no means perfectly accomplished. Ever and anon the interests of the group come into conflict with inclinations which were established before there was any group, and these inclinations, though now false guides even of individual well-being, long dispute the ascendancy of the altruistic instincts. But that an increase in these instincts is the condition of advancing association among men none will deny, whatever their explanation of altruism may be. Individual experiences must become group experiences and individual consciousness, group consciousness. So and only so does individual action become group action.

Whether or not men can ever learn to love their neighbors as themselves, appreciating their pleasures and pains as though they were their own, it is quite certain that they have not yet reached that point. Indications are not wanting that the social development now in progress is of comparatively recent origin, and that the socializing process is going on rapidly and under high pressure. It would seem that nature had only recently discovered what immense possibilities there are along this line of development, and that she is pushing along rather precipitately to occupy the new territory. But social development, we have seen, requires the building of new instincts, the development of new and difficult perceptions. But instincts grow slowly and social exigencies may come on apace. Obviously the demand for the social instincts will be in excess of the supply. During the last two or three centuries, for instance, the frontier of socialization has been advanced theoretically out of all

proportion to man's effective power of occupancy, that is to the developed sympathies among men. The result is a vast amount of pseudo-society, whose paper constitutions and ornamental codes are in melancholy contrast with the actual *modus vivendi* which exists among its members. He would be a most unsophisticated man who should take altogether seriously the "Liberty, Equality, Fraternity" of the French Republic, or the pledge of unqualified altruism in the constitution of the ordinary church. These are but examples of the disparity everywhere to be found between existing social instincts and the service which is required of them, a disparity which is at least as old as history, though that is not so very old. Compare the sufficiency, the more than sufficiency of the instincts of self-preservation or of procreation, products of the age-long evolution of the individual, with the chronic insufficiency of honesty and sympathy, the incipient products of social evolution. The supreme fact in the historic consciousness of the race is this disproportion and the burden of the effort to stretch these inadequate instincts to their impossible task.

In the long run we may expect the necessary instincts to be forthcoming. If altruistic action continues to be profitable, it will eventually become pleasurable and spontaneous; indeed, to a considerable extent it has become so already. Maternal altruism, the oldest of all, has long been so reinforced by enjoyment that it has acted with the promptness and spontaneity of instinct, while persons are not rare who have an aversion for unsocial acts and to whom it is a pleasure to do most of the things which common interests require. A thousand selective agencies in society tend to give such individuals an advantage in the struggle for existence, and there is little reason to doubt that if social requirements were not continually extended we should eventually become, within the established limits, spontaneously and ungrudgingly altruistic. But until this happens, which may be a very long time, other incentives have to be provided to secure the

social action needed. The gap is bridged with provisional instincts which are replaced as the more efficient ones are developed.

Such a provisional incentive is fear of the group. If an individual injures a number of his fellows they will all resent it, not from sympathy for one another, but from common antipathy for him. For such a combined hostility he will have a wholesome fear. The same is likely to happen if he injures one person in a way that suggests to others that he is likely to injure them. Slowly certain kinds of conduct become associated with personal danger and apart from sympathy or *esprit de corps*, they arouse general opposition.

Nobody thinks that this fear of the group is a finality in social evolution, or feels very safe so long as this is his only protection, but in the absence of other incentives it renders valuable service. When, instead of a fortuitous concert of action on the part of persons independently offended, there grows up a preconcerted action with reference to intimidating evil-doers, we have government, one phase but only one phase of social control.

Quite analagous to this is the hope of social favor and reward. It is perfectly clear that many of the services rendered by the individual to the group are the result of a virtual bargain between the two parties. In the case of a mercenary soldier this relation is avowed; in many other cases the bargain is a tacit one, but none the less real. The donor of real estate for benevolent purposes, who expects a rise in the value of his adjacent property, the patron of charities who enjoys an increase of trade or remunerative employment in consequence, the politician who expects his good deeds to be remembered on election day, all these work for a consideration which differs from the soldier's pay only in being unconfessed and indeterminate in amount. A step farther brings us to cases less easy to recognize, but essentially the same, the consideration being honor, fame, the

esteem and admiration of society, a laurel wreath or a grave in Westminster Abbey. There are rewards which are not convertible into money and which in turn can hardly be obtained for money, but they are not the less real or direct for being less tangible. No matter why people enjoy these things; it is enough that they do enjoy them and that they constitute high and attractive goods only attainable in exchange for services rendered to society.

It is plain that we have here to do with a very large and important class of incentives, adapted to different stages of development and graduated to the services which they are used to secure. It may be questioned whether we are at liberty to call them provisional, so exalted are the passions which they evoke, and so permanent the apparent need of them in human society. But while they are doubtless permanently required at the shifting frontier of socialization a moment's reflection will convince us that they are never accepted as finalities in human judgment or securely trusted as guarantees of social service. The mercenary soldier has long been under the ban and for a hundred years reliance has been placed only in patriotic sentiments as the condition of military efficiency. The result has certainly justified the change. Interested charity, too, is tabooed, plainly because experience has demonstrated that it is less genuine and reliable. Even the passion for glory and public esteem is increasingly disparaged as a motive of public service. In all these cases the individual has one object and society another, and he serves society only to induce society to serve him. Such arrangements may be indefinitely better than none, but they can not have the reliability of those in which the two interests are merged in one, in which the individual identifies himself with society, feels what it feels, resents injuries to it as though they were injuries to himself and enjoys what it enjoys as though he and it were one. This is the goal toward which all social forces, selective and educational, are constantly impelling the individual, a

requirement that is steadily advanced to one function after another. All arrangements that stop short of this emotional identification of interests are in practice regarded as provisional or stop-gap arrangements, and are in fact constantly and imperceptibly displaced.

The case is complicated but not essentially altered if we include the religious incentives. Spiritual beings, more or less vividly conceived, may be added to the personal environment of the individual or constitute such an environment by themselves. They may be served from fear or through hope of reward or finally, as we say, from love, that is, the individual identifies in feeling his interests with theirs. If their interests are in turn conceived as identical with those of society religion becomes a strong social force. But whatever its social bearing, it is universally admitted that the fear of punishment and the hope of reward are only provisional motives and that religion only attains its normal development when the third stage is reached and the necessary acts become spontaneous and pleasurable. Still more complicated cases occur where the individual pays allegiance to abstract principles which have acquired a semi-personal concreteness to his mind. These cases offer interesting subjects for sociological analysis but present no new principle of interest to our subject.

Chief among these provisional instincts is the so-called moral sense or sentiment of duty. The importance of this sentiment to human society and the ceaseless effort required of us all to strengthen it and increase its prestige make us disinclined to recognize its function as temporary or to seemingly disparage it in any way. But the exaltation of the moral instincts is based on prudential rather than on scientific considerations. An ideal society would know no duties, and there is no better indication of the successful establishment of social relations than the diminishing sense of duty in the given connection. The very mystery which has always surrounded this strange impulse which seems to

attract us toward the unattractive is in itself a proof that we never have that feeling of finality with regard to duty which we always feel toward enjoyment. Nobody ever ponders over the problem of why men do what they enjoy doing, but the mystery of duty has ever been a fascinating inquiry. Most of the subtle questions which this inquiry has raised we may disregard. We are not concerned with the origin of these experiences, biologically or teleologically, be they duties or pleasures. We have to do with a single question, the relation of ethics to economics, of duty to enjoyment.

The traditional relation between the two is that of opposition. Duties are pitted against pleasures as competing claims upon the individual. But this implies no fundamental difference between the two. Pleasures are quite as sharply pitted against one another, however similar in character. The opposition in this case is merely a matter of definition. We do not call an act a duty which is also a pleasure, nor is the moral sense ever invoked unless there is a counter inclination to be overcome. This means that duty is always opposed to a pleasure, but its relation to pleasure is wholly undetermined by this consideration.

The first thing to be noted as defining the field of morals is that duty has to do only with social relations, that is, relations between the individual and other beings, natural or supernatural, real or imaginary. There is no evidence that beings not influenced by association have any moral sense or any use for any. It is true that when this sense is developed it may be reflected back on to egoistic relations. It is possible to talk about duties to one's self. Half the time such expressions are pure egoistic diplomacy. If self-interest can be successfully passed off under the guise of duty it greatly facilitates our purpose. In other cases, however, the expression indicates a real, but indirect, social relation. Society has an interest in the preservation and development of its members, and so far as that preservation and development must depend on their own efforts they are not at

liberty to sacrifice themselves, even if their own enjoyment would incline them to do so. Their duty may be to spend their effort on themselves, though again there is no point in calling it a duty if it coincides with their inclination. Such complications but momentarily embarrass our conclusion. A truly isolated being could have no duties. The only possible deterrent which he could feel regarding a given act would be that it was not enjoyable or that it was not profitable, that is, would not in the end increase his enjoyment. Duty is an aspect of social or inter-personal relations.

In the second place, whatever may be the ultimate nature of the moral instincts, they appear in consciousness as a kind of satisfaction or discomfort. I do not refer to the expectation of reward or punishment in the concrete. This is, by common consent, a different matter. But to contemplate doing something inimical to the interests of others produces an uneasiness or discomfort which may become an excruciating agony. Precisely the opposite occurs when we contemplate doing something which is favorable to those interests. We experience a satisfaction which varies with the act and our own intelligence and susceptibility.

It is not difficult to discern in these feelings of satisfaction and discomfort a consciousness of the social consequences of our action. In some cases we are conscious of the pleasure or pain which our action inflicts on particular persons, a simple case of sympathetic suggestion. More often we are unable to trace the effect of our action on particular persons, we cannot see that it affects anybody, but we are conscious that it is one of those acts that society approves or disapproves in its capacity of guardian of individual interests, and we are conscious of the social smile or frown. Or, again, we may conceive of the guardianship of these interests as vested in a supernatural being, whose attitude toward us has a like control over our feelings. Such a being, to be sure, appeals less vividly to the ordinary imagination than the more tangible beings with which we are

surrounded, but when he is thought of as omniscient, one from whom not even our thoughts can be hid, his intangible, but pervasive oversight powerfully affects the imagination. Finally, an abstract principle of conduct may acquire a quasi-personal ascendancy over our minds. We are endowed with a sense of symmetry and consistency, an inevitable result of race experience and symmetrical organization, which often becomes an exacting demand upon us to fill out the schedule which we have adopted or vividly imagined.

In one or the other of these perceptions may be found the germs of all those moral sentiments which exercise so wonderful a control over human action. This control is less surprising, however, when we consider the systematic effort of society to organize these sentiments for the effective government of its members. For each stage of altruistic development it has appropriate recognition and suitable rewards and penalties. The altruism that is spontaneous and ungrudging is everywhere admitted to be the highest, but, significantly enough, the altruism which has always been lauded and proclaimed as peculiarly meritorious is the altruism that hesitates and struggles and wins uncertain and costly victories over a still powerful and resistant egoism. It is not because this weak-kneed altruism is specially valuable or specially noble, for it is neither, but primarily because it *is* weak-kneed and most needs encouragement. It does not lessen the value of society's rewards that they are distributed on strictly business principles. Nature will not permanently tolerate any other principle of distribution. Among societies as elsewhere the most business-like competitor distances all rivals. I do not mean that society is conscious of these things. Unconsciousness is often a condition of successful obedience to nature's behests.

If the foregoing analysis is correct, we have here to do with merely a special phase of the great problem of enjoyment. Altruistic action, like any other action which experience proves useful, eventually becomes pleasurable and

spontaneous, as a matter of course. But it does not become so at once. For a long time group interests urge their claims on unwilling ears and contend against powerful counter currents of feeling. If we waited for altruistic action until it was a matter of pleasure in itself, there would never be any such action, for pleasurable can only result from long experience. During this apprenticeship in the art of altruistic action, the provisional incentives of fear and hope of outside reward, awe of society, reverence for a higher being or attachment to principle render their indispensable service. Duty is the abstract representative of altruistic interests, enforcing its behests by subtle appeals to our feeling in many connections. In its aim it is a unit, but in its means it is manifold. Duty can never be dispensed with so long as the possibilities of group action remain unexhausted, nor will any of the incentives used to enforce the claims of duty be outgrown. But while duty is a permanent thing, duties are not. Duty has not done its work until the acts which it urges us to perform become self-enforcing and duties have been metamorphosed into pleasures.

To determine the relation of duty to enjoyment is to determine apparently the relation of ethics to economics. But the former relation, we have seen, is essentially that of species to genus. The conclusion seems natural, therefore, that ethics is but a branch of economics. But such an absorption is resisted not only by the moralist but by the sociologist. For we are confronted by the fact that the moral instincts are quite as much phenomena of association as they are phenomena of enjoyment. Is ethics a branch of economics or of sociology, or is it an independent science? We need to recall again the principle already noted as governing the classification of the sciences. A science is defined, not by the things it investigates but by the purpose with which it investigates them. These three sciences all study a certain group of phenomena. Indeed it so happens that the phenomena of morals lie wholly within the field.

investigated by the other two, that is, within that portion of their fields where they overlap. Does this mean that ethics belongs to either or both? Not necessarily. Sociology is a study of association, economics of enjoyment, ethics of duty. Are these terms in any sense synonyms? As regards the first two there can be no doubt. Association and enjoyment have much practical connection but they are wholly distinct. Enjoyment may contribute to association and association to enjoyment but they are different things and form the basis of distinct sciences.

Is duty or the moral sense synonymous with association? Obviously not. The moral instincts are a product of association and in turn are an indispensable means to association, but to confound them with association involves a complete confusion of ideas. If, therefore, sociology is to be defined as the study of association, a conclusion to which we are being irresistibly forced, it is logically distinct from ethics or the inquiry into the nature and origin of the moral instincts. If the sociologist interprets his task to include the explanation of all the impulses which contribute to association or result from it he will no doubt include ethics in his inquiry, but whatever may be the practical reasons for such a study the fact remains that moral instincts are individual sentiments and societies are composite structures. Ethics is rather tributary to than included in sociology.

Coming now to enjoyments we ask: Are the moral instincts resolvable into pleasures and pains? The answer must be that they are. While there can be no objection to an investigation of these particular enjoyments, there is no possible way in which such an inquiry can be made other than as a part of the science which undertakes the investigation of enjoyments in general. If in deference to the logic of events (rather than to any other logic), this larger science is known as economics, then ethics is a part of economics. This is not a matter of opinion, but a simple matter of definition. It is not disturbed by any theories of morals or

biology. No matter what the origin of the moral instincts, their character as pleasures and pains is not a matter of dispute. The pangs of conscience and satisfactions of righteousness are quite as literal expressions as the pleasures of sin or the pains of death. It is accident rather than logical dependence which has seemed to make ethics more sociological than economic in its affinities. In default of a recognized science of sociology, ethics naturally developed a considerable sociology by itself. On the other hand, the play of ethical or altruistic forces in economic life has been notoriously neglected. Studies have started at independent centres and have followed along lines of least resistance, determined by the taste and training of the investigator, the academic or social requirements, etc. This will doubtless long continue to be the method of development. Practical situations and exigencies have little concern for the classification of the sciences, perhaps justly so, though these questions of classification are not without their bearing on observation and analysis. But classifications are after all but matters of convenience, and logical considerations are not the only factors of convenience. When logic favors one classification or method of research and instruction, and concrete historical and social factors favor another, the balance of advantage, for a time at least, may easily be with the latter. The most perfect of classifications is that which offers the most convenient pigeon-holes for the thoughts of men who are the heirs of tradition and the products of history. Our logic must not dogmatize.

In the foregoing chapters I have tried to define and locate the subject of our inquiry. Economics has been defined as the science of enjoyment. Although this definition is really in harmony with the unconscious procedure of economic writers, it is an innovation to lift this unconscious procedure into consciousness and demand due recognition of the neglected parts of the subject. It has therefore seemed necessary to discuss this definition somewhat in detail, as well as

that of other important terms, whose uncertain and inconsistent use has been a natural result of the half-hearted recognition of factors that were none the less indispensable.

A second important preliminary was to determine the setting of the subject, that is, its relation to kindred subjects. The phenomena of enjoyment are intimately associated with other phenomena, or what purport to be other phenomena, and they cannot be fully understood if this relationship is ignored. It is true that within the field bounded by these larger relations there are lesser relations among enjoyments themselves which we may study in a way separately, but after all these lesser relations find their explanation in the larger relations with which they are environed. The strict subordination of enjoyment to vital interests and the subordination in turn of ethical impulses to the laws of enjoyment give a new interest to our inquiry and a new significance to economic conclusions.

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*Berlin.*

## POLITICAL AND MUNICIPAL LEGISLATION IN 1898.\*

Less than one-third of our American states hold legislative sessions during the even-numbered years. We should therefore look for fewer important enactments in 1898 than in 1897. The legislatures of Massachusetts, New Jersey, New York, Rhode Island and Georgia meet annually, while those of Iowa, Kentucky, Louisiana, Maryland, Mississippi, Ohio and Virginia assemble in the spring of the even years. The present report covers also a special session of the general assembly of Illinois, held last year. Constitutional amendments are for the most part voted upon by the people at the regular elections held in even-numbered years, but those submitted in 1898 were fewer in number, and in most cases less important than those acted upon at the election of 1896.

*Constitutional Legislation.*—A general revision of the state constitution was last year adopted in Louisiana, but was rejected in Rhode Island. The main object sought in the southern state was to restrict the negro vote. A constitutional amendment framed for this purpose had been defeated at the polls in 1896. The most feasible plan seemed to be, therefore, to summon a convention to revise the constitution, and to allow that body to adopt a new fundamental law without popular vote. While the constitution of 1879 had been submitted to the people, it contained no provision making this necessary in case of a future general revision. Moreover, conventions in Mississippi and South Carolina had already, with the same end in view, set the precedent of putting their work into effect without submission to the electors, and even that in Delaware had recently done the

\* Previous papers in this series will be found in the ANNALS for May, 1896, Vol. vii, p. 411, March, 1897, Vol. ix, p. 231 and March, 1898, Vol. xi, p. 174. Reference to these will help in understanding some of the enactments here described.

same. It is probably because the negroes of Louisiana did not fully appreciate the significance of the movement that the popular vote on the question of holding a convention was affirmative. The convention adjourned May 12, after declaring the revised constitution in immediate effect.\*

The discrimination against the colored race in the electoral franchise is made by this instrument much more direct than in Mississippi and South Carolina. The educational test is established in more severe form than in any other state, for the voter is required himself to write out, unaided, in the presence of the officer, his application for registration, a somewhat elaborate document. As an alternative to this qualification the ballot is given to those who own property assessed at not less than \$300—precisely as in South Carolina. But it is still further enacted that neither test shall be required of such persons as were voters in any state on January 1, 1867, nor of sons or grandsons of such persons nor of naturalized foreigners, provided they were on September 1, 1898, at least twenty-one years of age and had lived five years in the state. This gives the franchise to practically all white men, while excluding a large majority of the negroes. It seems questionable whether the courts will uphold a provision so obviously contrary to the spirit of the fifteenth amendment to the federal constitution. Still further, the right to vote at any election is lost by failure to pay for that year the poll tax of one dollar, which is assessed upon all males from twenty-one to sixty years of age. The effect of these stringent limitations on the suffrage was seen strikingly in the November election, when only about fifty thousand votes were cast, the normal number in a state of the same population being five times as many.

Aside from these provisions as to the franchise, the new Louisiana constitution in most respects copies closely that of 1879. It makes, however, considerable changes in the general organization and jurisdiction of the courts.

\* The constitution is bound up with the session laws of 1898.

Furthermore, following the tendency shown in so many recent state constitutions, it adds largely to the already numerous provisions regulating various matters properly belonging to the domain of statute law. Such, for instance, are the new articles establishing state boards of railway commissioners, of charities and corrections, of agriculture and immigration, a state bank examiner, state and local boards of health, and prescribing their powers and duties in considerable detail. Such also are the provisions directed against the leasing out of convicts, against free passes on railways, etc., against the sale of "futures" without intention of delivery, and against combinations and pools. Pensions are to be paid by the state to all ex-Confederate soldiers and their widows who may be in indigent circumstances. Municipal debts are limited to ten per cent of the assessed valuation, and require the sanction of a majority of the taxpayers. These provisions, however, do not apply to New Orleans, whose finances are especially regulated in a long series of sections. In all local elections involving financial matters women who are taxpayers are given the ballot.

The proposed revision of the constitution of Rhode Island\* would have made some improvements in the rather antiquated political institutions of the state; but the voters appear to have judged, and not without reason, that it would not satisfy the needs of the hour; while the provision that amendments must receive the approval of two-thirds of the members of two successive legislatures before coming to the people, and that conventions to revise the constitution might be summoned only at intervals of twenty years, was felt to offer little hope of progress in the future. The popular vote was accordingly heavily against the proposed constitution. The chief points in which this measure would have marked a forward step were in establishing the educational test for the suffrage, in giving the governor a veto, in making the election of representatives and officers biennial

\* Laws of Rhode Island, May session, 1898, cap. 579.

instead of annual, and in somewhat decreasing the inequality of representation in the state legislature. But the old-fashioned requirement that voters in city elections must own property assessed at not less than \$134 was to remain unchanged; while the new basis of apportionment would still give every town, however small, equal representation in the senate and at least one member in the lower house; and the proportion of the members of the latter body who might be assigned to any one town or city was to be raised only from one-sixth, the former limit, to one-fourth, although Providence contains more than two-fifths of the entire population of the state.

As has come to be the usual result in recent years, a large majority of the constitutional amendments voted on by the people in 1898 were rejected. In California only one out of seven was adopted, and that was of little importance, relating only to the lieutenant-governorship; while the proposition to call a convention to revise the constitution, which certainly would bear improvement, was likewise rejected. The most important of these defeated amendments was that proposing to allow counties to frame acts for their own government in the same way that cities now frame them.\* General woman suffrage was voted down in Washington by a heavy majority, and in South Dakota by a slight one. In Minnesota, however, the much less radical, and indeed quite common, practice of giving women a vote in school matters and making them eligible as school officers, was introduced by a constitutional amendment, and the same privilege was granted as to elections of trustees of public libraries. Perhaps the most interesting amendments adopted by any state were those in South Dakota.† The one provides that the state, after the South Carolina fashion, shall itself exclusively carry on the manufacture and sale of

\* This measure was wrongly described in my paper of March, 1898, as being a statute already put in force.

† Laws of South Dakota, 1897, caps. 38, 39.

intoxicating liquors. The other establishes the initiative and the optional referendum as to all matters of state legislation. A petition of five per cent of the voters is required in either case. A short step in this same direction was taken in Minnesota, where the provision for the local framing of city charters has been extended by requiring that any amendment to such a charter, proposed by the signatures of five per cent of the voters of the city, must be submitted to the people.\* Another constitutional change made in the same state provides that hereafter amendments to the constitution must receive affirmative votes equal to a majority of all those cast for the election of state officers.† This may mean, as in Illinois, that great difficulty will be met in seeking to change the fundamental law.

A few constitutional amendments of some importance were proposed by the state legislatures in 1898, but have not yet come before the people. In New York the proposition has been submitted to the next legislature that hereafter legislative sessions shall be biennial instead of annual.‡ Recent attempts to make the same change in the few other states still retaining yearly sessions show the strength of this movement, which seems to spring mainly from distrust of our legislators. New York has also proposed an amendment prohibiting the enactment of "riders" on appropriation bills.§ The legislature of Iowa has submitted to its successor an amendment providing that all state elections shall be held on the same day as the biennial national elections; some officers are now elected in October of even years, others in October of odd years. The same state also proposed to give each county at least one representative in the lower house of the legislature.|| In Mississippi the people will be called upon to decide this year on the propo-

\* Laws of Minnesota, 1897, cap. 280.

† Laws of 1897, cap. 185.

‡ Laws of New York, p. 1549.

§ *Ibid.*

|| Laws of Iowa, p. 133.

sition to make judges of the supreme and circuit courts elective by popular vote, instead of being appointive, as at present.\* Virginia is moving to abandon the practice of separating local from state elections, and to hold both in November.†

*Election Laws.*—New measures concerning elections are for the most part of relatively slight importance, merely modifying in minor details the general ballot-reform laws adopted early in the decade. Massachusetts and Louisiana‡ have each recodified their election acts, but without important changes except that, in the latter state, the party-column ballot, facilitating straight voting, is substituted for the alphabetic arrangement of candidates' names. Ohio has followed the steps of the half dozen or more states which allow the use of voting machines. Local subdivisions may, by popular vote, adopt any machine approved by a state commission of *ex-officio* members.§

Both New York and Kentucky have passed measures tending to centralize the control of elections in the hands of the state government. The ostensible aim is to check the evils arising from the ignorance and corruption of locally chosen election officers. The real purpose is doubtless mainly party advantage. In New York || a Metropolitan Election District has been established, including Greater New York and the outlying parts of the five counties in which that city lies. The governor is to appoint, for a term of four years, a superintendent of elections for this district. This officer is to appoint each year not over six hundred deputies, in equal numbers from each of the two leading parties and on the nomination of the party committees. It is to be their business, not actually to conduct the work of registration and election, but to supervise and to investigate

\*Laws of Mississippi, cap. 83.

†Acts of Virginia, cap. 690.

‡Laws of Massachusetts, cap. 548; Laws of Louisiana, cap. 152.

§Laws of Ohio, p. 277.

||Laws of New York, cap. 676.

with a view to preventing and detecting fraud. Especially are they to inspect the registration lists and to oversee the registration of lodging-house voters. One deputy from each party, to be assigned by the superintendent, is to attend at each polling place during the process of balloting and canvassing. This act, which was passed at a special session of the legislature held in July, has met with strong disfavor from the Democrats and even from many Republicans, on the ground that it is an illegitimate, if not indeed an unconstitutional, interference with local rights.

In Kentucky\* the governor is empowered, by the new statute, to appoint three state commissioners of elections, not necessarily from different parties. These are similarly to name three commissioners for each county, who are to have general supervision over elections, including the selection of precinct officers, who must, however, be equally divided among the two leading parties. These county and state boards are given the great power of deciding election contests, except in the case of the governorship and the lieutenant-governorship, where the legislature is to decide on the basis of a trial to be held before a committee composed of three members of the upper and eight of the lower house, chosen by lot.

*Primary Elections.*—The recent movement seeking the much-needed reform in our nomination system continues to grow in strength. The people are coming more and more to realize both the importance and the essentially public nature of party primaries and conventions, and the tendency is to extend public control over them even further. We have already in previous papers described, among others, the laws on this subject passed in California (this was declared unconstitutional in 1898), Massachusetts and Wisconsin. These, together with an earlier measure adopted by Kentucky, form the foundation of the elaborate and stringent

\*Laws of Kentucky, cap. 13.

law passed by the New York legislature last year.\* This act is mandatory in all cities of over one hundred thousand people, and may be adopted in any city or village of over five thousand. Each voter at the time he registers is given an opportunity to enroll himself as an intending participant at the primaries of any one party. The sole test of his right to affiliate with the party is his own oath, to be taken in case of challenge, that he is in general sympathy with its principles and intends, broadly speaking, to support it at the coming election, and that he has not enrolled for, nor voted at any other primary within a year. The party which the voter chooses is at first kept secret, but before the day for the primary complete lists of those who have enrolled with each party are made public, and all and only such are entitled to vote at its primary. This plan may be criticised as tending to do away with the secrecy of elections, and to open the road for the application of special pressure upon individuals to change their declared intention. On the other hand, the voter of course is not bound in the election to vote for all or any of the candidates of the party first chosen, although he will naturally in most cases have enrolled with the party to which he really belongs. Moreover the thoroughness of the present system of canvassing the voters before election enables party workers to know almost as accurately what the apparent proclivities of each are as will be possible hereafter. At any rate, no other plan has yet been devised which so effectively prevents that shutting out from primaries, on various pretexts, of legitimate party members, which has done so much to put control in the hands of bosses and ward heelers.

The New York law further provides that the expense of the primary elections shall be borne wholly by the public treasury, and that they shall be conducted by the same officers who preside at general elections. All primaries are held on the same day. The party which in any given district

\*Laws of New York, cap. 179.

has cast a plurality of the votes at the last election has a polling place assigned to its exclusive use, and its primary is managed by those members of the regular bi-partisan election board who belong to that party. All other parties have one joint polling place, of course with separate polls, presided over by the remainder of the election board. Any person or group may prepare ballots, but these must be in certain prescribed form and be uniform in external appearance. The voter is given by the election officers one of each kind of ballots, and selects, in a concealed booth, that which he wishes to cast. All details of voting and canvassing are carefully regulated, the provisions being for the most part similar to those controlling general elections. The method of apportioning delegates and of conducting conventions is also prescribed, though with less minuteness. Party committees in cities of over two hundred and fifty thousand inhabitants must be chosen directly by the primaries, a provision tending to break up those practically closed corporations of professional politicians which have often usurped the control of party organizations.

Illinois also adopted a primary election law at a special legislative session held in 1898.\* This measure applies to Chicago, and may be accepted by smaller municipalities and by counties on popular vote. It is much less drastic than the New York act, more resembling the California law of 1897. There is no previous enrollment for the primary, but any voter registered for the general election is entitled to cast his ballot on swearing that he belongs to the party, though to compel its admission, if opposed, he must secure the affidavit of two householders that he is a party member. Each party has a distinct primary on a separate day. The officers of each primary are five in number, selected by the party committee from among the regular election officers belonging to the party. The general bi-partisan election board has supervision over the primaries and conventions of

\* Laws of Illinois, special session, p. 11.

all parties ; it issues the calls for them, on due application; it furnishes booths, supplies, etc., the expense being entirely met by the public authorities. Ballots must all be of the same size and appearance, but there is no provision for secret selection among them, as in New York. On the contrary, each elector's name is entered on a book at the time of voting, and the same serial number is placed opposite it and on the back of his ballot, thus rendering identification possible. The object of this arrangement is double,—to prevent the stuffing of the ballot box, and to enable the detection, and the rejection of the ballots of voters who take part in the primaries of more than one party. A long list of penalties for all manner of fraud and malfeasance is incorporated in both the New York and the Illinois laws.

*General City Legislation.*—The New York legislature in 1898 at last adopted the bill for the government of cities of the second class (those from 50,000 to 250,000, including Syracuse, Rochester, Albany and Troy), which was framed by a special commission three years ago, and which had hitherto failed of passage.\* It is probably the most carefully drawn city charter to be found in any state, and although some of its provisions will be criticised by certain classes of municipal reformers, it is interesting to observe how close is the general conformity of the law to the model charter since proposed by the committee of the National Municipal League. Legislative and executive powers are sharply distinguished, with a tendency to increase largely the authority of the mayor. The city council is to be a single board, composed of one member chosen from each ward for a term of two years, and serving without pay. A marked step in advance is that the powers of the council, which practically determine the sphere of municipal action, are not minutely enumerated and limited, as has been almost universally the custom in this country, but the council has "authority to enact ordinances, not inconsistent with the laws of the state,

\*Laws of New York, cap. 182.

for the government of the city and the management of its business, for the preservation of good order, peace and health, for the security and welfare of its inhabitants and the protection and security of their property." It may even establish additional executive departments and regulate their powers. The work of the council is, however, to be confined strictly to legislation. The executive power is centred in the mayor. He appoints, without need of confirmation, all department heads save the controller, treasurer and assessors, who are elected by the people. The term of his appointees is the same as his own—two years—and he may remove them at pleasure, so that each mayor has the fullest opportunity to put into all the offices men after his own heart and to hold them strictly under his control. The various departments are each administered by a single officer, not by a board. The origination of financial measures is given to executive officers. Following the practice first introduced by New York City in 1870 and since extended to a number of cities in New York and elsewhere, an *ex-officio* board of estimate and apportionment is established, composed in this case of the mayor, controller, corporation counsel, president of the council and city engineer. The city council has power only to reduce or strike out, not to insert or increase, items in the financial estimates prepared by this board. This system seems to threaten in practice, almost completely, to undermine that control of the city legislature over the public expenditures which should, by tradition and theory, be its special prerogative. In New York City last November the council passed almost without consideration, and wholly unchanged, the budget carrying \$95,000,000 which was submitted to it. Under the new law, moreover, all contracts for work and supplies are to be let by a board of almost exactly the same membership as the board of estimate and apportionment.

The charter further requires that all franchises and leases of public property shall be disposed of at auction to the

highest bidder, but the terms offered must be subsequently approved by the board of estimate. Before a franchise is opened for competition it must be favorably voted by at least three-fourths of the members of the council, while its duration is limited to fifty years.

The city of Baltimore secured last year a new charter in place of the somewhat antiquated and unsystematic one which formerly governed it.\* This act is modeled in many respects on the charter of Greater New York, the very phrases used being often identical. There are two houses of the city council, members of the upper house, only nine in number, holding for four years, of the lower two years. A provision of doubtful merit, retained from the previous charter, requires members of the smaller body to own property assessed at \$500, and those of the larger board property assessed at \$300. The mayor, whose term is four years, appoints all leading officers, except one or two elective ones, but his action must be confirmed by the upper branch of the council. The term of such officers is the same as that of the mayor, and he may remove any of them summarily within six months after he takes office. The departments are headed in some instances by single officers, in others by boards. To insure harmony among closely allied departments, their heads are formed into a joint board, whose duties are, however, only consultative and advisory. A board of estimates is established, whose composition and control over the finances are almost precisely the same as in Greater New York. The restrictions on the granting of franchises are also borrowed from the New York law. The duration of franchises is limited to twenty-five years, though arrangements may be made for renewal, after revaluation, for twenty-five years further. The conditions and value of the franchise must be carefully considered by the board of estimates, which must approve the terms before the ordinance may be passed by the city council.

\* Laws of Maryland, cap. 123.

Under the constitutional provision of California for municipal home rule in charter-making, San Francisco adopted in June, 1898, by popular vote, a charter framed by fifteen of her citizens, and it seems probable that the necessary approval of the state legislature will be forthcoming. This measure, while far short of perfection, is a great improvement on the old consolidation act, which dates from 1856, and has been amended in the most complicated fashion. It increases the board of supervisors, as the legislative body is called, from twelve to eighteen members. The optional referendum and the initiative are introduced as to both city ordinances and charter amendments, a petition of fifteen per cent of the voters being required in each case. The mayor's power is greatly increased. His veto may be overridden only by vote of fourteen of the supervisors. His appointments require no confirmation, and he can remove any appointed officer "for cause" and suspend elective officers pending removal by the supervisors. The hitherto excessive number of officers elected directly by the people is somewhat reduced, and the general organization of the executive departments is amplified in some degree. Boards of four members, holding for four years, with one member chosen annually, are placed over most departments, including that of education. Earlier laws are copied in limiting the tax-rate to one per cent, and in requiring popular approval of all loans; while a further attempt to compel economy is made by fixing the salaries and the number of employes of the various departments in a very minute manner. The most progressive features of the charter are those establishing the civil service examination system, and those dealing with municipal monopolies. It is declared to be the purpose of the city gradually to acquire its "public utilities." To this end the supervisors are required from time to time to investigate the cost of various plants, to negotiate with existing companies as to purchase of their works, and to submit propositions on the subject to vote of the people.

Grants of all franchises, except for street railways, must be approved by popular vote, and on petition street railway franchises also must be submitted to the electors. Railway grants are limited to twenty-five years, and they must be disposed of at auction to the bidder offering the highest percentage of gross receipts.

Louisiana has passed her first general municipal corporations law, in conformity with the injunction of the new constitution.\* The measure, which presents few points of special interest, applies to plans hereafter incorporated, and it may be adopted, in whole or in part, by any existing city or town, subject to some control by the people through the referendum. In Ohio the governor has been empowered to appoint a special commission to suggest a uniform municipal code for the state.† It is to be hoped that this step may result in doing away to some extent with the confusion, anomaly, often absurdity of the Ohio laws governing cities and villages, which, despite the constitutional prohibition on special legislation, show that evil in its worst form.

Two or three important acts, of a less general nature than those hitherto described, have been adopted in regard to the city of Boston. Very significant is the introduction in that city also of the board of estimate and apportionment.‡ The composition of the Boston board, however, gives more room for popular influence and less for mayor-domination in the finances than would appear to be the case with those above described. It consists of the mayor, the presidents of the two boards of the council, and two other members elected by the people at large. All classes of expenditure are controlled by this board, the council having power only to reduce its appropriations. Four of its five members must concur in every action. Another law requires each political party to nominate a full ticket of twelve candidates for the

\* Acts of Louisiana, cap. 136.

† Laws of Ohio, p. 302.

‡ Laws of Massachusetts, cap. 434.

board of aldermen.\* Heretofore, under the provision for minority representation, which allows each elector to vote on the general ticket for only seven of the twelve members, each party, fearing lest its votes should be unduly scattered, has nominated only seven men. In this way almost no opportunity was given for selection at the polls, twelve out of fourteen candidates being sure of election. Still a third act authorizes Boston to borrow half a million dollars to establish a system of playgrounds for children.†

*Street Railways.*—Of greater interest than these measures is the new Massachusetts law relating to street railways.‡ This embodies the chief recommendations made in the thorough and thoughtful report of the special commission appointed in 1897 to investigate the subject. While the attitude of this body is not always consistent and will doubtless be considered unduly conservative by more advanced believers in strict public control or municipal ownership, yet the commission distinctly recognizes the paramount rights of the public over the means of transportation in cities, favoring a considerable degree of freedom for private initiative only because it believes that the best service will thus be secured. Local authorities are left wide discretion in regulating street railways, but at the same time supervision by state administrative officers, which Massachusetts has found so satisfactory in other fields, is introduced at various points. Thus if the original grant of a franchise or extension by a local authority is opposed by ten property owners along the proposed route, the state railway commissioners must be appealed to for the decision. The somewhat extreme provision which has heretofore existed, that franchises may be revoked at any time by the local authorities, is modified by requiring the approval of the railway commissioners. They, too, have the power, on petition

\* Cap. 554.

† Cap. 412.

‡ Cap. 578.

of the localities, to reduce rates of fare, though not thereby to lower the profits of any company to less than the average of other lines similarly situated. Street railways are hereafter to be relieved of the work of keeping the pavement between their tracks clean and in repair (except that they must remove snow and must replace pavement taken up in the reconstruction or repair of their roads). The object of this arrangement is to unify the control of the street surface, not to favor the railway companies, for they are required to compensate the municipality by a tax varying from one to three per cent of the gross receipts according to the amount of receipts per mile, and this tax may be increased by the railway commissioners if insufficient. In addition to the regular corporation tax already levied, and to this local tax, each street railway is to pay to the state an amount equal to the excess of its dividends above eight per cent, provided dividends have averaged not less than six per cent since organization. This tax is divided by the state among the municipalities in which the railway lies in proportion to mileage. Careful control of the accounts of companies and of their issues of stocks and bonds is established, with a view to preventing the evasion of this tax.

Rhode Island has copied her larger neighbor quite closely in a new law regulating her street railways.\* The state tax is to be the same as in Massachusetts, save that one per cent on gross receipts is to be levied in any case; but companies are to make special arrangements with the local authorities as to other payments and obligations. The franchises of companies accepting the law cannot thereafter be revoked.

*Miscellaneous General Legislation.*—Space remains only for cursory mention of a few important laws not coming strictly under that class of legislation indicated by the title of this paper.

The movement for better roads, which has attained such prominence in the past few years, can scarcely be held as of

\*Laws of Rhode Island, cap. 580.

less than considerable economic importance. New York has followed the example of Massachusetts, New Jersey and other states in providing for state aid and supervision in the construction of improved roads when petitioned for by local authorities.\* In Minnesota also a constitutional amendment was adopted, authorizing the establishment of a state highway commission and the expenditure of state money for roads. The Torrens system of land registration continues to grow slowly in public favor; Massachusetts, after several years of legislative consideration, at last adopted it in 1898.† The work of the various state commissions from time to time appointed to confer with one another for the purpose of promoting uniformity of legislation is beginning to make itself felt somewhat. The most important result so far accomplished has been in securing the adoption by several important states, to which Maryland and Massachusetts were added in 1898, of systematic and uniform laws relating to negotiable instruments.

In its reports for 1894 and 1896 the Illinois Bureau of Labor Statistics showed strikingly how imperfect and unequal was the assessment of both real and personal property in that state, and especially in Chicago. An attempt was made last year to remedy these evils.‡ The *personnel* of the officials having charge of the assessment and equalization of property is somewhat changed, throughout the state. In Cook County, which includes Chicago, in place of the numerous locally chosen assessors, a board of five members, elected at large, is established, while the three members of a board of review are also to be elected by the people.

Despairing of success in raising assessments to anything like the actual value of property, the new law prescribes that the actual value shall be most carefully ascertained and that the assessment shall then be placed at one-fifth of this

\* Laws of New York, cap. 115.

† Acts of Massachusetts, cap. 562.

‡ Laws of Illinois, special session 1898, p. 34.

amount. The thought is that by legalizing a definite degree of undervaluation corresponding about to the average actual undervaluation in the past, the assessments may be made somewhat less unequal in their proportion to true value, while the dignity of the law will not be so continually and universally lowered by disregard of its express commands. The tendency to levy special taxes upon corporations enjoying special privileges continues to spread. Louisiana lays new gross-receipts taxes on such companies organized outside the state; South Carolina provides for the assessment of the property of various classes of transportation companies by the state board of equalization; while Kentucky allows cities to tax the duly ascertained value of the franchises of banking, lighting and transportation corporations.\* Louisiana has established a state railway commission, with large powers.

A large number of our states are coming to recognize the desirability of more thoroughly unifying the management of public charities and corrections, and are establishing state boards, which either supersede, or exercise general control over, the various officers and boards in charge of the different departments and institutions. Iowa established such a "board of control" in 1898, giving it exclusive authority over all state penal and charitable institutions, and also power of inspection over educational institutions.† The southern states are beginning slowly to seek the much-needed reform in their penal systems. We have already referred to the new constitutional provision in Louisiana prohibiting the leasing out of convicts. Georgia goes less far, but makes some advance by providing for a state farm on which women, young, old and infirm convicts are to be employed, only strong adult males being subject to lease.‡

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\* Laws of Iowa, cap. 118.

† Laws of Georgia, p. 71.

‡ Acts of Louisiana, cap. 127; Laws of Kentucky, cap. 38.

## BRIEFER COMMUNICATION.

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### SOCIOLOGY AND ECONOMICS.

The brilliant papers of Professor Powers now appearing in the ANNALS recall the discussion of the same topic at a meeting of the Academy held March 26, 1897, when Professor Sherwood read his paper, since published in the ANNALS, on "The Philosophic Basis of Economics: A Word to the Sociologists." Professor Sherwood had prepared a full synopsis of his paper in advance, which led to an interesting discussion, of which so far as I know no record has been preserved. Upon a re-examination of the notes which I used on that occasion, I find them so pertinent to the discussions now engaging the attention of the Academy that I venture to reproduce them here:

Ever since sociology has been recognized at all it has been found difficult to distinguish it from the other sciences to which it is related. The science from which it has been most difficult to separate it has always been that of political economy or economics. Certain economists have insisted that much that has been called sociology belongs to economics and have charged the sociologists with encroaching upon the domain of the economists.

It is well, therefore, to try to arrive at clear definitions of the two sciences. For sociology it may be admitted that no complete definition in concise terms can be found, but this is not true for economics. John Stuart Mill at least has defined that science in a few clear-cut phrases. He says: "It does not treat of the whole of man's nature as modified by the social state, nor of the whole conduct of man in society. It is concerned with him solely as a being who desires to possess wealth, and who is capable of judging of the comparative efficacy of means of obtaining that end. It predicts only such of the phenomena of the social state as take place in consequence of the pursuit of wealth. It makes entire abstraction of every other human passion or motive. . . . Political economy considers mankind as occupied solely in acquiring and consuming wealth; and aims at showing what is the course of action

into which mankind, living in a state of society, would be impelled if that motive . . . were absolute ruler of their actions.''

This definition is certainly clear. It is also perfectly consistent with what he elsewhere says, that political economy has nothing to do, except incidentally, with the consumption of wealth. It deals exclusively with production in the broad sense of whatever adds to the value of commodities. That is, it deals with their value to the producer. The whole science proceeds from the standpoint of the producing agent. Advantage to him is the sole advantage considered. When prices, markets and other conditions to consumption are discussed, it is always with reference to their effect on the producer. The real subjects of economics are earnings and profits. In the case of any industry the only question is: Is it a success? or, in vulgar phrase, does it pay? The sole test of success is profit to the manager.

Looked at from this point of view, sociology is almost the direct opposite of economics. Not wholly, however, since sociology does not ignore the good of the producer, the manager of a business, the entrepreneur, etc. They are part of society and are so treated. So long as their profit is not others' loss it is as legitimate a subject as the good of any other class, but no more so. Sociology considers the advantage of all classes. As the social forces are the desires of mankind, it must concern itself primarily with those desires and their satisfaction. But nothing would be produced unless it was desired, and as consumption is simply the satisfaction of the desire for the commodities produced, sociology is primarily concerned with consumption. Its standpoint is always the satisfaction of the desires of men, but it is easy to see that this is equivalent to the general welfare of society. And this is really the purpose of sociology so far as it has a purpose. The purpose of economics is the welfare of the producing agent only. But here again the term producer must be given wide scope. Not only may it include those who add to the value of products by transporting or exchanging them, but it may and does embrace industries which really produce nothing. The most gainful of all forms of business are of this class; I do not say that they are not useful.

But sociology looks into the quality of the product. It deals not only with its immediate value, but with its remote value. The test of a successful enterprise from the sociological standpoint is not whether it is remunerative to those engaged in it, but whether it is advantageous to society. From an economic standpoint no business can be carried on which is not remunerative to those

engaged in it. But society carries on many kinds of business at a pecuniary loss. This is scarcely a question in public enterprises. The question is: Is it a public benefit?

Many persons are unable to see anything except from the economic standpoint. In the discussion of the various questions now before the public mind in relation to natural monopolies this can be clearly seen. If, for example, one reads the railway journals one finds column after column devoted to demonstrating that the state cannot administer a railroad system as economically as a company can manage it. The receipts and expenditures of the state and private roads of Germany, France, Austria, Italy and other countries where both methods exist are minutely marshaled over and over again with all their attendant details. Never will you find any other standpoint taken, and when it is proved, as it always is, that the companies make larger profits than the state, the whole question is supposed to be settled. I was struck with this fact many years ago when everybody was declaring and proving in the way I have pointed out that state control of the Prussian railroads was a failure. I finally had the curiosity, as no one else had thought of doing it, to look at the subject from the sociological standpoint. I took the elaborate statistical report of Prussian railroads for the year 1874, and instead of confining myself to the percentage of expenditures to receipts, or test of lucrativeness, I also worked out the average cost of transporting passengers and freight on state and private lines, which is the test of public advantage. The result was that "while the roads owned and worked by companies yielded 13.7 per cent greater profits than those owned and worked by the state, the latter carried passengers 9.4 per cent and freight 15 per cent cheaper than the former." This constitutes a clear example of the distinction between the economic standpoint and the sociological standpoint, and serves as well as anything I could bring forward to mark off economics from sociology. Such a report as that from which I obtained these results could not be prepared by private enterprise. There is no inducement to do anything that relates entirely to the public welfare. Even the little trouble I was to in extricating the results from the complicated columns of the report had never been taken before and has not been taken since to my knowledge.

I will offer one other example in illustrating this principle. The Department of Labor has recently published in one of its bulletins a valuable paper on "Rates of Wages Paid under Public and Private Contract," prepared by Ethelbert Stewart. Its title, however, does not fully express its value, for in addition to wages paid under

contract, it gives those paid directly by the municipalities where such exist. It is a comparison of these latter with those paid under contract, and especially under private contract, that is of chief interest from the present point of view. From these tables we learn that in Philadelphia, for example, nearly every kind of labor that is employed by the city is paid more than the same kind of labor is paid by private contractors or firms. Blacksmiths receive from the city on an average 31 cents per hour and from other employers 26 cents per hour; carpenters,  $32\frac{1}{2}$  against  $29\frac{1}{4}$  cents; ordinary laborers,  $18\frac{3}{4}$  against 14 cents, and so on. There are, however, a few exceptions, and other cases in which the difference is slight. In New York and Boston as well as in Baltimore the same is true, only as a rule the difference is even more marked.

Sociology looks to the public welfare and the good of society at large. It does this as well in the consideration of national policy as of private business. In discussing taxation, for example, the sociologist is only incidentally interested in what are called its fiscal effects, but chiefly in its social effects. If tariff legislation is defended it is not as a means of raising revenue in the main, but as a means of affecting population favorably, diversifying industry, creating home markets, and stimulating culture and refinement. It is true that under the head of social economics I have formerly maintained that economists were some of them dealing with consumption as a fundamental element. All I have to say to this now is that this social economics is simply sociology, and those economists who are approaching their subject from the standpoint of consumption, whether they know it or not, whether they wish it or not, are in so far dealing with sociology, and therefore instead of the sociologists encroaching upon the domain of economics it is really the economists who are encroaching upon that of sociology. But instead of this arousing any feeling of jealousy on the part of sociologists, I think I fairly represent them when I say that the economists are most heartily welcomed in this field.

To this I would like now to add that with every principle laid down by Professor Powers thus far I am in full accord, and only differ with him as to what it is best to call this new science of welfare as distinguished from the science of wealth. The latter all agree is political economy or economics. There have been some attempts to distinguish economics proper from *social economics*, and to give to the latter a subjective character recognizing the enjoyment of wealth, or the satisfactions that "goods" yield as the chief end of the science, but social economics has been used in other senses, and there is no harmony on that point. I of course main-

tain, in direct opposition of Professor Powers' views as expressed in the November ANNALS (pp. 339-340), that his field is precisely that of sociology, *i. e.*, applied sociology, and repudiate the idea that sociology must narrow down to mere "grouping or association." The study of social groups is the *pons asinorum* of sociology, which many who call themselves sociologists are, it is true, unable to cross. In reality it is not sociology, but a department of ethnology or anthropology. But into this mere question of names I am not now disposed to enter, in view of the vastly more important questions of principle that Professor Powers has so auspiciously raised.

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## BOOK DEPARTMENT.

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### NOTES.

PROFESSOR PATTEN'S BOOK on "The Development of English Thought," \* just from the press of the Macmillan Company, is likely to provoke discussion in several different fields. Its title does not accurately indicate the contents, for the author is more concerned with the development of English character and civilization than he is with the intellectual processes and conclusions of English philosophers and thinkers. English thought interests him only so far as it has had an influence upon the national character. His real subject therefore is the vital element in English thought, that part of which is in harmony with the environment of its period and is therefore applicable to the solution of pressing problems. The chapter headings give a clue to the author's method. They are: I. The Theory; II. Antecedents of English Civilization; III. The Calvinists; IV. The Moralists; V. The Economists; VI. Concluding Remarks. Fortunately for those who have no taste for theory, the first chapter is not essential to an understanding of the main proposition which the author seeks to establish. The book is provided with an index, and an excellent analytical table of contents. It will be reviewed at length in a later issue of the ANNALS.

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PROFESSOR GUSTAV SCHMOLLER, of the University of Berlin, has published in "*Umrisse und Untersuchungen zur Verfassungs-, Verwaltungsgeschichte- und Wirtschaftsgeschichte* †" a few of his contributions to the internal history of Prussia during the last three centuries, but more especially in the formative period of the eighteenth century. The essays have appeared from time to time, in the last twenty years, in German historical or economic reviews, and in their present form give a fairly good survey of Prussian industrial development during the period mentioned. A complete history, to which these studies should be merely preliminary, was originally Professor Schmoller's ambition; but such a work exceeds the powers of a single investigator, and Professor Schmoller contents himself with the publication of these fragments and with the hope of publishing at a later time a *Grundriss* or outline of the political and industrial history of Prussia. The *Leitmotiv* of the present collection of essays

\* Pp. 409. New York and London: The Macmillan Company, 1899.

† Pp. x, 686. Price, 13 m. Leipzig: Duncker & Humblot, 1898.

is found in the first study—the mercantile system—which has been translated into English and published in Ashley's series of Economic Classics, and which is here supplemented and illustrated by the second essay, the "Commercial War between Brandenburg and Pomerania in 1562." The three following essays treat of the essential elements of the state's activity—finances, army and civil service. The first mentioned of these, the longest essay in the seven hundred page volume, sketches the Prussian financial policy from the beginning to the establishment of the present German Empire. Articles VI to VIII discuss the handicraft system, its transition to the cottage or domestic industry, and the rise of the Prussian *Gross-industrie* in the eighteenth century. These studies of industry are completed with an essay on agrarian policy ("*Die preussische Einwanderung und ländliche Kolonisation*," first published in the *Schriften des Vereins für Socialpolitik*) and one on commercial policy as concerned with the grain trade.\*

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MR. BENJAMIN KIDD, the well-known author of "Social Evolution," has recently published in book form a series of three articles, which he contributed to the *London Times*, dealing with the subject of "The Control of the Tropics,"† To these articles, which make up sixty pages of large print, Mr. Kidd has added as an appendix a reprint of the tenth chapter of his "Social Evolution," discussing the relations of our civilization to the tropics. As a piece of bookmaking, this is something of an imposition upon the generosity of the public which accorded Mr. Kidd's popular book so hearty a reception. Whether the author or the publisher is to blame for this is, of course, an open question.

The thought which Mr. Kidd contributes in the discussion of a problem of vital interest to English and American readers is an important one and can be summed up briefly as follows: In the natural development of trade relations, Great Britain's trade with the tropics in 1896 amounted to 138,000,000 pounds, and with the English-speaking world, not including the British tropics, 233,000,000 pounds, making a total in the tropics and English-speaking world of 371,000,000 pounds, while her trade with all the rest of the world amounted to only 367,000,000 pounds. The trade of the United States in 1895 with the tropics was \$346,000,000, and with the English speaking world, not including the British tropics, \$657,000,000, making a total in the tropics and English-speaking world of \$1,003,000,000, while American

\* Communicated by Dr. A. F. Weber.

† *The Control of the Tropics*. By BENJAMIN KIDD. Pp. vi, 101. Price, 75 cents. New York: The Macmillan Company, 1898.

trade with the rest of the world amounted to only \$535,000,000. Adding these together, we have the trade of the United States and Great Britain with the tropics amounting to 208,000,000 pounds; while their combined trade with the remainder of the world outside of English-speaking lands amounts to 473,000,000 pounds. The combined trade with the tropics, therefore, amounts to 44 per cent of the total trade with the rest of the world. The conclusion is that in a purely economic sense the tropics are a necessary supplement to the economic development of England and America. In the next place the question of order and industrial efficiency on the part of the population of the tropics is discussed with reference to these sections, with the conclusion that these regions cannot be permanently colonized by Englishmen or Americans. In the third article an argument is advanced to show that in order to secure social order and industrial efficiency on the part of the natives there must be intelligent and benevolent political control of these regions through the agency of English and American civilization.

Mr. Kidd has here suggested a line of argument altogether too much neglected in the present discussion concerning the relation of the English-speaking peoples to one another and to tropical regions, but it can hardly be maintained that Mr. Kidd has done more than suggest a thought that must be worked out with great care and upon the basis of a much wider range of facts than Mr. Kidd has collected in the present volume.

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THE SECOND VOLUME\* of Professor Wyckoff's realistic account of his experiences as a laborer shifts the scene to the West. The author arrived in Chicago penniless, lived on the streets, slept in the police stations, obtained occasional odd jobs and finally secured a position first as a hand-truckman in a factory and later as a road builder on the World's Fair grounds. He then worked his way to the West, passing through the great wheat fields and finally reached the Pacific Coast. Mr. Wyckoff was well equipped for the work that he attempted. His undertaking, which resembled that of Herr Goehre in Saxony ("*Drei Monate als Fabrik-Arbeiter*") required great energy and splendid courage, but the results attained were worthy of the effort. The narrative is written in a lively and often brilliant style, the characters presented are clear cut and definite, and the incidents are described in a dramatic manner without being distorted or exaggerated. The author shows himself capable of the nicest perception and

\* *The Workers: An Experiment in Reality.—The West.* By WALTER A. WYCKOFF. Pp. ix, 378. Price, \$1.50, New York: Charles Scribner's Sons, 1898.

the keenest psychological analysis. The book, however, is merely a series of personal experiences and impressions, and will appeal less to the economist than to the ordinary reader. Moreover the moral and religious points of view are emphasized to the almost total exclusion of the economic attitude, and the infrequent attempts at an analysis of economic conditions are extremely inconclusive and unsatisfactory. It is to be presumed, however, that Professor Wyckoff will shortly supplement these excellent sketches by a more scientific treatment of the results of his interesting and valuable experiment.\*

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MR. ROBERT T. HILL'S book on "Cuba and Porto Rico" is an excellent work.† It discusses the geology, topography, climate, flora, products, industries, cities, people, political conditions, and probable future of Cuba, Porto Rico and the other more important islands of the West Indies. Mr. Hill is connected with the United States Geological Survey, and is a well-known geologist. He has given many years to the study of the West Indies, and his knowledge of those islands is probably greater than that of any other person, with the possible exception of Professor Alexander Agassiz. One-third of the volume is devoted to Cuba, one-seventh to Porto Rico and the remainder to the other islands. The author has chosen his material well and presented it in a concise style, and, what is quite as commendable, has possessed the art of keeping himself entirely in the background. The excellent illustrations and presswork give the substantial volume an artistic appearance and add to its intrinsic merits.

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MR. SHEARMAN'S "NATURAL TAXATION"‡ divides itself naturally into two nearly equal parts, which may be appropriately designated "destructive" and "constructive." The first chapter is headed "Crooked Taxation," used as an equivalent for "indirect taxation," which the author maintains is crooked in operation, form, motives, effects, and in its influence upon the well-being of society.

Under "Direct Taxation," the author points out some of the evils of the income tax, the succession tax and the property tax. He concludes that "every form of indirect taxation is unjust to the poor and that every form of direct taxation is unjust to the honest."

\* Contributed by Dr. Walter E. Weyl, Philadelphia.

† *Cuba and Porto Rico, with the Other Islands of the West Indies*. By ROBERT T. HILL. Pp. xxviii, 429. Price \$3.00. New York: The Century Company, 1898.

‡ *Natural Taxation*. By THOMAS G. SHEARMAN. New and enlarged edition. Pp. 252. New York: Doubleday & McClure Company, 1898.

Because of these weaknesses, whether due to inefficient administration or to some inherent quality, the author decides that the character of all taxes collected in all civilized countries is bad and therefore such taxes are unnatural, unscientific and arbitrarily invented by men, regardless of all natural laws. In a chapter headed "Testimony from Experiences," are given concrete examples of evils already pointed out.

The discussion in the second half of the book is based on the assumption that the advantages derived from government and society are measured by the unearned increment from land; that this ground rent is the market value of the benefits of government; that ground rent being the product of our corporate social life, the revenue necessary to supply all of our collective needs ought to be drawn from such rent. He maintains that ground rent is a fund which rightfully belongs to the government: Consequently in taking it the government is merely using its own legitimate income. This is therefore a perfectly *natural* tax.

After enumerating many advantages, social, ethical, etc., the author considers some objections which have been made to such a single tax.

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"THE COMMERCE CLAUSE OF THE FEDERAL CONSTITUTION"\* by Messrs. Prentice and Egan is a concise and clear account of the powers which congress possesses over interstate commerce. The more important decisions interpreting the commerce clause of the constitution are reviewed and briefly discussed. The volume will doubtless perform a useful service as a text-book and guide, but those who purpose making a thorough study of the subject treated in this book will still need to go to the volumes by Redfield, Elliott and the other standard authorities.

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THE APPEARANCE OF two essays † on local administration, in the Columbia University series at this time is illustrative of the new trend of investigation in public law. Interest in constitutional forms and theories is on the wane, while attention is being turned more and more toward the practical content of these forms. The

\* *The Commerce Clause of the Federal Constitution.* By E. PARMALEE PRENTICE and JOHN G. EGAN. Pp. lxxv, 386. Chicago: Callaghan & Co., 1898.

† *Public Administration in Massachusetts.* By ROBERT H. WHITTEN, Ph. D. Pp. x, 167. *The Centralisation of Administration in New York State.* By JOHN A. FAIRLIE, Ph. D. Pp. x, 207. Columbia University Studies in History, Economics and Public Law, Vol. VIII, No. 4, and Vol. IX, No. 3, respectively. Price, \$1.00 each. New York: The Macmillan Company, 1898.

authors of the essays mentioned find that in both Massachusetts and New York the old system of administrative decentralization is rapidly declining, while a system of central control is taking its place. The administration of schools, roads, health and poor laws, etc., is no longer vested exclusively in the county, town and district subject only to the state laws, but it is now subordinated to a central or state authority which exercises a varying degree of control in different states. The balance of power between state and locality begins to lean toward the central authorities. In addition to this the various state governments are taking up new administrative functions directly without entrusting them to the local organization at all, *e. g.*, factory and mine inspection, control over corporations engaged in certain enterprises, as banking, insurance, railroads and canals. The monographs of Dr. Whitten and Dr. Fairlie show that some of our state systems of administration are in this respect undergoing a most important change, that the new methods of organization are likely to be introduced in other states, and that on the whole the change is decidedly for the better. A similar development which has already taken place in England was described in one of the previous numbers of the "Studies" and in the ANNALS. In the essays before us the attempt has been made to indicate the general causes of administrative centralization; among the more important of these may be mentioned improvements in the means of transportation, increased communication between different parts of the state, the growth of manufacturing, and a greater density of population. Another interesting feature of our modern administrative development is seen in the increasing importance and independence of our cities. The authors have given considerable attention to this point and have clearly shown the connection between central administrative control and municipal home rule.

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AN INTERESTING COUNTERPART to the two studies above described is the booklet entitled "*Les Pays de France.*"\* The author examines successively the various units of administration now existing in France—the department, the *arrondissement*, the canton, the commune, and concludes that a re-organization is necessary, since the divisions are for the most part purely arbitrary and lend themselves too readily to the present system of extreme centralization. The remedy proposed is an essential decentralization, to be accomplished by the organization of new local units. These units should be based upon common ties of tradition, custom or economic interest.

\* By P. FONCIN. Questions du Temps présent. Pp. 80. Price, 1 fr. Paris: A. Colin, 1898.

The old *pays*, for example, which correspond very nearly to the present *arrondissements*, afford an excellent basis for a local organization which might be subdivided into communes. These *pays* could easily be grouped together to form autonomous *régions* or districts, based on common commercial and industrial interests or on the peculiar topography of the country. The author describes thirty such districts. He contends that such a semi-federal system would restore to local government the hold upon popular attention which it once possessed and would secure a more natural foundation for the entire administrative system of the country.

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IN A VOLUME OF nearly four hundred pages Judge Elliott, a member of the District Court of Minnesota, has given us an admirable summary of the law of public corporations. Since the last edition of Judge Dillon's book on the same subject in 1890 we have had no carefully arranged treatment of this subject. In fact there has been no text-book of a size convenient for the use of students. For this reason, if for no other, the publication of Judge Elliott's book will be welcomed by teachers as well as students. The author has so skillfully arranged the material that the work is equally valuable as a text-book of the public law and as a manual of one branch of the private law. Book I., on the "Creation and Control of Public Corporations," shows clearly how rules of the private law have been applied to public relations, and although the author draws few conclusions as to the merits or defects of the system, the student can readily ascertain where the advantages and disadvantages lie. Probably the most valuable portion of the work is to be found in Book II., dealing with the "Powers of Public Corporations." We have seen but few legal text-books in which the principles of the law are as carefully formulated and as succinctly stated. Although Judge Dillon's work must still remain the standard treatise on the law of municipal corporations, it is quite certain that Judge Elliott's book will receive a very wide acceptance in our law schools and that it will be of no mean value to the members of the profession.

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"EDUCATIONAL REFORM" † is the title President Eliot has chosen for his second volume of essays and addresses, ‡ which

\* *The Principles of the Law of Public Corporations.* By CHARLES B. ELLIOTT, Ph. D., LL. D. Pp. 364. Price, \$6.00. Chicago: Callaghan & Co., 1898.

† Pp. 418. Price, \$2.00. New York: The Century Company, 1898.

‡ For notice of the first volume, see ANNALS, Vol. xi, pp. 391-92.

opens with his "Inaugural Address as President of Harvard College," delivered in 1869, and closes with a paper on "The Function of Education in Democratic Society," read in Brooklyn in 1897. There are in all eighteen essays and addresses in the volume, treating of all grades of education from that of the grammar to that of the professional school. Perhaps the most striking fact about these papers is that though written for widely different occasions and embracing a period of nearly thirty years, they all present the same educational program. The chief points in this program are that education must be rendered more individual and that it must adapt itself to the ever changing requirements of actual life. The introduction of the elective system at Harvard was the first step in the direction of realizing these reforms. Other changes, such as greater attention to modern languages, the substitution of lecture and laboratory for text-book methods of instruction and the differentiation of the college from the university have followed in due course. Each one of these changes is suggested and defended in the volume under review. That most of them are now taken for granted in the educational world is eloquent testimony to the success that has crowned President Eliot's efforts as an educational reformer. No better summary of what has been done toward improving educational methods or of what still needs to be accomplished could be given than is contained in these "Essays and Addresses."

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THE LATEST ADDITION to our *Frankliniana* appears as the opening number in a series of biographical sketches of great Americans.\* Most of our biographical descriptions of Franklin have referred especially to one or another of the many sides which his character bore, but the present author has attempted to give a "composite picture." The man of family, the printer, the editor, the politician, the diplomat, the inventor, the philosopher, are all touched upon in a somewhat impressionist way. Some interesting reproductions of old documents and pictures are given. Incidentally the background of events in local and national history in which Franklin took part is developed. It is to be remarked that the history of self-made Americans is receiving more attention than ever before.

\* *Benjamin Franklin*. By EDWARD ROBINS. *American Men of Energy Series*. Pp. ix, 354. Price, \$1.50. New York: G. P. Putnam's Sons, 1808

## REVIEWS.

*The Historical Development of Modern Europe from the Congress of Vienna to the Present Time.* By CHARLES M. ANDREWS, Associate Professor of History in Bryn Mawr College. Vol. II, 1850-1897. Pp. vii, 467. Price, \$2.50. New York and London: G. P. Putnam's Sons, 1898.

The sterling worth of the first volume of Professor Andrews' history of modern Europe has been emphasized in a former number of the ANNALS.\* The second and concluding volume covers the period since 1850. The author has from the first chosen to confine himself strictly to the political development, and in this second volume he adheres to his plan with almost startling consistency, giving scant attention to even the constitutional innovations. The military events, for example, which occupy a good deal of space in the conventional political histories, are reduced to microscopic proportions in the work before us, not, the author says, because he objects to drum-and-trumpet history, but because he believes "that the details of battles and the movements of troops belong except in their consequences to the student of military strategy." A line and a half is given to Sadowa, scarce two lines to Sedan, and but three pages to the whole Franco-Prussian war—which would seem to prove beyond a peradventure that the writer possesses the courage of his convictions.

Professor Andrews has put a second and somewhat unusual form of constraint upon himself by refusing to insert in his work any merely personal judgments. A clear statement of occurrences and an interpretation of their true bearings seem to him to exhaust the duties of the modern historian. He had, of course, to face the eternal problem of attributing to heroic personality and to seemingly inevitable tendency each its proper influence in the momentous changes between 1850 and 1871. While giving the greatest prominence to the ascendancy of Cavour and Bismarck and to the ambition of Napoleon III., Dr. Andrews clearly shows that the events of 1859, 1866 and 1870 were after all the logical outcome of the earlier period. Were this not so, the genius of these statesmen, however conspicuous, could never have accomplished what it did. It would, moreover, as every thoughtful student of the past will readily concede, be reckless to assert "that the establishment of the Kingdom of Italy, the German Empire and the third French Republic would have been rendered impossible had other men directed the course of affairs."

\* Vol. ix, p. 253. March, 1897.

After describing the unification of Germany and of Italy, the history of the Second Empire and the establishment of the dual monarchy of Austria and Hungary, Dr. Andrews devotes the last third of his volume—we may presume reluctantly—to the changes since 1871. The historian has a well-founded suspicion of so-called contemporaneous history, which is necessarily half prognostication, for it is only by forecasting the future that the important and permanent can be distinguished from the trifling excitements of an Argus-eyed daily press. But both public and publishers agree that modern history ends only with the very minute when the historian dispatches his manuscript to press. Dr. Andrews has good-humoredly yielded to their wishes and given us an excellent outline of the political events down to last March, not only in western Europe, but in Russia and the Balkan Peninsula.

While the author's careful exclusion of the irrelevant will rob the past of some of its chief attractions for the natural man, who has an inveterate *penchant* for soul-stirring combat and odds and ends of gossip, and while the scholar, who cares not for gore or gossip, may lament the absence of foot-notes, among which he might poke about for suggestions, there is, it may be hoped, a considerable class of serious-minded readers in this country and England who will appreciate and enjoy Dr. Andrews' impartial, clear and painstaking account of one great phase of Europe's past.

*Columbia University.*

JAMES HARVEY ROBINSON.

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*Life and Administration of Sir Robert Eden.* By BERNARD C. STEINER, Ph. D. Pp. 142. Johns Hopkins University Studies in Historical and Political Science. Series XVI, Nos. 7, 8, 9. Baltimore: The Johns Hopkins Press, 1898.

Recently several historical students have turned their attention to a careful and detailed study of the transition from colonial to commonwealth government in some one of the thirteen original states that composed the American Union. As a result several excellent monographs have appeared. One of the latest of these is the above cited volume of Professor Steiner. With almost equal propriety this study might have been entitled "The Transition of Maryland from a Proprietary Colony to a Commonwealth," inasmuch as Sir Robert Eden was the last Proprietary Governor of Maryland, his administration spanning the stirring period 1768 to 1776. The author however has intentionally limited himself to the treatment "of the end of the old, not of the beginning of the new."

Although Eden was extremely popular and conciliatory, his administration is shown to have been marked by the struggle, common to all the colonies, against the policy of taxation adopted by the mother country, and also by a series of contests between the governor and council against the lower house of the legislature in regard to the peculiar rights and prerogatives of the proprietor. Especially stubborn was the prolonged fight over the regulation of "fees" of proprietary officers. In the course of these disputes the lower house repeatedly passed resolutions placing themselves on the broad basis of the "rights of Englishmen," and asserted their rights and privileges, as in their resolutions of November 1, 1770, when they declared "that Marylanders are entitled to the rights and liberties of the subjects in our mother country," and again in 1771 when they unanimously resolved "that whoever shall advance the proposition that His Majesty's subjects (by transplanting themselves hither) have forfeited any part of their English liberties, are enemies to the province and mistake its happy constitution," and asserted that the legislature has the sole right to impose and establish taxes and fees.

Eden as presented to us in the pages of this monograph appears not only as a very attractive personage, but as almost the ideal proprietary governor, careful of the rights and prerogatives of the proprietor and of his obligations to the crown, but at the same time conciliatory to the colonists and mindful of their interests. So far successful was he in playing this difficult rôle, even after "the fires of the Revolution had been kindled," that his course called forth the warmest endorsement from the king, and yet it could be said of him, as late as January, 1776, that he "continued to receive from the colonists every mark of attention and respect." He was "indefatigable in the endeavor to bring about a reconcilliation" between the colonists and the mother country. To that end while pursuing the "most soothing measures" toward the Marylanders he tries to present to the English officials a true statement of the situation, warning them in one instance that "the spirit of resistance against the tea act, or any mode of internal taxation, is as strong and universal here as ever. I firmly believe that they will undergo any hardships sooner than acknowledge a right in the British Parliament in that particular."

Influenced by the general movement in the other colonies, Maryland's first convention of freemen assembled in June, 1774, and by April, 1775, a Council of Safety had been appointed, but owing to the tact and moderation of all concerned for over a year there continued to exist "a perfect democratic government side by side with the phantom of Proprietary rule." "The other provinces could not understand Maryland's delay." "The popularity of the Governor,

the conservative character of the Maryland men perplexed and disturbed the radicals of Virginia and Massachusetts." The most dramatic events of the period were in connection with "the intercepted letters" from Sir George Germain, and the resulting complications arising from the attempted intervention of the Continental Congress and other parties to effect the arrest of the governor, and the strong resentment of Maryland to all outside interference. In spite of these letters the convention, which met in May, 1776, still expressed in most "extraordinary language" their appreciation of the governor's integrity and service, but at the same time signified "that the Publik quiet and safety require that he leave the Province." They further declared, and this within six weeks of the adoption of the Declaration of Independence, that they are firmly persuaded that a "reunion with Great Britain on constitutional principles would most effectually secure the rights and liberties and increase the strength and promote the happiness of the whole Empire."

Thus the "fair and impartial" course of the governor, in large measure, had been instrumental in confining the uprising in Maryland to a contest for the "rights of Englishmen." When his influence was removed, that province immediately joined in the common movement of the other colonies in the broader struggle for the "rights of Man." As a further proof of "the moderation of the colonists" and "the conservative character of the Revolution in Maryland" may be mentioned the fact that the proprietary officials in the loan and land offices continued to exercise their functions until May 15, 1777.

The author has presented a most interesting and valuable study of a neglected field, and has enhanced the value of his contribution by his careful account of the drift of public opinion, which has been possible only through his diligent researches in the newspapers and other controversial literature of the period.

HERMAN V. AMES.

*University of Pennsylvania.*

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*A General History of the World.* By VICTOR DURUY. Translated from the French, thoroughly revised, with an introduction and a summary of contemporaneous history (1848-1898), by Edwin A. Grosvenor, Professor of European History in Amherst College. Pp. xxvi, 744. New York: Thomas Y. Crowell & Co., 1898.

*A History of Modern Europe.* By FERDINAND SCHWILL, Ph. D., Instructor in Modern History in the University of Chicago. Pp. ix, 434. New York: Charles Scribner's Sons, 1898.

*Europe in the Nineteenth Century.* By HARRY PRATT JUDSON, LL. D., Head Professor of Political Science in the University of

Chicago. Pp. vii, 342. Meadville: The Chautauqua-Century Press, 1898.

Twenty years ago there was scarcely a text-book upon general European history in the English language; to-day there are a dozen touching all or parts of the general subject. Various scholars of acknowledged standing have tried their hands at the task and have produced various books of various merits. Nevertheless, publishers and the professional public are still convinced that there is better work to come, and that while such books as Emerton's "Mediæval Europe" and certain volumes of the "European History Series" stand deservedly high, the work that shall be to the student what Lavisse and Rambaud is to the teacher, remains to be written.

This scarcity of good books for class use, coupled with the laudatory notice in Adams' "Manual of Historical Literature," has roused a special interest during the last few years in Duruy's text-books, which, written twenty-five or thirty years ago, have had great popularity in France. In consequence, three of the best have been translated and published: "History of France" (1889), "History of the Middle Ages" (1891), and "History of Modern Times" (1894). The translator of the last named work, Professor Grosvenor, of Amherst, has seen fit to bring out another of Duruy's manuals, "A General History of the World," to revise it, and to continue the narrative to 1898. In many respects this work is a good specimen of Duruy's methods. It is characterized by his broad historical knowledge and is one of the best general outlines that we have of the world's history, being far superior to Myers, and possessing points of advantage over Fisher's "Outlines," though it is, on the other hand inferior to Sanderson's recent "History of the World." As a text-book it has the defect of all Duruy's minor work, in lacking proportion and a sense of the relative importance of the different parts of the subject, and contains often a great deal more detail than the preparatory student needs to know.

Professor Grosvenor says that he has thoroughly revised the work. To test this revision I have turned to the feudal period. On page 219, Professor Grosvenor accepts Duruy's statement that feudalism was first officially recognized by the treaty of Kierry(*sic*)-sur-Oise, a view which was prevalent twenty-five years ago, but which has been disproved absolutely by Bourgeois and Fustel de Coulanges. On page 259 he leaves the uncorrected statement that the Norman levy in England consisted of sixty thousand knights, though Mr. Round has shown conclusively that this is a "venerable fable," and that the number can scarcely have exceeded, even if it reached, five

thousand. On page 260 he leaves untouched the old interpretation of Section 3 of the Constitutions of Clarendon, which Professor Maitland has re-read so admirably that there is not a question as to the truth of his rendering. On page 262 he has permitted the statement to stand that the parliament of Simon de Montfort was completely representative, though Professor Grosvenor ought to know that this body contained but five earls and eighteen barons and representatives from those towns only that had aided de Montfort at Lewes. These matters are not trivialities, and if Professor Grosvenor has succeeded no better in revising the remainder of Duruy's work, which, written many years ago, stands in great need of revision, the value of his translation is very materially impaired. Of his own part in extending the volume it is unnecessary to speak at length. It is a good outline, though the style may be characterized as a dead level of simple sentences, and the treatment shows neither originality nor enthusiasm. The only part of it that is really well handled is the account of the late war with Spain.

Dr. Schwill's work is a much less ambitious undertaking than that of Professor Grosvenor, and essays to deal only with the period since the beginning of the sixteenth century. It is in fact a continuation by the junior member of Thatcher and Schwill's "The Middle Ages." Why the great era of the Renaissance and Reformation is broken in two by these volumes is hard to understand; such treatment betrays a singular misconception of the character of the great transitional period. The Middle Ages closed with the reigns of Frederic II. of the Empire, Philip the Rash of France, Edward I. of England, and the pontificate of Boniface VIII. Dr. Schwill should have begun with the Renaissance, or if he desired to treat modern history proper, with the reign of Henry IV. in France. His narrative is in the main a conventional treatment of the subject, and shows little evidence either of extensive acquaintance with recent literature or of special insight into the meaning or tendency of events. The story is pleasantly, though not always accurately, told, and is entirely wanting in suggestive and inspiring touches. Generally speaking, it runs along the surface, never getting very far below; it consequently lacks all organic unity. Nothing shows this better than the last two paragraphs in the book. After Dr. Schwill has finished his chapters on the nineteenth century, he bethinks himself of two matters that "deserve a passing mention." And what are these? The emancipation of the serfs in Russia in 1861 and the uprising of the Poles in 1863! How Dr. Schwill has managed to present the history of Russia after the Crimean war and the diplomacy of Bismarck in 1863, without mentioning these

vitaly important events in their proper places, is one of the aspects of his work which shows how superficial his treatment often is. Dr. Schwill's work fills a gap, but we still await the book which in a scholarly, interesting and suggestive manner shall present to preparatory and college students the progress of European history from the Renaissance to the present.

Professor Judson's "Europe in the Nineteenth Century" is not new, for it was published originally in 1894, and as no attempt has been made to bring it up to date and only here and there has an event been added to show that any revision has taken place, one wonders why the present reprint bears the date 1898. Nothing is said of Italy after 1871; no event of French history after 1886, except the election of the presidents, is mentioned; nothing is said of German history since the retirement of Bismarck. A page is devoted to English history since 1894 and another to that of Russia, but the treatment is inadequate in both instances, and in the latter case is vitiated by the statement that under Nicolas II. no material change of policy has been undertaken. Such important events as the establishment of a fifth electoral class in Austria (Cis-Lithania) and the recognition of Prince Ferdinand of Bulgaria are passed by entirely. In truth, Professor Judson's little book is not history at all. It is a kind of political view of certain aspects of nineteenth century history, containing many interesting comments, but often marred by newspaper judgments and hasty conclusions.

CHARLES M. ANDREWS.

*Bryn Mawr College.*

*The Rise and Growth of American Politics.* By HENRY JONES FORD.

Pp. viii, 409. Price, \$1.50. New York: The Macmillan Company, 1898.

"The cardinal principle of American politics is that party organization is the sole efficient means of administrative union between the executive and legislative branches of the government, and whatever tends to maintain and perfect that union makes for orderly politics and constitutional progress." This sentence is an admirable summary of the conclusions reached by Mr. Ford in his study into one side of the unwritten constitution of the United States. The framers of the government attempted the impossible when they sought to found a progressive government upon a system of checks and balances. That ideal would have resulted in confusion and inefficiency. From the first a leader with the force of the government behind him was necessary if any progress was to be made, and in the absence of any

constitutional method of obtaining unity of action, the extra-constitutional means of party organization was forced into service.

Hamilton and Jefferson became the leaders of their respective parties, and each one while in office used the official machinery for the realization of party programs. With the patronage which the president has at his disposal and the unlimited field from which he may draw his official advisers, the American executive has the possibility of being the most effective party leader in the world, and if Mr. Ford's ideal shall be realized, the voters of the United States will through him control the policy of the nation. Precedents have shown, however, that when the president is not the leader of his party more than half his power is gone. Adams wrecked his administration because the Federalist leader in the person of Hamilton was not taken into the executive department. The power of Jefferson and Jackson came from the fact that the party leader was president, and a well-organized system of discipline kept the house of representatives behind the president. The voters elected both, both stood for the same principles and the two administrations were successful.

The period of senate supremacy was abnormal. The questions at issue from 1840 to 1860 were sectional not national, and while these were the important issues, leadership in national politics drifted into the hands of a body constitutionally unfit for the position, and occupying it only because North and South could there meet on equal terms. Opportunism and delay were the highest aim of American politics, and the senate was the only body where such a policy could live.

With the disappearance of sectional issues the conflict came between the two departments of government dependent upon popular support, and then the question of leadership was determined by party. Lincoln led the house for he led his party. Johnson could not do so, because he had not party support. Upon all conflicts between president and house of representatives Mr. Ford looks with regret, for in them he sees a waste of energy. How can we again secure that co-operation of the two popular forces which was found under Washington, Jefferson, Jackson and Lincoln, and which resulted in the broad outlines of legislation being determined by well-trained heads of departments, while the immediate representatives of the people determined the details?

A strengthened and improved party organization, in the author's opinion, is the only true solution. Party organization has prevented the wheels of government being blocked in the past, and the same force is able to increase the efficiency of the government in the future. The president and the majority in the house of representatives elected

at the same time should be in party accord, and the force of party organization should compel them to act in harmony. Against these two powers the senate would be impotent except in its constitutional function of an advisory body. Hold the president and his party responsible to the platform upon which they were elected, giving to the executive the political leadership which, as the representative of the popular will he has a right to demand, and a presidential democracy will result, a type of the future governments of the world. In this government two features will be prominent, an executive, responsible to party and to people, formulating the general outlines of legislative policy and a congress regulating the details of the measures proposed and furnishing a check upon presidential action because of its more frequent election. This government in the author's opinion is superior to a parliamentary democracy, in that the prime minister as well as his followers will be directly responsible to the people and can be checked by them if necessary at the expiration of two years. Not parliamentary government based on a system of classes but presidential government supported by popular representation is the ideal which Mr. Ford sees in our perfected system, and it is in realizing this ideal that he sees the political mission of the United States.

C. H. LINCOLN.

Philadelphia.

*The Referendum in Switzerland.* By SIMON DEPLOIGE. Pp. 322. Price, 7s. 6d. London: Longmans, Green & Co., 1898.

"*Le Referendum en Suisse*" was originally issued in Brussels in 1892, and now appears in English under the auspices of the London School of Economics, whose series embraces a considerable number of very useful books. M. Deploige's work is a thorough and complete account of the referendum and the initiative, those two interesting Swiss institutions which have lately claimed so much attention from political students, at least in centres of investigation west of Germany. In countries where the representative system is itself not yet very secure in its seat, the public mind is indifferent to the worth of an institution which goes to such radical lengths on the way toward unchecked democracy.

The agitation of the referendum when the constitution of Belgium was revised is responsible for this investigation by a Belgian jurist. He has carefully traced the history of the referendum's development in Switzerland and adds not a little to our knowledge concerning the origin of democratic forms in the Alpine cantons. With the purpose of obtaining practical knowledge of his subject, he visited Switzerland and interviewed many men of many minds.

The Swiss are by no means unanimous in their praises of the referendum and there are many who think that a step much too far forward was taken when the initiative was introduced lately in federal matters. Though this only refers to constitutional amendments, the Swiss, like the American legislator, does not hesitate to make the constitution a depository for odds and ends of legislation. In Switzerland, as elsewhere, there are those who think that the people can do no wrong, and those who are convinced that desirable results in legislation as in most things else can only come on the initiation and with the collaboration of men of superior intelligence and ability, of which there are unfortunately too few in any of our human communities. We cannot see that M. Deploige has brought much that is new or definite to bear upon this broader sociological phase of a great subject. His work is the most satisfactory treatment by a foreigner of this special branch of Swiss politics and public law. At this time when English and French writers as well as our own are interesting themselves more and more in referenda and plebiscites as a means of giving better direction to the state, we cannot but feel grateful to the author for his painstaking work.

What will be our limit in law-making by popular vote it is at this moment difficult to say. The tendency is now distinctly toward the enlargement of this popular privilege, yet the people as a whole, appreciate it much less than we might expect, although in America the leaders of a political party, the Populists' have lately made it one of the tenets in their creed. South Dakota at the autumn elections in 1898 voted to add an amendment to the constitution of that state which introduces both the referendum and the initiative by name, and in the Swiss form, 5 per cent "of the qualified electors of the state" having it in their power to demand a vote upon any subject. The new charter of the city of San Francisco lately framed by a Board of Freeholders provides for the referendum in respect to city matters; and Nebraska is trying to acclimate the system in counties and other local governmental districts. These are recent extensions of legislation by direct vote of the people in this country, and have come in as a result of late studies in Swiss politics to supplement our own natural development along this line, which, as is well known, has been made to include constitutions, constitutional amendments and many classes of state and local laws, a not unnatural outgrowth of our own folk-mote and town meeting in New England.

Although laws and amendments submitted to the people are voted on as a rule at the same elections in which governors and other

state officers are chosen, and on the same ballots, only about five in every ten of those who put their crosses on the tickets for candidates take the trouble to express themselves on the subject of legislative measures submitted to them. In an amendment to a banking law submitted in Illinois in 1898 only about one man in five had enough interest to say yes or no on the point. Our experience here corresponds in the main with the condition of affairs which M. Deploige has found to exist in Switzerland, though they have compulsory voting in some of the cantons, and on the whole the results measured from the point of view of the number of electors participating in the referenda seem there to be far better.

The book is preceded by a letter on the referendum in Belgium by Professor M. J. van den Heuvel, of the University of Louvain, which, however, adds little to the argument. The translation has been made by C. P. Trevelyan, M. A., of Trinity College, Cambridge. The text has been edited with notes, introduction and appendices by Miss Lillian Tomn, of Girton College, Cambridge, herself an interesting and well-informed writer on the referendum. Her notes, which are important and copious, add much to the elucidation of the subject, and her chapter describing the votes on federal laws from 1892 to 1897, *i. e.* from the time, that M. Deploige closes his account up to date, will be much appreciated, as her bibliography will be also, and her successful attempts throughout to bring the topic to the full understanding of the English reader.

ELLIS P. OBERHOLTZER.

*Philadelphia.*

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*A History of the Presidency.* By EDWARD STANWOOD. Pp. vi, 586. Price, \$2.50. Boston: Houghton, Mifflin & Co., 1898.

In 1884 was published a "History of Presidential Elections," written by Mr. Stanwood. It was the first successful attempt to collect the national platforms of the various political parties, the records of the presidential nominating conventions, the issues on which presidential campaigns were waged, and the popular and electoral votes cast for candidates for the office of president. The book answered many questions in regard to our political history and met with a steady demand. It was reissued with supplementary chapters at each subsequent presidential campaign. Mr. Stanwood has rewritten and amplified much of the book and it is now reissued under a changed name. It was doubtless advisable to change the title of the book, to indicate the changed character of the contents, but we do not think the new

title a happy one. It is not a history of the presidency; it is a most comprehensive and indispensable "History of Presidential Elections." Two statements will prove the force of this objection. The controversy between Andrew Johnson and congress receives two pages of space allotted to it, or about the space given to the platform of the United Labor party in 1892. That party polled less than four thousand votes, at the highest figure given it. That this is not a "History of the Presidency" is further shown by a sentence in the preface, which is as follows. ' If it be urged that a history of the presidency should include an account of the development of the presidential office and of the successive expansions or limitations of the president's powers and duties, the reply may be made that there has been no such development to record, since the office is now what it was in the time of Washington—neither of greater nor of less weight in the government than it was then.' It seems strange to think that this sentence was written in the year of grace in which Mr. McKinley decided to annex the Philippines and made a tariff for Puerto Rico, and in which Professor Simeon E. Baldwin published his "Modern Political Ideas," with its admirable chapter on "Absolute Power—an American Institution." There has been a development in the presidency, though its story is not told in this book.

Barring the title, a captious criticism can see little in the book with which to find fault. We might claim that even an imperfect table of the popular vote at the earlier elections would be of some interest and that a minute investigation might somewhere discover the omitted platforms of one or two early prohibition conventions, but these matters are hardly worthy of note. The author calls our attention to the fact that, with fuller information, he has much expanded the earlier chapters. We tested this and find that he nearly doubled their size and greatly increased their value. The chapter headings have been changed in many cases. A new and most valuable chapter has been added on the convention system and the record has been brought down to include the election of 1896. The narrative is sane, clear and unprejudiced. More of the author's opinions on disputed points are given than in earlier editions. We know of no book more worthy of the attention of students of politics, as containing the theories and disputed points on which party lines have been formed. Oftentimes the writer suggests aspects which are not likely to occur to the ordinary observer of events. For instance, we all know that "it is customary for the newspapers, after each election, to draw attention, in the tone of an alarmist, to the fact that the change of a certain small number of votes from one candidate to another in a few states would have given the election to that second candidate" (p. 17).

Yet how few have clearly seen that "the answer to the ever repeated arithmetical speculation is that the votes never do have the tendency to redistribute themselves in the way suggested. One election does not resemble another; but the tendency in one state at any given election is substantially the same as in other states. It increases the majority of the winning party in its own states, it carries some states over to the opposition, it reduces majorities in the states held by the losing party—these changes all being at any election in the same direction."

