

have all the laws enforced; we shall pick and choose among them, and enforce such as suit us; those that we do not like we will repudiate and nullify." Two years ago a strong attempt was made to enforce the law forbidding the sale of liquor on Sunday. A test case was made, in which the illegal sale was not only proved, but confessed by the defendant on the witness-stand. The jury promptly pronounced him not guilty. To defeat this law every juror committed perjury, and Cincinnati looked on, if not with complacency, at least with no clear indications of popular distress or horror. Doubtless there was a remnant to whom this judicial perjury appeared in its true light; but the remnant was so small as to exercise no appreciable influence upon the politics of the city. This notion, that a magistrate who swears to enforce the law, or a juror who swears to uphold it by his verdict, may keep his oath if he likes or break it when he pleases, is not confined to Cincinnati. If perjury is an unpardonable sin, there must be among the custodians of peace, in all our cities, a great multitude who will never see Paradise; but there have been few places where this perfidious doctrine has been so brazenly avowed and so generally tolerated as in Cincinnati. When a method of this sort is once initiated as a part of the machinery of the courts, it is easy to extend it. If a juror is taught that it is perfectly respectable to perjure himself in one class of cases, it is not improbable that he will think it equally respectable to perjure himself in other cases. Such wanton contempt for one law will spread to all laws. This is the process that has been going on for the last two years in Cincinnati. Is it any wonder that her legal machinery became fearfully out of repair? Is it any wonder that the last two years have witnessed a great increase in the number of homicides, and an utter failure of the courts to deal with them? Who is to blame for this failure? It is altogether probable that a large share of the men who constituted the mob that attacked the jail and burned the court-house—the mob that was so enraged because criminal justice had failed—are themselves as much to blame as anybody for this failure. Beyond question, many of the men who composed this mob had themselves resisted and defied the Sunday laws and the liquor laws, and had applauded the courts and the juries that had perjured themselves to defeat these laws. What else could they expect but that the seed of lawlessness which they had helped to sow would bring forth this very harvest?

There is one other cause of this outbreak, not less efficient than those we have mentioned. Cincinnati has been exceptional among American cities in its treatment of our weekly Day of Rest. Sunday in Cincinnati has been a carnival of noise, of conviviality, of drunken and boisterous mirth. In any city that spends its Sundays after this manner such outbreaks are likely to occur. This Sabbath rest is based not merely on the Biblical order, it is founded on the constitution of man. The law which bids us to observe it is as much a part of the natural moral order as the law which affirms the sacredness of life or of property; no more than the law against theft or murder can it be trampled under foot with impunity. It is as important to human beings that they have a periodical rest-day—not a day of carousal and drunkenness, but a quiet rest-day, se-

cured to them by law—as it is that they be secured by law in their rights of property; and there is no people in the world that needs this quiet rest-day so much as this American people needs it. A city that tolerates such Sundays as those of Cincinnati—that opens its theaters and its dance-houses and its liquor shops, and bids its people carouse and dissipate on this day of rest—will have always its streets full of a multitude, restless, excitable, turbulent, ready to be stirred up to all sorts of demoniac enterprises. And when the whirlwinds are reaped, it will be easy to tell how and when the seed was sown.

The Militia of the United States.

ONE of the first measures undertaken by the founders of the government was the organization of the militia of the States. The plan proposed by General Knox, in his report to Congress in 1790, contemplated the formation of a species of Landwehr. The service was to be general and compulsory, no citizen being entitled to vote until he had served two years (thirty days in each being spent in camps of instruction), and the general government was to bear the expense. While the militia may be regarded as a mere police force within the several States, and to that extent to be supported by them, they are an important part of the army in time of war, and the expense of fitting them to act in that capacity ought to be borne by the general government. General Knox's plan was intended to be carried out by the militia law passed by Congress in 1792, which is still in force. This law enjoins service upon all citizens between eighteen and forty-five, and authorizes an annual appropriation for arms and equipments for the militia, which in 1804 was fixed at two hundred thousand dollars. In those days this was a good deal of money. At the present it is not; but, small as it is, it is the only fund from which the militia of Missouri, Tennessee, Kansas, and other Western and Southern States draw their support, the Legislatures of those States making no appropriations for military purposes.

