

courier met me. And some apparent inconsistency is made to appear by Colonel Mosby's quotation from my letter in 1877 of the words, "to await further orders," and following them immediately with a quotation from my orders that I was to hold the mountain gaps "as long as the enemy remain in your [my] front in force." This attempt to convict me of contradictory statements fails when the orders are examined which direct me to hold the gaps — "unless otherwise ordered by General R. E. Lee, Lieutenant-General Longstreet, or myself [General Stuart]." The orders are set forth in my first communication,¹ and speak for themselves.

Colonel Mosby remarks that I have made "no explanation of *the delay*." There was no delay to explain. Had there been at that critical moment, General Lee would not have passed over so great a delinquency. The time occupied was no more than was required for the performance of the duty imposed by my orders.

The effort of Colonel Mosby to make it appear that I did not obey my orders as to the route I was to take fails when the orders are examined.

While it is true that they directed me to "cross the Potomac and follow the army, keeping on its right and rear," they also directed me to "cross the Potomac at the different points crossed by it [the army of General Lee]." It was left therefore to my discretion where I was to cross, according to the circumstances that might arise in the future. I exercised my discretion, and satisfied General Lee.

In paraphrasing General Jones's report, Colonel Mosby has suppressed a part of a short paragraph which I quote from the unpublished records. General Jones says :

WASHINGTON, May 27, 1888.

The three remaining regiments of the brigade accompanied General Robertson by way of Williamsport and Chambersburg, arriving at Cashtown July 3. Near this point an order from General Lee required a force of cavalry to be sent at once to the vicinity of Fairfield to form a line to the right and rear of our line of battle. In the absence of General Robertson I determined to move my command at once into position, which met with the approbation of the general, *who returned to camp before I was in motion.*

The important words which I have italicized are omitted in the paraphrase, in which Colonel Mosby lays particular stress on my "absence." I have only to notice another innuendo of Colonel Mosby by which he creates a wrong impression. He says: "As soon as the army returned to Virginia, General Robertson, at his own request, was relieved of command." There is enough truth in this statement to make a good false impression. It was in August that I applied for relief from command. Prostrated by illness and advised by my surgeon, Dr. Randolph, that my recovery depended on my getting better quarters and nursing than was possible in the open field near Culpeper Court House, I applied for leave. Accompanying the order detaching me from the Army of Northern Virginia, Major McClellan wrote: "The general [Lee] joins with me and with the other members of the staff in the hope that you may soon be restored to health and duty, and that every success may attend you." My purpose in asking a change was to recover my health. Upon recovery I was ordered to South Carolina.

I have dealt more at length upon Mosby's attack than its author merited, and solely because it was in the publications of THE CENTURY that his articles were to appear.

B. H. Robertson.



TOPICS OF THE TIME.

The Value of a Presidential Election.

THE month upon which we are entering will bring to a decision the twenty-sixth of our quadrennial Presidential elections; for, although the election is not technically complete until the electors have voted and their votes have been counted, yet public opinion has practically subordinated everything else to this single occasion of the choice of electors by the people. The "campaign" which began in June comes to an end in November: the blare of the brass bands dies away; the unsavory coal-oil torch, the oil-cloth uniforms, the transparencies, and the campaign banners unite in a general procession into another four-years' obscurity; and as we draw breath again we are pressed hard by the recurring question, Is the game worth the candle?

The source of the question is not necessarily in that political pessimism which is affected by so many who think that they thus secure for themselves a place a little higher than the common run of their fellow-citizens;

¹ See THE CENTURY for August, 1887.

it is much more commonly to be found in the conditions under which modern business is carried on. The actual volume of business has grown to proportions so enormous that the slightest interference with it now causes very heavy losses; and business methods are now so largely those of credit in its various forms that such losses tend to reduplicate themselves in a far more widely spread injury. A "blizzard" of three days' duration was only an annoying experience to our grandfathers: its effects nowadays may be marked in a strongly perceptible fall in the year's volume of business, perhaps in the failure of a number of railroads to pay dividends, in the consequent inability of many of their stockholders to carry out intentions on which other men had relied, and in the reverberation of loss in the most unexpected directions. If a bull in a china-shop is a proverbially undesirable visitant, the business interests of the United States can hardly be expected to welcome the irruption of the Presidential election, with its intense popular excitement, its general suspension of interest in everything else than the routine of business, and its occasional hints of the possibility,

at least, of further anxiety growing out of the election itself. Under such circumstances, is the Presidential election worth its cost?

Natural as the question is, it ignores the fact that the enormous volume of our modern business has not been self-evolved and is not self-supporting. There are other elements in the national life which are more important than any mere increase of wealth — elements on which the increase of wealth itself depends; and among these the political education of the people holds a very high place. Passing for the moment the question of comparative cost, one can hardly deny the practical efficiency of the Presidential election as a method of political education for the people, and no election in our history has shown this characteristic more clearly than that of this year. The schoolmaster and the college professor are presumed to deal with an audience of a grade rather higher than usual; and yet they are still compelled to resort to examinations and other tests or coercive processes in order to secure interest from unwilling pupils. How much easier their work would become if their pupils should suddenly develop an interest in it so intense as to lead them to hold enthusiastic meetings and processions about it, or to argue, quarrel, and sometimes even fight about it, as the adherents of rival professors are said to have done in some of the universities of the Middle Ages. What other instrumentality could have taken the place of the Presidential election in compelling those most unwilling pupils, the voters of the United States, to study economic questions as they have done this year?