In general Mr. Stanwood is a defender of the electoral system, and he calls attention to the fact that, through the growth of the convention system, while the electors have become ministerial officers, the extra-constitutional features of the system have accomplished two of the purposes of the framers of the constitution, namely, that the legislature should not be the power which should nominate the president and that he should be chosen by representatives of the people. The national conventions, working in a different manner, accomplish the purpose intended for the electoral college. The treatment of the rise and development of conventions is most complete and interesting. Our attention is called to the fact that the system arose just at the time when the improved methods of transportation made its success possible, and that the congressional caucus, as a method of nomination, was almost a necessary evil in the days when communication between different parts of the country was difficult and expensive of time as well as of money. We find that Pennsylvania is the birth-place of the convention, as New York is of the "machine," and we see how, "like many inventions in the arts, it was originally the result of accidental necessity and crude in form, but was afterward developed into a useful and efficient instrument." The first state convention was held by a faction of the Republican party in 1808; the first recorded suggestions for a national convention was made by a county convention in Pennsylvania in 1824. The first platform was the National Republican one of 1832. From the early national conventions of 1831 and 1832 to the present we are led through the various changes in their form and rules. There is the development of the platform, the struggle over the unit rule, the Democratic requirement of two-thirds of the votes for a nomination, etc. The conclusion is drawn that the "Republican party has adopted several reforms in the constitution, the election and the proceedings of national conventions, which have not commended themselves to the Democrats" (p. 175). Other reforms are suggested for the future, and we are told that "it should be the concern of all good citizens to make the national convention, through which parties act directly upon the government, a

free and independent body, expressive of the best thought, the highest motives and the truest patriotism of the party" (p. 177). There is nothing of the theorist or closet scholar in the book. Mr. Stanford knows men and understands politics. He is an optimist, without losing sight of evil. He believes in the people and in the making of the best of things, instead of girding at unfortunate conditions. He is most judicious and fair-minded and, when he inclines to one side of any disputed question, is careful to state what is the contention of the other side.

The summing up of Hayes' administration on page 401 is admirable. The author has evidently studied the newspaper files carefully, though he does not seem to have access to one published in Baltimore, the great convention city of the past. From newspapers he has rescued interesting bits of history, such as the fact that one of the electors chosen as a Federalist in Pennsylvania in 1796 voted for Jefferson and thus "betrayed the trust reposed in him by those who supported him" (p. 50). Mr. Stanwood thinks this is the only case of the sort, but the three Clay electors, who voted for other candidates in 1824, seem to have been in a similar position.

There are a few errors we have noted: on page 98, George W. Crawford should be William H. Crawford; on page 478, Sherman had little more than one-fourth of the whole membership of the convention for him at the beginning of the balloting in 1888, instead of "one-fourth of the number necessary to nominate;" on page 508, it is believed that the Bascom voted for in the Prohibition National Convention of 1892, was Professor John Bascom, of Williams College; on page 520, the common confusion of the Monroe and the Olney doctrine with reference to our South American relations occurs; on page 564, the remarkable rise of the price of wheat in the autumn of 1896, should have been alluded to as a cause of Republican success in the ensuing election.

BERNARD C. STEINER.

*Baltimore.*

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*The Finances of New York City.* By EDWARD DANA DURAND, Ph. D. Pp. 397. Price, \$2.00. New York: The Macmillan Company, 1898.

The failure of the attempts to present comparative statements of municipal finances in tabulated form has forced the conclusion that monographic treatment of the finances of individual cities will be necessary before any valuable comparisons can be made. If any further confirmation were required, Dr. Durand's book would

furnish conclusive proof of this fact. The careful, descriptive analysis of the finances of New York City contained in this volume is in reality a guide to the official reports of the city. At the present time the annual financial statements of the comptroller are unintelligible to the citizen, and can only be made to mean something to the expert after a complete rearrangement of the figures therein contained. If the author had done nothing more than to clear up the intricacies of municipal accounting characteristic of New York City he would have performed a most important service. The book contains, however, not only an exposition of the financial system as it exists to-day, but also a history of the changes which have taken place since the middle of the century. The author shows, with great clearness, how the changes in financial methods mirror the changes in administrative organization, and in the relation between city and state. Thus, from 1851 until 1873 the state legislature assumed far reaching control over the finances of the city, and as a result the seat of municipal government was practically transferred to Albany. The evils resulting from this system of continued legislative interference have not been fully remedied, although the Charter of 1873 and the constitutional limitations upon legislative action, adopted since that time, have remedied the most flagrant abuses. It is true that inefficiency and corruption in the city government furnished the excuse to the legislature for such control, and, in fact, made such interference at times absolutely necessary. This constant legislative interference with the financial system of the city explains to a large extent the complexities and inconsistencies characteristic of the financial systems of New York at the present day. The system as it exists is described with great accuracy by the author and in such a clear and simple way as to make it intelligible to the lay reader. The success of this first attempt shows the possibility and desirability of presenting similar statements for every one of our larger cities.

One of the most significant features in the development of the finances of New York City has been the gradual decline of the financial powers of the city council. It is interesting to note that this tendency has been coincident with the movement for municipal home rule. The abandonment by the state legislature in 1873 of the policy of fixing the details of municipal expenditure did not result in greater financial powers for the council. The popular distrust of local legislative assemblies had reached a point which made the people willing to accept a system in which financial powers were vested in a separate board, which is known as the Board of Estimate and Apportionment. This board, perpetuated in the Greater New

York charter, is composed of the mayor, the corporation counsel, the president of the board of taxes and assessments, the city comptroller and the president of the council. Of these five members only the last two are elected by the people, the mayor appointing the corporation counsel and president of the board of taxes and assessments. Thus the mayor, with his appointees, controls the majority of this board.

The municipal council can only reduce the appropriations of the board of estimate and apportionment and such reductions are subject to the veto power of the mayor. In order to override this veto the council must pass such reductions by a five-sixths vote. This tendency toward the concentration of financial powers in the mayor is but one of the many important phases of the municipal problem with which the author deals. A series of monographs such as that by Dr. Durand will give us material for a thorough re-organization of the finance departments of our municipalities.

L. S. ROWE.

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*Municipal History and Present Organization of Chicago.* By SAMUEL E. SPARLING, Ph. D. Bulletin of the University of Wisconsin. Pp. 188. Price, 75 cents. Madison, 1898.

The history of Chicago affords a typical illustration of the difficulties arising from the rapid development of American cities. Chicago's growth in population and commercial importance has been unusually rapid. From a mere hamlet in 1830, its numbers grew to 4,000 in 1840, 60,000 in 1851 and 300,000 in 1870. Its municipal institutions necessarily changed with the changes in the number and importance of the functions to be performed. The town board of the thirties became the council of later days; the presiding officer of the village board became the mayor of the city, elected by popular suffrage; the board committees grew into the council committees of greater number, these in turn into executive departments.

In the early days the board of trustees was the "central fact;" the mayor was merely a presiding officer. As the administrative functions of the governing body increased, more and more power was given to the executive officials. Checks were introduced to prevent unwise legislation. The mayor was given a veto in 1851. Until this time the council had been "supreme in final authority." "The omnipotence of the common council passed with the charter of 1851." "Historically, executive concentration and administrative control have begun with the financial administration, and

Chicago offers no exception to this generalization." The period from 1851 to 1872 was one of legislative and executive differentiation. Numerous administrative departments were organized under the board type, although it was beginning to be evident that in the departments also there must be concentration of power and concentration of responsibility.

In 1872, Chicago organized under the general act of that year, and this change marked the end of special legislation. Chicago settled down to a solution of its own problems without continual recourse to the state legislature. The special legislation of the previous twenty years had practically been formulated by Chicago interests; it does not appear that the constitutional prohibition against special legislation affected Chicago favorably or unfavorably. The author failed to bring out the relevancy of some of the generalizations as to special legislation. Chicago being the only city of its class, the power yet remains with the legislature to legislate directly for that city, as recent events have only too clearly demonstrated. The present organization of the city is discussed at length in Chapters VII-XVI. In general there is little difference between the methods of organization in Chicago and other cities. "The council holds taut the purse-strings," ratifies executive appointments and shares executive patronage. The mayor has gradually increased in power; his veto may be overcome by a two-thirds vote of the council. The tendency is toward executive concentration as in other cities. That which is peculiar to Chicago is the existence of the town-county organization, dating from 1848. "The county is the principal unit in the local system, while the township performs important functions under the county supervision." "In the town machinery centre the sources of the weakness and abuses prevailing in the administration of the finances of Chicago." The park administration is independent. The governor has appointed the boards; future boards are to be elected by the people. This peculiar organization is a "wheel within a wheel," having taxing and police powers independent of the municipality.

In Chapter XVII the author discusses the "Reconstruction of Municipal Chicago." Chicago possesses too much government. Central administrative control is necessary to remedy the disorganized condition of local finances. Another pressing need is that of the consolidation and simplification of the independent administrative authorities operating within the municipal area. There should be a single board of assessors for county and city; the ward system of representation should be eliminated. The mayor should be made responsible to the council; the heads of departments would then emanate from the

council and would assume the dignity of a cabinet, with powers of debate in the council. The board system should prevail. There should be "longer tenure of the heads of the departments upon a basis of especial fitness and training," and the practical interest of the citizens should be enlisted by the establishment of unpaid municipal offices.

W. H. ALLEN.

*Philadelphia.*

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*Economics.* By EDWARD THOMAS DEVINE, Ph. D. Pp. viii, 404. Price, \$1.00. New York and London: The Macmillan Company, 1898.

To be acceptable at the present time a text-book must be not only accurate but interesting. It is this requirement quite as much as the undeveloped state of the science that has retarded the introduction of economics into the curricula of secondary schools. How to make economics interesting to a degree at all commensurate with its importance is also the problem of the day in colleges and universities. In the book under review Dr. Devine has attempted, with no little success, to solve this problem by excluding from his treatment the greater portion of the material usually presented in text-books on economics and by putting in its place the results of the most recent discussion bearing upon the causes of social well-being and progress. Of the seventeen chapters into which the work is divided, only one, the "Restatement of Familiar Principles" (XV), borrows largely from the older authors. All the others derive their material from the original writings of such men as Clark, Gide, Marshall, and, above all, Patten.

The central thought in the book is that the causes of economic institutions and of economic progress are to be sought in man himself. Man is, in a sense, the product of his environment, but it is equally true that the effective environment at any one time is the product of man. Upon his intelligence and conscious choices depends the use that he makes of the forces with which the universe is charged. Increase in knowledge and self-control increases his mastery over nature, and upon this social well-being depends. In enlarging upon this thought, the author makes consumption prominent as the directing motive of economic activity. A "wiser choice of commodities" and "a more intelligent use of them" are mentioned as two of the three important ways in which general prosperity may be promoted.

As was inevitable, the order in which Dr. Devine presents this new material suggests criticisms. To begin with chapters on "The Economic Man," "The Economic Environment" and "The Social Conditions of an Economic Society," seems to the reviewer to accord better with the principles of logic than with those of pedagogy. It is believed that the first half of Chapter XIII, "The Organization of Industry," would have served as a more fitting introduction. Furthermore, the chapter restating "Familiar Principles" seems too long delayed, while that on "Social Prosperity" seems introduced prematurely. A more general criticism refers to the plan that is adopted in three important chapters (VI, XIV and XV) of presenting ideas as a series of disconnected propositions. The precision which this gives to the treatment is secured at the expense of realism. Economics deals with organic phenomena. The forces which it discusses are inter-dependent, and the effects which result from them are continuous. The important truths are obscured the moment the subject is presented in a series of theorems, with the consequence that narrow dogmatism is inculcated in place of broad comprehension. This danger is illustrated by two of the propositions which are "restated" in Chapter XV, one declaring that "profits tend toward a minimum," and the other that "population tends to increase faster than the means of subsistence." Neither one of these seems in harmony with the author's point of view in other parts of the book. Perhaps the least satisfactory chapter is that on the "Standard of Living" (VIII), which starts out with the declaration that this determines not only wages but some other forms of personal income, and concludes in ten short pages without giving the reader a very clear understanding of what the "standard of life" really is.

Overlooking these points, which are after all of minor importance, Dr. Devine's book attains admirably its purpose of presenting in a clear and interesting form the very latest results of economic analysis. In his use of terms, in his definitions and in his choice of the distinctions that deserve to be emphasized, he shows himself entirely free from any academic bias. This gives his book a freshness in pleasing contrast with the dry-as-dust quality of many recent works on economics. The book may be recommended not only to teachers who wish something more than a skeleton of the science to present to their classes, but also to general readers who are interested in any phase of the social problem.

HENRY R. SEAGER.

*La participation aux bénéfices: Contribution à l'étude des modes de rémunération du travail.* Par ÉMILE WAXWEILER, chef de bureau à l'Office du Travail de Belgique. Pp. 320. Paris: Arthur Rousseau, 1898.

In 1895, the Comte de Chambrun offered the Musée Social the sum of 25,000 francs to be awarded as a prize for the best work on profit-sharing submitted during the year 1896. This sum was divided among four competitors, of whom M. Waxweiler received as the first prize 12,000 francs for the present work which is here published as a number of the *Bibliothèque du Musée Social*.

In this essay M. Waxweiler has done an excellent piece of work. He has wisely refrained from attempting anew the presentation of the experience of firms which have adopted profit sharing. This work has been well done by Dr. Böhmert, Gilman Trombert, Schloss and others, and it is doubtful if anything short of an official investigation could add much to the material there presented. Taking for granted, therefore, a knowledge of at least the more important examples of this method of industrial remuneration, the author has selected as his task the much more necessary work of a critical examination of the basis, economic and equitable, upon which the plan of profit-sharing rests. The result is a study which is of interest to economists whether they are specially interested, or not, in profit-sharing as a method of social reform.

It is a little strange that at this late day in its history, the principle of profit-sharing is still in need of such an examination. It is a fact, however, that in Europe there is still a considerable divergence in opinion regarding the true nature of profit-sharing. Not only is the system confused with many other devices for remunerating labor, but many refuse to see in it anything but a kind of gratuity on the part of the employer. In general this may be said to be the position occupied by the economists. "Profit-sharing," says M. Leroy-Beaulieu, in concluding his account of this subject in his recent "*Traité d'économie politique*," "has neither an equitable nor a scientific basis." It is evident that this criticism relates to the very foundations upon which profit-sharing rests, and if true, but little can be expected from this system as a measure of social reform. To its consideration, M. Waxweiler has therefore properly devoted his chief attention, and in doing so has furnished us an example of very acute economic reasoning. The importance of the point here considered justifies our attempting to indicate the line of his argument.

In the *Économiste français* of January 2, 1892, M. Leroy-Beaulieu gives us the reason upon which he bases his judgment. Profits, he says, are in no way created by the laborers. They are due entirely to the

conception and direction of the enterprise. An affair succeeds when it has been wisely planned and well managed, when the conditions of the market are skillfully taken advantage of, when improved methods of manufacture are judiciously adopted, etc. It is for this reason that profits are so variable. It is the directing head (patron) of the enterprise who creates profits and it is to him that the profits belong.

To this statement M. Waxweiler makes two replies. First, he says: It is not sufficient to know who makes the profits; it is equally important to determine to whom in point of fact the profits are actually distributed. Under the modern industrial organization where undertakings are largely joint stock companies, the persons who receive the profits—the stockholders—do not perform the services enumerated by M. Beaulieu. They are performed by the entrepreneur, the business manager, who, like the working man, is a salaried employe. From the standpoint of justice, therefore, the employes, who contribute their labor are as much entitled to participate in profits as the capitalist who lends his capital.

In reply to M. Beaulieu's criticism that profit-sharing is without a scientific basis, M. Waxweiler argues that this system is as legitimate a mode of remuneration of labor as any other now in use. In this connection he brings out in an interesting way which we have not seen elsewhere done the fact that the principle that laborers are entitled to share in profits has rapidly gained ground in various ways other than through the establishment of so-called profit-sharing enterprises. The fact that employers feel under obligations to raise wages in times of prosperity, and do so, and that in bad times the laborers will submit to reductions in their wages that they would resist under other circumstances is an expression of the principle that wages are concerned in profits to some extent. A step further is the system of the sliding wage-scale which seems to have conquered a position in a number of important industries. Thus profit-sharing is not a novel system, but rather the logical extension of a principle for fixing the remuneration of labor that is generally followed to a greater or less extent.

It is of course impossible for us here to enter fully into this interesting line of argument. What has been said will show the character of the work. Other objections to profit-sharing are taken up and examined in the same critical way. The Musée Social is to be congratulated upon obtaining such an interesting study in response to the liberal offer made by its founder the Comte de Chambrun.

WILLIAM F. WILLOUGHBY.

*Washington, D. C.*

*Nationalökonomie des Handels und des Verkehrswesens.* By GUSTAV COHN. Pp. 1030. Stuttgart: Ferdinand Enke, 1898.

All students of political economy welcome the appearance of the third volume of Professor Cohn's "*System*." The second volume of the series, the "*Finanzwissenschaft*," was issued nine years before the present volume on trade and transportation was published. In the meantime an English edition of the "Finance" has been brought out by the University of Chicago (1895), and the historical part of the first volume, the "*Grundlegung*" (first published in 1885), has been issued in translation by the American Academy of Political and Social Science as a supplement to the ANNALS, March, 1894.

Though the book is bulky, containing as much as an American economist would dare put into two octavo volumes, it covers so large a field that the various subjects discussed are treated rather briefly. The work is intended to be a "manual for students," and the author's systematic mode of treatment and his lucid style will make this volume as popular with students as his former works have been.

Professor Cohn's writings have made his views so familiar to students of economics that it would be supererogation for the reviewer to offer any criticism of the ideas contained in this volume on *Handel* and *Verkehr*. The volume is divided into four books. The first book deals with *Handel* and comprises over half the volume. In the second book banking is briefly treated, and the students of that science will hardly fail to complain because the author has given so little space to that subject. Indeed the volume would have been better balanced had the author made this book, and the succeeding one on insurance double their present length.

Professor Cohn's writings during the past twenty-five years have dealt largely with transportation and he speaks with more authority on that subject than on any other phase of economics. This third volume of his treatise accordingly contains the results of much of the author's best work.

The fourth book of the volume deals with transportation and is the strongest part of the work. These 330 pages contain the best general discussion of transportation that has been written since Sax brought out his "*Verkehrsmittel*" twenty years ago.

After sketching the history of the development of the means of transportation, the author discusses the economics of transportation, the subject being considered from the standpoint of the various transportation agents and the functions performed by each. The economic functions performed by the railroad are very properly treated in greater detail than are the functions exercised by other agents. The thorough knowledge which Professor Cohn has re-

garding railway history in England and on the Continent enables him to treat the various phases of the railway question in an illuminating manner. Some readers of his volume however, will probably feel that he has been over-conservative and too eclectic, especially in his discussion of railway rates. The last chapter of the volume discusses the post, the telegraph and the telephone. Whether or not the telegraph and the telephone should be considered under the head of transportation involves a question of terminology that is at least open to discussion.

This volume cannot fail to enhance Professor Cohn's reputation as economist and author, and all will wish him success in the realization of his present desire to complete at an early date the fourth and concluding volume of his "*System*," the volume dealing with "*Agrar- und Gewerbepolitik*."

EMORY R. JOHNSON.

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*The Life of Gladstone.* By JUSTIN MCCARTHY. Pp. 511. Price, \$6.00. New York: The Macmillan Company, 1898.

The "Life of Gladstone" is a bulky volume of 516 pages, which might appropriately be called "The Pictorial Life of Gladstone." It is stamped with one of the chief characteristics of our age—the demand for copious illustration. The book contains eighty-two illustrations, mostly portraits, of which more than one-tenth are full-page portraits of Mr. Gladstone, scattered chronologically through the volume. In this work Mr. McCarthy has added nothing of importance to the knowledge of Mr. Gladstone previously recorded in biographies, and indeed one might say, which is not to be found in George W. E. Russel's small book, entitled "William Ewart Gladstone."

The author has dwelt longer on some events and presented them in a way to bring out more prominently Mr. Gladstone's strong personality and high motives. Some events are tediously explained, although their interpretation is manifestly clear. All through the book there is a labored attempt to convince the reader of the wisdom of Mr. Gladstone's acts. The author's apparent anxiety in this respect often produces a mist which confuses rather than enlightens. This attempt to convince by reiteration leads to the repetition of a great many very plain and commonplace observations, which is anything but stimulating. I will select only three from a large number of similar cases:

P. 48. "He had some early opportunities of showing his capacity for such work (mathematics) and thus he soon recommended himself to the attention and the favor of Sir Robert Peel."

*P. 51.* "His great love for arithmetic and his consummate skill with figures naturally attracted before long the attention and the admiration of Sir Robert Peel."

*P. 87.* "His (Gladstone's) admission to the cabinet was only a question of opportunity."

*P. 88.* "His elevation to cabinet rank was only a question of opportunity."

*P. 132.* "The effect which they (the letters) produced was an almost unparalleled sensation throughout England and throughout Europe."

*P. 136.* "The letters, as might be expected, created a profound sensation throughout Europe and indeed throughout the civilized world."

On page 49, Mr. McCarthy announces:

"I am not engaged at present in writing a history of the doings in Parliament and out of it during Mr. Gladstone's lifetime. I shall, therefore, give an account of public events only as they serve to illuminate the story of that one great career." Only a few pages after (60-62) the announcement of this high ideal, the author devotes two and one-half pages to a biography of William IV. It is not easy for the ordinary reader to discover the illumination. And this tendency to bring in all sorts of extraneous events and biographies is steadily followed throughout the book. If the reader of this review desires to know that "Sir George Cornwall Lewis is personally forgotten" and to read a page of speculation as to why he is forgotten, he has but to turn to page 189 of the book under review; or how "Martin Tupper faded out of the minds of even the dullest among us," etc. An important feature of the book is its large number of brief chatty biographies of public men.

Occasionally quotations from Russel are made with proper credit, but evident paraphrasing is *very* frequent. Illustrations of this are so numerous that I shall not attempt to select any, as the reader can easily make the comparison. The intimate relationship of the two books is further shown in that nearly all quotations from Mr. Gladstone's letters are identical with quotations in the Russel's book.

The book is a poor piece of literary work and, of course, far below what Mr. McCarthy is capable of. It was evidently written in a hurried and careless manner. Although the book is not intended to be an exhaustive biography, as such a one is to be written by Mr. John Morley, nevertheless, considering Mr. McCarthy's intimate acquaintance with Mr. Gladstone, his rich experience in English political life, and his undoubted literary ability, it is to be regretted that he did not give us an original and independent picture of Mr. Gladstone's life.

JOHN QUINCY ADAMS.

## NOTES ON MUNICIPAL GOVERNMENT.

### AMERICAN CITIES.

*National Municipal League.*—The Sixth National Conference for Good City Government was held at Indianapolis on Wednesday, Thursday and Friday, November 30, December 1 and 2, 1898. The discussions were grouped about the report of the Committee of Ten, which had been appointed at the Louisville meeting in May, 1897, to formulate a "municipal program which will embody the essential principles that must underlie successful municipal government, and which shall also set forth a working plan or system consistent with American industrial and political conditions for putting such principles into practical operation." This committee, of which Horace E. Deming, Esq., of New York City was made chairman, after a number of sessions finally agreed upon a charter and constitutional amendment, which, in the opinion of the committee, crystallized the best experience of American and European municipal administration. In order to formulate a charter adaptable to the great variety of conditions, both as regards size and geographical situation, it was necessary to restrict the charter to the fundamental principles of municipal organization. This the committee was able to do with considerable success. The result has been a framework of government which should find ready acceptance in all portions of the country. The essential features of the charter are as follows:

First. A single chambered council elected on a general ticket for a term of six years; one-third retiring from office every two years.

Second. A mayor elected for a period of two years, with power to appoint and remove heads of departments, with the exception of city controller.

Third. A city controller elected by the council.

As regards the educational department, the committee recommends no changes in those cases in which the present system has proved satisfactory, but points out that the independence of the school administration, characteristic of many American cities, has diverted from the city government some of the best energies of the community.

Provision is made in the charter for a well-organized civil service and a system of auditing municipal accounts by some fiscal officer of state.

In the constitutional amendment the primary object which the committee has had in view has been to secure a large measure of

home rule to the municipality. It was recognized, however, that to place an absolute prohibition upon local and special legislation would probably create as many evils as it was intended to remedy. The proposed amendment places all measures which are not made applicable to all cities of the state, in the category of special laws. For these measures the affirmative vote of two-thirds of all the members of the legislature is required. When passed by such majority, legislation of this character does not become applicable to any city until it has received the formal approval of the legislative authority of such city within sixty days after the passage thereof by the state legislature, or if within thirty days after the disapproval by the legislative authority of such city, it shall again be passed by the affirmative vote of two-thirds of all the members of the legislature, which two-thirds shall include three-fourths of the members from districts outside of the city or cities to be affected. Such a system will not prevent necessary legislation, and will at the same time tend to safeguard local autonomy.

A striking feature of the amendment is the power given to municipalities with a population of twenty-five thousand or over to call local conventions for the purpose of framing a charter for the city, a provision similar to that at present in operation in Missouri, Washington and California. It need hardly be said that such charter is subject to the constitution and laws of the state.

Another important departure from the legal principles which obtain throughout the United States is recommended by the committee. The courts have adopted the rule of narrow construction as regards the scope of municipal powers. Unless a power is specifically granted or necessarily implied in the express grant or absolutely essential to the declared objects and purposes for which the municipal corporation is created, the legal presumption is against the existence of such a power. In the constitutional amendment the committee reverses this presumption by giving to the municipalities all powers of government subject to such limitations as may be contained in the constitutional laws of the state.

The sessions of the league were held in the rooms of the Commercial Club. At the first afternoon session the secretary, Hon. Clinton Rogers Woodruff, of Philadelphia, presented his annual report on "The Advance of Municipal Reform in the United States"; at the same time the report of the Committee on Municipal Program was placed before the league. On Wednesday evening a public meeting was held, at which Hon. William W. Foulke, of Richmond, Ind., and Samuel B. Capen, Esq., president of the Boston Municipal League, delivered addresses. At the session Thursday morning, December 1,

Horace E. Deming, Esq., chairman of Committee on Municipal Program, read a paper on "The Municipal Problem in the United States," which was followed by a lively discussion. At the afternoon session Professor Frank J. Goodnow, of Columbia University, presented a paper on "The Place of the Council and Mayor in the Organization of Municipal Government—The Necessity of Distinguishing Legislation from Administration." On Thursday evening a banquet was tendered to the delegates by the Commercial Club. The session of Friday morning, December 2, was devoted to a paper on "The City of the United States—The Proper Scope of its Activities," by Dr. Albert Shaw, of New York. The afternoon session of the same day was occupied with the consideration of a paper by Mr. Charles Richardson, of Philadelphia, on "Municipal Franchises." These four papers which constitute integral parts of the report of the Committee of Ten, discussed in detail the general principals contained in the charter and amendment. At the close of the meetings a resolution was adopted, continuing the committee and directing them to present at the next meeting of the league a program for final action which may stand as the views of the league on the question of municipal organization.

**Wisconsin.\*—League of Wisconsin Municipalities.** One of the more recent movements in the field of municipal government is the formation of the League of Wisconsin Municipalities. It is not a league of individuals but of municipalities. Each city of the state is entitled to membership and is represented by its officers. The league had its inception within the ranks of the mayors and aldermen of the cities of the state which augurs better things than if the pressure for improved city government were confined to individuals in no manner connected with the active work of administration.

The program of the league is very comprehensive. Its immediate attention will be directed to securing better charter legislation. The cities of the state are beginning to feel the weight of accumulated legislation in the form of special charters and of special amending acts. Dissatisfaction with the general municipal law, framed a few years ago, has prevented its adoption as a whole by most of the cities, while portions of it have been accepted only to add to the confusion that already existed. The present plan of the league in connection with the Milwaukee Municipal League, is to ask the present legislature to pass some minor legislation, and to provide for a commission to frame a general law to be presented at the next session of the legislature two years hence. It is intended to push the

\*Communication of Dr. Samuel E. Sparling, of the University of Wisconsin, secretary of the league.

model charter proposed at the Indianapolis Conference. The league proposes to establish a bureau of information under the direction of the secretary. The officers of the cities are beginning to feel the necessity of more intelligent consideration of the problems with which they must deal. Semi-annual conventions for the discussion of problems of current interest will be held.

The bureau of information expects to issue a bulletin at intervals as the organ of the league, as well as to compile useful data in the form of reports. In this way it is hoped to stimulate a more active public interest in the government of the cities of the state.

**Iowa League of Municipalities.\***—In October, 1898, the League of Iowa Municipalities was formed. The proceedings of the first session have now been published. It contains a series of papers dealing with various practical municipal questions. One of the most important and interesting of these is a discussion of municipal ownership of municipal service plants by Professor Isaac A. Loos, of the State University of Iowa. Professor Loos discusses the possible relation between the municipality and quasi-public services, and is led to the conclusion that whatever system may be adopted, strict public regulation of private corporations is necessary.

**Greater New York.—Mayor's Message.** The annual message of the Mayor of Greater New York to the municipal assembly is devoted mainly to a consideration of the financial situation of the consolidated city. The total gross funded debt of the new city is \$343,269,127.84. Deducting the sinking fund leaves a net funded debt of \$244,212,835.97. At the present time the exact amount of the debt of the city has not as yet been determined, owing to litigation which is pending as to the amount of the debt of the county of Queens to be assumed by the city of New York. Owing to the fact that the city has actually passed its constitutional debt-limit the execution of needed public improvements has been greatly hampered. Fortunately, the assessment for 1899 has been increased sufficiently to give to the city some leeway in contracting further indebtedness.

**Taxes and Assessments.†** The enormous annual budget of \$93,000,000 has made it necessary to increase both the tax valuations and the tax rate. The valuations of real estate in the boroughs of Manhattan and the Bronx, which comprise the former city of New York, have been increased by more than \$400,000,000; and it is probable that the tax rate will be about \$2.60.

\* President, Hon. John MacVicker, Mayor of Des Moines; Secretary, Hon. T. F. Pierce Mayor of Marshalltown.

† Communication of James W. Pryor, Esq., Secretary of the City Reform Club, New York City.

*Increase in Salaries of Municipal Officers.* During December and January a general increase in the salaries of persons employed in the city departments was announced. The recent action in raising salaries, coming at the very moment when the increased valuations and tax rate emphasize the great cost of the new consolidated government, has made a distinctly bad impression.

*New Building Code.* Under the Greater New York charter, the municipal assembly was empowered to appoint "a commission of experts" to draft and submit to the assembly a new building code for the city. A strenuous effort was made in behalf of several organizations to induce the assembly to exercise this power in such a way that the city might secure a building code designed to benefit the community. The commission which has now been appointed, however, is composed of men who are in no sense experts on building law. When the commission reports, an effort will be made to prevent the adoption of provisions inimical to the public interests.

*Street Cleaning Department.* It has become evident that the street cleaning department has quite fallen away from the standards set up by Colonel Waring. The newspapers and the citizens generally agree that the streets are now cleaned but little better than before Colonel Waring demonstrated that the streets could be kept clean. Physicians find interesting and conclusive evidence of this condition of the streets in the marked increase in those diseases of the respiratory organs, which seemed to be disappearing before the efforts of the department under an efficient and honest head.

*Metropolitan Street Railway Company.* The Metropolitan Company has recently acquired the Edison Electric Illuminating Company, the largest producer of electric current in the city; and the Edison Electric Illuminating Company of Brooklyn. The apparent intention is to control the entire output of electric current in the city, and to secure a monopoly of street franchises for that purpose. Legislation designed to assist in carrying out this plan is being framed.

**Philadelphia.**—*Filtration.* A recent report of the Director of the Department of Public Works submitted to councils deals with the filtration of the water supply. The subject is one which has been before councils for several years but has not been acted upon, owing partly to the enormous expense of filtering all the water in a city in which two hundred and sixty gallons per capita per day are consumed. According to the director's estimate it would cost \$2,052,837 to filter a quantity sufficient to furnish one hundred gallons per capita per day, but if a plant to meet the present consumption is

to be constructed, the expenditure would exceed \$6,000,000. The director seems uncertain as to the exact system of filtration which should be adopted, but recommends that an experimental plant be erected at a cost of about \$250,000. The water supply of the city at the present time is of a quality which makes speedy action of some kind imperative. Otherwise, the citizens may expect a further increase in the ravages of typhoid fever and similar diseases.

**Massachusetts.**—*Metropolitan Water Board.* The third annual report of the Metropolitan Water Board gives an interesting account of a work of municipal co-operation which is introducing a new administrative form into our system of local government. With the increasing density of population the interdependence of contiguous cities and towns is receiving growing emphasis. This, together with the similarity of problems and interests, necessarily leads to some sort of understanding as to methods of public improvement and usually to active co-operation in the execution of public works. We find numerous instances of metropolitan park districts, metropolitan police districts, and to these metropolitan drainage and water districts may now be added. The advantages of such co-operation, both as regards efficiency and economy, are so great that it is surprising to find the movement delayed as long as it has been. The record of the work of the Massachusetts commission clearly shows that under such a plan small communities may obtain an abundant and healthful supply of good water at a comparatively low cost. The present board was created under the Metropolitan Water Act of 1895, which made it the duty of the board to "construct, maintain and operate a system of water works in accordance with plans and recommendations permitted by the state board of health in that year, and the board was required to provide a sufficient supply of pure water for the cities of Boston, Chelsea, Everett, Malden, Medford, Upton and Somerville, and the towns of Belmont, Hyde Park, Melrose, Revere, Watertown and Winthrop." The act further requires that the other cities and towns, any part of which may be within ten miles of the state house, shall be admitted into the metropolitan water district on such payment of money as the board shall determine, and also provides for supplying water to water companies owning pipes and water systems in towns within said ten miles, and for permitting the board to furnish water to still other cities and towns and water companies. For the purpose of carrying out the provisions of the act the legislature authorized an issue of bonds to the extent of \$27,000,000. During the three years of the board's existence nearly \$9,000,000 have been expended. The plan is to construct "a dam and storage reservoir upon the south branch of the Nashua river, to take the waters of that river

and divert them into the Sudbury system in the city of Boston, and to make the waters of the south branch of the Nashua river, in connection with the waters of the Cochituate and Sudbury systems available for the whole metropolitan district for its future water supply." The plan when carried out will give to Boston and surrounding districts a water supply unlimited in quantity and of a high standard of purity.

**Boston.**—*Rapid Transit.* The fourth annual report of the Boston Rapid Transit Commission contains a detailed description of the subway up to the period of its completion. It is interesting to note that while the estimated cost was \$5,000,000, it is probable that the work will be completed at a cost of \$4,250,000. The subway is now in operation and has relieved the congestion of traffic in the central portions of the city. In a previous number of the ANNALS\* the conditions of the contract for the use of the subway by the West End Street Railway Company were discussed.

*Municipal Statistics.* The Commission of Municipal Statistics of Boston has just recently issued the second volume of the series relating to the finances of the city, containing a classification of ordinary revenue between 1892 and 1896. Subsequent volumes will treat of the proceeds of loans and other extraordinary receipts; trust funds and book-keeping items. Thus a complete picture of the history of Boston municipal finances will be presented.

**Cleveland.**†—*Municipal Lighting Plant.* The question of public ownership of lighting plants is receiving a great deal of attention in Cleveland, it being greatly favored by Mayor McKisson, who points to the municipal water works plant which earns some \$400,000 annually over and above all expenses besides furnishing free water for city purposes, as an example of what can be done.

*Election of County Commissioners.* Since the last communication to the ANNALS, the friends of better government in Cleveland have received an encouraging demonstration of the independence of the better class of voters, and their refusal to be bound by party lines when convinced of the incompetency of a candidate. At the November elections, one of the officers to be elected was a county commissioner, and under the Crawford County plan of direct primaries and through the influence of the party machine, the present incumbent in office was renominated by the Republican party.

In September last, charges of false classification and improper estimates were brought to the attention of the Municipal Association in

\* See Notes on Municipal Government. Vol. xii, page 445. Nov., 1898.

† Communication of Frederic C. Howe, Esq.

the grading and improving of a county road known as the Brecks-ville Turnpike. The association employed expert engineers who thoroughly examined the road and reported that gross carelessness or actual fraud characterized almost every dollar expended in the improvement, while the road itself cost from \$15,000 to \$20,000 more than was justified, and about four times the original estimated cost. This matter was brought to the attention of the taxpayers in two bulletins issued by the association. While the bulletins made no accusations, the inferences were so plain that the Common Pleas judges directed the grand jury to investigate the matter and indict the officials if corruption was found to exist as charged. The latter proceeding came to nothing, however.

Just prior to the election, however, the Municipal Association repeated its charges despite the action of the grand jury, while one of the local papers earnestly enlisted itself in the same cause. The opposing candidate nominated by the Democratic party had little to commend him as an official, but despite this fact the public placed sufficient confidence in the recommendation of the Municipal Association to follow its leadership. The Republican candidate was defeated by over 7,000 votes, falling behind the other Republican candidates by about 14,000. The result was chiefly gratifying as showing the growing independence of voters from the whip of party conventions and their willingness to place the stamp of disapproval upon official corruption when light is furnished on the subject.

Close upon the heels of the disclosures in county affairs, have come similar reports from an investigating committee of the council of the work of the street cleaning department in this city. This committee recently reported that there existed a system of false classification for street-cleaning by which the city was defrauded of thousands of dollars. The city council, which is very much improved in its personnel over previous councils, seems to have taken the matter in hand and the public is waiting further developments with great interest.

*Street Railways.* In our last communication, it was stated that an ordinance had been introduced in the council with a view to reducing fares on street railway lines to four cents. Since then, this ordinance has been passed with an amendment compelling the roads to sell seven tickets for a quarter with a single fare of four cents. The ordinance, as passed, applies to but two lines of the consolidated system, one being a portion of the Cleveland City Railway Company, and the other a portion of the Cleveland Electric Railway. A few days before the ordinance was to have gone into effect, the railroads began injunction proceedings in the federal courts and obtained a temporary restraining order enjoining the city from enforcing the

ordinances. In this petition the roads set forth their financing of the past fifteen years in considerable detail and alleged that this reduction in fare would bankrupt the roads and render it impossible to continue operation.

**Toledo.**—*Mayor's Message.* The annual message of the Mayor of Toledo contains a lively discussion of a number of important municipal problems and recommends a very wide extension of municipal powers. The first of these recommendations relates to the establishment of a city lighting plant, which plan can be carried out at comparatively small cost, inasmuch as the city is already in possession of a pipe line which was constructed some years ago for the purpose of supplying natural gas. The mayor recommends that gas for lighting and heating purposes be furnished to the inhabitants at actual cost. The establishment of a municipal electric light plant is also strongly advocated, on the ground that the city is now paying ninety dollars per year for each arc light; whereas under municipal operation the cost would not exceed sixty dollars. In six or seven years the saving in cost of light alone would pay for the plant.

A significant portion of the message is the comment on the Board of Education. Under a law which abolished the ward as a political division for the care of schools and created a Board of Education, representing the city at large, the result has been that the interests of the city as a whole are now considered; whereas formerly the time and energy of the board was wasted in endeavoring to harmonize conflicting interests of the different wards.

The mayor strongly condemns the contract system in the execution of public works and recommends a system of direct employment of labor by the municipality.

**Milwaukee.\***—*Charter Revision.* There is promise of advanced charter legislation in the State of Wisconsin. The movement began some time ago and has been much accelerated since the Indianapolis Convention of the National Municipal League two years ago.

Full reports of the provisions of the new charter framed by the Committee of ten of the National Municipal League were published by the Milwaukee *Sentinel*, and renewed attention directed to the subject of charter legislation. After the Indianapolis Conference the Municipal League of Milwaukee called a state conference of mayors of leading Wisconsin cities which met on the fifth and sixth of January at Milwaukee. A joint committee of the Milwaukee Municipal League and of the League of Wisconsin Municipalities was appointed pursuant to a resolution, by the president of the Municipal League, who was also

\*Communication of John A. Butler, Esq., President Milwaukee Municipal League.

chairman of the conference, with power to draft necessary legislation on the basis of the new charter, or to ask for the appointment of a charter commission. The result was that the appointment of a charter commission will be asked of the present legislature, to report to the next legislature, on general charter revision; and a bill will be introduced during the present legislative session, extensively amending the charter of Milwaukee, and probably the charters of the larger Wisconsin cities. It is reasonable to expect, therefore, that the provisions of the charter published by the National Municipal League will soon be in operation in Wisconsin cities.

**Kansas City.**—*Street Railway Franchises.* The Supreme Court of Missouri\* has just handed down one of the most important decisions of recent years, relating to the question of municipal franchises. The effect of the decision upon the powers of municipalities to demand a return for franchises will, if generally accepted throughout the country, be of far-reaching influence. In April, 1895, the legislature of Missouri passed an act requiring that all street railway, gas, water or electric light, or other franchises, should be sold at public auction to the bidder who will give the largest percentage yearly of the gross receipts derived from the occupation and use of their property, provided that such payment in any case shall be not less than two per cent of the gross earnings during the first five years of such occupation and use, and thereafter for each period of five years, such percentage shall be increased to correspond with the increase of value of the property occupied. Kansas City granted a franchise to a street railway company without inserting these conditions in the franchise grant. The attorney-general of the city thereupon filed an information, charging that the street railway company was unlawfully usurping the franchise and operating a street railway system without the necessary authority. In considering the provisions of the law above alluded to, the court lays down the rule that an act of the legislature to be enforceable as a law must prescribe a rule of action, and such rule of action must be intelligently expressed. If a statute is incapable of construction and interpretation it will be inoperative and void.

Taking up the provisions of the act, the court goes on to say that it is utterly impossible to give this act any reasonable or sensible construction as applied to railroads. "If it means that the company must pay at least two per cent of its entire gross earnings for the first five years (to be subsequently increased) to each municipality through whose streets it may be built, and to each county whose highways it

\* Supreme Court of Missouri. November 16, 1898.

may cross, the railway company, in many instances, will be compelled to pay more than its total receipts for the right to build its road over the highways and through the cities along its way. And if, as some of the council suggest, the percentage should be computed only upon the gross receipts of that part of the road located upon the streets of the city or across the highways, then we are met by the fact that there is no method provided (if it is possible to suggest one) by which the actual receipts of that particular part of the road can be ascertained. Such rates will not necessarily be in the same proportion to the entire earnings as the length of the road upon the highways or streets may be to the entire length of said railroad.”

Furthermore, the court considers it quite impracticable to subdivide a continuous line of railroad so as to permit competition for the privilege of constructing and operating separately the portions lying within the municipalities upon its route. The same reasoning applies to the existence of telegraph and telephone lines, gas works, water works, etc. Another difficulty which the court encounters is the fact that the law contemplates a percentage of gross earnings from the use of the franchise, that is to say, from the occupation of public property. It is quite impossible, however, to separate by any method of accounting the receipts from this element of capital invested from that of the power houses, machinery, etc. In summing up the court says that this attempt at legislation involves a method of calculating compensation which is uncertain and incapable of reasonably accurate construction and interpretation and is therefore void.

At bottom the difficulty here involved is one which is due to the recent development of the electric railway and to the rapid growth of monopolies in the quasi-public services. Street railways are no longer matters of a purely local concern, but are rapidly outgrowing the limits of the local divisions. Thus in many of our states, particularly in New England, a single street railway company will run through a dozen or more municipalities. The decision of the Supreme Court of Missouri is one of the first indications of the difficulties which are certain to increase with each year in adjusting the franchise taxes to be levied on such companies.

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#### FOREIGN CITIES.

**London.**—*Street Railways.* During 1898 a number of franchises of street railway companies have expired, which has given the County Council an opportunity to apply the principle of public ownership, which it has so long advocated. The franchise grants provide that at the expiration of the term the public authorities should have the right to purchase the lines at an appraised value. Already in 1896 the council

acquired under this plan the lines of the North Metropolitan and the London Street Tramways companies. Both of these lines, together with those purchased from the London Street Company in 1895, were leased in 1896 to the North Metropolitan Company for a period of fourteen years. The council was required to pay the actual value of the property, that is, of the tracks, buildings and rolling-stock. This amounted to nearly \$3,900,000 (£799,476). Under the terms of the lease the company pays into the public treasury, first, a fixed rental of \$225,000 a year; second, 5 per cent on the amount expended by the council in the purchase of the road, and third, 12½ per cent on the increase of gross receipts from the whole of the company's system both within and outside the county, over those of the year ending December 31, 1895.

In 1897 the council purchased a portion of the London Tramway Company's line. The remainder of the company's system became purchasable by the council on the tenth of August, 1898, the twenty-eight years from the granting of the franchise (August 10, 1870) having expired. Although the council is not operating these lines directly, it is gradually acquiring the ownership of the street railway system, which, under a system of leasing to private companies, enables it to maintain complete control over its highways.

*Report on Street Railway Traction.*\*—This report, † printed by the order of the highway's committee of the London County Council, is the result of an inspection of the conditions of street railway traction in the United States and on the continent of Europe. To Americans, the report offers but little in the way of information, the major part of the data being taken from our own experience. The report, after briefly discussing street railway traction by means of steam, oil motors, gas, compressed air and cable, comes to the conclusion that "in solving the problem of our tramways, we must look to some form of electric traction." The advantages of electric traction are to be found, in the greater cleanliness, comfort and high average rate of speed it allows, in the ease with which speed direction and number of cars may be regulated, and above all in the increased economy, at least as compared with horse traction. The report points to the rapid extension of electric street railways in the United States. While the mileage of cable lines increased from 510 to 539 miles in the six

\*Communication of Dr. Walter E. Weyl, Senior Fellow in Political Economy, University of Pennsylvania.

† London County Council. "Tramway Traction. Report on some forms of Mechanical Tramway Traction that have been tried, and more or less successfully worked in various towns and cities in England, on the continent of Europe, and in America." By J. Allen Barker, London: King & Son, 1898-99. 1 shilling.

years from 1891 to 1897, the steam tramways decreased from 604 to 467 miles, and the horse car lines from 5,400 to 959 miles, the length of American street railways operated by electricity increased from 2,523 to 14,263 miles. The report draws attention to the great increase of traffic in such cities as Bridgeport, New Orleans, Brooklyn, Columbus, Pittsburg, Washington, etc., due to the installation of an electric street railway plant, and further compares the street railway mileage of American, Continental and other British cities with that of London. As far as we are able to judge, the report appears to have committed the error of comparing track mileage in some cases with street mileage in others; a more correct comparison, however, would also show the greater extent to which American cities are provided with street railways.

The comparison as to the maximum distance which may be ridden for a given fare, shows that here also the advantage is on the side of American street railways. In the twelve representative American cities considered, the passenger might ride from ten to eighteen miles for five cents, while in Dublin five pence (ten cents) were charged for eight miles, and in Manchester the fare rose to sixteen cents (eight pence). The report does not approve of the adoption of the American policy of "uniform fares" for London, but considers that long-distance fares might be materially lessened and the system of transfers be adopted.

**Paris.**—*Municipal Fire Insurance.* A special commission of the municipal council has recently presented an interesting report on municipal insurance. The commission proposes to establish a municipal fire insurance institute, in which every citizen may, if he desires, insure at a reasonable rate. In a number of foreign cities this plan has been carried out, particularly in Berlin, where a system of compulsory insurance exists, every property holder being compelled to insure in the municipal fund. The Paris commission proposes, however, to allow the individual free choice in the matter, but hopes that the lower rates which the city will be able to offer will be sufficient inducement to bring the great mass of property owners within the municipal system. The report emphasizes the fact that the fire insurance companies make no contribution at the present time toward the maintenance of the fire department of the city, which constitutes a heavy drain upon the city's income.

## SOCIOLOGICAL NOTES.

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**Private Initiative in Furnishing Public Bath Facilities.\***—Mr. Macdonald, the well-known London Fabian, would have us believe that every matter for the public good should be undertaken by the municipal government and not by private enterprise. He holds that by just so much as private effort is used to promote the kind of work, which he considers should be the function of the municipality, by just that much is the tone of the city government lowered. For every matter which is removed from the hands of the body politic means that its importance is lessened and that a lower class of citizens will be engaged in the direction of public affairs.

While this is doubtless true to a certain extent, it would yet seem that many lessons may be taught the city fathers by private effort. Taking public baths as an illustration, we have seen in Boston what an enlightened city government can do in the matter of public baths. In Philadelphia the municipality has been doing good work of a certain sort, but has not covered the whole field. The example which I shall discuss shows what may be accomplished by those who are dissatisfied with the existing conditions, and who believe that a practical object-lesson will do more than an attempt by mere argument to force the city councils to accept their ideas.

In years gone by Philadelphia made provision, through private enterprise, for giving the well-to-do opportunities for bathing, but the poor were not thought of. I have a certificate of Hlasko's Institute for Physical Education, issued nearly forty years ago, which states that "Mr. ——— has paid the sum of fifteen dollars, which entitles him to the use of the swimming bath for the first two seasons, or to instructions in gymnastics for six months, or to four months' instruction in dancing, or to two tickets for the junior soirees next season." This shows that in those days skill in the swimming pool was linked with other accomplishments of gentle breeding, and that the bath house was a luxury of the rich.

But it is the masses who are most concerned in the bathing problem. How great that problem is will become evident when we consider that while Philadelphia is known as a city of homes, and while many of these homes have bathing facilities, as many indeed as any other city in this

\* Contributed by Mr. Franklin B. Kirkbride, treasurer of Public Baths Association of Philadelphia, being an abstract of an address before the Maryland Conference of Charities and Correction.

country can boast, yet in the older and more closely populated parts, where the people live on crowded streets, in single rooms and in tenements, certainly not one family in twenty has access to a bath.

To meet this need very little has been done. The most important effort is that of the city authorities. It was not until 1885, however, that the first municipal bath house was established on the Delaware river front. To-day the floating river baths have disappeared and in their place we find eight bath houses which have been erected from time to time in different parts of the city. These baths are simply pools, averaging in size about 40 by 60 feet. They are open only during the summer—on five days for men and two for women. As a rule they are not located in the most densely populated portion of our city, and as most of their patrons are the younger men and women who simply desire to get amusement from swimming, they do not reach a very large class—perhaps the class most in need of them. They are, however, doing an enormous amount of good. It is said that more than three million baths were taken in them last summer, but they touch only one corner of the bathing problem.

Again, several charitable organizations have made attempts in the past to meet this need, but they have been only partly successful. Their efforts more often consisted simply in having one or two tubs, a few shower baths or a small pool in connection with their other work, and in some cases the sanitary conditions have been so bad, that the establishments could not be considered unmixed blessings.

In the poorer districts one also finds private bathing establishments, where tubs, Russian, Turkish and shower baths may be obtained, but they are usually in small and poorly kept quarters; the charges are high—so high that the bath is made a luxury—and the poorest class is absolutely cut off from patronizing them.

During the past year or two some of the summer playgrounds have had shower baths in connection with them, and the cooling effect of these baths has added wonderfully to their popularity with the children.

These efforts in various directions have simply been making the field ripe for a concentrated and well-directed attempt to meet the existing need, and the organization of an association for the purpose of supplying the want of bathing facilities in the older and more densely crowded portion of Philadelphia is the culmination of these various efforts.

The organization of the Public Baths Association of Philadelphia in 1895 was the result of the earnest conviction of a young woman that something must be done to relieve the need, of which she had had such practical knowledge in her work among her less fortunate fellows.

As the outcome of her untiring effort, the collection of money was commenced, and a site was secured on one of the worst streets in the so-called slum district of our city.

After baths in other cities had been visited, and the construction of bath houses at home and abroad had been carefully studied, plans were prepared for a building which should be a model in every respect. That building has now been finished and for ten months has been open to the public. It stands on the corner of two narrow streets in the middle of one of our city blocks, and can be approached from three main thoroughfares.

On the first floor is the men's department, where are twenty-six showers and one tub, which are reached after passing through a comfortable waiting room. There is a separate entrance and hallway from which stairs go down to the public wash house in the basement and up to the women's waiting room and baths on the second floor. Here are fourteen showers and three tubs. The superintendent's quarters are also on this floor, and above them in a loft are the tanks which supply the building with water and which have a capacity of 6000 gallons. For five cents—the cost of a glass of beer—the bather secures the use of a dressing room and shower bath, with hot and cold water, a clean towel and a fresh cake of soap, and from the expressions of opinion continually heard, the patrons evidently feel that the nickel they pay is well spent and that they have received something more than its usual value.

In the basement is a public wash house, where for five cents an hour women may bring their washing, using the stationary tubs and drying closets, the ironing boards and irons. In this room is the laundry machinery used to wash the bath house towels. The remainder of the basement is occupied by the lighting, heating and ventilating plant.

The ground, building and equipment have cost \$30,000. The running expenses of the establishment will amount to \$3,600 a year. The fees from bathers during its first year should equal more than half this sum, and from the present outlook the business should eventually become almost, if not quite, self-supporting.

The building was opened to the public in April last and at once became popular. Its patrons are of every sort, from the well-to-do shopkeeper to the shoeless tramp. White and colored, Jew and Gentile, meet here on equal terms and are one and all treated with civility and kindness. They pay for what they get and so are regarded in the light of patrons and in no way as the recipients of charity.

The baths have steadily, if slowly, grown in popularity. While the building has a capacity of more than nine hundred baths a day, and the largest number on any one day so far has been but 541, yet the

end of the first six months saw the 20,000 mark reached and passed. This result has been accomplished by wide advertising, by kind and considerate treatment of every patron, and by showing how much comfort can be secured at the cost of a nickel.

Many thousand cards have been distributed from house to house, on the streets, and in stores; while the co-operation of numerous barbers, grocers, saloon-keepers and charitable organizations has resulted in many more being put in the way of possible bathers.

At first the tubs, especially in the women's department, were much preferred to the shower baths, and as their number was limited and our advertisements stated that they were reserved for the use of the older women only, it soon became a most difficult problem to know where to draw the age line, as *all the women*, young and old, claimed that they were elderly and so should be allowed to use the tubs. It was not until our superintendent suggested that the price of the tubs should be made ten cents, instead of five, that a satisfactory solution was reached. This has proved the strongest and most convincing argument possible, and to-day, while we have a good "tub trade," the shower baths are rapidly increasing in popularity, and when a woman has once tried them she almost invariably says that she will never use the tub again.

It is surprising at times to find in what large numbers our Hebrew citizens patronize the baths, and to see how strict many of them are in observing the provisions of the Mosaic law in this respect. On September 14 only eighteen persons bathed; but two days later, the eve of the Hebrew New Year, more than four hundred Israelites presented themselves to take their New Year's bath, though the day was raw and cold, and many of them clearly did not come from a mere sense of pleasure.

Friday and Saturday are the busiest days. On the former the Hebrew is most in evidence, while on the latter the Gentile is greatly in the majority.

The wash house has been an entirely new departure for this country, although one quite common on the other side of the water. It is, however, slowly increasing in popularity, and more than six hundred persons have used it during the past ten months. Its patrons vary from the men who come on Sundays to wash their only set of underclothing, to the small shopkeepers who send their servants to do the family washing and ironing.

From the start, careful records have been kept of the doings in every department, and many interesting and some curious facts, showing the relation which the weather, the temperature, the day of the week and other factors bear to the patronage of the baths, are

found in the superintendent's record book. The business of the association is also conducted on modern lines. Its books were opened by an expert accountant and are so complete that every detail of the business can be followed with ease and accuracy.

**Music and Public Education.**—*People's Singing Classes in Boston.*\* The movement to establish People's Singing Classes in Boston grew from a desire to provide an opportunity for all who wished to learn to read music at sight and to practice chorus singing. The remarkable success of a similar scheme in New York, under the leadership of Mr. Frank Damrosch, made it reasonable to suppose that if a concerted effort were made by the people of Boston the success would be equally great. This hope was justified by the fact that owing to the enthusiasm of the people and their desire to learn to sing, four halls were opened during the first season (1898) in different parts of the city; and the successful work of the members was demonstrated by a concert given in Music Hall.

The support for this movement comes from the people themselves. All the teachers give their services. The only expenses are for the use of the halls, for music, printing and stationery. To cover these expenses each person pays a fee of ten cents for each lesson. The classes are thus entirely self-supporting, and this fact in itself insures the success which comes to every undertaking that is of the people, by the people, and for the people. The age requirement is eighteen years or over for men; sixteen years or over for women. This is the only requirement.

The value to be derived from such study of music as the work in these classes affords is great. The privilege of participating in the rendering of the most beautiful music in the world is made open to all. No previous knowledge of music and no especially good voice is necessary. Whoever is willing to try can learn to take part in chorus singing. One may not be able to sing alone, but the enthusiasm of finding one's self in the midst of a large chorus is such that one cannot help singing with the rest. To take part in the work of these singing classes supplies inspiration not only for the short hour on Sunday afternoon, but also for the toil of all the days of the week.

All inquiries should be addressed to the Executive Committee of the People's Singing Classes, Box 2880, Boston Post Office.

A remarkable growth of interest in the movement is evinced by the greatly increased attendance at the People's Singing Classes. The appreciation shown has astonished Mr. and Mrs. H. L. Higginson, Miss Dexter, Mr. Pickering and Mr. Edmund Billings, who have had

\*Contributed by Mr. Charles W. Birtwell, Boston.

the matter in hand. Even Walter Damrosch, the father of the idea, has expressed surprise at the hearty interest manifested in Boston at the opening of only the second season.

The three classes of last year had a membership of about three hundred and fifty. Five classes have been organized this year, whose average total attendance is over eight hundred and fifty.

The rudiments of music are taught the beginners in the classes at the North End Industrial School, North Bennet street; the People's Institute, 1171 Tremont street, and in Dahlgren Memorial Hall, in South Boston. Mr. Gibb, Miss Hoar and Miss Malloy teach these classes, which meet at three o'clock every Sunday afternoon.

The class which is recruited from the three elementary classes meets in Union Hall, 48 Boylston street, at the same hour every week. It has two hundred members.

S. W. Cole's advanced class, which meets in Bumstead Hall, has already five hundred members. It is practicing at present on Rossini's "Stabat Mater." No new members will be received into this class, but members of the next lower class will be promoted to it.

**Increase of Crime.**—In a recent publication of the Massachusetts Prison Association a strong plea is made for the proposed legislation looking forward to complete state control of penal institutions; that is, of the placing of the county prisons as well as a number of reformatory institutions under the control of a state board. One of the main reasons urged for this change is that it will secure a classification of all the prisoners of the state. An interesting statement is made concerning the magnitude of crime in the State of Massachusetts, and some of the probable results to be expected from a proper classification of the various inmates of county prisons. On these two points we quote the following statements:

*"Magnitude of Massachusetts Crime Questions.* How serious a matter the growth and size of the crime question is, is shown by the official figures. In 1883 the number of arrests in Massachusetts was 63,803; the number of commitments was 24,125, and the average prison population for the year was 3,893. In 1898 the corresponding figures are 99,336 arrests, 29,796 commitments, and the average prison population for the year 7,654. The cost of police, courts and prisons in 1898 was over \$2,000,000. These figures are startling, and demand the most careful inquiry as to how this increasing volume of crime may be stopped. It can be done in two ways: first, by preventive measures, such treatment of the causes of crime as shall reduce the number of persons who commit offences the first time; and, second, through a classified prison system, by so training those who have committed one

offence that they will abandon their criminal courses and become law-abiding citizens. The large opportunity for the application of this second means of reducing crime in this Commonwealth is shown by the fact that substantially one-half of all the persons committed to the county prisons have served previous sentences in the same institutions. The recognition of this opportunity in recent years has led to a change in the methods of dealing with criminals, especially with beginners in crime, so that emphasis is now put upon their reformation with view to preventing the commission of a second offence. A successful application of these methods will greatly reduce the volume and the cost of crime."

*"Reasons for Classifying Prisoners:—1. As to Length of Sentences.* In 1898 there were 16,252 commitments for non-payment of fines and costs; 8,203 on sentences of less than six months; 1,929 on sentences from six to twelve months; 516 for from one to two years; 135 for from two to three years; and 79 for more than three years. It may fairly be supposed that the length of a prisoner's sentence indicates the heinousness of his offence. It is the estimate placed by the court upon his act. His offence may or may not indicate his real character; he may be better or worse than his deed. But when thousands of cases are considered, it will be found that those who have long sentences are worse than those who have short ones. A system which puts together those who have a sentence of a few weeks and those who are committed for several years must work injury to the former.

"The large number of commitments for the non-payment of fines and costs makes the existing system especially objectionable. More than 16,000 were committed for this cause in 1898. Their offences were trifling—so trifling that the courts did not think a direct sentence to imprisonment was warranted. But inability to pay the fine resulted in imprisonment. Some of them remained but a few days. Nearly 5000 of them paid their fines and were released within a short time after their commitment. If any one of the 16,000 had had a very few dollars of ready cash he would have escaped imprisonment altogether, but lacking this they were all sent to county prisons, which contained every grade of criminals.

*"2. As to Offences.* 1,718 were committed for offences against the person, such as manslaughter, robbery, assault, etc. There were 2,675 commitments for offences against property, including burglary, arson, embezzlement, larceny, receiving stolen goods, fraud, malicious mischief, etc. These 4,393 commitments for offences against the person and against property constituted about 16 per cent of all the commitments. The remaining 84 per cent were for offences against public

order and decency, drunkenness (the principal offence), disturbing the peace, being idle and disorderly, neglect of family, vagrancy, etc.

"3. *As to Criminal Character.* First offences do not prove established criminal purposes. A subsequent offence tends to do so, and failure to refrain from crime after repeated punishments is properly accepted as proof of a deliberate purpose to do evil, or of a weakness of character which makes it impossible to resist temptation. In either case the habitual offender is a dangerous companion, within or without the prison, for the person who is not established in criminal habits or purposes. More than one-half of all who are committed to county prisons have been in the same institutions before, and those committed for the first time are compelled to associate with many habitual offenders of a distinctly criminal type.

"4. *As to Ages.* In 1898 there were 1,212 commitments to the county prisons of persons less than 21 years of age; more than 9,000 of persons between 21 and 30; nearly 9,000 between 31 and 40; more than 5,000 between 41 and 50, and nearly 2,800 above 50. More than 2,500 (about one-fourth) of those below 31 years of age were committed for offences against the person and against property. The remaining three-fourths within those ages were for offences against public order and decency."

**English Law for Reform of Drunkards.**—A new English law passed at the last session of parliament, authorizing an extension of certain radical measures for the treatment of habitual drunkards, went into effect on the first of January, 1899. In 1888 an act was passed by the English parliament which authorized the Secretary of State for the Home Department to grant licenses to physicians of reputation to establish retreats for inebriates, and power was given local magistrates to commit to these retreats, for a period of one year, such persons who declared their willingness to submit to treatment. This act has worked well. The retreats have been carefully inspected by the home office, but ten years' experience shows that the term of one year is too short to effect a complete change or reformation, and also that although these retreats have increased in number, private enterprise is not wholly adequate to cope with the problem. Under the act of 1888, leaving the establishment of such retreats to private enterprise, practically only persons of means could secure the advantages of treatment. The new act, therefore, authorized county and borough councils to establish and maintain retreats to which persons whose circumstances do not permit their being maintained in a private retreat may be sent, and power is given to judges to commit convicted persons to retreats instead of to penal servitude, and additional powers

are given to the local police magistrates. Persons may be detained for a period of three years, and in cases of persons of means being so committed, the cost of maintaining the inmate can be recovered. Local magistrates may commit for periods not exceeding three years in cases where habitual drunkards have come before them more than three times in a single year.

In connection with this action of the British parliament it is interesting also to note a paragraph on the same subject in Mayor Quincy's last annual address to the city council of Boston, where a commission of inquiry has been established to report on this question. The following paragraph contains some interesting facts that would doubtless hold good for other cities than Boston :

“ It seems to me that the problem of so adjusting the penalties for drunkenness, that, on the one hand, this form of misdemeanor will receive sufficient punishment to restrict, as far as practicable, over-indulgence in intoxicating liquor, without, on the other hand, imposing too large a direct financial burden upon the community—through the cost of maintaining an unnecessary number of drunkards in confinement at the public expense, and inflicting a still larger loss upon those dependent upon them for support—is worthy of closer study and more practical investigation than it has received. From a social standpoint, this is one of the most serious questions with which the city has to deal, on account of the very large number of persons who are directly or indirectly affected. It has appeared to me that the number of persons confined in our houses of correction for drunkenness was excessive, and that some way should be found to reduce the expense and loss to the community, without increasing the amount of intemperance. During the year ending January 31, 1898, there were 847 committals to the house of correction at Deer Island on account of drunkenness, amounting to about 75 per cent of the total committals; and on the basis of a pro rata division of the expenses of the institution, the direct cost to the county for the confinement of drunkards for that year amounted to over \$111,000 at this one institution. In addition, it is estimated that about 3,000 persons are committed to our county jail yearly for this offence, besides a considerable number sent to the house of correction at South Boston. In the last three years the committals to Deer Island for drunkenness have increased about 30 per cent. Past experience has shown the intimate relation between changes in the laws affecting the punishment for this offence and the drunkard population of Deer Island, and I believe it to be highly desirable that this important question should be carefully inquired into from the standpoint of the financial, social and moral interests of this great municipal community, with a

view to the recommendation of remedial measures, if such are found practicable. With this object in view I have recently appointed a commission of inquiry, consisting of seven men and women specially qualified to investigate this question carefully and without prejudice. I trust that the report which they will make within the next few months will throw some light upon this important problem, and will lead to amendments to the present laws, if these are found desirable."

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ANNALS  
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AMERICAN ACADEMY  
OF  
POLITICAL AND SOCIAL SCIENCE.

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REGULATION AND NATIONALIZATION OF THE  
SWISS RAILWAYS.—II.\*

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*The Extension of Railway Legislation on the Basis of the  
Law of 1872.*

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In connection with the law of 1872, the Bundesrat issued an "Ordinance concerning the proofs required to accompany applications for charters as well as plans and documents to be submitted before and after the construction of chartered railways" (1873), Article 27 of which goes to the utmost limits of what could be required of the companies on the basis of the railway law. In consequence of the law the organization of the Bundesrat itself had to be remodeled. The hitherto limited powers of this body concerning railways could be exercised without interference from the department of the interior; but this was no longer possible, and the Bundesrat proposed the creation of a special department of railways and trade. A law to this effect was enacted in 1873 and the following business was entrusted to the new department: (1) the chartering of

\*For the first half of this paper consult the March ANNALS.

railways; (2) the supervision required to secure the complete and accurate fulfillment of the legal and concessional duties on part of the railway companies; (3) the negotiation of railway junction treaties with foreign countries.

This department, under which there was placed a technical and administrative inspector with the necessary engineers and corps of assistants, was subsequently reorganized and made the department of posts and railways with materially extended functions.

The new power to grant charters caused the Bundesrat some anxiety. It was of the opinion that the first charters to be granted by the federal assembly should be edited in such a manner as to serve as models for all later ones. Accordingly it drew up a bill which, together with a message, was submitted to the councils in 1873. The distinctive principle in this bill was that the applicants for new railway charters should not be placed in a less favorable position than the holders of those granted before January 1, 1873. Especially in relation to the provisions for repurchase, "which the federation had hitherto imposed upon itself, hard and heavy, over against the policy of other countries," did it believe itself to be bound to adhere to the principle of equal justice to all Swiss railways whether their birthday should fall before or after January 1, 1873.

In reality these repurchase provisions were not edited with entire conformity with acts approving the earlier charters, and at the present time controversies are waged between the federation and the companies as to the extent to which the older repurchase provisions may be called in to interpret the newer ones.

The charter bill of the Bundesrat, the so-called "normal concession bill," was adopted by the councils with minor changes, and in its essentials has served as a model for all subsequent charters of normal railways. Its provisions are, on the whole, like those of the railway law, but a few of the articles are so significant as to merit special notice. By

Article 1 existing federal laws, as well as all other directions of the federal authorities on the construction and operation of Swiss railways shall at all times be accurately observed.

Upon this the Bundesrat remarked that several petitioners feared a future interpretation of this article which would permit subsequent laws and ordinances to modify charter provisions at pleasure. Though this was not the purport, the article was intended to mean that federal railway legislation should stand above the charters.

Article 4 declared that a majority of the directors and of the administrative council or of other committees should be composed of Swiss citizens residing in Switzerland. Fear of the influence of foreign countries on Swiss railway affairs, because foreign capital had been largely employed in the construction and maintenance of the Swiss roads, has always influenced the railway politics of Switzerland and helped to create a sentiment in favor of railway nationalization.

Articles 10 and 11 concern the federal supervision of construction and operation. Article 12 fixes the minimum number of daily trains. Articles 15 to 25 treat of rates; that is, of maximum rates for passenger, freight and stock traffic, their approval of the Bundesrat and their publication. When the net profits reach a certain height rates are to be reduced. Article 27 contains repurchase provisions. To this we shall revert later.

The "normal concession" served only for a foundation of later charters and had to be supplemented, extended or restricted to meet individual cases. Thus, from the year 1885 on an article was incorporated directing the establishment of reserve and renewal funds as well as the institution of pensions and aids.

The succeeding years were extremely fruitful in railway legislation. Reference will be made to a few of the more important acts which were passed to supplement the law of 1872.

The federal law of 1874 concerning the mortgaging and foreclosing of railways, regulated the mode of procedure. The Transportation Law of 1875 deals with the liability of railways in the management of traffic and with the legal principles governing the passenger service. Its most important provisions relate to freight traffic, and contain a complete and unified codification of freight law applicable in all parts of Switzerland. It is the first federal enactment on this important question of civil law. The liability of railway companies for goods accepted for transportation is herein sharply defined. Only upon proof, which must be furnished by the railway company, that the damage was caused by the negligence of the shipper or consignee, by the character of the freight or by a Higher Power, can the railway free itself from liability. An exemption from liability by contract is not permissible. In consequence of the agreement of January 1, 1893, concerning international freight traffic, in the adoption of which Switzerland had from the first actively co-operated, this law has been superseded by the Transportation Law of 1893, which rests upon essentially the same legal principles.

The year 1875 also brought forth the law concerning the Liability of Railway and Steamship Companies in Cases of Deaths and Injuries, a law which adjusted the liability for damages due to accidents in transportation in a more rigorous manner than the general rules of civil law would warrant.

From this group of railway laws, all of which have their roots in the law of 1872, and have a certain inner coherency in so far as they are intended to regulate the relations of the railways to the trafficking public, there is to be distinguished another law which conceives railways more as public institutions in which the state has peculiar interests.

After the state had determined the legal relations of the railways to their patrons, it was still obliged to prescribe regulations relating to railway employes, to the organization or constitution of the corporations, regulations intended

to guard its own direct interests. From these three points of view also the railway legislation of this period must be studied.

(a) *Care of Employes.*—The previously mentioned liability law forms a natural transition to the group of laws which occupies us here because they not only fixed the liability of railway companies in case of accidents to third persons, but also—and what proved to be much more important—for accidents to laborers and employes of the road. The laws were the Federal Law concerning the Protection of the Sick, Aids, Pension, Deposit and Savings Funds of Railway Employes, as well as of the Security Required of the Latter (1878); the Federal Law concerning Aids-Funds of Railway and Steamship Companies (1889); the Federal Law concerning the Hours of Employment in the Operation of Railways and other Transportation Establishments (1890).

According to the last law the daily hours of labor for officials, employes and laborers of railway companies shall not exceed twelve, with a period of rest of one hour at the close of about half the labor period. The uninterrupted period of rest shall amount to at least ten hours for the machine and train personnel; for the remainder of the personnel, nine hours; or eight when they are domiciled in station houses or along the line. Officials, employes and laborers shall be free from duty for fifty-two days, properly distributed, during each year; and of these at least seventeen shall fall on Sunday. No deductions from wages and salaries shall be made on account of this freedom. On Sundays the transportation of ordinary freight (not fast freight) is prohibited.

(b) *Regulation of the Internal Organization of Railway Companies.*—The rights of stock companies had been left to the regulation of the cantons until the enactment of the law concerning stocks and bonds. This federal law went into effect January 1, 1883, but gave all existing and validly constituted companies until January 1, 1888, to adjust their

statutes to the provisions of the new law. For the railway companies this interval had been shortened to January 1, 1885, by the accounting law, to be discussed below. In several other points the accounting law broke through the new law on stocks to the disadvantage of the railway companies. It prescribed more detailed provisions concerning the balances of railway companies than existed for other stock companies, and deviated from the provisions of the law concerning stocks and bonds by giving permanently to the federation and cantons the rights relating to voting and administration, which had been temporarily vested in them and only in regard to certain railway companies. The law gave the federal authorities power of their own accord to regulate similar rights in the future.

As has already been mentioned, the federation later on, when it had become chief stockholder of the Jura-Simplon Railroad, utilized these provisions in order to free itself from those terms of the law concerning stocks and bonds by which the number of votes of a single shareholder is limited to one-fifth of the whole number represented in the general meeting.

Of especial significance for the law of railway joint stock companies is the federal act concerning the Right of Voting of Stockholders of Railway Companies and the Participation of the State in the Administration of the Same (1895). This act created for companies operating more than 100 kilometres of railways is a most singular corporation law. The right to vote at general meetings is restricted to holders of non-transferable bonds which have been recorded in the stock-book in the name of the holder for at least six months, or since the organization of the company. Transferable bonds shall not be converted into non-transferable ones. A single shareholder can be represented in the general meeting by one proxy only. Borrowing and lending of shares for purposes of voting is forbidden and punishable. At least four-fifths of the administrative personnel must be composed

of Swiss citizens residing in Switzerland. When an administration is composed of several members, the Bundesrat and each of the cantons into whose territory the railway extends, is entitled to elect from one to four members. The cantonal representatives shall, at the most, constitute one-third, and those of the federation and cantons together shall not exceed two-fifths of the total membership of the administration. They have the rights of members elected by the general meeting, but need not be shareholders. The organs (directories) for the transaction of business shall be elected by the administrative councils, but shall not be members of the latter at the same time. The Bundesrat shall approve the resolutions of the general assembly, which approval may be refused when important public interests are prejudiced. For the same reason it may suspend resolutions of the administrative councils, etc. Another part of the law deals with penalties following its violation.

Only the first part of the law concerned the interests of the shareholders, and this part of the law was not very successful. The rest of the act was intended to insure to the state the greatest possible influence over the administration of the railways. Hence this act falls into the group of laws which aimed to accomplish:

(c) *The Preservation of the Interests of the State in Railway Affairs.*—The interests of the state were chiefly those of a possible future owner of the railways. We have already shown that the idea of a state system, even after the defeat which this notion suffered in 1852, was in nowise given up. The federal government adhered to it with tenacity and this idea continually infused a certain feeling of freedom of disposition in railway matters which may be compared with the feelings of a landlord who intends himself to cultivate his farm after the lease expires.

The accounting laws of 1883 and 1896 indicate this. These laws, however, have for their foundation and postulate the repurchase provisions of the charters, and it will be

desirable to consider those provisions before discussing the laws in question.

*Repurchase Provisions of Charters after the Year 1872.*

The situation prior to the year 1872 has been described above, and we have already stated that it was not the intention of the Bundesrat to incorporate in the normal charter repurchase provisions which should differ from those hitherto in force. Much more than this was required to adjust them to the provisions of existing charters. The councils sympathized with this view and accepted, with few changes, the wording of the repurchase clauses of the normal concession (Art. 27) proposed by the Bundesrat. This article as accepted reads: In the execution of the repurchase powers of the federation, or—if the federation should not exercise the powers—of the participating cantons, the following provisions shall apply:

(a) Repurchase can at the earliest be undertaken on May 1, 1893, and thereafter at any time. The company shall receive three years' notice of the resolution to repurchase before the same can take effect.

(b) Through such repurchase the government becomes owner of the road with all its equipment and other appurtenances. Nevertheless, the rights of third persons toward pension and aids funds remain intact. At whatever time repurchase may be effected, the road and all its appliances shall be ceded to the federation, or to the canton, in an entirely satisfactory condition. Should these conditions not be complied with and should the expenditure of the renewal and reserve funds not be sufficient for this purpose, then a proportionate sum is to be deducted from the repurchase price.

(c) The amount of the indemnity for repurchase, in so far as the latter becomes lawful before May 1, 1918, shall equal twenty-five times the average annual net profits for the ten years immediately preceding the date on which the

company had been notified of the intention to repurchase; if repurchase takes place between May 1, 1918 and May 1, 1933, twenty-two and a half times this average; between May 1, 1933 and the expiration of the charter, twenty times the above described average; but in no case shall the indemnity be less than the certified amount of the original investment less the amount of the renewal and reserve funds.

In the determination of the original costs and of the net profits, any business interests associated solely with the railway enterprise ceded to the State by this act may be considered in making the calculations.

(*d*) The net profits shall consist of the excess of the operating receipts over operating expenses, including in the latter all sums that have been transferred to other accounts or that have been incorporated in a reserve fund.

(*e*) In case of repurchase at the expiration of the charter, the government may choose between paying the amount of the original investment in construction and equipment or a sum estimated by the federal court.

(*f*) Disagreements which may arise over repurchase and the questions connected therewith shall lie within the jurisdiction of the federal court.

In fixing the net profits the Bundesrat had proposed to include interest on indebtedness among expenses. The federal assembly struck it out. Provision *e* was first inserted by the federal assembly.

The provisions according to which the minimum amount of the indemnity should at least equal original costs was frequently omitted in later charters. In other respects the repurchase provisions of all charters granted from the year 1872 on were in their essentials like those of the normal concession.

The systems of the larger Swiss railway companies have, without exception, been built on the basis of older concessions, and not on the basis of a single charter. Charters

were granted at different times for individual sections of the road, consequently there are varying repurchase limits. Only the Gotthard Railroad has but one repurchase limit. Notice of the intention to repurchase may be given to it on May 1, 1904, and on May 1, 1909, the same may be executed.

By voluntary agreement with the other large companies the Bundesrat sought, at a convenient time, to bring about a consolidation of the different charters and a unification of the repurchase limits. It was successful with the Swiss Central, the United Swiss, and the Jura-Simplon railways which, with their dependent lines, may be repurchased on May 1, 1903. With the Northeast Railroad this has not, thus far, been possible, hence it has secondary lines which may be repurchased on the above date, and others whose acquisition will not be possible till later.

The clause according to which the decision of repurchase disputes shall, in all future charters, no longer be entrusted to a court of arbitration, but to the federal court, is much newer than the other clauses.

The repurchase provisions of the normal concession could be regarded only as interpretative material for the explanation of the charters of the older lines, but because of the well-known intention of the Bundesrat to model the older concessions closely after the normal concession, those provisions were of paramount importance. They also help in the interpretation of the existing repurchase provisions which have by no means been drawn up with a doubt-excluding clearness.

The price to be paid by the state is to be calculated on the basis of the net profits, or it is to be made equal to the original capital stock, *i. e.*, original costs, etc. Both are notions whose contents can by no means be considered fixed beyond dispute without further definition. That the road and all its appliances shall be transferred in a thoroughly satisfactory condition are likewise demands which require judicial definition.

In drawing up the charters and resolutions of approval, these ambiguities had manifestly not been much noticed. Not until it was proposed to put the repurchase provisions into operation did men become conscious of the difficulties which obstructed an accurate determination of the repurchase price, and then only little by little.

This happened for the first time in 1883. At this time, while the Bundesrat was giving the question of the repurchase of a large number of Swiss railways a somewhat extensive investigation, it made the discovery that the capital stock of the various roads was estimated too high and that the average dividends paid by them during the last ten years appeared excessive in comparison with the actual receipts, and that a materially smaller income would have to be looked for in the future. Furthermore, the repurchase procedures prescribed by the charters and the lack of legal provisions for the determination of the repurchase sum, left every guaranty wanting that the purchase price would correspond with the actual value and income.

For this reason the Bundesrat could not advise the federal assembly to give the companies notice of repurchase on May 1, 1883. It however felt itself under obligations to remove the difficulties which it had discovered before the expiration of the next repurchase period; and since repurchase on the basis of capital stock should have taken place in 1883 for nearly all railways, it proposed a law to enable the government to determine accurately the capital stock and to reduce it as much as possible.

#### *Laws Preparatory to Repurchase.*

*The Accounting Law of 1883.*—The federal law concerning the Business of Accounts of Railway Companies of December 21, 1884, is known briefly as the "Accounting Law." Besides being intended to facilitate concessional repurchases in the future, a purpose which is clearly reflected in the origin of the law and in the message that accompanied it

when it was submitted to the councils, the law also aimed at an improvement in the accounting system. The effect of the law has been to place the railways on a sounder financial basis.

The law provides that only the actual costs of construction or acquisition shall be placed among the assets of the balance sheet. When a road is purchased by another company the purchase price shall not exceed the value of the new balance, even though the cost of construction was greater; in no case shall the amount of the old balance be exceeded. After a road has been opened to traffic the cost of completion, extension, or of additional equipment shall be counted as assets only when these expenses secure an extension or an essential improvement of the existing plant in the interests of traffic. The costs of maintenance and replacement shall be paid out of annual revenues or out of funds set apart for this purpose. However, with the consent of the Bundesrat these costs may be distributed over several years, whenever they are of an exceptional character. Sums which have been incorrectly entered in the construction account and all items removable from the balance, are to be replaced from the annual surplus revenues in accordance with a sinking fund plan approved by the Bundesrat.

In case the general meeting of the company refuses to recognize the changes in the accounts and balance requested by the Bundesrat, the latter may appeal to the federal court, within thirty days. Every payment of dividends shall be deferred until such disputes have been settled, a provision which has been somewhat moderated in practice by retaining only a sum sufficient to cover the difference. As a transitional regulation the right to refer the fixing of the capital stock in cases of repurchase to a court of arbitration was granted.

Among the items removable from the assets of the balance, and which were to be replaced from a sinking fund

formed out of the annual surplus revenues, the Bundesrat included, first of all, the costs of incorporation, organization and administration, losses sustained in calling in stocks and bonds quoted at a premium, expenses involved in rebuilding and changing tracks and operating appliances, in so far as no real increase in the value of the plant has been brought about through these outlays. The Bundesrat had estimated the amount which, in consequence of this law, was to be transferred from the building account of the five large Swiss railways in question at about seventy and a half millions of francs. The final settlement of this balance amounted to over one hundred and twelve millions of francs, and the Swiss railways have since been amortizing that sum.

By the time the next term of notification for repurchase had arrived conditions had materially changed. The situation of the large Swiss railway companies had been strengthened, traffic was growing, and revenues were increasing steadily in spite of the rigid accounting regulations. The Bundesrat foresaw that it would very probably be obliged to pay to the majority of the railways, in case of repurchase in 1903, twenty-five times the net profits for the ten years immediately preceding the notification of repurchase, and not the amount of their capital stock, which would have been paid had notice been given in 1883.

*The Accounting Law of 1896.*—The law of 1883 had not sufficiently provided for determining net profits. This defect, as well as a series of other hindrances which stood in the way of a concessional repurchase, the Bundesrat endeavored to remove through a new law—the Accounting Law of 1896. The Bundesrat asserted that the first thing to be done was to require the companies to hand in accurate statements and vouchers which would supply the government with the material necessary for the correct determination of the repurchase price before acting upon the resolution to repurchase. In reality, however, it was

attempted to insert in the law certain provisions which would materially influence the amount of the repurchase price, and that not to the disadvantage of the state.

The main contents of the law are the following: The accounts and balances of the railway companies, contained in forms provided by the Bundesrat, shall be submitted to that body for examination and approval before the same are presented to the general meeting of stockholders. At the same time special vouchers relating to net profits and capital stock shall be handed in; for the examination of which the Bundesrat shall have access to the books of the company. It may also demand a separate statement for each line owned by a company, and in case any company fails to make such statement the Bundesrat may, on its own motion, order a consolidation of the various charters and fix May 1, 1903, as the common date of repurchase. After the opening of traffic only such outlays for completing and extending the road or for purchasing additional appliances through which an increase or material improvement of traffic is brought about shall be entered upon the building account. Expenses for improving or strengthening the permanent way shall not be carried on the construction account. The value of removed or ruined structures shall be transferred from the construction account. Plans and estimates of intended purchases of appliances, whose entry on the construction account is permissible after the opening of the road, shall first be laid before the Bundesrat. The construction account shall especially not be burdened with the costs of incorporation and of raising the necessary capital; losses due to a fall in the market value of stocks and bonds; subsidies granted to other railways, highways, bridges and the like which remain property of third persons, even when the railway bears their entire cost; the cost of structures erected by subventions *à fonds perdu*; nor the cost of organizing and directing the operation of the road. The maintenance of existing structures and appliances shall be accounted as

running expenses. Interest on indebtedness and contributions to the renewal and other statutory and regulative funds shall be entered under expenses of the profits and loss account, even when revenues are not adequate to defray them. For all structures and appliances subject to material depreciation, such as track, rolling stock, tools and implements, a renewal fund shall be established which is at all times to correspond to the full amount of such depreciation. In consultation with the companies the Bundesrat shall annually determine the amount of the contribution to this fund, reserving to the companies the right of appeal to the federal court. The difference between the renewal fund and the depreciated value of the road, as well as all items which cannot be carried on the construction account, shall for the time being be entered among the assets and sunk by annual contributions from current revenues. The Bundesrat is final authority as to the time and amounts in which these sums shall be replaced. Dividends cannot be paid until the accounts have been approved. To what extent these provisions relating to the construction account and contributions to the renewal fund are calculated to affect the repurchase price itself the future will decide. The attempt to employ them in such a direction does not appear to be wanting.

In case the Bundesrat objects to the annual accounts or balances, the companies may appeal to the federal court within thirty days. Dividends cannot be paid until after the accounts have been approved.

One part of the law stipulates that after the law has gone into effect the Bundesrat shall, by amicable negotiations with the companies, determine the amounts which may be carried on the construction account as expended during the expired period of time as well as the sums that may be credited to the renewal fund; and further, the law stipulates that the Bundesrat shall secure an agreement as to the principles according to which the concessional

calculations of net profits and capital stock shall be made. Should such an agreement not be possible, then the Bundesrat shall settle the question. The companies have the right of recourse to the federal court.

Finally, the federal court is declared to be ultimate authority in all questions of dispute which by the charters may be referred to a court of arbitration. This provision drew upon the law the sharp criticism that it prejudiced the charter rights of stockholders in an impermissible manner.

This law went into effect November 1, 1896, and was the last one passed as a preparation for the repurchase act itself. In enacting the Accounting Law it is possible that the intention was to create a definite basis for the determination of the repurchase price of the five large roads, and to undertake these calculations before the close of the next period of notice which, for a number of important lines, was May 1, 1898. However, this object was not attained.

After the Accounting Law had gone into effect on November 1, 1896, the Bundesrat allowed nearly a whole year to pass before taking up the negotiations with the railway companies provided for by the law relating to the concessional determination of the net profits and the capital stock. During these negotiations irreconcilable differences of opinion were brought to light, and nothing was decided. Consequently after the repurchase law had been accepted by both councils, but before it had been voted on by the people, the Bundesrat, on its own motion, established the principles by which the net profits and capital stock were to be fixed. The railway companies hereupon had recourse to their right of appeal to the federal court. The opinion on this appeal was handed down toward the close of the year 1898, and was favorable to the State.

It is fair to assume that since the principles for the determination of the net profits and capital stock have now been decided upon, the Bundesrat will make another

attempt to reach an understanding with the companies on the terms of repurchase. In the proceedings of 1898 the vital problem was the definition of the terms net profits and capital stock, and the treatment of contributions to the renewal fund, while the equally indefinite charter provisions concerning appurtenances and the satisfactory condition at the time of transfer were not given much attention.

*The Federal Law of October 15, 1897, Concerning  
Repurchase of Railways.*

*The Acquisition of the Railways and their Legal Status.*—The federal law,\* together with an elaborate message, was submitted to the federal assembly on March 25, 1897, and during the course of that year was accepted by both the councils. The councils made several changes in the bill, especially in the part relating to the future organization of the railways. As was to be expected, the referendum was resorted to within the legal time limits. The vote was taken on February 20, 1898, and a heavy majority secured in favor of the law.

The law contains the necessary provisions concerning the acquisition and operation of railways by the federation and the organization of the administration of the Swiss federal roads. It first establishes the general principle that the Swiss railways, which, because of their economic or political importance, serve the interests of the *Eidgenossenschaft* or of a major part of the same, and the acquisition of which can be achieved without disproportionate sacrifices, shall be purchased by the federation and operated on its account under the name of the "Swiss Federal Railways." In addition it names those lines which are to be purchased at the expiration of the next time limit. These, the five trunk lines, are the Central, purchasable in 1903, Jura-Simplon,

\* Concerning the Acquisition and Operation of Railways on the Account of the Federation and the Organization of the Administration of the Swiss Federal Railways, of October 15, 1897.

1903, the Northeast (the majority of its lines), 1903, the United Swiss, 1903, and the Gotthard Railroad, 1909. These companies operated 2748 km. in 1897. The Bundesrat is, moreover, empowered, with the consent of the federal assembly, to purchase such other of the then existing roads as may conform to the above conditions, or it may undertake simply the operation of secondary lines. The acquisition of the railways shall take place by means of repurchase on the basis of the "federal law and charters," but a free-handed purchase, subject to the approval of the federal assembly, shall not be excluded, in which case the same principles shall prevail in fixing the repurchase price.

The funds necessary for repurchase shall be raised by the emission of obligations or coupon bonds. This indebtedness shall be canceled within sixty years, at the farthest, by means of a fixed plan of amortization. By voluntary agreement with the owners, and by complying with the above amortization plan some other means of payment may be chosen. It is probable that in this connection an assumption of the bonded indebtedness of the road was kept in view either as part or full payment, although the Bundesrat does not recognize it as a *duty* to assume the debts of the railway companies.