The federal law of 1792 has also become antiquated. The general levy composing the "uniformed militia," armed at their own expense with "a good musket or rifle," a certain quantity of powder and bullets, and a "hanger or spontoon," and turning out annually upon general training days, has become a myth. Although Washington, Jefferson, Madison, Jackson, Harrison, in fact, almost every President, has recommended amendment, Congress has hitherto failed to improve the law. But while the militia contemplated by this law has ceased to exist, there has arisen in nearly every State a much smaller but more effective body, usually known as its "National Guard." These are uniformed, and meet regularly for drill. Since the war they have been earnestly endeavoring to do away with the old "fuss and feather" business and to substitute military efficiency. To them is due the introduction of rifle practice as a part of military instruction in this country; and further improvements may be expected.

These troops are of greater value to the country than their numbers would indicate, for they are really schools for officers. In time of war our small regular army could scarcely furnish the general officers re-

quired to command the volunteers. Consequently it is only from the National Guard that the other officers could be obtained.

There is a "National Guard Association"* composed of delegates from the active militia of each State, who meet annually to compare their experiences and to discuss how general efficiency may best be obtained. They are also seeking to have the annual appropriation increased to something proportionate to the present population of the country, and to secure a reformation of the obsolete militia law of 1792. For this purpose they have presented two bills to Congress: the Sewell bill, which simply increases the appropriation to \$600,000, and the Slocum bill, which seeks to reform the present law. If these bills become laws (as we hope they will before this appears), the money appropriated will be divided only among the States having an active or uniformed militia, and the States receiving aid will be required to place their militia in camp every other year, to instruct them in rifle practice, and to provide for an annual inspection. The Slocum bill also authorizes the use of United States forts for artillery practice by the militia, assisted by an artillery officer of the regular army; with a provision for the issuing of necessary ammunition and rations. This bill has been considerably altered since it was originally framed, so as to meet the various objections made to it, and particularly to avoid any interference with State control over the militia.

The last Convention of the Association was held at Cincinnati on March 16 and 17. It attracted but little attention from the public, but the subsequent riot has done much to call attention to the necessity and value of rendering the militia generally efficient. It is noticeable that one of the best speeches made at the Convention in regard to the impossibility of predicting when the services of the militia would be required, and the necessity of their being so supported by the community as to be always prepared, was made by Captain John Desmond, who two days after was killed at the head of his company while endeavoring to save the court-house and its valuable records from destruction by the mob.

It is the habit of Americans to think that our country differs from all others in requiring no military force. Yet not a year passes but that some portion of the militia is called to arms to sustain the law. If they are not able to respond promptly, and are not well and efficiently handled, the loss to the community inflicted in a few hours may far exceed what has been saved in years in militia appropriations. The draft riots in New York and the railroad riots of Pittsburgh, not to mention the affair at Cincinnati, conclusively show this. In many instances, and notably in New York City, the knowledge that an efficient militia was at hand has more than once prevented rioting.

*The officers of the "National Guard Association" are: President, General George W. Wingate, New York City; First Vice-President, Adjutant General G. T. Beauregard, New Orleans, La.; Second Vice-President, Adjutant-General E. B. Finlay, Columbus, Ohio; Corresponding Secretary, Colonel Charles E. Bridge, New York City; Recording Secretary, Adjutant-General William L. Alexander, Des Moines, Iowa; Treasurer, Adjutant-General Sidney A. Sheppard, Denver, Col.; Executive Committee—From the New England States, General Elisha M. Rhoades, Providence, R. I.; from the Middle States, Major Andrew D. Hepburn, Philadelphia, Pa.; from the Southern States, Adjutant General Johnston Jones, Morgantown, N. C.; from the Western States, Colonel James M. Rice, Peoria, Ill.; from the Pacific States, Colonel Harry T. Hammond, San Francisco, Cal.