If, then, the superior efficiency of the Presidential election as a means of political education be granted, the vital importance of that result to our system wipes out at once the other question of comparative cost. It is not easy to rate too high the influence which our democratic system, with its high hope of social advancement for the individual or his children, has had upon that working power which has given us so large a part of our overflowing wealth. But an uneducated democracy is the fore-ordained prey of the coming plutocracy; the increase of wealth merely hastens the catastrophe. To reconcile the permanence of democracy with the increase of wealth, the political education of the people is an absolute necessity, and the question of cost disappears in proportion to the increase of the instrument's efficiency. When the instrument is the best of its kind, its cost is no more to be reckoned a dead loss than the individual's expenditure for the clothes, shelter, and food which are essential to his existence and continued activity. If the cost of Presidential elections could be saved for a few decades, the disappearance of democracy, work, and wealth together would show that the "saving" had been altogether illusory.

For such a Presidential election as that of 1888, with its fair and open struggle between two naturally opposed political principles, and its consequent influence as a political educator for the American democracy, there need be nothing but congratulations for the country, let its cost be what it may. There have been elections over which no such congratulations could be uttered — elections in which the cost was as great and the educational results nothing or next to nothing; but no such criticism can be aimed at the election of this year. There are very few voters in this

country who have not in November a far larger and more distinct knowledge of the economic principles which underlie their political beliefs than they had six months ago; and, whatever may be the party result of the election, this educational result is, after all, the fundamental reason for the existence of the Presidential election itself. And as we see this result continually coming into greater prominence, we may congratulate ourselves more heartily on the wisdom which gave us such an educational force, and on its new proof that democracy is not the rule of ignorance, but a system of self-education.

The Punishment of Crime.

ENGLISH and American criminal law, in spite of its generally consistent determination to secure the safety of the innocent, exhibits at least one marked eccentricity which is the seed of continual injustice, to say nothing of the warping effect which such an irregularity must inevitably exert upon any system, and upon the popular respect for it. Like every other science, law aims to have a homogeneous and well-rounded development of its own, and to give its general principles the same action and force in one part of the system as in another. The anomaly of our system is that its criminal branch is permitted to ignore altogether certain principles of nature and method which are considered vital to other branches, such as civil law.

The first object of the civil law is the maintenance of the rights of individuals. The fact that the smallest personal right is attacked, or even threatened, is enough to give jurisdiction to some engine of the law; and the law's work is not done effectually until the right, if it proves to be a veritable right, is established and secured. It is not enough that the attempting wrongdoer be stopped at the point which he has reached, be prevented from going further, or even be punished for the past: he and his property are held responsible for the undoing of any wrong that has been done, and for the reestablishment of the violated right in all its original vigor and security. All this is summed up in the convenient word "damages." Human imperfections very often prevent law from reaching the full consummation of its object; but any such result is always felt to be reason for the law itself to be discontented with its failure.

When we turn to criminal law, we seem to have fallen upon an entirely different atmosphere. Criminal offenses are primarily against the state; and yet, with the exception of such few general crimes as treason and rebellion, each of them involves some violation of an individual's rights. The murderer is hanged because he has violated the command of the state to refrain from committing murder; but the crime has wrongfully extinguished some individual's right to life, as well as the right of his wife, children, or other dependents to support. Yet our criminal law, except in a few minor offenses, makes no effort whatever to vindicate the violated personal rights, or to make "damages" to the victim a component part of the offender's sentence. It may happen that, during the trial or punishment of the thief, the forger, or the counterfeiter, the property obtained by his crime is discovered, and the real owner is permitted to resume the property rights of which he has never been legally

divested; but if no such discovery should be made, the law cares nothing, and is quite content with the punishment of the criminal, without thought or regret for the property rights which have disappeared under its eyes in the process. The boycotter, or the man who does malicious mischief in any form, may be punished; but his violations of personal rights remain undressed, unless a spasmodic public sympathy assumes the burden of righting them by general subscription. The one object of our criminal system seems to be the punishment of the wrong-doer; and it seems to consider the restoration or satisfaction of individual rights as a mere incident, which may or may not occur, without affecting the success of its legitimate work.

Under such a system, it is perhaps fortunate that the conventional and convenient blindness of Justice prevents her from seeing the full measure of the wrongs which her present theory passes complacently by from day to day. She draws her sword against the merchant or banker who, having been plundered by forger or burglar, ventures to compound the felony in order to get back part of his property; but she does not pretend to conceal from the victim her belief that the recovery of the property in any more legitimate fashion is really no particular affair of hers. The barns and out-buildings of an owner are fired again and again by a concealed enemy, until even insurance becomes impossible: the criminal may at last be caught, indicted, and imprisoned, but the injured man's lost property is not brought back to him by such a punishment of crime. The civil law will see to it that the railway company whose servants by carelessness kill or maim a passenger shall satisfy the lost rights of life or locomotion by a money payment to the injured person or his representatives; but, if the criminal law can catch and punish the ruffian who has killed the father of a family, it seems to care nothing for the children of the murdered man, who are starving or impoverished by the loss of their bread-winner. Criminal courts, which are meant to be "places wherein justice is judicially administered," do in such ways become very commonly, as the scoffers insist, "places where injustice is judicially administered."

Why should it be necessary that such an anomalous feature should mar the fair outlines of human law? Why should Justice ignore in criminal law that which is her controlling motive in civil law — the wrongs of the injured party? Is it not possible to make the very punishment of the criminal nearly as close an approximation to a satisfaction for the violated individual rights as is usually obtained by the civil law? It may be that such a change of the point of view would alter some points of the theory of law; but would not the change be for the better? Very many persons believe intensely and honestly that "the worst use you can put a man to is to hang him": would not the friends

and opponents of capital punishment unite much more readily on a life imprisonment at hard labor for murder, with restrictions on the pardoning power, if the proceeds of the hard labor were to go to the murdered person's representatives? For, after all, the essential injustice of capital punishment is not that it takes away the criminal's forfeited right to life, but that it does so in a way which extinguishes forever the source from which the murdered man's dependents had a moral right to look for recompense for the rights which had been taken from them. In such cases the law, blind, furious, and unreasoning, destroys the life of the guilty without stopping to consider that it thereby makes the injury to the innocent a hopeless, irremediable, permanent injury. Electricity may or may not be a good substitute for the rope: perhaps common sense and even-handed justice might find a better substitute for both.