The provision relating to the amortization of the entire capital necessary for the purchase and operation of the railways, within sixty years, which has been pronounced possible by the Bundesrat, won the measure many friends. It may even be said that among the masses of the people this was the most decisive factor in their acceptance of the law. It is also absolutely indisputable that it will be an enormous economic advantage for Switzerland to be in possession of a great network of railways, free from indebtedness, by the middle of the next century. In view of these enticing possibilities and the assurances of the federal authorities, doubts as to the realization of this beautiful thought, frequently uttered by the experts, were passed over rather

lightly. Article 8 of the law prescribes that the complete separation of the accounts of the federal railways from those of the federation is of great importance. The income of the federal railways shall never be employed in meeting other expenses of the state, but shall be used first of all for the payment of interest and the amortization of the indebtedness of the railways. Whatever remains shall be divided as follows: 20 per cent is to be paid into a reserve fund to be administered by the state and kept distinct from other assets until the same shall amount to 50,000,000 francs; the other 80 per cent shall be employed in the interests of the federal railroads, to the improvement of the traffic, reduction of rates, etc.

These provisions are intended to make it impossible to operate the federal railways for fiscal purposes. The railroads are to serve exclusively the general interests of traffic.

*Organization of the Administration of the Federal Railways.*

—What now is the nature of the administration to which the performance of the momentous task of directing the future federal railways is to be entrusted? It is not, and could not be, expected to be very simple. There were difficulties to be overcome which were by no means trivial, because of the manifold political interests, wishes, apprehensions, which came in collision with the desires of economic associations and the principles of a simple, expeditious administrative organization.

One of the foremost demands was to make the railway administration as independent as possible of the other parts of federal administration in order thereby to protect it, at the outset, as much as possible from every political influence. This demand was met by the provision of the law that "the administration of the federal railways shall form a special part of the federal administration."

The deliberations of the federal assembly led more and more to a decentralization of the organization of the

railway administration, in order to insure to the cantons and various country districts some influence upon it, and to promote the adoption of the law by yielding wherever possible.

The entire network of Swiss federal railways is divided into five circuits, whose managements have their seats in Lausanne, Basel, Zurich, St. Gallen and Luzern, corresponding to the present railway administrative centres. At the head of each circuit there is a circuit directory composed of three members. Above these bodies there is a general directory of five or seven members with its seat in Bern. The members of both the circuit directory and of the general directory are elected by the Bundesrat on the voluntary nomination of the administrative council. This body also names the president and vice-president of the directory.

The scope of the business of the *circuit directory* embraces the current business of the respective circuit, namely: (1) the administrative and judicial representation of the railway administration in all those affairs over which the circuit directory has jurisdiction; (2) the drafting of estimates falling within its business scope; (3) the maintenance of the road and appliances, including the superstructure and the management of the telegraph; (4) the management of repairs and other changes in the construction of the operated network, in so far as these have not been separately provided for by the general directory; and the making of contracts, connected with these matters relating to the acquisition of land, building and delivery when the sum involved does not exceed 100,000 francs; (5) drawing up plans for the structures mentioned in 4, above, in so far as this has not been reserved by the general directory; (6) to keep watch over the road and the railway police; (7) the necessary precautions for the protection of the railway administration against encroachments upon its property rights and against annoyances of possession; (8) the construction of

time tables for the network operated by it, with due regard for the norms set up by the administrative council, and other regulations of the general directory; (9) motive power department; (10) train service; (11) shipping, including warehouse management; (12) operation of machine shops; (13) chief administration of magazines and materials, subject to the powers of the general directory; (14) the management of carting [camionnage] and making contracts relating thereto with undertakers; (15) the making of building and delivery contracts not reserved to the general directory; (16) the adjustment of claims of the internal traffic of the federal railways arising from an incorrect application of rates or incorrect routing, from losses or damages of goods, from delays in passenger and freight traffic, in so far as this cannot be assigned to station chiefs or other employes; further, taking up and transmitting to the general directory similar claims arising out of traffic with other railways; (17) the management of indemnity claims arising from killing and injuring persons; (18) the leasing and renting of disposable immobilia and of station restaurants; (19) the sale of dispensable immobilia; (20) matters pertaining to taxes; (21) rendering opinions on questions submitted to it by the general directory, especially on rates and on regulating the relations with union depots and other traffic regulations with connecting roads; (22) giving audience to authorities and private persons concerning affairs which fall within the business scope of the general directory and transmitting the desires of complainants to the latter with an opinion. To this we must add the election of its personnel, with the exception of chiefs of divisions.

The approval of the *general directory* is required for: (1) agreements concerning the disposition of claims enumerated in 17 above, when any one allowance exceeds 20,000 francs; (2) contracts relating to carting [see 14 above]; (3) contracts relating to the sale of real estate [Art. 35, 19], with a

reservation as to the competence of the administrative council; (4) contracts concerning construction, land purchase and delivery when the amount involved exceeds 100,000 francs.

The circuit directories meet in conference with the general directory at least three times each year, but possess no administrative powers. They participate in the sessions of circuit railway councils and through their president also in those of the administrative council, with deliberative powers.

In so far as the present law makes no exceptions and restrictions, excepting the powers assigned to the administrative council, the entire business management devolves upon the general directory.

The *general directory* has the following powers and duties: (1) the administrative and judicial representation of the railway administrations with the foreign authorities, in so far as the same has not been vested in the circuit directory [1 above]; (2) the nomination of all officials and employes immediately subordinate to it, and on voluntary nomination of the circuit directory of all superintendents of crews in the circuit; (3) establishing norms for the wages of officials and employes appointed by the circuit and general directories; (4) fixing salaries within the scope of the remuneration law of the budget of officials and employes appointed by it; (5) drafting the annual budget; (6) drawing up the annual account; (7) preparation of the annual report on the management of the business; (8) preparation of all other business to be managed by the administrative council and not already mentioned; (9) carrying out resolutions of the administrative council; (10) establishing the necessary regulations, instructions and rules for the various branches of the service; (11) rates; (12) the control of operating receipts [control of operation]; (13) the settlement of claims arising from joint traffic due to the application of improper rates and to incorrect routing; further, claims from losses or damage of goods or delays in passenger and freight service, in

so far as the same have not been by executive ordinances of the Bundesrat assigned for adjudication to the circuit directory or other offices; (14) the construction of time tables, including the care for their proper application to meet the requirements laid down by the circuit directory for through traffic; (15) the central car bureau; (16) the construction of new buildings and making repairs, in so far as these have not been left to the circuit directory; (17) making agreements with other transportation agents relating to joint traffic or the regulation of competition; (18) making contracts with other railway companies concerning the construction and common use of depots, stations, tracks and appliances; (19) making contracts relating to the acquisition of real estate necessary for constructions conducted by the general directory; further, all contracts relating to the acquisition of real estate for other building purposes; (20) superintending the personnel of the pension, aids and sick funds bureaus, with the co-operation of the latter; (21) making, subject to the power of the administrative council, building and delivery contracts for all structures executed by the general directory, as well as for the delivery of material for the superstructure, for the purchase of fuel and oil for the machine service and for new rolling stock; (22) supervision of the business management of the circuit directory, and the issuing of instructions to the same in order to bring about the desirable unity and harmony in the administration; (23) the adoption of resolutions on matters reserved for its approval [compare 4, 14, 17 and 19 above]. It apportions business among its members according to departments and must submit quarterly to the administrative council summaries of the operating accounts of the railways.

By the side of these executive organs of the administration stand the circuit railway councils and the administrative council, whose functions are more of a deliberative nature. The organization and powers of these councils enable political and economic interests to assert themselves in the

administration in such a manner as to harmonize deliberative and executive functions.

In every circuit there is a *circuit railway council*, composed of fifteen to twenty members, of whom the Bundesrat elects four and the cantons eleven to sixteen. They meet regularly once every quarter. Their business scope embraces: (1) the election from their own members of a president and vice-president, who hold office for one official period; (2) the election of one member of the administrative council; (3) rendering opinions on all questions concerning railway affairs [especially time tables and rates] for transmission to the authorities who have jurisdiction in such matters. These opinions may be requested by (a) the federal authorities, (b) a cantonal government, (c) the administrative council, (d) the representatives of agricultural, industrial and mercantile organizations or of other economic unions, (e) one of their own members; (4) the approval of annual budgets and accounts worked out by the circuit directory for transmission to the general directory, and of reports relating to the same; (5) the decision upon all credits not provided for in the budget, or those which exceed the amounts allowed by the administrative council, so long as their total does not exceed the budget by more than 100,000 francs; (6) approval of the quarterly report of the circuit directories concerning the business under their charge. Members draw only mileage and per diem rates.

*The administrative council* is composed of fifty-five members, of whom twenty-five are elected by the Bundesrat, twenty-five by the cantons and five by the circuit railway councils from their own numbers. Of those elected by the Bundesrat not more than nine shall at the same time be members of the national council or of the council of states. The Bundesrat shall take care—so says the law—that in these elections agriculture, trade and industry shall be properly represented. Other groups of interests, such as the employes of the federal railways, received in the discussions

verbal promises from the Bundesrat of representation in the administrative council. The administrative council meets regularly every quarter. Its members likewise receive only mileage and per diem pay.

The business scope of the *administrative council* embraces: (1) supervision of the entire administration; (2) drawing up the annual budget for transmission to the Bundesrat; (3) the examination of annual accounts and reports on the management of the business prepared by the general directory for transmission to the Bundesrat; (4) fixing the principles of rates and of freight classification, with regulative provisions falling within the scope of the law; (5) fixing norms for constructing train schedules [classification of trains, number of trains, speed, etc.]; (6) leasing railways not owned by the federation, renting its own lines to transporters and the disposition of secondary enterprises; (7) ratification of important agreements with other railway managements concerning the common use of depots, stations, tracks and those relating to joint traffic arrangements; (8) drawing up norms for grading, tracks, superstructure and rolling stock; (9) rendering decisions relating to the alignment of new routes, adopting plans of the more important depots and of the more significant repairs and rebuilding operations; (10) the approval of building and delivery contracts involving more than 500,000 francs; (11) the purchase of real estate, the acquisition of which does not result from undertaking the building of railway structures, in so far as the purchase price exceeds 200,000 francs; likewise the sale of real estate whose selling price exceeds 50,000 francs; (12) determining the organization of the railway service according to the provisions of the executive ordinance issued by the Bundesrat; (13) drafting motions for the appointment of the general and circuit directories; (14) confirmation of elections of chiefs of the divisions in the general and circuit directories; (15) fixing the remuneration of officials named in the preceding section [14]

within the limits of the law as regards remuneration and of the budget; (16) establishing the general conditions of appointment for the personnel; (17) framing statutes for the pension and aids funds; (18) examination of schemes for improvements in operation proposed by circuit railway councils; (19) rendering opinions on proposed changes in the laws and ordinances relating to federal railways; (20) rendering opinions on petitions for the building of new lines on the account of the federation.

Over and above this federal railway administration stand the federal authorities, the assembly and the Bundesrat who may exercise the following special powers in railway matters:

*The Federal Assembly.*—(1) Approval of the manner of making loans and of the amortization plan; (2) approval of agreements relating to the acquisition of existing railways, to undertaking the operation of secondary lines and to the admission of the federation to agreements which may have been made between primary and secondary roads; (3) legislation on the general principles of the formation of rates; (4) enacting laws relating to the acquisition or the building of railways; (5) legislation pertaining to remuneration; (6) approval of the annual budget; (7) examination and acceptance of the annual account and of the report on business management.

*The Bundesrat* has power over (1) the issuing of an executive ordinance for this law; (2) the election of (a) twenty-five members of the administrative council, (b) members of the general and circuit directories, (c) four members of each of the circuit directories; (3) the introduction of the following measures into the Swiss councils: (a) annual budget, annual account and business report; (b) motions relating to undertaking the operation of secondary roads and to the admission of the federation to agreements relating to contracts which may have been concluded between primary and secondary railways, (c) motions relating

to the building of new railways and to undertaking the operation of existing lines; (4) the exercise of the same powers that are vested in the Bundesrat in relation to private railways, in so far as the premises of these powers apply to federal railways; (5) the approval of the statutes governing pension and aid funds of officials and of permanent employes; (6) the issuing of the necessary regulations for the establishment of sick funds.

*The Result of the Popular Vote on the Repurchase Law.*

With a participation of about 550,000 or 78.6 per cent of the whole number of qualified voters, the repurchase law was adopted by a majority of over 200,000 votes.

Both as regards the percentage of voters participating and the numbers voting, there has been no more general expression of popular opinion since the adoption of the present federal constitution in 1874. In the cantons of the lowlands the interest in the question was such a lively one that the canton of Zurich, for example, shows a participation of 91 per cent, St. Gallen 83 per cent and even the mountainous cantons, in which heavy snowstorms had obstructed communications, indicate a participation of 80 per cent (Uri) and 74 per cent (Graübunden). There is no canton, indeed almost no commune, in the whole country, which did not surprise both supporters and opponents of the law by giving an unexpectedly large majority in its favor. When, on the day following the vote, the "Zürcher Post," wrote, "the most audacious optimist had not the remotest idea of the possibility of this result; we, too, anticipated only a majority of 50,000 in favor, at the most," it did not incorrectly characterize the situation before the election.

The result demonstrated that the gradual development of the idea of state railways, to which we referred above, and whose manifold elements we attempted to analyze, had been infused into all parts of the population. The idea that railways should belong to the community and should serve its

interests exclusively, had set its roots down deep and grown mightily during the storms of fifty years of exciting railway history.

It required only an external stimulus in an attractive form and a favorable conjuncture of party conditions, which are not without great significance in a democratic state with a well-developed political schooling, in order to transform the slumbering idea into an irresistible enthusiasm and to unite the more indifferent and vacillating persons with those who were convinced of the necessity of nationalization. Both circumstances combined in this case in a high degree. The political conditions were remarkably favorable to the proposed law.

As a political antagonist to the principle of the law, the federal party might have been expected to offer a united opposition, but just then this party was extraordinarily split up. The kernel of the party is the catholic, conservative party of the old *Sonderbund*\* cantons, Uri, Schwyz, Unterwalden, Luzern, Zug, Freiburg, Wallis, Tessin—one may call them historical federalists—cantons which are supposed to have lost more than the others through the new development of the *Eidgenossenschaft*. To these are joined the catholic conservative minorities of the central and west Swiss cantons, and also the more theoretical federalists of west Switzerland, who represent in their cantons the radical progressive party. This party has always formed the chief power of the opposition against the federal government and its legislation. This time such a coalition was impossible.

As is well known, the liberal party has been at the head of the government uninterruptedly since the reorganization of the *Eidgenossenschaft* in 1848, and it was not until 1891, when the federal councilor Welti resigned after the defeat of the Central Railroad Repurchase Act, that a representative of the conservative minority entered the Bundesrat. At that

\* A league within the federation. The first *Sonderbund* was formed in 1832, and comprised the cantons of Zurich, Luzern, Bern, St. Gallen, Solothorn, Thurgau and Aargau.—*Translator*.

time its leader, Dr. Zemp, the originator of the present railway repurchase law, was elected.

But although from the economic and political point of view Switzerland developed in a striking manner in the forty-three years during which the administration of the country was exclusively in the hands of the progressive and of the central parties, the total exclusion of a very considerable minority had created a feeling of depression among wide circles, a feeling which frequently, even in case of commendable bills, gave the opposition the power necessary to bring about defeat. This factor disappeared entirely in 1891. Indeed, it was the former leader of the catholic conservative and federal party, a Swiss German, who drew up the project for nationalization and eloquently supported it on the public platform.

This made it possible for all those members of the great conservative party, whose past did not forbid every departure from the strictest federalistic principles, to approach the repurchase bill without prejudice. Especially the catholic conservative minority of the central and east Swiss cantons—Solothorn, Aargau, St. Gallen, Gräubünden—did this almost unanimously; and even in the old centres of the federal party—Unterwalden, Zug, Luzern (the home of Zemp)—their influence was undoubtedly a powerful one. The west Swiss federalists, whom we have characterized as theoretical federalists, were likewise made to waver by the fact that the organization of the future administration of the federal railways was to be made as independent as possible of the federal government, and also by the promise of the federal government to cut a tunnel through the Simplon.

In this manner the power of the historic political opposition was shattered, while another party, which had arisen in recent times as an antagonist of the federal government and of its legislative activity, the social democratic party, was not an opposing factor, because it had advocated the nationalization of the railways.

The wide field for the "real" and "impartial" consideration of the question was thus left open. It must be admitted that the conditions for repurchase were extremely favorable for a discussion of the problem on these grounds. The discussion centred upon the message of the Bundesrat accompanying the repurchase law. In this message the difficulties of concessional repurchase were overcome with almost playful ease. Starting with the proposition, which should have been the conclusion of the investigation, that the repurchase of the railways on the basis of the charters would prove to be a profitable transaction, the authors of the message succeeded in calculating a surprisingly low price for the railways on the basis of the charters themselves. With enviable optimism it was assumed that all disputes could be construed in favor of the purchaser. It was attempted to establish a series of advantages for the purchaser, which in earlier trials had not been thought of. Then, too, there was the circumstance that both in the message and in public addresses the price thus estimated was assumed to be the highest sum for the payment of which the state could be held.

On such a basis it was possible to predict an income from the operation of the federal railways, which, in addition to paying interest on the investment, was to make possible the complete maintenance of the tracks and rolling stock out of the operating receipts, the establishment of a reserve fund, the reduction and simplification of rates, extension of the railway network, and also the full amortization of the capital invested, within sixty years. Wherever doubts were raised against this they were summarily dismissed with the axiom of constantly increasing traffic, which was identified with constantly increasing net profits, as a matter of course.

When one reflects that all these direct and indirect advantages of the future railways were promised to the people by numberless, perhaps more well-meaning than well-informed, champions of the federal bill, and with much more confi-

dence and certainty—a certainty which became greater as the day of voting came nearer—than the originators of the law themselves possessed, it is easily possible to picture to one's self what the effect must have been. This, then, was another and very important reason for the acceptance of the law: the expectation of all possible improvements in traffic, besides the complete amortization of the capital stock in a relatively short time and without increased burdens on the public.

The desire for independence from foreign capital was also of great influence. A large part of the shares of Swiss railways are in the hands of foreign capitalists, and although their influence on the administration of the roads was not in itself a disturbing one, and was, besides, restricted through federal legislation, this condition was generally looked upon as undesirable. It does not reflect honor upon the Freisinnige party that it could not entirely resist the temptation to make popular this beautiful idea of independence by mixing with it a tinge of anti-semitism.

Against all these arguments little opposition was shown by the antagonists. The special knowledge required for a successful attack on the statistics upon which the friends of repurchase supported themselves, was at the disposal of those people whose close connection with the railway companies and their administrators, had imposed upon them the strictest neutrality. The interests of such persons were more or less opposed to entering into the conflict. Furthermore, these persons probably realized that it would be impossible by means of criticism directed against the law under consideration and the accompanying message to shatter the popular conviction of the necessity for nationalization.

The chosen representatives of the system of private railways waived every opportunity for public discussion just as they had done twenty years before, when, through their withdrawal from the federal assembly, they gave up the

possibility of defending the interests of the railway companies in the councils.

Whoever dared to question the danger of being dependent upon foreign capital, or who could not recognize nationalization as a proper remedy for the same, or who could even point to the services of foreign capital to Swiss railways, had to run the risk of being accused of being wanting in patriotism. Hence it was that the position of the opponents was from the first a weak one; they did not form a closely organized party; their arguments received no support from authoritative quarters and were not popular. The hopes for the future which the friends of repurchase shared so fully and so effectively, did not, in the nature of things, admit of a real discussion.

The adoption of the law concerning railway repurchase is a triumph of the idea of centralization, a triumph of the idea of state socialism, and is an expression of the self-conscious, future-enjoying and optimistic frame of mind of the Swiss people. That this mental feeling was oftentimes artificially kindled and nourished, that the means employed for this purpose were not all sincere and worthy, that the actual conditions lead the thoughtful to fear bitter disappointment in many respects should not obscure the good features of the law. Everybody should work to make the result of the vote of February 20, 1898, productive of the greatest possible good.

HANS DIETLER.

*Luzern.*

## A FUNCTION OF THE SOCIAL SETTLEMENT.

The word "settlement," which we have borrowed from London, is apt to grate a little upon American ears. It is not, after all, so long ago that Americans who settled were those who had adventured into a new country, where they were pioneers in the midst of difficult surroundings. The word still implies migrating from one condition of life to another totally unlike it, and against this implication the resident of an American settlement takes alarm.

We do not like to acknowledge that Americans are divided into "two nations," as her prime minister once admitted of England. We are not willing, openly and professedly, to assume that American citizens are broken up into classes, even if we make that assumption the preface to a plea that the superior class has duties to the inferior. Our democracy is still our most precious possession, and we do well to resent any inroads upon it, even although they may be made in the name of philanthropy.

And yet because of this very democracy, superior privileges carry with them a certain sense of embarrassment, founded on the suspicion that intellectual and moral superiority too often rest upon economic props which are, after all, matters of accident, and that for an increasing number of young people the only possible way to be comfortable in the possession of those privileges, which result from educational advantages, is in an effort to make common that which was special and aristocratic. Added to this altruistic compunction one may easily discover a selfish suspicion that advantages thus held apart slowly crumble in their napkins, and are not worth having.

The American settlement, perhaps, has represented not so much a sense of duty of the privileged toward the unprivileged, of the "haves" to the "have nots," to borrow Canon Barnett's phrase, as a desire to equalize through

social effort those results which superior opportunity may have given the possessor.

The settlement, however, certainly represents more than compunctions. Otherwise it would be but "the monastery of the nineteenth century," as it is indeed sometimes called, substituting the anodyne of work for that of contemplation, but still the old attempt to seek individual escape from the common misery through the solace of healing.

If this were the basis of the settlement, there would no longer be need of it when society had become reconstructed to the point of affording equal opportunity for all, and it would still be at the bottom a philanthropy, although expressed in social and democratic terms. There is, however, a sterner and more enduring aspect of the settlement which this paper would attempt to present.

It is frequently stated that the most pressing problem of modern life is that of a reconstruction and a reorganization of the knowledge which we possess; that we are at last struggling to realize in terms of life all that has been discovered and absorbed, to make it over into healthy and direct expressions of free living. Dr. John Dewey, of the University of Chicago, has written: "Knowledge is no longer its own justification, the interest in it has at last transferred itself from accumulation and verification to its application to life." And he adds: "When a theory of knowledge forgets that its value rests in solving the problem out of which it has arisen, that of securing a method of action, knowledge begins to cumber the ground. It is a luxury, and becomes a social nuisance and disturber."

We may quote further from Professor James, of Harvard University, who recently said in an address before the Philosophical Union of the University of California: "Beliefs, in short, are really rules of action, and the whole function of thinking is but one step in the production of habits of action," or "the ultimate test for us of what a truth means is indeed the conduct it dictates or inspires."

Having thus the support of two philosophers, let us assume that the dominating interest in knowledge has become its use, the conditions under which, and ways in which it may be most effectively employed in human conduct; and that at last certain people have consciously formed themselves into groups for the express purpose of effective application. These groups which are called settlements have naturally sought the spots where the dearth of this applied knowledge was most obvious, the depressed quarters of great cities. They gravitate to these spots, not with the object of finding clinical material, not to found "sociological laboratories," not, indeed, with the analytical motive at all, but rather in a reaction from that motive, with a desire to use synthetically and directly whatever knowledge they, as a group, may possess, to test its validity and to discover the conditions under which this knowledge may be employed.

That, just as groups of men, for hundreds of years, have organized themselves into colleges, for the purpose of handing on and disseminating knowledge already accumulated, and as other groups have been organized into seminars and universities, for the purpose of research and the extension of the bounds of knowledge, so at last groups have been consciously formed for the purpose of the application of knowledge to life. This third attempt also would claim for itself the enthusiasm and advantage of collective living. It has come to be a group of people who share their methods, and who mean to make experience continuous beyond the individual. It may be urged that this function of application has always been undertaken by individuals and unconscious groups. This is doubtless true, just as much classic learning has always been disseminated outside of the colleges, and just as some of the most notable discoveries of pure science have been made outside of the universities. Still both these institutions do in the main accomplish the bulk of the disseminating, and the discovering; and it is upon the same basis that the third group may establish its value.

The ideal and developed settlement would attempt to test the value of human knowledge by action, and realization, quite as the complete and ideal university would concern itself with the discovery of knowledge in all branches. The settlement stands for application as opposed to research; for emotion as opposed to abstraction, for universal interest as opposed to specialization. This certainly claims too much, absurdly too much, for a settlement, in the light of its achievements, but perhaps not in the light of its possibilities.

This, then, will be my definition of the settlement: that it is an attempt to express the meaning of life in terms of life itself, in forms of activity. There is no doubt that the deed often reveals when the idea does not, just as art makes us understand and feel what might be incomprehensible and inexpressible in the form of an argument. And as the artist tests the success of his art when the recipient feels that he knew the thing before, but had not been able to express it, so the settlement, when it attempts to reveal and apply knowledge, deems its results practicable, when it has made knowledge available which before was abstract, when through use, it has made common that knowledge which was partial before, because it could only be apprehended by the intellect.

The chief characteristic of art lies in freeing the individual from a sense of separation and isolation in his emotional experience, and has usually been accomplished through painting, writing and singing; but this does not make it in the least impossible that it is now being tried, self-consciously and most bunglingly we will all admit, in terms of life itself.

A settlement brings to its aid all possible methods to reveal and make common its conception of life. All those arts and devices which express kindly relation from man to man, from charitable effort to the most specialized social intercourse, are constantly tried. There is the historic statement, the literary presentation, the fellowship which

comes when great questions are studied with the hope of modifying actual conditions, the putting forward of the essential that the trivial may appear unimportant, as it is, the attempt to select the more typical and enduring forms of social life, and to eliminate, as far as possible, the irrelevant things which crowd into actual living. There are so-called art exhibits, concerts, dramatic representations, every possible device to make operative on the life around it, the conception of life which the settlement group holds. The demonstration is made not by reason, but by life itself. There must, of course, be a certain talent for conduct and unremitting care lest there grow to be a divergence between theory and living, for however embarrassing this divergence may prove in other situations, in a settlement the artist throws away his tools as soon as this thing happens. He is constantly transmitting by means of his human activity, his notion of life to others. He hopes to produce a sense of infection which may ultimately result in identity of interest.

Merely to produce a sense of infection would be art, but to carry with it a consciousness of participation and responsibility would be the moralizing and application of art. We may illustrate this with that form of art which is most general and prevalent among us, the art of novel writing. No one who has ever read Zangwill's "Children of the Ghetto" can afterwards walk through the Jewish quarter of any great city without a quickening of the blood as he passes. He must feel a momentary touch of the poetry and fidelity which are fostered there, the power of an elaborate ceremonial and carefully preserved customs. Let us add to this revelation of literature a personal acquaintance with a young man whose affection and loyalty, whose tenderest human ties and domestic training are pulling one way against the taste and desires of a personality which constantly draws him into pursuits and interests outside of the family life. We may see, day after day, his attempts to attend ceremonies for which

he no longer cares, his efforts to interest his father in other questions, and to transfer his religious zeal to social problems. We have added to Zangwill's art by our personal acquaintance, a dramatic force which even he could not portray. We may easily know a daughter who might earn much more money as a stenographer, could she work from Monday morning to Saturday night, but who quietly and docilely makes neckties for low wages because she can thus abstain from work Saturdays, to please her father. She goes without the clothes she otherwise might have, she identifies herself with girls whom she does not care for, in order to avoid the break which would be so desperate. Without Zangwill's illumination we would have to accumulate much more experience, but it is no compliment to the artist, if, having read him, we feel no desire for experience itself.

After all, the only world we know is that of Appreciation, but we grow more and more discontented with a mere intellectual apprehension, and wish to move forward from a limited and therefore obscure understanding of life to a larger and more embracing one, not only with our minds, but with all our powers of life. Our craving for art is a desire to appreciate emotionally, our craving for life is a desire to move forward organically.

I know little Italian boys who joyfully drop their English the moment they are outside the school-room door; and others of them who are teaching the entire family and forming a connection between them and the outside world, interpreting political speeches and newspapers and eagerly transforming Italian customs into American ones. One watches the individual boy with great interest, to see whether he will faithfully make himself a transmitter and helper, or whether he will be stupidly pleased with his achievements, and consider his examinations the aim of his life. I sometimes find myself nervously watching a young man or woman in a university in much the same way, and applying essentially the same test. I wonder whether his knowledge will

in the end exercise supreme sway over him, so that he will come to consider it "a self-sufficing purveyor of reality," and care for nothing further, whether he will become, in the end, "school bound" with his faculties well trained for acquisition, but quite useless in other directions. To test a student's knowledge of Italian history by a series of examinations is possible; to test his genuine interest in that great boot thrust into the Mediterranean is to know whether or not he conquers a comparatively easy language, whether he traces in the large Italian colony of his city the hero-worship and higher aims evoked by Garibaldi as they are gradually seized upon by the ward politician and converted to ignoble ends; whether he feels a certain shame that, although Mazzini dedicated to the working men of Italy his highest ethical and philosophical appeal so that a desire for a republic had much to do with their coming to America, no great teacher of either ethics or politics has ever devoted himself to the Italians in America. Just as we do not know a fact until we can play with it, so we do not possess knowledge until we have an impulse to bring it into use; not the didactic impulse, not the propagandist impulse, but that which would throw into the stream of common human experience one bit of important or historic knowledge, however small, which before belonged to a few.

The phrase "applied knowledge" or science has so long been used in connection with polytechnic schools that it may be well to explain that I am using it in a broader sense. These schools have applied science primarily for professional ends. They are not so commercial, but they may easily become quite as specialized in their departments as the chemical laboratories attached to certain large manufacturing concerns. In the early days of Johns Hopkins University, one of the men in the biological department invented a contrivance which produced a very great improvement in the oyster raft at that time in use in the Chesapeake Bay. For months afterward, in all the commencement orations and other

occasions when "prominent citizens" were invited to speak, this oyster raft was held up as the great contribution of the University to the commercial interest of the city, and as a justification of the University's existence, much to the mortification of the poor inventor. This, also, is an excellent example of what I do not mean.

The application which I have in mind is one which cannot be measured by its money-making value. I have in mind an application to a given neighborhood of the solace of literature, of the uplift of the imagination, and of the historic consciousness which gives its possessor a sense of connection with the men of the past who have thought and acted, an application of the stern mandates of science, not only to the conditions of sewers and the care of alleys, but to the methods of life and thought; the application of the metaphysic not only to the speculations of the philosopher, but to the events of the passing moment; the application of the moral code to the material life, the transforming of the economic relation into an ethical relation until the sense that religion itself embraces all relations, including the ungodly industrial relation, has become common property.

An ideal settlement would have no more regard for the "commercial" than would the most scientific of German seminars. The word application must be taken quite aside from its commercial or professional sense.

In this business of application, however, a settlement finds itself tending not only to make common those good things which before were partial and remote, but it finds itself challenging and testing by standards of moral democracy those things which it before regarded as good, if they could but be universal, and it sometimes finds that the so-called good things will not endure this test of being universalized. This may be illustrated by various good things. We may take first the so-called fine arts.

Let us consider the experience of a resident of a settlement who cares a great deal for that aspect and history of

life, which has been portrayed in the fine arts. For years she has had classes studying through photographs and lectures the marbles of Greece, the paintings, the renaissance of Italy and the Gothic architecture of mediæval Europe. She has brought into the lives of scores of people a quality of enjoyment, a revelation of experience which they never knew before. Some of them buy photographs to hang in their own houses, a public school art society is started, schoolroom walls are tinted and hung with copies of the best masters; so that in the end hundreds of people have grown familiar with the names of artists, and with conceptions of life which were hidden from them before. Some of these young women were they students of a fresh-water college could successfully pass an examination in the "History of Art." The studio of Hull House is well filled with young men and women who successfully copy casts and paint accurately what they see around them, and several of them have been admitted to the Chicago Art Institute upon competitive scholarships. Now, the first of these achievements would certainly satisfy the average college teacher whose business it is faithfully to transmit the accumulations of knowledge upon a given subject, and, of course, if possible, to add to the sum total of that knowledge in the matter of arrangement or discovery. The second achievement would certainly satisfy the ordinary philanthropic intent, which is to give to others the good which it possesses. But a settlement would have little vitality if it were satisfied with either of these achievements, and would at once limit its scope to that of the school on the one hand, or that of philanthropy on the other. And a settlement is neither a school nor a philanthropy, nor yet a philanthropic school or a scholarly philanthropy.

A settlement looks about among its neighbors and finds a complete absence of art. It sees people working laboriously without that natural solace of labor which art gives; they have no opportunity of expressing their own thoughts to

their fellows by means of that labor. It finds the ambitious members of the neighborhood over-anxious and hurried. Wrapping up bars of soap in pieces of paper might at least give the pleasure of accuracy and repetition if it could be done at leisure but, when paid for by the piece, speed is the sole requirement, and the last suggestion of human interest has been taken away. The settlement soon discovers how impossible it is to put a fringe of art on the end of a day thus spent. It is not only bad pedagogics, but it is an impossible undertaking, to appeal to a sense of beauty and order which has been crushed by years of ugly and disorderly work. May I relate an experience of a friend of Hull House, who took a party of visitors to the Art Institute of Chicago? In a prominent place upon that excellent building there have been carved in good stone, and with some degree of skill, several fine, large skulls of oxen. The bulk of the settlement party had no armor of erudition with which to protect themselves against such hideousness, and the leader of the party carefully explained that in Greece, after a sacrifice was made, skulls of the animals were hung upon the temples. But when he came to tell why they were upon the Art Institute of Chicago, he found his discourse going lame. That they were once religious symbols charged with meaning, was hardly a sufficient defence. They struck no response, certainly gave no delight nor sense of infection to the bewildered group who stood in front of them. It may be well to say in passing that this group were too unsophisticated to take great pride in the mere fact that they knew what this meant, as a club in search of culture would certainly have done. In his chagrin the Hull House friend found himself reflecting that the sacrifices, after all, did represent brotherhood and he made an attempt to compare them with the present symbols of brotherhood which are found upon the engraved charters hanging upon those walls which shelter the meetings of labor organizations. These charters make a sincere attempt to express the

conviction of brotherhood, yet they have but the crudest symbolic representation, two hands clasping each other. It is not only that the print is cheap, but the hands are badly drawn and badly modeled; they express no tenderness nor firmness, and are done without any interpretive skill. The hands upon the old-fashioned tombstones which indicated a ghostly farewell might be interchanged with this pair of hands which indicate vital standing together, and no one would detect the difference. It occurred to this Hull House friend, with a sense of shame and chagrin, that the artists of Chicago had been recreant to their trust, that they had been so caught by a spirit of imitation that they slavishly represented the symbols of animal sacrifice which no longer existed, and kept away from a great human movement, which in America at least, has not yet found artistic expression. If the skulls had been merely an obsolete symbol of the brotherhood which had survived and developed its own artistic symbols, they might easily have been made intelligible and full of meaning. The experience of the resident who teaches the history of art, of the good friend who is ashamed of the lack of democracy and interpretive power among modern artists, added to many other bits of experience and emotion has resulted in the establishment of a Chicago Arts and Crafts Society, which was founded at Hull House more than a year ago. This society has developed an amazing vitality of its own. And perhaps a quotation from its constitution will show its trend:

“To consider the present state of the factories and the workmen therein, and to devise lines of development which shall retain the machine in so far as it relieves the workmen from drudgery, and tends to perfect his product but which shall insist that the machine be no longer allowed to dominate the workman and reduce his production into a mechanical distortion.”

The Chicago Arts and Crafts Society has challenged the present condition and motive of art. Its protest is certainly

feeble and may be ineffective, but it is at least genuine and vital. Under the direction of several of its enthusiastic members a shop has been opened at Hull House where articles are designed and made. It is not merely a school where people are taught and then sent forth to use their teaching in art according to their individual initiative and opportunity, but where those who have been carefully trained and taught may remain, to express the best they may in wood or metal. A settlement would avoid the always getting ready for life which seems to dog the school, and would begin with however small a group to really accomplish and to live.\*

This may indeed bring us quite naturally to the attitude of the settlement toward the organized education with which it is brought in contact, the two forms of organization being naturally the public school and university extension lectures.

The resident finds the use of the public school constantly limited because it occupies such an isolated place in the community. The school board and the teachers have insensibly assumed that they have to do exclusively with children, or a few adult evening classes, only in certain settled directions. The newly arrived South Italian peasants who come to the night schools are thoroughly ill-adjusted to all their surroundings. To change suddenly from picking olives to sewer extension is certainly a bewildering experience. They have not yet obtained control of their powers for the performance of even the humblest social service, and have no chance to realize within themselves the social relation of that service which they are performing. Feeling

\* All of us who have been through the old-fashioned school and college can remember the tedium and confusion of always getting ready for something, of preparing for the life which was to follow school. We may remember how it affected our moral natures as well. We were in a hurry now, but we would be more leisurely and kindly when we finished school. We came to have a firm belief that a new and strong moral nature would be given to us at the time we received our diplomas; and this attitude of preparation is easily carried over into life beyond the school.

this vaguely perhaps, but very strongly as only a dull peasant mind can feel, they go to the night schools in search of education. They are taught to read and write concerning small natural objects, on the assumption that the undeveloped intellect works best with insects and tiny animals, and they patiently accept this uninteresting information because they expect "education" to be dull and hard. Never for an instant are their own problems of living in the midst of unfamiliar surroundings even touched upon. There seems to be a belief among educators that it is not possible for the mass of mankind to have experiences which are of themselves worth anything, and that accordingly, if a neighborhood is to receive valuable ideas at all, they must be brought in from the outside, and almost exclusively in the form of books. Such scepticism regarding the possibilities of human nature as has often been pointed out results in equipping even the youngest children with the tools of reading and writing, but gives them no real participation in the industrial and social life with which they come in contact.

The residents in a settlement know that for most of their small neighbors life will be spent in handling material things either in manufacturing or commercial processes, and yet little is done to unfold the fascinating history of industrial evolution or to illuminate for them the materials among which they will live. The settlement sees boys constantly leave school to enter the factory at fourteen or fifteen without either of the requirements involved in a social life, on the one hand "without a sense of the resources already accumulated," and on the other "without the individual ability to respond to those resources."

If it is one function of a settlement to hold a clue as to what to select and what to eliminate in the business of living, it would bring the same charge of overwrought detail against the university extension lectures. A course of lectures in astronomy, illustrated by "stereopticon slides,"

will attract a large audience the first week who hope to hear of the wonders of the heavens, and the relation of our earth thereto, but instead of that they are treated to spectrum analyses of star dust, or the latest theories concerning the milky way. The habit of research and the desire to say the latest word upon any subject overcoming any sympathetic understanding of his audience which the lecturer might otherwise develop.

The teachers in the night schools near Hull House struggle with Greeks and Armenians, with Bohemians and Italians, and many another nationality. I once suggested to a professor of anthropology in a neighboring university that he deliver a lecture to these bewildered teachers upon simple race characteristics and, if possible, give them some interest in their pupils, and some other attitude than that all persons who do not speak English are ignorant. The professor kindly consented to do this, but when the time came frankly acknowledged that he could not do it—that he had no information available for such a talk. I was disappointed, of course, and a little chagrined when, during the winter, three of his pupils came to me at different times, anxiously inquiring if I could not put them on the track of people who had six toes, or whose relatives had been possessed of six toes. It was inevitable that the old charge should occur to me, that the best trained scientists are inclined to give themselves over to an idle thirst for knowledge which lacks any relation to human life, and leave to the charlatans the task of teaching those things which deeply concern the welfare of mankind.

Tolstoy points out that the mass of men get their intellectual food from the abortive outcasts of science, who provide millions of books, pictures and shows, not to instruct and guide, but for the sake of their own profit and gain, while the real student too often stays in a laboratory, occupied in a mysterious activity called science. He does not even know what is required by the workingmen. He has

quite forgotten their mode of life, their views of things and their language. Tolstoy claims that the student has lost sight of the fact that it is his duty, not to study and depict, but to serve. This is asking a great deal from one man, or even from one institution. It may be necessary that the university be supplemented by the settlement, or something answering thereto; but let the settlement people recognize the value of their own calling, and see to it that the university does not swallow the settlement, and turn it into one more laboratory: another place in which to analyze and depict, to observe and record. A settlement which performs but this function is merely an imitative and unendowed university, as a settlement which gives all its energies to classes and lectures and athletics is merely an imitative college. We ourselves may have given over attending classes and may be bored by lectures, but to still insist that working people shall have them is to take the priggish attitude we sometimes allow ourselves toward children, when we hold up rigid moral standards to them, although permitting ourselves a greater latitude. If without really testing the value of mental pabulum, we may assume it is nutritious and good for working people, because some one once assumed that it was good for us, we throw away the prerogative of a settlement, and fall into the rigidity of the conventional teacher.

• The most popular lectures we ever had at Hull House were a series of twelve upon organic evolution, but we caught the man when he was but a university instructor, and his mind was still eager over the marvel of it all. Encouraged by this success we followed the course with other lectures in science, only to find our audience annihilated by men who spoke with dryness of manner and with the same terminology which they used in the class room.

A settlement might bring the same charge against university extension as against the public schools, that it is bookish and remote. Simple people want the large and vital—they are still in the tribal stage of knowledge, so to

speak. It is not that simple people like to hear about little things; they want to hear about great things, simply told. We remember that the early nomads did not study the blades of grass at their feet, but the stars above their heads—although commercially considered, the study of grass would have been much more profitable.

These experiences would seem to testify that there is too much analysis in our thought, as there is too much anarchy in our action. Perhaps no one is following up this clue so energetically as Professor Patrick Geddes in Edinburgh, who is attempting, not only to graphically visualize a synthesis, an encyclopedia of orderly knowledge, but in his own words—is endeavoring “to outline a correspondingly detailed synergy of orderly actions.” The “regional survey” of knowledge which he takes from his outlook tower would thus pass into “regional activity.”

So far as my experience goes a settlement finds itself curiously more companionable with the state and national bureaus in their efforts in collecting information and analyzing the situation, than it does with university efforts. This may possibly be traced to the fact that the data is accumulated by the bureaus on the assumption that it will finally become the basis for legislation, and is thus in the line of applicability. The settlements from the first have done more or less work under the direction of the bureaus. The head of a federal department quite recently begged a settlement to transform into readable matter a certain mass of material which had been carefully collected into tables and statistics. He hoped to make a connection between the information concerning diet and sanitary conditions, and the tenement house people who sadly needed this information. The head of the bureau said quite simply that he hoped that the settlements could accomplish this, not realizing that to put information into readable form is not nearly enough. It is to confuse a simple statement of knowledge with its application.

Permit me to illustrate from a group of Italian women who bring their underdeveloped children several times a week to Hull House for sanitary treatment, under the direction of a physician. It has been possible to teach some of these women to feed their children oatmeal instead of tea-soaked bread, but it has been done, not by statement at all but by a series of gay little Sunday morning breakfasts given to a group of them in the Hull House nursery. A nutritious diet was thus substituted for an inferior one by a social method. At the same time it was found that certain of the women hung bags of salt about their children's necks, to keep off the evil eye, which was supposed to give the children crooked legs at first, and in the end to cause them to waste away. The salt bags gradually disappeared under the influence of baths and cod liver oil. In short, rachitis was skillfully arrested, and without mention that disease was caused not by evil eye but by lack of cleanliness and nutrition, and without passing through the intermediate belief that disease was sent by Providence, the women form a little centre for the intelligent care of children, which is making itself felt in the Italian colony. Knowledge was applied in both cases, but scarcely as the statistician would have applied it.

We recall that the first colleges of the Anglo-Saxon race were established to educate religious teachers. For a long time it was considered the mission of the educated to prepare the mass of the people for the life beyond the grave. Knowledge dealt largely in theology, but it was ultimately to be applied, and the test of the successful graduate, after all, was not his learning, but his power to save souls. As the college changed from teaching theology to teaching secular knowledge the test of its success should have shifted from the power to save men's souls to the power to adjust them in healthful relations to nature and their fellow men. But the college failed to do this, and made the test of its success the mere collecting and disseminating of knowledge,

elevating the means into an end and falling in love with its own achievement. The application of secular knowledge need be no more commercial and so-called practical than was the minister's when he applied his theology to the delicate problems of the human soul. This attempt at application on the part of the settlements may be, in fact, an apprehension of the situation.

It would be a curious result if this word "applied science," which the scholar has always been afraid of, lest it lead him into commercial influences, should have in it the salt of saving power, to rescue scholarship from the function of accumulating and transmitting to the higher and freer one of directing human life.

Recognizing the full risk of making an absurd, and as yet totally unsubstantiated claim, I would still express the belief that the settlement has made a genuine contribution in this direction by its effort to apply knowledge to life, to express life itself in terms of life.

In line with this conception are the efforts the settlement makes to mitigate the harshness of industry by this legal enactment. The residents are actuated, not by a vague desire to do good which may distinguish the philanthropist, nor by that thirst for data and analysis of the situation which so often distinguishes the "sociologist," but by the more intimate and human desire that the working man, quite aside from the question of the unemployed or the minimum wage, shall have secured to him powers of life and enjoyment, after he has painstakingly earned his subsistence; that he shall have an opportunity to develop those higher moral and intellectual qualities upon which depend the free aspects and values of living. Thus a settlement finds itself more and more working toward legal enactment, not only on behalf of working people, and not only in co-operation with them, but with every member of the community who is susceptible to the moral appeal. Labor legislation has always been difficult in America, largely owing to our

optimism, and the comparative ease of passing from class to class. The sweater's victim, who hopes soon to be a contractor himself, will not take an interest in the law which may momentarily protect him but which may later operate against him. A man who is a bricklayer ambitious to become a master builder is not too eager that building regulations be made more stringent. In order to get a law, even to protect a small class of citizens, an appeal has to be made to the moral sense of the entire community, for one is barred from the very nature of the case from making a class appeal. Hundreds of girls are constantly impaired in health and vitality by long hours of factory work, yet each one of these girls is so confident of marrying out of her trade,—each one regards her factory work as so provisional, that it is almost impossible to secure among them a concerted movement for improvement. To make a sensational appeal on their behalf or on behalf of the sweater's victims is undemocratic and often accentuates the consciousness of class difference. When the newspapers tell us of the horrors of the sweat shop, painting one shop with the various shades of blackness, found only in a dozen, until no human being however wretched could possibly work in such a shop, it becomes all the more difficult to set before the public mind what a reasonable workshop demands. Orderliness and cleanliness do not seem necessary to the mind sated with the horrors of contagious diseases. To impress upon such a mind that sweaters' employes live out but half the days of even the short life of the working man cannot arouse it to concern. When, in order to excite pity for one family a newspaper will degrade all humanity in the minds of the benevolent of the community, so that the statement that the poor lose fifty per cent of their children, does not seem startling if they die quietly in their beds and are not frozen and starved, is to increase the gulf beyond what actually exists. The sensational writer of short stories, who recklessly overstates and holds the exceptional as the habitual, does much to destroy the conception of

human life, which experience has been slowly building up in the minds of the community. A reckless appeal to primitive pity may change conditions of a given case, but it sacrifices too much for the result.

A settlement in its attempt to apply the larger knowledge of life to industrial problems makes its appeal upon the assumption that the industrial problem is a social one, and the effort of a settlement in securing labor legislation is valuable largely in proportion as it can make both the working men and the rest of the community conscious of solidarity, and insists upon similarities rather than differences. A settlement constantly endeavors to make its neighborhood realize that it belongs to the city as a whole, and can only improve as the city improves. We, at Hull House, have undertaken to pave the streets of our ward only to find that we must agitate for an ordinance, that repaving shall be done from a general fund before we can hope to have our streets properly paved. We have attempted to compel by law, that the manufacturer provide proper work rooms for his sweater's victims, and were surprised to find ourselves holding a mass meeting in order to urge a federal measure upon Congress.

One of the residents at Hull House for three years faithfully inspected the alleys of our ward, but all her faithful service was set at naught because civil service has been but a farce in Chicago and to insist upon its administration, and the abolition of the contract system is the shortest method of cleaning the alleys.

The settlement was startled during October and November of last year by the occurrence of seven murders within a radius of ten blocks from Hull House, in a neighborhood of which we had always boasted that it was not criminal. A little investigation of details and motives, the accident of a personal acquaintance with two of the criminals, made it not in the least difficult to trace the murders back to the influence of the late war between Spain and the United

States. The predatory instinct is not far back of most of us. Simple people who read of carnage and bloodshed easily receive a suggestion. Habits of self-control which have been but slowly and imperfectly acquired quickly break down. Some psychologists intimate that action germinates not only in the habitual thought, but may be traced to the selection of the subject upon which the attention is fixed and that it is by this decision of what shall hold the attention that the trend of action is determined. The newspapers, the posters, the street conversation for weeks had to do with war and threatening of war.

The little children in the street played at war day after day, although they did not play they were freeing Cubans, but on the contrary that they were killing Spaniards. For years the settlement had held that the life of each little child should be regarded as valuable, that the humane instinct should keep in abeyance any tendency to cruelty, that law and order should be observed, not only in letter, but in spirit, and it suddenly finds that a national event has thrown back all this effort.

There is no doubt that we grow more or less accustomed to faults and follies which we constantly see, and that a resident leaving one quarter of the city for another does get a fresher point of view. She comes in to an industrial neighborhood to find that the workingmen living there see those of their own numbers who have gradually yielded to a love of drink and have become drunkards, with a certain amount of indifference and leniency of judgment. Many of these wretched men have been kindly good natured fellows, and possessed of weak wills rather than vicious ones. The resident is shocked by this leniency, but in course of time she finds herself viewing business circles from a new point of view. A business man constantly sees men around him who have gradually yielded to a love of money until many of them have become perjurers, in order to avoid the payment of full taxes; some of them have lent

themselves to debauching city councils and state legislatures in order to protect vested interests by "necessary legislation;" yet a business man finds himself tending to judge such conduct leniently because it is a temptation which he can understand, one to which he himself has more or less yielded at least by connivance, if not by participation. To habitually drink too much alcohol and neglect one's wife and children, or to annually perjure one's soul and neglect one's duty to the state, are not really so unlike in motive and consequence, to anyone who looks at them freely and from an equidistant standpoint.

Our attention has so long been called to the sins of the appetite and to the neglect of family obligations, that we fail to see these other equally great sins of cupidity and failure to respond to the social duty. To fail to see social dereliction in one class and point out moral failure in the drunkard shows a singular lack of understanding of the ethical problems which are now pressing upon us. Books have been written on the poverty and wretchedness which are the result of alcoholism, and it has indeed been overworked rather than underworked as a cause of social deterioration. Social disorders arising from conscienceless citizenship have yet to be made clear.

There are doubtless two dangers to which the settlement is easily susceptible. The first is the danger that it shall approach too nearly the spirit of the mission which, as Canon Barnett has recently pointed out, in the *Nineteenth Century Review*, will always exist, will always be needed, but which from its very nature can not be a settlement. Those who join it believe in some doctrines or methods which they wish to extend, it may be those of church, of socialists, of teetotalers, of political party; but followers are enlisted and organized and a vast amount of machinery created for a given aim. They will always be able to tell how many they have "reached," and how many believe as they do. As Canon Barnett says there are moments when definiteness of doctrine

and the measuring of men's motives must seem the most essential thing and at such times the settlement must appear ineffective; but so far as a settlement group is committed to one philosophy which it cares for above the meanings which life may teach, so far as definiteness precludes perception, so far as their minds are not free to rise and fall with their neighbor's minds, which are occupied with hundreds of cares and hopes, so far a settlement has failed.

The second danger is the tendency to lay stress upon what we might call "geographical salvation." All over the world from Russia west to Japan people are moving from country to town, with the conviction that they are finding more fullness of life. An advance guard may be said to be moving back from the town to the country, from the sprinkling of the very rich to the little colonies, found in England and America, who are protesting against the industrial system by getting out of it so far as possible. But within the limits of the city itself, also can be found this belief in geographical salvation. When a given neighborhood becomes shabby, or filled with foreigners, whose habits are unlike those of their neighbors, the best people in the neighborhood begin to move out, taking with them their initiative and natural leadership, as their parents had previously taken it from their native villages. A settlement deliberately selects such a neighborhood, and moves into it, but must not lay too much stress upon that fact in and of itself. Its social relations are successful as it touches to life the dreary and isolated, and brings them into a fuller participation of the common inheritance. Its teaching is successful as it makes easy and available that which was difficult and remote. Its most valuable function as yet, lies along the line of interpretation and synthesis.

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## TENDENCIES IN PRIMARY LEGISLATION.

In few departments of legislation do the states of the Union show greater diversity than in their primary election laws. These laws in some cases are made applicable to particular cities or counties only; in others, to the entire state. The operation of several of them is dependent upon acceptance by party committees or by the electors in local administrative divisions; while the greater number are mandatory. Moreover they differ in content no less than in the range of their application. In a number of states they simply impose penalties for corrupt practices, leaving to the party the development of a nominating system. In others, these negative provisions are supplemented by positive rules to govern the procedure at primary elections. Finally, four states have removed the primary from the jurisdiction of the party committee and placed it under the authority of a Board of Election Commissioners or some similar body. In view of the general tendency toward uniform legislation, such diversity in the treatment of the nominating problem may well excite surprise.

It is evident, however, from the history of primary legislation that this lack of uniformity is a result not of diverse tendencies but of the unequal progress which different states have made in a common course of development. The more primitive types of legislation, which now prevail in a majority of the states, correspond to the early stages in the evolution of the more advanced systems. This will become apparent as we trace the course of development in Ohio and New York—the states in which the movement has been carried farthest—and then take a general survey of existing legislation.

In Ohio the first primary election law, passed in 1871, seems to have been designed to strengthen, rather than to supersede, the authority of the party committee. It offered

to political parties, but did not require them to accept, the privilege of conducting primary elections under a system of rules prescribed and enforceable by law. As this act (or rather the earlier California act of which it is a literal copy) has served as a model for subsequent legislation in several other states, an outline of its essential provisions will be of interest.

I. Elections of voluntary political associations may be called by a published notice which shall state:

- (1) The purpose, time, manner and conditions.
- (2) The authority by which the call is issued.
- (3) The name of a legal voter to act as "supervisor" of the election.
- (4) The qualifications of voters, which must not be inconsistent with those expressed in the act.

II. The supervisor must take an oath to the effect that he is a legal voter of the district and will faithfully conduct the election and canvass and report the votes cast, as required by the authority calling the election.

He shall cause the qualified electors present to choose two judges and two clerks, and administer to each of them the same oath taken by himself.

III. Any qualified elector may challenge a voter on the ground:

- (1) That he is not entitled to vote under the terms of the call.
- (2) That he is not a citizen of the United States and a qualified elector of the district.
- (3) That he has received or been promised a bribe.
- (4) That he has previously voted on the same day.

The supervisor or one of the judges must interrogate the challenged voter under oath. If he refuse to answer, his vote must be rejected; but if he answer the questions satisfactorily and be not successfully contradicted by the sworn testimony of others, it must be accepted.

IV. Violation of the act by the "supervisor" or judges, as also fraud or bribery committed by electors, are made misdemeanors.

V. The act is applicable only when the published notice so states. \*

In 1886 an amendment † was added, enabling party committees in Cincinnati to proceed a step further towards the legalization of the nominating system. It provided that, in

\* Act of February 24, 1871. *Vide*, Table of Laws, *seq.*

† Act of May 17, 1886.

cities of the first grade of the first class, primary elections, when advertised as required by law, should be conducted at public expense, in accordance with the election code, by the judges and clerks of election belonging to the respective political parties. Two years later \* this provision, slightly modified, was extended to Cleveland, Columbus, Toledo and Dayton. And again in 1898 came another special act † applicable to Cincinnati which places the primaries permanently under the authority of the Board of Elections.

By a quite different process New York has developed a similar system. Primary legislation in the Empire State began in 1866 ‡ with a short paragraph making bribery or menace a misdemeanor. The next act § prescribed penalties for various kinds of fraud and also a number of positive rules to be observed at primary elections. Originally limited in application to the counties in which Brooklyn and Buffalo are situated, it was subsequently applied to the entire state.¶ In 1887 the primaries in cities of over 10,000 inhabitants were placed under a quite elaborate system of positive rules,¶¶ which, five years later, were extended to cities of 5,000.\*\* And finally in 1898 the duty of conducting primary elections in cities having a population of over 50,000 was made a state function.††

In the foregoing sketch we see: (1) That acts originally applicable only to the principal cities are subsequently extended to larger areas; and (2) that successive enactments for the same territory show a progressive subjection of the primaries to public authority.

\* Act of April 16, 1888.

† Act of April 25, 1898. This act was declared invalid on technical grounds in a case reported as this article was going to press. *Vide, City of Cincinnati v. Members of the Board of Elections, Weekly Law Bulletin, March 27, 1899.*

‡ Act of April 24, 1866.

§ Act of May 13, 1882.

¶ Act of May 11, 1883.

¶¶ Act of May 2, 1887.

\*\* Act of May 18, 1892.

†† Act of March 29, 1898.

Turning to other states, and confining our attention to the most advanced enactments in each, the early stages of a similar development may be seen. As a rule, the first act is characterized by the effort to avoid impairing the authority of the party over its own affairs. The provisions are either purely negative—penalties for corrupt practices, etc.—as was the case in New York; or, like the first Ohio law, valid only after acceptance by the party authorities. Of the states which may be said to have taken but the first step in primary legislation, Colorado,\* Connecticut,† Iowa,‡ Indiana,§ Louisiana,|| North Dakota¶ and Texas\*\* have adopted the former course, while Arkansas,†† California,‡‡ Florida,§§ Kansas||| and West Virginia¶¶ have taken the latter.

The legislatures of eighteen states have advanced a step further, passing mandatory acts which not only prohibit corrupt practices but prescribe in greater or less detail the procedure to be observed at primary elections. Though classed together, as embodying the same principle, these acts present a striking variety of detail. In eight states\*\*\* the provisions are so meagre as to leave the authority of the party committee practically unrestricted. In Michigan,††† Minnesota,‡‡‡ Oregon §§§§ and Washington,||| the law prescribes

\* Act of April 4, 1887.

† Act of May 1, 1883.

‡ Act of April 7, 1898.

§ Act of March 9, 1889.

| Act of July 5, 1890.

¶ Dakota Ter., Act of March 13, 1885. N. D. Act of March 20, 1890.

\*\* Act of April 8, 1895.

†† Act of April 20, 1895.

‡‡ Political Code of 1874. Title II, chap. IV.

§§ Act of June 11, 1897.

|| Act of March 10, 1891.

¶¶ Act of March 5, 1891.

\*\*\* Georgia Act of October 21, 1891; Maine Act of March 3, 1887; Maine Act of March 26, 1897; Montana Annotated Code; Nebraska Act of March 26, 1887; Nevada Act of February 5, 1883; New Jersey Act of May 9, 1884; Pennsylvania Act of June 29, 1881, South Carolina Act of December 22, 1888.

††† Act of May 13, 1895; Act of May 16, 1895.

‡‡‡ Act of April 25, 1895.

§§§ Act of February 11, 1891.

||| Act of March 21, 1895.

a few general rules of procedure; while acts in force in Kentucky, \* Mississippi, † and the cities of Boston, ‡ Milwaukee, § Richmond, || and Wilmington, ¶ make provision for nearly all details.

In a number of these acts we see a tendency to place the primary on a legal equality with the regular election. Thus in Kentucky, \*\* and Washington †† and in the cities of Boston, †† Richmond, §§ Milwaukee ||| and Wilmington ¶¶ the use of a blanket ballot is required. In the city of Richmond \*\*\* the judges and clerks have the same "rights, powers and privileges" and are subject to the same penalties as election officers. While in Kentucky, ††† Mississippi ††† and in the city of Boston, §§§ primary elections must in all points not otherwise provided for be conducted according to the election law.

Still more significant of the trend of development is the assignment of various duties connected with the primaries to the public officials who perform analogous functions under the electoral systems. In Boston, ||||| Detroit ¶¶¶ and

\* Act of June 30, 1892.

† Annotated Code of 1892, chap. 105.

‡ Act of June 5, 1895. Applies to Boston and other cities which adopt it. Embodied in the Election Code of 1898 (chap. 548 of the Laws of 1898), as sections 99-131.

§ Act of April 23, 1897. Applicable to counties having over 200,000 inhabitants (Milwaukee), cities of the first and second classes, and cities of the third and fourth class when adopted by popular vote.

|| Act of February 20, 1896. Applies to Henrico County (Richmond).

¶ Act of May 27, 1897. Applicable to New Castle County (Wilmington).

\*\* Act of June 30, 1892, § 1564.

†† Act of March 21, 1895, §§ 9, 10.

†† Election Code of 1898, §§ 117, 118.

§§ Act of February 20, 1896, § 6.

|| Act of April 23, 1897, §§ 6, 8.

¶¶ Act of May 27, 1897, § 39.

\*\*\* Act of February 20, 1896, § 4. Similar provision occurs in the Act of March 3, 1892, applicable to Portsmouth; the Act of March 3, 1896, applicable to Accomac and Northampton Counties; and the Act of January 12, 1898, applicable to Charlottesville.

††† Act of June 30, 1892, §§ 1551, 1560, 1562, 1564.

††† Annotated Code of 1892, chap. 105, § 13.

§§§ Election Code of 1898. §§ 121, 127.

|||| Election Code of 1898, § 105.

¶¶¶ Act of May 16, 1895, § 4.

the larger cities of Wisconsin \* the regular election booths are erected and ballot boxes provided at public expense. The registering officers are required in Wilmington, † Del., to provide special "voting books" for primary elections, and in Kentucky ‡ to register the party affiliation of voters. In Boston official primary ballots are printed by the Election Commissioners, who are further authorized to preserve the ballots used at the primary and, in case of a contest, transmit them to the "Registrars of Voters" for an official count. § Finally under the Virginia act || applicable to Richmond the primary officers are appointed by the county judge from lists submitted by the candidates; and in the city of Wilmington, ¶ they, together with an official known as the "Qualifier of Primary Election Officers" are paid for their services at public expense.

The principle, of which a partial application appears in the foregoing acts, has been logically carried out in Missouri and Illinois, as well as in Ohio and New York, by acts transferring practically the entire management of primary elections to public authority.

This step was first taken in Missouri. An act of April 18, 1891, \*\* applicable to St. Louis directs the "Recorder of Voters" to fix the time for holding primaries; divide each ward into primary districts; designate polling places; prepare official primary ballots; appoint judges and clerks from lists submitted by the candidates; provide the necessary election paraphernalia; and issue certificates of election to the persons receiving the highest number of votes. The expenses are paid from the proceeds of an assessment levied upon all persons whose names are printed on the ballots.

\* Act of April 23, 1897, § 4.

† Act of May 27, 1897, §§ 11, 19.

‡ Act of June 30, 1892, § 1555.

§ Election Code of 1898, §§ 117, 126.

|| Act of February 20, 1896, § 4.

¶ Act of May 27, 1897, §§ 7, 35.

\*\* Applicable to political parties that polled more than one-fourth of the total vote at the preceding election.

Two years after the passage of this act its application was extended to Kansas City,\* and in 1897 a new but similar law † was enacted for St. Louis.

Aside from the general principle which it embodies, the chief points to be noted in the primary legislation of Missouri are: (1) No rule is provided to distinguish the members of different parties; (2) the provisions are, in the main, general, leaving to the Recorder of Voters a wide field of discretion.

The Illinois law, ‡ likewise, fails to prescribe a test of party membership, but in definite provision for matters of detail it marks a long step in advance. For the most part, the primary is conducted exactly as a regular election. A few preliminary matters are left to the discretion of the party authorities. Thus the committee is permitted, within limits prescribed by the law, to name a day for the primary, apportion the territory into primary districts, locate polling places, and also to select, from the judges and clerks of the election precincts within the district, three judges and two clerks to serve at the primary.§ But having performed these functions, its part is done. Thereafter, the primary is subject to the authority of the Board of Election Commissioners; and, with the exception of official ballots, it is conducted with the same formalities as a general election. ||

The act ¶ in force in Cincinnati, Ohio, shows a still more complete application of the electoral system to the primaries. It establishes a general primary election for all parties, subject to all the provisions of the election law, except that separate ballot boxes and separate official ballots are provided for each organization participating.

To general features similar to those of the Cincinnati act,

\* Act of April 19, 1893.

† Act of March 5, 1897.

‡ Act of February 10, 1898.

§ *Ibid.*, § 5.

|| *Ibid.*, § 8.

¶ Act of April 25, 1898. *Vide note p. 58, supra.*

the New York law \* adds a party enrollment and a definite test of party membership. The system of party enrollment is a modified form of a plan devised in Kentucky. † When a voter presents himself for registration, the inspectors after recording his name and address as heretofore, ask the question: "Do you desire to enroll for the purpose of participating in the primary elections of any party?" If he answer in the negative or decline to answer, the word "No" is written in the appropriate column; but if the answer be affirmative, the word "Yes" is written in the same place and the further question asked: "With what political party do you wish to enroll?" If not challenged, the voter is entitled to enrollment in the party he designates. But if challenged, he must make a declaration covering three points: (1) That he is in general sympathy with the principles of the party; (2) that he intends to support its candidates "generally" at the ensuing election and, (3) that he has not enrolled with or voted at the primary elections or conventions of any other party since the "first day of last year." ‡

In consequence of the last declaration, the voter who desires to change his party affiliation, at the regular time of registration in October, must have passed a year and nine months without claiming membership in any party. At a supplemental enrollment § held in the following May, the period of probation is five months shorter, only sixteen months having at that time elapsed since the first day of the preceding year. The rolls thus made up in October and supplemented in May are used in even years at a primary held on the first Tuesday in June to elect delegates to the state conventions, and annually at the September primaries. ||

Under the New York law the primaries of all parties are

\* Act of March 29, 1898.

† Act of June 30, 1892, § 1555.

‡ Act of March 29, 1898. Paragraph 3, Subdivision 2.

§ *Ibid.*, Paragraph 3, Subdivision 5.

|| *Ibid.*, Paragraph 3, Subdivision 7. Paragraph 4, Subdivisions 1 and 2.

conducted at public expense by regular election inspectors, though not, as in Cincinnati, at the same place. Each primary district consists of two election precincts, and therefore includes two polling places. At one the inspectors and clerks belonging to the party which polled the largest vote at the last election, conduct a primary for the exclusive benefit of their own organization; while at the other a general primary for all remaining parties is conducted by the minority inspectors and clerks. The inspectors at both polling places have copies of the registration books containing the party enrollment; and affiliation with each organization is restricted to persons enrolled with it. But the vote of a duly enrolled elector, still a resident of the district, cannot on any ground be refused.\*

One of the most interesting features of this act is the method of voting which insures secrecy without an official ballot. The ballots of different parties are distinguishable by color; but those intended for the same party are of identical color, weight and texture and therefore when folded cannot be distinguished from one another. All candidates so desiring deposit their ballots with the election officers. When a voter presents himself and is found duly enrolled, he is given one ballot from each lot deposited for the use of his party, and retires to a booth. Returning with all the ballots folded, he delivers to an inspector the one he intends to cast, and then, waiting till it is in the ballot box, returns all the others, which are placed in another box and afterward burned without examination. As no one can tell by observation which of the ballots given the elector was placed in the ballot box, secrecy is secured.† The other features of the act are for the most part similar to analogous provisions of the election law.

The foregoing sketch indicates the salient features of the primary legislation in force at the close of 1898. Amid all

\* Act of March 29, 1898, Paragraphs 5, 6 and 7.

† *Ibid.*, Paragraph 7, Subdivision 1.

the variety of detail we see little more than the application of methods in vogue at the regular election. Problems which because peculiar to the primary, are incapable of solution through forms borrowed from the electoral system, have usually been neglected.

The most conspicuous instance is the qualification for voting at primary elections. On this point most acts are very indefinite. Several states merely restrict participation to "legal electors;" \* others to "legal electors possessing such additional qualifications as the party committee may prescribe;" † while Illinois, ‡ Maine, § Michigan, || Missouri (St. Louis) and Ohio (Cincinnati) ¶ add such vague and meaningless provisions as "none but members of the party" or only persons who have "before affiliated with the party" shall be permitted to vote. What shall be the test of party membership only three or four states seriously attempt to determine. Under the Wisconsin\*\* act all who supported the party ticket at the last election are eligible to vote at the primary. The principal test prescribed by the New York law though different in form is similar in effect. The voter declares when applying for party enrollment that he intends to support the ticket "generally" at next election. †† But as the roll then made up is not used at a primary until several months later, by which time "the next election," to which declaration referred, has become "the last election," the condition is really the same as in Wisconsin.

Under the Montana laws a challenged voter is offered the alternative of swearing that he has been in the past identified with the party, or that he intends to act with it at the

\* Arkansas, Michigan, Missouri, North Dakota and Texas. The provision of the Oregon law is substantially the same.

† Delaware, Florida, Kansas, Kentucky, Maine, Massachusetts, Mississippi, Nevada, Ohio, Washington, West Virginia and Wyoming.

‡ Act of February 10, 1898, § 11.

§ Act of March 26, 1897, § 4.

|| Act of May 13, 1895, §§ 7, 8, and Act of May 16, 1895, § 9.

¶ Act of April 25, 1898, § 4.

\*\* Act of April 23, 1897, § 8.

†† Act of March 29, 1898, *Vide, supra*.

ensuing election; while Minnesota \* requires a declaration covering both the past and the future. Such rules are satisfactory to the partisan but preclude independent voting on election day. A recent California law, † which has been declared invalid by the State Supreme Court, ‡ effected an interesting compromise between the claims of the strict partisan and the independent. The act of voting was legally construed as the declaration of a *bona fide present* intention to support the party ticket at the ensuing election. Such a *present* intention might, of course, be honorably changed after the nominations had been made.

It is not surprising that State legislatures have avoided the problem of defining party membership. Simple as it may appear, it is hardly capable of a satisfactory solution. While, for obvious reasons, those who do not intend to support the candidates of a party should be excluded from its primary; it is impossible to enforce such a restriction without denying the citizen that freedom of choice on election day which our political system contemplates. If we require the voter to promise in advance to support the nominees of the party in whose primary he participates, we obviously either prevent independent voting or deprive independent voters of all influence over party nominations. Similarly when affiliation with the party at the last election is made the test, the voter is tempted to support unfit candidates in order to maintain his party standing. On the other hand, if we would freely permit independent voting, we must allow citizens to vote at a primary without assuming any obligation to abide by its action. The interests of the primary and of the regular election being thus in conflict some compromise must be adopted. Just what compromise will prevail it would be idle to predict.

Primary legislation has not yet attempted to do more than guarantee the honest casting and counting of votes. There

\* Act of April 25, 1895,

† Act of March 13, 1897.

‡ *Spier v. Baker*, 120 Cal. Rep. 370.

has been, apparently, no general recognition of the fact that a system which strictly precludes fraud and corruption may nevertheless totally fail to reflect the sentiment of the majority. The method of selecting candidates—a matter of no less importance—has usually been disregarded. In some states the previously existing system is legally recognized; but as a rule the whole matter is left to the discretion of the party committee. Throughout the southern states, the general practice is to nominate by direct popular vote, while in the north and west the convention plan prevails.

If the analogy of the regular election should continue to guide legislatures, we may expect to see the direct vote made mandatory. But it is highly improbable that such a system would prove a final solution of the nominating problem. The direct vote, though possibly well adapted to the conditions of some southern states, where a relatively small upper class still maintains political leadership leaving to the rank and file of citizens only a *yea* or *nay*, is radically ill-suited to the more democratic conditions of the north, especially of the great cities. Its adoption would mark the formal abandonment of majority rule. A majority election by a heterogeneous body without natural leaders is rarely possible except after deliberation and a number of ballots; and even though we concede that the newspapers furnish a medium for ample discussion, it will hardly be contended that it would be practicable to hold successive primary elections until one candidate should receive a majority of the votes. Some form of indirect nomination appears, therefore, to be a necessity. Is it not possible to devise a system which will insure the election of a truly representative convention? Upon this problem primary reformers should concentrate their efforts.

WALTER J. BRANSON.

*Philadelphia, Pa.*

## TABLE OF PRIMARY ELECTION LAWS.

(Brackets indicate that the act has been repealed, superseded or declared invalid by the courts.)

### ARKANSAS.

1895. Act of April 20, 1895. Laws of '95, p. 240. Applies to the entire state ; optional with political parties ; contains a few positive rules, but mainly restrictive.
1897. Act of March 3, 1897. Laws of '97, p. 44. Applies to the entire state ; mandatory ; contains restrictive regulations only.

### CALIFORNIA.

1866. [Act of March 26, 1866.] Laws of '65-'66, p. 438. Applies to the entire state ; optional with political parties ; prescribes the method of conducting primaries.
1874. Political Code of 1874. Title ii, Chap. iv. Applies to the entire state ; optional with political parties ; prescribes the method of conducting primaries.
1874. Act of March 26, 1879. Amendments to the Code, 1873-74, p. 191. Amends the foregoing.
1895. [Act of March 27, 1895.] Laws of '95, p. 207. Applies to counties of 8,000 and over ; mandatory ; makes the conduct of primaries a state function.
1897. [Act of March 13, 1897.] Laws of '97, p. 115. Applies to the entire state ; otherwise nearly identical with the foregoing act.

### COLORADO.

1887. Act of April 4, 1887. Laws of '87, p. 347. Applies to the entire state ; mandatory ; contains restrictive regulations only.

### CONNECTICUT.

1883. Act of May 1, 1883. Laws of '83, p. 304. Applies to the entire state ; mandatory ; contains restrictive regulations only.

### DELAWARE.

1887. [Act of March 29, 1887.] Vol. xviii, Part I, p. 59. Applies to New Castle county ; mandatory ; prescribes the method of conducting primaries.
1897. Act of May 27, 1897. Vol. xx, Part 2, p. 375. Applies to New Castle county ; mandatory ; prescribes the method of conducting primaries.

### FLORIDA.

1897. Act of June 11, 1897. Laws of '97, p. 62. Applies to the entire state ; optional with political parties ; prescribes the method of conducting primaries.

### GEORGIA.

1887. Act of October 22, 1887. Laws of '87, p. 42. Applies to the entire state ; mandatory ; contains restrictive regulations only.
1891. Act of October 21, 1891. Laws of '90-'91, p. 210. Applies to the entire state ; mandatory ; prescribes a few rules to govern primaries.

## ILLINOIS.

1885. [Act of June 22, 1885.] Laws of '85, p. 188. Applies to the entire state; optional with political parties; prescribes the method of conducting primaries.
1885. Act of June 29, 1885. Laws of '85, p. 187. Applies to the entire state; mandatory; restrictive regulation.
1889. Act of June 6, 1889. Laws of '89, p. 140. Applies to the entire state (except as superseded by the following act); mandatory; prescribes the method of conducting primaries.
1898. Act of February 10, 1898. Laws of '98 (extra session), p. 11. Applies to the entire state; mandatory in counties of 125,000 and over, optional in other counties; makes the conduct of primaries a state function.

## INDIANA.

1889. Act of March 9, 1889. E. S., 1889, p. 83. Applies to the entire state; mandatory; contains restrictive regulations only.

## IOWA.

1898. Act of April 7, 1898. Laws of '98, p. 59. Applies to the entire state; mandatory; contains restrictive regulations only.

## KANSAS.

1891. Act of March 10, 1891. Laws of '91, p. 194. Applies to the entire state; optional with political parties; prescribes the method of conducting primaries.

## KENTUCKY.

1880. [Act of April 19, 1880.] Laws of '79-'80, Vol. ii, p. 469. Applies to Harrison, Bourbon, Campbell and Kenton counties; optional with political parties; prescribes the method of conducting primaries.
1888. [Act of March 26, 1888.] Laws of '87-'88, Vol. ii, p. 452. Applies to Franklin county; mandatory; contains restrictive regulations only.
1890. [Act of March 27, 1890.] Laws of '89-'90, Vol. i, p. 959. The Act of April 19, 1880, extended to Bracken county.
1890. [Act of April 29, 1890.] Laws of '89-'90, Vol. ii, p. 1570. The Act of April 19, 1880, extended to Pendleton county.
1892. Act of June 30, 1892. Laws of '91-'92-'93, p. 106. Applies to the entire state; mandatory; prescribes the method of conducting primaries.

## LOUISIANA.

1890. Act of July 5, 1890. Laws of '90, p. 62. Applies to the entire state; mandatory; restrictive regulations only.

## MAINE.

1887. Act of March 3, 1887. Laws of '87, p. 39. Applies to cities of 25,000 and over; mandatory; prescribes rules to be observed at primaries.
1897. Act of March 26, 1897. Laws of '97, p. 353. Applies to cities of less than 25,000; mandatory; prescribes rules to be observed at primaries.

## MASSACHUSETTS.

1888. [Act of May 29, 1888.] Laws of '88, p. 516. Applies to the entire state; optional with political parties; prescribes rules to be observed at caucuses.
1890. [Act of June 6, 1890.] Laws of '90, p. 353. Administrative provision.
1893. [Act of June 5, 1893. Sections 71-4, 297 and 320.] Laws of '93, p. 1153. Applies to the entire state; mandatory, prescribes the method of conducting caucuses.

1894. [Act of June 22, 1894.] Laws of '94, p. 617. Mandatory in Boston ; optional in other cities and towns : prescribes the method of conducting caucuses.
1895. [Act of June 5, 1895.] Laws of '95, p. 582. Applies to the entire state ; mandatory ; prescribes the method of conducting caucuses and the system of party organization.
1895. [Act of June 5, 1895.] Laws of '95, p. 626. Mandatory in Boston ; optional with political parties in other cities and towns ; prescribes the method of conducting caucuses.
1896. [Act of February 25, 1896.] Laws of '96, p. 72. Amendment to the foregoing act.
1896. [Act of May 25, 1896.] Laws of '96, p. 391. Ditto.
1896. [Act of June 4, 1896.] Laws of '96, p. 457, Section 13. Administrative provision.
1897. [Act of June 12, 1897.] Laws of '97, p. 572. Amendments to the foregoing acts.
1898. Act of June 21, 1898. Laws of '98, p. 541. Codification of laws relating to caucuses and elections.

## MICHIGAN.

1887. Act of June 28, 1887. Public acts of '87, p. 416. Applies to the entire state ; mandatory ; prescribes a few positive rules, but mainly restrictive.
1893. Act of May 31, 1893. Public acts of '93, p. 274. Amendment to the foregoing act.
1895. Act of May 13, 1895. Public acts of '95, p. 264. Applies to cities of 15,000-150,000 ; mandatory ; prescribes the method of conducting primaries.
1895. Act of May 16, 1895. Local acts of '95, p. 348. Applies to Wayne county (Detroit) ; mandatory ; prescribes the method of conducting primaries.

## MINNESOTA.

1887. [Act of March 8, 1887, Sections 99-104.] Laws of '87, p. 38. Applies to the entire state ; mandatory ; prescribes a few positive rules, but mainly restrictive.
1889. [Act of April 4, 1889.] Laws of '89, p. 38. Sections 89 to 93 are identical with Sections 99 to 104 of the foregoing act.
1895. Act of April 25, 1895. Laws of '95, p. 661. Applies to the entire state, mandatory ; prescribes the method of conducting primaries.
1897. Act of April 14, 1897. Laws of '97, p. 261. Amendment to the foregoing act.
1897. Act of April 19, 1897. Laws of '97, p. 273. Ditto.

## MISSISSIPPI.

1892. Annotated Code of 1892.. Chap. 105. Applies to the entire state ; mandatory ; prescribes the method of conducting primaries and the system of party organization.

## MISSOURI.

1889. Revised Statutes of 1889. Art 4, Chap. 60. Applies to the entire state ; mandatory ; contains restrictive regulations only.
1891. Act of April 18, 1891. Laws of '91, p. 136. Applies to cities of 300,000 and over ; mandatory ; makes the conduct of primaries a state function.
1893. Act of April 19, 1893. Laws of '93, p. 165. The foregoing act amended and extended to cities of 100,000.
1897. Act of March 5, 1897. Laws of '97, p. 117. Applies to cities of 300,000 and over ; mandatory ; similar to Act of April 18, 1891.

## MONTANA.

1895. Montana Annotated Codes. Vol. i, p. 179. Applies to the entire state; mandatory; contains a few positive rules, but mainly restrictive.

## NEBRASKA.

1887. Act of March 26, 1887. Laws of '87, p. 454. Applies to the entire state; mandatory; contains a few positive rules, but mainly restrictive.

## NEVADA.

1883. Act of February 5, 1883. Laws of '83, p. 28. Applies to the entire state; mandatory; prescribes a few positive rules, but mainly restrictive.

## NEW JERSEY.

1878. Act of March 27, 1878. Laws of '78, p. 178. Applies to the entire state; mandatory; restrictive regulation.
1883. Act of March 23, 1883. Laws of '83, p. 171. Applies to the entire state; mandatory; contains restrictive regulations only.
1884. Act of May 9, 1884. Laws of '84, p. 323. Applies to the entire state; mandatory; requires primary election officers to qualify.

## NEW YORK.

1866. [Act of April 24, 1866.] Laws of '66, p. 1687. Applies to the entire state; mandatory; contains restrictive regulations only.
1882. [Act of May 13, 1882.] Laws of '82, p. 188. Applies to counties containing cities of 200,000 and over, except the county of New York; mandatory; prescribes rules to be observed at primaries.
1883. [Act of May 11, 1883.] Laws of '83, p. 560. Extends the foregoing to the entire state.
1887. [Act of May 2, 1887.] Laws of '87, p. 329. Applies to cities of 10,000 and over; mandatory; prescribes the method of conducting primaries.
1890. [Act of April 14, 1890.] Laws of '90, p. 294. Amends the foregoing.
1892. [Act of May 18, 1892.] Laws of '92, Vol. ii, p. 1618. Codification of election laws. Sections 50-55 contain the positive provisions in force at primaries. The provisions previously applied to cities of 10,000 and over are extended to cities of 5,000.
1892. Act of May 19, 1892. Laws of '92, Vol. i, p. 1432. Codification of the penal provisions relating to primaries.
1895. Act of May 23, 1895. Laws of '95, Vol. i, p. 475. Amends the Act of May 19, 1892.
1896. Act of May 27, 1896. Laws of '96, Vol. i, p. 893. The provisions of the Act of May 18, 1892, re-enacted.
1897. Act of April 15, 1897. Laws of '97, Vol. i, p. 120. Amends the Act of May 19, 1892.
1898. Act of March 29, 1898. Laws of '98, p. 331. Mandatory in cities of the first and second class; optional in cities of the third and fourth class; prescribes the system of party organization; and makes the conduct of primaries a public function.

## NORTH DAKOTA.

1885. Act of March 13, 1885. Dakota Ter. Laws of '85, p. 44. Applies to the entire state; mandatory; restrictive regulation.
1890. Act of March 20, 1890. Laws of '90, p. 330. Applies to the entire state; mandatory; restrictive regulation.

## OHIO.

1871. [Act of February 24, 1871.] Laws of '71, p. 27. Applies to the entire state; optional with political parties; prescribes the method of conducting primaries.
- [1872. Act of February 29, 1872.] Laws of '72, p. 196. Amends the foregoing act.
1874. [Act of April 20, 1874.] Laws of '74, p. 104. Ditto.
1874. [Act of April 20, 1874.] Laws of '74, p. 113. Supplements Act of February 24, 1871.
1877. [Act of May 3, 1877.] Laws of '77, p. 163. Repeals Act of April 20, 1874. (Laws of '74, p. 104.)
1879. [Act of May 1, 1879.] Laws of '79, p. 75. Applies to the entire state; mandatory; contains restrictive regulations only.
1880. R. S. of 1880. Sections 2916-21 and 7039-44 contain a codification of the foregoing acts.
1885. Act of May 2, 1885. Laws of '85, p. 224. Amends R. S., Sections 7039, 7041.
1886. Act of May 17, 1886. Laws of '86, p. 190. Supplements R. S., Sections 2917, 2919. Applies to cities of the first grade of the first class; optional with political parties; makes the conduct of primary elections a public function.
1888. Act of April 16, 1888. Laws of '88, p. 337. The supplementary provisions of the Act of May 17, 1886, revised and extended to cities of the second grade of the first class and the first and second grades of the second class.
1889. Act of April 15, 1889. Laws of '89, p. 363. Amends R. S., Sections 7039, 7041.
1894. Act of May 18, 1894. Laws of '94, p. 769. Applies to counties containing a city of the third grade of the second class (Butler county); mandatory; makes the conduct of primaries a public function.
1896. Act of April 18, 1896. Laws of '96, p. 193. Amends R. S., Section 2919.
1895. Act of April 27, 1896. Laws of '96, p. 377. Supplements R. S., Section 2921.
1898. Act of April 25, 1898. Laws of '98, p. 652. Applies to counties containing a city of the first grade of the first class (Cincinnati); mandatory; makes the conduct of primaries a public function.

## OREGON.

1891. Act of February 11, 1891. Laws of '91, p. 4. Applies to cities of 2,500 and over; mandatory; prescribes the method of conducting primaries.

## PENNSYLVANIA.

1881. Act of June 8, 1881. Laws of '81, p. 70. Applies to the entire state; mandatory; restrictive regulations only.
1881. Act of June 29, 1881. Laws of '81, p. 128. Applies to the entire state; mandatory; requires primary election officers to qualify.
1883. Act of June 13, 1883. Laws of '83, p. 92. Applies to the entire state; mandatory; restrictive regulation.

## SOUTH CAROLINA.

1888. Act of December 22, 1888. Laws of '88, p. 10. Applies to the entire state; mandatory; prescribes a few rules to govern primaries.
1896. Act of March 9, 1896. Laws of '96-'97, p. 56. Applies to counties of 40,000 and over; mandatory; supplements the foregoing act.

## TEXAS.

1895. Act of April 8, 1895. Laws of '95, p. 40. Applies to the entire state; mandatory; contains restrictive regulations only.

## VIRGINIA.

1892. Act of March 3, 1892. Laws of '91-'92, p. 1027. Applies to the city of Portsmouth; mandatory; prescribes the method of conducting primaries.
1894. [Act of February 23, 1894.] Laws of '93-'94, p. 417. Applies to the city of Richmond; mandatory; practically identical with Portsmouth act.
1896. Act of February 20, 1896. Laws of '95-'96, p. 414. Applies to Henrico county (Richmond); mandatory; an elaboration of the foregoing act.
1896. Act of March 3, 1896. Laws of '95-'96, p. 684. Applies to the counties of Accomac and Northampton; mandatory; practically identical with Portsmouth act.
1898. [Act of January 4, 1898.] Laws of '97-'98, p. 25. Applies to the city of Charlottesville; mandatory; prescribes method of conducting primaries.
1898. Act of January 12, 1898. Laws of '97-'98, p. 56. Applies to the city of Charlottesville; mandatory; an abridgment of the Henrico county act.

## WASHINGTON.

1890. Act of March 27, 1890. Laws of '90, p. 490. Applies to the entire state; optional with political parties; prescribes the method of conducting primaries.
1895. Act of March 21, 1895. Laws of '95, p. 361. Applies to incorporated cities and towns; mandatory; prescribes the method of conducting primaries.

## WEST VIRGINIA.

1891. Act of March 5, 1891. Laws of '91, p. 175. Applies to the entire state; optional with political parties; contains a few positive rules, but mainly restrictive.

## WISCONSIN.

1891. [Act of April 24, 1891.] Laws of '91, p. 633. Applies to counties of over 150,000; mandatory; prescribes the method of conducting primaries.
1893. [Act of April 27, 1893.] Laws of '93, p. 310. Applies to counties of over 200,000; mandatory; similar to the foregoing act.
1895. [Act of April 19, 1895.] Laws of '95, p. 560. Applies to counties of over 200,000; mandatory; similar to the foregoing act.
1897. Act of April 23, 1897. Laws of '97, p. 691. Mandatory in counties of 200,000 and over, and in cities of the first and second class; optional in cities of the third and fourth class; similar to the foregoing act.

## WYOMING.

1891. Act of January 7, 1891. Laws of '90-'91, p. 148. Applies to the entire state; optional with political parties; prescribes positive rules to govern primaries.

## BRIEFER COMMUNICATION.

### THE PRUSSIAN STÄDTETAG.

The second meeting of the Prussian *Städtetag* held in Berlin January 22 and 23, 1899, discussed matters of grave importance and demonstrated the serious and intelligent interest of city officials in legislation on municipal affairs. The *Städtetag* is a purely voluntary association, which brings together the city officials from all parts of Prussia for the consideration of questions affecting the interests of their municipalities in general and particularly for the discussion and criticism of proposed laws affecting city affairs. Its sessions are designed to secure, so far as possible, unanimity of opinion among the representatives of the city governments of Prussia on the points at issue and then to bring their united influence to bear upon the Prussian and Imperial Parliaments. The first *Städtetag*, which was held in Berlin in 1897, proved so successful that it was decided to continue the organization and to call general meetings of delegates whenever the occasion should demand. At present the seventy-nine Prussian cities with a population of 25,000 are entitled to direct representation in the *Städtetag*, the number of their delegates varying, although not in exact proportion, with the size of the cities. Thus Berlin had nine representatives in the last *Städtetag*, while the smaller cities as a general rule sent two each. These delegates are elected in each city, half by the *Magistrat* (administrative board) and half by the city council. Thus the administrative and legislative branches of city government are given equal weight in the *Städtetag*. It is an unwritten law that the *Bürgermeister* shall be among those elected by the *Magistrat*. Besides these seventy-nine cities with direct representation, each of the thirteen provincial *Städtetage* in Prussia is entitled to send from one to four representatives to the national body. These provincial organizations, which are modeled closely after their national prototype, are also purely voluntary associations. Not only the larger cities but also cities with less than 25,000 inhabitants are however represented in them and the scope of their activities is more local in its nature. In choosing delegates to the national *Städtetag*, the provincial *Städtetage* almost invariably give the preference to officials from the smaller cities. Thus Prussian municipalities of all sizes were represented by the 182 delegates of the second *Städtetag*,

the larger cities directly, the smaller cities indirectly through their provincial organizations. From the foregoing it will readily be seen what an admirable instrument the national *Städtetag* is for making the interest of the municipalities felt in the political life of Prussia.