Few appreciate how much the militia needs fostering. The time required from its members is great, and their military duties necessarily interfere with business pursuits. The system is, therefore, not popular with employers. When called into service, the accommodations are scant and the service is hard and dangerous. The citizen soldier who, at a moment's notice and without pay, abandons everything to help sustain the law, is expected to face a storm of brickbats and pistol-shots without resistance. If he shrinks, he is called a coward. If, after his comrades have been shot down, he fires upon the violators of the law, he is termed a murderer; and, as was the case in Cincinnati, he finds himself ostracised upon his return from duty. If injured, he receives no pension. In fact, it is surprising that the voluntary service is kept up at all. If the tone of some of the Western newspapers correctly represents the public sentiment, it certainly will not be kept up much longer.

In most riots the neglect of a few simple principles by both civil and military authorities has caused most of the bloodshed. The militia should be assembled promptly. If this is delayed, their armories may be surrounded and their assemblage prevented. Besides, the knowledge that troops are in readiness strengthens the police and intimidates the mob. They should not be paraded until the last moment. The bayonet and rifle are deadly weapons, and not suited for mere police work. But as soon as there is danger of the police being overpowered the militia should march to their aid, and then all sentimentality should be dispensed with. A mob is a gang of law-breakers, with the criminal class coming to the top as it gains power; and the very existence of society depends upon its being promptly put down. Half-way measures are cruelty. Any militia officer who permits his men to be shot or stoned without resistance deserves a court-martial. A mob never appreciates forbearance. Blank cartridges simply inspire them to fresh assaults. Firing in the air has the same effect, besides killing innocent people at a distance. Volleys are seldom necessary. To detail a few sharpshooters to pick off the leading aggressors is far preferable. If the thrower of the first brick is shot, as a rule no more will be thrown. Four shots at Cincinnati which killed four leaders dispersed the mob that attacked Powell's gun-store. The same number fired with like effect would have scattered that which attacked the jail, *if they had been the first which had been fired* by the troops. It must be remembered that no troops will stand being stoned or being shot at without firing in return. If the officers wait too long (as was the case in the Orange riots in New York), some one is sure to fire without orders, bringing on a general fire which unnecessarily destroys many lives. The troops should not allow themselves to be besieged. Strong detachments should traverse the streets, aiding the police in dispersing all crowds and in clearing the streets. The mob, when once broken, will never again collect. If the militia are strong and well disciplined, and it is understood distinctly that they will permit no trifling, their mere appearance is usually sufficient. If their condition is such that the mob do not fear them, many lives have to be sacrificed before peace can be restored.

With each day's advance in population, the country must necessarily rely more and more upon its militia. It is of no value unless effective, and it is therefore of national importance that it should be made so.

Forgotten Lessons.

THERE is hardly a chapter in human history more instructive to those who have to deal with public questions than the story of the rise and development of the trade in the thirteen American colonies as told by Dr. Eggleston in the present number of *THE CENTURY*. One may here observe all the great laws of political economy acting nakedly and without complications; one may here see all the great forces of trade in their rudimentary conditions.

No more striking illustration can be found of the futility of governmental meddling. Pennsylvania and Carolina endeavored to build up whale-fisheries. All the Southern colonies strove to establish ship-building and general trade. But, by laws too strong for legislative control, the New-Englanders who proposed to themselves to follow agriculture became renowned in ship-building, cod-fish and mackerel catching, and far-away commercial ventures; while all the bounties and customs-exemptions offered to country-built ships at the South left these colonies agricultural—dependent on New-Englanders, Scotchmen, and English merchants for the little mercantile life to be found in them. The restraint put upon colonial trade in the interest of English merchants promoted smuggling, gave birth to American manufactures in competition with the English, alienated the commercial classes from the mother country, and helped to destroy entirely the dependence of America on England. One may do incalculable mischief by seeking to thwart the action of the great economic forces; but one can never permanently turn them out of natural channels by legislation.