It seems hardly necessary to supplement or reënforce the case of murder: if the point be well taken there, any number of criminal offenses will suggest themselves to the reader in which the proceeds of the criminal's hard labor could be fairly, justly, and well assigned by the sentencing court to the satisfaction of the personal rights which had been injured or destroyed by the crime. Thus the state would still fulfill its function of punishing crime, but would convert that function into a guardianship of the rights of the innocent and the helpless. In very many classes of crimes, the system itself would supply a convenient and accurate measure of punishment. How long shall the criminal serve? Until the gross proceeds of his labor shall make good the original injury to the individual or the state, with interest.

One may fairly believe, moreover, that such a system would strike at the root of many of the more demagogical objections to the principle of state-prison punishment by hard labor. Many of the labor organizations would almost forbid imprisoned criminals to work at all, since the products of their toil must be sold in market in competition with the work of honest men. The public would be much less impressed or assailed by such an argument if it could see that the criminals were in part working for the support of women and children whom they had wronged. And it ought not to be difficult to see reasons why a body of workmen, unwilling to submit to the annoyance of such a competition so long as its results were only to diminish the general mass of taxation, should submit to it without objection if its object were justice and its beneficiaries those who had been wronged. After all, injustice remains injustice, even though it have the hall-mark of law upon it; and so flagrant an injustice as is tolerated by our criminal law opens it to attack from unexpected quarters, which it might make secure by substituting justice for injustice.



OPEN LETTERS.

An Open Letter by Mr. George Kennan on a
Question of Judgment.

TO THE EDITOR OF THE CENTURY MAGAZINE.

SIR: In a letter printed in a recent number of the New York "Commercial Advertiser," under the heading "A Question of Ethics," Mr. Alexander Hutchins of Brooklyn, N. Y., referring to my article upon Russian political exiles in the August number of THE CENTURY MAGAZINE, says: "Mr. Kennan's sources of information were not only personal contact with the exiles, but, as he distinctly states, revelations made to him by Russian officers in charge of the exiles. This latter can hardly be overrated for importance, but it is to the reader a very serious ethical question how this revelation of confidence is to react on the personal freedom of the officials whose identity is so thinly veiled. In the August CENTURY is the story of his introduction to them by the Russian officer in charge of the station, and his confidential conversation with the officer himself. Mr. Kennan covers the officer's identity with an assumed name, but any ordinary detective in a police precinct would have no trouble in unearthing him from the tracks given, and the Russian detective office could find him between daylight and dark with the exercise of a little of the powers of arbitrary arrest with which Mr. Kennan himself credits it. Short as is Mr. Kennan's story thus far, several of his entertainers, who have given him their hospitality and confidence, could be in Russian dungeons and on their way to remotest Siberia on Mr. Kennan's own testimony. To the reader this looks like the most grievous violation of hospitality. It looks greatly like the most cruel of treachery."

As Mr. Hutchins may possibly represent a whole class of readers, it is worth while, perhaps, to reply to his open letter. The question involved seems to me to be a question of judgment rather than of ethics. Among the officials who gave me information in Siberia are men whom I respect and esteem as highly as Mr. Hutchins can possibly respect and esteem any friends of his own. That I would intentionally betray such men to the Russian police and requite their hospitality with "cruel treachery," is a supposition that I am sure few readers of THE CENTURY will seriously entertain. The only question, therefore, that I can regard as raised by Mr. Hutchins's letter is a question not of ethics but of prudence and discretion. Have I carelessly, recklessly, or through errors of judgment imperiled the safety of persons in Siberia who gave me information? Mr. Hutchins thinks that I have; but is he a competent judge? Has he any means of knowing whether the identity of the "officer" whose words I quote in the August CENTURY is "thinly veiled" or thickly veiled? Has he any warrant for assuming that a fictitious name is the only screen that I have interposed between the identity of that officer and the eyes of the police? Where does he find in my article the statement that the officer was "in charge of the station"? Does he know how many officers there are in a garrison town like Semipalatinsk, how

many such officers we personally met, and how many of them were upon friendly terms with the political exiles? Has he any means of estimating the chances of identification in a given case, or the probable results of such identification if established? Is his judgment likely to be better in such a matter than mine?

The best and safest method of utilizing information furnished to me by political exiles and by Russian officials was a subject of serious and anxious thought long before I returned from Siberia to the United States. It became evident to me at a very early stage of my investigation that prudential considerations would necessitate the complete sacrifice of a considerable part of my Siberian material, and would force me to use a still greater part in such a way as to deprive it of half its value and significance. I was for a long time in doubt whether I should not give fictitious names to all political exiles and disguise them in such a manner as to render personal identification impossible. To involve my narrative, however, in a maze of mystification and misleading description would greatly impair, I thought, its historical value, and turn it into something little better than a nihilistic novel. I decided, therefore, to use real names in all cases where I could do so without manifestly imperiling the safety of the people named; to adhere as closely as possible to absolute truth and fidelity in questions of time and place; and to be silent where I could not state facts without compromising persons. This was the course recommended by most of the political exiles whom I consulted.

"It is indispensable," said one of them to me, "that you should name us, describe us, and give your impressions of us. You are not likely to hurt us. The Government knows all about us already, and we can trust your discretion in the use of what we tell you."