The first question which came before the recent session concerned the bill now pending in the Prussian parliament regarding the legal relations of municipal officials and employes to city and state. The main points at issue were its provisions concerning appointments and pensions. The opposition between the principle of municipal self-government and the principle of state control played a large part in the discussion. Oberbürgermeister Zweigert of Essen, who favored a further extension of state influence over the cities, maintained that "the supervisory officials of the state (*Aufsichtsbehörde*) must be in a position to interfere whenever a municipality grossly fails in its duty towards its civil servants. Members of the city council are too apt to say in fixing salaries: 'For this sum we can get any number of people. Municipal self-government does not mean absolute home rule; the cities must conform to the laws of the state. . . . Employes in the service of the cities are justified in their desire for a life tenure of office. 'Pull' plays a larger part in the municipal, than in the state civil service. The official must be protected against this influence. Police officials must be in a position to proceed against the most influential man in the community—even if he should happen to be president of the city council." On the other hand the point was emphasized that, were the state to compel the municipalities to appoint certain large categories of employes for life and to pay them unnecessarily high salaries while in office and pensions in case of their retirement, the cities would soon find themselves seriously hampered in many branches of their administration. Particularly would this be the case in those purely economic enterprises in which the city comes into competition with private corporations (street railways, gas and electric light works). The latter view finally prevailed and was embodied in the resolutions adopted by the *Städtetag*, which in substance are as follows:

1. The *Städtetag* expresses its satisfaction at the prospect of the passage of a law regulating pensions to be paid to the widows of city officials and employes. Numerous cities have already undertaken the payment of such pensions voluntarily. What the proposition contemplates is simply an extension of the system, now established by law in Prussia, of pensioning retired municipal officials. It corresponds to the general idea of right and justice and is fully in harmony with the best interests of municipal self-government.

2. To dissipate uncertainty regarding tenure of office, a law should

be passed prescribing written forms of certificates of appoint to positions in the municipal service. Said certificate should expressly state whether the appointment is made on trial, temporarily, or for a term of apprenticeship to enable the appointee to prepare himself for future active service. If the appointment is a permanent one, the certificate shall state whether it is made for life or may be terminated upon notice.

3. In the following classes of the municipal civil service the city should not be compelled by the state to make appointments for life, but should be left free to conclude contracts terminable on notice.

(a) Municipal officials and employes who devote only a part of their time to their official duties.

(b) Municipal employes whose services are purely mechanical or subordinate in their nature. (Policemen, police sergeants, messengers, etc.)

(c) Those employed by the city for technical, scientific or artistic purposes.

(d) Employes in the industrial enterprises carried on by the city. (Street railways, gas, electric light and water works, etc.)

Only those who have attained their thirty-fifth year and have been more than five years in the service of the city should be eligible to appointment for life.

4. The maximum length of appointment on trial should be fixed at three years.\*

5. The reservation on the part of state authorities of oversight and supervision, of the right to revoke their approval after it has once been given, to city ordinances containing specific provisions regarding appointments for life is absolutely incompatible with the interests of the municipal civil service and would tend only to disturb the relations existing between the city and its employes.

6. The city should be left entirely free to arrange its relations with those whom it employs for mechanical, technical, scientific or artistic purposes and with those whom it employs in its purely economic activities (see third above) by way of private contracts which confer no public authority on these classes of employes.

7. The city alone shall determine in the future as in the past the amount of the salaries to be paid its employes. Interference on the part of the state authorities of oversight and supervision in the matter of salaries shall not be permitted. Such interference would not only be exceedingly dangerous to municipal self-government but would also be destructive of all discipline in the municipal civil service.

\* Exception to this rule should be made to avoid conflict with § 13 of the Militärwärter-Gesetz of July 21, 1892.

8. Regarding the pensioning of retiring city officials the following regulations should be continued in effect:\*

(a) That in fixing the amount of the pension the city is not bound to take into consideration the length of time spent by the retiring official in the service of the German Empire, the state or its administrative subdivisions, before entering the municipal service.

(b) That the municipality can make special agreements with their employes and officials regarding pensions. Agreements, however, which entirely shut out claim on pensions must be approved by the district commission. (*Bezirksausschuss.*)†

The question of the insufficiency of the meat supply in German cities next occupied the attention of the *Städtetag*. The present highly unsatisfactory condition of affairs in this regard has been brought about by the policy of the Agrarian party of practically excluding the importation of cattle and meat products into Germany on the ground that such prohibitive measures are necessary as a means of protection against tainted meats and cattle plagues. In this way the German agriculturists have secured a practical monopoly of the home meat and cattle market, the demands of which they are not fully able to supply. The consequent rise of prices has naturally been felt most severely in the cities. Stadtrat Weigert, of Berlin, speaking on this subject well expressed the views of his colleagues in the *Städtetag* in the following words:

“When Herr von Wangenheim‡ declared, as he had a perfect right to do, that he considered the question from the standpoint of the agriculturist, so have we, the representatives of the cities, a right to consider it from the standpoint of the consumer. We are concerned here with one of the most important of food products. It is a question of life and death for Germany whether or not her industrial population shall be in a position to procure a satisfactory and nutritious diet. Germany is no longer an agricultural country; it is predominantly an industrial country. Statistics show a continuous decrease in the country population and a growth in the number of those engaged in industrial and commercial pursuits. The interests of the latter classes demand lower prices of meat.”

It is evident from the foregoing that the dissatisfaction over the Agrarian policy is quite as great in German cities as it is in America

\*Exception made to avoid conflict with § 107 of the Milit. Pens. Ges. of June 27, 1871, and Reichsgesetz of May 23, 1893.

† This body (*Bezirksausschuss*) forms part of the administrative machinery of the state in the subdivisions of the provinces. (*Regierungsbezirke.*) Resolution 8b therefore contains a reservation, although one of minor importance in favor of state control over city government.

‡ Prominent Agrarian leader in the Prussian *Landtag*.

whose export trade has been unfavorably affected by the prohibitions enforced in the interests of the German agricultural classes. The view of the *Städtetag* were expressed in resolutions whose substance is as follows:

The *Städtetag* recognizes the value of veterinary police regulations as a means of protection against cattle plagues. It is a matter of at least equal economic importance however that the meat supply should be sufficient and the prices of meat low enough to place this important article of diet within the reach of laboring classes in cities. The present high prices, which have their origin in the stringency with which the veterinary police regulations are enforced, make this impossible or extremely difficult. The *Städtetag* therefore favors a more restricted application of these regulations, which should be enforced only where the danger of infection is immediately present. Further, a uniform system of meat inspection for the whole empire should be established as soon as possible and both domestic and foreign meat products should be subjected to inspection.

The discussion over department stores which came next on the program, revealed by no means the same unanimity of opinion among the members of the *Städtetag* as was manifested in the consideration of the preceding question. Representatives who took the extreme *laissez faire* view of the subject introduced the following resolution:

"The carrying on of retail trade on a large scale corresponds to the general course of economic development. It is impossible to arrest this development by means of tax regulations and any attempt to do so would not only fail to secure the purpose aimed at, but would be followed by dangerous consequences."

On the other hand discriminating taxes of various kinds were urged by several members of the *Städtetag* as necessary for the protection of the smaller mercantile enterprises against the encroachments of the department store. One delegate proposed to make the establishment of large retail enterprises dependent upon concessions or franchises to be granted by the city. The wide differences prevailing in the commercial conditions of different cities was felt to be a serious obstacle to the passage of a general law on the subject. After a spirited debate compromise resolutions were adopted by the *Städtetag* the principal points of which are as follows:

1. No attempt should be made to arrest by legislation the development of the system of carrying on retail business on a large scale so far as this corresponds to the course of economic development as a whole.

2. Nevertheless justice and equity demand a reform in the taxation of industrial and commercial enterprises (*Gewerbesteuer*) such that the

amount of taxation may correspond to the economic importance and profits of the enterprises subject to taxation.

3. Owing to local differences in industrial and commercial conditions the details of such taxation should be left to the decision of the separate municipalities. The state should, however, define the principles underlying such taxation by a general law.

4. The state should withdraw the special advantages in the way of taxation at present enjoyed by corporations and should refuse in the future to grant the demands of corporations engaging in retail business on a large scale for special privileges, including demands for privileges in the form of association.

Besides discussing and passing upon the above questions, the *Städtetag* transacted its routine business and elected officers and committees for the next meeting—all in two sessions. The amount of work which it accomplished in so short a time bears evidence to the careful preparation made by its executive committee and to the business-like manner in which the delegates dealt with the questions submitted to them.

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## BOOK DEPARTMENT.

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### NOTES.

A VALUABLE ADDITION to the literature bearing on "trusts" in this country is M. Paul de Rousiers' "*Les Industries Monopolisées aux États-Unis*", the most recent volume in the *Bibliothèque du Musée Social* of Paris.\* The facts set forth in this monograph were collected by the author in 1896, as the result of a personal investigation. They are presented with a frankness in regard to the sources from which information was drawn and with a concreteness of detail which goes far to prejudice the reader in favor of the author's conclusions. The first chapter explains how trusts are regarded in this country, then follow eight chapters describing at length our principal industrial monopolies, from the Standard oil and sugar trusts to the American Rubber Company and the Western Union Telegraph Company, while a final chapter summarizes the results of the investigation.

The author believes that while "concentration is a general and quite normal phenomenon, monopoly is an exceptional phenomenon which in every case owes something to an artificial condition" (p. 320). Thus he explains the Standard Oil Company by a reference to the neglect of our government to control the railroads. The sugar trust has been the outgrowth of our tariff policy. The wire-nail trust is based on a patent. Other monopolies are found in connection with companies rendering public services which ought never to have been delegated to private initiative. With these views he, of course, ridicules the socialistic idea that trusts are the advance agents of collectivism. They are not the result of our superior industrial development but of the fact that in this country there is more confusion in regard to the distinction between public and private interests than prevails in Europe (p. 325). "They represent simply an accident, a diseased condition; the disease has become epidemic in the United States because the artificial conditions upon which they depend are here so universal and so intense" (p. 326). The remedy for trusts is not to be sought in anti-trust legislation, the futility of which has already been demonstrated, but in the removal of those artificial conditions (*e. g.* rate discriminations by railroads, tariff duties, etc.), which foster them.

\* Pp. xvii, 339. Price, 4 francs. Paris: Armand Colin et Cie., 1898.

THE STATEMENT so frequently made that co-operative production has failed and that co-operative distribution only has succeeded in Great Britain meets its refutation in Mr. Henry D. Lloyd's interesting book on "Labor Co-partnership." \* As the subtitle indicates, this is a collection of "notes of a visit to co-operative workshops, factories and farms in Great Britain and Ireland, in which employer, employe and consumer share in ownership, management and results." The author has not limited himself to describing successful experiments only, but a sufficient number of these are enumerated to justify an optimistic view of the future of co-operation. He shows that in the aggregate there are in Great Britain already over one hundred and fifty establishments with a capital of \$5,000,000, annual sales of \$10,000,000 and annual profits of \$500,000 carried on as co-operative enterprises. Some of these are connected with the co-operative distributive stores, whose development in recent years has been so remarkable, others have been started by men who gained their experience of co-operation in these co-operative stores, while still others have grown up independently. On the whole, co-operation seems to have succeeded less in farming than in manufacturing, but even here no little progress is being made. The enthusiasm which co-operators themselves feel for this branch of co-operation is shown by the fact that in 1896 forty societies cheerfully met a net deficit of \$2,745 on the business of the year, looking upon this as the price of experience and feeling confident that in the end co-operative farming would meet with the same success that has attended distributive co-operation. The book is supplied with illustrations, showing the solidity of the buildings of some of the older co-operative enterprises and with appendices giving the most recent statistics on the subject.

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THE AMERICAN REVOLUTION, † has seldom received a more attractive and popular description than at the hands of Senator Lodge. The recent war has directed attention once more to our first great stand in behalf of human liberty, when the conditions of the conflict were not so favorable as in the war with Spain. It is this latter feature of Mr. Lodge's work which strikes the reader most forcibly. No pains have been spared to point out the difficulties in the path of the commanding general; the jealousy of Gates and other military leaders, the intrigues of foreign adventurers, the ever-present lack of resources, the constant and paralyzing interference of a niggardly Congress, the

\* Pp. 351. Price, \$1.00. New York and London: Harper & Brothers, 1898.

† *The Story of the Revolution*. By HENRY C. LODGE. 2 vols. 8vo. Pp. xv, 324 and xii, 285. Price, \$6.00. New York: Scribners, 1898.

inefficient and unreliable militia,—all are emphasized in a way which brings out most sharply the character and policy of Washington. The binding and press-work are worthy of a holiday edition.

THE NEW EDITION of Professor Channing's "Student's History of the United States"\* is marked by no changes of importance except a very questionable "new addition" in the shape of material about the Spanish war. Granting the necessity for being "up to date" it is a pity that the literary form of the concluding chapter should have been so deliberately sacrificed. In the preface we read "the great successes of the American people have been won in the fields of peace, not in those of war," and "with this exception (the civil war) the information given in this book relates mainly to the victories of peace." The tacking on of nearly a dozen of pages of superficial comment upon the war of 1898 is in marked contrast with the tone of the preface and body of the book.†

THE APPEARANCE OF the two sumptuous volumes of "Democracy in America"‡ makes us regret that no attempt was made to edit this classic which marked the beginning of a new era in the scientific study of politics. There was an opportunity to give us a critical historical edition which would have placed de Tocqueville's work in an intellectual setting worthy of the close of the century. As it is, all that we possess is a clear reprint for which the publishers are to be thanked, for the service they have rendered fastidious students is no uncertain one.

THE EDITION of Colonna's "*De Regimine Principum*"§ of which Dr. Molenaar has given us an excellent thirteenth century French version, will interest students of widely differing tastes. The personality of the author would alone make the work attractive, for beside being a high church dignitary, Colonna was the tutor of one of the ablest kings that ever reigned in France. To the student of the French language the several editions through which the work passed makes

\* *A Student's History of the United States*. By EDWARD CHANNING, Professor of History in Harvard University. With Maps and Illustrations. New edition, with additions. Pp. xlii, 615. Price, \$1.40. New York: The Macmillan Company, 1898.

† Contributed by Prof. J. L. Stewart, Lehigh University.

‡ *Democracy in America*. By ALEXIS DE TOCQUEVILLE. Translation by Henry Reeve, as revised and annotated from the author's last edition by Francis Bowen. With an Introduction by Daniel C. Gilman, LL. D., President of Johns Hopkins University. 2 vols. New York: The Century Company, 1898.

§ *Li Livres Du Gouvernement Des Rois*. Edited by SAMUEL PAUL MOLENAER. Pp. xii, 461. Price, \$3.00. Published for the Columbia Press by The Macmillan Co., New York, 1899.

a critical study such as is here presented an important contribution to the history of literature during the Middle Ages, and to the science of government the ideals of absolute monarchy as they presented themselves thus early in the development of political theory can but be an addition.

We can realize the advance which has been made in statescraft when we compare Colonna's treatise with that of a man like Hobbes. In France of the thirteenth century the training of kings was no mere study in politics. The king was the state and since "the good and just ruler is the blessing of his people" he must be thoroughly trained in religion and morality as well as in the science of government. To his early training Colonna's first book is devoted. In the second are considered the family and business relations of a king, for the royal household and the royal finances should be so conducted as to be a model for the king's subjects in fact as well as in name. Finally in his third book the author justifies absolute hereditary monarchy dismissing other forms of government on the ground that they are too weak and changeable for the best interests of a great nation. The king should, however, exercise constant care in the government of his subjects, else the benefits of such a monarchy will be lost. Taxation must be impartial, commercial interests must be favored and above all competent men only, should be entrusted with the execution of the laws.

In a word the work idealizes the absolute French monarchy of Philip the Fair as Locke idealized the English government under the Whigs, and Aristotle the Greek city-republic. It represents a beneficent despotism having all of the virtues and none of the vices which usually attend such a system.\*

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THE LEGISLATIVE BULLETIN of the New York State Library † for 1898 has recently been issued. This is the tenth number and completes the second volume. The Bulletin contains a good review of the most important changes in state constitutions and legislation during the year, also a useful reference index of the new laws. It is highly probable that this work of indexing and summarizing state laws and constitutions will, at some time in the future, be undertaken by an agency of the federal government; in the meantime, however, the Library Bulletin affords the best and most convenient table of contents for students of comparative state legislation.

\* Contributed by Dr. C. H. Lincoln.

† *State Library Bulletin*. Legislation by States in 1898. Pp. 144, 8vo. Price, 25 cents. Albany: University of the State of New York, 1899.

A COMMITTEE appointed by the Connecticut Legislature in 1897 "to inquire into all matters relating to state receipts and expenditures," has filed a report dealing with the expenditures of the state.\* In the last twenty years the state expenses have doubled, a result due in large part to the increased needs of a larger population. The report does not discuss expenditures in departments where increase has been justified, but confines itself to those where it believes a saving possible. In a total expenditure of \$2,445,716 (in 1897), a saving of \$409,000 might be effected. Real abuses in the state administration appear to be few. The committee believes that improved methods in public printing and the purchase of supplies might affect some saving. It finds that the state has been too ready to assume burdens which belong to the counties and towns, and too liberal in its appropriations for schools and hospitals. A reorganization of the state judiciary would involve a notable saving. Moreover, a considerable saving could be made on legislative expenses by shortening sessions and reducing the number of the House of Representatives. To citizens of other states it will be an interesting testimony to the persistence of faith in the town organization, that the committee recommend that a constitutional amendment provide for one representative from each town, instead of the present system, which permits two representatives from the larger towns. Another item of interest in the report is the fact that, although Connecticut has general laws governing corporations, no less than 707 charters were granted direct by the legislature in the years 1888 to 1897. The report is rich in statistical tables.

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"THE LABOUR ANNUAL," † is a useful handbook of information especially for Great Britain and her colonies, and to a much less extent for Europe also. It gives biographical sketches of those engaged in reform work of many kinds, a chronology of events in the field of labor interests, brief accounts of labor unions and congresses. It represents very fully the work and interests of the socialistic labor movement in all directions. Its editor, Mr. Joseph Edwards, is thoroughly wide-awake and has made this year's issue more than usually attractive by his selection of illustrations, which include full page cuts of John Ruskin, as a frontispiece, and of Robert Blatchford, Richard Bell, John Passmore Edwards, P. J. King and others.

\* Report of the Committee on State Receipts and Expenditures, February 1, 1899. T. Attwater Barnes, Chairman, New Haven, 1899. Pp. 143.

† *The Labour Annual: 1899.* The Year Book for Social and Political Reformers. Edited, printed and published by Joseph Edwards, Wallasey, Cheshire. Pp. 192. Paper, 1s.; cloth, 2s. London: "Clarion" Company, Ltd., 72 Fleet Street, E. C. New York: The Commonwealth Company, 28 Lafayette Place.

## REVIEWS.

*The Elements of Sociology.* By FRANKLIN H. GIDDINGS, Ph. D.  
Pp. vii, 353. Price, \$1.10. New York: The Macmillan Company,  
1898.

By the publication of his "Elements of Sociology," Professor Giddings has advanced the science a stage beyond that at which he left it in his earlier works. "The Principles of Sociology" was more like a series of essays in a new field than a complete treatise. It may not be amiss to compare it with Hume's social and moral essays, which had so great an influence on the views and method of Adam Smith. Valuable as these essays were, they did not create a science, but merely prepared the way for more systematic work. While Professor Giddings' new work is more modest in form than its predecessor, it is more pretentious in content. He is no longer trying to point out what the field and content of sociology should be but what it really is. There is no discussion of the relation of sociology to other sciences. He confines himself strictly to a statement of the sociological doctrines that have been advanced and have acquired at least a provisional place in the science. Sometimes the reader is startled by the bold way in which new doctrines are stated. The book in many places has a Ricardian ring. Professor Giddings has a positive creed and teaches doctrines, the import of which cannot be mistaken. His clearness and directness are in refreshing contrast to the great array of loose statements and fanciful analogies that have been passed off as sociology.

Now that we have a sociology with an actual content, we can compare it with the other social sciences that have a recognized place in the school-room and see whether it is to displace or supplement them. Two recent books by the same publisher show the tendencies in economics and politics and help to determine just what field each of those sciences really occupies. I do not suppose that Professor Giddings would admit that the scope of sociology is to be determined by the content of his book but the practical question for the teacher is whether or not this book displaces or supplements the books now in use. The answer plainly is that the "Elements of Sociology" does not at all enter the fields occupied by Devine's "Economics" and by Ford's "American Politics." It treats of problems that they neglect. The teacher must also neglect them or use Professor Giddings' book.

If Devine's "Economics" be taken as representing present tendencies among economists (I neglect their theoretical statements as I have done those of the sociologists), the scope of economics has been much narrowed by the emphasis of marginal utility. Economic

theories are bolder than they were, but they cover less ground. The emphasis of consumption also narrows the field of economics, because it takes the attention away from social affairs. Consumption is individual and a study of it leads to an analysis of personal motives and desires. Society is lost sight of when the palates, stomachs and æsthetic feelings of men become the supreme object of study. When these investigations are complete, economists naturally turn to the environment and seek to discover the methods of production that will lead to the most complete satisfaction of men's desires. Both these tendencies are prominent in Devine's "Economics," and because of them there is but little of government or society. Two fields are thus left for others to cultivate. No economist would now think of writing a political economy covering the field occupied by Mill's great work, Mill separated economics from social and political affairs much more consciously than did Adam Smith. Whatever may be the theories of economists their work now occupies a very definite field. Professor Ward, in the March ANNALS (p. 88), quotes Mill to prove that political economy deals exclusively with the production of wealth. It is a little hard on economists to have their science determined for them by a writer of fifty years ago, no matter how eminent he may have been. Yet it must be admitted that there is much truth in this view of economics. The emphasis of production has been distinct and for good reasons. Utilities and consumption have never been out of the mind of the economists, but they have been thinking too much of *produced* utilities and thus neglected other sources of happiness. The emphasis of production turned the attention naturally to the cost of production, and hence the pains connected with work were made more prominent than the pleasures of consumption. Economics thus came to be a philosophy of work without any treatment of leisure. Enjoyable goods were talked of to the neglect of enjoyable relations.

The value of Professor Giddings' new book lies in the fact that he treats of these topics neglected by the economists. This may or may not be the proper field for sociology, but it is a useful field and one that schools and colleges can no longer afford to neglect. Were I to define the book I would call it a philosophy of friendliness, because it emphasizes so strongly the value of good relations between men and the psychic effects that these friendly relations produce. It might also be called a philosophy of leisure, because it treats of what men do in their leisure hours quite as consciously as books on economics treat of men at work. Professor Giddings nowhere says that society is created and developed by men's activities while at leisure, but I infer he would lay greater stress on play, sport and other social

enjoyments than on the pressure of the economic environment. If this is true there will be no practical opposition between sociologists and economists. The tendencies of their respective fields will take them farther and farther apart, no matter how much ground they may individually attempt to cover.

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*Evolution of the Aryan.* By RUDOLPH VON JHERING. Translated from the German. 8vo. Price, \$3.00. New York: Henry Holt & Co., 1898.

The genius of Jhering for importing life and character into the remote past, so strikingly exhibited in his "*Geist des Römischen Rechts*" and his "*Zweck im Recht*," is to be seen reflected in the pages of his "*Vorgeschichte der Indo-Europäer*," accessible to English readers in the "Evolution of the Aryan," an English translation by A. Drucker, M. P.\*

It may be admitted that the period covered by the book is so vast and so obscure, and, it may be said without danger of extravagance, so impenetrable, that Jhering is safe against successful criticism so far forth as antagonistic *facts* may go. There are hypotheses which, in the absence of recoverable facts, but, in the light of recovered evidences, are unsound. And this seems to be the one fault of Jhering's book.

The sources of his inspiration respecting the Aryans, in their original home, are Zimmer (*Alt Indisches Leben*), Schrader (*Sprachvergleichung und Urgeschichte*), and Heyn (*Kulturpflanzen und Haustiere*). While admitting that some respectable opinion is the other way, he casts his vote in favor of the views of the majority and places the original habitat of the Aryans in Bactria or Central Asia. From this source he thinks the Aryans migrated to the seats of their later permanent settlements, stopping for several centuries by the way and taking their tremendous journey by easy stages which, in a grand total, covered over a thousand years.

Now if it should turn out, after all, that the probabilities are against a location in Central Asia, and such a wonderful migration, and that this so-called migration was only a movement of tribes, as tribes often move, from place to place, either because of restlessness or pressure from contiguous regions, all of this hypothesis of Jhering, and the structure which he built upon it, would fall to pieces. †

\* The translation is taken as the basis of this review.

† Cp. Schrader, *Sprachvergleichung und Urgeschichte*, Book I and Book IV, Chap. XIV; Taylor, *Origin of the Aryan*, 52; Meitzen, *Siedlung und Agrarw*, Vol. II, Chap. XIII.

Following Jhering, we are informed that this migration was not occasioned by the performance of any sacred duty, but in order that the propertied class and the householders and the elderly members might not be seriously affected in their livelihood by the pressing of increasing population against the means of subsistence.

The mass of the emigrants consisted, when they started out, of young men and young women. But before they went forth forever from their original home they were provided with cattle and other things, to help sustain them on their way.

Still guided by Jhering, we find that this mass was disciplined and had its leader, and that it had a corps of bridge-builders and a corps of fire-maidens. These corps of bridge-builders and fire-maidens are felt to be necessary to account for the later Roman pontifices and vestal virgins. Jhering sees no other way of accounting for the pontifices and vestal virgins. It is strange that nowhere, in all savage or barbarous life, whether looked at in the wilds of Africa, America or Australia or elsewhere to-day, or in the pages of Cæsar or Tacitus or Posidonius or Herodotus, are we able to find such novel conceptions as corps of bridge-builders or fire-maidens.

Then it was of the utmost importance, in order that a migration of a mass for a thousand years might appear plausible, to tell us how this mass came to be formed—how, in other words, from scattering tribal hordes an aggregate could be obtained of sufficient social cohesiveness to hold together in a great body, presided over by a gradation of leaders, and pregnant with corps or guilds of artificers and fire-maidens, for a millennium. This has not been attempted by Jhering. And yet it was a tremendous assumption to proceed upon the idea, which is manifest in the work, that this migrating aggregate could so hold together that its identity throughout a millennium could be predicated, and it could be spoken of through all that time as the same migrating body. Indeed the very thought of migration extending over a thousand years appears to the ordinary mind an improbability. No migrating body can last a thousand years and be at all the same migrating body, and no body that changes as much as a social mass must change in a millennium can be spoken of as undergoing a migration of a thousand years. The horde of herdsmen would long have ceased to have the semblance of influence with which they started out at a period a century after the start was made.

Between the indefinite period of their setting forth and their final advent in Europe the Aryans had acquired agriculture, commerce, maritime institutions, a city life, and higher aspects of statehood than were possible to a pastoral people. These were obtained from

the Semites who settled in early Sumeria and Accadia. This fertile country, with its two rivers, and its favorable sea-way to India, gave rise to all the higher forms of activity essential to convert an aggregate of herdsmen into settled agriculturists, and into agents of commerce and city life, and a developed statehood. And these products spreading to Egypt and Phœnicia impregnated the Aryan races, and lifted them on the wave of progress, until they outstripped the Semite.

It must be conceded that the savants who have explored the *tells* of Mesopotamia, Palestine, Arabia and Egypt, combined with the accounts of the ancients, have brought home to us a knowledge of a civilization in the country of the Euphrates and the Tigris, and from thence westward in Asia, and in Egypt, which we had little dreamed of. And there is considerable basis, in this way, for the development which Jhering predicates of the Semite. It appears, too, that at the same period of time the peoples known to us as descendants of the Aryans had attained no such civilization. And the indications are that European peoples were greatly affected by the development which had occurred in Egypt and on the eastern shores of the Mediterranean. But Jhering forces the dependence of the development of the European peoples upon Semitic factors too far.

It is not entirely certain that Egypt did not develop independently a civilization, an agriculture, a commerce, a knowledge of city life and statehood. In fact the probabilities are that it did. And while Phœnicia may have owed much to early developments in the land of the Euphrates and Tigris, it is not improbable that it made a development of its own. Even ancient Greece might lay claim to originating its own commerce and other incidental things.\* In fact, in the absence of roads, and in sight of the fact that intercommunication between primitive people is slow and within narrow dimensions, it is more than likely that where, in districts wide apart, before the era of colonization had yet set in, they developed an agriculture, a commerce, a city life, they did this in virtue of the possession and development of coequal potential mental and social powers; in other words, this followed "from the identity in the mental construction of the individual man, wherever he is found." †

\* Cp. Tsountas, *Mycenæan Age*, 354.

† Brinton, *Religions of Primitive People*, citing *Zeitschrift für Völkerpsychologie*, Bd. XI, 5, 124; Hartland, *The Science of Fairy Tales*, 2; Post, *Grundriss der Ethnologischen Jurisprudenz*, Bd. 1, 4. Nadillac, *Prehistoric America*, 340, 524, 525 (Putnam), also affirms the same doctrine, and his facts fully sustain him. The independent discovery and use of agriculture among American tribes is shown in his book, and

This is attested by the palaces and temples and fortresses of Peru, Central America, Mexico and Arizona, and is the only means of satisfying the theories of the sociologists.\* Moreover, Jhering should tell us, if he wishes to be clear, what the polity and institutions peculiar to what Professor Cunningham calls the "palace city" of remote antiquity, had in them that begot the "commercial city" of later antiquity.† The city of the early Babylonian was a palace city. But the Phœnicians begot the commercial city. And the Greeks created those mother and sister cities—sometimes palace, or as Tsountas calls them, fortress cities,‡ and sometimes commercial cities—which gave rise to the later national integrities.§

Jhering repudiates the theories of Fustel de Coulanges, and therewith he ignores the productions of B. W. Leist,|| and W. E. Hearn.¶ Now the two last named authors are not to be despised, more particularly Leist. There is much reason for saying that these three authors have dealt with fundamental characteristics of the old Aryan, [if the old Aryan came from Central Asia,] when they speak of the worship of the hearth, the household organon, the household gods, and in tracing these things into the Komæ and Poleis and practices and injunctions of the later periods. While there is justification for saying that Jhering has put these theories to the test, in so far as he shows their inharmoniousness with the actual treatment by the old Aryan of the aged and infirm, yet a reference to the Scriptural narratives will show just such conditions as Leist predicates, even though immolation of children was practiced. The curious phenomena known as phonos akousias and phonos ekousias in early Greek polity are strangely similar to phenomena chronicled in Scriptures, and so are the accounts of the levirate, of cities of refuge and vicarious atonement by the sacrifice of animal life.\*\* Coulanges may well claim that the views he has so well for-

is otherwise well known. He shows these acquisitions among others in America: Megalithic tombs, 425; sacrifices, 296; deluge myth, 529; customs and laws, 280, 313, 314, 364, 439; art of mummifying, 429; cotton production, 449; mining, 179; roads and bridges, 349, 421; aqueducts, 413; trade, 463.

\* Cp. Spencer, *Principles of Sociology*; Giddings, *Principles of Sociology*.

† Cunningham, *Western Civilization*, 93 (Cambridge Hist. Series).

‡ *Mycenæan Age*, Chapter II.

§ Cunningham, *Western Civilization*, § 44; Id. 135, N. 3.

|| *Graeco Italische Rechtsgeschichte*; same *Jus Gentimn*: same *Jus Civile*.

¶ *Aryan Household*.

\*\* Cp. Leist, *Graeco-Ital.*, R. G. §§ 46-49 and pp. 348, 369, 392, 401-404; Lev. i. 4, iii. iv. 15, 24; Num. vii. 15-27, 27-29, 33-35, 39 *seq.*, xxiii., xxviii. 15, 19, 21, 22 xxxv.; Deut. iv. 41, 42, xv. 19, xvii. 1, xix., xxv. 5-10.

tified are sustained by evidences which need far more than Jhering has presented to overthrow them.\* Indeed we are not apt to grasp the true character of the ancient life as it was lived until we have translated ourselves into an atmosphere of superstition, incantation and ceremonialism that goes with bloody sacrifices and barbaric impulse.†

Having launched out in the field of pure speculation, Jhering opened himself to the danger which speculation holds in store for its votaries; he failed to establish anything that one is safe in laying hold of and adopting as established.

This posthumous production comes forth in a fragmentary form. Jhering was aware of its tentative nature, though he did not on this account appear to doubt the correctness of his views. If he had been spared to finish the work he might have avoided some of its discrepancies. But, however much he might have added to the line of discussion pursued, and whatever increased interest and instruction his work might thereby have afforded, he still would have been unable to fill in the enormous hiatus which exists in this long period, by tracing back Roman customs and beliefs to a period of barbarism and herding life nor to a conjectured migration lasting over a thousand years.

MORRIS M. COHN.

*Little Rock, Ark.*

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*The Origin and Growth of the Moral Instinct.* By ALEXANDER SUTHERLAND, M. A. Two volumes, pp. xiii, 461; vi, 336. Price, \$8.00. London: Longmans, Green & Co., 1898.

Mr. Sutherland aims at demonstrating the truth of Adam Smith's theory that sympathy is the basis of the moral sense, by a comprehensive induction covering the fields of zoölogy, physiology, sociology, law, psychology and philosophy. He admits in his preface that one who would deal with so many sciences "must content himself with a very moderate depth in each," and his pages may betray to those more familiar with other sciences the "lack of technical knowledge" which, so far as psychology and philosophy are concerned, is painfully evident to the reviewer. Yet the book contains a large amount of valuable material systematized with a degree of care for which many who do not agree with Mr. Sutherland's conclusions will be grateful.

\* *Evolution of the Aryan*, 41-43.

† Cp. Brinton, *Religions of Primitive People*; Smith, *Religion of the Semites*; Post Bausteine, etc.; Cp. Spencer, *Principles of Sociology*, Parts I, IV and V.

Parental care, he tells us, is the root of sympathy and therefore of the moral sense. In the lower fishes, which manifest no parental care, the maintenance of the species is assured by the enormous number of eggs laid by each female, a very small percentage of which reach maturity. As we advance in the scale of life parental care appears and with its appearance the number of eggs or of young diminishes. Among the higher fishes and reptiles two forms of parental care come to view, nest-building, and the retention of the eggs within the body of the female until maturity. The former type becomes characteristic of the birds and the latter of the mammals. But in both birds and mammals the further development of parental care into parental sympathy or love makes the prolongation of infancy possible, and upon this latter in turn rests the possibility of a higher development of the nervous system and a more complete equipment for the duties of life.

From parental springs conjugal sympathy. The indiscriminate gratification of sexual needs which marks the lower forms of life gives place, in the higher birds and mammals as well as in man, to relatively permanent unions based as much upon sympathy as upon the tie of sex, and we can note in these unions, with the advance of mankind, a progressive increase in the intensity and binding force of sympathy. To it is due the decline of marriage by purchase, the rise in the status of woman and the development of the ideal of male chastity.

The sympathetic capacity which has been thus developed in the parental and marital relations makes itself felt in other directions, constantly increasing its scope and successively including within it brothers and sisters, kinsfolk, friends, townsmen, countrymen, until it embraces the whole human race, nay, even the lower animals. With this growth savagery in warfare diminishes, the conditions of life are ameliorated and co-operation on a large scale becomes possible.

Thus sympathy is the moral sense in the rough and from it the more recondite forms of the moral sense are easily derived. The sense of duty is an instinctive sense of what the average sympathy of the community would dictate. Conscience is that same sense invoked in judgment upon one's own acts. The appreciation of the "beauty of holiness" has arisen precisely as all other æsthetic feelings have arisen, through the inexorable elimination of those that found pleasure in the non-preservative.

The sphere of law and of responsibility is not properly included within that of morality. The moral sense and the sense of responsibility are alternative methods of attaining the same end, hence conduct inspired by the sense of responsibility to law, while it may

be identical with that which sympathy would prescribe, is to be termed rather quasi-moral than moral. This distinction is further obscured by the fact that the sense of responsibility can be traced to two sources,—one, the perihestic type, originating within the family under the authority indeed of the paterfamilias but qualified by the sympathies arising out of the family relation and therefore partaking of the moral quality,—the other, the aphestic type, originating in the clash of family with family and tribe with tribe, inspired by fear and therefore non-moral. Modern law is in the main descended from the latter type. Law is therefore in no sense the source of morality, nor has morality had much to do with the evolution of law. Only at a relatively late period do we find the expanding moral sense of the community making itself felt in legislation.

Sympathy is an imitative participation in the emotions or experiences of others. It is always emotional in character, and in common with all other emotions is nothing more than the consciousness of certain bodily processes which are reflexly consequent upon certain stimuli. The processes are always vasomotor, and belong to two types—in the one the blood is withdrawn from the periphery and concentrated in the viscera, in the other it is withdrawn from the viscera and concentrated in the muscles and skin. These antithetical processes are intended to adjust the organism to two diverse sets of conditions, the one requiring passivity, the other action. Hence, all emotions fall into two groups, the depressing and the exciting.

Right conduct in a given period and among a given people, is that which forms between the self-preserving and the moral instincts a compromise such as is reasonable for that time and among that people. There is no instinct of right conduct, although conduct dictated by such a compromise is more frequently approved than that dictated by the self-seeking instinct. In the system of things there is neither right nor wrong. These are distinctions which exist in society only; abstracted from society they are meaningless.

Yet, let no one suppose that this analysis debars us from thinking of the system of nature as moral, from conceiving right and wrong as eternally inherent in it and acting in accordance with that conception. For a metaphysical analysis reveals the fact that all the attributes which we ascribe to things, colors, size, extension, motion, causation, etc., are in reality but subjective modifications of our own minds. Yet we continue to think of nature as possessed of all these attributes, and in no other way would it be possible to live our lives. So also of the moral attributes of nature. If they are as real as extension, form, matter, etc., we may well afford to ignore in practice their essential subjectivity, although we are forced to recognize it in theory.

Such in brief is Mr. Sutherland's argument. That it is open to criticism in many points is obvious, but it is not possible to develop those points within the limits of a review. The book displays the faults inseparable from the work of an amateur, especially a lack of nice discrimination between concepts which are similar but essentially distinct, and a defective acquaintance with the work of other men in the same field. To the first caption belong Mr. Sutherland's identification of sympathy and love, his genesis of conjugal from parental love, and his tendency to confuse "right conduct" with "conduct prompted by sympathy," a distinction which in some passages he explicitly recognizes. To the second Mr. Sutherland owes his claim to be accounted one of the original discoverers of the somatic character of the emotions, a discovery which James and Lange published in 1884 and 1885, as well as his inability to give any explanation of the nature of imitation. The most valuable part of the book lies in the rich mass of statistical material which Mr. Sutherland has not only collected and tabulated with infinite pains, but has also enriched by many original and suggestive observations.

WILLIAM ROMAINE NEWBOLD.

*University of Pennsylvania.*

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*An Essay on Western Civilization in Its Economic Aspects* (*Ancient Times*). By W. CUNNINGHAM, D. D. Pp. xii, 220. 8vo. Price, \$1.60. Cambridge University Press, 1898.

In an introductory chapter Professor Cunningham lets the reader feel, without specifically pointing them out, the peculiar difficulties in the way of a satisfactory treatment of the economic history of ancient times. Not only are sources of information meagre or in some instances wholly wanting, but owing to the predominant militarism of ancient nations and their isolation one from another it is impossible to trace general tendencies in development or to employ an analytic method. The treatment is necessarily chronological and national. Professor Cunningham's essay thus falls naturally into three parts corresponding to the three principal civilizations of antiquity, viz.: those of Egypt, Greece and Rome.

The story of Egyptian economic life is possibly the least interesting chapter of the book. Material is of course scanty, and, even were it more abundant, it could tell only of activities which from the economist's point of view are extremely rudimentary. Little more than an account of agriculture and a catalogue of public works can be included in this chapter of history. Of Judæa and Phœnicia, which are discussed in subsequent sections not much can be learned. True, commerce

and trade began in a crude way, but no elaborate or sustained development can be traced. Historical material is still scarce and reliance must be placed upon the obscure and chance references to the subject found in various early writings.

More can be learned of Greece. Many of the Greek cities developed a highly-complex industrialism; and governments had practically the same sources of revenue as in modern times. Thus, in the case of Athens, the treasury could rely on the income from state property, *e. g.*, land and mines; from public works, such as harbors and theatres; from fees; from the tribute of aliens; from regular taxation, direct and indirect, customs dues, etc. Trade became highly developed both because of advantages of geographical position and the natural predilection of the inhabitants for commerce. A colonial policy was adopted; and the different states set themselves to stimulate trade. The prosperity thus acquired was however destroyed by war, and, Professor Cunningham thinks, by too extensive sinking of capital in fixed forms—as in the expensive public buildings on the Acropolis of Athens. Thus economic resources were wasted and a collapse necessarily resulted.

Much the most useful because most exact and definite portion of the essay is that which treats of Rome and her industrial development. After an outline of the struggle between Rome and Carthage for supremacy in the west, Dr. Cunningham considers economic conditions under the republic and the empire. The main economic reason for the fall of the republic lay in the fact of faulty economic organization and insufficient guarantee of industrial security by the state. Agriculture was conducted upon a bad system borrowed from Carthage—that of *latifundia*—heavy military contributions depressed industry, and the so-called *publicani* and *negotiatores* were allowed to exploit economic resources at will. All of these abuses called for reform; the republic failed to grant it; the result was the empire. For a time there was distinct economic improvement. National finance was better conducted; a stronger colonial policy was inaugurated, and great public works were carried forward. But this policy contained within itself the seeds of danger. With the growth of a world empire came administrative abuses; the completion of public works, implied the “unproductive expenditure” of capital. The volume of money became inadequate and its distribution was bad. This rendered it difficult to pay as well as to collect taxes, and there was “no opportunity for the saving of wealth and the formation of fresh capital” because there were no “supplies of material available for hoarding.” The cost of defence grew heavier, the fiscal system broke down, usury grew, and finally the economic constitution of the empire fell

to pieces. A chapter on Constantinople as the successor to Rome closes the book.

Professor Cunningham has unquestionably woven the scattered threads of history at our command into a bit of true economic tapestry but the weaving is apparent and the warp may be clearly distinguished from the woof. The result may serve to hide a bare spot on the economic wall but the life-likeness of a photographic reproduction or of a true painting of ancient conditions it does not possess. This, no doubt, is the fault of the material. The criticism of the workmanship must be that inferences of an *ex post facto* sort founded upon meagre evidence and having no vital connection with the work itself are often thrust upon the reader's attention. There is also on many pages a marked carelessness in the use of words. The maps which are included leave much to be desired.

H. PARKER WILLIS.

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*Grandeur et décadence de la guerre.* Par G. DE MOLINARI. Paris: Guillaumin et Cie, 1898.

War produced security in the civilized world. The accomplishment of that work constituted the utility and grandeur of war. This task achieved, war has ceased to respond to any need; after having been useful, it has become injurious. A period of decadence has succeeded the period of grandeur. The object of the book in review is to support the foregoing propositions and to discover the influences which assure the ultimate disappearance of war. It is to be regretted that there is not in English a work of this scope, which goes to the fundamental causes of war and armaments in a manner so fascinating and instructive.

Competition for means of subsistence has been the cause of war. Originally physical prowess determined survival. With the growth of intelligence, victory passed from physical to mental superiority. Intelligence increased not only the destructive capacity of man but also his productive capacity. Defence—preparation—was the necessary condition to security, which is in turn indispensable to production. Henceforth, the successful industrial nation is the most secure, and the non-industrial nations are unable to offer effective competition because they have no security. War achieved its work in giving industrialism security against non-industrialism and in effecting competition in production. As the superiority of industrial nations became manifest, the idea of universal peace took deep root in the minds of men. The period of recrudescence, which followed the French revolution, was,

however, but earnest of decadence, and in this century war has ceased to be useful.

More thorough and more extensive is the discussion of the decadence of war. In eleven chapters, supported by fifteen appendices, those economic conditions are treated which necessitated vast armaments and which will in time make possible their abolition. The principal subjects treated in this connection are the ancient régime of civilized states, and its economic character, the changes effected in the constitution of states since the eighteenth century, the interests which determine the international policy of the principal modern governments, the wars of civilized states in this century, armed peace, chances of peace and the risks of war, as protectionism and socialism, other forms of the state of war, position of the problem of peace, as its solution and consequences of the suppression of the risk of war. In the appendix, which occupies about one-third of the book, is given much valuable material of special service to students. Numerous references to international law are accompanied by statistics of armaments, peace societies, pension systems and a short account of the French indemnity, including its financiering by the French and the Germans.

W. H. ALLEN.

Philadelphia.

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*Edward Gibbon Wakefield: The Colonization of South Australia and New Zealand.* By R. GARNETT. Builders of Greater Britain Series. Pp. xxviii and 386. Price, \$1.50. New York: Longmans, Green & Co., 1898.

*The Founding of South Australia: From the Journals of Mr. Robert Gouger.* Edited by EDWIN HODDER. Pp. 239. Price, 6s. London: Sampson Low, Marston Co., 1898.

It is unusual that two books presenting markedly different, though mutually helpful, views of the same subject, should require notice at the same time. Edward Gibbon Wakefield is the chief character of the first, and Robert Gouger of the second. These were co-laborers, and the larger unity that makes the books one was their activity in furthering British colonization in the second quarter of the present century. The books under review were clearly written independently, and they differ widely in the use of material and in style, but they are two volumes on the same subject,—volumes without repetition, and which now seem necessary each to the other. Wakefield was the colonial theorizer, but Gouger as secretary of the South Australian Association got his theories into such practical shape, that

they could be put to the test. Wakefield first published the theory that is associated with his name over the name of Robert Gouger.\* These facts, as well as the later differences between Wakefield and Gouger over the price of land in South Australia, make one glad that the books appear simultaneously.

Wakefield at twenty married a talented and wealthy young woman and gave himself up to a life of frivolous pleasure. But thus early he is declared to have shown the two leading traits of his character—an interest in public affairs and a love of adventure. Now followed in rapid succession the death of his wife, the abduction and gross deception of a school-girl with a mock marriage and a flight to the continent. But they were pursued and the victim reclaimed, after which Wakefield was advised to flee to America; instead he returned to England to stand trial. A special act of Parliament annulled the marriage, and Wakefield was committed to Newgate for three years. During his confinement he began to atone for his wrongs, and while still in prison he wrote "The Punishment for Death" and the "Letter from Sydney"—books which had a marked effect when they appeared and a profound future influence. After his release, Wakefield produced his work which is likely best known on this side—"England and America," and was active in the Colonization Society. But he had other adventures—he quarreled with the Colonial Office, had differences with the South Australian Association, was an object of suspicion by parliamentary committees, interested himself in New Zealand, but again had differences. With one or two exceptions he seems to have had strained relations with every one with whom he had important dealings. Wakefield is presented as the man who was described by one of his relatives as "complex," and by a contemporary as "a man of much vicissitude of fortune and of much inequality of character." But he is also presented as the man who gave a statement to what is likely the most important colonial principle of the present century.

A commendable thing in the Wakefield biography is the proportion observed. Wakefield is treated as a builder of Greater Britain, the founder of a colonial system. Dr. Garnett has given a judicially conceived, and strongly written biography of an important character of the period of colonial reform. His material is well digested, the book is indexed, and he has placed the student of colonial systems under obligation for the work done. It is to be hoped that this biography will be followed soon by a collected edition of Wakefield's writings.

\* "A Letter from Sydney—the Principal Town of Australia—Edited by Robert Gouger. Together with an outline of a System of Colonization." London: 1829.

Many of the qualities possessed by Dr. Garnett's book are lacking in the other work under review, for it is made up mainly of extracts from the journals, and selections from the letters of Robert Gouger. In addition to being secretary of the South Australian Association in London, Gouger went out as the first colonial secretary of the colony, and we have in these extracts a secret history of the foundation and early years of South Australia.

CHEESMAN A. HERRICK.

*Central High School, Philadelphia.*

*Commercial Cuba; A Book for Business Men.* By WILLIAM J. CLARK. Pp. xvii, 514. Price, \$4.00. New York: Charles Scribner's Sons, 1898.

*The Porto Rico of To-day.* By ALBERT GARDNER ROBINSON. Pp. xiv, 240. Price, \$1.50. New York: Charles Scribner's Sons, 1899.

*The Philippine Islands.* By RAMON REYES LALA. Pp. 342. Price, \$2.50. New York: Continental Publishing Company, 1899.

Descriptions of our insular acquisitions are becoming as numerous as the emigrant guides to America in the early part of the century. The above list represents three points of view: that of the business man, that of the reporter, and that of the native.

Mr. Clark's book on Cuba is a valuable compendium of the economic resources and the commercial possibilities of the island. It is written, however, more with a view to advise the would-be promoter than to interest the general reader. The work contains a wealth of details upon the animal, vegetable and mineral resources of the country; it describes the present facilities of exchange; and suggests numerous ameliorations in the existing trade relations with the United States. The material is well classified for ready reference and a series of excellent maps of the various provinces and of the city of Havana is appended.

Judging from his little book on Porto Rico, Mr. Robinson certainly possesses the attributes of a successful reporter. Amid the confusion of the campaign,—“which savors of the opera bouffe”—he was able to observe the nature of the country and describe the character of the people. The material is cast in the form of a running narrative of the author's personal experiences on the island. The story of the invasion is told in a sprightly manner and contains a number of sound criticisms of the methods of the campaign. There is discernment in the author's account of the country, and the story of his sojourn is enlivened throughout by a keen sense of humor.

There is a fund of humor also in Mr. Lala's account of his native land, though the author is evidently unconscious of the fact. One might be led to expect an instructive description of the Philippines from an educated Filipino, but unfortunately the author has become, as he says, a cosmopolitan, and the native hue of his narrative is clumsily covered in consequence with a veneer of western civilization. In charity to our new subjects, therefore, we will refrain from further comment upon this native contribution to the literature of the country.

LINDLEY M. KEASBEY.

*Bryn Mawr, Pa.*

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*Problems of Modern Industry.* By SIDNEY and BEATRICE WEBB. Pp. vi, 286. London: Longmans, Green & Co., 39 Paternoster Row, 1898.

The book published with this name is for the most part a collection of fugitive articles which have been contributed by the authors to English reviews and other publications, though a certain amount of new matter is incorporated. From the character of its composition the book lacks continuity, but on the other hand, the subjects dealt with are timely where not absolutely urgent, and Mr. and Mrs. Webb owe no apology for having given to their studies this more permanent form. The more important chapters are those dealing with the Jews of East London; women's wages; women and the Factory Acts; the regulation of the hours of labor; the sweating system; the reform of the Poor Law; the bearing of Co-operation upon Trade Unionism; and in the closing pages a consideration of the advantages of Individualism, and true and false conceptions of Socialism. Every chapter is a compact assemblage of facts and conclusions drawn from a thorough investigation of the problems of labor, such as no English social reformers have made more thoroughly than Mr. and Mrs. Webb.

The chapter dealing with the industrial position of women is among the most suggestive of all, and not less so because its conclusions run counter to some common notions. As a result of extensive inquiries over a wide field, the authors come to the conclusion that women workers almost invariably earn less than men save in a few instances of exceptional ability and in a few occupations where sexual attraction enters in; and where inferiority of earnings exist, it is almost always co-existent with inferiority of work. Moreover, the general inferiority of women's work would appear to influence their wages in industries in which no such inferiority exists. Thus, in the so-called "genteel" vocations women habitually receive less than men,

and in the case of clerks and teachers, they likewise receive less, though their work, both in quality and quantity, is often equal to that of men. Those who fear that women are having matters too much their own way in the competition with men will take comfort from the authors' assurance that the field of employment for women in practice widens without really narrowing that for men, in that for every class of work abandoned to women, several entirely new branches have sprung into existence for the supplanted sex. Dealing with the regulation of the hours of labor, the authors come to the conclusion that the probable economic results, so far as they can be discerned, of a general shortening of the hours of labor will be slightly to decrease the average productivity per worker, but also to absorb a part of the unemployed, thus increasing the total production of the community, so that supply and therefore demand will in the aggregate suffer no diminution, while no effect will be produced upon prices generally, though particular commodities may be subject to variations.

In dealing with the sweating system, it is characteristic of the authors' position that they advocate no wholesale stamping out, but rather would place all workshops under the stringent sanitary and other regulations of the Factory Acts, so leveling up the conditions of employment in such a manner that sweated labor would not pay. One may doubt, however, whether the authors do not take too favorable a view of the influence of alien labor of the lower kind such as is found in the East of London and the other centres of the clothing industries upon the standard of life common to the English workman.

One of the most suggestive chapters is that upon the reform of the Poor Law. Among the measures advocated are state pensions for the aged, better education for pauper children, the transference of infirmaries and hospitals to public authorities making the community responsible for the maintenance of these institutions, the public burial of the dead, the abolition of the casual ward with concurrent disciplinary treatment for bona fide vagrant idlers, and the improvement of the existing Poor Law machinery.

The work is eminently suggestive in many ways, and is no unworthy addition to the important contributions to social reform which Mr. and Mrs. Webb have already made.

WILLIAM HARBUTT DAWSON.

*Skipton, England.*

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*Geldzins und Güterpreise.* Eine Studie über die den Tauschwert des Geldes bestimmenden Ursachen. By Dr. Knut Wicksell. Pp. 189. Jena: Verlag, von Gustav Fischer, 1898.

Dr. Wicksell's work is an attempt to present a working theory of

prices and to ascertain the definite origin of the exchange value of money. The author first attempts to show the inadequacy of existing theories of prices. He takes up in order the Cost of Production Theory, and the Quantity Theory. The first is disposed of very briefly by showing that the ground upon which it rests, viz: that the value of gold is different from all other values because it has no value in itself, is insecure, since gold is much in demand for industrial purposes, and that, other things being equal, the strength of the marginal demand for industrial purposes will vary inversely with the amount of gold available for industrial consumption.

The quantity theory of the value of money is disposed of as the assertion of an identical proposition which sheds no light on the operation of the forces which determine the price level. It is operative, the author says, only under assumed conditions: (1) a fixed amount of money in the hands of the individual exchangers; (2) a fixed rapidity of circulation within certain limits; (3) a sharp distinction between the circulation and the hoards of money. These conditions, the author declares, do not exist; the quantity theory is therefore valueless.

The author has misconceived the theory which he attacks, and has therefore misstated it. The quantity theory of money asserts that the value of money, like the values of all other goods, is determined by the relation between its supply and demand. The demand for money is represented by the number of exchanges which require to be made by the use of money. The supply of money is the available amount of the medium of exchange (gold + token money + bank credit + individual credit) taken in connection with the rapidity of circulation. The quantity theory asserts the same law concerning the medium of exchange which admittedly governs the values of all other goods.

Dr. Wicksell's own theory of price may be briefly summarized as follows: the industrial undertakers borrow from the banks a certain amount of money sufficient to procure for them the capital necessary for the operations of the year. At the end of the period of production, if conditions remain unchanged, and eliminating the element of risk, they will receive a sum in exchange for their product which will enable them to repay the banks, and still leave them a certain amount which is the reward of their services as managers. If, for any reason—increased productivity of labor, discovery of new sources of supply, invention of new machinery—this reward of the entrepreneur is increased, a competition at once sets in for the means of production, in other words, for the consumable goods which form the circulating capital of the country. More purchasing power is obtained from the

banks who meet the demand by expanding their credit, more money is offered for the commodities which form the remuneration of landlords and laborers, and prices rise. This increased competition enables the banks to charge a higher rate of interest which reduces the difference between the profits of the entrepreneur and the bank-rate and exchanges go forward on a new price-level. If the productivity of industry declines, the reverse operation takes place. Prices, wages, interest and rent fall. The prime cause of price changes is therefore the difference between the rate of return on real capital, and the bank rate of interest.

It is plain that the quantity theory lies at the basis of Dr. Wicksell's theory. How are the entrepreneurs enabled to offer more for the circulating capital? The author answers, by an increase in bank credit; in other words, by a relative increase in the supply of the medium of exchange, and as the quantity theory asserts, the price level must rise. In the same way if business is slack, if little money is being paid out for wages, and providing that the supply of commodities does not decrease also, the price level must fall. In other words, the machinery of rising or falling prices is found in the relations between the banks and the managers of industry. Rising prices coincide with prosperity and falling prices with depression. Unless there is this margin of profit to which the author refers, industry will be stagnant, little money will circulate and the price level must decline, assisted in its downward movement by the forced liquidations which always attend a period of depression. On the other hand, when business is brisk, when profits are high, and the industrial future is bright, large amounts of money are constantly paid out by the managers of industry, the purchasing power in the community is greatly increased, and the prices of all goods advance under the stimulus of larger effective demands from the consumer.

The theory presented by the author is useful to enable us to understand the *modus operandi* of price changes. It does not, however, in any sense, take the place of the quantity theory but merely supplements and confirms that theory.

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Philadelphia.

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*Le Socialisme Utopique.* Études sur quelques précurseurs inconnus du socialisme. Par ANDRÉ LICHTENBERGER. Pp. 276. Paris: Alcan, 1898.

*Le Socialisme et La Revolution Française.* Étude sur les idées socialistes en France de 1789 à 1796. Par ANDRÉ LICHTENBERGER. Pp. 316. Paris: Alcan, 1898.

The first volume is a collection of ten monographs on English and French writers of the eighteenth century. Their theories are analyzed and the germs of socialism pointed out in a clear and scholarly manner. The value of the work is in the fact that the characters discussed are unknown or forgotten and yet form an important chapter in the history of socialism. Afra Behn, Nicolas Gueudeville, De la Roche, Beaurieu, Linguet, Gosselin, Chappuis and John Oswald are strangers to most American scholars, but well introduced by M. Lichtenberger.

In the second volume the author's purpose has been to show what place socialistic ideas had in the minds of men in 1789, how they developed under the Revolution, what they were, who held them, in what writings they are found, how they were received by the people, and what were their influence and results, immediate and remote.

The real history of socialism in this period has not been written, M. Lichtenberger thinks, because party spirit has led Blanc, Faure, Marx, Malon and Taine, who have treated the subject, to divergent views as to the meaning of socialism. The author defines as socialistic any system "to equalize or communize the production and division of wealth." For this work he has used "all the most important original documents" and all secondary sources of value.

To ascertain how much socialism there was in the movement of 1789, the *cahiers*, which reflect the real feelings of the clergy, nobility and *tiers etat*, have been carefully examined. They show very little trace of socialism—not a single demand for social revolution, destruction of property or the overthrow of the existing state of things. They demand equal taxation, judicial, administrative and economic reforms, the seizure of church property, but mostly with indemnity, the abolition of feudal rights, but not individual property, public workshops, changes in commercial laws, regulation of wages, etc. These demands are in harmony with preceding reforms and are hardly revolutionary—certainly not socialistic. Abuses were to be removed by law without changing the fundamental inequality. All agreed with the *tiers etat* of Paris: "*L'objet des lois est d'assurer la liberté et la propriété.*" Even the boldest scarcely hinted at a radical modification of property. They asked for social reforms, but not socialism.

The pamphlets and books of 1787-89 contained ideas of individuals and not of social groups like the *cahiers*. At least four thousand

demanded reforms and thus supplement the *cahiers*. Very few of them criticise social abuses *dans un sens socialiste*. The moderate ones do not demand a complete social reform, while the radical ones advocate the subversion of the state and principles of equality and communism, and suggest a vague program.

The "moderates" discuss the origin of property and favor a progressive tax, state factories, and regulation of wages by law—but these ideas are all found in earlier philosophers. The "radicals" are more socialistic—still not more than one out of twenty is revolutionary. Not more than six had a true conception of equality and communism. Out of 4,000 books and pamphlets, therefore, only 200 were vaguely socialistic and only six decidedly so, while none of the *cahiers* were.

In the Revolution the constitutionalists followed Voltaire and Montesquieu, the Girondists, Montesquieu, and the moderate theories of Rousseau, the Montagnards, Rousseau's *Contrat Social*, and the ultra-terrorists and Babouvistes, d'Helvetius, Diderot and Mably. At the outset of the Revolution it was generally believed that property was to be attacked and a social revolution was feared because of violent declarations, insurrections and local brigandage, but these were due to hunger, misery and discontent.

In 1790 the *Cercle Social* was organized with undoubted socialistic tendencies. Fouchet was its founder, *Bouche de fer* its organ and Rousseau its model. Inspired by the Christian fraternity of the eighteenth century philosophy, it advocated social equality and a world brotherhood to be secured by degrees. Wealth, poverty and idleness were the three great crimes. The state was the guardian of property for the good of all. An agrarian law and other reforms were demanded.

The Girondins differed from Jacobins in motive rather than ideas. They were bold thinkers, but not practical statesmen.

The Jacobins, impregnated with Rousseau's ideas, formed the most progressive revolutionary party, favored greater equality in society, held that the state ought to divide the wealth of the rich with the poor and advocated an agrarian law but feared to put it into practice. Down to 9 *thermidor* private property was declared sacred. The communistic acts of the convention were temporary measures for public safety and not conceptions of a new society.

The Jacobin leaders had no uniform system. Danton was an extreme democrat, but not a socialist. Marat had no well defined socialistic ideas and died before Jacobinism was fully developed. Saint Just was an idealist and not a true socialistic innovator. Robespierre alone seemed to have a new conception of social justice.

The convention orators were rather moderate and indulged in blatant generalizations oftener than attacks on social vices. All decrees of the convention assert the inviolability of private property. The absolute power of the state over property was not new. In short, theoretically, the Jacobins were no more socialistic than Rousseau and Montesquieu, but there was this difference: these philosophers' ideas were now in the mouths of the governors of France! Jacobinism did not die 9 *thermidor*, but lived in the movement led by Babeuf. To Jacobin equality was added the communism of Babeuf.

The "Babouvistes" said that common good is the end of society, and this can be secured only by pure equality, since all have an equal right to all. They advocated common lands and produce, common education, common values, common wages for all labor—in short, an entirely new society based on equality and communism.

In 1796 Babeuf thought the time ripe for the new movement. "*L'égalité ou la mort!*" was the cry of the "*Egaux*," who were to create a new revolution and, through it, establish "*la République des Egaux*," to secure the greatest virtue, good and justice for all. This was the first conscious socialistic movement in France, and it was completely suppressed as anarchistic!

Was there a public socialism? Taine alone has attempted to answer the question and he has reached unwarranted conclusions, the author believes, because he sees socialism in every act of the Revolution and read into Jacobinism socialistic doctrines which were never intended. Discontent and suffering led to the rise of Babeuf, but his real following was small, and the whole world looked indifferently upon his condemnation by the directory. With the consulate all socialistic ideas die out almost entirely.

The social reforms of the Revolution are all found in the philosophy of Montesquieu, Rousseau, Meslier, Mably, Morelly and Linguet.

The author thinks the acts of the Revolution were not inspired by socialism. The confiscation of the goods of the *émigrés* was no more socialistic than the confiscation of Protestants' property under Louis XIV. None but a blind person would call paper money, laws of heredity, public works, feeding the poor, etc., socialistic. The abolition of feudal rights was not socialistic to those who did it. The seizure of church lands was viewed as a necessary sacrifice and indemnity was granted. The theory of the omnipotence of the state was no more socialistic than the absolutism of Louis XIV.

From this careful analysis the author concludes that the Revolution, viewed as a whole, had no socialism in it; that no party or public body had a socialistic program; that from 1789 to 1799 each government respected the existing social order and individual property; that socialistic ideas were sporadic and individual and those held by Jacobins and "Babouvistes" were utopian rather than practical, and that the whole movement was distinctly individualistic and the results were the same.

While M. Lichtenberger is certainly to be congratulated for having done such a scholarly piece of work and for having made such a valuable contribution to our knowledge of that period, he cannot be said to have settled the question.

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*Democracy: A Study of Government.* By JAMES H. HYSLOP, Ph. D., Professor of Logic and Ethics in Columbia University. Pp. xiii, 300. Price, \$1.50. New York: Charles Scribner's Sons, 1899.

From the start this book piques the reader's curiosity. It is "affectionately dedicated to all those who despise politics," yet two-thirds of its pages are devoted to what purport to be "practical remedies." Sir Henry Maine, Mr. Lecky and many a writer of less ability have given us searching criticism of the democracy of the present and gloomy forebodings as to the democracy of the future, but in constructive criticism most discussions of this theme have been woefully lacking.

It is of interest to note that "a study of the poverty problem on the one hand and of the exacting and impossible demands of civic duty on the other," served as the somewhat unusual line of approach to this attempt to frame a comprehensive scheme of government. In the brief "Introduction" Mr. Lecky's "Democracy and Liberty" calls forth some interesting comparisons of the viewpoints of de Tocqueville with those of the more recent critics of democracy, with a discussion of the causes of change. About eighty pages are devoted to setting forth "the nature of the problem." The movement is here less steady than in the rest of the book. The Aristotelian analysis is condemned for centering attention upon the number instead of upon the *kind* of rulers. Some very interesting pages are given to the influence exerted upon political ideas by Christianity, and especially by the doctrine of the immortality of the soul, substituting the idea of right, of legitimacy, for that of power in the guidance of conduct. The theories of Bodin and of Hobbes are discussed, with clear emphasis upon Hobbes's failure to distinguish power *and* responsibility

from irresponsible power. Yet until the present time attempts to realize this responsibility, whether through elective tenure or through the limitations of written or unwritten constitutions, have for the most part failed. We must "separate the idea of freedom to act from that of irresponsibility."

Most reformers are men of a single idea. The millennium is to be ushered in by the referendum, by the single tax, or by state ownership of the agents of production. To Professor Hyslop's mind, on the contrary, our present ills are due to the fact that we are trying to solve complicated problems with machinery far too simple and primitive. Relief therefore must be expected from no single reform; "what is needed is the idea of responsibility and the division of labor in government, the integration and differentiation of function in the operations of government."

After pointing out eight reforms much needed by the German language, an American humorist declared that "these were perhaps all he could be expected to name for nothing." Professor Hyslop is more liberal: he presents us with *nine* remedies for the present disorders of democracy. Admitting that present tendencies point to the wide introduction and thorough trial of the initiative and referendum, he subjects them to a searching criticism; direct legislation he rejects as an institution, which, "though it may be honest and mean well, cannot *govern*." His own prescription is as follows (p. 141-42):

1. A permanent official class in subordinate administrative positions.
2. A court of impeachment and removal.
3. The extension of executive powers of appointment and influence over legislation.
4. The establishment of an agency partly for limiting the abuse of executive powers in appointing, and partly for preventing congressional usurpations and interference in appointments by means of political bargains and intimidation.
5. The adoption of the English system of representation, with some modifications.
6. The further differentiation of legislative functions so as to bring the duties of the legislature within the limits of intelligent performance.
7. Compulsory service for all persons whether appointed or elected.
8. The appointment of *all* judiciary incumbents.
9. The differentiation of the elective franchise.

In justification of so elaborate a scheme it is insisted that the complexity of the problem makes any single reform inadequate; as regards its practicability, "everything here suggested is the adoption or modification of functions and institutions already in use."

The limits of this review will permit but a hasty reference to two of these points. Radical treatment is prescribed for the difficulties now experienced in the use by the executive of the powers of appointment and removal. Appointments are to be referred to a Court of Confirmation, whose members are to serve without salary for a long term, being appointed by the executive and confirmed by the Upper House. Its functions are the confirmation or rejection of all the executive appointments, except those of its own members. The Court of Impeachment and Removal is declared to be the key to the whole proposed system, since it "introduces a direct method of applying adequate responsibility to the executive and legislative agencies." It is to consist of three members appointed by the executive for life, subject to removal only by impeachment before the Supreme Court. Its members are to be excluded from appointment to any other office even after resignation, and alternates are to be appointed to succeed immediately on the death, resignation or removal of any serving members. This court is to have summary and absolute power of removal over both elected and appointed officers, and no power of appointment; it is to have also the power to dissolve the legislative assemblies and order new elections.

Not less radical is the proposed differentiation of the elective franchise. While insisting that the suffrage is not a natural right, but is wholly subject to the interests of the community, the author admits that universal suffrage may be useful, perhaps necessary, where it may serve as a defensive measure against aggression upon personal rights, but urges that it is not a fit means for constructive ends.

The suggested differentiation is as follows: (1) The election of the Upper Houses—which are to have exclusive control of many of the most important subjects of legislation—by limited suffrage. (2) The election of the Lower Houses by universal suffrage. (3) The election of the executive by universal suffrage, except the mayors of municipalities who should be elected by limited suffrage. (4) The stricter and more extensive exclusion of criminals from recovery of citizenship. Intellectual qualifications are rejected for familiar reasons and a vigorous argument is presented in favor of the payment of an income tax, to be determined by law, as the best obtainable suffrage qualification.

This book makes stimulating reading. It is written in a crisp but careless style; the split infinitive seems to be a favorite idiom. In not a few places there is a straining after effect, which ends in smartness rather than brilliancy. The worshiper of democracy will find here slight comfort. Democracy in its pure form is declared to be "polyglot government without head or brains." No heed is given to the educative value of government by the people; to an unwarranted

extent the "proletariat" is represented as "striking at the wealth of the community," while wealth is too readily accepted as a trustworthy evidence of intelligence and public spirit. Nevertheless keen analysis abounds, and both diagnosis and prescription well merit consideration. That the prompt application of several of the remedies would have salutary effects admits of no doubt.

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*Report of the Educational Commission of the City of Chicago*, pp. xvi, 248. Chicago, 1899.

The radical and far-reaching improvements in the school system urged in the Report of the Chicago Educational Commission\* embody the conclusions of advanced educators and are based on the experience of many cities. The investigation in Chicago brought to light "defects so vital that criticism would have been heard in larger measure from the people if an inadequate plan of administration had not left them in comparative ignorance of conditions." The result of a year's work, by a commission representative of the Board of Education, the City Council, and outside citizens, is an outline of statutory organization, rules of government, and principles of development for a city school system.

The theme of the report seems to be that present results are not proportionate to the time, the effort, and the money that are being expended by the Board and its professional employes as well as by the children.

The application of business principles to school administration which leads the commission to separate legislative from executive duties, is the most important recommendation in the report. The powers and duties assigned by the Commission, respectively, to the board and its executives, are such as to concentrate authority and responsibility in the same hands. The freedom of the board from petty details is also intended to secure for it the membership of those citizens best able to mould educational policy. The exceedingly high standards of qualification by which the appointment, promotion, and discharge of the teaching force are to be determined should assure favorable conditions for the progress of education.

Having eliminated defects in the machinery of the system by a new organization, attention is turned to the course of study. The curriculum is declared to be overcrowded. The course is to be simplified, unified, and made flexible as to promotions. It is to be enriched by the addition of constructive work, and facilitated by kindergarten training.

\* Chicago, 1899.

The need for arousing a spirit of enthusiasm in the teachers is recognized. In order to stimulate professional advance, opportunities for growth and training are increased. An impartial and competent examining board is to insure fair treatment. A salary schedule graded according to proved efficiency, and a wide latitude of rights and privileges, are to encourage thoughtful work.

The establishment of intimate relations between the schools and the general public is the third and last resource of the commission in the accomplishment of its purpose. A free lecture system, suggested by the commission as a means of adult education, has in other cities aroused an interest in municipal life and government. The Report has met with sufficient apathy or opposition in Chicago to show how wide is the present chasm between parents and the school administration. "Resident Commissioners" are to fill this breach. The value and need of a Public Education Association seem forgotten. To prevent the system from becoming self-centred and to obtain helpful criticism, provision is, however, made in the appointment of expert "inspectors."

If the report disappoints the reader at all, it is in some lack of philosophical breadth and scientific method. For the first, although its scheme is clear and its scope wide, there are notable omissions in the physical side of education. The mental, moral, and physical development of the child through his instinct for play; school hygiene; medical inspection of school children; and provision for defectives: all are practically unnoticed. For the second, although the style of the report is direct and logical, there is a lack of first-hand observation which lessens its power to carry conviction. The recommendations of the commission are, nevertheless, reasonable and authoritative. The problems of Chicago's schools are the problems of every large American city, and the report is a contribution to the literature of the subject that will be of more than local value.

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*Jared Sparks and Alexis de Tocqueville.* By HERBERT B. ADAMS.  
Pp. 49. Baltimore: The Johns Hopkins Press, 1898.

In this monograph Professor Adams has printed a series of letters exchanged between Jared Sparks and Alexis de Tocqueville during the years from 1831 to 1858. Among them is an elaborate paper by Sparks upon "The Government of Towns in Massachusetts." Aside from the light which these papers throw upon the source of a good deal of Tocqueville's information regarding New England towns, they are of interest in setting forth Sparks' theory of town origin

and government. To him the Pilgrims who landed at Plymouth were "as far as the rights and forms of government" were concerned "in a state of nature;" and the same he believed true of all the first settlers of New England. He says, furthermore, that the "knowledge and habits of local government" were acquired by experience on New England soil; that "representation in proportion to the numbers of the people" and a "free suffrage in elections" were merely matters of convenience made necessary by the increase in numbers of the local settlements; that the general government did not exist from the beginning but was the result of compact. "When the settlements," he says, "or towns as we may now call them, first agreed to this union they had, individually, in their own hands the power which pertains to a social or political compact" (p. 18); "thence, it was obvious that they would give up no more than was essential to the general interests without divesting themselves of their primitive rights." Later, he says, "As the towns increased in number a political union was formed and the General Court or Legislature was established" (p. 26); "The groundwork of the state government is in the towns and each town is in some sort an epitome of the state" (p. 29); "No town . . . has ever been incorporated by an express act of the legislature" (p. 32); "The corporate powers exist in the nature of legal rights, founded on usage and early habits" (p. 19).

It is interesting to see here two separate theories, that of natural liberty and the social compact, and that of the town as the source of sovereignty and the residuary legatee of political power, brought into combination. We begin to see from this why Tocqueville exaggerated so greatly the importance of the New England town, and we are led to meditate upon the tenacity of this doctrine of life according to nature and the state according to contract. For the view of the village community presented by Mr. Freeman, and worked out in this country, notably by Professor Johnston in his history of Connecticut, is in reality nothing more than a revival of the *a priori* theories of Rousseau, and it is strange to see how hard it is for those theories to die even in the uncongenial atmosphere of modern historical criticism.

At the same time the logical conclusion to be drawn from the premises here laid down by Sparks for the town is that the social compact theory applies also to the union between the states, and this too in New England, the abode of federalism, on the eve of Webster's great speech on the constitution. It would be interesting to know whether Sparks has expressed himself on this subject elsewhere.

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*A Short History of Switzerland.* By DR. KARL DÄNDLIKER, Professor at the University of Zurich. Translated by E. Salisbury. Pp. 294. Price, \$2.50. New York: The Macmillan Company, 1899.

Americans should study the history of Switzerland, for it is in Switzerland that we find to-day the best example of the application of democratic principles to the life of the state.

The following extracts from Swiss State Papers, which Dr. Dändliker has placed upon his fly-leaf, form an excellent guiding thread through the labyrinth of historical vicissitudes leading to the present vigorous and progressive life of the wonderfully "advanced" and prosperous little republic in the heart of monarchical Europe: "*Les Suisses sont assez sage pour n'avoir pas l'esprit de conquérans, qui est ordinairement l'esprit d'injustice.*" "*Les Suisses ont deux Religions dans leur País; c'est ce qui les divise quelque fois: mais ils n'ont qu'une liberté, qu'ils aiment souverainement; c'est ce qui les réunit toujours, et qui les réunira éternellement.*"

How this wisdom which eliminated the spirit of conquest was developed, and how the Swiss, divided as they have ever been by diversity of religions, of race, of language, of customs, are yet inseparably united by their unchanging love for their one liberty, is admirably told by our author. It is to be regretted that he did not add another chapter briefly narrating the steps—or rather the leaps and bounds—of progress along true democratic lines within the last twenty-five years (for the book closes with the year 1874). It would seem that this might have been easily and very properly done, and to American students would have been of especial value.

The book is in part a revision of a well-known text-book by Professor Dändliker, but much of it has been rewritten in the light of the author's more recent studies in preparation for his three-volume History of Switzerland. Especially has the history of the obscure and confused periods of the Middle Ages, more particularly the fourteenth and fifteenth centuries, been elucidated by the latest investigations, while that of the seventeenth and nineteenth centuries has been "almost recast after the model of the larger work."

Swiss history is here divided into four periods. The First Period deals with the ancient races and the history of the people previous to A. D. 1218, together with a sketch of the early territorial divisions. Even back in those crude, primitive times the living "germ of Swiss liberty" is pointed out in the free communes of village, town and country.

The Second Period, 1218 to 1516, might well have been termed the Heroic Age of Swiss History. It includes two hundred years of

struggle against outside tyranny and of a somewhat blind but persistent striving after union and freedom, which resulted in the rise and development of the Confederacy and was followed by the hundred years (1400-1516) of the height of the power of Switzerland as a European state.

The Third Period, 1516 to 1798, covers the era of the Reformation, the religious wars which followed and the formation of aristocratic constitutions, ending with the intellectual regeneration and political ferments of the eighteenth century.

The Fourth Period is that of the new development in its varied phases, including an account of the consolidation of the Federal State and of the progress of the Republic under the Constitution of 1848.

Synoptical and chronological tables, an excellent index and table of contents help to make the work convenient for reference.

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*Rhode Island and the Formation of the Union.* By FRANK GREENE BATES, Ph. D., [Columbia University Studies in History, Economics and Public Law. Vol. X, No. 2]. Pp. 220. New York and London: The Macmillan Company, 1898.

Dr. Bates' monograph makes a substantial addition to our knowledge of that public opinion in the various states to which the framers of the constitution had to make their final appeal. The contest in Rhode Island has a special interest because of her stubborn resistance to the "more perfect union." The author has done his work with thoroughness, using not merely printed material, but manuscript archives as well. The literary workmanship leaves something to be desired. Details are not always so ordered as to enforce sharply and clearly the main propositions which the author has sought to establish.

The introduction on the colonial era seems rather perfunctory and somewhat lacking in proportion. Whatever influence may have been exerted by the early boundary controversies, they need hardly have been reviewed in so much detail. On the other hand, a more comprehensive view of the colony as it was, say in 1765, would have increased the effectiveness of the author's treatment of the later years. One cannot avoid a certain skepticism in regard to the causal relation between the individualism illustrated in the founding and early history of the colony, and the course which it pursued after the War of Independence.

The aggressiveness and spirit of co-operation shown by Rhode Island in the events leading up to independence are well brought out.

When the articles of confederation were presented to the states for acceptance, Rhode Island, while urging amendments, showed a highly creditable spirit of accommodation. The turning point appeared when the effort was made to secure the grant of additional powers to Congress. The reasons for opposition to the impost were not, however, purely constitutional. It was feared that the exercise of the new power would injure the commercial interests of the state. In rejecting the impost in 1782, the vote of the assembly was unanimous. The state continued in its attitude of opposition when the revenue scheme of 1783 was presented, though the constitutional objections raised to the original impost had been partially met. Gradually, however, the conviction forced itself upon the merchants of Rhode Island that their interests demanded the granting of larger powers to Congress, and in 1786 the state was ready to grant all or nearly all that was then asked.

The mercantile interests had abandoned their particularistic attitude, but they could not maintain themselves against the superior numerical force of the country party. The specific issue between the two parties was that of paper money. Real distress, the difficulty of meeting private and public obligations, led the debtor classes to demand the issue of paper money. The conservative interests which controlled the assembly at the beginning of 1786 refused, but the next election showed their political weakness, and the radical party gained a control which lasted for several years. Then followed the series of excesses which culminated in the denial of trial by jury, and finally received a salutary check in the decision of the superior court in the case of *Frevett vs. Weeden*. Even after the gradual abandonment of the paper money program, the party responsible for that program retained political control. To a state controlled by these elements, the appeal was made, first to take part in the convention and then to ratify the constitution. The noteworthy thing here seems to be the essential similarity of the opposition in Rhode Island to that, for example, in Massachusetts. If the people of the central part of the latter state could have been set off by themselves, their action would undoubtedly have been similar to that of Rhode Island.

The amendments proposed by Rhode Island to the federal constitution seem to indicate no important difference in kind between the opposition here and that elsewhere. One receives the general impression that the final adhesion of Rhode Island to the constitution was due not so much to a change of principles, as to the not ungrounded fear of the consequences of further resistance. The passage in the federal senate of the bill for commercial non-intercourse with Rhode Island, indicated a spirit with which it was unwise to trifle. The

victory of the anti-federalists in the election of 1790 also seems to indicate that ratification was an act of necessity rather than of choice.

We certainly can not exclude altogether the influence of early particularistic traditions in determining the action of the state during this period, but the reader will probably conclude that the most significant elements in the opposition were those which Rhode Island shared with other states. With a leadership less efficient than that of Hamilton, the first federalist minority in New York might have been no better off than the constitutional party in Newport and Providence.

An appendix gives the text of the amendments proposed by Rhode Island to the federal constitution. The book seems of sufficient extent and importance to make the addition of an index desirable.

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## NOTES ON MUNICIPAL GOVERNMENT.

### AMERICAN CITIES.

**Greater New York.**—*Civil Service System.* The recent decision of the Court of Appeals of New York has thrown the whole civil service system of the city of New York into a condition of uncertainty; a situation which serves to illustrate the unsatisfactory relations existing between the state and the municipality and the carelessness of the state legislature in passing laws without reference to their influence upon existing legislation dealing with the same subject. The question arose through the removal of the superintendent of city hospitals on April 1, 1898. Prior to March 5 this position had been placed in the schedule not subject to competitive examination. On March 31, that is to say, one day before the removal of the superintendent, a new civil service law of the state went into effect, which provided that "if a person holding a position subject to competitive examination shall be removed or reduced, the reasons therefor shall be stated in writing and the person so removed have an opportunity to make an explanation, and further, that the civil service regulations of the cities should be approved by the State Civil Service Commission." The contention of the removed official was that inasmuch as the rules under which his position had been transferred to the exempt class were not approved by the state commission in the manner required, they became inoperative on March 31, and that the position was thereby restored to the competitive class, from which removals might be made only in the manner prescribed by law. The decision of the court, which upheld the position of the Municipal Civil Service Commission, was based upon two distinct grounds. In the first place the court holds that the charter of Greater New York contains a special and exclusive system for classification and examinations for the civil service and that this charter manifests deliberate intention on the part of the legislature to take the city of New York out of the general civil service law of the state. The act of 1898 was intended to amend the general state law, was prospective in its operation, and while it applied to all the cities of the state it left the city of New York under its original charter system for want of apt language to make the act operative upon the charter provisions. "Where a local and special statute covers the entire ground and constitutes a complete system of provisions and regulations, which the general statute, if allowed to operate, would alter, the settled rule is that it is not to be

deemed repealed except the intent to repeal is clearly emphasized." To support this a number of cases are cited.

The second principle upon which the decision rests, and which in reality furnishes the basis for the opinion of the majority of the court, is that the regulations and classifications of the municipal commission were valid and that even if the law of March 31 did apply to the city, there remained a further period of two months after March 31 for the submission of such rules to the state board for approval, and that still another month was allowed to the state board in which to approve the same; that during this whole period of three months, or in other words, down to the first of July, 1898, such rules remained valid and effective, and that as the position held by the plaintiff was classified under these rules in a schedule exempt from competitive examination, and as his removal occurred on April 1, such removal was regular.

The unsatisfactory wording of the opinion has created considerable doubt as to whether the court means to apply the general state act of 1898 to the city of New York. The corporation counsel holds, and would seem to be upheld by the tenor of the first part of the decision, that the local civil service board is free to establish its own rules independently of the state board. The state commission on the other hand claims that the decision refers only to the state of affairs prior to July 1 and does not decide the question whether the local appointments since that date are legal or not. In this view the commission is seconded by the New York Civil Service Association and finds justification in the latter portion of the decision in which the court says that the act of 1898 cannot have a retroactive effect, that regulations adopted by municipal commissions remain in force until after the three months from March 31, 1898, have elapsed.

"Where, as in the present case, a new rule is laid down by the legislative body for the future administration of the civil service system in cities throughout the state, it must logically follow, that acts done under the authority of the law in force, prior to the time when the new law takes effect, are valid. The regulations of the New York Civil Service Commission of March 5, 1898, were validly made and being existent when the act of 1898 was passed, were in express terms recognized; but they were required to be further approved by the state board. Hence what had been done under their authority was lawfully done, and was not affected." Adopting this second portion of the decision, which was specifically stated to be the ground upon which the majority of the court concurred in the opinion, the New York Civil Service Association has asked the city controller not to issue warrants for the payment of salaries to persons holding

appointments subsequent to July 1, 1898, under rules which have not been approved by the State Civil Service Board.

The Court of Appeals has since decided that the rules of the local civil service boards must have the approval of the state board.

The whole question has been practically settled by the recent passage of a new Civil Service Act, which repeals the so-called "Black Act," which had been designed to take the "starch out of the civil service." The new law requires that the rules in force in New York City, as well as in other cities, shall conform to fixed and uniform standards and that they shall be approved by the state commission. The wisdom of the new measure is attested by the fact that under the administration of the civil service law of the present New York board the competitive system was maintained in form rather than in fact. In a recent publication of the council of the City Club, of New York, it was shown that seven hundred appointments were made without examination to so-called confidential positions; sixteen hundred were made under temporary certificates, the majority of which are still continued; five thousand were appointed as "laborers," and many of these were promptly assigned to duties which should be performed only by persons who have passed the competitive examination. In other words, a regular procedure for the violation of the existing law has been developed. In the new law adequate provision has been made for exemptions from classification or examination. Under the definition of the term "civil service" the officers elected by the people, officers appointed subject to confirmation by the senate and all judicial officers are excepted. Further exceptions are made in the case of heads of departments, election officers, commissioners of deeds, deputies and secretaries, and principals and teachers of the public schools. The law still leaves to the mayor the appointment of city commissioners, but gives to the state commission the power to amend or suspend rules made by the city commission if, after explanation by the city commission, it appears plainly that the rules did not carry out the purposes of the law. The state commission can furthermore remove local commissioners for proved inefficiency or misconduct, but only by unanimous vote after a full hearing on written charges and with the approval of the governor.

**New York City.**—*Rapid Transit.*\* The various plans for improved transit facilities in New York City have received a severe check because of the antagonistic attitude of the present city administration to the construction of an underground system. Legal difficulties have also arisen, owing to the uncertainty of the relation of such system in

\* For the discussion of the earlier stages of the rapid transit plans, see Notes on Municipal Government in the ANNALS for March and May, 1898.

the borough of New York to the greater city. Article VIII, Section 10, of the Constitution of New York, provides that "no county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of such county or city subject to taxation . . . and all indebtedness in excess of such limitation except such as may now exist, shall be absolutely void, except as herein otherwise provided." The Rapid Transit Commission now claims that this provision does not apply to the county of New York, because the city and county were already coterminous when the constitution was adopted. Furthermore, under the Greater New York organization the county of New York is not coterminous with the city, inasmuch as the Greater New York includes several counties. Interpreting the constitutional limitation as inapplicable, the commission holds that the county of New York has the power to incur an indebtedness of ten per cent of its assessed valuation, which, added to the ten per cent of the borough of New York, would place the city's real borrowing capacity at twenty per cent of the assessed valuation. The case of the East River Savings Institution, decided by the Court of Appeals, in *136 New York, 52*, is cited, in which it was held that the borough of Brooklyn and King's County could each borrow up to ten per cent of their assessed valuation. Unless this contention is upheld, the municipal construction and operation of the road will be practically impossible, as the city would not be able to increase its indebtedness sufficiently to meet the expenses of construction. Under any circumstances it would be necessary to so amend the charter of Greater New York as to make the road an asset of New York County alone.

Another course open to the commission is to obtain from the legislature the power to grant the franchise for the construction of an underground railroad to a private corporation. This, of course, would involve the abandonment of municipal construction, which had been favorably passed upon at a popular election. In a memorial recently presented to the state legislature the commission asks for this power in case financial limitations will not permit the city to undertake the work.

Towards the end of March the Metropolitan Street Railway Company submitted to the commission a proposition for the construction of the underground railway under the following conditions:

1. The routes and plan of construction prescribed by the board and approved by the municipal authorities and Appellate Division to be adopted, subject only to modifications in detail. The plan includes tunnel construction except at the extreme upper part of the road.

2. Construction to begin at once on the section of the road running from the City Hall through Elm street, Fourth avenue, Forty-second street, Broadway and the Boulevard to a point above Fort George, and that section to be completed within three years.

3. The remainder of the road upon the routes prescribed by the board to be built within two years after the grantee shall earn five per cent upon the actual cost of the first section.

4. Passengers to be carried the entire length of the road for a single fare of five cents, and to have the right to a transfer from or to any part of the Metropolitan system for an additional fare of three cents. The fare upon express trains running at a rate not less than twenty miles an hour and, for at least two miles below Forty-second street, at not less than thirty miles an hour, to be ten cents, with right of transfer from or to any part of the Metropolitan system without additional charge.

5. The grant to be in perpetuity.

6. The grantee to be entitled to use side galleries and other spaces in the tunnel not necessary for railroad purposes for any wires, tubes or conductors authorized by law, and to receive rentals therefor.