There has been no plan broached in our time for

making money by mere ordinance that was not tried in substance by our forefathers. Massachusetts made cheap shillings as we now make cheap silver dollars; Virginia allowed debased coin to pass in order to "make money plenty"; and all the colonies tried to make their people rich by stamping values on paper. In every instance the action of financial gravitation sunk each coin and bill to its just level. Then, as now, fine words failed to butter parsnips.

The story of ante-revolutionary commerce is pregnant with the lesson that trade in a large sense can never permanently flourish unless it is kept within the limits of commercial rectitude. The thieving Indian trader gradually undermined the traffic by which he lived. The "rich mynheers" of New York whose ships came home with ill-gotten booty bought from the Madagascar pirates were fostering an evil fatal to their own commerce. Charleston and Newport made money by piracy, but Newport saw the time when alarms were beaten in her own streets on account of peril from pirates off the coast, and Charleston found the rice trade likely to be throttled at its birth by pirates who captured nearly every ship that sailed out of its harbor. Judge Sewell tells us of a curious superstition in New England at the end of the seventeenth century. Whenever Arabian coins appeared in circulation in large numbers, there were those who refused to receive them, lest by taking a single coin that had formed part of a pirate's plunder they might introduce a canker that would eat up their whole estate. Without putting too much faith in poetic justice, one may clearly trace in the well-understood laws of public economy a principle that bears a considerable likeness to the notion that led the cautious Yankee sometimes to refuse Arabian gold pieces. Certainly, on any broad scale and in any long run, no trade is securely prosperous that has an element of injustice in it. Those who are loath to permit the book-trade to give up its practice of despoiling foreign authors might well consider whether the canker is not already eating out its prosperity.

OPEN LETTERS.

What the Choirs Say.

THERE is a well-known book called "Rejected Addresses," consisting of poems and sketches purporting to have been denied insertion in the literary periodicals of their day. When I began this series of open letters on music in the churches, I had in mind almost constantly some lines of poetry which I formerly read in that volume; and, indeed, several times I wrote them down to be published, as presenting the most exact picture of the modern quartet, in its characteristic attitude, taken as it flings its supercilious gaze over upon its employers, and delivers itself thus:

"I had a grandmother: she a donkey kept;
And when that donkey looked her in the face,
Its look was sad—and you are sad, my Public!"

It was as if the music-people stood, grandmother-like, looking down with pity on us, the sad religious

public, and gave us all we deserved, their commiseration, as they perceived we had at last reached the full force of the conclusion that we had fastened them on ourselves for the slow twelve months to come; and yet it was comical to mark how stupidly melancholy we were over it. Could we not see that we were outwitted? And must Christians be weak enough to whine when they were whipped?

One of the best preachers, pastors, and musicians in this country, now settled in a New England city, went forth from his own pulpit, just a little while since, to minister for a single Sabbath in another. He says that an "Order of Service" was put in his hands as he entered the church by the organist, who was also the leader of the music. This slip of printed paper contained whatever he was expected to content himself with singing during the worship. He tells us under his signature that the morning was beautifully bright

TOPICS OF THE TIME.

The American Militia.

THE importance of the militia in our political and social system has several times been noticed in THE CENTURY. The new development of the American militia system was described in "Topics of the Time" for June, 1884; and the necessity and propriety of early action by Congress were stated in our latest issue.* Since the former article was written, the development which it forecasts has gone on with so much rapidity that it deserves attention here in connection with the more recent article.

The American of the present day hears continually of the "National Guard," and he may come to believe that the body which bears that name is that to which the Constitution refers as "the militia of the United States." It may be well, then, to remind him that the National Guard is a purely voluntary outgrowth of the Constitutional militia, which was intended to be a universal and compulsory service. When the Constitution empowers Congress to provide for calling "the militia" into the service of the United States, it is well to remember that the term "militia" covered, and was meant to cover, all the fighting-men of the country; and the use of the term in this way shows that, even in 1787, the framers of the Constitution had anticipated the modern German system of universal compulsory military service. It must be admitted that the principle is logically essential to a democracy. Upon it hangs more than half of Jefferson's famous summary of the democratic programme—"every one who fights or pays shall vote." Without it, we could only conclude that only those who pay shall vote, unless we could fall back upon the somewhat vague doctrine of the diffusion of taxation to show that most people pay something and hence should vote. To get any definite basis for a democracy, it is essential that the popular consciousness should be kept awake to the physical basis of the ballot, the necessity of a return in some form, whether of money support or of a physical support to the government; and that any present exemption from active service should be clearly understood to be a privilege, not a right.