The articles that have thus far appeared in THE CENTURY have been received, read, and criticised by political exiles in various parts of Siberia, and my attention has been called, as yet, to only one imprudent statement. So far as I am aware, no person has been injured by anything that I have written.

In the cases of officials, I have been obliged to avoid, to a much greater extent, the use of names, and in a few instances I have employed misleading artifices to conceal identity; but such artifices do not in any way concern an American reader. Every official whom I have quoted or shall have occasion to quote in these papers was perfectly well aware, at the time when he talked with me, that I was obtaining information for use in print. Some of them had a clear and definite understanding with me that the facts communicated should be used in a particular way and with certain specified precautions; others were satisfied to trust my discretion without conditions; while a third class gave me information as they would hand me a newspaper containing only a record of facts well known to the whole community. All, without exception, knew what I intended to do with the information that I

sought and obtained. I am now using this information in strict compliance with my agreements, or in accordance with my best judgment. I share, of course, the liability to error that is the heritage of mortals; but I have had an opportunity to become fairly well acquainted with the conditions of Russian life; I have studied the working methods of the Russian Government with careful attention; I have had the benefit of suggestions and advice from the persons in Siberia who are most directly interested in my narrative; and I am not likely, I think, to make grievous mistakes in the use of the material intrusted to me, or in the adoption of means to protect my friends.

George Kennan.

Sarcasm of Religion in Fiction.

THAT religion and philosophy are getting to be on good terms, there is no question; one is growing rational and the other is fast becoming religious. Father O'Toole may not be much of a philosopher, and Schopenhauer cannot even by courtesy be regarded as a good Christian; still the two worlds of faith and reason are fast melting into each other, and—contradicting physics—will soon occupy the same space at the same time. Will the same process of mutual approach go on between religion and literature, and the subtle antagonism which has long existed between them fade out into mutual respect? The *religious* suspects the *littérateur*, and the suspicion is more than repaid by contempt. Especially is this so as between religion and fiction. The clergyman and the novelist have much in common, but they do not get on well together: the parson cannot understand the author, and the author makes game of the parson. Will they ever get to be good friends?

The sarcasm of religion in fiction has long been the cause of much complaint and hard feeling. Let us turn the matter over in a few sentences with a view to finding out if it is well or ill.

Often this sarcasm is of a mild character, like that found in the Waverley novels, which bears on the rusticity and extreme simplicity of clergymen and the extravagance of certain sects. It assumes a more serious type in the novels of Charles Kingsley, where sects and theologies are brought into odious contrast. It is severer still in the works of George Eliot, who treats church and dogma with semi-contempt and often puts clergymen at the farthest remove from respect. In Dickens the whole range is covered—from gentlest ridicule, as of the Dean in "Edwin Drood," to stinging contempt, as in Chadband and Stiggins. In MacDonald the same thing is to be found—coupled, however, with such earnestness that it passes beyond sarcasm and becomes protest. The lead of these great authors is followed, and a work of fiction is now the exception in which some question of religious faith or practice is not introduced, and treated, for the most part, with disfavor. If the various churches and creeds were to apportion this criticism they would find but little partiality. The formalism and corruption of the prelatical churches, the dogmatism and austerity of the Puritans, the emotional excesses of the Methodists, the ceremonial emphasis of the Baptists—whatever is most distinctive and conspicuous in all churches has been satirized by fiction. Ridicule and travesty

of some form of religious belief or conduct is a part of its stock in trade. The lovers, the catastrophe, the rescue, are not more surely included than is the caricature of some opinion, custom, or character called religious. The most notable example is seen in Dickens, both in the severity of his sarcasm and in its pervasiveness. He not only scourges hypocrisy,—for the most part connected with dissenters,—but, in a less open way, the faithlessness of the whole Church to its trust in caring for the degraded masses. Nearly every book of Dickens sends a keen shaft into the body of the national church, yet with all his courage he did not dare to set up the vices and foibles of the Establishment as a target for ridicule; he stabs it, but not with satire. It may be unfair to criticise an author for what he does not do, but we cannot avoid thinking that Dickens would have left a true exponent of his feelings if he had given the parallels of Stiggins and Chadband to be found in the Established Church, as Thackeray has done in "The Newcomes." In view of the immense field from which Dickens drew his characters, it is strange that he overlooked the English type of clergyman so faithfully drawn by Mr. Curtis in the Rev. Mr. Creamcheese. The Established Church is an ark upon which even Dickens did not venture roughly to lay his hand. Miss Brontë showed a finer courage in her picture of the three Curates, and her works throughout are tinged with slight satire upon traditional forms of religion. We find the same feature in nearly all English and American fiction. Now a sect is ridiculed *en masse*, now certain dogmas, now strictness of religious observance or hypocrisy or bigotry or weak-minded conformity. Forms, dogmas, missions, and revivals are treated almost generally with contempt. A marked exception is found in Hawthorne. That he entertained opinions which, if he had expressed, would have taken this form, some letters quoted by Mr. Fields indicate; but whether a virtue or not, he withheld his pen from sarcastic treatment of religion. The reason is to be found in the superior range of his themes, which are not those of society but of human nature—the abstract rather than the concrete. He is not a Dickens or a Thackeray, but a Shakspeare; his romances are subtle discussions of moral problems that have always vexed the human mind—sin, conscience, and the ways of the bare spirit in man. As a literary artist he could not descend from these heights in order to satirize any special form of faith. Had it come within his purpose to depict a religious hypocrite he would not have connected him conspicuously with any church or creed, but would have kept him within the region of psychology—not as in a church, but simply in human nature. Hence in Hawthorne we find a certain bareness of setting that renders him uninteresting to the average reader.