7. Rental to the city to be five per cent of gross receipts, provided that the grantee shall first receive five per cent net upon the cost of construction, such cost to be subject to proper scrutiny by the board. The grantee to be exempted from taxation until it shall earn five per cent.

The Rapid Transit Board commenting on this proposition says, "Under the law as it now stands the board is bound to construct with the funds of the city or not to construct at all. The board is convinced that municipal construction is now, and perhaps, for a long time will be, impracticable. If rapid transit is to be secured now, the board must have power to make a grant to private capitalists."

This proposition of the Metropolitan Railway Co. has met with considerable opposition, particularly the provision granting a perpetual franchise. In view of this opposition the company has withdrawn the offer on the ground that it would only be prepared to undertake such a vast enterprise assured of the good-will of the citizens.

*The Legislature and New York City.\** During the present session of the legislature the usual mass of bills relating to the city of New York has made its appearance. Few only of these bills are essentially public bills affecting the whole city. Most of them, whatever their form, are designed to benefit certain persons, or certain small parts of the city, in entire disregard of the fact that the cases covered by them are fully provided for by the charter. Even those bills which are honestly intended to make some improvement in the local law relating to the entire city are, for the most part, drawn with but little care for the provisions of law now in force. Bills of both these classes

\* Communication of James W. Pryor, Esq., Secretary City Club, New York City.

threaten to add to the great uncertainty and confusions of the special laws relating to the government of New York City. Fortunately the governor may be trusted to appreciate this fact, and to veto most of the ill-considered local bills that may be sent to him by the legislature.

*The Amsterdam Avenue Fight.* The struggle in the legislature over the question whether the laying of four underground trolley tracks in Amsterdam avenue shall be prohibited by legislative enactment, has excited more interest in this city than any other question which has presented itself at Albany this year. Two or three very large and earnest mass meetings have been held by the citizens of that part of the city which is directly concerned, and a delegation of several hundred attended a hearing at Albany, in behalf of a bill pending before the legislature to make the proposed arrangement of tracks illegal. The familiar process of confusing the issue by compromise and amendment has been employed so successfully by the opponents of the bill, that the few remaining days of the session may not see the passage of measure.

**Pennsylvania.**—*Franchises.* A bill of considerable importance to the city of Philadelphia, prohibits any city of the commonwealth, co-extensive in boundary with the county, from leasing or selling the franchise of any plant now in use, or that may hereafter be established for the purpose of supplying the people with heat, light or water, without first submitting the question to a popular vote of the qualified electors of such city.

**Philadelphia.**—*Charter Amendment.* A bill has been recently introduced into the state legislature, by the Hon. Clinton Rogers Woodruff, to reduce the number of members in both branches of councils and to change the system of election in the upper branch from the district to the general ticket plan. The bill provides for the election of a common council of fifteen members and of a select council on the basis of one representative for every six thousand of taxable inhabitants. This change, which is in harmony with the general tendency of municipal reform, will reduce the present select council from thirty-seven to fifteen members. The bill furthermore provides that the committees of select council shall be created through election by members of the council and not by appointment by the president. The common council to be one-third of its present size.

**Cincinnati.**\*—*Charter Revision.* The Ohio Municipal Code Commission, appointed in pursuance of an act of the last legislature, has been in session in various parts of the state, and from the public expressions of the commissioners, all friends of good government will regard the proposed measure with satisfaction. It provides for home

\* Communication of Max B. May, Esq.

rule for cities, and adopts the federal plan of government and the merit system. There will be four administrative departments, the Departments of Accounts, of Law, of Public Works and of Police. These several departments will be under the direction of one man, instead as now of bipartisan boards. The common council will be replaced by a smaller body, part of which will be elected at large, part by wards; the members will be paid a salary, and their power limited strictly to legislative subjects. The only officials to be elected will be the mayor, treasurer, police court judge and clerk, and councilmen. Nominations for municipal offices shall be made by petition only, and the names of all candidates must be printed alphabetically under each office upon the official ballot, without any distinguishing mark of party affiliation or otherwise. The bill will be introduced at the beginning of the legislative session in January, 1900, and a vigorous campaign made for its adoption.

**California.\***—*Taxation of City and County Bonds.* In California at present county and municipal bonds are subject to taxation. Of course the original purchasers get them for less on this account. The theory is that what the counties and municipalities lose in this way will be more than made up by taxation. But the effect is not what was expected. In only ten counties of the state are bonds assessed, and last year less than \$15,000 were collected from this source.

The chairman of the committee on municipal affairs of the legislature which has just adjourned discovered bonds to the amount of more than thirteen millions dollars on which taxes should, according to the present law, be paid. And it is by no means certain that further investigation would not have revealed the existence of other bonds of great aggregate value which escape assessment. But by the failure to assess and collect upon the known thirteen millions the state loses annually about \$250,000.

The efficient chairman of the committee, Mr. E. K. Taylor, thinking it would be better to repeal the law, has secured the passage of a bill directing that the question of such repeal shall be submitted to the people for their decision at the next election. It is certain that the people receive far less for their bonds than they otherwise would because they are placed upon the market on the theory that the bondholders are to pay taxes upon them.

**San Francisco.**—*New Charter.*† On January 19, 1899, the Legislature of California formally approved the new charter for San Francisco, which had been adopted at a special municipal election held in that city on May 26, 1898. This action was the culmination of a long-

\* Communication of George R. Dodson, Esq., Alameda, California.

† Communication of Hon. Clinton Rogers Woodruff.

continued effort on the part of the Merchants' Association to secure a new charter for the city.\* Although defeated several times at the polls, it did not give up the fight, and in September, 1897, to carry out more effectively its object, the association organized a Charter Commission of one hundred, the first work of which was to secure the nomination and election of a board of fifteen free-holders pledged to consider the whole question from a broad municipal point of view. This board prepared a charter which was adopted by popular vote in May, 1898, and has now been approved by the legislature. The charter goes into effect January 1, 1900. It provides for the election by popular vote of eighteen supervisors, a mayor, auditor, city attorney, district attorney, treasurer, assessor, tax collector, recorder, public administrator, county clerk, sheriff, coroner, five justices of the peace for two year terms, four police judges and a superintendent of schools for four years.

The mayor, who is ex-officio president of the Board of Supervisors, has general supervision of all the departments of municipal government and the books of each department. It is his duty to see that the departments are honestly and economically administered; and that the terms of the franchises granted are faithfully executed. It lies within his power to postpone final action upon any franchise until it shall have been ratified or rejected by the people at the next following election. The mayor also has power to appoint three commissioners of public works, four police commissioners, four fire commissioners, four school directors, five health commissioners, five election commissioners, five park commissioners and three civil service commissioners; the terms of most of these being for four years.

While the first mayor under the charter will appoint all the commissioners of the several boards, the terms of these members will be so arranged that one will expire each year, so that no subsequent mayor will be able in the ordinary course of events, to appoint more than two members of any board. Under the present charter, the mayor is a mere figurehead with scarcely any substantial power; under the new charter he will be a distinct factor in its municipal government, both through his power of appointment and through his power of supervision, as well as his power to insist upon a submission of franchise ordinances to the voters for ratification.

The legislative power of the city and county is vested in the board of supervisors, whose membership is increased from twelve to eighteen. All are to be elected at large, and each supervisor will receive \$1,200 a year salary, and be required to give a bond in the sum of \$5,000 for the faithful performance of duty. The mayor is the

\* See ANNALS, Vol. xi. Notes on Municipal Government, pp. 284, 285.

presiding officer of the board. The ex-mayors will be entitled to seats therein, but without vote or compensation.

The charter makes it incumbent on the supervisors to procure every two years, beginning with the year 1901, estimates of the actual value of the water, gas, electric light, and power and steam works, telephone lines, street railroads and other public utilities; and to submit to the people at the next following election the question whether there shall be municipal ownership and operation of the same. Upon petition of fifteen per cent of the electors, the supervisors *must* submit to the vote of the people a proposition for the acquisition of any public utility desired, and the mayor may also submit such a proposition. Should a majority of the electors determine to take over any of the properties, their control will thereafter come under the jurisdiction of the Board of Public Works. The supervisors are empowered to submit the question of municipal ownership to the people at any time without petition.

**Pittsburg.\*—*New Charter.*** In 1895, as a result of the reform declarations of the Republican state platform, a movement was instituted in Pittsburg to secure the adoption of a new charter for that city, the Citizens' Municipal League and the Chamber of Commerce taking the lead. As a result a bill, known as the Bruce Charter, was prepared for introduction at the 1897 session of the Pennsylvania Legislature. This charter was given special prominence because it was drafted by a member of the committee of five selected by the Republican State Committee to draft the necessary legislation to carry out the platform pledges. No sooner, however, had the charter which applied to cities of the second class, including Pittsburg and Allegheny, been introduced than the politicians of Allegheny vigorously objected, claiming that the people of that city were entirely satisfied with their form of government and desired no change. To meet this objection a bill known as the "Ripper Bill" providing for the reclassification of the cities of the commonwealth and transferring Pittsburg from the second class to the first class was introduced. It also contained the remarkable provision that within thirty days of the passage of a city from one class to another all the offices in said city should thereby become vacated and the new officials provided for under the new form of government for the class to which the city was transferred should be appointed by the governor. Such a radical measure naturally provoked strenuous opposition which grew to such an extent that it resulted in the defeat of all of Pittsburg's reform legislation.

\* Communication of the Honorable Clinton Rogers Woodruff.

The present charter minimizes the importance of the mayor and reduces his functions to the smallest possible degree. His appointing power is practically *nil*, being confined to the appointment of a messenger and clerk and five police justices. His veto can be overridden by a three-fifths vote of councils. There is no concentration of authority in any popularly elected officer and the whole plan is so devised as to make it impossible for the voters to reach those who are actually accountable, or to affect any change short of continuous or unremitting effort carried on for five or six years. At the 1899 session of the legislature, the Bruce Charter was re-introduced by Representative Creasy, a Democrat. It was negatived by the committee on municipal corporations and an effort to place the bill on the calendar by a direct vote of the House failed. Although it received a majority of the votes cast, it did not receive the necessary one hundred and three votes required by the rules. The Democrats voted solidly for it and some of the more independently inclined Republicans aided them. This practically ended the movement for the present session, but by no means ends the movement of the citizens of Pittsburg for that relief to which they believe they are entitled, not only by the promises made to them but by the actual condition of affairs. It is generally understood that the agitation will be continued by the Chamber of Commerce and the Citizens' Municipal League. As a result of the work thus far done considerable important information has been gathered and published bearing on the actual municipal conditions prevailing in the city. One pamphlet published by the Citizens' Municipal League, of which Oliver McClintock is chairman, presents a full statement of the case.

**Detroit.**—*Municipal Purchase of Street Railways.* The Governor of Michigan has recently approved the bill passed by the legislature, empowering the common council of Detroit to appoint three persons to constitute a board to be known as the Detroit Street Railway Commission. This commission is given power to acquire, upon such terms and conditions as it may deem advisable, by deed, lease or other satisfactory conveyance, any street railway or railways existing at time of passage of the act and lying wholly within or partly within and partly without said city. It may provide for the payment of rentals or other obligations, and also for a sinking fund for the discharge of any liens upon any of the property acquired by them, and may pledge the earnings and receipts of street railways for these purposes and may use the earnings in operating and maintaining the same, and may use any surplus in earnings in acquiring any bonds secured by lien upon the property so acquired, or may use such surplus in making needful extensions or betterments of said railways.

The commission is given power to employ a director, manager, superintendents, attorneys, etc. The members are required to give bond to the amount of \$250,000 for the faithful performance of the duties of their office. The common council, in pursuance of this act, appointed Governor Pingree and two other prominent citizens of Detroit as members of the commission. Experts have been called in to appraise the value of the street railway property as well as its earning capacity, and it seems likely that before long the city of Detroit will inaugurate a municipal street railway service. The purchase price has been estimated by several persons at from twelve to seventeen million dollars.

## FOREIGN CITIES.

**Paris.\*—Public Pawn Shop.** The recent consideration by the Illinois Assembly of a law permitting the formation of pawnshops similar to the Collateral Loan of Boston, and the Provident Loan of New York, and the active steps taken by the Merchants' Club of Chicago to put the plan in operation renders the report of the fifth commission of Paris on the *Mont-de-piété* of special interest.† At present the pledge business of the French capital is carried on in a main building, three branch offices (*succursales*) and twenty-two supplementary offices (*bureaux auxiliaires*) distributed throughout the city, the entire being under the direction of one set of municipal officials. Its present unity, however, is not the fulfillment of a plan adopted at the time of its organization, but the result of the constant elimination of undesirable features. At first a rented building was occupied, but the success of the business soon required that a branch be provided, and with its continued growth further additions were necessary. In the meantime to give those living in the outlying portions of the city better service, commissioners were appointed who received pledges and conveyed them to the main or branch offices. So important were these commissioners that in 1839 they received over 91 per cent of the pledges. This plan was unsatisfactory. Since pledges of higher value were more remunerative the commissioners sought to locate in the better portions of the city, leaving those for whom the institution was more directly established with accommodations little better than before. Moreover, the fees charged by them, being largely fixed charges, were particularly heavy on pledges of small value. For these reasons the commissioners were gradually supplanted by the supplementary offices to their total exclusion in 1889. This naturally called for a great increase in rents or the purchase of valuable property, and gave rise to the question as to which of these methods

\* Communication of Dr. W. R. Patterson, Iowa State University, Iowa City.

† Rapport au nom de la 5ième Commission sur le fonctionnement du Mont-de-Piété.

was the more advisable. To the solution of this question, and indirectly the justification of the large expenditure already made for this purpose, the director was requested to supply data. His response was a detailed report, the review of which the commission embodies in its present report with recommendations as to interest charges, payment of surplus proceeds from pledges.

The loss entailed by renting is evident. The proprietors are quick to recognize that after the authorities have spent a considerable sum to adjust a building to the needs of the business a change necessitates a considerable loss and hence refuse to renew the lease on the original terms. Figures are given showing that a new lease is seldom secured save at an advance of from 50 to 100 per cent on the original rental price. In many instances it has been deemed advisable to pay this advance, yet a sufficient number of changes have been made since 1856 to cost the institution for repairs, extra rents during time of transfer, etc., some 5,000,000 francs (\$965,000), 92 per cent of which was extended prior to 1883 when the policy of purchase was practically adopted. Since this time the purchase of property has been sufficient to suppress an annual rental of 75,672.44 francs (\$14,604.78) reducing the amount of rent paid at present to 21,125 francs (\$4,077.12). As the cost of construction is not itemized it is difficult to determine the exact cost of this change. It appears, however, that the ground sites purchased in this period cost 907,663.50 francs (\$175,179.05), and the construction of buildings, and the making of needed repairs, 826,935.19 francs (\$159,598.49). This together with the property held prior to 1883 raises the total cost price of the property now owned by the institution to 10,509,203.01 francs (\$2,028,276.18)—a sum considerably below the present valuation of the property.

The report deals with a number of interesting questions of minor importance. Of the 868,512.30 francs (\$159,506.87), overplus derived from the business of 1894, 108,705.70 francs (\$20,980.20) not claimed by the rightful owners was, in accord with the law, turned over to the *hospices civils*. The fees for appraisal remain as in previous years,  $\frac{1}{2}$  per cent on all loans made. In addition to this the appraisers receive 3 per cent of a 5 per cent auction fee for conducting the sale of unredeemed pledges, the remaining 2 per cent going to the institution. The rate of interest on common pledges remains at 6 per cent per annum with a fixed charge of 1 per cent, as adopted in 1887. Funds for these advances are still obtained at the reasonable rates of last year, 2.75, 2.5, 2.0, 1.5 per cent per annum on loans on deposits of 12, 9, 6 and 3 months respectively. Finally the budget for this year places the receipts at 104,154,600 francs (\$20,101,837.80) and the expenses at 104,119,580 francs (\$20,095,078.94) leaving an excess of 35,020 francs (\$6,759.86).

## SOCIOLOGICAL NOTES.

**Vacation Work for Children.**—An interesting statement concerning the importance of and reason for a radical change in educational methods, both in the use made by children of vacation periods and also in the sphere of activity during so-called "term-time," was made recently in the annual address by Mayor Quincy, of Boston, to the City Council. He said :

"I am strongly impressed with the idea that the civilization of any community is to be measured very largely by the extent and the character of the provisions which it makes for the education, training and development, both physical and mental, of its children, so far as such work can be undertaken by the public. The doctrine that it is not only a proper, but an essential, function of the municipality to provide free facilities for giving a certain minimum of education to the children of all its citizens, and that the state may properly require that all children shall either be given the instruction provided at public expense or similar private instruction, is now thoroughly accepted, at least in this country, and requires no argument in its support. It is also an accepted idea that the municipality must assume the burden of providing for the training and bringing up of dependent or neglected children, either in institutions supported at the public expense or in private families in which children are placed out under the supervision of public authorities, besides assuming the control, in institutions, of any children who may commit crimes or misdemeanors, or may be habitual truants. Our Parental School is practically a boarding school, maintained by the public for the benefit of boys who have shown that they require the training and the discipline which the day schools cannot afford. Under the act of the legislature passed in 1897 establishing a board of trustees for children of the above-named classes, Boston has taken an important step in advance of other municipalities, and the benefits of separating the care of children under the public charge from the control of adult paupers or criminals have already been considerably felt, and will be still more strikingly manifested during the next few years, as changes of administration are affected and as buildings and plants are improved.

"Between the work of the public schools on the one hand, and that of the Children's Institutions Department on the other, I believe there is a large and fruitful field for the employment of municipal effort. This has already been amply demonstrated by the work which has been accomplished during the last year—through the very extensive use by children of the new bathing facilities which were offered last summer for the first time, including instruction in swimming, through

the extensive use of the larger opportunities afforded by the opening during the summer of a much larger number of school yards than heretofore, through the remarkable success of the children's excursions to Long Island, paid for out of the Randidge Fund, through the promising initiation of the experiment of conducting a city camp for boys on the same island, and through the use which has been made by children of the special facilities for exercise, under the direction of an instructor in gymnastics, which were afforded them at the East Boston gymnasium.

"I believe that these various lines of work, all relating to development outside of the schoolroom, should be more closely correlated and considerably extended, and that this can best be effected by formally recognizing the provision of means for the physical development, training and healthful recreation of the children of the community as a proper municipal function, and by specializing this work under the general direction of a new department, to be created for this purpose, and to be under the charge of an unpaid board of trustees. The administration of public gymnasia is placed by ordinance under the charge of the Bath Commission and properly belongs to that body, so that the control of the use of gymnasium facilities by children may well be left in its hands, together with the control of the use by children of public bathing facilities, including instruction in swimming. But I believe that a new department may well be created to have charge of the use of school playgrounds, of the Randidge excursions, of the boys' camp, and of any similar lines of work which may be developed relating particularly to the out-door life of children, especially during the vacation season. Without in the least undervaluing the efforts of private charitable organizations in this direction, I think that no one can be familiar with the work which has been actually accomplished through municipal agency in the lines above mentioned without recognizing that the most far-reaching and comprehensive results can only be secured through the organization of the forces of the whole community, under the direction of the city itself. I shall accordingly ask the city council to pass an ordinance providing for such a department—the nucleus of which may already be found in the advisory committee which had the supervision of the boys' camp last summer, and in the Committee of the Massachusetts Emergency and Hygiene Association, which has for many years had charge of keeping open a limited number of school playgrounds for the use of children. It would be hard to assign limits to the comprehensive and beneficent work which could be developed under the specialized administration of a department of this character, at a comparatively small cost to the public, while the work which has been actually

started is surely of sufficient magnitude and importance to call for continuous control. As the city secures more playgrounds and equips them, it will be very important that their use for sports shall be properly controlled and directed and this line of work might also well be entrusted later to such new department.

"In this connection I desire to call attention to the fact that Boston is behind New York, at least, in failing to recognize the importance of vacation schools, and to make some provision for them. In that city the board of education has adopted the vacation school as a feature of the school system, and a regular appropriation of school funds is made for their maintenance; and the city of Philadelphia has also followed this example. Experience has shown that the value of such schools, and the demand for them has to be demonstrated through other agencies before they can be incorporated into the educational system, and I believe it is better to follow the same course here rather than to urge the establishment of such schools upon the school committee without such preliminary demonstration of their value. This work may well be initiated by such a new department as I have suggested.

"The turning loose upon the streets during the summer months of an immense number of children, whose parents are unable, on account of the occupations in which they are engaged, to control them or keep them out of mischief, presents a most serious social problem to the community. The comparatively little which the city has already done in the directions above mentioned has certainly exerted an appreciable influence for good; and I am sure that nothing will be more heartily welcomed by a very large proportion of the parents of school children than the provision by the city of some means of training and wholesome occupation for them during the vacation season. In my opinion the economic, social and moral loss of leaving the great mass of children upon whose education such an amount of public money is expended, to run wild to a great extent during the summer months, and to lose so much before returning to school, is so great that the community cannot afford to let it longer continue. If even two per cent of the expense of carrying on the public schools was devoted to some form of vacation training, I have not the slightest doubt that it would be a more profitable and economical expenditure of public money.

"The maintaining of continuity just as far as possible in the process of education and training is certainly of great importance. That it is desirable, even necessary, to suspend the regular routine work of the schools during the summer, I do not for a moment deny; but it by no means follows that a different kind of training, physical as well as

mental, cannot be substituted during the vacation season, with the actual approval of the children themselves, and experience elsewhere has shown that great numbers of them are ready and anxious to attend vacation schools."

**The Need for Higher Industrial and Commercial Education in the United States.**—It is interesting to note how this need is being recognized by men engaged in active business and by those more specifically interested in scientific studies in the physical and mechanical sciences rather than in the social sciences. Mr. J. B. Johnson, professor of civil engineering, Washington University, St. Louis, Mo., in his presidential address before the Society for the Promotion of Engineering Education at its meeting held in Boston, August 18, 1898, made this subject his main theme. Reviewing the past commercial supremacy of England he maintained that she has relied too strongly on the mechanical development of her manufactures and of her shipping while Germany has become her formidable competitor by developing in addition the factor of competent expert direction of industrial enterprises. He then describes the trade schools or "mono-technic" schools as they are called. A few extracts from Professor Johnson's address describing these technical schools and the commercial schools in Germany and France and also commenting on the outlook in the United States may prove of interest to the readers of these notes.

"Such schools are there found for all the leading industries of the empire, and there are many schools for the same industry. Thus there are in Germany thirteen schools devoted to the textile industries, each with its peculiar organization specifically adapted to the region in which it is placed. As little duplication as possible is practiced and when the same field is covered in two or more schools, variations in methods are introduced for the purpose of comparing results. The students entering these schools have first to complete the course of study in their secondary scientific schools (or say through the sophomore year of our engineering schools), and then the course of study in the mono-technic schools is three years, of forty-five hours a week, on the successful completion of which certificates are granted.

"The fine and costly buildings in which these schools are installed; their elaborate equipment, with all the needful chemical and physical laboratories, and all the machinery required to convert them into regular commercial factories; their large corps of trained teachers and the very small number of students admitted to take their full courses; the administrative care and oversight given to them, and their very small tuition fees, all serve to make the training given in them extraordinarily expensive to the state. Thus the textile schools of Creffield

had last year only one hundred and eight regular day students in the weaving school and forty in the dyeing and finishing school. In the weaving school was the director with fifteen assistant lecturers and six other assistants; in the dyeing and finishing school there were the director and three assistant lecturers, a special chemist for dyeing and one for finishing, or a force of twenty-nine instructors for one hundred and forty-eight regular students. There were, however, irregular students in attendance on night and Sunday courses. The plant of this school included extended chemical and physical laboratories fully equipped, drawing rooms, lecture and testing room, chemical museum, library and reading rooms. The mechanical equipment was that of a complete weaving, dyeing and finishing works for all the finer grades of cotton, linen, woolen and silk goods. Commercial work is done on a large scale, the students doing the work under the direction of the assistants. Specially difficult tasks in dyeing are here undertaken and successfully accomplished, and regular consignments of this character are made by some of the leading factories of the empire.

“This school is only one of hundreds in Germany which are training up a class of men for the direction of all kinds of industrial works in which scientific knowledge is finding its embodiment and application. As a result of this training we find such great industries as the aniline and soda works at Ludwigshafen on the Rhine, which has grown from employing a total force in 1865 of thirty people, to employing five thousand men and over a hundred trained chemists in 1897; also the optical and electrical works of Schuckert & Co., of Nuremberg, which started on a very small scale in 1882 but which now employs over four thousand men besides a large scientific staff, and which had in 1897 unexecuted orders on hand aggregating \$15,000,000. Three-fourths of all the coloring matters and pharmaceutical products now produced from coal tar are made in Germany. their total annual products of this class aggregating \$40,000,000. The earliest chemical discoveries of these products were made in England, but there was not sufficient knowledge of applied chemistry in that country to utilize the discoveries.\* It is such examples as these, of which there are many, that indicate that Germany is reaping the fruits of the painstaking and far-seeing policy she has entered upon; and if other nations wish to share her prosperity they must act with a like wisdom and determination. The proof that Germany’s remarkable industrial prosperity is traceable very largely to her educational methods† is not

\* Report of Technical Instruction Committee, City of Manchester, England, 1897, p. 12.

† See English Consular Report, No. 2046, entitled Trade in Germany, April, 1898. Also the remarkable work of J. Scott Russell, entitled “Systematic Technical Education for the English People, 1869.”

only granted by all foreigners who have investigated the matter, but it is so patent to the people themselves that they voluntarily unite to support schools for apprentices in their particular trades. Thus of the 248 mono-technic schools in Prussia alone which are so supported, the painters and decorators have 32, the shoemakers 9, the tailors 16, the bakers 20, the butchers 6, the smiths 26, and so on.

“Every trade has its own schools, aside from those supported by the state and by the municipalities. The artisans themselves see that systematic and scientific teaching entirely outclasses the old apprenticeship system, and these schools are constantly multiplying. In Saxony alone there are three of these mono-technic schools, besides ten schools of agriculture, and forty of commerce. In the Grand Duchy of Hesse, with a million inhabitants, there are schools of agriculture and sculpture, 9 schools for artisans, 43 for industries, and 82 schools of design. The Grand Duchy of Baden with 1,600,000 inhabitants supports schools of industry, architecture, commerce, clock-making, cabinet work and music, with an annual expenditure of \$280,000. . . .

“They not only educate the men who manufacture, but they are also beginning to look well to the training of the men who are to carry their goods to the ends of the earth and report the peculiar needs of every locality. Schools of commerce are being organized, modeled after those of France and Belgium, in which in addition to what is taught in our “commercial colleges” will be found a speaking and writing acquaintance with several foreign languages, especially English, Spanish and French, if these have not already been acquired; political economy, industrial, tariff, and patent laws; railroading, shipping, postal and telegraph regulations; banking, exchange, coinage and national schemes of finance; industrial history, commercial geography, etc. A German national conference was held on this subject a year ago and a new system of commercial education is now being established all over the empire. Modern languages form a part of the elementary school training, especially English, so that the entering students in these schools are likely to be well equipped in this particular. With such material as these schools will turn out, their students coming from the better mercantile classes and having the manners and bearing of gentlemen, the large manufacturing and mercantile houses can establish branches in all the leading foreign countries, and with the system of foreign German banks which are even now found everywhere, the conditions are ripe for the ready and rapid sale of German products in all parts of the world.

“Evidently, in order to keep abreast of all such changes, which are constantly going on the world over, a special class of highly trained

men is required. And here, too, the supply of such a new and improved kind of clerical assistance would at once create its own demand. It would seem the time is now ripe in this country for the establishment of such schools. They are needed as much or more for the training of our foreign consuls, as for the commercial agents of our large business houses and industrial establishments.\*

"In France there are eleven of these high-grade colleges of commerce. †

"The course of study is two years, with a preparatory year, all of thirty-three lecture hours a week. The following is a brief outline of the distribution of this time, the minimum age being sixteen years, which is predicated upon a preparation about equal to our college entrance requirements, to which has been added in the preparatory year about all that is taught in our American so-called commercial colleges:

*Distribution of Time in the French Colleges of Commerce. (Time, two years.)*

Eleven hours per week to Commercial Methods and Transactions in what is called the commercial bureau.

Three hours to Commercial Geography.

One hour to the History of Commerce.

Two hours to a study of Commercial Products, involving the actual handling of the materials.

Two hours to Commercial Law, maritime and industrial.

One hour to Political Economy.

One hour to Typewriting.

Four hours to a speaking and writing knowledge of English.

Four hours to a speaking and writing knowledge of some other language, as German, Spanish, Italian or Arabic.

Three hours to some special course in chemistry, transportation, microscopy, commercial technology, or stenography. . . .

"But you may say, what is all this to us? Have we not the finest system of public schools in the world? Have we not any number of manual training schools and numerous Pratt and Armour institutes? And, finally, have we not a great many engineering schools as good as the best, even in Germany? And have we not "commercial colleges"

\* See an article by Senator White on "Our Inadequate Consular Service," in the *Forum* for July, 1898.

† For a full description of these and also of those of Belgium, as well as a complete exposition and analysis of the entire system of English Technical Education, see Proceedings of the International Congress on Technical Education, held in London, June, 1897, under the auspices of the Society of Arts. See, also, Professor James' report to the American Bankers' Association on the "Education of Business Men in Europe."

without number? Suppose that I grant all this, may I not still say that the common schools give no special preparation for any kind of employment; that the manual training schools likewise fit for nothing in particular; that our engineering schools fit for very narrow lines of professional employment and commonly educate men away from the industrial pursuits rather than toward them; and as for our so-called commercial colleges, what do they teach beyond arithmetic, bookkeeping, stenography and typewriting? Where, then, does the specific scientific training for the manufacturing and commercial industries come in? I submit that it does not come in at all; that our factories and business houses are largely managed by men of little or no scientific training, who have learned their crafts in the traditional way; who are, however, of an inventive turn of mind and who read the trade journals. They are a great credit to the system that has produced them, and many of them have become self-educated into an excellent state of efficiency; but as a class they are far from the ideal directors of such business, and very far indeed from the standard already achieved in Germany. Their success can in most cases be attributed to the extraordinary conditions offered by a new and rapidly developing country rather than to any superior ability on their part. Our largest iron and steel industries and our metallurgical and electrical works are now well-directed by scientific men, but even these have not the properly trained agents to exploit their wares abroad.

“It is true that some beginnings have been made toward the inauguration of such high-grade industrial and commercial schools as are here contemplated. At the State University of Ohio, in conjunction with the National Brick Manufacturers' Association, a special course of study has been put in operation covering the clay industries, but not including ceramics and cement manufacture. In the city of Philadelphia we have a school of industrial art, started under private auspices but now under the patronage of the state, which is said to rank with the best industrial schools abroad, especially in its textile department. At the Universities of Pennsylvania and Chicago the studies in political and social science have been given a commercial application and a few of our largest cities are also making a start toward the establishment of commercial high schools. It is well known that our mechanical, electrical and mining schools fairly cover the theory and some laboratory practice of our various mechanical, electrical and metallurgical works, and this schooling is usually supplemented by tours of inspection to large typical works. So far as the graduates of these schools engage in the manufacturing industries they serve the purposes herein contemplated, but they are entirely inadequate to answer the general demands of a manufacturing and

commercial people, and it is evident that we have not yet set ourselves earnestly to solve this problem.

“It is probable that our organized commercial bodies offer the most favorable auspices for the inauguration of these mono-technic and high-grade commercial schools. The problem is, however, not without its difficulties, and before anything is done, or even recommended, the whole question should be examined and reported upon by a joint commission of educators, manufacturers and business men appointed preferably by the national government. Our government has already made a beginning in this direction. Seven years ago an appropriation of five thousand dollars was made by Congress, to be spent by the Labor Commissioner, in reporting upon methods of technical education practiced at home and abroad. Mr. Wright brought out a very full report on this subject in 1893, which may still be studied with profit. As this kind of education is so foreign to the spirit and methods of all forms of general or culture education it would seem to demand also a separate bureau for its administration, and this we should have to have if anything of consequence is accomplished.”

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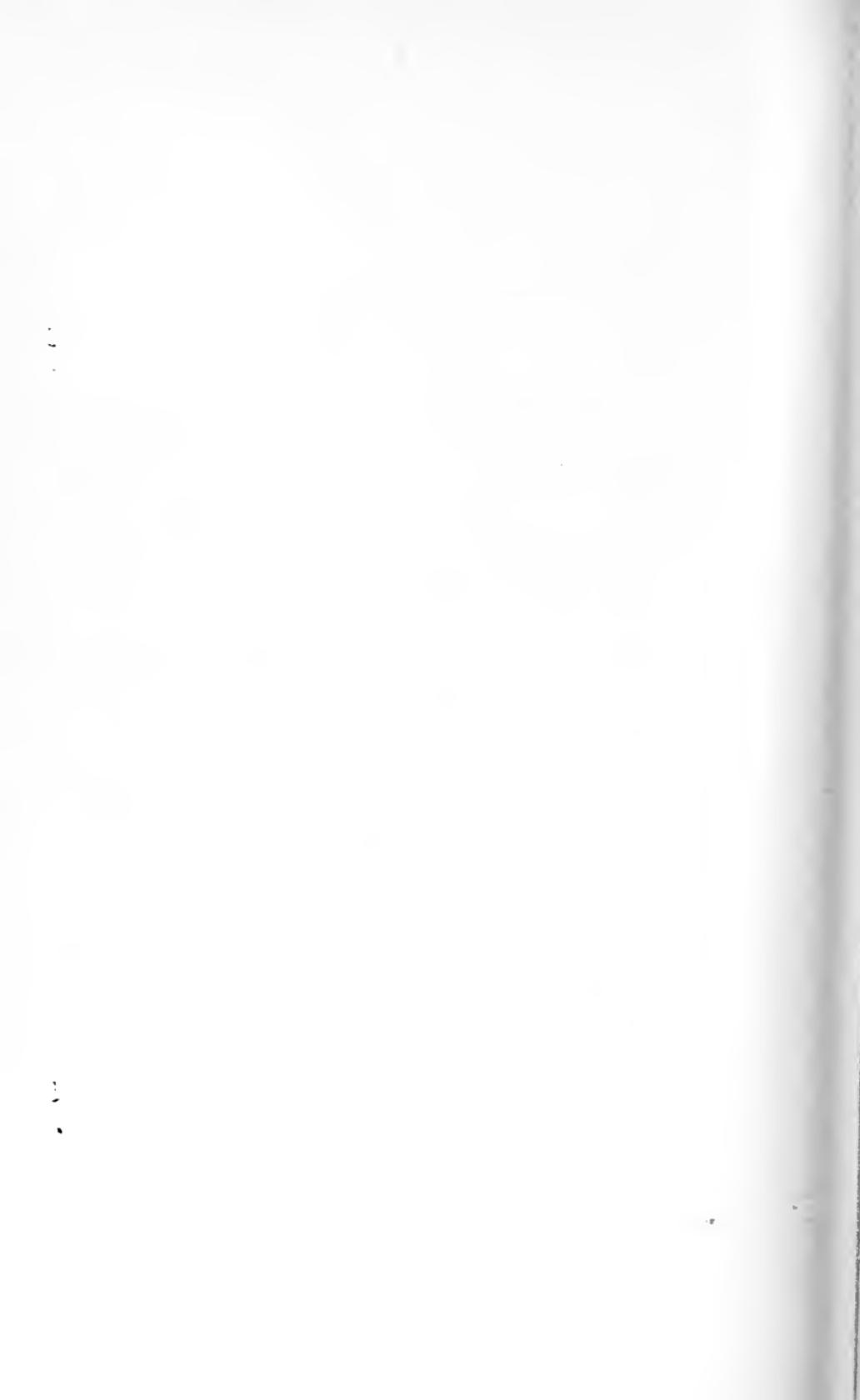
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# The Government of Dependencies.

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Addresses and Discussions.



## THE GOVERNMENT OF DEPENDENCIES.

THEODORE S. WOOLSEY, *Professor of International Law,  
Yale University.*

In every state with colonies, its government of them must depend upon two factors: (1) the prevailing theory of the dependent relation; (2) the constitutional limitations, if any, under which it lives. There are two theories to define the relationship between a state and its dependencies. One considers them property from which an income is to be drawn; the other considers them a kind of trust, to be administered for the benefit of their inhabitants.

A good example of the first is the Dutch rule in Java. The Javanese number approximately twenty-five millions. They are governed by two-fifths of one per cent of their number of Europeans. The island is considered a sort of huge farm by the government of the Netherlands. The method of administration, called the "culture system," is one of forced labor. Introduced in 1830, under the influence of a more enlightened public sentiment it is now disappearing. At times it has paid a surplus as high as ten million dollars into the Dutch treasury: but this has given place to a deficit. Under it, the Dutch government discouraged European immigration, education and missionary labor. There was no autonomy. Generally speaking there was no private property. And the result was that the natives deteriorated in artistic, industrial and scientific processes.

If we look for examples of the other, the trust theory, we shall find a very general opinion that the British system is best worth copying. During the second quarter of the present century, Great Britain finally gave her various dependencies self-government, unrestricted trade and reform

administrations, wherever practicable. In those climates where the white man can work and multiply, in Canada, Australia and New Zealand for instance, self-governing colonies have been developed, with large liberty of action, duties to protect domestic manufactures against British competition having even been permitted. In the minor colonies of the temperate zone, and in the tropics, where dependencies have been retained in the hands of the crown, the principle of self-sacrifice has still prevailed, and the results have justified it. For we find, on the whole, prosperity, contentment and loyalty. A blind attachment to the opposite theory has cost Spain her colonies, and makes those of France, in the opinion of enlightened Frenchmen like M. Hanotaux and M. Leroy-Beaulieu, a failure. Now under the system of Great Britain, she spends and her colonies do not contribute; she protects and they enjoy. A judge of the High Court of Calcutta, Mr. Cunningham, wrote in 1882, "we have definitely abandoned the idea that the political connection of England and India can be a source of direct gain to any public body or to the English nation."

Where, then, does the profit of a state in the matter of dependencies come in? It comes from the enlarged opportunity for the energies of its surplus youth, and in that stimulated trade which follows the flag. This is peculiarly true in the case of Great Britain. Her narrow limits at home offer but restricted opportunity for business and agricultural activities; while, on the other hand, her long supremacy in manufactures of certain kinds and her control of the carrying trade, enable her to take peculiar advantage of the traffic with her dependencies, by which example other nations like Germany have been tempted, to their hurt.

When we are forced by circumstances to study a form of government for our own dependencies, we turn naturally, therefore, to those British territories which most resemble

them, and seek to learn the secret of their success or the warning in their failure.

My subject in terms is general, relating to the government of all dependencies. I shall take the liberty of making it more specific, the government of our own. These are of two classes, those which are placed under our sovereignty and those which are placed under our protection. In the latter class is Cuba. By treaty Spain has relinquished her sovereignty in Cuba. She does not cede it to us; she simply lets it go, reciting the fact that the island is "to be occupied" by the United States. The result of this must be that the sovereignty remains in abeyance with reversion to the Cubans themselves. Spain recognizes our assumption of responsibility for Cuba's actions, until we are satisfied of its "pacification." To secure this was our avowed object in waging war; everything else which has been won, was an accident. To correspond to this responsibility and to enable us to make it good, we must have a certain power. This in Cuba's foreign relations is exclusive; in her domestic concerns it must be so shared between the Cubans and ourselves as to give them that degree of autonomy which will fit them for eventual independence (either in our Union or separately), while retaining control enough to be correlative with our liabilities. Our first step very properly consists in military occupation, using our soldiers as a constabulary. This means order and better sanitation and protection to local industries and the revival throughout the length and breadth of the island, of all the arts of peace. To accomplish the desired end, this must be accompanied by the gradual resumption of civil government in all the municipalities, and by the formation of an island legislature to control internal affairs, subject to the veto of the United States representative.

All franchises should be in the hands of the native local authorities; the execution of the laws should be entrusted to native elected officers; the courts to judge causes under

the local law should be Cuban also. We protect Cuba from outside aggression, and by veto from her own inexperience and folly, and prevent acts of hostility to ourselves. But the revenues of the island, after paying for the maintenance of our soldiers so long as they are necessary and of our few necessary officials, must be spent for her own benefit. This is a protectorate. Whether the issue of the protectorate is independence, or, as many believe, annexation, the process of education, of pacification, is the same. It consists, in a word, in granting as much control over internal affairs as the inhabitants are able to bear. And we must so regulate their duties and revenue laws and commercial rights, as to give them a prosperous life, even at our own cost, that is, if we wish the experiment to turn out well. Thus we should open the door to foreign trade on as favorable terms as to our own. Instead of regarding the traffic between Cuba and the states as coasting trade, we should open it to foreign ships. And between Spaniards and Cubans, we should not discriminate.

All this we can properly and lawfully do, because we have not assumed the Cuban's sovereignty; so far as they are concerned we are not tied down by our constitution. Here we see the difference between protected and ceded territory. In the cases of Porto Rico and the Philippines, we are under constitutional limitations. Here there is no presumption of future independence. They are our spoils of war, to govern as Spain did, or to govern as Great Britain would, so far as our constitution allows. All depends upon the kind of results we desire. Some government we must provide, nor is it clear that this task will be easily shifted to other shoulders. While the ratification of the peace treaty was still an open question, it was urged that this step committed the United States to nothing; that in the Philippines at least, cession would give place in time to a protectorate or a sale or the establishment of a republic. I do not think we should shirk the question of a permanent government for them,

under any such illusion. Anything other than permanent possession, however desirable, will be most difficult. My reasons for this view are, first, that future surrender is sure to be construed as a confession of failure, and would hurt the national pride. We need not have assumed the burden, but having done so, it must be patiently and loyally borne. Then, too, it will be much less easy to relinquish sovereignty than it was to refuse it. It implies the favorable conjunction of three bodies, two legislative, one executive, against in the latter case one-third of the Senate. And lastly, the whole spirit and tendency of the European policy which we are following, forbids such surrender. It strengthens the loose tie, rather than loosens the strong one. France in Madagascar, converting a protectorate into a colony, and England in Egypt, only awaiting the right moment to make her own that territory which she has repeatedly promised to evacuate, are examples of this.

To return from this digression.

Between Porto Rico and the Philippines, both now equally under the sovereignty of the United States, there is a gulf fixed, climatic, social, racial, as well as geographical. In Porto Rico we find a settled society largely of European stock; law-abiding, fairly prosperous, in a healthful climate where our race can live and work, and whither it is likely to migrate until the opportunities are filled. Here are materials for a state after territorial apprenticeship. Or as an unorganized territory, we may watch it working out its ideas of self-government. For, when Congress sees fit to legislate, the government of Porto Rico should be laid as largely as possible upon the shoulders of its own people. Military rule should not be necessary, and a carpet-bag system would produce results which we can pretty definitely forecast. Native officials, a native legislature, the existing laws and municipal regulations should be the starting point. Upon the present system should gradually be engrafted those changes which reason and experience, theirs and ours,

may suggest, and which Spain has heretofore prevented. There will be difficulties, there may be failure, but both are a means of education. And education in the art of self-government, is what we aim at giving, unless our policy and our professions are alike disregarded.

The case of the Philippines stands on a far different footing. Cuba and Porto Rico are near our shores; the Philippines are far away. The first have long been within our sphere of influence; possession of the second, suddenly makes us an Asiatic power, and thrusts us without warning into the political and commercial melting pot of the Orient. The first are in the main civilized; the second on the whole savage. In the first, white men can live and work; in the second they can only make others work. The capacity for self-government may exist in the one, but not so clearly in the other. We may govern the one by reason; for the other we shall need force. Porto Rico will pay its own way. The Philippines are certain to be a heavy burden. These are some of the reasons which made the cession of the Philippines a vulnerable point in the peace treaty. That treaty is now ratified, and we must make the best of it.

I say nothing about the administration of Hawaii, for that is being laid down by Congress. I assume moreover that the Aguinaldo insurrection will be soon put down and the island of Luzon pacified. It is the next step, the government after order is restored, which is the crux of the whole problem.

And here our minds naturally turn to India. The British rule in India is based upon conquest and maintained by force. By war the limits of dominion are constantly being extended. To justify the mastery of many millions of people by a handful of alien conquerors, has required generations of honest administration, giving continuous proof of altruistic effort. The governing class has wisely pursued a policy of indifferentism in the matter of religion, neither discriminating between beliefs already embraced, nor seeking

to propagate its own. So far as practicable it has sought to administer elementary justice through native officials, whose ability is tested by competitive examination. The covenanted civil service is open to British youth by competition, with tenure of office during good behavior, promotion in reserve and a handsome retiring pension in the background. It is a picked class, drawn from the flower of the race, with public school training behind it, and animated by a strong preference for the administrative, not the commercial career. It makes a study, a science, of the business of governing dependent races, and the result is a commendable *esprit de corps*. All of this is the consequence of historical development, nor has this ceased. Thus at present the benevolent despotism of the last generation seems to be giving place to a stricter adherence to legal forms. Complaint is made that promotion goes too much by seniority, taking too little account of proved capacity. The fall in the silver rupee, in which the covenanted receive pay, has made the service less desirable. Some of the commissionerships are too large and unwieldy for one man and should be divided. These are criticisms, but as things are, the competition is still keen and the class secured good.

At the head of the government stands the Secretary of State for India, guided by a Council and sitting in London. Next comes the Governor-General, commonly but not officially known as Viceroy, with an Executive Council made up of heads of departments, the Viceroy taking that of foreign affairs. This Council is enlarged into a legislative council by the addition of the Governor of that province in which it is held, of official delegates from Madras and Bombay, and of certain non-official representatives of European and of native communities. Then come the governors of the two presidencies, also with councils; the lieutenant-governors of Bengal, the Punjab and the North-western Provinces; the chief commissioners of other provinces, together forming a class subordinate to the Viceroy.

Under these are the 238 districts, grouped into commissionerships, their heads being called collector magistrates or deputy-commissioners. These are both fiscal and judicial officers, but concern themselves also with everything under the sun, from police to agriculture, from road-making to the social life of the people. For they are "the representatives of a paternal, not a constitutional government."\*

The districts containing an average of over 800,000 people, are in turn subdivided, this being the final unit of administration. The laws enforced are British acts, Indian Council enactments, native laws and native customs. The judicial jurisdiction corresponds largely to the magisterial and fiscal, and one of the curious features is the frequent union of two out of the three characters in the same person. A soldier also is sometimes made a district officer.

Each province has its own judicial system, with a chain of authorities ending in the High Court, and to this law, so interpreted, all alike are subject. The characteristics of the whole system appear to be, paternalism, comprehensiveness, justice and order. The great majority of the minor civil offices are filled by natives; the higher judges are mostly European. Indeed the suggestion to place non-official Europeans under the jurisdiction of any natives created a tempest of opposition.

The results of British administration in India have been splendid. It has kept the peace, preserved order, built roads, railroads and irrigation works, brought justice to the humblest, lessened famine and pestilence, introduced state education, sanitation and dispensaries, freed trade from many burdens, simplified taxation, and has begun to introduce local self-government. A single detail further is pertinent. The imperial revenue is drawn chiefly from salt and opium monopolies and from the land tax; its expenditure, excluding capital or construction account, is about equal to its income.

\*Encyc. Brit., Art. India, p. 769, ninth ed.

Now very much of this system, particularly its basic ideas, will repay our study in considering the Philippines. We must practice religious toleration toward Christian and Mohammedan alike, even to the limit of indifferentism, yet not protecting abuses. We must keep a firm hand on the so-called civilized natives, who constitute one-half of the population, and yet educate them to some measure of local administration which they can in time undertake themselves. We must better communications and build public works. We must raise revenue skillfully and spend it more and more on the country. We must get work out of an indolent race, without slavery or its equivalent in contract labor, probably by introducing it to new wants. Life is necessarily indolent, where existence is so ridiculously easy. We must guide the savage half with the strength which he will respect and the courage which he will admire. Justice and good faith are essential in dealing with both classes: justice, inexpensive, swift and incorruptible, administered by a permanent trained service with higher ideals than personal advantage. All of this is suggested by the British rule in India; it is essential to success; how can it be made practicable? Here we come in sight of our constitutional limitations, for it is the merest folly to trace out an ideal course and laugh away the obstacles.

Let us assume that the United States may acquire territory, when and how it chooses. Let us grant that there is no obligation, either now or in the remote future, to form this territory into states. Nevertheless the moment Congress begins to legislate for the Philippines and establishes there civil government, whether on the lines above indicated or on any others, that moment the constitutional guarantees begin to work. This was the case in the unorganized territory of Alaska. In accordance with these guarantees, though a legislative assembly and a delegate to Congress are prohibited, the rights of habeas corpus and of a jury trial are recognized, by statute.\*

\*23 U. S. Stats. pp. 24-27.

These personal guarantees are contained in the body of the constitution and its amendments. They relate in general to the security of life, liberty and property. They include specifically religious freedom; free speech and a free press; the right of assembling and of petition; the right to bear arms; security from unreasonable search and seizure; freedom from the quartering of troops; the necessity of presentment by a grand jury on a capital charge; the right of compulsory process to secure witnesses; the aid of counsel when accused; above all the right of trial by jury.

It is to be noted that some of these provisions are by nature or in terms applicable to all the territory of the United States, while others, being civil rather than political rights, may be capable of limitation to the citizens of the states and their grantees under title of the people of the United States. This distinction is by no means certain: it is merely a possible loophole of escape, if the supreme court should be urged to deny the Philippines certain inconvenient rights, that to bear arms, for instance.

But in order to stand on the safest possible ground let me place together here the guarantees concerning whose extension to all United States territory there can be little question.

First comes the right of trial by jury.

This is contained in the final clause of Section 2, Article III, as follows: "The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state the trial shall be at such place or places as the Congress may by law have directed." This language is pretty clear, but by judicial construction it has been made still clearer.\* In an illuminating and most judicial article upon the constitutional questions incident to the acquisition and government of

\* *Callan v. Wilson*, 127 U. S., 540, 550; *Thompson v. Utah*, 170 U. S., 343, 346. See also *Am. Publ. Co. v. Fisher*, 166 U. S., 464, 466.

island territory by the United States (Harv. Law Rev., XII, No. 6), Judge Baldwin examines the origin of this jury trial provision, its phrasing, and its construction by the supreme court. He expresses the belief that unless the views of that court should be overruled, "they must lead to the conclusion that no conviction for crime could be had in any of our new possessions, after the establishment there of an orderly civil government, except upon a jury trial."

On the same plane with the right of trial by jury stand those guarantees, contained in the amendments to the constitution, which are neither inserted specifically for the benefit of the "people" of the United States, nor relate to rights merely political. Those most germane to our topic are here enumerated:

Slavery is forbidden in the United States "or any place subject to their jurisdiction."

Religious liberty is provided.

Indictment by a grand jury is necessary to a trial for an infamous crime.

No man can be compelled to give testimony against himself.

No person can be deprived of life, liberty or property without due process of law.

No cruel or unusual punishment may be inflicted.

If now these constitutional rights relating to persons and property extend to all the territories of the United States, they must exist in the Philippines, and must be taken account of in the question of governing the Philippines. The inhabitants of these islands are thought to number from eight to ten millions, of eighty distinct tribes which are classified by Professor Worcester as Negritos (the descendants of the aborigines), Mohammedan Malays, Pagan Malays, and civilized Malays, the latter being one-half of the whole. These domesticated Malays are described as fairly intelligent, but dishonest, untruthful, and so indolent that crops spoil for lack of laborers.

Foreman, who had much fuller information than Worcester, and is the authority upon whom Worcester largely relies, gives a curious list of their virtues and vices, and confesses that he cannot understand their character. It is a succession of surprises, he says. They are hospitable, cleanly, sober and patient; they are incapable of gratitude, profligate, undependable, improvident, cruel, impertinent, superstitious, treacherous. The few in the cities imitate European usages; the many regard the European as a demoniacal being, or at least an enemy. All are liars, even in the confessional. "The native is so contumacious to all bidding," writes Foreman, "so averse to social order, that he can only be ruled by coercion, by the demonstration of force."

There is reason for this judgment. Of sixty-six provinces, nineteen under Spanish rule had a civil governor, forty-seven a military one; yet the civil governor was the head of carbineers and police, of the departments of education, prisons, health, works, forests, mines, agriculture, mails, telegraph; in charge of everything but the public funds, so that he could not have fallen far behind his military colleague as a reservoir of force.

Such are the domesticated half. The savage half range between docility and ferocity, between innocency and piracy, many tribes having never yielded to the Spaniard.

Now if we place such people as these in possession of such constitutional rights as those mentioned, we have a *reductio ad absurdum*. How can we establish over them a civil government which would be anything but a mockery, if we must concede indictment by grand jury for *some* crimes and trial by jury for *all*? It would mean the breakdown of any criminal system to which it was applied and unchecked crime means administrative failure. And in addition, unless by construction the other guarantees could be put out of reach, like edged tools rescued from children's hands, we might have to concede the right to bear arms to persons

intending assassination ; a free press, although teaching open sedition ; the right of assembling when it endangered our sovereignty.\*

As Judge Baldwin well says, to give half-civilized peoples the benefit of immunities framed by a civilized people for itself " would be a serious obstacle to the maintenance there of an efficient government. Every people under a written constitution must experience difficulties of administration that are unknown to nations like Great Britain which are unfettered by legal restraints imposed by former generations. It is part of the price that it pays for liberty, that new conditions must be dealt with in fundamentals, under old laws."

Nevertheless we need not despair of our ability to frame a suitable government for the Philippines, even if, as I believe, a civil government, under our constitution, is and must be for the indefinite future, inadmissible. We have still the military solution in reserve, and to that we have recourse by process of exclusion.

Govern we must. Civil government would mean chaos, if the personal guarantees go with it. No government can succeed there which is not based upon force. We need to place a benevolent despot in every district in the Archipelago. Therefore the military government is the only one possible. And this is dependent upon the inaction of Congress. Its constitutional basis lies in the fact that the United States as sovereign is responsible for the maintenance of justice and order, for the defence of its territory, for the protection of its subjects' rights. This duty is in the hands of Congress as part of its general rights, and also under the " needful rules and regulations" clause, regarding territory. Pending action by Congress, this duty devolves upon the President, the Executive

\* In *Mormon Ch. v. U. S.* (136 U. S. 44) Mr. Justice Bradley said for the Court, "Doubtless Congress in legislating for the territories would be subject to those fundamental limitations in favor of personal rights, which are formulated in the Constitution and its amendments ; but these limitations would exist rather by inference and the general spirit of the Constitution from which Congress derives all its powers, than by any express and direct application of its provisions."

head of the nation and Commander-in-Chief of both army and navy. The law applicable would not be martial law, for that implies war, or insurgency; it would not be military law except as to the discipline of the army itself; it would be simply the will of the President, but expressed so far as practicable in terms of the law already existing, and executed by the President's representatives, the officers of the United States army. This despotic form of administration is not an ideal method; its justification is that no other is practicable.

In using the army officers for administrative work, we should be doing nothing new. The first act relating to Louisiana, in 1803, empowered the President to appoint all civil, military and judicial officers of the new territory, define their duties and support them with the army and navy. "It was in effect the establishment of a military despotism over Louisiana, and may suffice as an example of the extent to which the sovereign power of the United States over territories might go, if a wiser policy were not the rule," writes Alexander Johnston. The untaxed Indians, who are expressly excluded from the right of representation, have at times been cared for by our army officers acting as agents, and with a success in agreeable contrast to that of the average Indian agent.

There are two qualities among many, which the history of the British in India emphasizes as peculiarly desirable in those persons who have to govern dependent peoples. One is physical strength and courage; the other a high sense of honor. Those splendid men who saved India in the Mutiny, men both in the civil and military service, the two Lawrences, Edwards, Neville Chamberlain, Roberts, John Nicholson and many like them, may well serve as examples of the value of these qualities. Their courage and vigor won the native admiration; their honorable dealing won confidence and love. The relationship between governor and governed is a fiduciary one, like that between guardian and

ward. Its basis must be the sense of honor. Now is it not more likely that we shall find the union of these two qualities in our army officers of West Point training, than amongst any other class of citizens available for such work? They are taught both to obey and to command. They are picked men, physically. Honor is the basis of the army organization, for conduct unbecoming an officer and a gentleman costs a man his commission. Just so far as the influence of politics and of politicians can be excluded, the regular army is to be trusted. We must use it to obtain order; I believe that we can and must use it also to maintain order and administer justice.

There will be difficulties in the way. One will be the status of foreigners in the Philippines. We cannot grant them exterritorial privileges, for that would be inconsistent with our dignity; nor can we deny them civil rights, particularly when specified by treaty with their country; our own citizens would be likewise in a false position. Some makeshift would be required, like a plaster to a sore spot, for instance the application of the laws of Oregon and a Federal Court to others than natives. Another difficulty may arise from the religious orders. These friars serve as parish priests; they are large holders of property; this property is secured to them under the terms of the Spanish treaty, preventing sequestration; the educational system, such as it is, is in their hands. In Spanish times the church constantly intrigued against any governor who preferred the interests of the state to its own, and this same spirit, perhaps stirring up native opposition, we must expect to encounter.

Then there is the raising of revenue. Under Spanish rule, the larger items of income came from fifteen days' forced labor per head, per annum, or its commutation, five million dollars and over; from customs, two millions; from government monopolies, stamps, gambling, opium, cock-fighting, and so on, one million; from lotteries, one-half million.

Much of this is not a proper source of revenue for an enlightened nation. Even with these illegitimate sources of income, Spain made a deficit. "There is no record," writes Foreman, "that the Philippines have ever been in a flourishing financial condition."

Lastly, there is always the chance that Congress, in order to embarrass a president of a different political complexion, may decide to embark upon civil government, and take this tremendous, perhaps dangerous, despotic power out of the Executive's hands.

So that we can hardly expect plain sailing. Our duty is to respect the Constitution, patiently and loyally to do our best under the circumstances, and then to "wish for the day."

## CONSTITUTIONAL ASPECTS OF THE GOVERNMENT OF DEPENDENCIES.

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With the acquisition of Hawaii, Porto Rico and the Philippines, three novel and interesting problems in the government of dependencies confront the United States. First, we are called upon to govern what yesterday was a white man's oligarchy, resting upon the ruins of a semi-savage monarchy, with a basis of native Pacific islanders, a stratum of Japanese and Chinese, another of Portuguese, and an upper crust of domiciled Americans and Englishmen and Germans. Second, we are called upon to govern an ancient Spanish colony, densely populated, with a proud and impatient Latin race as the dominant factor. Third, we are called upon to govern an ancient Spanish satrapy, densely populated with native islanders of varying races, in varying stages of development, and lying in tropical latitudes alleged to be unfit for Caucasian colonization.

In some respects the problems are totally different from those which have confronted any other government in its dealings with dependencies. Even Hawaii, least difficult of all the problems, presents some novel features, as, for example, the presence of so large a body of subjects of foreign states as to whom our policy has been one of exclusion. Porto Rico, on the other hand, presents to us the difficult task of reconciling an influential class of intelligent Europeans to a change of rulers, of educating the Spaniards, bred in the habits of political thought common to the Latin races, to the notions underlying the American form of government, and, at the same time, preserving the distinctions between the independent form of government of our states and organized territories and that necessary for a dependent outlying island possession. I am not sure but this is, after all, our hardest problem. Whether it is or not must depend upon the attitude of the dominant class in the island. As to the Philippines, I content myself with quoting from the Hon. James Bryce (*Century Magazine*, March 1899, p. 726): "Probably no task has been presented to the English in India or in any of their colonies during the last fifty years so difficult as that to which Americans will

have to address themselves when they become responsible for these islands, with their area of one hundred and fifteen thousand square miles and their semi-savage and savage population of nearly eight millions. No enterprise of like magnitude or complexity has ever lain before the United States before, for when she purchased Louisiana, and again when she conquered vast territories from Mexico, the area acquired was almost empty, and all of it was a temperate region, fit to be peopled by the overflow of her own population and to receive her institutions."

Face to face with these three problems, the American people have promptly addressed themselves to the analysis of the conditions presented, and to a tentative solution of the difficulties.

Analyzing the arguments and suggestions concerning the proper means of governing our new dependencies, we find that there are two primary questions upon which expert opinion is radically divided:

*First.* Does the Constitution of the United States extend of its own force to territories or dependencies governed under laws enacted by the Congress of the United States?

*Second.* Can white men live and thrive in the tropics?

Our views as to the proper form of government for the dependencies, or at least two of them, must be largely influenced or controlled by the answer we return to these two primary questions. If the privileges and immunities accorded to citizens of the states be the constitutional right of citizens of territories, and if the limitations placed upon Congress in legislating for states be equally effective when legislating for territories, then we must pause before attempting to govern the Porto Ricans and the Filipinos under such a system. If it be impracticable to colonize the Philippines, then our form of government, assuming we are free to fix it as we will, must differ materially from that which might be expedient in a territory suitable for colonization by Americans or kindred peoples.

Upon the first question the experts differ radically. On the one hand Professor Langdell and Professor Thayer are convinced that the constitutional limitations of the federal constitution do not apply to Congress when legislating for dependencies. The former in an article of extraordinary acuteness and logic has shown that the term "United

States" means in the constitution either (1) the collective name of the states which are united together by or under the constitution or (2) the name of the sovereign power resident in the federal union of states, and that in the latter sense it is used to express legal or political relations between the collective states and the particular states, or between the former and foreign states, or between the former and private persons, and that in this sense the term can never properly be used to express extent of territory. Only in popular usage, and not in the constitution, is the third meaning of extent of territory over which sovereignty is exercised, to be found. The three meanings may be concisely indicated by the terms Collective or United States, Federal Sovereign, Federal Empire. "The conclusion, therefore, is that, while the term 'United States' has three meanings, only the first and second of these are known to the constitution; and that is equivalent to saying that the Constitution of the United States as such does not extend beyond the limits of the states which are united by and under it." \* Professor Thayer gives it as his opinion that, "there is no lack of power in our nation—of legal, constitutional power—to govern these islands as colonies, substantially as England might govern them." † On the other hand Judge Baldwin, in an article referred to by Professor Woolsey in his address opening this discussion, comes to a contrary conclusion and holds that the guaranties of the constitution extend to all territory of the United States subjected to civil government. ‡ To the same effect are other recent discussions. §

Upon the second question experts also differ. It is a debatable question whether white men can live and thrive in the tropics from generation to generation. It is therefore an open question whether the Philippines will lend themselves to successful colonization. On the one hand we have the conclusion of Mr. Kidd in his suggestive essay on "The Control of the Tropics" (p. 30, see also pp. 48, 53-4) that white men cannot be acclimated in the tropics and that "the unusual triviality of the facts upon the one side, and the

\* 12 Harv. Law Rev. 365 (February, 1899).

† 12 Harv. Law Rev. 464, 467 (March, 1899).

‡ 12 Harv. Law Rev. 393, 404-5 (February, 1899).

§ Carmen F. Randolph, 12 Harv. Law Rev. 291 (January, 1899); Professor J. W. Burgess, 14 Pol. Sci. Quar. 1 (March, 1899); Professor Ernst Freund, *Id.*, 19.

apparently massive and overwhelming character of the evidence on the other, will probably bring most unbiased minds to feel that it is a matter upon which in the end there can hardly be room for any real or important difference of opinion." On the other hand, however, we have the testimony and the opinion of the venerable Alfred Russel Wallace (in *The Independent* for March 9, 1899, p. 667) that his observation and experience in tropical countries during a period of four years' residence in Brazil and eight in the Malay archipelago lead to the conclusion that white men can live and work and thrive in tropical lands if proper sanitary conditions are observed. Professor Blackman (*Independent*, March 9, 1899, p. 670) gives many recorded facts to sustain the same conclusion. The experience in Queensland is adduced by both Mr. Wallace and Professor Blackman to add demonstration to the theory otherwise based upon somewhat scattered and isolated facts.

Whatever the truth as to this controversy, it is well for us to take a conservative, if hopeful, view. White men are not likely to flock to the tropics as colonists until it is reasonably certain that they can live there in safety and comfort. Gold fields or diamond fields might entice them, but agriculture and manufacture give too slow a return to encourage the assumption of a large risk. It will be many years before the Philippines will be regarded as a suitable field for any extensive colonization. Moreover we must remember that the islands are already more densely populated than many of the United States and that white men rarely condescend to the harder forms of labor in the presence of large numbers of an inferior race. The Philippines, therefore, must be governed under conditions very similar to those which confront the English in India and the Dutch in Java and Sumatra.

It is, however, not the object of this paper to enlarge upon the second of these questions, or to deal with the form of government best suited to tropical dependencies; but to seek to show that whatever government may be thought best under these conditions, we are free to establish.

The solutions offered, the form of government proposed for these dependencies, is determined by each writer who has approached the problem, in accordance with his views as to the constitutional powers and limitations of Congress.

Those who believe that we are not free to govern as we please, that at every step we shall be beset by constitutional limitations wholly inapplicable to existing conditions, have two possible solutions—a military government or a protectorate. By either of these methods we should avoid all troublesome constitutional questions. By the first we should leave the power where it now resides, in the executive branch of the government. But there are two very serious objections to this. In the first place nothing seems less desirable for the American Republic than a permanent military government in any place subject to its jurisdiction. It is not only opposed to all our political notions and traditions, but it is a dangerous object lesson for a democracy. In the next place, as Professor Woolsey justly says, we should always in the case of military government, be in fear of congressional action which would plunge us into the very troubles from which military government is intended to save us. Is it not too much to hope for, even if it were well to hope for it, that Congress shall remain inactive where it has a clear right, perhaps a clear duty, to act? As a temporary expedient military government may tide us over the period of preparation, but in the near future we must squarely face the problem of settled, civil government.

A protectorate, on the other hand, means an incomplete control, limited and defined by treaty, of a people described by Professor Woolsey's citations as "incapable of gratitude, profligate, undependable, improvident, cruel, impertinent, superstitious, treacherous," a people "so averse to social order, that they can only be ruled by coercion, by the demonstration of force." Under such a treaty we should remain responsible before the world for the good conduct of the islands; we should be held to the protection of foreign interests there and should be responsible for foreign relations; we should be bound by the terms of a convention which could be changed, should experience demonstrate that change is necessary, only by the consent of the other party to it; we should, unless our first arrangement were a miracle of wisdom, be hampered more seriously than by all the provisions of the federal constitution, for that at least we can change without the consent of an Asiatic dependency.

Those who believe that we are free to govern as we please, as free as England would be under like circumstances, look forward to the establishment of a civil government suited

to the needs of the dependency for which it is framed, and backed by such force as is necessary to give it stability and safety. For myself, I believe that such a government is possible and desirable. I believe that the only justifiable form of government for dependencies of the United States is a civil government adapted to the existing conditions and needs of the dependency and administered under the supervision of Congress. While giving due weight to all that may be said to the contrary, I am convinced that Congress is free to establish such a government untrammelled and unrestricted by any provisions of the federal constitution save only the prohibition against slavery. In the space now allotted to me I shall seek to show the grounds of this belief.

Let us examine the provisions of the federal constitution that may touch the matter. Bringing together all the various provisions of that instrument conferring power upon Congress and restricting the power so conferred, we find the following general scheme :

*First.* A specific enumeration of powers, formerly exercised by the states, but by this grant conferred upon Congress, to be exercised over territory and people formerly within the exclusive jurisdiction of the states.\*

*Second.* A specific proviso that in the exercise of the powers so conferred, Congress shall not do certain things.†

*Third.* A specific statement that certain of these powers shall be exclusive and that as to these the states shall not possess concurrent powers.‡

*Fourth.* After all these relations between the federal power and the states are disposed of, a specific, unrestricted grant of power in these words: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."§ In this there is no hint that such power is to be limited in any way by the provisions previously inserted for the preservation of the rights and liberties of the states or of the people of the states.

\* Art. I, sec. 8; Art. III.

† Art. I, sec. 9; Art. III, sec. 2, sub. 3. It is significant that the very first of these forbids Congress to prohibit for a certain period "the migration or importation of such persons as any of the *states now existing* shall think proper to admit." Of the others two specifically mention the states as the territory included in the prohibition.—Art. I, sec. 9, subs. 5 and 6.

‡ Art. I, sec. 10.

§ Art. IV, sec. 3, subs. 2.

Such are the provisions, plain and unequivocal, of the constitution as it was originally adopted. But objection was made that the limitations of Art. I, Sec. 9, and Art. III. Sec. 2, Sub. 3, did not sufficiently safeguard the states, or the people thereof, against the improper exercise of the powers conferred in Art. I, Sec. 8, and in Art. III. Thereupon the first ten amendments were adopted to meet this objection, and it is historically correct to say that these amendments have the same force and effect, and no other, as if they had originally been adopted as a part of the provisos of Art. I, Sec. 9 and Art. III.

Of the later amendments, the Fourteenth and the Fifteenth, are, with no straining of construction, but naturally and logically, to be regarded as a completion of the same purpose. The first section of the Fourteenth determines those who are citizens of the United States and of a state, and is mainly concerned in prohibiting the states from abridging the privileges of such persons. The other sections are plainly aimed at the states. The Fifteenth supplements the Fourteenth by preventing the disfranchisement of the citizens defined in the Fourteenth "on account of race, color or previous condition of servitude."

The Thirteenth Amendment, on the other hand, is by its terms, made to apply not only to the states but to any place subject to the jurisdiction of the United States. Of all the provisions of the constitution this, therefore, is the only one that in terms, or by fair implication, limits the general grant of power to govern the territories or dependencies of the United States.\*

The conclusion is therefore but natural that Congress has all needful powers over the dependencies except that it cannot authorize or permit slavery to exist there.

If the question were wholly a new one, to be determined with reference to our new conditions and unembarrassed by previous pronouncements, I venture to think that this conclusion would easily be reached by the courts. But it is said that the Supreme Court has already decided adversely to this contention, and has expressed a *dictum* adverse to it

\*With this example and purpose before them the Congress and the States adopted in the Fourteenth Amendment the phrase, "All persons born or naturalized in the United States," without a hint that it was intended to include other places subject to their jurisdiction, and the further phrase "citizens of the United States and of the state wherein they reside," without a suggestion that persons are citizens who reside outside the limits of a state. Of course the phrase "and subject to their jurisdiction" refers in this amendment to persons and not to places.

in numerous cases. After a consideration of the cases cited to these propositions, I am ready to confess that the Supreme Court has, in several cases, given utterance to *dicta* to the effect that Congress is restricted by the constitutional limitations in its dealings with the territories, and has, in one case, actually decided that the constitution guarantees to the people of the District of Columbia a trial by jury in all criminal cases. But beyond this I can find no decision of the Supreme Court to the effect claimed—and, as for the *dicta*, while they express the opinion of judges from the point of view presented in the cases in which they were uttered, we are all aware that they will not be allowed to control a subsequent decision in which the court may find it possible and proper to take a contrary view.

In order to understand the precise questions involved in these decisions and *dicta*, and to appreciate the precise questions that may arise should Congress undertake to establish a civil government for Porto Rico and the Philippines, let us arrange under appropriate heads all the restrictions upon congressional power found in the federal constitution and examine such pronouncements as have been made by the federal courts concerning them. They all fall under the following heads: (*a*) Citizenship; (*b*) Justice; (*c*) Revenue; (*d*) Bankruptcy; (*e*) Military Forces; (*f*) Titles of Nobility; (*g*) Freedom of Opinion and Speech; (*h*) Slavery.

(*a*) *Citizenship*.

1. The Congress shall have power . . . to establish an uniform rule of naturalization . . . throughout the United States.—Art. I, sec. 8, sub. 4.

2. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.—Amend. XIV, sec. 1.

3. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.—Amend. XV.

4. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.—Art. IV, sec. 2, sub. 1.

Under this head the first provision and the last may be passed over. I am sure there will be a general agreement that the last is by its terms a restriction upon the states and not upon the United States, and that as applied to the states it comprehends only those privileges and immunities which are in their nature fundamental, as protection by the government, the enjoyment of life and liberty with the right to

acquire and enjoy property subject to such restraints as the government may justly prescribe for the public good.\* It is now too plain for argument that when the word state is used in the constitution it refers to one of the members of the Union and does not include the District of Columbia or the territories.† Internationally it may be otherwise, and the word state in a treaty may include any political entity whose foreign affairs are conducted by the federal government.‡ This distinction between the meaning of phrases as used in the constitution and the same phrases as used in international law is very important, though it has sometimes been overlooked by commentators.

As to the first of the above provisions, it is proper to make two observations: First, I cannot conceive that we should be at all embarrassed by allowing the same persons to be naturalized in Porto Rico or the Philippines as in Florida or California; second, the remarks which follow as to the second and third provisions above quoted and to the rule requiring taxes to be uniform throughout the United States, are equally applicable to this provision, and, if justified, establish that the phrase United States means the states united by and under the constitution.

The second and third provisions—the Fourteenth and Fifteenth Amendments—present a question of the very first importance. Will all persons hereafter born in Porto Rico or the Philippines or Hawaii be citizens of the United States under the definition contained in the Fourteenth Amendment and entitled to the protection of that and the Fifteenth Amendment? I wish to point out that the answer to this question is not dependent, in my judgment, upon the establishment of a civil government in these islands. Under whose jurisdiction are the Porto Ricans and the Filipinos and the Hawaiians? Not Spain's, for hers has been yielded to the United States. Not that of a Porto Rican or Filipino or Hawaiian government for there is none *de jure* or *de facto*. It cannot be that any one of these groups is derelict and without a government to exercise jurisdiction. There remains but one answer. From the moment the treaty of cession is in effect the islands and the inhabitants thereof are

\* *Corfield v. Coryell*, 4 Wash. C. C. 371; *McCready v. Virginia*, 94 U. S. 391; *Geer v. Connecticut*, 161 U. S. 519.

† *Hepburn v. Ellzey*, 2 Cranch, 445; *New Orleans v. Winter*, 1 Wheaton, 91; *Barney v. Baltimore*, 6 Wallace, 280.

‡ *Geofroy v. Riggs*, 133 U. S. 258.

subject to the jurisdiction of the United States, and if the islands are a part of the United States, within the meaning of the Fourteenth and Fifteenth Amendments, then every child born in them after the treaty is effective, is a citizen of the United States with all a citizen's privileges and immunities, and the United States cannot deny to such citizen the right to vote on account of race or color. While those provisions of the constitution which are expressly or impliedly an inhibition upon Congress could not be operative in any event, until Congress chose to act, this provision, which simply defines citizenship, does not wait upon any act of Congress, any more than does the provision of the Thirteenth Amendment. The sole question is, whether, like the Thirteenth Amendment, it is operative in all places subject to the jurisdiction of the United States.

But are persons born in these islands born in the United States within the meaning of the constitution? The answer to this question must depend upon the meaning given to the term "United States." If the contention of Professor Langdell is correct—and I believe that it is—then the term must be taken, for constitutional and legal purpose, in its natural, primary meaning of the states united or federated under the constitution. A person born in one of these is a citizen of the United States (the federal sovereign), and of the state where he resides; no state shall make any law to abridge his privileges or immunities as such citizen; neither the state nor the United States shall deny to him the suffrage on account of race, color or previous condition of servitude. But the status of a person born outside the limits of the states so united or federated is not defined by the constitution made and established for such states, but by the law of nations, the common law, and such statutes as may be enacted by Congress, precisely as the status of persons born in the states was thus defined before these amendments went into effect. Here we come again to the distinction between the constitutional and the international definition or use of terms. A state in the constitution means one of the United States; in international law it means any political entity over which the United States, in external affairs, exercises jurisdiction. A citizen in the constitution means a person born or naturalized in one of the United States and subject to their jurisdiction; it means in international law a person born in any place subject to the jurisdiction of the United States

and himself subject to such jurisdiction. That this is the natural meaning to be attached to the term as defined in the constitution will be apparent upon a little consideration. When we reflect that these amendments were aimed at states lately in rebellion, that the restrictions contained in them are mainly in terms restrictions upon the states, that there is a specific statement that the person shall be a citizen "of the United States and of the state," that with the example of the Thirteenth Amendment before them Congress and the states would have used a more comprehensive phrase had they intended to include the territories or other places subject to the jurisdiction of the United States that, finally, there is no reason here or elsewhere, save in the Thirteenth Amendment, to impute any intention to extend the constitutional limitations beyond the states framing the constitution, but, on the contrary, there is every reason to suppose that such limitations are imposed for the protection of the states and the people thereof, we are bound, it seems to me, to conclude that, while persons born in the dependencies may be citizens of the United States in the international sense or the sense known to the common law, or may be made citizens for specified purposes by statute or treaty, they are not such by force of any constitutional provision and are subject, therefore, in all internal relations, to such laws as Congress in its wisdom may see fit to enact.

I am not unaware that there are *dicta*—particularly in the *Slaughter-House Cases*\*—which make against this conclusion. But it need hardly be said that *dicta* uttered by a judge twenty-five years ago in deciding whether an act of the State of Louisiana which created a monopoly in the business of running a slaughter-house was constitutional, would have very little weight before the same court when called upon to decide the constitutional status of the inhabitants of the Philippine Archipelago. It has, indeed, been decided that a person, though of Asiatic parentage, born in one of the states, is a citizen of the United States and of the state.† But it has never been decided that a person born in a territory is a citizen of the United States within the meaning of these amendments, while it has been decided that an Indian born a member of an Indian tribe is not a

\* 16 Wallace, 36.

† United States v Wong Kim Ark, 169 U. S. 649.

citizen of the United States although he voluntarily separates himself from his tribe and takes up his residence among the white citizens of a state.\*

It is probably competent for Congress to enlarge, though not to restrict, the definition of citizenship found in the Fourteenth Amendment. Congress may, therefore, by suitable legislation determine what inhabitants of territories or what Indians born in tribal relations shall be deemed citizens.† It is also competent for the treaty-making power in acquiring territory to establish by treaty the status as to citizenship of the inhabitants of the territory. This was in fact done in all treaties of cession prior to the one ceding Porto Rico and the Philippines.‡ But such citizenship, whether established by statute or treaty, is a legislative and not a constitutional citizenship. What the treaty-making power or the legislative power may grant it may withhold. As the treaty ceding Porto Rico and the Philippines is silent on this point, it therefore rests with Congress to grant or withhold citizenship for internal purposes to the inhabitants of those dependencies. It is unnecessary now to inquire whether, if once granted, such grant may afterwards be withdrawn.

(b) *Justice.*

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority, . . . to all cases of admiralty and maritime jurisdiction, etc.—Art. III, secs. 1 and 2.

2. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.—Art. III, sec. 2, sub. 3.

\**Elk v. Wilkins*, 112 U. S., 94.

† *Indian Land-in-Severalty Act of February 8, 1887. Sec. 6, found in 24 Statutes-at-Large, p. 388.*

‡ Art. III of the treaty of cession of Louisiana; Art. VI of treaty of cession of Florida; Art. IX of treaty of 1848, and Art. V of treaty of 1853, with Mexico; Art. III of treaty of cession of Alaska. Referring to the treaty of cession of Florida, Chief Justice Marshall in *American Ins. Co. v. Canter* (1 Peters 511, 542), says: "This treaty is the law of the land and admits the inhabitants of Florida to the enjoyment of the privileges and immunities of the citizens of the United States."

3. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.—Amend. V.

4. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.—Amend. VI.

5. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.—Amend. VII.

6. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.—Amend. VIII.

7. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.—Art. I, sec. 9, subs. 2.

8. No bill of attainder *orex post facto* law shall be passed.—Art. I, sec. 9, sub. 3.

9. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.—Amend. IV.

These provisions govern the power of Congress in the establishment of courts and in the enactment of laws for the administration of justice in the courts so established.

Among the earliest decisions as to the powers of Congress over the territories were those concerning the establishment of courts, and it was distinctly held that these powers are plenary and are unrestricted by the provisions of Article III, Section 1. At the outset of our inquiries into the meaning of the provisions concerning the administration of justice, we find that under the decisions of the Supreme Court, the first provision quoted above, has no reference whatever to the territories, that Congress may establish there such courts as it sees fit, give to them such jurisdiction as it pleases, provide for the appointment of judges whose terms of office

shall be limited and subject them to removal from office at the pleasure of the appointing power.\* The leading case on this is the case of the American Insurance Company *v.* Canter (1 Peters, 511), in which, in the course of his argument, Webster, one of the counsel in the case, used this significant language:

"What is Florida? It is no part of the United States. How can it be? How is it represented? Do the laws of the United States reach Florida? Not unless by particular provisions. The territory and all within it are to be governed by the acquiring power, except where there are reservations by treaty. By the law of England, when possession is taken of territories, the king, *Jure Coronae*, has the power of legislation until parliament shall interfere. Congress have the *Jus Coronae* in this case, and Florida was to be governed by Congress as she thought proper. What has Congress done? She might have done anything; she might have refused the trial by jury, and refused a legislature. She has given a legislature to be exercised at her will; and a government of a mixed nature, in which she has endeavored to distinguish between state and the United States jurisdiction, anticipating the future erection of the territory into a state. Does the law establishing the court at Key West come within the restrictions of the Constitution of the United States? If the constitution does not extend over this territory, the law cannot be inconsistent with the national constitution."

Chief Justice Marshall, in his opinion in the case, does not go to this length, but he decides for the court in favor of the power of Congress to establish such courts as it pleases in the territories, either directly or through the territorial legislature, and to confer upon them such jurisdiction as it thinks proper. He says:

"These courts, then, are not constitutional courts, in which the judicial power conferred by the constitution on the general government, can be deposited. They are incapable of receiving it. They are legislative courts, created in virtue of the general right of sovereignty which exists in the government, or in virtue of that clause which enables Congress to make all needful rules and regulations, respecting the territory belonging to the United States. The jurisdiction with which they are invested is not a part of that judicial power which is defined in the third article of the constitution, but is conferred by Congress, in the execution of those general powers which that body possesses over the territories of the United States. Although admiralty jurisdiction can be exercised in the states in those courts only, which are established in pursuance of the third article of the constitution, the same limitation does not extend to the territories. In legislating for them, Congress exercises the combined powers of the general, and of a state government."

\* *Serè v. Pitot*, 6 Cranch, 332; *American Insurance Company v. Canter*, 1 Peters, 511; *Benner v. Porter*, 9 Howard, 235; *Clinton v. Englebrecht*, 13 Wallace, 434; *Reynolds v. United States*, 98 U. S. 145; *The City of Panama*, 101 U. S. 453; *McAllister v. United States*, 141 U. S. 174.

In *Clinton v. Englebrecht* (13 Wallace, 434), Chief Justice Chase reiterates the same doctrine, in these words:

“There is no Supreme Court of the United States, nor is there any District Court of the United States, in the sense of the constitution, in the territory of Utah. The judges are not appointed for the same terms, nor is the jurisdiction which they exercise part of the judicial power conferred by the constitution or the general government. The courts are the legislative courts of the territories, created in virtue of the clause which authorizes Congress to make all needful rules and regulations respecting the territories belonging to the United States.”

It is clear then that “the judicial power of the United States” means the judicial power of the federal government as exercised within the territory comprising the states, and has no reference to the judicial powers exercised in the territories.

As to the provisions guaranteeing trial by jury, the first is found in Article III, immediately following the provision for the establishment of courts and defining their jurisdiction, and is plainly intended to fix the procedure and safeguards in the courts so established. We have just seen that that provision for the establishment of courts does not apply to the territories, but that the territorial courts are established under the general unrestricted grant of power “to make all needful rules and regulations respecting the territory . . . belonging to the United States.” Since therefore the territorial courts do not owe their existence to Article III, is it logical or reasonable to hold that they are restricted by the provisions of Article III? Since they do owe their existence to the broad legislative grant in Article IV, is it not necessary to conclude that they are restricted in their powers and procedure by the legislation creating them and by that alone? In other words all constitutional courts—that is, the Supreme Court and the inferior courts created in the United States—are subject to constitutional limitations, but the legislative courts—that is, the territorial courts—are not subject to constitutional but to legislative limitations.

The provisions in Amendments V, VI and VII, are, historically, to be read as if a part of Article III, and to be construed in the same manner as the provisions just considered. The same is true of the other provisions dealing with judicial writs, procedure and punishment. All of them except two are found in the first ten amendments, and those

two are in Article I, Section 9 (sub-sections 2 and 3) which, as we have seen, limits logically the powers of Congress conferred in Article I, Section 8, in legislating for the territory or the people of the states united under the constitution.

There is one decision and there are some *dicta* that stand in the way of so construing these provisions—especially as to the right to trial by jury. The decision is in *Callan v. Wilson* (127 U. S. 540), where the Supreme Court holds that a citizen of the District of Columbia has a constitutional right to a trial by jury when charged with a crime, and that an act of Congress denying this right is unconstitutional. Upon this case, which must be distinguished or overruled if the construction here contended for is to be established, these observations are proper. First, the grant of legislative power “over such district as may, by cession of particular states and the acceptance of Congress, become the seat of government of the United States,” is contained in Article I, Section 8, along with the other grants of power conferred by the states and is followed by and may perhaps be regarded as limited by, the same restrictions as the other grants. Second, the grant contemplates the transfer of territory and people then governed by some state to the United States, and it is not unreasonable to think that the states were desirous of securing for this territory and people the same protection as for the states themselves; finally, as observed by Professor Langdell in another connection, “the constitution once extended over it, and it may not be easy to show that it has ever ceased to extend over it.\*

In the case of the *American Publishing Co. v. Fisher* (166 U. S. 464), where an act of the Territory of Utah which provided that “in civil cases a verdict may be rendered on the concurrence of nine or more members of the jury,” was held invalid as contravening the act under which Utah was admitted as a territory, the court leaves undecided the question whether the Seventh Amendment applies. The state of the decisions on this point is thus concisely summarized by Mr. Justice Brewer:

“Whether the Seventh Amendment to the Constitution of the United States, which provides that ‘in suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved,’ operates *ex proprio vigore* to invalidate

\* 12 Harv. Law Rev., p. 382.

this statute, may be a matter of dispute. In *Webster v. Reid*, 11 How. 437, an act of the legislature of the Territory of Iowa dispensing with a jury in a certain class of common law actions was held void. While in the opinion, on page 460, the Seventh Amendment was quoted, it was also said: 'The organic law of the Territory of Iowa, by express provision and by reference, extended the laws of the United States, including the ordinance of 1787, over the territory, so far as they are applicable;' and the ordinance of 1787, article 2, in terms provided that 'the inhabitants of the said territory shall always be entitled to the benefits of the writ of *habeas corpus*, and of the trial by jury.'" So the invalidity may have been adjudged by reason of the conflict with congressional legislation. In *Reynolds v. United States*, 98 U. S. 145, 154, it was said, in reference to a criminal case coming from the Territory of Utah, that 'by the Constitution of the United States (Amendment VI) the accused was entitled to a trial by an impartial jury.' Both of these cases were quoted in *Callan v. Wilson*, 127 U. S. 540, as authorities to sustain the ruling that the provisions in the Constitution of the United States relating to trial by jury are in force in the District of Columbia. On the other hand, in *Mormon Church v. United States*, 136 U. S. 1, 44, it was said by Mr. Justice Bradley, speaking for the court: 'Doubtless Congress in legislating for the territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the constitution from which Congress derives all its powers, than by any express and direct application of its provisions.' And in *McAllister v. United States*, 141 U. S. 174, it was held that the constitutional provision in respect to the tenure of judicial offices did not apply to territorial judges."

In the case of *Springville v. Thomas* (166 U. S. 707), involving the same question, broader language is used by Chief Justice Fuller, but the decision is sufficiently rested upon the ground stated in *American Publishing Co. v. Fisher*.

In the later case of *Thompson v. Utah* (170 U. S. 343), it was decided that the provision of the constitution of the State of Utah that in criminal cases, other than capital, the jury should consist of eight jurors, was unconstitutional as to crimes committed prior to the adoption of the state constitution, as contravening the provision of Article I, Section 10, Sub. 1, of the federal constitution prohibiting any state from passing an *ex post facto* law. But the court went further and argued that the provisions of the national constitution relating to trials by jury apply to the territories. That this was extra judicial may be seen from the following considerations: (1) the law of the territory (independent of the Constitution of the United States) provided that a

trial jury should consist of twelve persons; (2) the crime was committed while the law was in effect; (3) subsequently the state constitution provided for the trial of this crime by a jury of eight persons; (4) therefore this provision of the state constitution was *ex post facto* as to this crime. In all this there is no question of Article III, Section 2, or of the Sixth Amendment, but only of Article I, Section 10, Sub. 1, which prohibits a state from passing an *ex post facto* law. That this is the understanding of the reporter is evident from the head note of the case which simply states, as the holding of the court that, "the provision in the constitution of the State of Utah, providing for the trial of criminal cases, not capital, in courts of general jurisdiction by a jury composed of eight persons, is *ex post facto* in its application to felonies committed before the territory became a state." Precisely the same decision would be necessary had the first act been passed after Utah was a state, the crime committed while the act was in force, and then the provision of the constitution had altered the prior act by substituting a jury of eight persons for a jury of twelve. The argument, therefore, that the right of the accused rested upon the provisions of the federal constitution guaranteeing trial by jury, was wholly unnecessary to the decision of the case.\*

We may set over against the decision in *Callan v. Wilson* and the *dicta* in the other cases the decision in *In re Ross* (140 U. S. 453), where it was held that a consular court established by Congress in Japan, and consisting of a consul and four associates, could try, convict and sentence to death an American citizen without any jury at all. This is rested upon the ground that the constitution cannot have any effect outside of the territory of the United States and that, therefore, the accused is not within the protection of the provisions relating to jury trial. Such is the contention of this paper. The constitution cannot have any effect outside the states united by and under it, unless by express terms (as in the Thirteenth Amendment) it is extended to places "subject to their jurisdiction." It is, of course, clear that the territory of Japan is not within the United States in any sense. What is here contended for is that the territories, lying outside the limits of the states, are not within the

\* As much so as the argument of the judges in *Dred Scott v. Sanford* (19 Howard, 393), that Congress had not power to prohibit slavery in the territories.