Every indication from our early history goes to show that, if the political geography of the young republic had been the same as that of Prussia in 1860, the result would have been the same; and that the United States would have had a *Landwehr* and *Landsturm* before Bismarck was born. Circumstances, however, were propitious to the American republic. It had no neighbors powerful enough to make the *Landwehr* a practical necessity; and the mass of its citizens were spared all personal contact with the pomp and circumstance of glorious war. For a time there was a survival of the original idea of universal compulsory service in the annual training-days of "the militia," of which Corwin's vivid sketch has left us so clear a description. In course of time even this survival be-

came obsolete, and "the militia of the United States" has now become as purely a census term as the population between twenty-five and thirty, or the population according to latitude.

Instead of the militia, as it was originally intended to be constituted, there has grown up in most of the States a purely voluntary service, the so-called National (or State) Guard, composed of citizens who volunteer to serve the State for a longer or shorter time. Under extraordinary circumstances the persistence of the original idea is shown by the Draft Act of 1863; but under ordinary circumstances the duties of the real "militia" are now performed by this part of their number who have voluntarily assumed the burden. It is thus a fact that the so-called National Guard is now in practice the militia of the United States; and, while the voluntary nature of the force may create certain embarrassments, it must be looked to for the present as the American militia. Of course the disappearance of the original militia organization has not deprived the United States of the right to call upon the State for its quota of "the militia"; while the State may satisfy the call by the services of its voluntary militia. It is evident that there is here the germ of a future voluntary army, closely similar to that which sprang so suddenly into existence in 1861.

In the development of this germ the good offices of the United States have been practically nothing. Some of the Eastern States have done good work of late years. The railroad riots of 1877 were a cogent lesson to Pennsylvania, and the lesson seems to have been taken to heart. Some of the neighboring States have also entered in earnest upon the work of fostering the efficiency of the National Guard, and have made it a force of far greater possibilities in action than was the case ten years ago. But it remains true, as it was ten years ago, that the mass of our States care very little for the proper development of their volunteer militia. Indeed, why should they care for it? Under the present system, the conditions for a sound National Guard only come into existence when population has become dense, and when there is a sufficiently large portion of the population inclined by fondness for military experience to endure voluntarily the obvious discomforts of the service. In States where these conditions do not yet exist, there may be need for an efficient National Guard, without the possibility of it. The need is not evident enough to induce the State to take the only road to a provision for it; and the State goes on in the old shiftless way, growing more prone at every emergency to look for protection to the Federal Government, instead of relying on its own resources. In most of our States the annual provision by Congress constitutes the bulk of the appropriation available for the support of the National Guard, and this provision is inexcusably meager, too small, at any rate, to be any basis for a claim by Congress of a right to enforce a strict regimen on the force which subsists on it.

Nothing can be more evident than that, in the

* "Is Society Ready?" Topics of the Time, THE CENTURY for October, 1886.

States where population is not yet dense, Congress alone can properly develop a real National Guard. It can do what hardly any power could induce the State Legislature to do; it can appropriate an amount large enough to insure a thorough summer encampment by giving a reasonable payment to the men. Experience has shown that the encampment training is an essential to any effective system. It is carried on in many of those States having a uniformed National Guard, but almost always under great embarrassments and for too brief a period for want of funds. In some States, the men have served without pay and even paid their own expenses while in camp, and in almost all the States the member of the Legislature who should vote for the appropriation which is really necessary for that purpose would have an unhappy quarter of an hour on meeting his constituents to explain. And yet the men should be paid for the time spent in the work; and any parsimonious policy in this matter is not even tolerable. The National Guard is as much in the service of the State as the Fire or Police departments are in the service of the city; its possible service is much more unpleasant; and it has fully as much claim to adequate compensation. Some of the States, but by no means all, are able to afford this. If we wish a thoroughly trained National Guard in every State, we must look for it to Act of Congress.