This habit of fiction has, within a few years, changed its objects of attack. First it was sects, then dogmas, now it is certain types of character. Another distinction of the later period is that untruth is treated more severely than fanaticism. Weakness, inconsistency, hypocrisy, are scourged while intensity of belief is comparatively respected. The habit cannot be explained as a trick of the profession, caught by the many from the chance example of the masters; the originality of genius forbids such an explanation. Nor can it be accounted for on the ground of its

availability; it probably tells quite as much against an author as for him, especially in England, where anything like irreligion is unpopular. Nor can it be referred to sectarianism. There is a second-rate class of writers who produce novels in the interest of some church or theology which they bring into favorable relief by very dark shadows thrown upon the opposite side, but they are hardly accorded a place in literature. We cannot recall a work of fiction of the first class in which a character is held up as admirable by virtue of his connection with any church or of holding a definite creed. Such characters are presented for the opposite feeling — certainly not for the readers' sympathy. The solution is largely to be found in the fact that religion, when organized under either forms or dogmas, awakens antagonism in the peculiar genius of the novelist. We qualify our phrase because genius of the purest type is to be found in connection with church and creed. No critic would withhold the name from Augustine, Luther, Wesley, John Henry Newman, Robertson, Stanley, and Bushnell. But it is hard to get poets and novelists within church-doors. No reminiscence of Wordsworth more widely separates him from his class than that of his every Sunday walk over Nab Scar to little St. Oswald's in Grasmere. And Miss Brontë spoke both for herself and for all kindred genius in that exquisite chapter in "Shirley" where she makes Caroline Helstone refuse to enter the church, preferring to remain without and watch nature at her evening prayers. The genius of the novelist, like that of the poet, is impatient of form and definition and organization. Being based on the imagination, and therefore ideal in its operations, it does not consort well with what is fixed and formal. It may use facts and forms, but the argument it enforces is ideal and outside of them. Hence the staple of fiction is love before marriage, or lawless love after it, when it has the liberty of perfecting itself in the imagination — not love after marriage or in true marriage, when the dream is over and fancy yields to fact. Hence established institutions, whether social, ethical, or religious, have seldom been directly strengthened by fiction. It may be doubted if any established government was ever positively helped by imaginative writers; the sympathy is made to turn against what is, and in favor of what may be. The drift is in favor of spontaneousness and excess of liberty, against social custom and settled thought. In the end it may not be unfavorable to social and moral order, but this end is reached through loosening and destructive criticism. It ungirds, but does not find it within its function to rebind. Mrs. Stowe depicts the evils of slavery and hastens a political revolution, but as a literary artist she cannot, in fiction, reconstruct the government. Charles Kingsley in "Alton Locke" helps on reform, but only as an antagonist of the existing order. Dickens reveals the horrors of a school system and turns the laughter of the world against the courts of chancery, but he felt no call to picture a well-ordered school or a prompt court of justice. So far as fiction has any vocation besides that of pleasing, it is critical, and it criticises by depicting that which it deems false and unworthy and by suggesting ideals of perfection, not by portraying excellence already gained. When the latter is attempted, the work is tame and flavorless. Were a literary artist to write a

political novel, he would compose it of two leading elements — criticism of existing institutions and suggestion of a better order; actual evil against ideal good. Fiction, by its nature, has its standpoint in ideality. Its lifelikeness, whether of good or evil, is based on an ideal beyond the fact. Otherwise it would be mere rehearsal of statistics, or philosophy.

And just here we find an explanation of its treatment of religion. It cannot be set down to the irreligion of the authors: whether irreligious or not, the cause lies back of the artist and in the nature and function of the art itself. If religion has seemed to suffer at the hands of fiction, it has suffered in the company of morals, of domestic life, of social order and all other conservative interests, and for the same reason.

The question of the utility of this criticism is another matter. That it causes pain and awakens concern in the minds of many who have a just claim to be regarded because they represent the best interests of society, there is no doubt. When a member of a not obscurely hinted sect is portrayed as a disgusting hypocrite, or when a hero — as in "Felix Holt" — is made to turn his back upon the Church and all religious observance and Christian belief and is offered to the reader's admiration by reason of virtues developed aside from or in opposition to Christianity, it is generally felt to be an affront or an injury. The sect is hurt through its representative; the faith is slighted by the halo thrown around its contemner. Doubtless much sensibility is wounded and direct moral injury is wrought, for no one will soberly maintain that it is well to weaken the hold of religious institutions upon the people unless they become so perverted as to minister to positive immorality.

But just here two things should be remembered: one is, that all criticism is dangerous in its very nature, and most of all ideal criticism, for it means change, and that means risk; the other is, that in high fiction that for the most part is scourged which deserves it, and that notes of warning are sounded where there is most need of care or reform. We do not defend all fiction that treats of religion, nor do we refer to that ephemeral literature, now so abundant, which is dictated by simple hatred and ignorance; but only say that in the masters of fiction the objects of their criticism in religion are generally well chosen. They may be summed up as hypocrisy, weakness, fanaticism, bigotry, and narrow-mindedness. When dogmas are introduced, it is not their bare essence that is held up to scorn, but a perversion of them that renders the character contemptible. It is the frequency with which religion runs into hypocrisy and dogmas lead to bigotry — producing a type of character specially available in fiction — that leads to their general use. If a novelist would draw a hypocrite he must place him upon a background of religion, else his picture lacks shading; as Othello's jealousy requires the purity of Desdemona. So a religious fanatic in fiction must be put into ecclesiastical garb; otherwise he has no form or setting. But it were hasty to conclude that the writer intends to deride the opinions his hypocrite assumes, or that the sect with which he connects his fanatic is contemptible. Nearly the most odious character drawn by Dickens is Uriah Heep, but no one suspects that he intends to slur humility. Walter Scott often ridicules preachers, but himself wrote two very good sermons.