United States, in the sense in which that term is used in the constitution, although they are within the United States in the international and popular sense of the term.

Further light may be had from the consideration of the sovereignty of the United States over the Indian tribes. In the government of them the federal power has never regarded itself as circumscribed or limited by the provisions of the constitution. It is true the policy for a long time was to govern them through treaties, but this policy has lately been abandoned and they are now largely governed under legislation of Congress. The powers of Congress in this matter were considered in *United States v. Kagama* (118 U. S. 375), and it was there held that an act defining crimes committed by one Indian against another upon an Indian reservation, situated in a state, and conferring jurisdiction over such crimes upon the federal courts, was a constitutional exercise of congressional power, and that the state had no jurisdiction over Indians as long as they maintain their tribal relations. "These Indian tribes," it is said, "are the wards of the nation. They are communities *dependent* upon the United States." Therefore the United States has exclusive jurisdiction over them, as it has over the territories, and there is, it seems, no constitutional restriction upon the exercise of this jurisdiction.

Congress may therefore establish such courts and provide such procedure as it deems expedient in foreign territory or for Indian tribes, and is not restricted by any provisions of the federal constitution. If the reasoning of this paper be sound, it may in like manner establish such courts and provide such procedure as it deems expedient in any territory not subject to the jurisdiction of a state of the Union. To quote the language of Mr. Justice Brown in the recent case of *Holden v. Hardy* (169 U. S. 366, 389):

"In the future growth of the nation, as heretofore, it is not impossible that Congress may see fit to annex territories whose jurisprudence is that of the civil law. One of the considerations moving to such annexation might be the very fact that the territory so annexed should enter the Union with its traditions, laws and systems of administration unchanged. It would be a narrow construction of the constitution to require them to abandon these, or to substitute for a system, which represented the growth of generations of inhabitants, a jurisprudence with which they had no previous acquaintance or sympathy."

This statement, although made in another connection, and in the course of a determination of the powers of a state, is nevertheless significant as indicative of an attitude of mind which would make it possible for the Supreme Court to give effect, under the constitution, to legislation of Congress adapted to dependencies whose jurisprudence is certainly not that of the common law however close or remote may be its relation to the civil law.

(c) *Revenue.*

1. The Congress shall have power to lay and collect taxes, duties, imposts and excises . . . ; but all duties, imposts and excises shall be uniform throughout the United States.—Art. I, Sec. 8, Subs. 1.

2. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.—Art. I, Sec. 9, Subs. 4.

3. No tax or duty shall be laid on articles exported from any state.—Art. I, Sec. 9, Subs. 5.

4. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.—Art. I, Sec. 9, Subs. 6

Under the provisions as to means of raising revenue, it may be observed that only the first provision (Art. I, Sec. 8, Subs. 1) could possibly present any difficulty to Congress in the governing of dependencies. As to this, what has already been said concerning citizenship applies here *mutatis mutandis*. The restriction as to uniformity of duties, imposts and excises throughout the United States would be very embarrassing, if it should be held applicable to territory lying outside the limits of any state. But there is no good reason for thinking that it is applicable to such territory, while many reasons may be assigned for holding the contrary. First it is found in the very first grant of power to Congress by the states, and is clearly intended to restrict Congress in exercising the powers yielded by the states over their own territory and people. Second, the term "United States" as here used clearly means the states uniting in the formation of this instrument and those that should thereafter be admitted upon the same terms. Third, the subsequent grant of full powers over the territory belonging to the federal sovereign contains no hint that these prior restrictions are intended to limit or restrict that power.

There is, indeed, a *dictum* in an early case that makes against this construction. In *Loughborough v. Blake*

(5 Wheaton, 317), decided in 1820, Chief Justice Marshall was called upon to decide whether an act of Congress including the District of Columbia in an apportionment of a direct annual tax of \$6,000,000 previously laid upon the states, was constitutional. The decision could be rested squarely upon the grant of full legislative power over the District found in Article I, Section 8, subsection 17, but the chief justice indulges in some extra judicial observations as to the meaning of the term "United States" as used in Article I, Section 8, Subsection 1, in the course of which he lays it down that the term includes the states and territories. Yet in the later case of *American Insurance Company v. Canter* (1 Peters, 511) he rests the decision upon the general grant of powers over the territories as distinguished from the states, while Webster in his argument flatly denies that the restrictions applicable to legislative power over the states have any force in the exercise of legislative power over the territories, and neither the court nor the counsel make any reference to the *dictum* in this case. The case, moreover, has never since been cited by the court as sustaining the view taken by the chief justice. Even if we were to give weight to the *dictum*, we could still distinguish the case on the same ground as the case of *Callan v. Wilson* (*Ante*, p. 34), namely, that it is concerned, not with the grant of power over the territories, found in Article IV, but with the special grant of power over the district ceded for the seat of government, found in Article I, Section 8. That this is the correct view seems to be confirmed by the explanation given of *Loughborough v. Blake* in *Gibbons v. District of Columbia* (116 U. S. 404, 407).

The case of *Cross v. Harrison* (16 Howard, 164) is also sometimes cited as teaching a doctrine contrary to the position here taken. But that case simply decided that, after the treaty of cession of California by Mexico, and before Congress had legislated concerning the territory, the Executive Department might lawfully collect an import duty at San Francisco as at other ports of the United States. This is rested upon the argument that, in the absence of a contrary provision in the treaty, the territory became instantly bound and privileged by the laws Congress had previously passed to raise a revenue on imports and tonnage. Even conceding that this is sound reasoning, it is very far from saying that Congress could not, or the treaty-making power

could not, have provided a different system for the territory. A statement that acts of Congress which, when passed, covered states and territories, would extend of their own force to after-acquired territory, unless differently stipulated in the treaty of cession, is no support whatever for the proposition that the constitution will extend of its own force to such territory. It seems to me that the case carries a distinct recognition of the right of the treaty-making power or of Congress to provide a different system for the territory, and that the decision is rested upon the omission in the treaty to provide for any different system. I think it proper to add, further, that in my judgment the case could be sufficiently rested upon the power of the Executive to administer the territory in the absence of legislation, and that in such administration the Executive might, in his discretion, though he would not be bound so to do, adopt the existing tariff rates of the rest of the country. But however this may be, there is certainly nothing in this case that upholds the contention that Congress is constitutionally bound to provide import duties in the territories uniform with those in the states.

(d) *Bankruptcy Acts.*

The Congress shall have power . . . to establish . . . uniform laws on the subject of bankruptcies throughout the United States.—Art. I, Sec. 8, Subs. 4.

This provision is to be construed in the same manner as the provision as to uniform revenue laws or uniform naturalization laws. It occurs in the same subsection as the latter, and all that has been said on the other two provisions as to "uniform" laws is applicable to this provision. In any event the provision could hardly be a source of embarrassment in legislating for the dependencies.

(e) *Military Forces.*

1. A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.—Amend. II.

2. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.—Amend. III.

The first of these provisions contains a clear intimation that it is intended for the security of the states. A territory is not a "free state;" it is a dependency to be governed

as Congress may deem expedient. As it is thus within the power of Congress, there would be an absurdity in holding that it is to be given a right to bear arms in order to resist the exercise of that power. A territorial militia may be authorized or not by Congress, just as a state militia may be authorized or not by a state. While, therefore, some have urged that this provision would entitle the Porto Ricans or the Filipinos to bear arms, and thus prepare for insurrections, it seems almost too clear for argument that no such construction could properly be put upon the provision, even if the contention as to the whole of these amendments, namely, that they are intended only for the protection of states, should be inadmissible.

The second provision could be no source of embarrassment. But, of course, like all the others, it must, on the theory here advanced, be held to be no restriction upon the powers of Congress in dealing with the territories.

*(f) Titles of Nobility.*

No title of nobility shall be granted by the United States.—Art. I, Sec. 9, Subs. 8.

In its terms this is the broadest of all the provisions found in the constitution as originally passed. While the construction contended for in this paper should, of course, extend to this provision also, it could be of no consequence practically whether it were so construed or not. It is very doubtful whether any circumstances could ever arise calling for a construction of it.

*(g) Freedom of Opinion and Speech.*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.—Amend. I.

Of all the amendments this is the broadest in its terms. But it should have no different construction than any of the other of the first ten amendments. Each is intended to secure to the states or the people thereof, an immunity against the aggressions of the federal power. Even if, however, it should be held to protect equally the people of a dependency, it is difficult to see how it would interfere with the proper government of such dependency, as it is altogether

improbable that Congress would think it expedient to exercise any one of the powers prohibited in the amendment.

(h) *Slavery.*

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.—Amend. XIII.

This provision is the only one found in the constitution which in terms limits the powers of Congress in dealing with the territories. The latter are subject to the jurisdiction of the United States, and therefore within the protection of the amendment prohibiting slavery. It is a very significant fact, throwing light upon the view of Congress and the states as to the meaning of the other constitutional limitations that the phrase, "or any place subject to their jurisdiction," should have been inserted in this amendment. If, as has been urged by some, all the limitations extend to the states and territories alike, that is to all places subject to the jurisdiction of the United States, why should Congress and the states have been anxious to insert here a phrase expressly including the territories? If the phrases, "throughout the United States," "within the United States," used elsewhere in the constitution, mean throughout or within all territory over which the federal sovereign has jurisdiction, then the phrase here used is not only useless, but dangerous, for while it adds nothing, it throws a grave doubt at once upon the meaning of the phrases previously used. Is it not obvious that it was inserted because the other phrases were understood to mean throughout or within the territory of the states united under the constitution, while as to this amendment the Congress and the states meant to go further and include that territory and also the territory over which by Article I, Section 8, subsection 17, and Article IV, Section 3, subsection 2, Congress has been given plenary power?

These are all the provisions of the constitution that restrict the powers of Congress. These are all the important decisions of the Supreme Court, save one, that directly consider the question whether Congress is subject to any of these restrictions, or to any restrictions, in legislating for the territories. It still remains to consider the case of *Dred Scott v. Sanford* (19 Howard, 393). Scott claimed his freedom on two grounds: that he had been taken by his

master to the free state of Illinois and had resided there two years; that he had then been taken to the free territory of Upper Louisiana (now Minnesota) where slavery was prohibited under an act of Congress (The Missouri Compromise), and had resided there two years. He had then been taken back to the State of Missouri where he had since resided and where he now sued for his freedom. The question on its merits was whether residence in the free state or the free territory, followed by a return to the slave state, worked an emancipation. The decision on the merits was simply this: residence in a free state or a free territory followed by a return to and residence in a slave state will have such effect, and no other, as the latter state may by the decisions of its highest court give to it; the highest court of Missouri gave no extra-territorial effect to the laws prohibiting slavery in the state and territory in which Scott had resided and deemed him on his return to Missouri still a slave; therefore the federal court was bound to follow the same holding. This disposed of the case on its merits, without any inquiry into the validity or constitutionality of the law prohibiting slavery in the territory, for admitting it to be valid and constitutional it could have no larger effect in working the emancipation of Scott than the confessedly valid law of Illinois. But a majority of the court went further and in opinions clearly extra-judicial held the act of Congress prohibiting slavery in the territory to be unconstitutional. This is put on the singularly narrow ground that the ample grant of power to Congress "to make all needful rules and regulations respecting the territory or other property belonging to the United States" is confined to territory belonging to the United States at the time the constitution was adopted "and cannot, by any just rule of interpretation, be extended to territory which the new government might afterwards obtain from a foreign nation." The sole right to acquire such territory is found in the provision for the admission of new states. Upon this is built up a novel doctrine as to the limited powers which Congress, as the agent or trustee of the states, may temporarily exercise in governing a territory so acquired while nursing it toward statehood, a doctrine now laid up among the discredited curiosities of the law together with all the rest of the extra-judicial utterances of this celebrated case. I suppose no one would now seriously cite the Dred Scott decision as authority

for the proposition that Congress has not full power to govern the territories as it may deem most expedient. Certainly that the main premise of the Dred Scott argument is unsound and discredited is shown by the statement in *Utter v. Franklin* (172 U. S. 416, 423) that, "this court has repeatedly held that Congress has full legislative power over the territories, as full as that which a state legislature has over its municipal corporations."

Aside from the Dred Scott case and the others previously cited, the pronouncements of the Supreme Court upon the question of constitutional limitations upon the power defined in *Utter v. Franklin* have been in terms indicative of a vague constitutional theory rather than of a settled constitutional doctrine. Such is the statement of Mr. Justice Matthews in *Murphy v. Ramsey* (114 U. S. 15, 44) that, "the personal and civil rights of the inhabitants of the territories are secured to them, as to other citizens, by the principles of constitutional liberty which restrain all the agencies of government, state or national." Such, also, is the statement of Mr. Justice Bradley in *Mormon Church v. United States* (136 U. S. 1, 44-5), repeated by Mr. Justice Harlan in *McAllister v. United States* (141 U. S. 174, 188), that, "doubtless Congress in legislating for the territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the constitution, from which Congress derives all its powers, than by any express and direct applications of its provisions."

We need hardly dwell upon such pronouncement. We may rather recur to the classic statement of Chief Justice Marshall in *Cohens v. Virginia* (6 Wheaton, 264, 399): "It is a maxim not to be disregarded that general expressions, in every opinion, are to be taken in connection with the case in which those expressions are used. If they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision. The reason of this maxim is obvious. The question actually before the court is investigated with care, and considered in its full extent. Other principles which may serve to illustrate it, are considered in their relation to the case decided, but their possible bearing on all other cases is seldom completely investigated." This maxim we may

now invoke. New conditions never contemplated by the judges who voiced these general expressions have suddenly arisen. Those expressions may be respected as applicable to the cases in which they were used, but they will hardly control the judgment of the judges who shall be called upon to decide the weighty questions involved in the government of remote island dependencies.

When those questions arise for settlement it will be possible to hold, with entire loyalty to the constitution, and respect for judicial decisions, that all dependencies, except the District of Columbia, are governed under the general power given to Congress "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States;" that this power is limited only by the provision prohibiting slavery within the United States or any place subject to their jurisdiction; that no decision of the Supreme Court holds that any other limit is placed upon the powers of Congress over the territories; and that such *dicta* as may be found to the contrary are either wholly discredited or resolve themselves into a mere statement of constitutional or political theory.

## THE GOVERNMENT OF DEPENDENCIES.

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One whose knowledge of our new possessions is derived entirely from books must speak upon the problem of their government with diffidence. The only thing of which he can be absolutely sure is the defectiveness of his own information, its insufficiency as a basis for conclusive inductions, and all that he can do is to offer suggestions derived from the experience of other countries under conditions that have at least a considerable similarity with those we are called upon to face. Our policy must at first be tentative, and no doubt we shall make mistakes; but we certainly want to approach the problem with such light as can be drawn from the successes and failures of other nations, and all that the writer ventures to hope is that the few suggestions that can be offered in a paper of this length will contribute something toward setting forth the questions which our government must solve.

In this discussion I shall make two assumptions. First, that our primary aim is to be the welfare of the dependencies. Such an attitude is alone worthy of an enlightened nation, and the history of colonization shows that it is almost, if not quite, impossible to make colonies a permanent benefit to the dominant country on any other basis. The dependencies ought eventually to be self-supporting, but we have no right to expect them to be a source of public revenue. The second assumption is that the provisions of the Constitution of the United States do not apply to our new possessions in such a way as to interfere seriously with the establishment of the most desirable form of administration. This assumption is, I believe, well founded, but the subject is a large one, and cannot be treated in the space to which this paper must necessarily be confined.

Within a year we have acquired three groups of islands, all within the tropic of Cancer, but differing from one another radically in the character of their people and in the nature of the problems they present. In one of them, Hawaii, there is a considerable element of Anglo-Saxon

origin, which is, indeed, small as compared with the total population, but is to-day, and is apparently destined to remain, the ruling class in the island. It is not improbable, therefore, that our institutions can be immediately applied to the Sandwich Islands without modification, and such is the recommendation of the commissioners appointed to consider the subject. They have reported, in effect, in favor of a territorial government copied from the pattern that has proved successful in the West.

The other annexations present problems which are not only more difficult, but are as unlike each other as either of them is to that of Hawaii. There is, in fact, a vital difference between Porto Rico and the Philippines. Civilization in Porto Rico, as in the United States, is essentially European, and hence our aim must be to develop the people in the lines of our own life. Their condition is not so far from ours, and their climate is not so far tropical, as to set up an impassable barrier; and if it is possible to bring them into accord with our political, social and economic standards, every consideration of their welfare and our own should lead us to do so.

In the Philippines, on the other hand, which are strictly tropical in climate, the civilization, like that of India, of the Malay Peninsula and of Borneo, is mainly indigenous, and hence we ought to endeavor, as the English have done, to promote social evolution along the natural lines of the race. We should not try to impress our ideas in upon them in a flood, but help them to advance in their own way. In other words, our object must be to make them not Americans but civilized Malays.

The two problems are quite distinct, and each presents its peculiar difficulties. One is that of a subtropical island whose inhabitants, although foreigners, are largely of European blood. The other is that of a tropical country, peopled almost entirely by Asiatics. The English have shown in India, and in the still closer parallel of the Malay Peninsula, that the Philippine problem can be solved. They have shown that peoples not unlike the Tagals, the Visayans and the Moros can be ruled successfully; and our difficulty lies in the fact that we have yet to learn the art, and must display the self-restraint required to practice it. The difficulty here is not so much to find out how the thing ought to be done, as to do it; while in Porto Rico the opposite is true.

There historical examples are of negative rather than of positive value. In the cases most nearly analogous there were conditions that simplified matters, and England adopted, as I shall try to show, a solution that is hardly open to us. The Philipinos are utterly incapable of ruling themselves in a civilized way, so that there need be no question about the need of obtaining the consent of the governed, to distract us in the pursuit of their welfare; but in Porto Rico the political aspirations of the people cannot be disregarded, and it will probably not be easy to reconcile these with our views of the best policy for the island. The difference is like that of managing a small child and a half-grown man. A wise parent does what is best for the child, and makes him obey; but the lad must be allowed a pass-key, and yet is not given control of his property.

If we are constrained to undertake the management of Cuba, the problem will be like that of Porto Rico and will present similar difficulties.

#### THE PHILIPPINES.

The task here is that of ruling a tropical colony, where the proportion of white men must always remain insignificant, and where the natives, except in the case of selected individuals, will be incapable of taking part in the government for an indefinite period. The most important requisites for the administration of such a colony are justice, a consistent policy, and a thorough knowledge of the native character. The first of these will probably be best attained by the methods pursued in all English-speaking countries, the methods which the English have generally adopted in ruling Asiatics, that of placing alongside the higher administrative officials independent judicial tribunals. It must inevitably happen that local officials are sometimes given judicial powers, but in such cases there ought to be an appeal to the supreme court of the colony, so composed that one or more of the members shall be versed in the common law and others thoroughly familiar with the native customs. Such a court cannot be created in a day, but with care it could be brought to perfection before long.

Not less indispensable are a consistent policy, and knowledge of native character. The need of the last of these is self-evident, and in regard to the former it is clear that nothing will destroy the confidence and respect of the native

more quickly than any appearance of vacillation. Now England, the greatest of all colonizing powers, and Holland, the next most successful, have both sought to attain these objects by treating their colonial officials as a distinct permanent service, and offering an assured career to every man who entered it, and it is hard to see how the result can be reached in any other way. A knowledge of the native character and conditions is not one of those things that comes from Yankee shrewdness, or skill in operating the political machine. It requires long residence on the spot. France has made the mistake of selecting her colonial officials from the home administrative service, and sending them to the colonies as a step in the line of their promotion. Leroy-Beaulieu, the first of French authorities on colonies, laments this practice of his countrymen, and it has certainly been one of the causes of their lack of success. We must remember, also, that service in the tropics is far from healthy, and if the proper kind of man is to be secured the pay must be liberal, and the incumbent must be able to look forward to a pension that will enable him to spend the rest of his life comfortably at home after devoting his best years to the work of the colony. Entrance into the service ought, of course, to be conditioned upon proof of qualification. The English make their examinations for the Indian civil service of such a nature as to admit only men of liberal education, and encourage the successful candidates to spend their two years of probation at one of the universities. They have felt the great importance of bringing to bear upon colonial administration the highest and broadest culture that the mother country can produce—certainly an excellent method of making European civilization a potent influence in the East. Probably the best way of recruiting our colonial service would be to establish an academy like West Point or Annapolis. The system has proved most admirable for the army and navy, and ought to be equally good for another technical occupation. It has shown itself in harmony with our institutions. It gives sufficient play to the American love of patronage, by the mode of selecting the candidates for admission, while it produces a service strongly imbued with the best professional traditions. West Point and Annapolis have been both popular and efficient, and good sense would suggest an extension of the principle.

That the colonial administration ought to be independent of party politics in America, that the governor-general of the Philippines ought not to be a party hack who is not big enough for a position in the Cabinet, needs no demonstration. In fact the success of England as a colonial power dates from the time when the administration of her colonies was divorced from party struggles in Parliament. It is no less evident that the governor-general ought to be advised by a council drawn from the wisest officials in his colony. There is, however, another principle which is less obvious. It is that of avoiding excessive interference from home. Lord Durham in his famous report on the government of Canada in 1839 commented severely upon this evil from which the colonies had suffered long. It is a danger that is much increased by the telegraph, and one to which the United States is peculiarly exposed. Any one familiar with the national administration must be aware how highly centralized, or as the French say concentrated, it is. The postmaster of one of our large cities can hardly get a radiator shifted or a wall painted, until permission has been obtained from Washington. Now such a state of things is utterly inconsistent with good colonial administration, for the home authorities are only dimly informed of colonial conditions, and cannot by means of any amount of dispatches, reports and cable messages be made thoroughly familiar with them. The governor on the spot must be allowed a large measure of discretion in all matters that do not involve things outside the colony. But it takes a great deal of experience to learn to leave the local officials a free hand, for the home government is easily affected by the representations of interested parties, who are able to display an amount of local knowledge that is quite overwhelming. In England, where the whole system of parliamentary government depends upon the observance of conventions and upon mutual forbearance, the difficulty is less than in America, where we are more accustomed in politics to exert our legal rights. It would seem wise, therefore, to define the authority of the governor by law, so that only matters of grave concern should be reserved for decision at home.

The employment of capable, influential natives by the government is a matter of no little consequence. It secures their loyalty, and bridges over the gap between the rulers

and the ruled. No doubt the mainstay of the administration in the Philippines must be found in the American officials, but many of the minor posts and magistracies can, as in India, be filled with natives, and a few of the most capable could probably be given seats on the governor's council. Native troops under American officers could also be employed—a proceeding that tends to make good subjects of restless spirits, and lessens the number of American soldiers that have to be kept in a tropical climate. Our negro troops will save us from maintaining the proportion of white men in the tropics that England is obliged to keep there, but still they might well be supplemented by Philipinos.

This leads naturally to the suggestion, often made of late, of governing through the native chiefs, as Great Britain has done in India and the Malay Peninsula. That such a system is advantageous wherever practicable, English experience amply proves; and indeed, it is now a maxim in India that every native state ought to be preserved with scrupulous care. To what extent the system can be applied in the Archipelago, what islands and districts bear such an allegiance to a native chief that he can maintain authority over them, is a question on which only men with a rare familiarity with the different tribes can venture an opinion. The most promising subject for experiment would seem to be the Sultan of Sulu. In the general form which the system has now reached in India the native princes can hold communication with each other, and with foreign powers, only through the Indian government. Their military forces are limited. They cannot take white men into their service without permission. They must allow the British to move troops, place garrisons and camps, and build railways and post roads in their territories. Successions to the throne are not valid until recognized by the viceroy, who can intervene in case of rebellion or gross misrule, and in extreme cases can depose the prince and appoint another. More important than all the rest the British resident accredited to the prince, watches his administration, gives him advice, and exerts a constant if unobtrusive pressure in favor of good government. The system has been especially successful where a long minority has given the resident an opportunity to educate the young prince, and administer his estates in his name until he has come of age.

The tendency on the whole has been, while exalting the dignity of the princes, to bring them more and more into harmony with the policy of the empire. The system relieves England of a load of responsibility, and at the same time removes discontent, by giving to a large part of India the satisfaction of native rule, and enabling the Hindoos under direct British government to realize how well they are treated. With the federated Malay states the connection is much closer, for although these states are spoken of as "protected" by England, they are now virtually governed directly by her agents. In the treaty of 1895 the rulers of the Malay states agreed to follow the advice of the British resident-general in all matters of administration, other than those touching the Mohammedan religion, and by this fiction he is enabled to carry on the government in their name.

It is, perhaps, needless to emphasize the importance of absolute religious toleration. We believe in it, and practice it, so fully at home that we are not likely to violate it in our dependencies. But there is another question that demands immediate and far-seeing consideration. I refer to the immigration of Chinese. As soon as order has been restored, and a measure of prosperity created, they are likely to come in great numbers; and they will be heartily welcomed by the foreign capitalists, because they supply an abundance of industrious and cheap laborers. But their presence will undoubtedly have the same results as in the Straits Settlements and Sarawak, where their superior thrift, industry and commercial aptitude has placed all the smaller trade in their hands, and thus they have prospered at the expense of the Malays, who would, it is said, massacre them all with the greatest satisfaction if the Pax Britannica were removed. The Chinese are utterly impervious to European civilization, regarding it simply as a protection under which they can thrive, and whether it is wise, or right toward the natives, to suffer such an element to increase in the Archipelago for the sake of their labor is at least extremely doubtful. Moreover, it will be invidious to forbid the people of our own dependency to come to our shores. The Philipinos are not fond enough of hard work to make their immigration to the United States in considerable numbers anything but a nightmare of the labor unions, but the Chinese will miss no channel for getting

here that is left unstopped. We have already prohibited Chinese immigration to Hawaii, and we must consider at once the question whether we will permit it to the Philippines.

#### PORTO RICO.

Porto Rico presents, as I have said, peculiar difficulties of its own. At first sight the problem appears simple enough. The obvious solution is to establish there a government like that of one of our territories, with a government appointed by the President, and a legislature elected by the people. This system has worked very well here; but we have tried it only as a temporary expedient, a stepping-stone to statehood. It has lasted only while the population was thinly scattered. When a territory has become settled densely enough to be a real community, with a political life of its own, it has been admitted as a state. Now Porto Rico is almost as densely peopled to-day as any part of the United States, and yet it must be clear that it cannot be admitted as a state until it has been trained in self-government, and has acquired the political, social and industrial habits that prevail in the United States. That this will take a very great length of time every observer of political history will recognize. In short, the period is so long that statehood is too remote to be taken into consideration in determining the immediate administration of the island.

As a permanent method of colonial government, or one that is intended to last for any great length of time, the system of a governor appointed by the mother country and a legislature elected by the colony is open to grave objections. Continual struggles between these two authorities are almost inevitable, for the legislature naturally wants to have its way, and where it is thwarted by the governor it learns to look upon him as the representative of an alien if not a hostile power; and yet the governor must sometimes check the legislature unless the colony is to be given virtual independence. The system tends, therefore, to promote friction instead of the mutual sympathy that ought to exist between the parent state and the colony. England tried it, and after many bitter experiences, was forced to discard it. She tried it with her North American colonies, and the consequences were constant bickerings, until the Revolution cut the connection altogether. She tried it in Canada with

similar results, which culminated in the rebellion of 1837. The remedy in this case was found in the granting of responsible government, that is, in placing the governor-general in a position like that of the Queen, and transferring the real exercise of his powers to ministers responsible to the popular chamber of the colony. Except for foreign relations Canada thus became independent in almost everything but name. Finally England tried it in the case of Jamaica, and the contests with the legislature that ensued were not terminated until the people of the island, terrified by the insurrection of the negroes in 1865, voluntarily gave up their constitution, and the elected legislature was replaced by one appointed by the Crown. Warned by these experiences, England changed her policy, and granted responsible government as fast as possible to all her colonies where men of English race were numerous. She even pressed it upon Australia and the Cape before they were anxious to receive it. All the North American and Australian colonies and Cape Colony and Natal have now full responsible government; while of the other dependencies that have any representative element in their constitution, only three, Bermuda, the Bahamas and Barbados, have a purely elective legislative chamber, and these three are small and peculiarly situated. In all the rest (Jamaica, Guiana, the Leeward Islands, Mauritius, Cyprus and Malta) the legislative council is partly elected and partly appointed, usually in such proportions that the appointed members form at least one-half of the body. England has learned not to create an elective legislature unless she is prepared to go farther in a short time and grant to the colony complete control of its affairs, and thus a distinction has arisen, which tends to become sharper and sharper, between Crown colonies and self-governing colonies.

If this is true of colonies whose people are of English race, emigrants from the United Kingdom, it must be manifestly far more true where the population of the colony differs from the bulk of that of the parent, or rather adopting, state by race, by religion, and by political traditions. Yet that is the case in Porto Rico. The nearest parallel to the condition that confronts us there is to be found in the history of French Canada, and the most valuable study of the problems it presents is the report of Lord Durham,

made after the rebellion of 1837. This document, to which I have already referred, pointed out forcibly the evils that had flowed from placing side by side an elected legislature and a governor with real authority, and it urged the necessity of establishing responsible government in the colony. Although Canada had then been under English rule for about eighty years, and had had an elective assembly for nearly half a century, the training of the French Canadians in self-government would hardly have been enough to make the remedy suggested practicable had it not been for the vast tracts of waste land which brought a great influx of English settlers. In fact the province of Upper Canada, which was united with the French province by the act of 1840, was entirely English. Now the people of Porto Rico are not very much less lacking in political experience than the French Canadians were at the capture of Quebec, and there is no vacant territory into which Americans can move in great numbers. Hence responsible government in the English sense cannot safely be set up for a long time to come, and the island must first undergo a period of apprenticeship. Moreover, our own people are quite unfamiliar with the conceptions that underlie the principles of responsible government, and they would fail to understand the position of a governor who, on the ground that his legal powers were in the safe keeping of a colonial cabinet, sanctioned unwise and unjust laws, or a hostile tariff, enacted by the colonial legislature. If the governor is to exert no real authority it would probably be wiser to cast the island adrift, providing only that it should hold no communication with the outside world save through the President of the United States. This would, no doubt, involve complications with foreign powers, but at least it would be a system that our people could comprehend. The island would then be a protected state and not a dependency. It would be a Spanish-American republic whose foreign relations alone would be under the guardianship of the United States. Perhaps this would be the most prudent relation for us to hold with the island, and a great deal could be said on both sides of that question.

Assuming, however, as the title of this discussion indicates, that Porto Rico is to remain a dependency of this country, it would seem that an elected assembly with

general legislative powers cannot wisely be established. If that is true, two courses are open to us. An elected assembly with strictly limited powers may be created, other matters being reserved for the governor and an appointed council; or the English example may be followed of vesting general legislative powers in a body composed partly of appointed and partly of elected members, the latter, say a dozen in number, being perhaps chosen by the seven provinces. The second plan, at least at the outset, would probably be the safer with a people unused to constitutional limitations. But in any event the appointed members of the governor's council ought to be selected from residents, and as far as possible, from natives of the island. By this process, jealousy of foreign rule could be minimized, for the mere fact that the chief officials were appointed ought not to be seriously obnoxious to the inhabitants, who are not accustomed to any other method of selection.

I am aware that the powers entrusted to the governor and council may be abused, although the danger is surely no greater than in the case of a popular assembly elected by a people unused to self-government. But I do not think we need to fear a repetition of the carpet-bag rule. That was made possible only by the disorganized and distracted state of the south; and by the sudden enfranchisement of an enormous mass of untrained voters, at a time when the North distrusted every Southerner who had the slightest experience of public affairs. It may be observed, also, that where the political conditions are such as to permit the existence of carpet-bag rule, the presence of an elected assembly tends rather to aggravate than to remove the evil; and further, that if we appoint governors of the carpet-bag type, they will wreck any system of government that can be devised.

The development of local self-government is a matter of the highest importance, for it is the foundation of true political liberty. Capacity for popular government cannot be created by edict. It must be acquired by slow experience, and efforts to produce it suddenly have usually been disastrous. It requires the gradual training of large numbers of men to the conduct of public affairs on a small scale; and not less a strong reverence for the authority of law, as distinguished from the commands of men. Hence it must begin with local government administered under strict rules

of law. Lord Durham remarked the defective municipal organization of Canada, and laid stress in his report upon the necessity of improving it. We ought to foster by every means in our power the management of local affairs in Porto Rico by the people themselves, and in doing so it would be well to follow as nearly as possible the existing forms and institutions, filling them with a more vigorous spirit. It may be necessary at first to appoint the *alcalde*, or mayor, but he should be selected from among the leading citizens of the commune, and should be assisted by a council elected on some qualification based on property or education, which will insure that the electorate shall not be an ignorant and credulous mass of voters. The franchise could easily be so arranged that it should gradually expand automatically as prosperity and education increased. The general principles of local self-government once fixed, their application will no doubt be tentative for some time to come, and it is certainly presumptuous for anyone unfamiliar with life on the island to attempt to talk about details.

A permanent civil service is essential in Porto Rico as well as in the Philippines, although it would have a somewhat different character. In the Philippines we must depend in the main on American officials, while in Porto Rico the service ought, after the first few years, to be recruited almost exclusively from the natives. The reason why the spoils system has not proved even more intolerable in the United States must be sought in the extraordinary versatility of the American, and in the general diffusion of education. But these qualities are wanting in the inhabitants of Porto Rico, and therefore if we are to have the support of an efficient administrative force, we must have a permanent and well-trained civil service. The United States cannot afford to throw away any chances in the difficult and untried task before it.

The judicial system is perhaps the most important point of all. If the people of Porto Rico are to acquire our political ideas and traditions it must be chiefly by means of the courts of law, for the relation of the courts to the administrative officials and to the citizens is the fundamental point of difference between the Anglo-Saxon system of government and that of the Latin races. It is the force that prevents the government from being autocratic, that makes it a government of laws and not of men. Porto Rico can never

obtain our political system unless she first becomes thoroughly familiar with our judicial conceptions. I do not mean that the substantive law needs to be changed. On the contrary, some branches of the law must obviously be retained, and nothing would be gained by changing most of the others. To change the law of land is oppressive, while commercial law, the law of contracts and so forth, are very much alike over the whole civilized world. England had to decide the same question when she conquered Canada, and after an unfortunate effort to introduce the common law, she determined, in the Quebec Act of 1774, to substitute the English criminal law as being milder than the French at that time, but to leave the Canadian law in other respects untouched. Porto Rico has now the civil law, and it had better not be disturbed except so far as it may be amended in detail from time to time by legislation. There is no difficulty in administering the civil law by means of the American judicial system. The common law has always recognized the binding force of local customs, and there has never been any trouble in the case of Louisiana, which still retains the civil law as the basis of her jurisprudence. Incidentally the maintenance of the existing law would avoid any question about juries in civil suits,—if the provision about jury trial in the Constitution applies to Porto Rico at all,—because in civil cases the provision extends only to suits at common law. It does not apply to equity causes or to litigation under the civil law.

The important thing is that the organization and authority of the American courts should be planted in Porto Rico, together with the method of procedure and the rules of evidence. The best judicial organization would probably be that under which the common law was successfully built up; local courts with a limited jurisdiction, and a central court for the whole island, which should hear appeals in bank, and whose members should go on circuit through the several provinces. They could be assisted in ascertaining the facts in any case by local assessors or the local magistrates. No system better adapted for maintaining the dignity of the courts and the authority of the law has ever been devised. It would appear wise also to allow appeals in certain cases to the Supreme Court at Washington, although such appeals would not be numerous. England has always permitted an appeal from her colonial courts to the Judicial

Committee of the Privy Council, which is to-day virtually the same court as the House of Lords, the highest tribunal of the United Kingdom. Such an appeal is useful in many ways. It tends to unify the law, and to preserve the authority of the parent state without the irritation that might be provoked by action of the executive department. Moreover, it acts as a restraint on all public bodies and functionaries in the colony to know that the legality of their acts is liable to be called in question before a paramount power, the greatest tribunal of the parent state.

A potent force in fostering the affection of the people of Porto Rico for the United States might be found in the army and the navy. Not only might the natives of the island be recruited into the ranks, but a certain number of promising young men might receive Presidential appointments year by year to West Point and Annapolis, just as commissions in the British army are now reserved for young colonials. There is certainly nothing that stimulates loyalty to a flag so much as serving under it.

The regulation of the grant of concessions or franchises will be a thorny problem in both our dependencies, for the danger of abuse is exceeding great. England encountered the same question in the form of the disposition of crown lands in the colonies; and we know a little about it ourselves from some trifling experiences at home. The only safeguard we have yet discovered is to provide that such grants shall not be made by special acts, but by general law alone; and although that principle cannot be strictly applied to the gigantic corporations bred by economy of operation in a huge country, it can probably be applied in our new possessions for many years to come.

One more suggestion before closing, for suggestions are singularly easy to make when one has no responsibility for carrying them out. There would seem to be no motive for haste in creating civil governments either for Porto Rico or the Philippines. The military rule in Porto Rico appears to be proceeding smoothly, and in the Archipelago civil government cannot be established until order is restored. There are certainly cases where it is more important to act right than to act quickly.

## THE GOVERNMENT OF TROPICAL COLONIES.

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It is a curious instance of the mutability of human affairs that three years ago the United States should have practically threatened war against England on account of an alleged attempt on the part of the latter to extend the boundaries of one of her colonies and that to-day the United States should be taking heart of grace in her colonial ventures from England's colonial successes. I mention this merely to show how entirely foreign to the American mind was any idea of territorial expansion a couple of years ago. Perhaps there could be named no subject on which the people at large in this country possess so little information as the government of dependencies; nothing could be more natural. It could never have been contemplated that the government of dependencies would ever be a problem which the people of the United States would be called on to face. Since it became evident that the Philippine Islands and Porto Rico would have to be governed by American administration a vast amount of rubbish has appeared in the newspapers of the country in reference to the nature of the problem thus suddenly arising out of the success of American arms. Articles have appeared in even the more respectable journals in reference to the colonial system of England which contained inaccuracies which would be severely punished in an English schoolboy of fourteen years of age. It has become common to refer to England's colonial empire as though it consisted of a number of homogeneous parts which in the main present to the sovereign state problems of a similar nature. Nothing could be farther from the facts, and I am inclined to think that before any good work can be done in the direction of educating public sentiment in regard to the government of Porto Rico and the Philippines the fact must be clearly established that the government of tropical dependencies is a very different question from the government of states or dependencies outside the tropics. In a tropical climate the conditions of life are so different from any that can be found in northern countries that the experience of home government forms a poor guide for colonial adminis-

tration. In Europe and in North America the task of government is made comparatively easy from the fact that the general tendency of the majority of the people is in the direction of progress, industry, social improvement, morality and good order; and every act of the government which does not injuriously affect any of these factors meets with the approval and active support of the masses. In tropical climates, on the other hand, the aims of the government find but little encouragement amongst the masses. The population contains but a small element of that material which is necessary for progressive development, and color prejudice forms an insuperable barrier to the social advancement of that small minority of the colored race which succeeds in attaining positions of honorable independence. By far the greater number of individuals in tropical countries are without any ambition to do more than secure the necessities of life, and the ease with which this ambition is satisfied contributes in no small degree to the idleness and indifference which is the marked characteristic of the population. A short residence in a tropical colony serves to convince most persons of the governing class of the utter hopelessness of effecting any material change in the natural disposition of the natives, and whether such conviction is based on insufficient grounds or not, the result is the same, and each successive generation of reformers faces the situation with an amazing confidence for a while and then wraps itself up in a garment of indifference, stifling any inconvenient pricks of conscience with the assurance that the time is not yet ripe for the wholesale regeneration of humanity. Thus it happens that the new governor, the new colonial secretary, the new administrator, be he never so bemedaled for worthiness in past service at home, sends to his government the same discouraging tale of a people possessing indeed some virtues of the lesser kind, but lost to all desire for progress and content to live a life in which no disturbing thought of rising above the common level intrudes on the soothing monotony of existence. No one who has spent any considerable time in the tropics can have failed to observe that where any degree of prosperity has been reached, where any approach to sanitary conditions exists, where, in fact, any indication of progress is in evidence, these things have been achieved not by means of but in spite of the mass of the people. That in some parts of

the tropics this may be due in some degree to the evil effects of slavery constitutes a satisfactory excuse for those conditions, the existence of which is not in any way affected by a consideration of their origin. When measured by the commercial standard the difference between tropical and non-tropical colonies becomes most strikingly apparent. Thus taking England's tropical and non-tropical colonies I find that during the past five years the non-tropical colonies, Australia, Canada and Newfoundland, imported British produce to the value of \$15.34 per head of their population, whilst the tropical colonies imported British goods to the value of only fifty-six cents per head. Again, the non-tropical colonies exported to England produce to the value of \$22.88 per head and the tropical colonies produce to the value of sixty cents a head. During the past twelve years I have spent most of my time in the British colonies. I was for seven years in the West Indies and visited India and several of the French and Dutch tropical colonies. My observations during the past twelve years have led me to form opinions in regard to the tropics which are likely to be very unpopular in this country. I claim no authority for my opinions. If the conclusions at which I have arrived are wrong I can only say that they are the outcome of careful and unprejudiced investigation. I may say then that I do not believe that the inhabitants of the tropics will ever be capable of self-government in the sense which is usually attached to that expression. Is there at the present day to be found anywhere in the tropics a country which is showing itself capable of self-government? I might go farther and ask has there ever been any country in the tropics which has shown itself capable of self-government? It is true that in Peru at the time of the Incas there was a government which maintained discipline and order amongst the people of that country, but the government was autocratic and did not lay with the people, and excellent as the results of the system were in many respects, they have been very generally condemned by writers because they did not proceed from self-government, but from a perfect form of despotism. Now if we glance at India as it is to-day we see a spectacle of three hundred million people governed by thirty thousand British officials. There has been a great clamor in favor of India for the Indians. It is claimed and with great justice that the Hindoos, who have been educated according

to western notions, have shown themselves capable of entering all the professions with the greatest credit to themselves in their examinations. I am free to admit that I have never met amongst other races men who have shown such an exquisite subtlety of intellect, such an extraordinary aptitude for learning, as some Hindoos whom I have known, but unfortunately subtlety of intellect does not help people toward self-government. It is a very common error to suppose that administrative capacity goes hand in hand with intellectual attainment. You may take a native official in India and as long as things run smoothly he will amaze you by the cleverness and ingenuity of his annual report; compared with it the unvarnished statements of his English brother official will appear as the crude production of a schoolboy. But send a flood, send a famine, devastate his territory with disease and what do you find, an absolute incapacity for action. Then it is that the administrative ability of the Englishman steps in and saves the country from disaster. What is wanted in the government of colonies is extreme energy and determination and these qualities are not found in the make-up of the oriental races. If we turn now to the negro in the tropics we find a still worse condition of affairs. In the British West Indies, where the negro is treated better than in any other part of the world, we find the negro voters sending negroes into the legislative assemblies—in some of these colonies the negro or colored men outnumber the white persons. For more than a year I attended all the meetings of the legislative assembly in such a colony. I listened hour upon hour to the speeches of these negro legislators. I found many of them excellent speakers and keen debaters, but I found also that they were entirely unfit for legislative duties. They seemed to be possessed of no sense of proportion, no sense of responsibility; they were apparently governed almost entirely by their emotions. It would appear as though the British colonial office held similar views to those which I have expressed, for within the past year two islands, Dominica and Tobago, have been deprived of their representative institutions; the former has been converted into a crown colony and the latter has been made a ward of Trinidad. Those who are best informed in the West Indies tell me that it is contemplated to make considerable changes in the near future in the government of the British West Indian colonies. Now it is often urged that the reason why the

negro in the tropics has not shown himself capable of self-government is because he has not had time. If we take the case of the chief negro republic, Hayti, it would certainly appear that they have not had time, for it is beyond doubt a fact that cannibalism prevails to a considerable extent in the republic. Sir Spencer St. John in his book on Hayti, published in 1884, places the matter altogether beyond question and during a visit I paid to the island in 1893 I saw sufficient to convince me that the abominable practice still existed, but, as a matter of fact, the negroes have had just as much time to develop a civilization and to evolve a satisfactory form of government as the white man. There were negroes in Africa when Cæsar landed on British soil and since that time the people of Britain have made themselves what they are to-day whilst the negro in Africa remains substantially what he was. The reason why the negro has made no progress is that a tropical climate does not place a man under any necessity to exert himself, and there is no reason to suppose that the climatic influence of the tropics will be less powerful in the next thousand years than it has been in the past thousand years. I am inclined to think that so long as theorists will maintain that political and ethical principles have an universal applicability, so long will all attempts at civilizing the tropics end in grievous disappointment. I will not go so far as to say that the faculty of governing the tropics lies wholly with the Anglo-Saxon race but I am firmly of the opinion that without the strong hand of the man of the north to hold things together the tropics will never advance beyond the point which has been reached by the central American republics. James Anthony Froude has, to my mind, expressed the whole question of the government of tropical dependencies in the following lines, taken from his "English in the West Indies": "The leading of the wise few, the willing obedience of the many, is the beginning and end of all right action. Secure this, and you secure everything. Fail to secure it, and, be your liberties as wide as you can make them, no success is possible.

## DISCUSSION.

DR. TALCOTT WILLIAMS, *Philadelphia.*

The discussion to which we have listened for three hours, has covered all three phases of this subject, constitutional, administrative and industrial, with a complete ability. We may fitly congratulate the Academy upon its series of papers, which face this national issue with confidence, accept its responsibilities without hesitation and see in our laws, our government and our citizenship the material for its successful solution.

The burden of utterance has been in favor of the constitutional power of the government to discharge all the duties before it in the administration of dependencies. This was also the case in the debate in Congress. While Professor Woolsey and Professor Huffcut confine themselves to this aspect, Professor Lowell has dealt in a strain as encouraging with the administrative necessities of the case, and the solitary doubt as to the future is raised by Mr. Ireland in his assertion, which I will take up later, that contract laws are indispensable in dealing with labor in the tropics.

The constitutional argument advanced by both Professor Woolsey and Professor Huffcut has become familiar during the last six months. They differ, one in believing that it will be necessary to adjust constitutional guarantees in some shape, and the other in asserting that they do not extend over territory newly acquired. I do not propose here and now to review this constitutional discussion, but I desire to draw attention to a phase of this branch of our subject, to which neither has alluded. In guessing on the future decisions of the Supreme Court, it has generally proved wiser to trust to the trend of its past history than to our analysis of its probable reasons for a future decision. For a century, since its early decisions first struck out the path, the Supreme Court, with the exception of the solitary decision in the Dred Scott case has never found a national need without discovering a national power. This has been the basis of its steady extension of the powers of the "federal agency" into the prerogatives of a nation possessing all the powers required in the external discharge of its duties in the field of international law. In deciding internal questions the pendulum of the Supreme Court has swung from one extreme to the other, but in deciding those questions created by the external relations of the United States, ending in the luminous decisions in Ross' case, quoted by Professor Huffcut (140 U. S.

453), the Supreme Court has always found whatever power it was necessary for the United States to have to act in its sovereign capacity. I need not review these cases. They have decided the right to acquire territory, to determine its government, to govern territory conquered, but not annexed, to enforce treaties, to exclude aliens in time of peace and to discharge, even to the execution and imprisonment of American citizens, the civil and criminal jurisdictions of ex-territorial law in Oriental countries. With this clear ascending curve running through a century, it is no great stretch of either imagination or calculation to assume that the Supreme Court will reach a precisely similiar conclusion when it is called upon to decide whether the nation organized by the constitution can exercise the ordinary national powers of other nations in dealing with annexed territory.

The precise letter of the constitution of course, blocks the way, as Professor Woolsey has pointed out. Through it, Professor Huffcut has driven his ingenious tunnel, but the provision in regard to jury duty is in the same article with the provision in regard to judges holding for good behavior, and if Congress can establish courts which can legally condemn a man when the judge only holds for a term of years in our territories, it could by parity of reasoning eliminate the jury. Nor is this all. The United States has had three successive classes of territory acquired, first from cession by states to the United States, under conditions which the Supreme Court has recognized as limiting congressional action, second by the cession of foreign countries under treaties which stipulated that in the new acquisitions, the citizens of the ceding nation should enjoy the privileges of the citizens of the nation accepting the cession, which Justice Marshall held the sole basis of civil rights. Third, our present acquisitions which are ceded without this provision and in which by implication these rights are not conferred by annexation. There is here a steady sequence whose march and progress the Supreme Court sought to interrupt in the Dred Scott decision, but in which the arbitrament of events proved more powerful than the logic of Taney. The absence of this treaty clause in our last acquisitions under the reasoning of Marshall vitally changes the situation, and while it does not alter the power of Congress to legislate, it changes the environment under which it acts.

Any confusion on this subject arises from failing to discriminate between the limits of sovereignty and constitutional jurisdiction. The decisions in the California cases to which Professor Huffcut alluded (*Cross v. Harrison*, 16 Howard, 164) do not base the right to levy taxes on the war power, but the absence of constitutional reason

for interference with these taxes on the fact that Congress had not yet legislated so as to extend the jurisdiction of the laws of the United States, its treaties and its constitution. Sovereignty and jurisdiction may be coterminous. Either may exist where the other is absent. The sovereignty of the United States sentenced in Japan to death and provided for the imprisonment of Ross for life in Albany, a stronger case than the finding in Japan because the sentence had to be executed within our constitutional limits, but no one will pretend that the constitutional jurisdiction of the United States applied in either case because if it had a jury would have been necessary, and the Supreme Court wisely found the authority for dealing with the life and liberty of an American citizen, not in any special grant of power to Congress, but in the necessity for the exercise of the international powers of an independent sovereignty. A long series of decisions show that the executive sovereignty of the English crown attaches at the instant of conquest, but the judicial jurisdiction of the English crown only begins after an order in council has extended it. The sovereignty of the United States extends over an Indian tribe ; but its members are not within the constitutional jurisdiction of the United States and the right of Congress to regulate the manner in which the local powers of such a tribe shall be exercised does not render such local powers Federal powers, arising from and created by the Constitution of the United States. (*Tatton v. Mayer*, 163 U. S. 376.) By discovery the sovereignty of the United States extended over the Guano Islands which our citizens occupy, but the jurisdiction of the United States is only established there by act, and if Congress instead of making Navassa a ship as it did by section 5516 R. S. had given its governor power of life and death the grant would have rested on as complete constitutional power in one case as in the other. National sovereignty exists complete, unchallenged and unquestioned over the Philippine Islands and Porto Rico. The authority now exercised there is ordinarily spoken of as the war power of the President, but it is also the necessary exercise, as the Supreme Court pointed out in the case already cited, of that authority which attaches to a sovereignty that acquires territory, an authority which is not provided for in the constitution, but which exists as a logical deduction from the fact that the constitution created a sovereignty with complete national powers for international purposes.

The constitution created a constitutional jurisdiction within certain definite limits, to wit, the states which formed the union. It also created a nation with the usual international powers needed and demanded by an independent nation, recognized and acting as such under the law of nations. To both of these propositions all agree.

When this national sovereignty acts within the sphere of constitutional jurisdiction, it is limited by constitutional provisions. When as a national sovereignty, it acts within the international field, it has whatever powers are needed for its work as such, a principle established by a long series of decisions. (*Fong Yue Ting v. U. S.* 149, U. S. 712). Sovereignty is exercised over conquered territory under no specific constitutional power, but as part of the rights inherent in the international nation created by the constitution. Legislation, by treaty or statute (*American Insurance Co. v. Canter*, 1 Peters, 511), decides when the constitutional jurisdiction shall be coterminous with this national sovereignty, and until some legislation, treaty or statute decides this political question, the judicial power of the United States does not attach (*Jecker v. Montgomery*, 13 Howard, 498); unless Congress legislates otherwise, the "belligerent rights of a conqueror" remaining complete until this time (16 Howard, 164). Sovereignty, in short, moves with the international acts of the nation. Constitutional jurisdiction travels with the municipal law of the United States, and is created by a treaty because it is part of that law. Nor does any decision, not even that cited referring to the District of Columbia, traverse this distinction, for the simple reason, if no other, that a treaty annexing territory without conferring civil rights—that is, extending constitutional jurisdiction in greater or less degree—has never yet been before our courts. I submit, therefore, that in dealing with territory thus annexed, there may be found a power wider than that simply "to make all needful rules and regulations respecting territory, and other property," to wit, that broader national power which permits annexation itself, though the constitution makes no provision for the act and under which power a long series of statutes have been passed and even juryless courts created as part of national sovereignty, and not part of our municipal constitutional jurisdiction.

In dealing with the administration of dependencies, Professor Lowell has laid stress, as is indeed fit, on the trained and organized character of the English colonial service. But the precise force and efficacy of the English colonial administration is and always has attached to the absence of this requirement in its higher parts. It is the combination of a trained force headed and controlled by men chosen from the general political life of the realm and for political service which gives the English colonial service practical efficiency. A pure bureaucracy, a trained and examined colonial service, exclusively applied to colonial administration ends where the German colonial service, which is of this character, has always ended, in the perpetual broils and the perpetual blunders of the "competition wallah," if he has not some one over him selected by the competition of life and

not of examination. Ultimate power in India rests with the governor-general and governors of the presidencies, men selected from active English political life, and for these posts a Conservative government, selects Conservatives and a Liberal administration, Liberals. Sir Alfred Milner, the ablest figure to-day in English colonial administration, was a dozen years ago a mere journalist and has never gone through the competition mill. Of the seven Australian governors last year only two had ever had political training. The rest had been, one a gentleman in waiting, another groom of the chambers, another "Verderer of Epping Forest"—an ancient office doubtless, but whose direct training for colonial administration must be admitted to be slender by the few, even in this audience, who can define its duties. A successful explorer, like Thomson, a good regimental officer, some journalist or barrister with a genius for management, a man successful in English politics—these have made half the good colonial governors, aided and supported by a trained force selected by competition as their administrative tools.

Nor are Anglo-Indian salaries what they were. The very place Macaulay took to accumulate a competence, can to-day be held only by a man with a private fortune to bridge the gap between the salary paid and the level of expenditure demanded by the post.

Mr. Alleyne Ireland speaks the undoubted conviction of all Englishmen in deeming contract labor laws necessary in the tropics. I may be pardoned if I remember that every English paper teemed with this advice thirty-three years ago, in behalf of the cotton crop. We were assured—Who does not remember it?—that without contract laws the negro would not work and the cotton crop cease. Our largest crop then had been 3,000,000 bales. Free labor has quadrupled the yield. There are two ways of making a man work—by pressure from above, disguised slavery—or by stimulus from within, the higher wages of a highly organized, free, industrial system. The last, the tropics have never yet had. Jamaica and the other English tropical West Indian Islands are the dis severed fragments of a continent from whose industrial activity they have been separated. Give the stimulus of a market and of high wages and all men will work. Deprive them of either and contract labor laws are needed. The American may yet solve the tropical industrial problem as he has quadrupled the cotton crop in face of all the arguments marshaled by Mr. Ireland, all made thirty-three years ago, not by laws making it harder for a man to be idle but by an industrial system making it more profitable for a man to labor.

Professor L. S. ROWE, *University of Pennsylvania.*

It is no small task to add anything to the admirable addresses we have heard this afternoon. In them we find exhausted the possibilities of political organization in the management of dependencies, as well as the constitutional difficulties that we are likely to encounter. Upon these two questions—of political organization and constitutional interpretation—I wish to say a few words.

I have not the slightest doubt, that so far as the organization of government in our new dependencies is concerned, we shall be able—whether in Cuba, Porto Rico, or the Philippines—to adapt our standards to the needs and possibilities of the inhabitants of the islands. Arguing from precedent, there is reason to believe that our government will be too despotic rather than too free. It is a mistake to suppose that the extension of American rule means equality of political rights. Throughout our history the principle for which we have stood above all others is the maintenance of order and security. To this end we are prepared to subordinate all other political ideals and principles.

The real difficulties which we will encounter in the government of our new possessions, difficulties which are as yet new to us, lie in the field of the private rather than in that of the public law. In other words, while we shall in all likelihood be able to develop a governmental organization strong enough to meet any emergency, there is grave danger that by suddenly undermining customs, traditions and systems of law which do not conform to the principles of the common law, we shall destroy the fabric of social organization in the new territories. Incomplete and inadequate as such social organization may be, it is the first step in orderly, progressive development. To destroy it is to invite disintegration and decay. This danger is evidently very much greater in the Philippines than in either Cuba or Porto Rico. In the latter our first and most important mission is to reorganize the judicial system and the administration of law rather than its form. In certain departments of legal procedure—particularly that of land transfer—glaring abuses must be corrected. The only immediate change necessary in the substantive law however is to make it definite. We cannot afford to permit our Governor-General to indulge in the arbitrary interference with the form of law and administration of justice which characterized the rule of his Spanish predecessor. Under our rule, Cubans and Porto Ricans must be assured of equality before the law not only as between themselves, but also as against the public authorities. This does not mean that we must sweep away all local customary law and establish the code

of the civil law throughout the islands, thus sacrificing efficiency to uniformity. If we will but keep in mind how easily the legal fibre of a people is undermined, how gradually permanent changes in legal standards are effected, we shall be spared many humiliating failures.

Our policy in Cuba and Porto Rico is comparatively simple when compared with the difficulties which we shall encounter in the Philippines. We shall there require a combination of firmness and forbearance which no nation has as yet shown in its dealings with inferior races. For it must be remembered that it was only after a series of bitter lessons that England acquired the first rudimentary notions as to the proper method of dealing with half-civilized peoples. In the Philippines we shall have to deal with almost every conceivable form of primitive institution, from the patriarchal family to the most pronounced theocracy. However their system may violate our legal standards, we must remember that it cannot be suddenly changed without setting the population adrift toward anarchy and rebellion. For a long time we may have to tolerate institutions that may seem undesirable, even unjust to our eyes, and yet which are absolutely necessary to maintain the cohesion of the present social system. Law of some kind is better than no law at all. If we endeavor suddenly to inject American ideas into Malay tribal relations, disintegration and disorder are certain to result. The most that we can hope to do at present is to prevent the more violent forms of tribal or individual aggression, to establish an equitable system of taxation and then allow the civilizing influence of industrial reorganization to pave the way for improvement in property and other legal relations. As Mr. Lowell has well said, we shall probably make many blunders, but it is asking too much to expect an easy solution to so complex and delicate a problem.

A word before closing, on the vexed question of constitutional interpretation. In this respect I am inclined to take quite a different view of the situation from that outlined by Professor Woolsey. If instead of analyzing the letter of constitutional interpretation, we stop to examine its spirit, we find one cardinal principle guiding the court, viz., to avoid as far as possible any interference with the political organs of the government on broad questions of public policy. In order to carry out this principle we find the court resorting to legal fictions, as for instance in *Fleming v. Page*,\* and *Hamilton v. Dillin*.†

I am fully aware that this proposition in the general form may give rise to some misunderstanding. Is it not the function of the judiciary,

\* 9 Howard, 603.

† 21 Wallace, 73.

ary, it will be asked, to safeguard the constitution and in so doing to check the action of the other organs of government? An analysis of the decisions of the Supreme Court will show that while this is true, it is subject to certain definite limitations. The court has consistently refused to interfere with what it calls "the political functions of the government."

While it has given no definite meaning to the term "political functions" the end which the court has kept in view seems quite clear, viz., to refrain from interfering with the political organs of the government whenever the peace, or safety of the country is endangered or the order and security of any district menaced. It would take us far beyond the limits of this discussion to examine the instances in which this principle has been carried out. The most striking cases have arisen in periods of conflict, such as the Civil and Mexican Wars. The Reconstruction Period was particularly fruitful in this respect.\*

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This desire to avoid conflict with the political organs of government has demanded a degree of self-restraint on the part of the judiciary which has aroused the admiration of every student of politics. This self-restraint has indirectly increased the authority of the courts, for it has assured to them the respect and support of the people in those cases in which the courts have seen fit to place checks upon executive action. Traditions such as these make it seem tolerably certain that the courts will not force upon the political organs of the government a construction of the constitution which would make good government in the Philippines impossible.

But what is the nature of this construction for which Professor Woolsey contends? Because, in *Callan v. Wilson*† the court held that the framers of the constitution were anxious to secure the benefits of the common law system to the whole people and, by implication, extended the right of trial by jury to the inhabitants of the District of Columbia, therefore, it is argued, this right must be extended to all the territory over which the United States may acquire dominion. This reasoning would apply to the amendments as well as to the body of the constitution. In order to avoid giving to the Filipinos the "right to keep and bear arms,"‡ and to guard against the dangers involved in guaranteeing to them the common law jury system, it is necessary to resort to a form of casuistry which can only be regarded as a subter-

\* See *Mississippi v. Johnson*, 4 Wallace, 475; *Georgia v. Stanton*, 6 Wallace, 50; also Dunning "Essays on the Civil War and Reconstruction." Macmillan; 1898.

† 127 U. S. 540.

‡ Amendments, Article II.

fuge. In *Cross v. Harrison*\* the court held that the President as commander-in-chief of the army might govern newly acquired territory and that such territory did not become domesticated until Congress had established a civil government. Arguing from the letter of this decision, it is held that so long as the President governs the Philippines under the provisional form of military administration, the constitutional guarantees will not attach. In other words, if this mode of interpretation be correct we are driven to the conclusion that in order to govern the Philippines efficiently we must establish irresponsible government with its attendant evil—civil government by the military arm. To preserve order and maintain liberty we must create one of the worst forms of despotism.

I dwell upon this point, for it seems to me to involve a serious menace to the orderly development of our institutions. If we must resort to such devices to "beat" the constitution, it will not be long before its authority will be seriously undermined. Many of those who believe that they are its staunchest supporters are in reality fostering that form of constitutional observance which abides by the letter but violates the spirit. Is it not far better consciously to face the fact that the precedents cited are precedents in form rather than in substance? A precedent is "a decision precisely, exactly or directly, in point,"† or a case, of which the "facts cannot be distinguished in effect from those of the present case."‡ Judged by these standards can the proposition for a moment be seriously entertained that real legal precedents exist for the constitutional questions involved in the government of the Philippines; at all events as regards the applicability of the constitutional restrictions and the constitutional guarantees? In every one of the cases cited the question before the court has been, whether the benefits of the constitutional guarantees, together with the common law system which they include, should be extended to territory contiguous to the territory of the states, settled by a people of essentially the same training and traditions. Is it not natural that with expediency and traditional policy in harmony, the Supreme Court should have followed the line of least resistance?

But now the question has arisen under totally different conditions. With a population on a lower plane of civilization, untrained to the common law—in fact, in many cases devoid of any legal system—are we blindly to follow rules of interpretation intended for essentially different application? The mere statement of the possibility is a

\* 76 Howard, 164 (193).

† 6 East, 512, Ram, "On Legal Judgment," p. 113.

‡ 3 Barn. and Ald. 56.

reflection on our political capacity as a nation. When we bear in mind the splendid traditions of forbearance and self-restraint of the judiciary, the constant desire which it has shown to remove rather than to increase the obstacles to efficient government, there is, it appears to me, but little danger that we will be forced to the unpleasant choice between inefficient government and irresponsible rule.

# Militarism and Democracy.

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Annual Address.



## MILITARISM AND DEMOCRACY.

*The Annual Address, by the Honorable Carl Schurz.*

The subject of "Militarism and Democracy," which has been assigned to me for discussion, is at the present moment of peculiar interest. We are apt to speak boastfully of the progressive civilization characterizing this age. While the very foundation of all civilization consists in the dispensation of justice by peaceable methods between nations as well as individuals, instead of the rule of brute force, it is a singular fact that at the close of this much-vaunted nineteenth century we behold the nations of the world vying with each other in increasing their armaments on land and sea, exhausting all the resources of inventive genius and spending the treasure produced by human labor with unprecedented lavishness to develop means of destruction for the defence of their possessions, or the satisfaction of national ambitions, or the settlement of international differences, on a scale never before known.

Thus the very advances in the sciences and the arts which constitute one part of our modern civilization are pressed into the service of efforts to perfect the engineering of death, devastation and oppression, which are to make brute force in our days more and more terrible and destructive, and to render the weak more and more helpless as against the strong. It looks as if the most civilized powers, although constantly speaking of peace, were preparing for a gigantic killing-and-demolishing match such as the most barbarous ages have hardly ever witnessed, and this at the expense of incalculable sacrifice to their peoples.

Nothing could in this respect be more instructive and pathetic than the appeal in behalf of peace and disarmament addressed last year by the Czar of Russia to all the powers represented at his court. Of that appeal this is the principal part :

“In the course of the last twenty years the longings for a general appeasement have grown especially pronounced in the consciences of civilized nations. The preservation of peace has been put forward as the object of international policy; it is in its name that great states have concluded between themselves powerful alliances; it is the better to guarantee peace that they have developed in proportions hitherto unprecedented their military forces and still continue to increase them without shrinking from any sacrifice.

“All these efforts, nevertheless, have not yet been able to bring about the beneficent results of the desired pacification. The financial charges following an upward march strike at the public prosperity at its very source.

“The intellectual and physical strength of the nations, labor and capital, are for the major part diverted from their natural application, and unproductively consumed. Hundreds of millions are devoted to acquiring terrible engines of destruction, which, though to-day regarded as the last word of science, are destined to-morrow to lose all value in consequence of some fresh discovery in the same field.

“National culture, economic progress, and the production of wealth are either paralyzed or checked in their development. Moreover, in proportion as the armaments of each power increase, so do they less and less fulfill the object which the governments have set before themselves.

“The economic crises, due in great part to the system of armaments *à outrance*, and the continual danger which lies in this massing of war material, are transforming the armed peace of our days into a crushing burden, which the peoples have more and more difficulty in bearing. It appears evident, then, that if this state of things were prolonged it would inevitably lead to the very cataclysm which it is desired to avert, and the horrors of which make every thinking man shudder in advance.”

There has been much discussion as to the motives which may have impelled the Czar to make this appeal. Many of those who consider him sincere, call the manifesto a mere

outburst of generous sentimentality which, although laudable in itself, loses sight of existing conditions and of the practical exigencies of the moment. If it really was mere generous sentimentality, it was sentimentality of that sort which in the history of mankind has not seldom served to give impulse and inspiration to great movements of progress in justice and humanity, overcoming with its optimism that dreary and pusillanimous wisdom which reasons that existing evils cannot be rectified simply because they are strongly entrenched in existing conditions. If it was that sentimentalism, it did honor to the Czar's heart, and, inasmuch as it attacks a terrible evil which eventually *must* be remedied, it did no discredit to the Czar's head.

Others have questioned the Czar's sincerity and good faith, suggesting that the peace manifesto was merely a diplomatic stratagem designed to dupe his competitors for territorial conquest. This is, in view of the solemnity of the Czar's words, so atrocious an imputation that only hardened cynicism will readily accept it. It is, however, all the more to be deplored that the Czar, at the time when the belief of the world in the sincerity of his benevolent purposes is so important, should himself endanger that belief by ruthlessly suppressing the constitutional rights and liberties of the good people of Finland, which he had solemnly sworn to maintain, and which his predecessors, even so stern a despot as Nicholas I. had faithfully respected. The performance of two acts so different in character by the same person may be explained on the hypothesis, that in the one case the Czar, being sincerely alarmed by what he himself experienced of the evils and dangers of excessive armaments, could not resist the impulse of attacking them, and did so in good faith, while ordinarily, in doing the business of an autocrat, he may be no better, and in some respects even worse, than others engaged in the same trade.

But however that may be, and whatever results the peace conference meeting in response to the Czar's appeal may immediately bring forth, the most important point is that the

statements of fact contained in the Czar's manifesto are true. They are indeed not new. The same things have often been said before. But those who said them were promptly and derisively cried down as visionary dreamers who had no conception of the responsibilities involved in the management of the great business of the world. Now those things are authoritatively proclaimed by the most absolute monarch commanding the largest army on earth, and holding in his hand the destinies of one of the greatest empires—the man whose immediate responsibilities in the management of the great business of the world are not exceeded by those of any other human being.

While the so-called practical men of the age never cease to tell us that the greatest possible security of peace depends upon the greatest possible preparation for war, that autocrat and commander of millions of soldiers tells them that the nations which are draining their own vitality to preserve peace by their preparations for war, are doing a thing which, if prolonged, "will inevitably lead to the very cataclysm which it is desired to avert, and the horrors of which make every thinking man shudder in advance." Thus it is no longer merely the idle and irresponsible dreamer but the practical potentate charged with the farthest-reaching powers and the highest responsibilities who warns the world that if the policy of increasing armaments, which we call militarism, be persisted in, it must produce ruinous mischief, and end in incalculable disaster and calamity.

The comparative weight with which militarism, that is the system which makes the maintenance of great armaments one of the principal objects of the state, burdens different nations, depends upon their respective wealth, the length of the terms of military service, their administrative organization, and the nature of their political institutions. Upon nations which are unable to bear heavy loads of taxation, or whose finances are in a precarious state, or which suffer from official incapacity or corruption in their administrative organization, or which withdraw their young men

for long periods of time from productive employments without offering through the military service any valuable compensation by way of instruction or training, the burden of great standing armaments weighs of course more heavily than upon nations whose material resources are great, or which can easily raise ample revenues, or whose administrative machinery is honest and efficient, or whose terms of military service are short, or whose young men receive in that service at least some discipline, instruction and training calculated to increase their working capacity in productive pursuits, and thus to compensate in some measure for their temporary withdrawal from such occupations.

For the purposes of this discourse the workings of militarism in France are of especial interest, on account of the political institutions of that country.

In a monarchy a standing armed force is a thing congruous with the nature of the government, and it is the more so, the more the monarchy is of the absolute type. The standing army in such a monarchy may be said to be the enlarged bodyguard of the monarch. The monarch represents an authority not springing from the periodically expressed consent of the people, and relying for the maintenance of that authority, if occasion requires, upon the employment of force, even against the popular will. An army is an organization of men subject to the command of a superior will, the origin or the purpose of which it is assumed to have no right to question. The standing army is in this sense, therefore, according to its nature and spirit an essentially monarchical institution.

But France is a republic. She calls herself a democratic republic. A democratic republic is, or should be, government by public opinion as expressed in legal form—public opinion, as it issues from discussion in which all the people are free to participate, and the outcome of which they are to determine by their freely given suffrages. The army, inasmuch as it is in all things subject to the will of superior authority without discussion or question, must therefore be

regarded as an incongruous element in a democracy. The authority to which it is subject, may indeed be a government created by public opinion and supported by it. But as such a government may happen to become faithless to its origin, or fall out of accord with the public opinion of the time, the army, as an organized force subject to its will, may be used by it for ends and purposes adverse to the interests or the will of the people.

It is for reasons like this that the true democratic spirit has always been jealously opposed to the maintenance of large standing armies. It has always insisted that the organizations of armed forces that may be necessary for the enforcement of the laws and the keeping of order at home, or for the defence of the integrity or the honor of the state in foreign warfare, should remain as much as possible identified with the people themselves—should be, in fact, *of* the people in their origin, their interests, their sympathies, as well as in the character and aspirations of those commanding them; and that, if a standing army as a permanent institution be indeed indispensable for certain necessary objects, it should, in point of numerical strength, be confined to the narrowest practicable limits.

That democratic spirit has therefore always demanded that the armed force should be composed principally of the militia, the citizen soldiery,—or, in extraordinary emergencies, of volunteers called out from the ranks of the people, to serve as soldiers for certain well-defined and stated purposes, and then, those stated purposes being accomplished, to return to their civic pursuits. So it has hitherto been with us. In Switzerland, where the democratic spirit is much alive, but where on account of the geographical situation of the country a large and well-drilled force is thought necessary, they have organized the whole male population capable of bearing arms in military bodies, some of which are called out for instruction and drill for a limited period every year, to be restored to civil life after the shortest possible interruption of their ordinary occupations—the only

thing resembling a standing army being certain small staff corps which are kept in permanent service. All this rests upon the leading principle that the soldiers of a democracy as well as those commanding them should, while temporarily submitting to military discipline, remain in all essential respects active citizens without any interests, or sympathies, or aspirations in any manner or degree different from those of the general citizenship.

France furnishes the example of a republic maintaining a large standing force, and the history of that country is peculiarly instructive as to the relations between standing armies and democracies. The first French Republic sprang from the great revolution of 1789. The most famous of French armies were organized under the inspiration of the revolutionary enthusiasms of that period. They were then to a large extent composed of volunteers who had rushed to arms to defend the territory of the republic, and then went forth to bring "Liberty" to the world outside. Thus they won victory, and glory, and conquest. And then, having gone forth to fight for liberty, they proceeded, intoxicated with glory and conquest, to turn their victories for liberty to the advantage of a personal government animated with insatiable despotic ambitions. I am far from saying that the spirit of the army was the only cause for the downfall of the democratic republic. But it is a matter of history that the army, which had been created for the service of democracy, was, by the glory and the conquests it achieved, transformed into a willing and most effective instrument of usurpation and tyranny at home, and of oppression abroad. And it may be said that the Napoleonic system of government which was thus created, was the beginning of that militarism with which Europe is now afflicted.

The second French republic sprang from the revolution of 1848. It was the prestige of the name of Napoleon, the glamour of the Napoleonic legend of military glory, that made the election of Louis Napoleon to the presidency of

the republic possible. Usurpation followed. I do not pretend that the spirit of the standing army alone caused the transformation of the second French republic into the second French empire. But it can certainly not be denied, that the army again lent itself as a willing tool to the schemes of the conspirators who had planned the destruction of the republic, and the erection of a monarchical government upon its ruins.

After the disastrous collapse of imperial rule in the Franco-German war, the third French republic was proclaimed in 1870. It has now lasted well-nigh twenty-nine years. But the greatest dangers that have threatened its existence came from the position in it of the standing army. One of its chiefs, MacMahon, while president of the republic, was drawn into the intrigues of the monarchist parties; another, Boulanger, plotted revolution and usurpation, probably for his own benefit; and now, in these latter days, in consequence of the hideous Dreyfus affair, the administration of justice has, in the interest of the chiefs of the army, been subjected to a perversion calculated to undermine the very foundations of legal government, and, it is to be feared, ultimately to effect the total subversion of republican institutions. The domineering spirit of the army is such that it claims to be above discussion and criticism, assumes to dictate the decisions of judicial tribunals, and actually seeks to substitute for what in other countries is the crime of *lèse-majesté*, the crime of *lèse-armée*. At any rate, whatever the future may bring, it is no exaggeration to say, that the attitude of the army in France has dealt the reputation of republican government a staggering blow, and that all this may turn out to be only a prelude to new usurpations.

It is idle to pretend that all the historical facts I have enumerated, were owing only to the proverbial inconstancy of the French temperament; for it should not be forgotten that even in England, when the parliamentary forces during the so-called Great Rebellion of the seventeenth century had assumed the character of a standing army, that army, in

spite of its origin, became in the hands of Oliver Cromwell a ready instrument for the transformation of the republic into a personal government essentially monarchical, and finally, under the leadership of Monk, served to bring about the restoration of the monarchy with all its forms and attributes by the return of the Stuarts. Thus we see that it was not a mere French peculiarity which made a strong standing army a danger to republican institutions in Europe, but that the large standing army has always played the same part in European republics, regardless of race. I need not go into the history of the republics of antiquity, modern instances being sufficiently instructive.

As I remarked, militarism on a great scale began in Europe with the French revolution and attained a high degree of development under the first Napoleon. It declined somewhat under the influence of the reaction which was caused by the general state of exhaustion after the Napoleonic wars. It revived again after the revolutionary movements of 1848 when the new French Emperor sought to fortify his throne by warlike prestige, when Italy and Germany moved for the accomplishment and maintenance of national unity, when continental powers, following the example of England, became ambitious of colonial expansion, and when new inventions in the appliances of warfare stimulated the powers in a course of nervous rivalry. It is thus that the deplorable conditions came about which are so pointedly set forth in the peace manifesto of the Russian Czar; that millions of young men at the period of their greatest vigor are withdrawn from productive pursuits; that "the intellectual and physical strength of the nations, labor and capital, are largely diverted from their natural application and unproductively employed" in gigantic preparations for possible conflicts of arms, and that the nations are burdened with very onerous taxes for the purpose of providing engines of destruction.

For the burdens European nations are thus bearing, the advocates or apologists of the system have a ready plea of

justification. It is that the nation refusing to bear those burdens would soon be at the mercy of its ambitious and possibly hostile rivals. The Frenchman tells us that, aside from his desire to take revenge for the defeats suffered in the German war, France must strain every nerve in preparation for a possible conflict, to be reasonably secure against German aggression or British encroachment. The German reasons that, the German Empire being wedged in between France and Russia, whose sentimental alliance may on occasion be turned to hostile purposes, the fatherland must be armed to the teeth according to the latest fashion, in order to maintain the integrity of the empire, and that it must also have a strong fleet to hold its own in the race for colonial power. The Russian insists that unless his country be provided with bigger armies and navies, British, and possibly also German jealousy will become dangerous to its vital interests. The Englishman maintains that Britain must have a fleet superior to those of any probable combination against her, and also a strong fighting force on land to protect the safety of her isle and of her widespread possessions against the ill-will of other nations which would be likely to avail itself of any favorable opportunity to strike at her with effect.

And thus no sooner has one of those nations taken the slightest step to increase the numerical strength of its armaments or their efficiency in killing and destroying; no sooner has it begun to augment its battalions, or squadrons, or batteries; no sooner has it introduced a new model of musket or of cannon; no sooner has it built a warship upon a new plan promising to do better execution, than all the others with nervous anxiety will follow suit or even try to push a step further ahead. And this process must be gone through again and again, whole armies must be newly armed, and whole fleets must be rebuilt, as the crack ships of yesterday have become little better than old iron to-day. And all this, no matter what burden be put upon the backs of the people, nor how the taxpayer may groan. In fact, those governments

claim that they are not permitted under these circumstances to adapt their policy concerning their armaments to what may be their own wishes, or to what they might consider good for the welfare of their people. Their necessities in this respect are determined, not by themselves, but by the performances of their neighbors and rivals. And so the ruinous competition goes on and on without end in sight, the moloch of militarism being insatiable.

A striking example of this race of competition was recently furnished in England by the First Lord of the Admiralty, Mr. Goschen, when he asked the House of Commons to appropriate the enormous sum of £26,554,000 (\$132,770,000) for the British navy, saying that so startling an estimate had not originally been contemplated, but that it had been framed after a careful study of the programs of the other powers; that the United States, Russia, France, Japan, Italy and Germany had under construction 685,000 tons of warships, and that England was compelled to shape her action accordingly. He prayed that, "if the Czar's hopes for disarmament were not realized, those who proposed to attack the country's expenditures would not attempt to dissuade the people from bearing the taxation necessary to carry on the duties of the empire."

In France the minister of war not long ago dolefully intimated that he apprehended France had reached the end of her possibilities, not having men enough to match the increases of the much more populous German Empire. As a member of a republican government he might have said more. He might have added that a large standing army makes a monarchy more monarchical, but that it makes a democracy not more, but less democratic; that the more absolute a monarchy is, the more a large standing army will fit it, but that the more democratic a republic is, the less a large standing army will be suitable to it; that to a monarchy it may be a standing support, but that to a democracy it will be a standing danger.

So far the American people have been exempt from most

of the evils springing from this system. From the foundation of the government it has been the consistent policy of this republic, following the true democratic instinct, to adapt its armaments to its own needs, without permitting itself to be drawn into the vortex of rivalry with other nations. As to the maintenance of peace and order at home, it has ordinarily depended upon the local police forces and the militia. It kept a small standing army stationed at a few military depots, a few coast defence fortifications, or at posts in the Indian country. It kept a small navy just sufficient for an occasional showing of the flag in foreign waters and for doing its part of the police of the seas. Whenever an extraordinary emergency arose, such as a war with a foreign power, or an insurrection of formidable proportions at home, it organized armed forces on a larger scale by calling out volunteers who were enlisted in the service of the republic, not as a regular standing army is, for doing whatever task might turn up, but for a well-defined, specific purpose, to be disbanded again as soon as that specific purpose was accomplished.

So it was held on the notable occasions of the war of 1812, of our war with Mexico, and of our great civil war. And I venture to say that no nation ever presented to the world a grander, more characteristic and more inspiring spectacle than this republic did when, after the close of the civil war, hundreds of thousands of men who had been organized in great armies, as soon as their task was done, quietly dropped their guns and as good citizens went home to devote themselves to the productive work of the country—the vast armies disappearing as by magic. It was a grand spectacle, I say, grander in its way than the most splendid victories those armies had achieved. That this republic, against the misgivings entertained abroad even by our friends, proved such a thing to be possible without the slightest difficulty, was one of the finest lessons ever taught by a great democracy to mankind.

Such was our normal policy during the period between the

foundation of the republic and our days. Times of war excepted, the republic was, compared with other nations, substantially unarmed, and, considering the condition of our coast fortifications, substantially defenceless. And yet it cannot be said that, since the war of 1812, it was, in consequence of its unarmed state, at any time in serious danger of foreign aggression or of a serious denial of its rights by any foreign power. Not as if all foreign nations had been our sworn friends, eager to keep us from harm in our innocence—for there were people enough in Europe, and even in America, who disliked us and would not have been sorry to see this republic perish;—nor as if in our intercourse with foreign nations we had been over-anxious to spare other people's feelings—for the tone of our diplomacy was not always a model of politeness. No, it was because in the main we took little interest in matters which did not concern us, and because every foreign power understood that, considering our vast resources, and the compactness and substantial impregnability of our great continental stronghold, a serious conflict with the United States would mean to our antagonist a test of endurance which no European power could undergo without offering seductive opportunities to its rivals or enemies in the old world, and that therefore it was wise to avoid so hazardous an embroilment at almost any cost. This feeling became especially distinct in Europe after the unexpected display of strength the United States made in the civil war, and after the equally unexpected reconciliation between the North and the South so soon after the close of the conflict.

The American people were therefore perfectly right in their sense of security while in an unarmed condition. There was really no danger to threaten us, unless we ourselves provoked it. Even the warning which we heard now and then among ourselves, that our foreign commerce would not be safe without being protected by a larger war fleet, was groundless. For it is a matter of history that even before those demonstrations of our strength in the civil war,

when we had with our sailing ships a very large part of the carrying trade of the world, without any navy worth speaking of for its protection, our foreign commerce proved as safe as that of any other nation having ever so many guns afloat. In fact, ever since the war of 1812, we have not had a single difference with any European power that could not be settled on fair terms without our having any ready armament to enforce our will. The proof of this is in the historical fact that they were so settled. It is a matter of speculation whether they would all have been settled so peaceably if we had possessed an armed force ready and itching for a fray.

Thus the policy of this republic was in entire harmony with that democratic instinct which abhors large standing armaments, and our position among the nations of the world was singularly favorable to the maintenance of that policy. None of those anxieties arising from the possible hostility of powerful neighbors, which keep European nations in a heavily armed state, existed here. Absolutely nothing to alarm us. Neither was there any reason for apprehending that those happy conditions would change, unless we ourselves desired to change them. There has indeed, of late been much talk about the necessity of enlarging the field of our foreign commerce, and of increased armaments and even of the acquisition of foreign territory to sustain our commercial interests in foreign quarters. But while that talk was going on, our commerce was very extensively enlarging its foreign fields without big fleets and without colonies, by its own peaceful action. We simply produced, in our factories as well as on our farms, more things that other nations wanted, and we could offer them at prices with which other nations could not compete. This golden key of industrial progress and peaceful commercial methods opened to our trade many doors which seemed to be closed against it by all sorts of artificial obstructions; and this peaceful expansion of our foreign commerce went steadily on while other nations that had an overabundance

of battalions, batteries and warships, vainly struggled to keep pace with it. These are facts, undenied and undeniable.

But what will happen to us, commercially, if other nations seek by force to monopolize certain fields of trade for themselves, and in the course of that effort come to blows with one another? Then a sober and circumspect calculation of the advantages to be gained, and of the price they would cost, will probably lead to the conclusion that in such a case a strong neutral power would enjoy very favorable opportunities and in the end have the best of the bargain. And when I speak of a strong neutral power, I do not mean a neutral power so fully armed that it might at once successfully cope with any of the belligerents, but I mean a neutral power strong enough in its resources and in its position to make each belligerent extremely anxious to abstain from anything that might drive it to the other side. Such a neutral power this republic was not in its infant state during the Napoleonic wars preceding our war of 1812, when both belligerents, France as well as England, thought they could kick and cuff this republic with impunity; but such a strong neutral power this republic, with its seventy-five millions of people and its immense wealth, would be now. No belligerent would dare to disregard its neutral rights; and at the end of the fight, the combatants well exhausted, it would probably be in a fair position to exercise a very powerful influence upon the terms of settlement.

Such a policy, harmonizing with our principles as well as our traditions, safe as well as advantageous, would not oblige us to keep up large and costly armaments; and it would at the same time teach our business men to rely for profit, not upon benefits to be gained for them by force of arms, subject to the fortunes of war, but upon their own sagacity in discovering opportunities, and their own energy in using them—which in the long run will prove to be after all the only sound basis of a nation's commerce under any circumstances.

There seems to be, then, in all these respects not only no necessity, but no valid reason for our turning away from the old democratic policy and embarking in that course the pursuit of which costs European nations so dearly, and which they justify only on the ground that the constantly threatening dangers of their situation actually force them to follow it. On the contrary there would seem to be overwhelming reason for doing everything to preserve our happy exemption from such dangers and necessities, as a blessing so exceptionally great that the American people could not be too grateful for it.

But we are told that there are certain populations in distant lands to whom it is our duty to carry the blessings of liberty and civilization, and that this may require larger armies and more warships. However laudable such a purpose may be, if sincere, it behooves us as sensible men soberly to consider the consequences of the attempt. I have already spoken of the armies of revolutionary France, that went forth to fight for general liberty, and that conquered for despotism. It cannot be denied that those French armies brought to some of the peoples they overran certain beneficial reforms. But with those reforms they brought foreign rule, and most of the "liberated" peoples found foreign rule more hateful than they found the reforms beneficial; and they availed themselves of the first favorable opportunity to throw off the foreign rule of the "liberators" with great slaughter.

We may flatter ourselves that, as conquerors, we are animated with purposes much more unselfish, and we may wonder why not only in the Philippines, but even among the people of Porto Rico and of Cuba, our benevolent intentions should meet with so much sullen disfavor. The reason is simple. We bring to those populations the intended benefits in the shape of foreign rule; and of all inflictions foreign rule is to them the most odious, as under similar circumstances it would be to us. We have already seen in the Philippines the beginning—for it is a mere beginning—of

the resistance to foreign rule by one of our "liberated" peoples—a bloody game far from exhilarating. We may expect by a vigorous application of our superior killing power to beat and disperse Aguinaldo's army; but it is by no means unlikely that more insurrections against foreign rule will follow. They may be suppressed, too, but the surviving spirit of them will oblige us to keep much stronger forces on the ground than we ever anticipated, in constant apprehension of further mischief. Our rule will continue to be foreign rule then with the smell of blood on it.

Nor is it by any means impossible that the vulnerable spots thus added to our dominions—a point of weakness we so far have never had—may encourage some jealous and unfriendly foreign powers to take advantage of our embarrassments and to involve us in broils which so far we never had any reason to dread. Or the apparent necessity to protect what conquest we have made, by further conquests, or the ardor of military or naval commanders a little too anxious to serve their country with their guns, may plunge us into the most hazardous complications. Of the chances to which we shall thus be exposed in many places, the utterly absurd Samoan affair furnishes an illustration. We may assume that the greatness of our resources will enable us to issue victorious from such conflicts too. But it will not be denied—in fact, it is already conceded—that persistence in such a course will oblige us very materially to enlarge our standing armaments, and subject us more and more to those burdens which what is called "militarism" is imposing upon the groaning nations of the old world. Patriotism as well as ordinary prudence, demands us to consider what those burdens are likely to be.

In 1897 our standing army consisted of 27,500 officers and men. The appropriations for the support of that army amounted for that fiscal year, to \$23,278,000, which sum did not include expenditures for fortifications. The average cost of each man in the army was therefore about \$850. It is generally admitted that if we continue the so-called new

policy, we shall need a standing army of certainly not less than 100,000 men—probably more, perhaps a good many more. I do not pretend that the average annual cost of a soldier will under all circumstances rise or fall with the size of the army. But it will not be questioned that such average cost will be much higher when the troops are used in distant places beyond seas, especially in tropical climates, where the soldiers have to endure very unfavorable sanitary conditions. Even if there be little or no active campaigning to be done, it is certainly a moderate assumption that the service of a large part of the army beyond seas in tropical regions would raise the average cost of a soldier to \$1,000 a year. This would make an army of 100,000 men cost at least \$100,000,000, or over \$76,000,000 more than our army cost before the Spanish war. But if active campaigning is to be done, if the “mowing down” of “insurgents,” fighting for their freedom and independence, lasts long and has to be carried on during the sickly season, the replenishing of the depleted ranks, the feeding of the troops, the maintenance of an effective hospital service, the restoration of destroyed war material, the transportation of reinforcements to the theatre of operations, and of the wounded or sick back to the home country, and all the multifarious things incidental to warlike action even on a small scale, would cause expenditures beyond the possibility of accurate computation.

We are not a very economical people. We are apt to become lavish and wasteful upon the slightest provocation. Even a little war will cost us much. Whether the little war with Spain, which was practically over in three months, has cost us less or more than \$500,000,000 may still be a matter of doubt. I speak here only of the cost in money. The cost in blood and misery I leave you to think of.