The appropriation of a sum large enough to arm and equip the National Guard thoroughly, and to pay the men for the time spent in the annual training or for any other service rendered to the United States, would be a foundation for a larger oversight of the National Guard by Congress. The administration of "the discipline prescribed by Congress," and the appointment of the officers, must remain with the States; but Congress would have a fair right to insist that its War Department should be satisfied, through its inspecting officers, that the discipline was properly carried out. The mere presence of United States officers has a bracing effect upon the officers of the National Guard, and it is nowhere more necessary. The story of the militia officer who kept his men under a fire of bricks and stones for ten minutes, while he turned over the pages of his hand-book in search of the proper order, may be altogether apocryphal. But the deep cut at Reading, Pennsylvania, through which a militia genius marched his men, exposing them helplessly to the fire of the mob above, is still to be seen of all men who travel by rail from Philadelphia to or through Reading; and it testifies that it is sometimes better to have no men than to have some officers.

The reform which has been the first to be carried through by the States which have begun to develop their National Guard has been a comparatively simple one, but one of wide effects, and not easy to accomplish. Under the voluntary constitution of the National Guard, the uniforms were about as various as the companies. Under the new system, the service uniform and equipments of all the regiments of a State's force are to be identical throughout. How difficult it was to extirpate the reds and blues and yellows, the varieties in style and caliber of weapons, perhaps some of the self-sacrificing men who have given their time and attention to the work can tell us; but the results have been all for good. A riotous mob can no longer distinguish one regiment or company from another by its

uniform, or pick out off-hand the particular company from which it believes that there is comparatively little danger. Uniformity gives the sense of discipline to the men and a business-like air which creates respect. Similarity of uniform is a large factor in securing safety to militia, when employed in distant parts of its own State. When the time comes, if it shall come, that militia of one State must be employed in another as in 1794, nothing but a *national* uniformity of equipment will make the step even a reasonable experiment. Evidently, in the course of development into which circumstances have forced us, national action and national development are the only legitimate lines to choose.

The immediate answer to all the line of argument here relied upon, would be that the step proposed would have a strongly centralizing tendency, throwing more power into the hands of the Federal Government. So it may seem on the surface; but in reality the tendency is directly the reverse. Affairs have drifted in such a direction that, while all the States need home protection, only a few are able to provide it for themselves. When the emergency comes, the helpless State naturally looks to the Federal Government for protection, and relies progressively less upon herself. The plain drift of such a policy is to a necessarily strong central government, with a powerful standing army, and the disappearance or absorption of the militia, as we now have it. The development of our National Guard system, an entirely unobjectionable system of volunteer State forces, is simply the encouragement of individual States to rely on themselves. It is thus a National Guard in the complete sense of the adjective under our complex system, an effort by the Federal power to enable the States to carry on the normal operations of the social system. The bill which seems to come nearest to the measure of the national duty, the Sewell Bill, increasing the militia appropriation, passed the Senate at the last session without opposition. It did not reach consideration in the House of Representatives, but still hangs there, ready for consideration and passage in December. The duty of the House in the premises seems plain; and it is to be hoped that one of its first steps will be to take up, consider, and pass the Sewell Bill, as the lowest limit of the national obligation to the National Guard.

The Congressional Balance-sheet.

ECONOMY, says the proverb, is wealth; and though it ill becomes a great people to follow a cheese-paring policy with its government, to scrutinize its cost too closely, and thus compel it to study petty retrenchments instead of great national interests, there is still a certain proportion of results of government to cost of government which even the greatest of peoples is bound to insist upon. If results are great, the people can well afford a considerable expenditure; if results are *nil*, the cheapest of governments is dear at the price; if results are *nil* and expenditure generous, the government is worse than useless. The forty-ninth Congress, whose second session begins next month, closed its first session, August 5, 1886, having begun it December 7, 1885. In order to direct public attention to the results of the coming second session, it may