Nearly all the misconstruction put upon this literary habit is due to the fact that the rules of the art do not allow of explanation or qualification. The first object of the novelist is to awaken sensation in the reader. Hence he must be concrete, rapid, excessive; he must draw with bold outline and upon dark background; he cannot indulge in parenthetical explanation nor ask his readers to tone down his coloring. But what the novelist cannot do, his readers must do for him; they must translate his semi-drama into an essay if they would come at his exact meaning.

Still the question of utility recurs. To explain the writer is not necessarily to justify the writing. It is difficult to strike the balance between good and evil in any great human influence; we see the beginnings but not the ends. The farther off in time we get from leading causes, the plainer it becomes that they work towards a general harmony; that which promised only evil becomes a check upon the perversions of what is counted good, or a spur to yet higher good. In morals, as in nature, the system is one of action and reaction, check and counter-check. We must not hastily reject the criticism of that genius which partakes rather of inspiration than of learning, of insight than of logic. The teachers of the world are not those who enforce precedents, but those who unfold eternal principles. It must be granted that the best fiction, in the main, turns attention from what is false and formal in religion to what is true and essential: however destructive the process, this is the result. Religion, whether under ecclesiastical or dogmatic forms, requires for its own good the keenest and severest criticism. No tendency runs to speedier ultimatum than does that of the Church to formalism, of dogma to bigotry, of pledged morality to hypocrisy. Good in themselves, they only continue to be such through the greatest care within and the most watchful criticism without. Our highest faculties and our best conditions are most liable to perversion. The vice of the world is not irreligion, but the divorce of religion from morality; and the tendency, lying in human nature, shows itself in Christianity with more stubbornness because of its perfect standards. Nor is it free from this tendency because it has shaken off medieval superstition and puritanic narrowness. It still needs the watchful care of its own teachers, and it must still accept the rougher and less discriminating criticism of secular literature. Together they will not be more than able to resist a tendency which history teaches as one of its plainest lessons. And if the criticism of fiction — shaped by the rules of its art — takes on the forms of sarcasm, caricature, exaggeration, and general excess, it is still to be accepted, if not with entire composure, yet with the belief that, in the end, it subserves the interests of the hope of mankind.

T. T. Munger.

**How Cuban Dances become German Students' Songs,
and American Ditties become Italian
Mountaineers' Melodies.**

SITTING on the piazza, one hot summer's afternoon, at my seaside resort in New Hampshire, I saw two Italian pipers trudging along the road — veritable *pifferari* they looked like, with legs bandaged up to the knee, cross-gartered, and covered with dust. Halloo! I said to myself, here is a chance to note down some-

thing fresh from the Tyrol; and as they prepared to play right in front of me I took out pencil and paper and noted down the tune.

My disappointment can be imagined when I found with the exception of the opening eight or ten bars the tune was "Climbing up the Golden Stairs." These fellows had evidently picked up this popular air from hearing the bands at summer hotels play it and moonlight banjo parties sing it; and I have no doubt the pipers have by this time returned to their native land and that the tune will soon return to us as a veritable Italian melody. One fellow played the melody on a kind of oboe, and the other accompanied him on a sort of bagpipe.

This incident made quite an impression upon me; for a little while previous, after playing my own arrangement of a Cuban dance, I was asked by a distinguished New York musical critic why I called it "Cuban," when it was a popular German students' song. Not having seen the notes of the German version, I have no means of knowing whether the two melodies are identical, or merely resemble each other, but have no doubt that my Cuban air has been exported or imported in much the same way that the "Golden Stairs" were "climbing."

Richard Hoffman.

"The University and the Bible."

DARTMOUTH COLLEGE adopted last year a course of Bible study very similar to that suggested by the Rev. T. T. Munger in his article upon "The University and the Bible" in *THE CENTURY* for September, it being the first American college, I believe, to make such study a part of its curriculum. The system is entirely apart from compulsory attendance at church and chapel services, which is required as before. The course is systematically arranged, and each subject is presented by an instructor competent to treat it in the spirit of advanced scientific thought. In regard to its scope, I quote from the college catalogue for 1887-88:

For the present, the subject in freshman year is the historic origin of the Bible; in sophomore year, New Testament history; in junior year, the development of the Church as exhibited in the Acts; in senior year, Old Testament history, from the creation to the entrance into Palestine, with special reference to the inspiration and historic and scientific relations of the Scriptures.

At present, but one hour in each week is devoted to this course; but it is intended shortly to develop and extend it. Every student is required to attend these exercises, and it is necessary to maintain as high a standard of scholarship as in other studies in order to obtain a degree.

The aim of the trustees in recommending such a course of study, so far as I know it, was precisely the same as Mr. Munger's idea — to meet the student's increase of culture and critical knowledge with a presentation of Bible truths, in their scientific as well as in their religious aspects. In view of the present attitude of the university to the Bible, this was certainly a very advanced position to take, and I am glad to be able to state that the experiment has thus far succeeded admirably. From the first there was no such opposition on the part of alumni and friends of the college as Mr. Munger would seem to apprehend. Upon the students the effect is already manifest in an increased

respect for the Bible and a deeper interest in its study. The development of this system at Dartmouth will certainly be hopefully watched by all who are interested in this important problem.

ANDOVER, MASSACHUSETTS.

Newton M. Hall.