That, if the new policy be persisted in, our naval establishment also will have to be much enlarged, is generally admitted. How much—who can tell? Certainly, *we* can *not* tell. For it will not depend upon us how many new

battleships, and armored or unarmored cruisers, and light draft vessels, and torpedo boats, and destroyers, we shall want. It will depend upon the naval armaments our rivals and possible enemies have on the field of competition. Until recently, when we were proud, not of possessing large armaments, but of not needing any, it has afforded us much occasion for compassionate amusement to observe the almost hysterical nervousness into which old world governments were thrown when one of them began the building of new warships by which the proportion of power on the seas might be disturbed. Already we begin to feel that nervousness in our bones, and we cannot tell how many and what kind of warships we shall be obliged to have in order to maintain what is so vauntingly called our new position among the powers of the world.

Nor will any amount of new construction set the matter at rest for any certain time. We do not know when we shall have to rebuild the larger part of our fleet; for, as the Czar truthfully says in his manifesto, "the terrible engines of destruction which are to-day regarded as the last word of science, are destined to-morrow to lose all value by some new discovery in the same field." All forecasts as to the expenditures for naval purposes which the new policy will impose upon us in the course of time, are, therefore, futile. But whatever they may be, the people will have to pay the bills.

Moreover, we have to bear a burden of which other nations know comparatively little. During the last fiscal year we paid over \$140,000,000 in pensions. More than one hundred years after the revolutionary war, more than eighty years after the war of 1812—for we still have some widows of soldiers in those wars on our pension rolls—fifty years after the Mexican war, and thirty-three years after the civil war the number of pensioners was about one million. And still they come. It is estimated that the recent Spanish war will add \$20,000,000 to our annual pension expenditure. It will probably be much more. The pension attorneys and

members of Congress looking for the soldier-vote will take care of that. But if we continue the military occupation of tropical countries there will be a constant stream of new pensioners owing to tropical diseases; and if we have any active military operations in those tropical regions, that stream will be heavy beyond calculation. And it will be without any end in sight. We must therefore look for a considerable increase of the pension charge for an incalculable period—the number of new pensioners overbalancing the number of those who in the natural course of things may be expected to drop out—that dropping out being notoriously very slow. Our annual pension expenditure now exceeds the whole cost of the great German army on the peace footing, its pension roll included. As our pension charge threatens to become, it may approach for a time the annual cost of the whole peace establishments of the empire of Germany and the kingdom of Italy combined.

Taking it all in all, assuming our standing army not to exceed 100,000 men, but a large part of it to be engaged in the tropics, and our navy to be gradually enlarged to the strength which it "must have" in order to enable this republic to play the part of a colonial power, we are sure to have, including our pension roll, an annual expenditure for army and navy purposes not only far exceeding that of any European power, but not falling very much short of two-fifths of the expenses for the same purposes of all the six great powers of Europe together—that is not far from \$400,000,000 a year. By honest and strenuous effort we have paid off the bulk of the heavy national debt left by the civil war, and we have been very proud of that achievement. We are now in the way of running up a new national debt, of which, if we go on with the new policy, nobody can foretell to what figures it will rise.

It may be said that the American people, owing to their large and ever increasing numbers and to their extraordinary resources will be much more capable than other nations, of bearing such taxation, and therefore feel it less. That is

true. But it is also true that it will yet be a painful burden upon the labor of the people, and contribute neither to their well-being nor to their contentment unless the burden, as well as the resulting benefit, be equitably distributed. To justify heavy taxes for military purposes beyond absolute necessity we should, therefore, economically speaking, show two things: (1) that the benefit derived from the employment of the money raised by such taxation will exceed the value of the money thus taken out of the pockets of the people; and (2) that such benefit will accrue to the several taxpayers, or classes of taxpayers, in substantially just proportion to their respective contributions for the purpose in view.

Thus it would in our case be necessary to prove: (1) that if we increase our taxation so many hundred millions a year for the purpose of enlarging our standing armaments to the end of establishing and maintaining our rule in the West Indies and the Philippines, the profits from the expansion of our business enterprise accomplished thereby would exceed that amount—a matter about which, to say the least, there is extremely grave doubt; and (2) that such profits from whatever increase of business there may be, will directly or indirectly redound in substantially just proportion to the people who pay the taxes—in other words that, while the taxes to sustain our foreign enterprises are levied upon the great mass of the people, the poor as well as the rich, they will redound really to the general benefit of the people, and not merely, or mainly, to the profit of a comparatively small number of capitalists who are able to take advantage, in a more or less speculative way, of the chances that may offer themselves in those distant regions. About this, too, there is exceeding grave doubt.

These are points which I have no time to elaborate here in detail; but I commend them for serious consideration to good citizens who are disposed to look before they leap; for they involve not only an economic question, but also one of justice.

Let me now pass to the institutional aspect of the case as it concerns this republic in particular. I am far from predicting that the organization and maintenance and use of large armaments will speedily bring forth in this country the same consequences which they did produce in England in Cromwell's time, and in France at the periods of the first and the second French republics. With us the "man on horseback" is not in sight. There is no danger of monarchical usurpation by a victorious general—although it is well worthy of remembrance that even here in the United States of America, at the close of the revolutionary war, at the very threshold of our history as a republic, a large part of the revolutionary army, "turned by six years of war from militia into seasoned veterans," and full of that overbearing *esprit de corps* characteristic of standing armies, urged George Washington to make himself a dictator, a monarch; that, as one of his biographers expresses it, "it was as easy for Washington to have grasped supreme power then, as it would have been for Cæsar to have taken the crown from Antony upon the Lupercal;" and that it was only George Washington's patriotic loyalty and magnificent manhood that stamped out the plot. However, usurpation of so gross a character would now be rendered infinitely more difficult, not only by the republican spirit and habits of the people, but also by our federative organization dividing so large an expanse of country into a multitude of self-governing states.

But even in such a country and among such a people it is possible to demoralize the constitutional system and to infuse a dangerous element of arbitrary power into the government without making it a monarchy in form and name. One of the most necessary conservative agencies in a democratic republic is general respect for constitutional principles, and faithful observance of constitutional forms; and nothing is more apt to undermine that respect and to foster disregard of those forms than warlike excitements, which at the same time give to the armed forces an importance and a prestige which they otherwise would not possess.

No candid observer of current events will deny that even to-day the spirit of the new policy awakened by the victories and conquests achieved in the Spanish war, and by the occurrences in the Philippines, has moved even otherwise sober-minded persons to speak of the constitutional limitations of governmental power with a levity which a year ago would have provoked serious alarm and stern rebuke. We are loudly told by the advocates of the new policy that the constitution no longer fits our present conditions and aspirations as a great and active world power, and should not be permitted to stand in our way. Those who say so forget that it is still our constitution; that while it exists, its provisions as interpreted by our highest judicial tribunal are binding upon our actions as well as upon our consciences; that they will be binding and must be observed until they are changed in the manner prescribed by the constitution itself for its amendment; and that if any power not granted by the constitution is exercised by the government or any branch of it, on the ground that the constitution ought to be changed in order to fit new conditions, or on any other ground, usurpation in the line of arbitrary government is already an accomplished fact. And if such usurpations be submitted to by the people, that acquiescence will become an incentive to further usurpations which may end in the complete wreck of constitutional government.

Such usurpations are most apt to be acquiesced in when, in time of war, they appeal to popular feeling in the name of military necessity, or of the honor of the flag, or of national glory. In a democracy acting through universal suffrage, and being the government of public opinion informed and inspired by discussion, every influence is unhealthy that prevents men from calm reasoning. And nothing is more calculated to do that than martial excitements which stir the blood. We are told that war will lift up people to a higher and nobler patriotic devotion, inspire them with a spirit of heroic self-sacrifice, and bring their finest impulses and qualities into action. This it will, in a large measure,

if the people feel that the war is a necessary or a just one. But even then its effects upon the political as well as the moral sense are confusing. When the fortunes of war are unfavorable, almost everything that can restore them will be called legitimate, whether it be in harmony with sound principle or not. When the fortunes of war are favorable, the glory of victory goes far to justify, or at least to excuse, whatever may have been done to achieve that victory, or whatever may be done to secure or increase its fruits.

History shows that military glory is the most unwholesome food that democracies can feed upon. War withdraws, more than anything else, the popular attention from those problems and interests which are, in the long run, of the greatest consequence. It produces a strange moral and political color-blindness. It creates false ideals of patriotism and civic virtue.

Nobody is inclined to underestimate the value of military valor. But compared with military valor, we are apt to underestimate the value of other kinds of valor, which are equally great and no less, sometimes even more, useful to the community. I do not refer only to such heroism as that of the fireman, or the member of the life-saving service on the coast, who rescues human beings from the flames or from the watery grave at the most desperate risk of his own life, and whose deeds are all the more heroic as they are not inspired by the enthusiasm of battle, and pale into insignificance by the side of any act of bravery done in killing enemies in the field. I speak also of that moral courage more important in a democracy, which defies the popular outcry in maintaining what it believes right, and in opposing what it thinks wrong.

Blood spilled for it on the battlefield is often taken to sanctify and to entitle to popular support any cause, however questionable. It is called treason to denounce such a cause, be it ever so bad. It is called patriotism to support it, however strongly conscience may revolt against it. Take for instance the man who honestly believes our war against the

Filipinos to be unjust. If that man, faithfully obeying the voice of his conscience, frankly denounces that war, and thereby risks the public station he may occupy, or the friendship of his neighbors, and resolutely meets the clamor vilifying him as a craven recreant and an enemy to the republic, he is, morally, surely no less a hero than the soldier who at the word of command and in the excitement of battle, rushes against a hostile battery. You can no doubt find in our country an abundance of men who would stand bravely under a hailstorm of bullets. But many of them, if their consciences condemned the Filipino war ever so severely, would be loath to face the charge of want of patriotism assailing everybody who opposes it. This is no new story. War makes military heroes, but it makes also civic cowards. No wonder that war has always proved so dangerous to the vitality of democracies; for a democracy needs to keep it alive above all things the civic virtues, which war so easily demoralizes.

You will have observed that I have treated the matter of militarism in the United States in intimate connection with our warlike enterprises, as if they were substantially the same thing. I have done so purposely. As I endeavored to set forth, the development of militarism in European states can be explained on the theory that each power may think the largest possible armaments necessary for the protection of its safety among its neighbors, and for the preservation of peace. With us such a motive cannot exist. Not needing large armaments for our safety—for this republic, if it maintained its old traditional policy, would be perfectly safe without them—we can need them only in the service of warlike adventure undertaken at our own pleasure, for whatever purpose. And here I may remark, by the way, that in my opinion, although such a course of warlike adventure may have begun with a desire to liberate and civilize certain foreign populations, it will be likely to develop itself, unless soon checked, into a downright and reckless policy of conquest with all the "criminal aggression" and savagery

such a policy implies. At any rate, that policy of warlike adventure and militarism will, with us, go together as essentially identical. Without the policy of warlike adventure large standing armaments would, with us, have no excuse and would not be tolerated. If we continue that policy, militarism with its characteristic evils will be inevitable. If we wish to escape those evils and to protect this democracy against their dangerous effects, the policy of warlike adventure must be given up, for the two things are inseparable.

I have referred to the current events of the day only by way of illustration, without giving full voice to the feelings which they stir up in my heart, and the utterance of which might be somewhat warmer than what I have said. My theme being the relation of militarism to democracy in general, and to this great American democracy in particular, I may be permitted to express, in conclusion, my views of what our policy as a democracy should be in order to keep the vitality of the democratic republic unimpaired.

We should, in the first place, restrict our standing armaments to the narrowest practicable limits; and those limits will be very narrow, if this democracy does not suffer itself to be carried away by the ambition of doing things which, as history has amply shown, a democracy cannot do without seriously endangering its vital principles and institutions. There is no doubt that a regular standing army is a more efficient fighting machine, especially at the beginning of a war, than citizen soldiery. But our experience has been that, in the peculiar position we occupy among the nations of the world, we need not have any war unless, without any compelling necessity, we choose to have it. It would be most unwise to shape our whole policy with a view to the constant imminence of war, there being no such imminence, unless we ourselves choose to create it. We should have as our main armed force, and as the natural armed force of a democratic republic, the citizen soldiery to be called out for specific purposes in extraordinary emergencies, the efficiency of that

citizen soldiery to be increased by the training of men to serve as officers, and by the organization of staff corps, upon a plan similar to that adopted in Switzerland. We should have a navy strong enough to do our share in the police of the seas, but not a navy rivaling those of the great naval powers, for, as our history has conclusively taught us, we shall not need it if we keep out of quarrels which do not concern us, and cultivate peace and good will with other nations—a disposition which the rest of the world will be glad to reciprocate. In this way we shall avoid the burdens and evil influences of militarism, and give even our pension roll at last a chance to decrease.

Following a policy essentially different from this we may have our fill of military glory and conquest, but with them, other things which in the course of time will make the American people ruefully remember how free and great and happy they once were with less military glory and with no outlying dominions and subject populations.



The Commercial Relations of the  
United States with the  
Far East.

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Addresses and Discussions.



## THE COMMERCIAL RELATIONS OF THE UNITED STATES WITH THE FAR EAST.

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If "prophecy is a gratuitous form of lying," it is almost inexcusable when undertaken in a period of great change and transition. Two continents are being partitioned among the nations of Europe, a partition that cannot but influence the world's movement for a century to come. In Africa the larger part of the task stands completed. Boundaries and spheres of influence have been fixed so far as they can be by treaties and arrangements based upon a common or mutual interest. There is yet some room for changes, but only at one point—Delagoa Bay—can the result be of great moment. In Asia the work is just beginning, and there is every opportunity for greed, intrigue, moral influence, humanity, every passion that a nation can endure to defend its safety, to accomplish its policy, or to gratify its selfishness.

Examine the coast of China as it was only a few years ago. France had won Tonking and Indo China. Portugal held Macao, a place of no naval strength, because so overshadowed by the English island of Hong Kong. Its advantage lay in its being near the mouth of one of the great rivers of China, the only river of the south penetrating to the inner provinces. From Hong Kong to Korea no part of the coast was subject to foreign control. In Korea Russia and Japan were about to fight their contest diplomatically, and the Russian eventually to win. The break came with the Sino-Japanese war. Russia obtained the right to bring its great railroad down to Port Arthur, and began to exercise a preponderating influence in Chinese councils.

This menace of Russian control over an empire that had just been shown to be weak beyond description, aroused in other nations a desire to share in the spoils. Germany, under the plea of defending its missionaries and merchants, obtained under threats a lease of the great peninsula of Shan-tung. Great Britain, by diplomacy, and we know what is back of such diplomacy, leased sufficient territory on the mainland above Hong Kong to render that station safe from any land attack. France obtains a lease of Lei-chau on the promontory at the southern end of Kwang-tung. In the next province—Fo-kien—the Japanese are claiming the right rather than the privilege of establishing themselves. Moving northward, we next meet the Italian claims, involving a lease of the bay of San-mun and three islands off the coast. At the next stage occurs the English sphere in the Yang-tze valley, one that will hardly be surrendered, so high are its value and possibilities held. By the side of the Germans in the Shan-tung peninsula are the British at Wei-hai-wei, a great naval base. Belgium comes forward to ask a concession at Han-kau, whereon to construct the Lu-ban railroad. In this way the entire coast of China is held under one form of control or another, by foreign nations, not one of whom has any interest in maintaining the integrity of the empire, unless such maintenance can prevent rivals from securing more than a fair share of the spoil.

This is certainly a remarkable position for any people to occupy. No charge is made against the Chinese, such as could lie against the followers of the Mahdi, of being a menace to civilization. It can not be said that the Chinese neglect their opportunities as did the Turk, or are hopeless economically, as were the Indians of America, the natives of Africa, or the aborigines of Australia. On the contrary the more that is known of China and the Chinese, the greater is our wonder that in such a mass of population, weighted down by poverty, conservatism and hatred of progress in any form, so much is done, and well done. They have not merited extermination, our brutal exclusion laws to the

contrary; and wherever they have gone, and they move freely, the testimony is universal, that as laborers only, they are willing, industrious, patient and efficient. To have their coast occupied by foreign squatters, not one of whom would not resent a similar move on their own territory, and to be bullied and badgered into giving valuable concessions and privileges which have gain for their object, whatever may be the good intentions of the parties—surely this is a sight to awaken a doubt as to the actuating motives.

Into this circle of marauding powers the United States was pitched unexpectedly and without any thought of the consequences. Being in the Philippines, by purchase, and about to occupy them by conquest over the natives, the fact must be accepted. The ruling motive for accepting the responsibility was commercial; given those islands, it was said, our trade with Asia must be large. They can be used as a stepping stone to secure entrance to the continent, and our farmers or manufacturers, or shipping interests and our Congress will feel a quickening influence, and awake to better things. It is the commercial aspect I wish to dwell upon, and this involves our trade with all Asia.

In 1898 15 per cent of the total imports into the United States was derived from Asia, and 3.63 per cent of the exports were sent to that continent. In 1889 the percentages were 8.55 for imports and 2.48 for exports. In the earlier year the aggregate value of imports was \$63,600,391 and in 1898, it was \$92,594,593—an increase of 45.6 per cent. The value of the exports (domestic) rose in the same period from \$18,422,922 to \$44,642,613 an increase of 142.5 per cent. The whole of this increase in exports has occurred since 1895.

The distribution of this trade is necessary to a proper understanding of the growth. Imports from China have been stationary, but exports have ranged between wide limits, depending on the movement of cotton cloth:

Year.	Imports.	Domestic Exports.	Cotton Cloths.	Mineral Oil, Refined.
1889 .	\$17,028,412	\$2,790,621	\$1,519,265	\$908,500
1890 .	16,260,471	2,943,790	1,223,965	1,253,089
1891 .	19,321,850	8,700,318	5,334,860	2,591,660
1892 .	20,488,291	5,663,471	3,887,732	1,251,025
1893 .	20,636,535	3,900,457	1,638,657	1,809,437
1894 .	17,135,028	5,858,488	2,844,220	2,438,636
1895 .	20,545,829	3,602,741	1,703,023	1,181,210
1896 .	22,023,004	6,921,136	3,854,146	2,166,978
1897 .	20,403,862	11,916,888	7,438,203	3,371,973
1898 .	20,326,436	9,992,070	5,195,845	2,839,345
Total .		\$62,289,980	\$34,639,916	\$19,811,853

Second in importance comes Japan, which is even now regarded as the prototype of what China will be when once awakened. Imports from and exports to Japan prove the remarkable activity of that country in building up its foreign commerce:

Year.	Imports.	Domestic Exports.	Raw Cotton.	Mineral Oil, Refined.
1889 .	\$16,687,992	\$4,615,712	\$2,341	\$3,086,978
1890 .	21,103,324	5,227,186	85,211	3,573,798
1891 .	19,309,198	4,800,650	223,879	2,894,577
1892 .	23,790,202	3,288,282	132,729	1,812,414
1893 .	27,454,220	3,189,711	68,423	1,724,972
1894 .	19,426,522	3,981,377	360,492	2,226,247
1895 .	23,695,957	4,559,242	806,058	1,656,692
1896 .	25,537,038	7,640,250	1,481,056	3,149,527
1897 .	24,009,756	13,233,970	2,345,016	4,222,383
1898 .	25,223,610	20,354,689	7,428,226	3,592,587
Total .		\$70,891,069	\$13,133,431	\$27,940,175

The great distributing centre of Asiatic trade, Hong Kong, has not held its own in the commerce of the United States, and has suffered through more direct means of communication. Its share in our trade is so small as to be inappreciable, though in our trade with Asia it still receives \$6,233,607 of our exports, and handles \$746,517 of merchandise sent to

this country. In any calculation of the trend of our trade with Asia, Hong Kong may be passed over in the statistics, but examined for its lessons.

Other than independent (I still apply the adjective to China) countries are counted in the Asiatic returns—the colonial possessions of Great Britain and the Netherlands, and even Aden and Turkey in Asia. But it is to China and Japan that I wish to call particular attention, and if I deal at greater length with China, it is because so much stress is laid upon our future commerce within rather than with that empire. On that future must the prosperity of the Philippines rest; and on that future hang our relations to Europe—entangling alliances imposed upon us by commercial ambition.

Let us measure crudely the export trade of the United States to China. For the ten years, 1889–98, the value of our domestic exports sent to that empire was \$62,289,980, of which 87 per cent was made up by two articles of export—cotton cloths and refined mineral oil. In 1889 the proportion of the exports for that year given by these articles was 87 per cent; in 1893, five years later, 88 per cent, and in 1898, another interval of five years, 80 per cent. Up to 1898, it was 87 per cent and over, almost without a break.

Taking the exports to Japan in the same manner, it is found that the total for the ten years was \$70,891,069, and of this total raw cotton made \$13,133,431, and refined mineral oil \$27,940,175, or the two, 58 per cent of the whole. Of the increase in the exports since 1889 (\$15,738,977) raw cotton gave nearly one-half (\$7,425,985). The stationary character of the trade in one country and the elasticity of the demand in the other could hardly be more clearly or simply demonstrated than by these figures. In 1889 raw cotton did not enter appreciably in the export returns to Japan; in 1898, it made more than 36 per cent.

China is poor and not rich. One of the latest and in many respects most intelligent surveys of China says: "There is in China a dreadful poverty of the masses due to rapid

increase of population, wherever a district has been spared rebellion and famine for a few tens of years."\* The vast population is never far removed from famine, and only by constant industry of the most exacting kind can life be sustained. Large numbers of Chinese flock to other lands to obtain a living. They have swarmed down the Malay Peninsula, crossed to the Philippines and attempted to gain a foothold in Australia. They are numerous in the Hawaiian Islands, and have secured the hostile notice of both the United States and the Dominion of Canada. The Chinaman is the laborer for the world, and carries his patient and persistent industry wherever permitted, and his frugal habits enable him to save from wages that no other free laborer would accept. The coolie is a privileged worker compared to him.

Wherever tested and an opportunity given, the Chinaman has proved himself a good worker. The problem then to be settled is how this hive of potential industry can be made to work on the natural resources of China for the benefit of the nations of the West. No one denies the possibilities of Asia; its coal fields, its iron, its tin and its copper deposits; its wonderful waterways, and its population that always seems to offer a market rich beyond description. Against this rosy picture must be set the poverty of the people; their conservatism and hatred of the foreigner; and their decay of enterprise, a decay that has persisted in spite of the touch of Western commerce, and the lesson of defeat at the hands of the Japanese. Now Europe steps in to realize the possibilities, and offers to lead and organize the economic forces of China, so that they may become truly productive and yield handsome dividends to these unselfish civilizers and concessionnaires.

If this development occurs the whole world expects to share in the benefits, and the United States will ask to have its share. But in one direction, more than in another; in imports, rather than exports. In opening new territory by

\* Blackburn Report (Bourne), 10.

making it accessible, and thus giving to the population an outlet for their products, the world's supply of certain articles will be that much increased. Tea, silk, raw cotton, wool, hides, mats and straw braids—these are the great articles of China's export trade with occidentals, and in these lines must the first influence of new conditions be felt. Later will come the greater changes which portend almost to revolutionize industry—the opening and working of coal mines, of iron, copper, tin and even gold deposits, mineral resources hardly touched and known to be large. Given an abundance of cheap labor, a certain and cheap transportation to the coast, and the old sources of supply must feel the influence of these new rivals. If the raw materials are worked on the spot or in the coast cities, great industrial enterprises run without regard to the cost of life—the cheapest product in China—it is possible to picture the condition apprehended by Pearson, the overrunning of Europe and America with the products of the yellow races. Each nation will strive to secure the utmost gain, for combinations will hardly be possible, and production will attain a great pitch of quantity and of lowness of price.

In place of hiring and transporting coolies to distant plantations, this labor will be available on the spot; and instead of being an import of value, the very plenty will make it cheap; while care and protection will cause it to increase. Exports will thus be without hindrance.

How about the imports? In this question the United States has a lasting interest, and a great uncertainty. Of the imports into China, cotton goods hold the first place, opium the second, rice the third, and metal manufactures and mineral oil are of equal importance, as fourth and fifth on the list. In no one item of this enumeration has the United States a natural monopoly; in only one (petroleum) has it a partial monopoly, fast being impaired; and in two (rice and opium) it has and can have no share. Even assuming that China remains as she is, and the ports held by Europe, a cordon of duties would check any growth of our

exports whether from the United States or the Philippines. The English territory will probably be free, though it is by no means certain that with duties on all sides, her manufacturers will not demand some assurance of the markets they are taxed to maintain and defend. Elsewhere our products will meet with discriminating tariffs designed to secure the cream of the trade for the mother country. Where will the increase in our export trade be sought?

But China will not remain as she is. France, Germany, Italy, England, Russia—these nations have gone to Asia for a purpose. They intend to build railroads, open and develop mines, establish industries, and secure all they can from a careful attention to encouraging competition on Asiatic conditions. In place of wanting cottons, products of iron and steel, or other metals, or rice, China will utilize her own resources. This may be a work of time, but under the stimulus of so many competitors it will not require many years to bring it to pass. Every ton of iron, of copper or of tin wrought into metal ware in China; every pound of wool or of cotton, or of silk made into cloth in the provinces, will reduce the necessity of importing them from other countries.

A mere comparison of commercial details develops the distinction between Japan and China—a living and pushing people and a decayed and dying empire. In Japan opium does not stand prominent in the import returns, but the leading place is taken by raw cotton. Second in place is sugar, the consumption of which is by some regarded as a gauge of civilization. Textile and metal manufactures form a large item, and the imports of machinery have increased more than sevenfold in ten years. Not raising sufficient food for its people, it is from other countries that the necessary grains must be obtained. The ability to buy of foreign nations has increased from \$29,700,000 in 1886 to \$94,800,000 in 1896, and the purchases have all been in needed or useful commodities.

To pay for these imports some domestic products were called for, and herein the organizing ability of the Japanese

came into play. Tea and silk were the two important articles of export, the same that China sent into the world's commerce. The problem then presented was how a larger share in the existing market for these commodities could be obtained, and a share in any increase of market offered. China, by neglect of reasonable precautions, suffered the quality of both her tea and silk to degenerate, and the outside buyers were not slow to determine this fact. The value of teas exported from China has hardly varied in the last thirteen years, nor has raw silk followed another course. Only in silk cocoons and in manufactured piece goods of silk (including pongees) has there been an increased export. Japan, on the other hand, paid great attention to her products, and has reaped her reward. The exports of silk have doubled since 1885, and those of silk manufactures have risen from less than 270,000 yen in 1885 to 16,232,000 yen in 1895, and have attracted hostile duties in both France and the United States. The movement of tea has not been so progressive, showing only a small increase; but coal has quadrupled (2,004,000 yen in 1885, and 9,018,000 yen in 1896) due to Indian competition; cotton manufactures have gone from 181,000 yen in 1885 to 3,378,000 yen in 1896; manufactures of wood, bamboos, etc., from 112,000 yen to 6,129,000 yen; and of copper (raw) from 8,183,000 catties to 11,241,000 catties. In the aggregate, the exports have increased from \$31,630,000 in 1885 to \$61,571,000 in 1896.

Many have seen in this advance a picture in small of what will occur in China on a grand scale. There are certain differences that may be noted. The character of the two peoples are different, and the Japanese have much higher organizing powers. "The truth is that a man of good physical and intellectual qualities, regarded merely as an economical factor, is turned out cheaper by the Chinese than by any other race; he is deficient in the higher moral qualities, individual trustworthiness, public spirit, sense of duty and active courage, a group of qualities perhaps best represented in our language by the word manliness; but in the

humbler moral qualities of patience, mental and physical, and perseverance in labor, he is unrivaled. . . .

“European superintendence is essential precisely because of their moral shortcomings above stated. Judged by our standards, we must pronounce all organizations in China (with a few exceptions) above the family and the small business partnership, to be hopeless failure. The upper class seem to lack the moral tone to carry on by enterprises; indeed the laws and the courts of justice are wanting as well as the men.”\*

Japan fearlessly went into the money markets and obtained the capital needed for her enterprises. China is held under a crushing weight of custom, of stagnating civilization, and is to be in tutelage for the account and profit of others. No one can doubt for a moment that Europe does not regard the coast provinces as the end of their leases or cessions, or occupations. It is the great interior of China they have in view, and are so anxious to develop. The claim of Italy may be taken as a sample. A lease of the bay, and three islands in it—these matters are first; then the right to build a railroad to Po-yan Lake about one hundred and fifty miles from the sea is claimed, a claim that extends to running the railroad after construction. This is important, as many rivers empty into this lake, navigable into the interior of the surrounding country. Finally preferential mining and railroad rights within a sphere of influence covering two-thirds of the province of Che-kiang—a province containing 36,000 square miles (about one-third as much as Italy herself) and a population estimated at 20,000,000 (about two-thirds the present population of Italy). So France in Tonking has her eye on Yunnan, and England, at the mouth of the Yang-tze, hungers for the trade of provinces 1,500 miles from that mouth, but only to be reached through it at present. Germany and Russia are no more neglectful of the prospective virtues of hinterlands. A map colored to meet the wishes of these land grabbers would resemble that of the

\*Blackburn Report (Bourne), 9.

American colonies of England, when charters were granted to extend from the Atlantic Coast to the South Sea. So anxious are they to obtain a part of what is lying waste that combinations are made like the Anglo-German negotiations for a railway from Tien-tsin to Chin-kiang; and the railroad enterprise over which England and Russia have nearly come to blows.

There are certain obstacles which stand in the path of the commercial development of China, and these obstacles now effect the merchants and products of all nations trading with the Chinese, though not in an equal degree. There is the natural disadvantage of the want of roads and easy access to the interior provinces. There are the rivers, to be sure, and they are great waterways. Apart from them the system of porters is used, a slow, painful and somewhat costly process of transportation. For many commodities it is prohibitive, and it practically confines the export interests of the far western provinces to such products as are of small bulk, and high value—silk and opium. The mountainous regions have mere tracks rather than roads, so narrow that the shoulder poles cannot be used; and a light frame strapped on the back of the coolie takes its place. "The weight which a coolie can carry in this way is perfectly astonishing, and it is a common sight to see him struggling over the most execrable roads having on his back three bundles of Sha-si made cloth, each containing thirty-nine pieces, equal to a load of 220 pounds. Of cotton yarn the load is 160 pounds, and one frequently meets coolies carrying 160 pounds of tin or copper, which has come from the mines in the district of the Tung-chuan."\* Pack animals are not generally used, a coolie can carry a larger load, and while he takes a longer time is quite as cheap—*3s. 2d.* being a charge for 130 miles.

The first change must be toward constructing better roads where water carriage is not available. Cochin China and Tonking are favored by their many water courses, both

\* Blackburn Report, Neville and Bell, 78.

rivers and canals. Not only do these favor the cultivation of rice, but permit a ready shipment of the crop, just as Virginia and North Carolina were favored in their rice and tobacco days by the same means of getting direct to the plantations. Annam and Cambodia are wanting in rivers. The West River of China is not available to trade; but the Red River promises a means for the French to reach Yunnan—called “the natural economic complement to Indo-China.” Even the further sections of the Yang-tze offer serious problems to the navigator—rapids and a rise of seventy feet during the freshets. The Yellow River is more uncertain in its course than our Mississippi, and it is a common occurrence for it to leave its bed, plow a new course through a densely populated country, carrying death and destruction in its new path, and leaving drought and famine in its old. Railroads will supplement river traffic but can never supersede it; and for some time railroad ventures will be costly, uncertain and experimental.

Good means of transport and communication will avail little without a thorough revision of the tax question. This means a reform of provincial or local administration. The likin on imports and the duties on exports not only limit the distribution and consumption of foreign products, but place China at a disadvantage with rival peoples. The existence of these taxes is an encouragement to official corruption, and it is estimated that of every three taels collected, only one reaches the imperial treasury. The burdens imposed by a series of likin barriers, each one taking its toll at a rate fixed by the local authority, involve serious loss and discouragement to trade. Hong Kong is the natural port for the southern provinces. But the impositions levied on merchandise on the West River make it more profitable to take goods intended for Kwang-si to the seaport of Pakhoi, thence partly by boats and partly by porters to the upper waters of the West River, a journey of eight days. One reason for resorting to coolies is the desire to avoid likin stations.

The likin question has in a measure determined the position

of the foreign merchant in China. Generally speaking it has been the treaties with foreign countries that fixed the rights and privileges of the foreigner on Chinese territory. But a subtler and even more powerful influence has neutralized the advantages expected to flow from treaty provisions, and a change of some moment has been wrought so quietly and yet with such determination, that the foreigner, as merchant, may be said to be out of China.

What has been the position of a merchant in China until a very recent time? He possessed a bare right to import and export at certain ports established by treaty. In these ports he occupied a "concession," that is a piece of ground leased by the Chinese Government to his own government, and sublet to the merchant; or a "settlement," an area within which he may lease land directly from the native authorities. He could not manufacture, he could not mine or engage in agriculture. He was a mere commission merchant, for outside of these places, the internal trade is in the hands of the Chinese, "excellent peddlers" as they are. Of late some concessions have been made. By treaty privilege steamers may be sent up the Yang-tze to Ch'ung-king, a distance of 1,400 miles from the sea. Under the treaty of Shimonoseki the right to manufacture has been granted and machinery may be imported. Twenty-one ports are treaty or open ports.\*

It was the purpose of the negotiator of the treaty of Tientsin to lighten some of the burden of these likin or local charges, and the transit pass system was the outcome. On payment of the legal customs duty at the port of entry, and one-half that tariff in addition, goods, whether import or export, should be free to pass between the port of shipment or entry, to or from any part of China, without further charge of toll, octroi, or tax of any description whatsoever.†

\* These are : New Chwang, Tient-sin, Chefoo, on the northern coast; Chung-king, I-Chang, Shasi, Hankow, Kiu-kiang, Wuhu, Chinkiang, and Shanghai, on the Yang-tze River, Ningpo, Wenchow, Foochow, Amoy, Swatow, Canton, Hoihow (Kiungchow), and Pakhoi, on the coast south of the Yang-tze; and Hang-chow and Soo-chow, two cities in the neighborhood of Shanghai.

† Lord Elgin, in China No. 4, 1870.

In practice the intentions of the pioneers of the system have been neutralized, and in some places to such an extent as to make an "open port" an illusion.

At Wuchow, for instance, the privilege is evaded by imposing differential duties on transit pass goods. Or the transit passes are recognized only while the commodities they cover are in foreign hands; as soon as they reach Chinese merchants, the demand for likin is made. Or the pass is accepted and at the end of the journey a "terminal" charge is imposed. Taxation is made the easier because it is imposed on the Chinese merchant.

One result of this system is to crowd out the foreign merchant, in both the import and the export trades. It has been the impression that the opening of a new port in China to commerce involved a concession to foreigners. In practice it has been found it is the native merchant who benefits. The carriage of any article in vessels of a foreign type, or even in native craft in which foreigners may claim to have an interest, at once withdraws those commodities from the control of the native customs with their petty exactions and unscrupulous charges. "At the present day, to open a new port to foreign trade may mean little else than giving to native merchants at that port the blessing of a fixed tariff and an honest customs administration."—*Brenan, 54.*

"The impression which a visit to nearly all the treaty ports of China leaves upon the mind is that the Chinese people are monopolizing in an increasing degree the commercial advantages obtained under the several treaties which foreign governments have concluded with China. Foreign powers having prepared the ground for their nationals, the Chinaman is gradually elbowing them out and occupying the position for himself."\* Chiefly at Hong Kong and Shanghai is the British merchant found. In most of the ports it is the Chinaman, and he is becoming the more important commercial factor. Not only does he buy of the

\*Report of H. B. M. Consul Byron Brenan, on the State of Trade at the Treaty Ports of China, 1896.

agent at Shanghai or Hong Kong, but his orders are given for imports to be made. Of the textiles imported from Europe and the United States, it is estimated that one-half is specially indented for under instructions from Chinese dealers. Cotton and woolen goods apart, seventy-five per cent of the other imports at Shanghai is on Chinese account. The foreign firm, through whom the order has been given has no interest in the goods on arrival, beyond their security for the payment by the Chinese principal. It is a commission transaction, not that of a merchant.

This situation is not favorable to the expansion of China's commerce. Every advantage secured by foreigners has been obtained by treaty, and often by a treaty extorted under a threat or actual exertion of force. Every privilege secured by treaty is intended to make commercial intercourse more free and more possible. The foreign merchant under cover of the treaty may do many things without interference from the authorities, but the Chinese merchant would be subject to that interference.

While the foreign merchant may plead treaty rights, and generally secure them, the native merchant is powerless. He has no government to back his complaints, he can hope for no aid from agitation, for the simple reason that he dare not agitate. As soon as he begins to move his goods into the interior he meets the likin, and at many stages of his journey. The officials could wreak a disastrous vengeance upon him should he incur their displeasure, and he has no redress against their extortion. Illegal taxation and vexatious detention of goods already exist; they may be so intensified as to throttle trade. Hence the disadvantage of distributing through Chinese merchants.

Export trade from China is in foreign hands. "A change is noticeable. Where years ago a few large firms with large capital bought China's products and sent them to Europe on their own account, there are now many small firms who receive orders from Europe by telegraph, and who fulfill these for a small commission at no risk to themselves. The

telegraph and banking facilities have made it unnecessary to possess capital, and the business of the export merchant in China has in a great measure changed into that of the commission agent. One of the consequences of this is that the commission agent who is buying on a limit, and who receives a commission on the amount of the invoice, buys on the best terms he can at the treaty port, but has no personal interest in the previous treatment which the merchandise has experienced at the hands of the tax collector, and does not feel disposed to engage in the interminable disputes which an attempt to profit by the treaty stipulations affecting the inland transit of merchandise would land him in. Were he dealing with his own money, and was every dollar saved in taxes a dollar in his own pocket, he probably would try to bring his taxation down to a legal minimum; but in filling an order he now takes what the local market offers, and makes no research into the past."—*Brenan, 14, 15.*

Hampered as it is by local dues on both imports and exports, dues which even the ingenuity of native merchants cannot evade, the special products of China are placed at a disadvantage in foreign markets. Silk is taxed in the cocoon, before it can pass into the hands of a foreigner; and tea lands pay a growers' tax that cannot be evaded by transit passes. This disadvantage alone will not explain the fact that the Asiatic trade is more or less confined to Asiatic countries. China's total imports in 1886 were 89,310,000 Hk. taels, of which 59,497,000 taels—or two-thirds—were from Asiatic countries. In 1896, the same percentage held, two-thirds of a total of 211,623,000 Hk. taels (140,408,000 taels) being of Asiatic origin. But only 41 per cent of China's exports in 1886 were sent to Asiatic countries, and 64 per cent in 1896.\* Japan's commerce gave almost the same result. In the two years, 1886 and 1896, about 30 per cent of the total imports was Asiatic; but 23 per cent of the exports in 1886 went to Asia, and 32 per cent in 1896, as follows:

\* Total export in 1886, 77,207,000 Hk. taels: to Asia, 31,893,000. In 1896, total, 131,081,000 Hk. taels; to Asia, 83,657,000 taels.

1886, total import, 37,637,000 yen; from Asia, 11,348,000 yen.

1896, total import, 188,666,000 yen; from Asia, 60,122,000 yen.

1886, total export, 48,871,000 yen; to Asia, 11,273,000 yen.

1896, total export, 129,455,000 yen; to Asia, 41,954,000 yen.

The trade of British India is pertinent on this point. The exports of merchandise and treasure by sea were returned at £90,113,171 in 1887, and £108,840,187 in 1897—an increase of 20 per cent. The exports to all Europe rose from £56,610,000 in 1887 to £58,450,000 in 1897—an increase of only 3 per cent; while those to Asiatic countries were £24,507,112 in 1887 and £33,849,257 in 1897—an increase of nearly 40 per cent. The development of Indian export interests has wholly been toward Asia. In imports the showing is better for Europe, for the trade of that continent to India increased in ten years at nearly the same rate as the trade of Asia to India—21 per cent for Asia and 22 per cent for Europe. It is with Egypt, Japan and Russia and Asia that the largest returns of increased imports are shown.

This has been in a measure the experience of Great Britain with British India. In 1897, the year of latest returns, the total exports of India by land and sea were £113,400,000, of less than one-third (£34,786,000, or 30 per cent) was sent to the United Kingdom. Standing between two continents, with such a facility as the Suez canal to favor the trade with Europe, India sells to that continent £58,405,000 or a shade over one-half of its total export movement. This may be taken as an unusually favorable showing for the argument in favor of commercial expansion, but the United States in 1898 sent 80 per cent of its exports to Europe, and counting in what was sent to North American countries, the proportion rises to 90 per cent. Second in importance among the colonies feeding the trade of the United Kingdom is Australasia, with its varied interests and products. Excluding gold, the total exports in 1897 were £65,350,000, of which £26,000,000—nearly 40 per cent—was

sent to the United Kingdom. Turning to the English trade returns it is seen that the total imports from Australasia were £29,352,000, of which £16,785,000—57 per cent—was in wool, a concentration of import interest that is in itself remarkable. If we add a single item from four of these dependencies, butter from Victoria (£816,400); tallow from New South Wales (£661,000); fresh beef from Queensland (£725,000), and fresh mutton from New Zealand (£2,077,000), 72 per cent of the entire imports from Australasia into the United Kingdom is accounted for.

Returning to purely Asiatic colonies of Great Britain the Straits Settlements exports £18,000,000 a year, but only one-seventh goes to the United Kingdom, and if all Europe be included, less than one-fourth is sent direct. Mauritius sends only £45,000 of a total of £2,846,000 to the United Kingdom, and the demand of all Europe for its products (of which sugar is the great one) will not double that amount. Ceylon is more devoted to English interests, for two-thirds of its exports are taken by the United Kingdom, due to the peculiar product of tea. If a very few articles are excluded from the export trade of these Eastern possessions—tin, tea, jute, hides and skins and wool—what remains has little attractions for Europe, and is Asiatic in availability.

The Netherlands holds important islands in the East, and their trade is naturally largely with the mother country through fiscal arrangements. It is a trade resting on an artificial basis, but now passing through a transition stage, and a difficult one to foresee in its results. The leading products for export are sugar, coffee and tobacco. The sugar crop is experiencing the same pressure as throughout the world; the cultivation of coffee is passing more and more into the hands of individuals, and the production of tea, tin, cinchona bark, indigo and tobacco points out the future lines of growth for the island.

Being more and more Asiatic in its export character, how can some of the benefits of Asia fall to the United States?

Only in two ways, it is said: by establishing Manila as a free port; or by manufacturing for Asia on an Asiatic basis.

Make Manila a free port, it is said, and the United States will be in a position to claim its share in Asia's trade. How can this be? The example in mind is clearly Hong Kong, but the history of that island shows how it was favored by conditions not likely to be repeated. The striking fact about Hong Kong is that it was not China but the Chinese that made it possible and have made it what it is. For a long time it was a morgue spot: "the White Man's Grave," and an Alsatia, a place of refuge for the lawless or criminal, and its future was in doubt as late as 1848. Then came a series of events: the discovery of gold in Australia and California made the coolie trade profitable; the Taiping rebellion which drove men of property to the island for protection; the Suez canal and its effect on Eastern commerce; and the opportunities for work offered in the Malay Peninsula. From a struggling town no better than a mining camp in morals, it has become one of the great shipping centres of the world. "In the colony of Hong Kong," says Colquhoun, "most of the wealth is in the hands of the Chinese, and in all the chief business houses and financial institutions the Chinese hold positions of great responsibility."\* For some years the commerce of Europe at Hong Kong has shown a tendency to decrease, a fact that can be explained only by the change in the direction of Asiatic commerce, by which the transactions are more and more among the peoples of Asia and less with the countries of Europe and America. Further, the over-sea commerce tends to become more direct, and the need of a port of deposit or for transshipments is less felt.

Nor geographically can it be said Manila offers any advantage to Asia's trade. There is already a great shipping station at Singapore, for the Indian commerce, and it is quite as convenient to steam from Singapore to Hong Kong, as it

\* China in Transformation, 316.

would be to go to Manila and thence to Hong Kong, or any port of Asia. If the advantage of a free port is not to be had, the only alternative is to use the Philippines as a manufacturing base, for supplying the continent with certain manufactures, like low grade cotton cloths. Native labor, if available, and native cotton would be used, after the manner proposed by the French in Tonking. In that event the question of labor would again come to the front. Would an attempt be made to use the natives, or to bring coolies from China? The success of either would be problematical, against the establishment of mills in China itself.

As an agricultural colony the Philippines have their possibilities, for there is a natural monopoly in Manila hemp, and a capacity for all tropical growths. But the labor for the plantations, where is that to be had? Spain used the natives, but only under a system that ruined the planter and drove the laborer into rebellion. The methods purported to be in imitation of those adopted by the Dutch in Java. "The [Spanish] law prescribed that every native might plant tobacco, but might only sell it to the government. In the tobacco districts every native had to grow a certain number of plants and devote all his attention to them." Here all similarity ended. The tobacco was sorted by the officials and the unfit burned. "For valuing the tobacco the officials used a scale, according to which the planter received some 20 to 30 per cent of the real value. But he was not paid in cash. He received a certificate, a kind of treasury bond. Had the people had security for the payment of these bonds at an early date, the latter would soon, no doubt, have come into currency as paper money. But, far from this being so, no one would have them, knowing that five or six years might pass before they were redeemed. The tobacco planters lived under more miserable conditions than the worse kept slaves, and were glad if some noble philanthropist would give them half the value of their certificates, for who could say whether the purchaser was

not risking his 50 per cent. Frequently the bonds were practically given away.' '\*

Tobacco, hemp and sugar, these are the three leading products of the island, and all paid export duties under the Spanish rule. The tobacco finds no market in the United States; the sugar will be at a disadvantage with the Cuban and Hawaiian products, and must find a market in China; and hemp can not find an indefinitely increasing demand. There are minerals. The coal is of a quality that unfits it for transportation and must confine it to local use. Gold is reported, and copper is known to exist. Iron ore is abundant, but the lignites of the archipelago are said to be unsuitable for blast furnaces, and charcoal pig is the method suggested.† The copper deposits were worked for a time, but were abandoned for want of labor. It is too sanguine a view to accept Mr. Tornow's view: "It is certain that the Philippines, whose future is already assured by their mineral wealth, will play a part in the industry of the coming years equal to, if not surpassing, that of Japan." Even if we accept his view it leads us to the conclusion that the commerce must be for Asia, not for the United States.

Another straw indicating the direction of trade winds. When Japan obtained possession of Formosa, a tariff of ten per cent ad valorem on imports went into operation. This increase, applying as it did to all imports from foreign countries fell as much on Chinese as on British cottons. Some compensation was expected from the privilege of free circulation of goods throughout the island. In the event Japanese and Chinese cloths have excluded all grades of foreign cloth coming in competition, leaving a much restricted demand for finer grades to be satisfied by Great Britain.

In Japan there are a million spindles now in operation, producing, 650,000 bales of cotton yarn of 400 lbs. each, of which more than 200,000 bales will be sent to China. In the needs of no other textile industry in Japan can the United States have

\*Tornow, "The Philippine Islands."

†George F. Becker of the U. S. Geological Survey.

a share either in the raw material or manufactured product. Silk is out of the question, wool is obtained from Australia and China, while woollens are cheaper in France, Germany or Great Britain than here. Flax and hemp are to be had from the Philippines, China and British India. Is it too much to look for an imitation of Russia's policy, which has sought to make that country independent of our fibre by developing the culture in Asia?

Is not this Asiatic commerce beset by a new difficulty offering a new problem of no little moment? Every port of size on the coast is in the hands or under the control of some European nation. We have set an example by declaring the Philippines open for ten years, and Mr. Reid assures us they will never be closed. What assurance have we that Continental Europe will maintain open ports in Asia? France in Tonking has been exclusive, and her coming policy is foreshadowed by her measures taken in Madagascar within a year. A decree gave a monopoly of the coasting trade to French vessels; it was promptly recalled, only because it was found the vessels flying the French flag were insufficient in number and tonnage for the needs of commerce. The application of the home tariff to the island, in itself a hardship to foreign merchants, was followed by a commercial campaign on the part of the "General Commander-in-Chief of the Corps of Occupation and the Governor-General of Madagascar and dependencies." "I have also to request you to instruct the native authorities," ran his circular, "to exert all their influence in favor of the objects at which we are aiming [to introduce French products]. It will be easy for them from the point of view now before us, to represent to persons living under their jurisdiction, that tissues of French manufacture are as good as similar articles manufactured abroad; that it is only fitting that the Malagasy, who have now become French subjects, should conform to our national customs by using our products; that their clothing thus becomes a distinctive mark of their new position, and that it should be made of

French tissues. . . But they must bear in mind that no obstacles should be placed in the way of the sale and circulation of foreign merchandise. Your part, as well as that of your native subordinates, consists simply in making clear to our new subjects the benefit to be derived by them from the purchase of French products, which will henceforward be more suitable to their habits and wants, which have been modified in the last two years by the introduction of French laws and customs. Such a course is absolutely within our right, and no one has any right to take exception to it." Further, the columns of the Malagasy journal (the *Vaovao*) were open to advertisements of French products, free of cost to the advertiser.\* This found an echo in the French parliament. Introducing the debate on the colonies, March 6, 1899, M. Etienne said: "Surely France did not colonize for the benefit of foreign nations." As a result of this policy the exports of French cotton piece goods of all kinds to Madagascar rose from 690,400 francs value in 1897 to 5,512,000 francs in 1898. What reason to expect more liberal ideas in Tonking?

Another point must be considered. In order to raise the money necessary to pay the war indemnity to Japan, China mortgaged to the lenders the greater part of the receipts from customs revenue. It is generally known that the financial methods of China are not elastic, and favor a host of officials in the provinces rather than supply the imperial treasury. The land tax, which is the chief item in each provincial budget, is immutably fixed by law, and any attempt to increase it would lead to rebellion. As a monopoly the impost on salt has reached its limit, and it would be dangerous to make it heavier. Trade is, and has been the most reliable source of income, under the administration of a foreigner; but what is to happen when each port is under a different head, and competing with one another after the fashion peculiar to five rival governments? The "cohesive power of public plunder" makes itself felt under the

\*Circular No. 346, printed in the *Journal Officiel*, twenty-third April, 1898.

mandarins ; but would be entirely wanting under German, French or British rule.

Here then is a cordon drawn round China, more obstructive than any Chinese wall, and liable on many accounts to be made effective as a complete prohibition on commerce. It might be assumed the privilege of trade could be assured by treaty, for a longer or shorter period. Where has a treaty been able to stand in the way of interested attack? The tripartite control of Samoa does not offer as many occasions for difference, as would the holding of the Chinese coast for commercial reasons by six great powers, and among the six the United States will not figure. The dual management of Egypt, was child's play compared to the problem of Chinese management. What has occurred in Africa, where the native counts for nothing, is only a pale forecast of what may happen in China with six nations contending for commercial advantage among a people numbering 300,000,000 souls.

Bearing in mind that the natural resources of the East are to be exploited with all the perfection of modern appliances and cheaper labor than has ever been offered, the following questions suggest themselves: How can cotton goods of the United States find other than a limited market in Asia against the cottons of India, Japan and China? How can American petroleum, better article as it is, hold more than its own against the Russian oil, supported as it may be by a bounty for political effect? Then there are the oil fields of Langkat to be counted in as competitors. How can American iron and steel enter markets held to be closed by European countries, each one of which wishes to keep for its own people the construction of the railroads, the building and running steam vessels, and the profits of the custom house? What better chance will there be for American machinery, the rolling stock of a railroad, the mining machinery and certain textile machines, than now presents itself? Finally, are we looking forward to meeting Asiatic competition with an even higher tariff than is now endured, a tariff bristling with duties like those on silks in the present law, specially leveled against the imports of light silk goods from Japan?

## THE COMMERCIAL RELATIONS OF THE UNITED STATES WITH THE FAR EAST.

ROBERT T. HILL, *U. S. Geological Survey.*

The storm centre of world interest undoubtedly now hovers over the far East and it is well that the people of this nation, while not participating in the struggle for territory, should seriously consider their interests in this distant region and how they may be protected in the field in which others are now engaged.

Mr. Ford in his address has analyzed the elements of the commercial relations of the far East and little remains to be said from the statistical point of view. He has given many of the facts concerning the actual conditions of trade and his paper is so exhaustive that he has left but little room for additional data, other than the indulgence in generalizations and conclusions.

This Eastern question has but little relation to the recent history-making events in which our nation has been engaged and should not be confused with our problems of territorial expansion. The late expansion of our nation has not been the result of governmental intent, but the culmination of great forces acting through the individual atoms of society which moved irrelevant to any preconceived political plan. Most of this growth, like that of the butterfly, has been within the cocoon, and it is only within the past year that we have emerged from the chrysalis stage into a conspicuous form which attracts the attention of the outer world and astonishes even ourselves with our own magnitude and powers. No one here can predict or judge how or where these newly felt powers will lead us. The dynamic forces of our expansion have been the superior quality of the citizen which our institutions have created, his desires for

individual improvement and gain, manifested in mechanical inventions, commerce and trade, and his capacity for initiation and administration. The spirit of the United States has been to develop in every citizen the capacity for personal expansion and the growth of the nation is but a natural result of the aggregate uplifting and outspreading capacity of these units. It is the possession of these forces that gives us a feeling that we are competent to compete with the world and to meet any emergency, industrial or political, that may arise.

There are some Americans who believe that we can continue to exist entirely upon our own adipose, and who do not yet appreciate that we have become a world power, or realize that with our 5,000 miles of coast, our numerous maritime cities and our unlimited capacities for building and manning ships, we own an interest in the ocean as well as in the land. I have seen our nation pass through the most remarkable epoch of its history. My boyhood days were spent in helping reduce the vast unsettled wilderness which this country still possessed twenty-five years ago and which at that time was considered unlimited for settlement and productiveness. I have spent my later years in studying foreign regions where I was constantly impressed with opportunities for the extension of American commerce. These studies enabled me to see the approaching importance of our foreign trade and gave some definite opinions, which when expressed, resulted in securing the appellations which my conservative friends variously applied—a jingo, an expansionist and an imperialist. My jingoism, however, has consisted of a wish to see American trade stand upon an equal footing with that of all other countries; a desire for the inauguration of good government at home and the suppression of those conditions abroad which tended to prevent the flag which protects our commerce from receiving the universal respect to which it was entitled. It is my privilege to have a wide acquaintance with all classes and kinds of people in this country and I am happy to say that I do not know an American who has in his heart a desire to wrench from any other nation a foot of territory or seize unjustly that which does not belong to us. Hence the term expansionist, in so far as it applies to the principle that we should hold that which has legitimately become ours, may be considered a designation of honor. Neither do I know in this wide

country of ours a single man who desires to upset our democratic institutions or to take from the people and invest in a sovereign a single one of these inestimable rights which it has been their pleasure to enjoy. Hence the term imperialist is a meaningless misnomer borrowed from English colonial politics, which have no counterpart in this country. Whatever terms may be applied to those who uphold our recent expansion in the Caribbean and the Pacific, I do not believe that any American desires to see this country participate in the acquirement of Chinese territory.

For one hundred years our people found an outlet for their energies and expansive forces in developing and conquering their own territory, in opening mines, and establishing systems of internal communication, and above all educating the youth to a degree of general mentality not approached by any other nation in the world. Suddenly we found that the nation no longer possessed undeveloped lands to bestow in exchange for the energy of those who would reclaim them; that the cream of our national resources had been garnered from public to private ownership. But the impulse of enterprise which our educational and political systems had set in action still remained with us as a force of great potentiality which is bound to be felt in foreign fields.

The events of the past year, by which our national conditions have been bettered, were not a sudden outbreak upon our part, but represented the culmination of a war which has practically continued since the beginning of our national experiences. The second page of Schouler's history describes how Spain in the very first year of our existence was a stealthy foe of the United States. The favorite saying of a captain-general of that time was that had he the power he would prevent the birds from flying across the boundary between the United States and Mexico. Since then Spanish sovereignty adjacent to our Southern border has been a source of irritation and annoyance which placed unjust and uncivilized restriction against the natural laws of trade, and prevented our commercial development in that direction. History will look upon the events of the past year merely as the equitable and righteous end of a century of irritation. The Philippine question is an unexpected incident of this war with Spain, which was primarily fought to protect our commercial relations in the Western hemisphere. These islands have come to us as the legitimate prize of a just and

civilized war upon our part without preconcerted thought or desire to acquire such distant and extraterritorial domain, although their acquirement at this time gives us a timely and needed vantage which we did not before possess. Their acquisition is an entirely distinct and separate proposition from the broader Eastern question in which this country has had a deep and vital interest for many years, at least since the Chinese and Japanese ports were first opened to Western trade.

Broadly stated, the problem of our commercial relations with the far East, including under that term all of Indo-Pacific Asia, is the preservation of the present opportunities and the enlargement of future possibilities in one of the many fields of trade which make up the aggregate of our commerce. This area embraces about 10,500,000 square miles of territory, inhabited by 815,000,000 people—three times the area of the United States and twelve times the population. In its restricted sense the Eastern question applies to China only, and involves the reclamation of the Chinese people from a world retarding and inefficient culture, and their elevation into factors of greater productivity. There are other and perhaps as important fields of trade nearer home which one might well argue are more worthy of our attention, notably the commerce of our South and Central American neighbors. These are dormant fields, however, which are not threatened by cloture and will await our future attention.

The Eastern Sphere of Trade includes the following countries:

Country.	Area. Square Miles.	Population.
Borneo . . . . .	290,000	1,750,000
Celebes . . . . .	71,000	2,000,000
Chinese Empire . . . . .	4,218,000	400,000,000
British India . . . . .	1,560,000	300,000,000
Indo China . . . . .	138,000	17,000,000
Java . . . . .	51,000	24,000,000
Japan . . . . .	148,000	40,090,000
Korea . . . . .	82,000	10,000,000
Siam . . . . .	300,000	5,000,000
Sumatra . . . . .	161,000	3,000,000
Philippes . . . . .	114,000	7,000,000
Oceanica . . . . .	3,480,000	5,100,000
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	10,613,000	814,940,000

When it became apparent that the powers of Europe had determined to dismember and seize upon the Empire of China, our people were naturally amazed and alarmed concerning the effect of this policy upon our own commercial relations. Sober second thought, however, must lead us to the conclusion that the effects of such a partition instead of being detrimental to our interests, will be to our advantage and prosperity. No great benefit to our trade in the East may be expected should Asia be permitted to remain Asiatic. It is only in the near possibility of its being Europeanized in commerce and government that any future gain for our trade and commerce is to be sought. I maintain that even that portion of the Chinese territory which comes under the control of those nations practicing the "closed door" policy will prove a more fertile field of trade to us than China in its present condition, for "closed doors" can sometimes be opened, while Chinese walls have no doors at all.

It has already been clearly shown how essential Caucasian superintendence is to the development of China, and no one doubts that under such superintendence the wealth producing and wealth consuming capacity of that country will be enormously multiplied. Stimulation of commerce is what this country should most desire in China, and it can but reflect great credit upon our trade just as the development of South Africa has done. The reasons for this belief are as follows:

1. China will to a degree be Caucasianized inasmuch as large and intelligent European administrative populations will be introduced whose customs and habits will be imitated by the natives. Each European wears and uses perhaps ten times as many commodities of trade as an Asiatic. Europeans to-day consume nearly eight times as much of our products as all the races of the world combined. In round numbers Europe takes \$805,000,000 of our exports, Asia, \$40,000,000; South America, \$35,000,000; Oceanica, \$20,000,000, and Africa, \$15,000,000. The presence of Europeans in China will create and enlarge the markets for foreign goods. The effect of Western civilization upon Oriental life can be seen by comparison of Japanese imports with those of China.

## Barbaric China Imports.

Cotton goods,  
Opium,  
Metals,  
Kerosene,  
Woolen goods,  
Coal,  
Raw cotton,  
Fishery products.

## Civilized Japan Imports.

Rice,  
Pulse,  
Sugar,  
Chemicals,  
Raw cotton,  
Cotton yarn,  
Woolen yarn,  
Flannels,  
Muslins,  
Cloths,  
Blankets,  
Steel rails,  
Watches,  
Oil cakes,  
Spring machinery,  
Steam vessels, and  
a hundred other articles aggregating in value all the above.

Within the past ten years our trade with Japan, both imports and exports, has increased by annual bounds and jumps, the former having increased 50 per cent and the latter 345 per cent. This can be attributed to no other cause than the awakening of Japan through its adoption of Western civilization.

Furthermore the foreign trade with civilized Japan with a population of 33,000,000 amounts to \$289,517,000, or \$9.60 per capita, while the total trade of China with twelve times the population amounts to only \$34,000,000, or less than nine cents per capita of population. Who can doubt that the introduction of Western civilization into China will develop an enormous foreign trade just as it has done in Japan?

We need not look with despair upon the rapid growth of the foreign trade of Japan which has doubled in eleven years. That country has allied itself in civilization and habit with England and ourselves and we should regard its prosperity as a welcome element in the otherwise dark political panorama of the East. If she has increased the number of her spindles and competed with our manufacturers of cotton goods it has had no appreciable effect upon that industry in this country, for our cotton mills, notwithstanding this competition, are enjoying the first epoch of undoubted prosperity for many years, and have apparently found market for all they can produce. Furthermore, the development of cotton manufacture in Japan has been a beneficial factor to the cotton producer of this country and already

cargoes of our raw material have found new markets in that country. I have recently heard of several propositions to cultivate cotton by irrigation on the Pacific Coast of North America for the purpose of supplying the Japanese demand.

I have prepared a table showing our imports and exports with the Eastern Asiatic countries from the year 1886 to 1898, inclusive. (See page 138.)

The partition of China has been practically going on during the years included in these statistics, especially since the last Japanese war (1895). These figures show that our trade with the Eastern countries has been steadily increasing notwithstanding the constant encroachment of European occupation. Our imports from China have remained stationary, while our exports have increased 174 per cent. In all the other countries of the East our trade has in general been normal and has held its own. Furthermore, our trade with the Asiatic Russia, including Korea, has actually grown into measurable proportions from almost nothing ten years ago. The prosperity of this trade has increased proportionately with the pressure of European influence in the far East and has been especially prosperous for the past four years, our exports having increased during that time to China, the Dutch East Indies, the British East Indies, Hong Kong, Japan, Korea, and Asiatic Russia. These figures indicate the beginning of American prosperity in the East rather than the commencement of a dismal epoch of exclusion.

The stimulation resulting from the introduction of European influence into the far East has already been felt by our commerce. Mr. Ford in his statistics has shown us how much the trade of the far East has increased since the partition of China practically began with the end of the Japanese war in 1895. In 1889, 8.55 per cent of our imports came from Asia; in 1898, 15 per cent. In 1889 only 2.48 per cent of our exports went to that country; in 1898 3.63 per cent. Of this increase 46 per cent in our imports and 76 per cent in our exports took place during a single year of partition, a fact which is indeed most gratifying. This is but a fraction of what the increase will be when the political conditions of China which Mr. Ford so graphically describes, are abolished. Surely if partition has had any influence at all upon this trade it has so far been most quickening.

2. European occupation of China will abolish the unfortunate and incompetent political conditions which have been

EXPORTS FROM AND IMPORTS INTO THE UNITED STATES FROM THE FAR EAST DURING THE YEARS 1889-1898, INCLUSIVE.

(From the Statistics of the U. S. Treasury Department.)

COUNTRIES.	YEAR ENDING JUNE 30.									
	1889.	1890.	1891.	1892.	1893.	1894.	1895.	1896.	1897.	1898.
<i>Asia.</i>										
China:										
Imports	\$17,028,412	\$16,260,471	\$19,321,850	\$20,488,291	\$20,636,535	\$17,135,028	\$20,515,829	\$22,023,004	\$20,403,862	\$20,326,436
Exports	2,791,128	2,946,209	8,701,008	5,663,497	3,900,457	5,862,426	3,663,840	6,921,933	11,924,433	9,992,894
British East Indies:										
Imports	20,029,601	20,804,319	23,356,989	24,773,107	25,968,554	14,829,661	21,266,013	20,370,558	20,567,122	27,238,459
Exports	4,330,413	4,658,979	4,400,103	3,674,307	3,152,760	4,329,103	2,853,941	3,225,368	3,844,911	4,695,855
Dutch East Indies:										
Imports	5,207,254	5,791,250	6,778,992	6,914,743	8,696,588	11,278,725	7,727,282	14,854,026	15,604,866	14,529,335
Exports	2,249,664	1,799,306	2,102,942	1,372,035	1,183,605	1,122,876	1,147,315	1,576,316	2,094,109	1,201,574
French East Indies:										
Imports	•••••	•••••	14	•••••	•••••	•••••	•••••	78,158	•••••	•••••
Exports	319,427	93,157	188,629	140,427	156,020	193,049	69,136	163,955	135,183	152,265
Portuguese East Indies:										
Imports	•••••	•••••	•••••	•••••	•••••	•••••	•••••	•••••	•••••	•••••
Exports	•••••	3,147	278	•••••	•••••	•••••	•••••	•••••	•••••	•••••
Hong Kong:										
Imports	1,480,266	969,745	563,275	763,323	878,078	892,511	776,476	1,419,124	923,842	746,517
Exports	3,686,384	4,439,153	4,768,697	4,894,049	4,216,602	4,269,847	4,253,040	4,691,201	6,060,039	6,265,200
Japan:										
Imports	16,687,992	21,103,324	19,309,198	23,790,202	27,454,220	19,426,522	23,695,957	25,537,038	24,009,756	25,223,610
Exports	4,619,985	5,232,643	4,807,693	3,299,111	3,195,494	3,986,815	4,634,717	7,689,685	13,255,478	20,388,420
Korea:										
Imports	•••••	•••••	•••••	608	•••••	•••••	•••••	82	•••••	•••••
Exports	•••••	•••••	•••••	•••••	•••••	•••••	•••••	32	•••••	•••••
Russia, Asiatic:										
Imports	110,538	103,253	103,567	320,167	381,919	355,476	441,013	246,649	201,421	111,059
Exports	109,188	128,803	161,580	120,200	145,591	163,855	204,937	568,002	413,942	618,015

such a barrier to the development of the country. All writers and observers agree that the Chinaman as an individual is competent and industrious, possessing in some respects more sterling qualities of manhood than the Japanese, and that it is only the hopeless political degradation that keeps him reduced to the lowest industrial plane, his opportunities now being restricted to agricultural pursuits, peddling, and performing the functions of the beast of burden.

3. The introduction of Western civilization and government will stimulate mining, manufacturing, mechanical, transportation, and all the modern occupations which increase personal remuneration, add to the volume of circulation, and create demand and market for articles of civilized commerce now unknown to the people.

One may pooh-pooh at the quantity of cotton goods and bric-a-brac which constitutes the present commerce of China, but the world knows that the vast area of that decrepit empire is to be net-worked with railroads and telegraph lines opening up the vast mineral resources which are demanded in the world's arts and industries, and in these lines we shall find our opportunities for profit. European control of China means opportunity for the young men we are educating in our technical colleges, market for our iron and machinery, and untold profit for our people. Continued Chinese methods present not one ray of hope for our material profit.

No one can deny the advantage to our commerce of having Western civilization on the Eastern shore of the Pacific. It will stimulate our merchant marine, upbuild our Pacific Coast, appreciate the importance of our island stations and round out our nationality. What the Atlantic without Europe on the other side would be, the Pacific now is to us with China as it is.

"Where will the increase in our export trade be sought?" asks Mr. Ford. This question is as applicable to all the rest of the world as well as for China. Expansion of trade is a matter which concerns the individual merchant. He must seek and procure his own orders.

The argument that every ton of metal wrought in China will reduce the necessity of importing metal wares from other countries is not essentially correct. The Chinese may make plates and utensils or other crude manufactures of

metal, but Americans can make machinery, and in the mechanical education of this country we have a monopoly of capital with which China will not be able to compete for a hundred years even though we made no further progress in that epoch. American mining machinery excels that of any other country and holds its own throughout the world, and the first American spade that enters the undeveloped ore banks of China will stimulate a demand for American mining machinery that will be of multiple effect in increasing our trade in that product. Not only this, but American brain and technical skill will predominate in the development of those mines and American element introduced into China will sympathetically aid trade in other directions.

The trade of the United States while measured in aggregates to be understood must be considered by particles. It is the smallest individual retail purchase that creates the demand for goods. The pending events will undoubtedly better the purchasing power of the Chinese individual, and this is a side of the question which deserves some consideration. The future extension of our trade in foreign countries, China included, must depend much more upon individual exertion than upon governmental aid. Our merchants and manufacturers must win patronage by supplying the best quality of goods at the lowest prices. Such articles will win against the most despicable governmental barriers. If we wish to sell agricultural implements to lands where they use the machete instead of the plough, we must make the best machetes possible and they will win for themselves a market. I seriously think that study of the foreign marts and needs by our manufacturers now would be much more profitable than our contemplation of the political horizon of China in which we are not apt to have a part.

Let us inquire a little further into the so-called open and closed-door policies of the European nations in the far East. These are merely the old questions of protection and free trade. Nations endeavor to expand their territory for the benefit of commerce and national development. When territory comes under the protection of the French, the Italian, the German, or any other flag than the English flag, the protective policy of the respective countries will be put in force. It is alleged that the closed door or protection policy is a subterfuge of the weak, a relic of the barbaric days of civilization. We are told that if the European nations secure

China all of them except England will monopolize it to our exclusion and slam the door of trade in our faces. There is much needless alarm in this subject. There has been much more noise than action and much more fright than fact. It is largely the old cry of wolf! uttered by a sister nation which is more interested in the question than we and whose interests are more endangered than our own. This is nothing more than the policy which we ourselves have practiced against all other nations for many years. It is true that from a higher theoretical point of view this "closed door" policy is less desirable than that of the open door. It is oftentimes an irritating and from a humanitarian point of view an extremely selfish policy. But we certainly occupy an anomalous position when we stand for the open door abroad and the closed door at home.

Instead of becoming panic-stricken by the prospect of the trade of China being placed under the protective policy of European nations, we should contemplate more calmly what the effects of such action will be. The nations engaged in this division have been enforcing this same policy against us in Europe for years. In all European countries except Great Britain the doors of trade are as tightly closed against us as they are or will be in China. Yet in some manner our trade has managed to pass their protective barriers and they collectively consume nearly one-half our products. The Germans in Europe consume \$124,000,000 worth, or fifteen times as much as the Chinese; France, \$56,000,000; Belgium, \$32,000,000; Netherlands, \$50,000,000; Italy, \$21,000,000 and Russia \$8,000,000. These are all closed-door countries and yet Italy, our next smallest customer among them, with its population of 32,000,000, consumes twice as much of our products as China with its 400,000,000 people. In other words each Italian subject is worth to our trade as much as twelve Chinamen in their present condition.

We do not get a dollar's worth of trade from Europe or any other land that prejudice and intention would not prevent if it could. What is true for Europe is true for China. China will never take from us that which we cannot supply better and cheaper than other nations. In her present deplorable state she will never take much more from us than she now takes and our only hope of increased trade with her lies in the betterment of her civilization.

What the future political relations of the United States will be in the affairs of the far East no one can prophesy. Protection of trade and subjects is the duty of the nation. Our commercial interests do not necessarily involve or necessitate political complications such as the expansion of our territory beyond what has already been acquired as a result of the war with Spain. Public opinion in this country does not desire that the United States should acquire one foot of Chinese territory. Of necessity our policy must be one of drift and observation.

For the present we can only jealously guard such rights as we have acquired and be prepared to avail ourselves of all future opportunities, endeavoring through diplomacy to maintain such friendly political relations as will secure equal rights for our goods in competition with those of other nations and the protection of the interests of our citizens who seek investment there.

This country within the past few years has made some notable commercial conquests without the acquirement of territory or the suggestion thereof. We have commercially invaded Mexico and become supreme in that field of trade, forcing our goods into her markets which were previously hostile and securing business opportunities of incalculable value. In South Africa, a country which a few years ago seemed more hopeless as a field of trade than the far East, we have found a grand market for our food stuffs and our machinery.

The interests of the United States in the far East will be protected and benefited by the friendly relations which we hold with the two greatest countries now engaged in partitioning China. Both Russia and England hold us to most cordial relations and neither country would dare to discriminate against us in any unusual or unjust way. Both desire to retain our friendship and under these amicable conditions there is great diplomatic opportunity for us.

Every foot of the outer world thus far acquired by England has been to our benefit. Although our chief competitor in the manufacture of textiles, ship-building, etc., this country is nearest to us in blood and ideals and to-day England is one of our chief customers, taking nearly fifty per cent of all that we send abroad. She takes over half of our European exports. Our British neighbors on the north consume twice as much of our products as the rest of North America and more of South America combined. British

Oceania takes nearly as much from us as China and Japan combined, while we send to the British in Africa three times as much as we do to all the other people of the dark continent. It is but natural that our sympathies should lead us to desire that as much of China as possible should fall under English rule.

## DISCUSSION.

JOHN FOORD, ESQ., *New York City, Secretary, American Asiatic Association.*

I have been profoundly impressed with the ability and industry displayed in the preparation of the papers to which we have just listened, and I must pay a special tribute of respect to the earnest intention of their authors to set before you, fairly and impartially, the conditions affecting our commercial relations with the far East. But the fact can hardly have escaped you that the main lines of argument which these papers follow are mutually destructive, and to that extent have relieved me of saying a good deal in reply that might, otherwise, have been necessary. Mr. Ford takes a discouraging view of the future of our trade with China, because he regards the dismemberment of that empire as inevitable, and Mr. Hill takes an optimistic view of it for precisely the same reason. I am in entire agreement with Mr. Ford that our Chinese trade would be a diminishing instead of an increasing quantity if China is to be partitioned into spheres of commercial influence, in most of which we should encounter a hostile tariff, and in all of which there would be a pressure, silently but constantly exercised, in favor of other merchandise than our own. I disagree absolutely with Mr. Hill, and therein I think I voice the sentiments of all Americans who have trade relations with the far East, in assuming that no matter what may be the commercial policy of the powers to whom the control of the Celestial Empire will pass, we should succeed not only in holding our own there, but in greatly increasing our present average of business, simply because of the transformation that the dominance of any form of European civilization would effect in that mass of humanity which we call China. The experience of Madagascar is too recent in the business of our manufacturers and exporters of cotton textiles, to admit of any illusions on that point. Here was a trade in which a most promising beginning had been made in 1897, with exports, chiefly in drills and sheetings, of some \$550,000, but which one year of French sovereignty, with its accompanying tariff and other methods of exclusion has completely wiped out. I don't think we should have any better chance with the French "sphere" in China, than we have now in Madagascar; I doubt if we should fare much better in the German "sphere," and if we held on to our cotton trade in North China, in spite of the application of a Russian tariff, it would only be till the protected and bounty-fed Moscow manufacturer was able to produce for eleven cents what we are ready to sell for

seven cents. A differential of 60 per cent is quite too high a burden on trade to give the producer against whom it operated much of an opportunity.

But I take issue both with Mr. Ford and Mr. Hill in assuming the dismemberment of China to be inevitable. That seems to me to be taking something for granted which we cannot possibly allow to be taken for granted, in short, it seems like begging the whole question at issue. The partition of China among the great powers of the earth, and the consequent girdling of the Chinese coast with a rampart of foreign custom houses, involves certain questions which the people of the United States have not yet passed upon, and which will be answered pretty much as these people may choose to direct. In other words, if the people of this republic make up their minds that the partition of China would be contrary to their interests, the partition of China will not take place.

Let us clearly understand the situation as it exists to-day: There are two great powers, Russia and France, whose interests impel them to work for the division of China into zones of exclusive commercial influence, if not into zones of actual political and military control. Neither of these nations produces anything which China needs, in great quantity at least, which cannot be more cheaply produced by its rivals. An open market in China, therefore, means for them next to no market at all, and their influence is necessarily thrown on the side of fencing off markets by the aid of a protective wall of customs duties. There is a third great power whose citizens have shown their ability to hold their own in the commercial competition of the world, but whose attitude in China may best be described as that of waiting to see how the cat is going to jump. On what must be called a frivolous pretext, Germany obtained a footing in Shantung, in the shape of a lease of the land around the entrance of Kiaochau Bay—an acquisition which Herr Von Brandt has euphemistically described as a place in the sunshine by the side of others who are basking in it. The same authority—a former German Minister to China—says: "Far from wishing to restrict the area within which foreign trade and industry can and ought to flourish in China, she (Germany) will ever advocate the maintenance and extension of commercial relations with the Chinese Empire—not to the exclusion of others, but for the general benefit of humanity. And there is no reason why she should not co-operate to that end with any power animated by the same wishes and aspirations." It must be admitted, however, that Germany stands for equality of commercial opportunity in China with a difference, since she has cautiously reserved for her own manufacturers and capitalists the exclusive right to construct railroads, work mines, and, generally speaking, develop the resources of a province half the size of Prussia and a third

more populous. Per contra, Kiaochau has been declared a free port.

If there be any doubt as to which side the interests of Germany impel her to take in the struggle to keep the door open to commerce in China, there can be none as to the position which traditional policy and present needs alike require England to occupy. It is quite probable that there are Englishmen of light and leading, both in the political and commercial world, who regard, like my friend, Mr. Ford, the partition of China as inevitable and who are, therefore, resigned to the necessity of at once marking out the English sphere of influence and making preparations to defend it against all comers. But it remains as true to-day, as it was a year ago, when the Duke of Devonshire made the declaration in the House of Lords, "that the principle, and the sole principle, which Her Majesty's Government have had in view in their dealings with China—the principle which has actuated both their declarations at home and their communications with foreign powers—has been that China should remain open to commerce as now, that the facilities at present possessed by British subjects for trading in China and for the employment of British capital in China should not be diminished, but should rather be increased, and that no facilities, no concessions in these directions, which may be made to other powers, should be denied to British subjects." It may be, as Mr. Ford says, that not one of the foreign nations who occupy positions around the coast of China has any interest in maintaining the integrity of the empire "unless such maintenance can prevent rivals from securing more than a fair share of the spoils." But there is much significance in that "unless," and it would seem to be hardly necessary to assume that the desire to secure a fair share of the trade of China must fall under the same ban as a desire to secure this trade plus a slice of territory. The spoil of military aggression is not precisely the same thing as the fruits of open commercial competition, even if the freedom of that competition has to be assured by a display of superior force.

And here, let me say, that Mr. Hill does not seem correctly to apprehend how much freedom commerce enjoys in China to-day. There is no "Chinese Wall," in his sense of the phrase, and one by one the obstacles which have been interposed to trade in the interior of the empire are disappearing. Viewed from one side, there are many and irritating obstructions to anything like free commercial exchange between the foreign merchant and the people of China, but, considering how hard and fast must be the hold of tradition over an empire that has long outlived all the ancient civilizations of the world, perhaps the wonder should be, not that the process of change is slow

and difficult in China, but that it has gone on of late years with such rapidity. The Chinese tariff is a uniform *ad valorem* duty of 5 per cent, payable in silver, and that is a very trifling burden on commerce compared with the tariff which Russia, France or Germany would impose, when the time came to convert a sphere of influence into a sphere of sovereignty. So far as our treaty rights are concerned, we stand on precisely the same footing as these powers do in China to-day—we enjoy the equality of commercial opportunity known as the “open door,” and under such conditions we have no misgivings about the future of our trade. But if there is to be dismemberment, we can have neither part nor lot in it; we have everything to lose and nothing to gain by the division of the empire. We might profit by the liberal policy of Great Britain within what would naturally be her sphere, though that is not where we have had most trade up to the present time; but elsewhere our trade would be at the mercy of whatever discriminating tariff might be declared against it.

“Is it consistent,” asks Mr. Hill, “to stand for the open door abroad while maintaining a closed door at home?” It is a habit of English-speaking people not to trouble themselves much about the logical sequence of any line of public policy. For reasons sufficient to themselves, the people of the United States have adopted a protective tariff for the better development of their domestic industries. When they find sufficient reason to dispense with this tariff, it will go like the scaffolding of a completed building, which has served its purpose. There are some of us who think that most of the protective features of the tariff might be dispensed with now, but I take it that our individual views on that subject have nothing to do with the demand that everybody should occupy the same commercial footing in China. That is a matter also which vitally concerns our interests, and while we can have nothing to say about the efforts of Russia, France and Germany to imitate our protective policy at home, we have the clearest possible right to lodge a protest against the application of their domestic tariff to a country in which they have no more rights than are possessed by ourselves.

I must, therefore, doubly take exception to Mr. Ford’s phrase about the United States being pitched unexpectedly into this “circle of marauding powers.” I am not concerned with the defence of British policy in China, except in so far as it appears to be the only policy that the United States can support, and it may thus be proper to discriminate between a power that takes a naval station in Chinese waters as a base for the dismemberment of the empire, and one that takes a station opposite it for the purpose of preventing that dismemberment. Then, as to the unexpectedness of our position in China; is it not a

fact that we were face to face with precisely the same problems which present themselves to-day, before there was any thought of taking Manila and possessing ourselves of the Philippines? I admit that had we no interests in China, the possession of the Philippines would be meaningless, but the Chinese question came before the Philippine, not after it, either in time or logical sequence. In December, 1897, it became evident that a situation had been created under which the trade and treaty rights secured by the United States in China might be seriously imperilled. These had already been adversely affected by the agreement made in regard to the Russo-Manchurian Railway, in which it was provided that "goods imported from Russia into China by rail and exported from China to Russia in the same manner shall pay respectively an import or export Chinese duty to the extent of one-third less as compared with the duty imposed at Chinese seaport custom houses." That must be held to be in clear contravention of the provision of the treaty of 1844 which reads: "Citizens of the United States resorting to China for the purpose of commerce will pay the duties of import and export prescribed in the tariff which is fixed by and made part of this treaty. They shall in no case be subject to other or higher duties than are or shall be required of the people of any other nation whatever, and if additional advantages and privileges of whatever description be conceded hereafter by China to any other nation the United States and the citizens thereof shall be entitled thereupon to a complete, equal and impartial participation in the same."

The existing status had been further threatened by the virtual supremacy of Russia in Manchuria and the Liaotung peninsula and the consequent danger that the treaty port of Newchwang—more than half of whose imports of cotton textiles come from the United States—might at any time be declared a part of the Russian Empire, and therefore subject to its tariff. In short, the beginnings were only too obvious of a process of alienation of sovereignty under which the whole of North China might pass under the dominion of the Czar. As it happens that 80 per cent of all the cotton drills, and over 90 per cent of all the sheetings which the United States exports to China, find their way to the three northern treaty ports of Tientsin, Chefoo and Newchwang, this was a process to which the manufacturing interests of our country could hardly be indifferent. The first body to take action in regard to the threatening situation in China was the New York Chamber of Commerce, to which a very largely signed petition had been addressed, calling upon the chamber "to take such immediate action in the premises as may be deemed expedient and proper, to the end that the present situation may be brought to the

attention of the Department of State at Washington, and that the important interests of the United States, together with existing treaty rights of its citizens in China, may be duly and promptly further safeguarded." At its meeting in February, 1898, the New York Chamber of Commerce addressed a memorial to the President of the United States in which it was set forth that the trade of the United States with China is rapidly increasing, and is destined with the further opening of that country to assume large proportions, unless arbitrarily debarred by the action of foreign governments. In view of the changes threatening the future development of this trade, the chamber respectfully and earnestly urged that such proper steps be taken as might commend themselves to the wisdom of the President, "for the prompt and energetic defence of the existing treaty rights of our citizens in China, and for the preservation and protection of their important commercial interests in that empire." Similar action was taken by the Chambers of Commerce of Philadelphia, Boston and San Francisco, and the whole subject of American interests in the far East was fairly lifted into the place of commercial and public importance which it is so fully entitled to occupy.

That fateful first of May, when Dewey's guns destroyed constructions more antique than Spanish men-of-war, did undoubtedly give to the people of the United States a new sense of their nearness to the scene of the strife of international ambitions in the far East, and probably brought home to them a new perception of the impossibility of remaining indifferent to the issue of that struggle. But it did not make manifest, for the first time, the fact that no question of our generation is of such vital moment for the present and future welfare of the American people as this of the preservation of equality of opportunity in a market comprising one-fourth of the entire human race. "We must have a market or we shall have revolution," is Senator Frye's blunt way of stating that the productive capacity of the country has so far outrun its capacity to consume that a foreign outlet for our surplus products is an absolute necessity to the peaceful growth of the republic. This brings us to a consideration of what is, perhaps, the main question: What is the value of China as a market? The experience of the past affords but a slender test of that value. And yet there has been, of late years, a very considerable expansion of our export trade with China. Between 1887 and 1897 there was an increase of 121 per cent in the quantity and of 59½ in the value of our cotton fabrics which that market absorbed. In the same period the imports of American kerosene oil into China increased from 13,613,090 gallons to 48,212,505 gallons. In 1887 the imports of plain gray and white cotton piece goods from the United States

into China represented  $14\frac{1}{2}$  per cent in quantity and  $22\frac{1}{2}$  per cent in value of the whole importation of the year; in 1897 the proportion had advanced to  $29\frac{1}{2}$  per cent in quantity and 33 per cent in value. That this trade is a steadily increasing one is shown by the reports of the Bureau of Statistics for the first eight months of the current fiscal year, from which it appears that while the export to China for the corresponding period of 1897 was 85,351,867 yards of cotton cloth valued at \$4,828,852, it was, from the first of July to the twenty-eighth of February last, 135,604,310 yards, valued at \$6,080,355—an increase in two years of 59 per cent in quantity and 27 per cent in value. These figures ought to be a sufficient answer to Mr. Ford's question: "How can cotton goods of the United States make other than a limited market in Asia against the cottons of India, Japan and China?" As a matter of fact, in cotton drills and sheetings the market of North China is already ours, to have and to hold, without any effective competition whatever.

But it is the testimony of every one who has studied the question on the spot that only the surface of this market has been scratched. Mr. Ford quotes a statement of the members of the Blackburn Mission as to the poverty of the Chinese, but he does not quote their general conclusion: "China's trade possibilities are immeasurable. The sparing use and non-presence of foreign commodities are warrant enough of future expansion, if a policy could be adopted which shall open up the entire country to the advantages of unrestricted commercial intercourse." Mr. Ford says that instead of wanting cottons, China will utilize her own resources, but forgets the shrewd comment of the men from Blackburn: "The establishment of permanent industries need not cause us too much alarm. They must be understood as meaning a source of regular income by which the purchasing power of the people is increased, and as powerful factors in that development by which in the long run we shall most assuredly profit." Mr. Ford quotes Colquhoun to show that the commerce of Hong Kong with Europe exhibits a tendency to decrease, but fails to quote his judgment on the whole commercial situation in China: "What the utilization of China would mean can only be realized by a full appreciation of the extraordinary resources of that country judged from various points of view. She has the men to create armies and navies; the materials, especially iron and coal, requisite for the purpose of railways and steam navigation; all the elements in fact to build up a great living force. One thing alone is wanting—the will, the directing power—which, absent from within, is now being applied from without . . . . And when it is understood that not merely the soil, rich and fertile, but that the mineral resources—the greatest, perhaps,

in the world—are as yet practically untouched, the merest surface being scratched; when we consider the extent of China's population; the ability and enterprise, and, above all, the intense vitality of the people, as strong as ever after four millenniums; when we reflect on the general characteristics of the race, is it not clear that the Chinese, under direction, are destined to dominate the whole of Eastern Asia, and maybe to play a leading part in the affairs of the world?"

To that estimate scores might be added to prove the fallacy of Mr. Ford's idea that China is a "decayed and decaying empire." The phrase might be justly applied to the ruling class of China, though the recent reform movement so abruptly repressed by the Empress Dowager shows that the elements of change are working even in high places. Nor does Mr. Ford correctly apprehend the possibilities of the Chinaman when he speaks of him as hopelessly bigoted and a hater of all progress. All who have studied his character agree with Colquhoun that, though clannish and conservative, the Chinaman is remarkably free from prejudice, religious or political, especially in matters of tangible interest. He has no objection to purchasing the article which he judges to be cheapest and best, wherever it may come from; or, as Bourne remarks, "the Chinaman has everywhere a taste for luxury; he may be trusted to buy luxuries to the full extent of his means. It is this quality which will some day make the foreign trade of China of gigantic dimensions."

Here, then, is great empire, awakening from the slumber of centuries, and over which the age of steam and electricity has, so far, passed without transforming it, waiting to be equipped with all that constitutes the appliances of modern civilization. It possesses the greatest coal deposits in the world, and yet its transport facilities are so crude that anthracite, which costs thirty-three cents per ton among the hills at the mine at Pingting-chau, costs \$17 at the entrance to the plain, after being carried eighty miles on the back of asses—an addition of twenty cents per ton per mile to the original cost. Labor is cheap among these Chinese millions, but the product of labor is dear, because the effectiveness of the man plus the machine has not been developed. Nowhere else in the world is there such a reservoir of untouched wealth as in China, side by side with an industrious and docile population ready, under proper direction, to utilize it. The great nations of the world are pressing forward to get their share of the rich returns which will attend the opening up of the resources of China. Here, as elsewhere, there is no longer any international politics, in the old sense of the term; the diplomatic questions of the hour relate, simply and solely, to international trade. Mr. Ford asks: "How can American iron and steel enter markets held to be closed by

European countries, each one of which wishes to keep for its own people the construction of the railroads, the building and running of steam vessels and the profits of the custom house?" But suppose that the United States serves a notice on the European countries which would like to divide China between them that it has treaty rights there, any infringement of which would be regarded as much a hostile act as if it were an attack upon its territory? Do you suppose that with this new and formidable accession to the support of the policy of the open door in China there would be any likelihood of the policy of commercial exclusion being pushed to the limit?