I HAVE had much pleasure in reading Mr. Munger's article on "The University and the Bible," the more, I suppose, as I have found it to express so well my own convictions (1) that a common worship should be part of the common life of a college, and (2) that no college education can be called complete which does not put the student in the way of knowing how thoughtful men are looking at the really great problems of the day, including the consideration of the Bible and of Christianity "as facts and by the scientific method." But I write not to say this alone,—for it might be well reckoned an impertinence,—but to offer from my own experience testimony in support of what Mr. Munger has written.

In our college curriculum one hour in each week's work of each class is devoted to what is called the department of religious instruction, which includes the reading of parts of the Greek Testament, the study of the history and the literature of the Scriptures, and the examination of the Christian evidences. It has fallen to my lot, for not a few years, to study with the sophomores the history of the Old Testament. This has been done, not as a part of theology nor for homiletic purposes, but as the study of a history possessing great interest both intrinsically and relatively. Of course in some twenty recitations or lectures—for the work of each hour unites both methods—the history cannot be studied with minuteness of detail; but I do not think

that any great question in regard to it has been ignored or that any real difficulty has been left unnoticed. The young men have been introduced to the problems which are interesting scholars in regard, *e. g.*, to the composition of the Pentateuch, the interpretation of its earlier parts, the question as to the introduction of allegory and of poetry into the historical narrative, the development and growth of the nation of Israel, and the connection of its history with that of other nations.

I have not thought it necessary—if indeed it were honest—to conceal my own opinion on some of the questions raised, or to confess my ignorance in regard to others. But I have chiefly endeavored to impress upon the young men, in connection with the more purely historical part of the work, (1) something as to the way in which the Old Testament may be studied scientifically with the single desire of learning the truth about it and from it; (2) that fidelity to what we find to be true cannot possibly be irreligious or unchristian, and that they have in no way denied the truth of the Scriptures if they have honestly accepted one rather than another of the interpretations given to many of the passages in it; and (3) that it is not at all strange that there should be many questions raised which cannot be easily answered at once, and some questions the answer to which must be left to future generations.

If I may presume to judge of the effect of this study, I have no hesitation in saying that it is in many ways very wholesome, very useful, and not lacking in interest. And I can well believe that in the hands of a wise and learned instructor such a course of study as that which Mr. Munger suggests would be one of the most valuable parts of a college curriculum.

TRINITY COLLEGE, HARTFORD, CONN.

Samuel Hart.



BRIC-À-BRAC.

Seeing Ourselves as Others See Us.

‘T WOULD be a dangerous gift, O potent fay!
Whatever feather-headed poets say,
To stand outside and see our various selves
As we are seen—by mortals and by elves.

Within a certain woodland's blessed shade
There dwells a star-eyed, red-lipped little maid,
Whose glance so arch, so altogether tender,
Would bring a whole battalion to surrender.

By twice ten thousand promises she's mine;
But did she know her beauty so divine,
Could she but see—as I—the grace that's in her,
There'd be no longer hope for this poor sinner.

And had I seen, ere winning this fair creature,
My monstrous ugliness, in form and feature,
As her discarded lovers now do view it,
I never would have had the face to do it.

Elizabeth P. Allan.

The Smile of Mephistopheles.

"ALL evil souls to live in hell"; thus ran
The stern decree. But when Mephisto fell,
For the arch-fiend, arch-punishment: his ban
Must be that he shall like to live in hell.

The Smile of The Vicar.

If you would put it utterly to rout,
Tell him a grief that your heart has unnerved.
If you would bring its finest sweetness out,
Crush him with sorrow he has not deserved.

The Smile of Olivia.

It makes the world a rare and gracious place
To dwell in! Yet we need not greatly care
To keep forever on that laughing face
The radiance of a joy so debonair;
Because this lady in bewildering gowns
Is every bit as charming when she frowns.

A. W. R.

larly enough, they represented the extremes of society. When the capture of the *Trent*, with Mason and Slidell, had set Great Britain into a blaze, and Lord John Russell was about to send to the British representative at Washington a dispatch couched in terms that would have inflamed our people, the Queen had employed her husband, Prince Albert, to modify the tone, and to strike out some of the most offensive passages entirely.¹ It was the dictate of wisdom, both on moral and political grounds, and quenched the sparks that, if suffered to take air, might have burst into dangerous flames. It is said that aside from political prudence there was a maternal inspiration. The extraordinary enthusiasm with which the then young Prince of Wales had been received by the American people of the North, which in cordiality had surpassed his reception in Canada, gave to Queen Victoria great gratification. This illustrious lady, among other excellences, has, in eminent degree, fidelity to friends and friendship.

On the other hand, the laboring classes, especially cotton workers in Lancashire, were friendly to the cause of the North. But for the non-voting hand-workers of Great Britain, Parliament would without doubt have decreed belligerent rights to the South. It was in the hearts of the legislators, but they were restrained by the knowledge of the strong sympathy of the common people for the cause of liberty. Trained in America, where universal manhood suffrage prevails, it puzzled me to understand how the Government should be affected by men without votes. It was explained to me

that Englishmen without the right of suffrage were jealous of legislation, and were in danger of great excitement and even of violence when the voting class disregarded the popular wishes. The weakness of the unvoting common people was, under certain circumstances, their strength—at any rate to the extent of making legislators cautious in pursuing a measure against the known wishes of the common people.

It would naturally be expected that the men whose livelihood depended upon the South and its cotton would be prejudiced against a war which interrupted commercial intercourse and stopped the supply of cotton. But it is to be remembered that Manchester had been educated by such men as John Bright, Richard Cobden, [and] W. E. Forster, who with others of like noble natures had fought the Corn Laws and brought in the policy of free trade.