It is, therefore, somewhat beside the question to inquire what is to happen when each port is under a different head, and competing with one another after the fashion peculiar to five rival governments, because the very essence of the contention is that it rests with the Government of the United States to prevent precisely that eventuality. There are lions in the path, no doubt; there always are in the way of national progress. But if we are to turn aside from the path, plainly marked out for us in the natural line of commercial advance, because of certain traditions of foreign policy, which we are asked to regard as no less sacred than the Constitution of the United States, then we must, perforce, make up our minds to be content with the sphere of national growth for which the purely continental policy was avowedly adopted. At a time when Shanghai is nearer San Francisco than New Orleans used to be to New York, it would seem to be necessary to expand the diplomacy of our grandfathers and frankly to recognize that it is quite as essential to the well-being of the United States of to-day that China should remain an open market, as it was seventy years ago that the colonial system of Europe should not take a new hold on the Republics of Central and South America.

There is nothing insoluble in what is called the problem of internal taxation in China which so many people find to be an insuperable obstacle to the expansion of international trade. The one valid asset which the Chinese Empire offers to-day to the foreign lender is the income of the imperial maritime customs, administered for these many years by an Englishman, Sir Robert Hart, and administered without the slightest taint of "squeeze" or discrimination. The internal transit tax—the *likin*—has been and is a fruitful source of corruption, but in several provinces its collection has already been transferred to the control of the maritime customs, and the same methods will be applied as hitherto governed the collection of tariff duties. It may be safely asserted that the results will justify, and probably facilitate, the further extension of foreign control over the most important part of the internal tax system of the empire.

If we are to deal with China as the ward of civilization, and not as a carcass over which the vultures of military aggression may struggle, a good many difficulties that now appear insuperable will disappear before the united and vigorous action of the Powers enlisted in the cause of peaceful progress. The main question is, shall the United States be a party to this work of progressive civilization in China, or shall it respond to the call for aid with a helpless *non possumus*, because the fathers were wise enough to construct a formula admirably suited to their time, which their sons are not courageous enough to adapt to the larger demands of a different age?

DR. W. P. WILSON, *Director of the Commercial Museum,  
Philadelphia.*

I am going to confine my remarks to just two points, and will be brief, as I can say, with Mr. Foord, that most of the arguments have been presented on both.

The first point is this: I am going to quote a sentence from Mr. Hill's paper which I believe to be the keynote of the securing of all foreign trade: "Expansion of export trade depends upon individual exertion."

Just to give you one or two points on that. We know very well the extensive and aggressive line of cotton manufacture that has taken place in England, and, as our manufacturing interests have grown up, it would not naturally be supposed that we would have a great cotton export trade, especially in England or the Continent, so closely situated to the greatest cotton manufacturing country in the world.

In Philadelphia there exists a progressive cotton manufacturing plant, which in one particular line has secured an extremely large trade in both London and Paris.

There has been a great deal said, in the papers at least, and in discussions that have taken place recently in New York and elsewhere, toward stirring up this question of the Oriental trade, with reference to Japan and China, and the danger, as these two countries become more civilized and more active in manufactures, of fulfilling their own needs in their own manufactures. I want to give you just one point with reference to that; I want to say that I feel there is not the slightest danger of that and that the trade we shall secure in the Orient depends upon individual effort.

In 1889 we exported to England nearly thirty-two million dollars' (\$32,000,000) worth of manufactured goods. In 1898 we exported to England seventy-four millions (\$74,000,000) of manufactured goods. Now in all this time England had become more and more active in her own lines of manufacture, and we, as a growing manufacturing nation had more than doubled our export of manufactured goods into England.

The same with Germany. She has come to an immense period of activity in manufacturing, overtopping England in many markets of the world; taking away from England, in many lines of manufacture, her prestige; and within the last year and a half being the cause of a meeting called by Mr. Chamberlain to examine into the whole question of why British trade was declining, and why Germany, the United States and other countries were taking her place to a certain extent.

To Germany in 1878 we exported sixteen and one-half million (\$16,500,000) dollars' worth of manufactured goods and products. In 1898 we had doubled that. We sent over to her thirty-two millions seven hundred thousand dollars' (\$32,700,000) worth of manufactured goods right in the face of her activity. I say that was due almost absolutely to individual effort and individual study of the market of Germany, and the needs there. They manufacture what they need. We manufacture it a little better, a little finer, put little touches here and there which take the market. And that is what we shall have to do all over the world.

It has been the same with France. In 1889 we sent over a little over five million dollars' worth of manufactured goods and in 1898 nearly twenty-four millions right in the face of her activities. One item we sent into Paris was Turkish towels, manufactured in Philadelphia. Why? Because we manufactured a finer grade than they manufacture in any of the mills of England.

To Belgium in 1889 we sent nearly three millions' worth. In 1898 we sent over nine millions (9,000,000). See the progress.

I simply bring out these points to show that the markets of the Orient are ours if we will study them, and if individual effort is made to capture them. They are not ours unless we go to them. I had prepared a little more in that line, but I am going to let that go.

One word on the Philippines, and the work of those islands. In the first place I believe these new territorial provinces, that, I do not want to say we are acquiring, but which are under our care at the present time, are doing a great deal of missionary work for us.

We are all perfectly well aware of the fact that we are not, as formerly, carrying our own goods abroad. I think we all feel a little ashamed of that. Forty years ago 90 per cent of our manufactures were going abroad in our own bottoms. At the present moment only 20 per cent is carried by our own ships. I wonder if any one has stopped to think of the cause of this, or of the revenue paid to England and Germany for carrying our goods.

Last year three hundred million dollars were paid to foreign shipping interests to carry our exports to Europe and elsewhere. That is nine millions more than the manufactures which we sent over to Europe amounted to.

We sent abroad, all told, last year twelve hundred and forty-eight million dollars' worth of manufactured and raw products, and out of that we sent over to Europe, about, I believe, two hundred and ninety-one millions, but the cost of our shipping from this country, which was outside of our own shipping, was over three hundred millions.

Now the point I want to make there is this: We have broadened

out wonderfully since we have possessed a little interest in Porto Rico, Cuba and the Philippines. We are actually sending our own transports and ships to the Philippines, and carrying the mail, and are about carrying our goods to the near West India Islands. It is to be hoped that we will develop a habit of doing that, of studying the necessities of the trade with different parts of the world, and of building our own ships and doing our own shipping. It is to be hoped we shall remove the obstructive laws that have taken all our shipping off the seas. I think the acquiring of the Philippine Islands and other provinces will be a missionary work in the study of the question.

Again, did you ever think of the cost to us—what we pay for not having foreign banks in the countries where we do business? London is the centre of a banking system which has branches in every quarter of the globe, and Great Britain pays tribute to nobody. We pay tribute in doing business with England of about one-half of 1 per cent, and we paid out a great many million dollars last year for the privilege of doing our banking business through London. I am in hopes that this acquisition of territory will be a missionary effort in this direction. We will have our own banks in Porto Rico, Cuba and possibly in the Philippines, and this experience may give us a leaning in that direction, for as soon as we begin to study the question practically we will see how much money we are losing.

I believe the Philippine Islands will be of great advantage to us as a distributing centre for the Eastern trade. With the eight or nine hundred millions of inhabitants that border around the Orient, and the seven hundred and seventy-five millions of export material that goes in there, we furnish only forty millions. It looks as if we were now about to have our opportunity, and if we put individual interest into it, there is no reason why we should not, at least, take our share of it from Great Britain, Germany and Belgium, and have three or four hundred millions instead of forty.

I believe that the Philippine Islands will take us over and lead us to do that.

The Philippine Islands themselves I believe to be immensely valuable. There is no richer spot on the face of the globe, covering, as it does, an area equal to New England, New York and Pennsylvania. It is wholly tropical; everything can be cultivated there that can be cultivated in any tropical country. The main products of the islands can be increased a hundredfold with the use of the arts and appliances of civilization. It would be amusing if I should give you some of the methods in which sugar is raised and manufactured in the Philippines, and I doubt whether, if the sugar was not entirely changed in the process of refining, you would want to eat any of it.

Fifteen or twenty years ago the Philippine Islands raised a great many million dollars' worth of coffee. To-day, or last year, only twenty-four thousand dollars' worth of coffee got outside of the Philippines. That is one of the most promising crops that might be raised in those islands. It would be just as valuable as the coffee of Java had the islands been peopled with an intelligent people capable of coping with the disasters which in every country come to crops. The coffee crop of the Philippines was entirely ruined by an insect, and it has been practically given up. The only crop encouraged by the Spaniards was tobacco, out of which they made a great revenue. Cotton-growing would also be extremely profitable. Manila hemp is perhaps the leading crop at the present moment from which we receive four or five million dollars a year, and which, if properly cultivated and properly studied, and the quality improved, could be made tenfold more valuable than now.

I want to state that I believe that the foothold we have obtained in the Orient will lead us to study the whole question. We will introduce civilized methods into those islands which will bring out the value—put our own sugar machinery in for that which is one hundred and fifty years old, antiquated and useless, introduce our own economic plans and ideas, and in that way increase the output and quality, and in time make one of the most valuable spots on the face of the globe of the Philippine Islands. At the same time being in the Orient, studying the whole question of foreign trade there, which is an individual study, based on individual effort, we will be able to take from other nations, not so active, perhaps, part of their trade, and as China and Japan grow in civilization, and need ten, or a hundred or a thousand fold of the civilized products they now need, we shall be on the ground ready and able to supply those needs.

Professor E. R. JOHNSON, *University of Pennsylvania.*

The purpose of this session of the American Academy is to discuss our commercial prospects in the East and the factors affecting them. The Hawaiian and Philippine Islands are factors that will influence our Pacific trade, but they are only two of many forces and a consideration of their influence is incidental rather than fundamental to the discussion in hand. These two groups of newly-acquired island possessions are attracting so much attention at the present time that we are in danger of making the double mistake of overestimating the commercial importance of the islands and of neglecting to study other and possibly more important factors that are to affect our Pacific trade.

In criticism of Mr. Ford's paper I would say that I sympathize with the general spirit and method of his study. There are so many loose and exaggerated statements current regarding the prospective expansion of our Pacific trade and the quickening influences that our new possessions are to exert that we need to have our assertions subjected to critical analysis, and Mr. Ford is a master of that art. However the man who loves analysis strongly may neglect synthesis; and I think Mr. Ford's study does not construct so many castles of hope as the facts warrant us in building. I shall endeavor to illustrate this by criticising one point in the paper.

From his survey of the industrial and commercial conditions, present and probable, of China, Mr. Ford concludes that China will increase her exports largely, but that she will not have occasion to import much, and of what she does import we shall have but a small share. As he says "Of the imports into China, cotton goods hold the first place, opium the second, rice the third and metal manufactures and mineral oils are of equal importance, as fourth and fifth on the list. In no one item of this enumeration has the United States a natural monopoly; and in only one (petroleum) has it a partial monopoly, fast being impaired; and in two (rice and petroleum) it has and can have no share." These statements are true, and they seem to predict a sorry place for us in Chinese markets, but possibly they do not present the whole of the case. I think there is probably a stronger prospect than this picture indicates that American manufacturers will be able for some time to come to sell cottons and metal wares in China in competition with rival producers; of that however I will not speak; but will consider the probability of our being able to find larger markets for our food products in China. Is there reason to

expect that Japan, China and Eastern Asia will furnish a considerable market for American cereals?

The answer to this question must depend in part upon whether China is or is not going to pass through an industrial revolution. I agree with Mr. Ford that there is every indication that "China will not remain as she is. France, Germany, Italy, England, Russia—these nations have gone to Asia for a purpose. They intend to build railroads, open and develop mines, establish industries, and secure all they can from a careful attention to encouraging competition on Asiatic conditions."

Mr. Ford also expects that China will manufacture largely and import but small quantities. He says: "In place of wanting cottons, products of iron and steel, or other metals, or rice, China will utilize her own resources. This may be a work of time, but under the stimulus of so many competitors it will not require many years to bring it to pass. Every ton of iron, of copper or of tin wrought into metal ware in China; every pound of wool or of cotton, or of silk made into cloth in the provinces, will reduce the necessity of importing them from other countries."

As regards one thing all observers of what is going on in the East are agreed; China is going to be controlled by occidental nations, and her natural resources of great value and variety are to be exploited. Concerning the development of textile manufacturing industries in China the future is not quite so certain; but the present indications are, as Mr. Ford suggests, that there are to be many cotton mills established in China. If the coal and iron and other mineral resources of China are exploited—of course it will be by native labor—and if a considerable portion of the population becomes engaged in manufacturing, certain results are certain to follow; population will increase in numbers, the percentage of the population devoted to the production of foods will decrease, and the necessity for importing food will increase. China is now a large importer of food—rice being third in the list of imports; in the future she will be obliged to import more largely. China is now such a thickly settled country that these industrial changes must place her in the list of nations that depend upon foreign countries for a considerable portion of their food supply.

Is this imported food going to consist exclusively or mainly of rice? If so, then we shall not share in China's food imports very largely, at least in the proximate future. So far as I know the Oriental has no antipathy to wheat and other cereals of the temperate zone. He eats rice because it is his natural domestic crop. During the past five years our sales of wheat flour have doubled in Hong Kong, have more than doubled on the continent of Asia and have nearly quadrupled in

Japan. May not these facts be accepted as a portent of much larger sales in the future when the economic progress of the Orient is once well under way? The economic and social changes of the people of the East will be accompanied by modifications and greater variety in their wants and their general standards of living. Furthermore, the fact that the industrial and social changes are to come about under European and occidental leadership will tend to enlarge the demand for the food products of the temperate zone.

I think Mr. Ford underestimates the dynamic qualities of the individual Chinaman. He says, in contrasting the Chinese and Japanese: "A mere comparison of commercial details develops the distinction between Japan and China—a living and pushing people, and a decayed and dying empire." And he also says in another connection: "The character of the two peoples is different, and the Japanese have much higher organizing powers."

The Chinaman and the Chinese Empire have very different characteristics. The political institutions of the country are crumbling from the dry rot of ultra-conservatism and official corruption. The government seems practically incapable of change for the better; but not so the individual Chinaman. He travels freely, he is a willing and industrious artisan, and possesses to a considerable degree the power to avail himself of economic opportunities. It is true that the Japanese possess higher organizing powers; but in the economic and social changes to transpire in China the Occident is to supply the organizing needs of the Chinese. There are, in my opinion, good reasons for expecting the Chinaman to vary his wants and become an important importer. I have attempted to show one of the ways in which we are likely to participate in supplying his wants.

The Political Relations of the  
United States with the  
Far East.

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Addresses.



## INTRODUCTORY ADDRESS.

### A REVIEW OF OUR FOREIGN POLICY IN THE FAR EAST.

By the Honorable JOHN BASSETT MOORE, *Columbia  
University.*

From the foundation of our government the energy and enterprise that distinguish the American character have impelled our merchants, in spite of unrivaled opportunities at home, to seek in the markets of the world an extension of their commerce. "Before the war of independence," said Mr. Jefferson, in a report made by him as secretary of state, "about one-sixth of the wheat and flour exported from the United States, and about one-fourth in value of their dried and pickled fish, and some rice, found their best markets in the Mediterranean;" and among the earliest negotiations undertaken after our independence was established were those for commercial treaties with the countries bordering on that sea. When, in 1821, the Emperor of Russia issued a ukase by which it was proposed to inhibit the right of navigation and of fishing along a vast extent of coast bordering on the Pacific Ocean, John Quincy Adams, as secretary of state, replied: "The United States can admit no part of these claims. Their right of navigation and of fishing is perfect, and has been in constant exercise from the earliest times, after the peace of 1783." And when, in 1823, the Monroe Doctrine was announced, one of its declared objects was to prevent the extension in any part of the American continents of the colonial system under which foreign commerce was restricted and excluded. Such was the policy of the United States. It sought in the commerce of the world an equality of opportunity. Its object, as tersely expressed in the recent negotiations at Paris with

reference to the Philippines, was "to maintain an open door to the world's commerce."

But while our commerce with Europe and Africa, and along the shores of America, north and south, was fostered and protected, our intercourse with the East was not neglected. In the early part of this century, after the revolt of the Spanish colonies in America against the rule of Spain, a trade was carried on by American merchants between those countries and Asia, in addition to that which was conducted directly between the United States and the East. With its growth, our trade with Oriental countries attracted more and more the attention and solicitude of our government. In 1832 Edmund Roberts, a sea captain of Portsmouth, N. H., was chosen by President Jackson as an "agent for the purpose of examining in the Indian Ocean the means of extending the commerce of the United States by commercial arrangements with the powers whose dominions border on those seas;" and he was empowered to negotiate for the extension of the commerce of the United States in the Pacific. In March, 1833, he concluded a treaty of amity and commerce with Siam.

Roberts was followed by other agents of our government, who were sent on similar missions. Expeditions were dispatched for purposes of exploration and negotiation. A determined effort was made to break down the seclusion of the East, and a show of force was not deemed an inappropriate mode of disclosing the design.

An important step forward was taken when, on March 3, 1843, an act was approved by which Congress placed forty thousand dollars "at the disposal of the President . . . to enable him to establish the future commercial relations between the United States and the Chinese Empire on terms of national equal reciprocity." In the following May Caleb Cushing, one of the ablest and most accomplished diplomatists whom our country has produced, was appointed envoy extraordinary, minister plenipotentiary and commis-

sioner to China, for the purpose of carrying this act into effect. On July 3, 1844, he concluded with that empire a general convention of peace, amity and commerce, by which the intercourse between the two countries was regulated and placed on a certain foundation.

By this treaty it was stipulated that citizens of the United States, resorting to China for the purposes of commerce, should pay the duties of import and export prescribed in a tariff thereto annexed, and that they should in no case be subject to other or higher duties than should be required of the people of any other nation. Five ports were opened, not only to the trade, but also to the residence of American citizens. Provision was made for the appointment of consuls.

In 1858 other treaties were concluded, the negotiator on the part of the United States being William B. Reed, a citizen of Philadelphia.

In June, 1861, Anson Burlingame, whose name is also memorably associated with the history of our relations with China, was sent as envoy extraordinary and minister plenipotentiary to that country. The ancient empire was then passing through a period of civil commotions which seemed to threaten its permanence. In these critical times Burlingame played a prominent and benevolent part. In a dispatch written to Mr. Seward in June, 1863, he said: "In my dispatch No. 18, of June 2, 1862, I had the honor to write, if the treaty powers could agree among themselves on the neutrality of China, and together secure order in the treaty ports, and give their moral support to that party in China in favor of order, the interests of humanity would be subserved. Upon my arrival at Peking I at once elaborated my views, and found, upon comparing them with those held by the representatives of England and Russia, that they were in accord with theirs." In June, 1864, Burlingame, acting in the spirit of his dispatch to Mr. Seward, gave instructions to the consul-general of the United States at

Shanghai as to the "extent of the rights and duties of American citizens under the treaty." These instructions he submitted to the British, French and Russian ministers, who authorized him to state that they met with their approval, both as to general views and as to policy. The policy of the instructions, as expressed by Burlingame himself, was "an effort to substitute fair diplomatic action in China for force." Of this policy Mr. Seward declared: "It is approved with much commendation."

In 1868 Burlingame, who had then resigned from the service of the United States, came to this country, in association with two Chinese officials of high rank, as the representative of the government to which he had lately been accredited. Though it is not usual for governments to receive as diplomatic agents their own citizens, he was cordially welcomed; and on July 28, 1868, he concluded the well-known treaty which has always borne his name.

Since the days of Burlingame, new questions between the two countries have from time to time arisen, as the result of conditions the full development and varying aspects of which could not be foreseen. But, in respect of China, as well as of other countries in the East, it may be said that the Government of the United States has adhered to the policy of endeavoring by "fair diplomatic action" to adjust all differences in conformity with international rights and interests.

But, in the consideration of the situation in the East, it is impossible to concentrate our vision exclusively upon the relations of the United States with the particular governments with which we have contracted treaties in that quarter of the globe. There has existed in respect of the Orient a concert of powers in which, as has been intimated, we have borne an important part, when its object was to maintain the independence and "neutrality" of governments, and by that means to assure equal rights to all the powers concerned. For the disappearance of that concert, if it should disappear,

it is obvious that the United States would not be responsible; but its disappearance would throw upon our government the necessity of considering the means by which the extensive interests that have grown up between our country and the East may be protected, preserved and extended. Our relation to this subject has been rendered more immediate than ever before by events growing out of the war with Spain—events so recent as to require no recapitulation or explanation.

We have with us this evening a distinguished diplomatic representative, who, though a native of the East, may, by reason of his experience, his studies, and his attainments be said to be at home also in the West. It was my pleasure not long ago to hold relations with him in his official character as Minister of China; and it is proper for me to confess that his excellent knowledge of English, while it greatly facilitated our intercourse, rendered me incapable of showing all the reciprocal courtesies which I should have been glad to bestow. An accomplished student of the laws and customs of nations, he is peculiarly well qualified to speak upon the subject on which he is to address us.

## CHINA'S RELATION WITH THE WEST.

*Address of the Chinese Minister, His Excellency WU TING-FANG.*

We have all read about the dispute between two ancient knights over a shield, one claiming it to be gold and the other claiming it to be silver. The story is an old one, but the lesson it teaches is worth remembering. It is the failure to look at the other side of the shield that has given rise to all the misunderstanding in the intercourse between the East and the West. The different nations in the West have, within the present century, advanced so much in science, knowledge and wealth that it has become the fashion to speak of them as the most civilized nations on the face of the earth and to consider the nations in the East as much below them in civilization—in fact, as barbarous or semi-civilized. It has been too much the habit to ignore the good points the Eastern nations possess, and to leave out of account what they have done. This is hardly just. The East also has a civilization of its own. Of that civilization, China is the chief exponent. Among its achievements may be mentioned the invention of the mariners' compass, gunpowder and printing. It is not a civilization of mushroom growth. There is not a nation standing to-day that can trace its history as far back as China. She has witnessed the rise and fall of the ancient Egyptian Dynasties; the expansion of the Persian Empire; the conquests of Alexander; the irresistible advance of the Roman legion; the deluge of Teutonic hordes from the North; the dissolution of the Empire of Charlemagne; and the birth of all the modern nations of Europe. During the forty centuries of her existence there have gradually grown up institutions and laws adapted to the needs and character of the people; a literature as extensive and varied as that of ancient and modern Europe; a system of morality that can

challenge comparison with any other the world has ever produced; and those useful arts that have never ceased to excite the wonder and admiration of the world. You may ask why Egypt, Persia, Greece, and even mighty Rome have successively succumbed to the ravages of time, while China alone has survived. The answer is not far to seek. It is the survival of the fittest. The working of this inexorable law of nature constantly weeds out those nations that cannot adapt themselves to the ever-changing conditions of life, and the fact that China is standing to-day shows conclusively that she has not outlived her usefulness to the cause of civilization.

Thus Chinese civilization has been weighed in the balance of time and not found wanting. But the conditions that have fostered that civilization have in recent years been greatly modified by steam and electricity. With the Himalayas on the west, vast deserts on the north, and large bodies of water on the east and south, China was a country extremely difficult to approach from all sides in days not very long ago. There she was left for centuries to work out her destiny practically free from outside influence and foreign molestation. But the steamboat and telegraph have changed the whole situation of things, and rendered it impossible for her to lead such a national life as she could before. It has taken her some time to awake to this fact. On this account, she has been called an unprogressive nation. This sentiment is voiced by Tennyson when he says,—  
 “Better fifty years of Europe than a cycle of Cathay.”

But it is a mistake to think that China has been stationary. Compare China of the present day with China of fifty years ago, and the progress she has made will be at once apparent. There is a well-known law in physics that when a body is at rest or in motion, it will remain at rest or continue to move in a straight line unless acted upon by some outside force. This law holds good in the political as well as in the physical world. It is unreasonable to expect

China to break away from the long-established sway of custom in a moment. The inertia of centuries must be first overcome. The meeting of the Chinese and Western civilizations is a meeting of two social forces. We must look for the result not in the complete neutralization of one force by the other, but in the union of the two forces. It is the recovery from the shock of the collision that requires time. After the union of the forces is effected, movement in the resultant direction may be expected to be rapid.

Mechanics also teaches us that if the same force acts for the same period of time upon bodies of different masses, the velocity generated is inversely proportional to their masses. According to this law, when two balls, one weighing twice as much as the other, are thrown from the hand, the heavier one will go only half as far as the other. Now the population of the United States is estimated at 76,000,000, and the population of China is estimated at from 350,000,000 to 400,000,000, or about five times as large. We should expect, therefore, that a social or political movement, which would stir up the whole people of the United States, would, other conditions being equal, produce only one-fifth as much effect upon the people of China. But in order to obtain the same effect in China as in the United States, the force must be five times as great; or, if the force be the same, the time it is allowed to act must be five times as long. Thus for the apparently slow progress of the Chinese nation, we have a scientific explanation.

Though China may not have made very rapid progress from a Western point of view in times past, there are signs everywhere at the present day indicative of a general awakening among the people. We have already established a system of telegraphs which is now in operation in every province of China, and a message can be sent from one thousand miles in the interior to the furthest seaport in a few hours. With regard to the railroad, it was introduced in the north of China fourteen years ago, and I had the honor

of being one of the promoters and directors that organized the first company. Since then it has been extended in different directions. A journey from Tientsin to Peking, which by boat would have taken three or four days a few years ago, can be accomplished now in a few hours. The grand trunk line from north to south is now being rapidly pushed forward, and in the near future a traveler from the extreme south of China will be able to go up by the "iron horse" to Peking in forty-eight hours. Such is also the case with water communication. We have steamers plying along the coast of China, and steamboats of light draught are seen on most of the navigable rivers.

It will be tedious to enumerate all the improvements that have been introduced within the last twenty or thirty years, but from what I have above indicated it is sufficient to show that China has not been napping. I do not say that all necessary reforms have been made, and I frankly admit that something more will have to be done. Our government and people are aware of this, and they are taking steps in that direction. But it should be remembered that it is not necessary to import by wholesale the Western civilization into China. What is suited to one country may not be suited to another. Wise statesmen do not rush forward to introduce new measures without serious consideration lest their introduction may cause disruption and harm not counterpoised by the good produced.

You have so many conflicting stories about China and the Chinese nowadays, that I must admit it is a difficult matter for anybody to distinguish what is true from what is false. Every globe-trotter, upon his returning home, generally has something to say about China, and is ever ready to give his impressions of the country and its people. A rocky hill may have the appearance of a sand dune on the outside. A passing observer is apt to mistake the one for the other. In order to find out the true character of the elevation, we must go below the surface. The same may be said of

China. The words of the globe-trotter must be taken *cum grano salis* with reference to all things Chinese.

The most important questions with which the Chinese Government has to deal arise from the spirit of commercialism and the spirit of proselytism. In all the treaties which China has concluded with Western Powers, there is an article generally known as the "Toleration Clause." This article provides in effect that Christianity inculcates the practice of virtue, and that those professing or teaching it should not be harassed or persecuted. This apparently innocent provision has not, however, helped to further the cause of Christianity in China. It must be borne in mind that this official recognition of Christianity was first obtained from her after a disastrous war. The clause was no doubt inserted with the best of intentions. But it had the apparent effect of exciting in the native mind the unfounded suspicion that a deep-laid political object was intended under the cover of religion. The provision itself was hardly necessary as the subjects of every Treaty Power are all protected under the general provisions which apply equally to missionaries. Unfortunately most of the troubles occurring in China have arisen from riots against missionaries. Hence it has been said by some foreigners in China that, without missionaries, China would have no foreign complications. I am not in a position to affirm or deny this.

But let us put the shoe on the other foot, and suppose that Confucian missionaries were sent by the Chinese to foreign lands with the avowed purpose of gaining proselytes, and that these missionaries established themselves in New York, Philadelphia, San Francisco and other cities, and that they built temples, held public meetings, and opened schools. It would not be strange if they should gather around them a crowd of men, women and children of all classes and conditions. If they were to begin their work by making vehement attacks on the doctrines of Christianity, denouncing the cherished

institutions of the country, or going out of their way to ridicule the fashions of the day, and perhaps giving a learned discourse on the evil effects of corsets upon the general health of American women, it is most likely that they would be pelted with stones, dirt and rotten eggs for their pains.

What would be the consequence if, instead of taking hostile demonstrations of this character philosophically, they should lose their temper, call in the aid of the police, and report the case to the government at Washington for official interference? I verily believe that such action would render the missionaries so obnoxious to the American people as to put an end to their usefulness, and that the American government would cause a law to be enacted against them as public nuisances. Can it be wondered at then that now and then we hear of riots occurring against missionaries in China, notwithstanding the precautionary measures taken by the local authorities to protect them? It must not be understood that I wish to justify or extenuate the lawless acts committed by ignorant mobs, nor do I underestimate the noble and unselfish efforts of Christian missionaries in general who spend the best part of their lives in China. What I desire to point out is that the preaching of the Gospel of Christ in the interior of China (except with great tact and discretion) will, in the nature of things, now and then run counter to popular prejudice and lead to some disturbance.

The spirit of commercialism has lately risen to a dangerous pitch. As a market for the world's goods, China indisputably holds the first place, for the wants of 350,000,000 to 400,000,000 people have to be supplied in some way. It has been said that, as a market, one province of China is worth more than the whole continent of Africa. It has always been the policy of China to treat all foreign nations alike. They are all most favored nations in a literal sense. The maintenance of an "Open Door" is exactly in the line of her policy. But unhappily human nature is never contented. When a man gets an inch, he wants an ell. It is now the turn of

missionaries to tell us that if there were no foreign adventurers in China there would be no foreign complications. Twenty-five centuries ago, our Sage Confucius, the greatest philosopher that ever flourished in China, said, "Wealth gotten by improper ways will take its departure by the same." This is equivalent to your proverb, "Goods ill-gotten go ill-spent." Nations as well as individuals should not forget this, as the maxim of Confucius as well as your proverb will always come true if any nation or individual should unjustly obtain possession of any property. Some people call themselves highly civilized, and stigmatize others as uncivilized. What is civilization? Does it mean solely the possession of superior force and ample supply of offensive and defensive weapons? I take it to mean something more. I understand that a civilized nation should respect the rights of another nation, just the same as in society a man is bound to respect the rights of his neighbor. Civilization, as I understand it, does not teach people to ignore the rights of others, nor does it approve the seizure of another's property against his will. It would be a sorry spectacle if such a glaring breach of the fundamental rights of man could be committed with impunity at the end of this nineteenth century. What would the future historian say when he should come to write about the events of this century? Is it not time that we should at least recognize the principle of righteousness, justice and fair play?

Mencius, a great philosopher of China, twenty-three centuries ago said: "I like life, and I also like righteousness; but if I cannot keep the two together, I will let life go and choose righteousness." Now, if people professing Christianity and priding themselves on being highly civilized, should still so far misconduct themselves as to disregard the rights of the weak and inexcusably take what does not belong to them, then it would be better not to become so civilized. It would be better to live amongst the people who practice the tenets of Confucius and Mencius than

amongst a people who profess to believe in the highest standard of morality but do not practice what they believe. The aphorism of Tennyson should then be changed so as to read: "Better fifty years in Cathay than a cycle in Europe."

But I do not believe such practice of ignoring other people's rights is generally resorted to, and I am persuaded there are many people who denounce it. China welcomes to her shores the people of all nations. Her ports are open to all, and she treats all alike without distinction of race, color, nationality, or creed. Her people trade with all foreigners. In return, she wishes only to be treated in the same way. She wants peace,—to be let alone, and not to be molested with unreasonable demands. Is this unfair? She asks you to treat her in the same way as you would like to be treated. Surely this reasonable request cannot be refused. We are about to enter into the twentieth century, and are we to go back to the Middle Ages and witness again the scenes enacted in that period? I cannot bring myself to think that the world is deteriorating. I believe that in every country there are men and women of noble character—and I know in this country there are many such—whose principle is to be fair and just to all, especially to the weak, and that they would not themselves; nor allow their respective governments to commit acts of oppression and tyranny. It is such men and women that shed lustre on their respective countries. It is due to the noble and unselfish efforts of such good people that the scheme of a tribunal for the settlement of international disputes has been brought prominently before the world. May their grand scheme be soon carried into effect! The good such an institution will produce to the world will be manifold. All international disputes will then be settled in an amicable way without resort to arms and without bloodshed. There will be practically no more war. The blessings of peace will be permanent. Commerce and trade will be more steady and prosperous, and merchants will have more

confidence in each other. All men will follow their respective avocations uninterruptedly. Nations will be brought into closer touch with each other, and their friendly relations will be more cordial.

These and many other beneficial results will, in my humble opinion, naturally follow from the establishment of an international court of arbitration. It is gratifying to hear that the project of a general disarmament, so nobly proposed by His Majesty the Czar of Russia and so readily seconded by the leading nations of the world, will soon lead to a conference. May it bear good fruit! May it be the precursor of an international court of arbitration! This is my earnest wish, and I am sure it is your wish and the wish of every man and woman who has the peace and well-being of the world at heart.

THE POLITICAL RELATIONS OF THE UNITED  
STATES WITH THE EUROPEAN POWERS  
IN THE FAR EAST.

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His Excellency the Chinese Minister touches our tender points. The missionary, the tourist and the trader must certainly strike the conservative celestial as strange examples of Western civilization, and rather difficult to rate under his "Rules of Propriety." According to Mencius, the way to reach the hearts of the Chinese people is "simply to collect for them what they like and not to lay on them what they dislike." But this is not the way of the West; we propose to collect for them what we think they should like and lay on them what we like ourselves. A peculiar program perhaps, but in pursuance of such a plan the missionary, the tourist and the trader has each served his turn with some success.

True, Chinese civilization is very much older than ours, but we must not forget that in our youth we cherished the same childlike ideals. In the words of Jarric, the Jesuit historian: "If Plato were to rise from Hades, he would declare that his imagined Republic was realized in China." But against the advice of Aristotle, the Greeks themselves took to "retail trade" and in the brief course of our subsequent civilization, capitalism has all but encircled the globe. China is still uncontaminated, to be sure, but missionaries, tourists and traders have already inoculated her inert body—politic with the germs of Western commercialism, and let us hope rejuvenation will result.

There is a story of Chuang-tze, the Chinese Diogenes. He was fishing one day when two high officials approached him with the request that he undertake the administration of the state. Without turning his head Chuang-tze answered the envoys: "I have heard that in Ch'u there is a sacred tortoise which has been dead now some three thousand years, and that the prince keeps this tortoise carefully enclosed in a chest on the altar of his ancestral temple. Now would this tortoise rather be dead and have its remains venerated, or

be alive and wagging its tail in the mud?" "It would rather be alive" replied the envoys, "and wagging its tail in the mud." "Begone," cried the philosopher, "I too will wag my tail in the mud." So China has been dead now some three thousand years and is weary of being venerated for her remains. She wants to wag her tail again, even though it be in the mud of Western civilization.

But knowing nothing of the incipient tail-waggings of the Chinese tortoise except from the reports of missionaries, tourists and traders, I will leave the discussion of this interesting problem to those who are better versed in the social anatomy of the celestials. We shall meet with others in the far East beside the Asiatics and the question arises: What effect will our present policy of expansion have upon our long-standing attitude toward the European powers?

We Americans are coming at the eleventh hour into the vineyard of Eastern politics. The earlier comers are murmuring somewhat against our sudden intrusion, it is true, but there is really no ground for complaint. We have certainly not been standing idle in the market-place, and if we are late in arriving, it is because we have had work to do in our own fields and a longer road to travel to the vineyard. And at all events—by analogy at least—we are entitled to the same reward as our European fellows who have borne the burden and heat of the day. We must not allow our equanimity to be in the slightest degree disturbed therefore by any lack in the cordiality of our reception.

Our own unpreparedness is a matter much more to the point. Coming by the unfrequented road from the West, we have had but little opportunity of learning the traditions of the place beforehand, and judged from the standpoint of our own experience the situation seems somewhat distorted. If of the many already called we hope to be of the chosen few, it will be well, therefore, before taking up our own burden to look about us a bit, lest we commit some silly blunder at the start difficult to retrieve.

Taken in its broader sweep, Western civilization is furrowed with the vicissitudes of conquest, but as far as our own experience goes, progress toward the West has been practically along an unimpeded path. This is due to the fact that inter-European competition was reduced to an earlier issue on this side of the globe, leaving independent republics, under the hegemony of the United States, in

practical possession of the field. England has thus far been the only European power in any political position to dispute our exclusive claim to the New World, and under such extended territorial conditions contact might generate some friction, perhaps, but scarcely lead to controversy. The continent thus lay open to economic exploitation directly from the Atlantic, and, save for some trifling opposition on the part of the aborigines, American enterprise has consequently been afforded a fair field to run its full course to the Pacific. To us, therefore, expansion has merely meant a peaceful overland advance. But this is purely fortuitous, and it would not be the part of prudence to prognosticate the future from the precedents of so brief a past.

If our domestic traditions are then too limited to determine our present course, we may learn, perhaps, from the more extended experience of our foreign competitors. But in shaping our policy upon international analogy we must bear in mind that Europe and the United States are approaching the Asiatic problem from opposite points of departure—Europe from the East and the United States from the West—and each is accordingly inspired by a different set of ideals. European conclusions must consequently be applied with some reserve to the American side of the case; but if taken with proper precaution the analogy is sufficiently apposite.

The European current of commerce and colonization setting in toward the Pacific, differs from the corresponding course of Western civilization primarily in this: progress toward the East was originally confronted by compact native populations which caused the main stream to bifurcate, one branch proceeding across the northern plains of Siberia, the other reaching the South Sea by skirting the southern shores of the continent. Expansion across the desolate steppes in the North was unopposed save by unorganized aborigines, but the rich peninsulas and fertile islands of the South served each in turn as successive causes of international contention. European colonization in the East thus serves us with two sets of traditions, one evolved from a peaceful overland advance, the other proceeding from colonial controversy by sea. Russia's present political program is the outcome of the former, British imperialism is the result of the latter.

Our own progress across the plains and prairies of North America finds its closest European parallel in Russia's corresponding conquest of Siberia. Before both countries lay

an immense extent of untilled territory, and the problem confronting each government has been to connect a far-lying frontier with a distant political base. Having succeeded in establishing our own transcontinental lines we can better estimate the importance of the Siberian railway and appreciate Russia's present endeavor to control an ice-free port on the Pacific. Russia's possessions in the far East constitute an integral part of her domain, just as the Pacific slope is included within our own body-politic. Russia's attitude toward China and Korea may, therefore, very properly be compared with our own rather ill-defined relations toward the Spanish-American states. In both cases it is a matter of border diplomacy rather than a question of colonial politics. In marking out a sphere of influence toward the south and in claiming certain exclusive privileges, Russia is accordingly following in our own footsteps and taking the same position in northern Asia that we have long since assumed in America. We should be careful, therefore, not to regard Russia's Eastern policy from the prejudiced standpoint of Europe. Her territorial position on the Pacific is entirely different from that of the other maritime powers, and much more closely akin to our own. We have always resented European interference in American affairs and Russia has consistently supported our claims. A sense of justice,—and to a certain extent also a feeling of gratitude,—should therefore, restrain us from joining in the indiscriminate European outcry against Russian aggression in Asia. So long as we believe in the protection of our own borders and jealously encourage reciprocity arrangements with our southern neighbors, we cannot consistently expect Russia to let down the bars and open her Pacific ports to the world. It is enough if she admit her friends, and if we continue to deport ourselves properly, we may doubtless always count upon a warm welcome within her gates.

Without prejudice to our cause we may, therefore, recognize the Russian ideal, and reckon upon at least one legitimate sphere of influence in northern Asia. Having definitely abandoned her earlier American enterprise, there is nothing, however, to attract Russia beyond her Pacific border. Herein we differ from our Slavic contemporary, for our missionaries long since led us to Hawaii and Dewey has recently established us in the Philippines. In thus transcending the limits of our continent, the Russian analogy

fails; and among the islands of the South Sea we have recently come into contact with the other current of European colonization setting in along the southern littoral of Asia. We are here confronted with much more complex conditions, and it will be correspondingly difficult to discover the European counterpart of our policy. Fortunately for our purpose, however, international contest along this line has already resulted in a partial process of elimination, leaving England, the dominant naval power, in practical control. It is to Great Britain we may, therefore, look for further precedents in our present policy of over-sea expansion, as she is the only country which has successfully solved the problem of maritime colonization.

The influence of sea-power is a lesson we have already learned from English history. Let us hope, then, in applying our conclusions to the Pacific that we will at last realize the strategic importance of controlling the westerly trade-routes to the Indies, even as England has seen fit to place herself in possession of the easterly lines. Great Britain also affords us an admirable example of colonial administration, and sets us a civil service standard which we would certainly do well to emulate both at home and abroad. Up to the present, however, England being an industrial and the United States an agricultural country, the commercial cases of the two governments have not been at all analogous. Desiring to develop our manufacturing interests and subsist at the same time by exporting our raw materials, we have been unable to appreciate the universal advantages of the free-trade policy so ardently advocated by our leading competitor in the industrial field. And even now, when our infant industries are approaching maturity and need no further protection, we are still inclined to believe reciprocity will prove the better trade policy for us to pursue—at least with European and American countries. In Asia, perhaps, where the industrialists of Europe and America are meeting on common ground, the case may be somewhat different, but even here it would be a pity to become dogmatic and blindly follow any commercial creed until we are thoroughly cognizant of the situation.

Lord Beresford's pet policy of the "open door" will at best appeal to those established in the islands and along the southeastern littoral of the Asiatic mainland, whose primary aim is the economic exploitation of the continent. Germany

and Japan should accordingly be in sympathy with the cause, and if properly persuaded, both powers may probably be induced to lend the doctrine their support. But French politics are proverbially problematic. To hazard a general proposition: extent of territory is usually more in keeping with France's conception of colonial success than the mere amount of revenue to be derived. Her domain being contiguous upon southern China, it is, therefore, very doubtful whether she will agree to abandon her present policy of encroachment for the doubtful benefits of the open door. And as for Russia, her case as we have already seen does not come within the category at all.

Thus upon our arrival in the far East we shall be met by at least two proposals; the sphere of influence and the open door. If importuned to make an immediate choice, we may best avoid the issue with the boy, who, when asked which hand he would have, laconically answered *both!* What we should object to is the alternative nature of the proposition; this endeavor on the part of the Europeans to draw us into their controversies and commit us to a particular cause. From our present position in the Philippines our immediate interests coincide, it is true, with the policy of the open door. The dismemberment of the Asiatic empire is not in other words to our advantage, and if we are wise we will continue to cultivate friendly relations with the Chinese with a view to encouraging reciprocal trade. We may well afford, therefore, to keep open house in our East Indian islands and vie with our neighbors in the measure of our hospitality. But our action in this particular case should not be supposed to commit us to the universal principles of free-trade. In Europe and America we must feel free to fall back upon reciprocity arrangements. Our relations with the Russians in northern Asia may likewise have to be regulated with similar formality, and it would be folly to antagonize our Slavic friends merely to inculcate an abstract doctrine, when equally good results are to be obtained by more politic means.

In short neither the "open door" nor the "sphere of influence" quite covers our commercial case. And yet our proclivities are sufficiently concordant with either policy to allow us to combine the benefits of both. We should recognize that the two doctrines are due to different sets of traditions and adapt ourselves accordingly to the divergent

principles involved. If the Eastern camp is divided, it merely means that we shall have to treat with both parties. Coming alone from the West we are not diplomatically concerned with these time-worn controversies of the East, and we should find it comparatively easy, therefore, to preserve our traditional attitude of independence. We shall only have to insist upon regarding these questions of commercial policy from the relative point of view. If accused of inconsistency, we can then claim the privileges of an eclectic. To put it bluntly: our present part is to pacify Asiatics and not to contend with Europeans. Until we have adjusted our new burden, therefore, we had best adopt a policy of beneficent neutrality toward our foreign competitors. The Asiatic future is replete with economic opportunities which it were a pity to cloud with diplomatic complexities. Let us take Washington again as our guide: "The great rule of conduct for us, in regard to foreign nations, is in extending our commercial relations, to have with them as little political connection as possible." Or to paraphrase the words of Jefferson, let this be our motto in the far East. Commercial rivalry with all nations, political alliance with none.

## THE REAL MENACE OF RUSSIAN AGGRESSION.

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What we call the Far-Eastern Problem to-day is only an acute phase of the problem of the civilized races of mankind as it has been developed during many centuries. It is the eternal struggle of Turanian and Aryan, of East and West. In its larger meaning it is a contest between the exponents of autocracy and democracy, between absolutist and representative systems of rule; the conception of government under ancient tyrannies as opposed to modern individualism. In its especial relation to our own times it is the question as to which of these tenets of sovereignty is to be applied to the reconstruction of the effete empires of Asia, to the eventual control of civilized mankind. If, as Mr. Brooks Adams suggests, the velocity of the social movement of any community is proportionate to its energy and mass, and its centralization is proportionate to its velocity, the settlement of this problem of the ages may be near at hand. The time has already come when every live nation is necessarily concerned in its solution.

The evolution of modern Europe has involved the gradual elimination of small governments. Beginning with the absorption of feudal fiefs and the suppression of private war and brigandage, a process of concentration at natural centres presently developed a number of national groups which continued to incorporate and ingraft their weaker neighbors until only those remained who were allowed their autonomy because of the convenience or the jealousies of the great powers. The movement from a condition of physical dispersion to one of concentration has been going on from the break-up of the Roman Empire to the recent formation of a united Italy and a united Germany, nor is it possible to say that it has yet reached its limit.

This proceeding has assumed of late an aspect altogether at variance with its former manifestation, since the larger states have sought not only to add to their possessions in Europe but have reached out for colonies to exploit and to supply homes for their surplus populations. The process has in its recent phase been rendered feasible by two material agencies which have risen to predominant importance only

within the century in which we live: these are modern fighting machinery and modern transporting machinery. The size and cost of military and naval armaments to-day place the means alike of attack and defence completely beyond the resources of smaller states; in precisely the same manner the introduction of artillery at the close of the Middle Ages, made the continuance of private warfare altogether too dangerous and costly a business for individuals and compelled the sovereign at once to police and protect his domain. The convenience and economy of this evolution are the best guarantees of its continuance until only those nations shall survive which are best fitted to administer the affairs and preserve the peace of the world. Have we any assurance that we have reached the end of a readjustment that has eliminated the names of Burgundy, of Savoy, and of Poland from the map of Europe, or that such existing survivals as Belgium, or Denmark, or Bulgaria are not destined sooner or later to follow in their train? The second agency, that of rapid travel and the transmission of information, renders it possible to administer territories which in the old days would have fallen apart from mere size and weight; also to convey orders and, if necessary, the troops to enforce them, over lands and seas which have heretofore offered insuperable obstacles to even the highest military and administrative genius. It is not easy to appreciate in a moment the enormous significance of a change in the conditions of life itself which removes us further from the time of Napoleon than he was—so far as means of transport and control of territory were concerned—removed from Alexander or Assurbanipal. They had roads for the movement of armies by land and sailing vessels for their transport by sea; so had he, nor was his equipment for either element much more swift or certain than theirs. But within the past two generations an alteration in the mere mechanics of fighting and of government has carried us into a new world—a world differing effectually not alone in habits and ideals but in the foundations and instruments of its efficiency from those ancient and mediæval states which history offers as models.

These conditions are necessarily as yet so novel as to engender some vagueness of interpretation by philosophical speculators, some indefiniteness of purpose on the part of politicians. The main issues of this transition era with its measureless possibilities for the future are nevertheless at

length grasped by the dominant statesmen of Europe. They begin now to understand that, given the control of sufficient resources, it is simply a matter of calculation how far the power of a single government may be extended over the peoples of the earth. Under present terms, moreover, those disabilities have substantially disappeared which formerly rendered the education and amalgamation of alien races brought under a common rule a hard and hazardous matter. Complete isolation and removal from prevailing influences are no longer practicable under normal conditions without artificial compulsion. The interchange of ideas proceeds inevitably and by itself throughout communities whatever their size and number. And as a corollary to this transference of intellectual life comes the inevitable employment for general purposes of the language in which instruction and information are disseminated. A secondary result, therefore, of prevalent tendencies is the spread of a few languages over the greater part of the world as the legal and literary media of the future, and the relegation of other tongues to the subordinate position of dialects which survive only as the vernacular of restricted districts.

Under widely varying circumstances and with numerous differences of detail Europe appears at the opening of the twentieth century to be entering upon a phase of its career somewhat similar to that which was marked by the establishment of imperial Rome nearly nineteen centuries ago. The machinery of the new centralization is certain to be more elastic as it will be more complex, the control will be less obvious and direct; but co-ordination of hitherto heterogeneous elements under some predominant power is apparently as inevitable and necessary now as it was then. In comparison with the vast extent of the new system the domain of ancient Rome shrinks to almost insignificant dimensions. The command of the habitable globe is for the first time in history possible to that power in whose hands are placed the resources that insure obedience, whose capital is the centre of exchanges. The area of its activities will embrace not Europe and the Mediterranean basin alone but the six continents and their outlying islands; its mastership must be exercised alike in all countries.

When we seek for the nation under whose ægis the rote and rule of old Rome may be resuscitated in the near future, only two appear as possible competitors for the great prize,

the Slav and the Anglo-Saxon. These are the only races whose territories, and consequently whose potential strength in population and material resources, are adequate to the stupendous task, whose subjects are colonizers in the true sense that comprises both the peopling of waste spaces and the assimilation and subjection of foreigners to their institutions. These great rivals have been already long at work, each in characteristic fashion, fulfilling what we call, somewhat lightly perhaps, their manifest destiny, each a participator in the conquest of Asia. The solution of the problem seems to lie in their hands, and behind one or the other must sooner or later be ranged all the political forces of the world.

Superficially both of these colossal empires appear to denote the spirit of the West and all that this implies in the eternal opposition of Orient and Occident, to which allusion has been made. But the accidents of a capital located in Europe and an ancestry traced to a common Aryan origin must not mislead our conclusions. In temperament and propensity these two nations embody the same antagonism that has in times past ranged the civilized world in two hostile camps. Their pretensions are as diverse as those of Persia and Hellendom twenty-two centuries ago—when, too, Aryan chiefs focused and guided the ambitions of East as well as West to different ends. Russia, though arrayed in the panoply of Christendom and bearing the outward symbols of Western culture, is the embodiment and expression of Oriental absolutism, the synonym of obedience to a single will. Great Britain, the present leader of the Anglo-Saxon hosts, is the protagonist of Western conceptions of liberty and self-government. She stands for the freedom of subject as well of sovereign, which, being interpreted in terms made clear by generations of conflict between her own children, means the sovereignty of the subject, of the people. The principles upon which her constitution reposes are the result of centuries of education and evolution in which the races of the East have taken no part.

The past careers of these two aspirants for world-direction furnish a clue to what may logically be expected from them in the future. In the dawn of Slavonic history we find the ancestors of the Russians to be a wayward group of tribes unable to coalesce in effective federation until conquered and given the initiative by an alien power. What the Tartar Bulgars did for some of these clans in the lower Danube

valley the Northmen of Scandinavia and the Mongols effected at different times upon other members of the race in Russia. The unity to which the Slavs could never of themselves attain was forced upon them from without; but they had their revenge in the end by absorbing their conquerors and reducing their organization to its simplest elements. From this the inference may not unreasonably be made that the Slavic type; though enduring, displays little administrative ability and yields inevitably to the higher political genius of others. It carries its arms far to-day, but its soldiers and colonists bear no new message to the Asiatics with whom they commingle. They overrun their waste places and change their manners and perhaps their language, but for government only offer a Western autocrat in place of an Oriental monarch. It is Asiatic absolutism again incarnate in an Aryan family, as in the days of the Medo-Persian dominion.

The Anglo-Saxon presents a striking contrast in every phase of this comparison. He compels submission not through mere numerical superiority or the primitive process of *force majeure*, but by reason of the inventive and organizing talent of the race. Never content with the experience and example of others, he has worked out his problems to his own satisfaction and impressed his conclusions as a logical necessity upon all with whom he associates. In the light of his past performances it is impossible to imagine that he can ever abandon his ideals or revert to the primitive principles of patriarchal rule. The inevitable outcome of the predominance of one of these two races in Asia is submission to the old-world dogma of divinely inspired sovereignty, of the other an attempt—it may be altogether in vain—to teach the subject the high doctrine of self-rule.

To these politico-historic considerations must be added the politico-economic aspects of the Eastern Question which are rapidly driving on toward a crisis. For the century that has so radically altered the national relationships in the civilized world has in equal degree revolutionized the economic situation. Mechanical appliances have increased production and facilitated the exchange of raw and manufactured materials out of all proportion to the increase in consumption and demand. A significant result of this transformation of the productive plant in the Western world has been the accumulation of enormous reserves of capital in the hands

of the ablest members of civilized society. The demand of this capital for larger employment and the extension of its field of activity exerts a pressure upon the statesmen and legislators of Western nations absolutely irresistible in its effect. Within a score of years it has compelled them to explore and partition Africa and lay claim to even the minutest islands of the sea. But its grandest ambition must inevitably be devoted to enlightening the unregenerate populations of Asia and developing both the natural resources of their territories and the artificial appetites which will turn them into profitable consumers.

It is idle in face of a factor which is founded upon one of the strongest of human passions to argue the morality of this desire. Greed and fear have ever been, in one form or another, the two most powerful motives in history, and this predicament of modern times involves them both. For the stake is life or death; the nation that does not succeed in gaining at least a small share in this competition for new markets must succumb to a pressure that will surely annihilate. Yet the issue may none the less bring infinite possibilities for good to a vast aggregation of human beings who now lie fallow and inept to every quickening impulse. Evidently the happiness of many millions is to depend upon the outcome of a conflict which is both racial and industrial.

Applying these economic postulates to the two rivals which we necessarily keep in view, it remains to consider their relation to the problem before us. It is evident from what has already been adduced that political concentration is the order of the day, and that electricity, steam and steel are practical agents of the highest importance in the further prosecution of the struggle between East and West, because they make it physically possible for a single nation to conquer and rule the inhabited globe. This has never been the case before. In the past the contest between these diverse and dissenting parties has been unremitting; neither has been completely successful, and there has always been room for them both. The war was long and often fierce, but it could not be a war of extermination, for the defeated side could always flee to the barbarians beyond its remoter borders. Moreover, the unparalleled industrial evolution of the closing century has added a new element of gravity to the issue. If mechanical advantages render the extension of the struggle possible, this necessitates its spread; the first may be a

matter of preference and policy, this is relentless natural law. The ancient ambitions of martial kings subside into insignificance when compared with the terrible earnestness of modern competition for industrial supremacy. This is the monstrous test of Nature herself to determine the fittest, one of those titanic cosmical throes wherein the individual and his desires disappear altogether in the immensity of the operation. Under antique influences, when even the smallest communities could subsist contentedly upon their own resources, it was feasible and sometimes profitable for nations to shut themselves within their own borders and stagnate behind the protection of fortified frontiers. To-day the action of commercial intercourse renders the policy of hermit nations odious alike to those without and to those within their boundaries. The industrial and trading portion of mankind insists upon adding to the area of its operations until every avenue to profit is opened and every people civilized. The strength and headway of this combination is such now that only a military colossus supported by sufficient troops and territories to sustain its own weight can presume to resist its continued expansion.

But what if such a colossus arise? What if the future unlike the past allow no space for two equally matched empires to contend without conclusion, if it provide no barbarian fastness as asylum for the defeated? Both contingencies may occur. The Colossus of the North, Antæus-like, is increasing his strength with each fresh contact with the soil; and already the exploitation of remote lands is leaving no territory untouched by the influence of economic laws that constitute producers of the same commodity, members of the same gild, wherever found.

Evidently the rivals approach the same goal from opposite directions and impelled by different forces. The manufacturing and trading nations advance upon hitherto unknown lands, moved by the silent action of a primary passion that transforms every qualified trader into the captain of a conquering host. It is not incredible indeed that the government which orders the foremost group of these commercial armies to-day may succumb to the lust of military power in the event of succeeding too rapidly. With the prize well in view England's temptation is perhaps the strongest and most subtle ever set before a nation, and her people and rulers are but human. But England herself is

great only so long as she leads her mighty offspring and expresses the racial idea. It is the natural tendency of her empire to fall away as its dependencies mature; the only real tie that binds the aggregation together is that of self-interest. The moment she goes counter, therefore, to this great aim of her coadjutors, the moment a scramble for spoils begins, her leadership is lost, the body and limbs separate. It has been her fate rather than her desire to add to her possessions great patches of barbarism in order to defend the preserves where civilization has already begun to replace ignorance and misrule. Her true course, however, is not annexation, but instruction; the operations of trade bring her victories more lasting than those won by Maxim guns; she has no need of a better ally.

Russia's objective, on the other hand, is international monopoly. Her tendency is toward increased centralization of authority and the concentration of aggressive power whose appetite for territorial extension becomes in the end a mania. There is no place in her schemes for countries that her garrisons do not occupy. To subvert in unending succession, to tax and oppress her subjects for the maintenance of the huge military machine—these are her aims, precisely as they were those of Darius long ago. They involve the suppression of the individual everywhere for the benefit of the ruler, the abasement of the subject, and the inevitable reduction of civilization to a level with the condition of purely military despotisms of the past. She cannot cease aggressions against her neighbors because she is powerless to change her ways and compete with those mercantile nations whose effective conquests are those of peace and the increase of plenty. She frankly and even cynically acknowledges her intention of pushing her acquisitions to the extreme limits of the continent upon which she has entered. She must do so: both to exercise those armies that may, if thwarted, turn and rend her, and to exclude forcibly from those vast spaces the agents of her insatiable commercial adversaries. The occupation of Manchuria by her troops and workmen under a contract with China which secures its complete segregation from the competition of outsiders is only the most recent instance of a policy she has applied wherever practicable. This last step, which excites considerable apprehension at the moment because her desire to cancel the Niuchwang railway contract might, if persisted

in, threaten war with Great Britain, is especially interesting as demonstrating the inability of any Czar by himself to modify the national and dynastic program. Personally the present emperor is credited with a strong desire for peace; but it is impossible for him, however friendly his inclinations, to expose this natural outlet of his Siberian possessions to the free action of foreign business concerns before whose superior commercial ability Russian interests would inevitably decay. For Russian plans to succeed there must be monopoly and undisputed sway; the presence of a single interloper endangers the whole system. The Czar must, then, fulfil the family traditions and protect his children where they are confessedly incompetent to defend themselves, or forfeit the respect and endorsement of the army which is the foundation of his throne.

A melancholy reflection suggested by this incident is the fact that the greatest Russian sovereigns have always been the wickedest. A ruler there need only be callous enough to suffering and to breaches of the moral law to count to the uttermost upon the support of his fighting machine. The emperor who prefers the ways of peace, on the other hand, must defend his predilection against a hostile group of officers who, if they are convinced that rectitude is likely to be pushed far, can always replace him upon the throne with a more complacent instrument of their ambitions. The rift in the armor of Russia is the necessity, common to every despotism, of implicit reliance upon those to whom delicate and dangerous tasks are entrusted. Agents who are trained to the sort of business required by irresponsible monarchs will accept the death penalty for failure, they will not tolerate close scrutiny of their accounts. For this reason a habit of corruption has been fostered which the most strenuous absolutism in the world is powerless to keep in check. The vices of bribery and peculation are so generally recognized as prevailing everywhere in the Eastern world that we have come to attribute them, rather loosely and almost unconsciously, to climatic or geographical influences; yet the example of New Japan shows that they are not concomitants to life in the Orient, but are only inevitable to the Oriental system of rule. How deeply this disease of immorality has permeated their society may be inferred from the significant though horrible Russian adage that "Lord Christ himself would steal if his hands were not nailed fast to the cross."

Against these weaknesses in the body politic of Russia, however, may be balanced the vacillation inseparable to party government in Anglo-Saxon states, where waves of prejudice or sentiment not infrequently overwhelm and ruin the wisest plans of far-sighted statesmen. Though the Eastern power be less delicately adjusted for the great work of governing men it is less apt to be subjected to those strains which come from too strenuous a passion for righteousness. Nor, in this category of disabilities common to our race should we neglect those traits of timidity and selfishness which become the bane of purely commercial communities and finally sap their strength and invalidate their influence. Against this vital danger we of the West have ever need to be on our guard.

Such being the attitude and ability of these natural opponents it remains to consider their position upon the continent which is the arena of their struggle. Great Britain, with her present reserve of capital at home and her command of the sea, has the advantage of being able to strike wherever she chooses and strike with swift and terrible strength. But Russia, like the leviathan, having no vitals cannot be mortally wounded however severe the blow may be. With limitless numbers intrenched in her remote and unassailable strongholds she can neither be ousted from her possessions nor prevented from advancing. Though for the time being there is little advertisement of Western Asia in the newspapers it is not likely that she has abandoned her earlier intention of securing Turkey. Even Persia and India remain well within the horizon of her ambition. It is enough, she thinks, that the greater prize of China when won will secure the less. Meantime the Ottoman Empire, if shrewdly guarded against invigoration through European reforms, will ripen and then rot in iniquity so as to fall, helpless and inane, of itself into her lap. And the same is palpably true of Persia; while in India much more may be expected from the fermentation engendered by British philanthropy than could ever be won by Russian attacks. There are signs in that mysterious land of South Asia which seem to intimate that England's work instead of stimulating its inhabitants to learn the difficult lesson of self-control is exciting them to madness and revolt. It is only necessary, Russia concludes, to locate her frontier fortresses conveniently near and wait.

The end, therefore, is not yet. Much remains to be

achieved in order to perfect the instruments by which her plans are to be fulfilled, while the great distances which separate the different parts of the Russian Empire are covered with a network of railways, and its vacant spaces turned into breeding-places of armed men. Above all, it is essential to the completion of her purpose to secure that richest and most populous realm on earth which has hitherto escaped the hand of the despoiler. Russia's need of China does not at all imply a necessity for increased markets to satisfy the desires of an overflowing industrial population. It means the direct increase of her fighting force by the acquisition of millions of hardy peasants who can, under European training, be turned into admirable soldiers; it represents the addition to her already magnificent resources of the richest mineral deposits to be found anywhere in the world; it signifies to her manufacturing rival that these supplies of men and material are to be henceforth as in the past withdrawn from the general service of mankind and reserved for her exclusive benefit. With the immoderate power involved in the mastery of these possessions, extending over a wide and continuous domain, impenetrable from without, but made articulate within by methods which modern science provides, Russia will have only to issue commands while the inhabitants of the earth tremble and obey. For it must not be forgotten that her peculiar strength depends upon position as well as upon size. With her back to the frozen ocean and her feet planted firmly upon two continents, she occupies a strategic front that can be maintained against any assault. Add to this the natural wealth from the mines and fields and manual labor of Asia, and the result is a combination of potency and energy that not only defies attack, but eventually threatens destruction to every other existing political power. Upon the highlands of Central Asia have been bred in the past the races which overran and dominated the civilized West, and where these swarms were once raised other millions may spring up in the future to obey the call of the conqueror and spread devastation among those more cultured but less lusty peoples who represent our race. It might indeed be an interesting speculation to calculate the chances of Africa, Australia and the two Americas if pitted against a united Russian-Asia, in some supreme encounter a century or two hence. In actual fighting strength the

sides might not be very uneven. But the result of such an estimate would be valueless, because no combination that could be imagined would bring all those diverse and unrelated continents together, while a true comprehension of every part and people of Asia under Russian leadership, as representative of her *Zeitgeist*, looms large from the obscurity that veils the coming age.

The future, then, admits a return to the conception of hermit nation only upon the condition that the hermit, like that great Assassin, Sheikh al-Jebal or the Old Man of the Mountain, be feared sufficiently to command implicit obedience from his instruments and inspire terror far and near among the nations. Only by sheer might and multitude of resources can he defeat the operations of those natural economic processes which diffuse prosperity and knowledge equally throughout the world. It appears to be not only evident but inevitable that Russia proposes to fill this fearful rôle of great reactionist. The strength and occasion for its exercise being granted, Russia with the confidence of a youthful and courageous savage intends to pursue her passion for omnipotence to the very end. A less rudimentary racial type would long since have been diverted from this artless ambition by the complex distractions of an inventing and speculative age; an older people would not have dared. In her indifference to the risk incurred, in the crudity of her ideals, in her deliberate preference for the ruthless way of the Ancient East, lie the menace of her pretensions. The conclusion to the contest already begun between Asia and Europe under Slav and Saxon leadership allows no alternative between victory on the one side and destruction on the other. Much is said at present of Russian alliances in Europe. It is eminently politic for her to secure as many of these as she may, provided they are to be had, as is usually the case, for the asking. The national bigotry and narrowness of decadent France seem to find in such a co-partnership some assuagement for recent mortifications; but Russia is of necessity equally opposed to all Western European states alike so long as they produce salable commodities and desire trade. Her friendships with some of them are only phases of a transition period while her plans await accomplishment, or are undertaken to divide the ranks of her enemies the more easily to overwhelm them. Permanent community of interests between such natural antagonists is

as unlikely as was any lasting fellowship between the Roman Empire and its occasional barbarian allies. When she has won the prize set before her there will be no room left in the political firmament for luminaries of the second magnitude, no uncivilized regions, as of old, for the vanquished party to invade and settle, no long tension of inconclusive wars that retard growth indeed but leave the body of the nation free to pursue its accustomed vocations. Her victory will mean the sort of depressing monopoly which Napoleon sought to establish, but extended this time over a vastly wider sphere. Let us face the alternatives offered by this tremendous combat: they are either a crushing absolutism which must involve us all, or an era of prosperity brought about by a universalization of commerce unequalled hitherto in the world's history.

It is imperative to comprehend fully the purport of this great question and discern the abyss that yawns beyond. Nor is it necessary to defame the Russian character in order to strengthen the protest against their assumptions. It is in the race tendency rather than in the people themselves that the danger lies. They have often and beneficially played the rôle of civilizers in darkest Asia, enforcing peace and good order where none had been known for centuries. Their work in reducing the khanates of Turkestan and compelling the desert slavers there to forego their favorite activities of kidnapping and robbery, compares favorably with anything that England has done of the same sort. In dealing with the ruder Asiatic they undoubtedly succeed better than their less pliant rivals, the English; and by reason of the personal popularity of their administrators, as well as because of the prestige of their unbroken successes, they enjoy a fairer prospect of securing the guidance of militant Asia by choice of the fighting class than any other foreign folk. Yet it is this very *simpatica* with a grosser civilization than befits their Aryan descent that constitutes the gravity of the impending crisis. It shows that half-measures and a merely superficial modification of barbaric society satisfy the Russian conscience. It proves again, if additional proof be needed, that the Slav is ready in all that touches and inspires the soul of a nation to sink to the low level of Asiatic ideals, to surrender what he has learned from liberal Europe and relapse into the animalism and inertness of Oriental life. And when the mark of his European culture, brandished a

little contemptuously now before our eyes, is at length thrown aside, we shall find ourselves, while opposed to this Caliban of to-day confronted with the old, unchanging issue of Eastern tyranny and retrogression *versus* Western freedom and progress.

To keep this prototype of brute force from pervading and controlling the whole world, the nations that still cherish lofty hopes for humanity must forget their sectionalism and stand together in battle. It is madness to abate one particle of the issue and declare that something ought to be conceded for the cause of peace, to pretend, as do some Englishmen already weary of the strain, that Russia if given Northern China, or Constantinople, or a port on the Persian Gulf, will be content. She is not striving for portions, but for the whole of Asia; when she has gained this she knows, and we must eventually agree, that nothing human can resist her. Fortunately for the cause of freedom America has just discovered that she is necessarily involved in the affairs of Eastern Asia; that she has a stake in common there with others whom she can already undersell in distant as well as in domestic markets; that her business compels her to join in the work of reducing barbarians to order and educating them; finally, and perhaps most fortunately of all for the present crisis, that there is no real antagonism between the mother-country and her once rebellious colony, but that friendly co-operation has only to be proffered to be eagerly accepted. When we realize that the menace of Russian aggression affects not only the political supremacy of Great Britain in Asia but the free exercise of those high aspirations which are vital to the existence of every regenerate people, we will cease to imagine vain fears of imperialism and assemble the utmost strength of the enlightened West against that portentous imperialism embodied in the spirit of a devouring and devastating East. Finally, when we appreciate the fact that to secure China is the *sine qua non* of Russian designs for the establishment of a universal empire, that without her wealth and willing hands the Muscovite can never become master of a double continent and so of the world, we will listen before it is too late to the Macedonian cry of that misgoverned nation to go over and help them.



# Appendices.



I. THIRD ANNUAL MEETING  
OF THE  
American Academy of Political and  
Social Science.

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“THE FOREIGN POLICY OF THE UNITED  
STATES: COMMERCIAL, AND  
POLITICAL.”

*Report of the Committee on Meetings.*

Two years ago when the Academy decided to inaugurate a series of annual meetings it was felt by your Committee that the value of papers discussed at such meetings would be greatly increased if grouped about one subject. In this way the best thought and experience of the country could be concentrated upon definite public questions. Each year would thus mark an important contribution to the literature of political and social science.

The success of the Third Annual Meeting has fully justified the expectations of the Committee. The concentration of public attention upon the questions connected with our foreign policy together with the high authority of those who took part in the discussions, placed the meetings prominently before the eyes of the public. The information accessible to the general public on the great public questions confronting the country was to be found, in the main, in the newspaper press. Colored as this information was by partisanship, all thoughtful citizens were anxious to obtain trustworthy information and to receive the benefit of unprejudiced opinion.

In planning a thoroughly scientific examination of our commercial and political policy, the Committee feels that the Academy has rendered a real service, not merely to its members but to the country at large.

The plan for the annual meeting included four scientific sessions, held on the afternoon and evening of Friday and Saturday, April 7 and 8, together with a visit to the Commercial Museums Saturday morning, April 8. The afternoon sessions were held in the Assembly Room of the Manufacturers' Club and were largely attended.

The session of Friday afternoon, April 7, which was devoted to a discussion of the "Government of Dependencies," was presided over by Professor Samuel McCune Lindsay, of the University of Pennsylvania. In introducing the speakers Professor Lindsay emphasized the fact that the committee in charge of the meeting had but one end in view—namely, the impartial discussion of great public questions. The diversity of opinion evoked by the discussions fully corroborated the statement of the presiding officer.

On Friday evening, April 7, the Honorable Carl Schurz delivered the annual address on "Militarism and Democracy." Professor E. J. James, of the University of Chicago, and president of the Academy, presided, and in his opening remarks commented on the work of the Academy, past and present, and mapped out its future field of usefulness. The remarks of the president are printed in full in another portion of this volume.

On Saturday morning, April 8, the members of the Academy were invited to visit the Commercial Museums, where Dr. W. P. Wilson had arranged a special exhibit of products of the far East. This visit proved one of the most interesting events in connection with the annual meeting. The care and skill with which the exhibit was arranged gave to the members the possibility of acquainting themselves at first hand with the economic resources of the East. In a

few well chosen remarks Dr. Wilson pointed out the possibilities of trade and commerce and explained to the members the organization and work of the museum.

The session of Saturday afternoon, April 8, was devoted to a discussion of "Our Commercial Relations with the far East," Professor Roland P. Falkner, of the University of Pennsylvania, in the chair. Both Mr. Ford's and Mr. Hill's papers presented a wealth of material on this important question.

The discussion of Saturday evening on "Our Political Relations with the far East," proved one of the most interesting of the series. The presence of four distinguished speakers attracted one of the largest audiences in the history of the Academy. The addresses of all the speakers, particularly that of his excellency, the Chinese minister, Wu Ting-fang, were received with great interest.

That the discussions of the annual meeting attracted wide-spread attention was attested by the great number of editorial comments in newspapers of all sections of the country. The early publication of the proceedings will give to the members of the Academy who were not able to attend the meeting the opportunity of profiting by the material presented.

Your committee arranged for a number of social events in connection with the annual meeting. On Friday evening, April 7, a reception was tendered by the Academy to the Honorable Carl Schurz, which gave to our members the opportunity of meeting the distinguished guest of the Academy. On Saturday afternoon, April 8, Mrs. Talcott Williams entertained the members at her home and gave them an opportunity to meet his excellency, the Chinese minister. On Saturday evening, April 8, the University Club tendered a reception to the Chinese minister, the Honorable John Bassett Moore and the other speakers at the annual meeting.

The committee on meetings takes this opportunity to

express to the president and directors of the Manufacturers' Club, the president and board of governors of the University Club and to the director of the Commercial Museums, Dr. W. P. Wilson, their appreciation of the courtesy of these organizations in co-operating with the committee in the arrangements for the meeting.

The expenses of the meeting, which would have proved a very serious financial burden to the Academy, were defrayed by a special committee of fifteen members, each of whom contributed fifty dollars to the special fund. The members of the committee were: George Burnham, George Burnham, Jr., Andrew Carnegie, John H. Converse, Edwin S. Cramp, Samuel Dickson, W. W. Frazier, Charles C. Harrison, Samuel F. Houston, Theodore Marburg, John D. Rockefeller, J. G. Rosengarten, Charles A. Schieren, Isaac N. Seligman, John Wanamaker. This fund was supplemented by a number of subscriptions from ten to twenty-five dollars, contributed by the following gentlemen: Oliver H. P. Belmont, Charles J. Bonaparte, Henry E. Busch, Clarence H. Clark, Dr. J. M. DaCosta, Hon. George F. Edmunds, Theodore M. Etting, Abram S. Hewitt, Thomas McKean, Jr., Robert C. Ogden, Charles E. Pugh, Charles Richardson, Gustav H. Schwab, M. Hampton Todd, Harry F. West, George Wood.

To the members of the special committee, as well as to the subscribers, your committee on meetings desires to extend its sincere thanks.

Respectfully submitted,

L. S. ROWE,

*Chairman.*

ROLAND P. FALKNER,  
SAMUEL McCUNE LINDSAY,  
E. R. JOHNSON,  
L. S. ROWE,

*Committee on Meetings.*

## II.

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### INTRODUCTORY ADDRESSES OF THE PRESIDENT OF THE ACADEMY, PROFESSOR EDMUND J. JAMES, OF THE UNIVERSITY OF CHICAGO.

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#### THE AMERICAN ACADEMY AND ITS WORK.

*Remarks at the Evening Session of the Annual Meeting, Friday, April 7, 1879.*

Members and guests of the Academy: Before the time set for another annual meeting comes around, our association will have completed its first decade. On the fourteenth of next December the Academy will have been in existence ten full years. It would seem to be appropriate, therefore, on an occasion like this to cast a brief glance back over the history of our organization and possibly cast a brief horoscope of its future.

One element of success in the work of the Academy is to be found in the comparative permanence which has been secured in the general management of affairs and in the issue of our publications. Our present Advisory Committee, which has been a great help to us in our work still contains the names of many members who were on the committee when it was first organized. The losses from this committee have been few though serious. The distinguished economist, Francis A. Walker, the distinguished constitutional authorities, Judge J. A. Jameson, and the Honorable Thomas M. Cooley were lost to the Academy by death. The addition of such men as the Rt. Hon. Lord Herschell, whose sudden death, however, deprived us so soon of his assistance, and the Rt. Hon. Arthur J. Balfour, the very Reverend John J.

Keane, D. D., and other eminent men, have brought to our councils, added wisdom and strength.

The present Editor in Chief of the publications of the Academy, Professor Roland P. Falkner, of the University of Pennsylvania, was one of the associate editors when our work was first inaugurated, and has furnished, therefore, the continuous element in this important branch of our work.

I see around me still nearly all the men who were active in the original planning of the Academy with the exception of the lamented Brinton Coxe. I am especially pleased to see here to-night—I know that you will pardon me this personal allusion—and I trust that he will also, my friend Mr. J. G. Rosengarten, a man to whom this Academy owes very much, as do indeed, so many other of the successful organizations for public work in this city. It was Mr. Rosengarten who brought to the aid of the Academy in the very first instance the name and the prestige of the old Philadelphia Science Association, an organization which had done a useful and honorable service in this community. Without the assistance of Mr. Rosengarten at this juncture it is a serious question whether the Academy could have been organized on the liberal scale which was actually adopted. He has been ever since one of the quiet, unostentatious, most important elements in our work.

Dr. Lindsay will, in a few moments give you some detailed account of the actual work of the Academy during the last year.

To the larger aspects of our work as seen from the point which enables us to look back over a full decennium, I would briefly call your attention. When the Academy was organized we set before ourselves a number of tasks. We undertook to initiate and carry out various lines of scientific and practical activity. We proposed to secure, if possible, a large membership, believing that in this way we should secure for our publications a wider and more extensive influence. We undertook to hold regular meetings of the

Academy for the reading of scientific papers and for the discussion of scientific matters. We held out the prospect that these papers and such other material as we might find valuable, should be published in the form of a regular serial. We expressed the hope that we should be able to collect a library, and that we might be enabled, as the years went on, to undertake special investigations under the immediate auspices of the Academy itself, which might in this way assist in the development of certain work, which would not otherwise be feasible.

It is, of course, too much to expect that in a large plan of this sort we should be able within the short period of a single decade to even initiate all these various departments of work, to say nothing of carrying to complete development any one of them. But a glance at our history certainly shows that we have at least made a beginning in nearly all of these directions, and in some of them have carried out very fully, as fully as might be reasonably expected under the circumstances, the program which we announced.

We have to-day, as you learn from our printed announcements, a membership including subscribing members, of nearly two thousand. This is surely a satisfactory fulfillment of our undertaking to secure a large membership. No other body similar to ours working in these fields has anything like the same number of members. And while a large membership is not by any means the only test of the value of such an organization, it is at any rate a proof that the work it is doing commands a certain general sympathy and support among thoughtful people here and elsewhere. It is interesting to know that the membership is not limited to citizens of Philadelphia, or of Pennsylvania, or even of the United States, but that a very large proportion, something like 10 per cent, are to be found in foreign countries. Great Britain, France, Germany, Holland, Switzerland, Italy, Spain, Russia, South and Central America, China, India and Japan have representatives in our body.

We have held regular meetings, either monthly or quarterly, since the organization of the Academy, and during the last three years we have inaugurated a special annual meeting similar to the one which we open to-night for the purpose of discussing more in detail, than would otherwise be possible, some question of important theoretical or practical bearing. We are now publishing the thirteenth volume of our proceedings, and I think no one can examine these publications without being convinced that they form a substantial contribution to the development in theoretical and practical directions of the political and social sciences. We have collected a few books which may form the nucleus of a library, and we stand ready to inaugurate the work of special investigation as soon, and carry it as far, as any special funds given to the Academy for that purpose may justify.

The outlook, therefore, is extremely promising for the work of the next decade, and I should like simply to present one thought for your consideration on this occasion, and that is the desirability of securing as soon as may be convenient a suitable building, properly equipped and prepared for the special work of the Academy. We have thus far been compelled to utilize for our work such quarters as we might be able to obtain from time to time, hiring usually special rooms for our public meetings.

I think it is due to express in a public way the appreciation of the Academy for the courtesy which the University of Pennsylvania has shown to this organization from its beginning in practically putting at its disposal, free of charge, a room in the University building for the conducting of certain portions of its work. It is not easy to see how in early days we could have inaugurated our work at all had it not been for the generous attitude of the University toward our society.

When the Academy was organized in the first instance I maintained that the headquarters should be located perma-

nently in the city of Philadelphia. It was natural that some persons should have thought that my argument found its chief support in the fact that I was then living in the city of Philadelphia and connected with the University of Pennsylvania. But my experience in the work of the Academy during the ten years since its organization has amply borne out my views at that time. And now that I can look at the work from a view-point a thousand miles away, I am still more fully convinced that the city of Philadelphia was the only city in the United States in which the work could have been begun as it was, and could have reached its present proportions within such a brief period.

Philadelphia is *par excellence* the home of the learned society. You have the American Philosophical Society, the oldest and still the most respectable of these organizations. Founded by Benjamin Franklin, the father of so many excellent things in this city and country, it has done a wide and useful work, and Philadelphia and the whole country may be proud of its career.

In the Academy of Natural Sciences you have another organization whose work is known wherever scientific men are prying into the mysteries of the universe.

In the Franklin Institute there is still another organization of the same kind, which has done in the department of engineering a work very similar to that accomplished by the Academy of Natural Sciences in its own proper field.

In the Pennsylvania Historical Society you have an organization and an equipment, which in its publications and series of contributions to American History is certainly not surpassed by any other similar organization in the United States, and equaled by few.

Surely all these things point to the fact that here was the proper place for such an organization, and the experience of the last ten years, though brief and partial, has amply sustained this view.

There is another favoring circumstance here, in the existence of the University of Pennsylvania, and its past close relations to the work of such an organization as this. To the work of an academy of political and social sciences which is to be fruitful, permanent and far reaching the aid of a great institution of learning in which due attention is given to the cultivation of this field, is almost absolutely necessary. The University of Pennsylvania has made wonderful strides in the last few years toward a leading position among the great American universities, and in no department has it done more or achieved a greater success than in that of the political and social sciences. I say it after a due deliberation and with a pretty full knowledge of existing facilities for the study of these subjects in the United States, that nowhere is to-day a better opportunity offered for the advanced student to get the kind of help which he needs in the prosecution of his studies in the field of the political and social sciences than in the University of Pennsylvania. Such a department is of enormous aid in the proper development and management of the work of a society like our own.

Here then the conditions are favorable for our work as shown by the best of all tests, the success which has attended it.

We are now about to enter upon the second decade, and I believe that the next great step for us to take is in the direction of securing an adequately equipped building which may serve as the headquarters of the work of the Academy, where its administrative work may be done with suitable accommodations for its library, which will enable us to make it more useful to the members and to the general public as well, and with suitable halls for its meetings, and with the opportunities for special investigation and research which the advanced student or college or university professor needs. The existence of such a building as this, would, I am sure, mark a new era in the history of the Academy

and render permanent the achievements which have been thus far effected, opening the way for new advances in many different directions, now only slightly appreciated, and perhaps not even yet dreamed of.

To the fullest and most complete working of human forces there belongs not merely a soul, but a body. We have been evolving a soul—if you may permit us to use such an expression—during the first ten years of the existence of the Academy. The time has come to clothe that soul with a body. A sound mind in a sound body, a beautiful soul in a beautiful body. This is our desire and expectation.

It is permitted to young men to dream dreams and old men to prophesy. As I stand half way between youth and old age I may be permitted to take advantage of the privileges of both, and dream a dream and prophesy a prophecy.

I dream of the time when the Academy will be properly housed here in this city in such a building as I have indicated, equipped with special funds for carrying on special investigations similar to those which enable the Academy of Natural Sciences to organize its expeditions; the Franklin Institute to organize its expositions, and the Historical Society and the Philosophical Society to do their appropriate work. A building which will enable us to accumulate a special library along lines not cared for by existing institutions, and which will enable us to offer these facilities in the freest and fullest way to the public is a necessity.

I prophesy that long before we shall have completed the second decade of our existence such a building will be constructed and in use. I bespeak for this project your hearty sympathy and interest, and your co-operation in exciting and developing such an interest among the public spirited citizens of Philadelphia as will enable us to carry out this project in the fullest and most satisfactory manner.

## INTRODUCING HONORABLE CARL SCHURZ.

MEMBERS AND GUESTS OF THE ACADEMY:—It is *par excellence* the function of a society like ours to bring to the discussion and consideration of every public question that patient and open mind which is characteristic of the true scientific man. It is our duty to see that, so far as possible, all sides of important public questions shall receive due attention and thought. Our attitude toward all questions, no matter how practical they become, is that of the scientific mind, pure and simple. The Academy, as such, can take no side upon any concrete public question. It can, as such, espouse the cause of no party; its sole purpose is to elicit truth upon all questions falling within the general field to the cultivation of which it is devoted. I may be mistaken, of course, but I think that just at this juncture in our country we need especially to develop this attitude of mind; that just at this time we ought to apply the cold and impartial test of scientific reasoning, so far as possible, to the important concrete questions which are attracting so powerfully our attention.

Our newspapers, as a rule, even when they have upon their staffs men properly qualified to discuss these questions, do not allow them an opportunity to express their free and unbiased opinion. But having taken sides upon a public question; having determined that they will espouse the policy of one party or another; that they will espouse or oppose the President or other political party leader, every man in such an office is compelled to prostitute his talents in order to advance and represent the views of his paper, no matter how much they may be opposed to his own personal views. Whatever may be said of the legitimacy of such a system it is certainly not calculated to give an opportunity for the free and uninterrupted play of individual opinion. And as our newspapers are nearly all under the power of one or another illegitimate influence, looking at them from

the standpoint of public interest, we have almost ceased to have the kind of free and impartial discussion of public questions which it lies in the interest of the democracy to promote.

Under these conditions the average citizen is oftentimes at a serious loss to know exactly what the facts are in regard to any particular subject—still more at loss to know upon whose honest and independent judgment he may, to some extent, rely. We have had no better illustration of this than the attitude of the newspapers toward the Spanish war, and toward the Philippine embroglio which has grown out of that. If a newspaper has made up its mind to support the policy of the government, whatever that policy might turn out to be, it has had only foul epithets, or at least the most evil and unfair criticism for any one who was inclined to raise the question, whether this subject ought to be more fully discussed before it was settled, or whether we ought to consider the question at least in all of its aspects and try and settle it in the thoughtful way rather than by mere hazard.

As said before, the Academy takes no attitude upon these and similar questions. It is neither for nor against the policy of the United States in the Spanish war. It is neither for nor against the policy of the President in the Philippine matter, but it is profoundly interested in securing a fair and full discussion of these questions in all their various ramifications.

We are fortunate to-night in having with us a gentleman who has distinguished himself throughout his career for independence of judgment and plain speaking. He has spoken the truth as God has given him to see the truth, without fear or favor. He has had experience in almost every line of public service in the United States. He has seen our politics and our administrative system from every point of view. His opinions, therefore, whether in our opinion sound or not, have the advantage of being based upon a long experience and an

extensive knowledge of men and things. He has filled many positions of public trust, and has graced them all. He has discussed many subjects of public policy, and has illuminated them all. We are glad that in the presentation of one aspect of this important question before the American public, we have a man of such ability and of such straightforward honesty to present, what it is true, may be only his own views, and with which we may not agree, but which will have the great advantage of being the honest and outspoken and the uninfluenced views of an experienced public man.

I cannot drop this subject without making one more point which we Americans are sometimes apt to lose sight of. We are aware, of course, of the great influence of the foreign element in our midst. We know what opportunities we have offered to the foreigner. We realize to some extent what he has done for us. The immigrant of the last two generations has built our railways, has dug our canals, and has settled up our unoccupied territory, and has helped us fight through one of the great civil struggles of our history.

All this we recognize, all this we appreciate, but I am afraid we do not always recognize so fully what contributions the same class of people have made to the ideal sides of our life. And in the career of the gentleman who is to address us this evening we have a striking illustration of the service which the educated, thoughtful foreigner may do for the higher sides of American life. Mr. Schurz has stood from the beginning of his career for the best things, and for the emphasis of the best things in American politics. He comes from a country with whose form of government and political institutions Americans have as a rule very little sympathy, but he has demonstrated in his own career how a man may be thoroughly devoted and patriotic to the best interests of the German people, and at the same time one of the most devoted and patriotic of American citizens. We may

well be proud of the fact that such a career as that of Mr. Schurz's is possible in the United States, and be grateful that men have been found strong enough to run it.

I take great pleasure in introducing to you the Honorable Carl Schurz who will address you on the subject of "Militarism and Democracy."

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### THE EAST AND THE WEST.

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*Introductory Remarks on the Political Relations of the United States with the Far East, at the Evening Session, Saturday, April 8, 1899.*

Professor JAMES:—Members and guests of the Academy: Dr. Charles C. Harrison, provost of the University, who had kindly consented to preside this evening, begs to be excused on account of a severe cold, which has deprived him temporarily of the use of his voice.

I think those of us who have lived during the last decade of this century must congratulate ourselves that we have been living in one of the most interesting periods, not only of the last hundred, but of the last three hundred, or even of the last five hundred years. We can take up no newspaper in these days without finding something which reminds us that we are a part of the great world which has its limits no longer in the civilized life of Europe and the nations which were the outgrowth of that, but which extends to the uttermost confines of the globe and includes practically to-day, as never before in the history of the world, the whole human race. The astonishing developments in all parts of the earth, which owing, among other things to the steam-engine and the telegraph, have become a part of our daily information and our daily interest, have brought us together and made us feel the solidarity of the whole human kind in a way quite unparalleled at any previous time.

I am inclined to think that when the historian of this century comes to describe the great events which have taken place within it he will find nothing more significant and more important in the great events which will follow in the next and in the succeeding centuries—nothing which will be, in his opinion, more remarkable than the new contact of the Orient and the Occident. There is nothing of deeper significance in the Napoleonic campaigns, or in the struggle for the reconstruction of Europe beginning in 1848 and ending in 1871, or in our own great struggle for national unity, or in the brief conflict which marked the passing of Spain as a great colonial power,—I say in none of these events is there a more important significant prophetic element than in the awakening of Japan and China and of the ever hastening process of union between the East and the West.

We are fortunate in having with us for the discussion of the question which the Academy has selected for this evening's session, namely, "The Relations of the East and the West" a group of men who are competent to speak on this topic, as perhaps no other equal group of men to be found in this country.

In the first speaker we have a distinguished member of the Academy who is known by reputation to the entire country, and whose career has been an honor to the profession to which he belongs. He has in his own work afforded us a striking example of the all-compelling power of expert knowledge and ability even over political partisanship and political influences which would gladly have managed things alone if they could have done so.

The political authority of the country in our last crisis was compelled at more than one time to call upon the patient and thorough knowledge of the scholar, and in no case was this policy more profoundly vindicated than that of the Honorable John Bassett Moore, of Columbia University, who will open this discussion.









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