A more pathetic example of the heroism of the poor was never exhibited than in the case of the Lancashire weavers. They saw their industries wasting, the bread grew scarce, even their poverty became poorer, nor was there any sign upon the horizon that this cloud would soon pass away, and yet they held fast their integrity; and, believing that the cause of the North was the cause of the day laborer the world over, they patiently bore famine and distress with fortitude till the day dawned. No other men among all English-speaking people gave a testimony of the love of liberty so heroic and so pathetic as the weavers of Lancashire.

Henry Ward Beecher.

¹ While Her Majesty was doubtless in entire accord with the Prince Consort in this matter, the authoritative account given by Sir Theodore Martin in his

"Life of the Prince Consort," Vol. V., pp. 349, 350 (D. Appleton & Co.), would indicate that the initiative came from the Prince.—EDITOR.

TOPICS OF THE TIME.

Christmas.

IT was old Thomas Tusser, away back in fifteen hundred and something, who sang:

At Christmas play, and make good cheer,
For Christmas comes but once a year.

The return of this anniversary is no longer a matter of indifference in any department of thought or life. In Tusser's day it was chiefly an occasion for mirth under the sanction of religion—and far off be the time when such an observance of Christmas shall cease. For what this age needs—and coming ages promise to need it quite as much—is mirthfulness.

The intensity of modern life and the deepening of consciousness through intelligence breed sadness. We think too much and work too hard to have time for enjoyment, and if we suddenly discover that we have need of it, we take it in inordinate quantities, rather than in simple and natural ways; we go out and buy pleasure at so much the hour instead of somehow con-

triving to live a mirthful life. Close observers of modern society, like Walter Besant, have discovered that a main lack in the lives of the poor is that of cheer, and he urges that philanthropic plans should embrace measures for daily brightening the lives of the people by some simple experience of a pleasurable sort. It would be a somber fact if the number of those who live through a day without a laugh or even a smile could be ascertained,—a strange miscarriage of Nature, since man is the only being within her dominion who is capable of that action. Christmas has rendered the world this good service, that now for many centuries it has called men to sympathetic cheerfulness. It comes, indeed, but once a year, but for some days the cloud on the brow of humanity lifts a little and the wail dies out of its voice. At times it has been too obstreperous in its mirth and called for puritanic check, but for the most it has been true to its origin and stirred the human heart to sympathetic gladness and hope. We shall soon hear the growls of the pessimistic critic over the wastefulness of

Christmas gifts and the irrationality of Christmas mirth. Heed him not: he does not know that the key-note of the universe is joy, and that Christmas laughter is only a stray echo of an eternal hymn, and nearly the only one that has reached us, and that it is well worthy of being caught if we would ever hear the whole. Therefore, fathers, give gifts to your children, even if you have to lessen the daily portion, remembering the wisdom of Mahomet, who said, that if "he had two loaves of bread he would sell one and buy hyacinths, for they would feed his soul." And, ye children, stir up your fathers to mirth; Christmas comes but once a year, and the years left to them may not be many.

The field of Christmas widens, so to speak, from age to age. It is more than a matter of religion and mirth. As "the time draws near the birth of Christ," we are reminded again how widely and profoundly he has taken possession of human society. If another chapter of Christian evidences were needed, one could be written on the fact that Christianity has in reality taken possession of the modern world in all its leading forms of thought and action, leaving the reader to make the inference as to its origin. The author of "Robert Elsmere" sees a glorious temple of Christianity built on the fond fancies and superstitions of those who were not sufficiently developed to use their faculties in giving testimony, but it seems like an indictment of the intelligence of the civilized world to require it to believe that a fact and force so thoroughly accepted and inwrought by it, making it what it is, has not the basis of full reality. Christianity has not come into the world by some "other door," but through the accredited person and history of Jesus Christ. The impression made by the Christ on the world is the chief *apologia* for the faith. It is no longer a matter of church, but of society at large. It early took the lead of all other forces in determining history; civilization again and again has turned upon it; governments and institutions have been shaped by it; society has drawn from it its temper and tone; it has made humanity a fact; it has created democracy and made it a universal certainty in the near future. The force with which it has penetrated the higher orders of thought is equally striking. Philosophy more and more finds itself agreeing with Christian postulates and issuing in Christian ethics, not so much because the philosopher accepts Christianity as because Christianity has taken possession of the philosopher and taught him on what levels to think. Since last Christmas, Martineau, in his "Study of Religion," has united the highest philosophical thought of the last half of the century with the Christian faith in an inseparable unity.

But the Christmas idea nowhere finds so full expression as in literature. Schopenhauer says that music contains in itself all the concepts of the world. So literature may be said to contain in itself the concepts of whatever is best and truest in human experience; and just as there is nothing false or evil in music, so literature takes into itself only what is true and good. The final judgment of reality and worth in this world's history is the consensus of literary genius. The absoluteness with which literature has indorsed Christmas is so much proof of its reality. A true poet might well suspect himself and the divineness of his inspiration if he found himself out of sympathy with Him whose "blessed feet" walked "in the holy fields"

of Syria. Matthew Arnold utters cries of desolation because he can get no clearer vision of Him who lies dead—"in the lorn Syrian town."

What poet has not sung of Christmas?—from the "Ring out, ye crystal spheres," of Milton, to the "Ring out, wild bells, to the wild sky," of Tennyson, and always in one key of hope and gladness, yet with great contrasts. It can hardly be said that Tennyson is more earnest than Milton: certainly he is not a greater poet, and the famous stanzas in "In Memoriam" sink far below the level of Milton's "Hymn on Christ's Nativity" in point of art and melody; but we must admit that Tennyson's Christmas bells ring with a truer and more intelligent note. But this only shows that Christmas comes with fuller and clearer meaning as the centuries go by. Milton can see little but the forsaken temples of "Peor and Baalim"; he hears only "The Lars and Lemures moan with midnight plaint"; and the Egyptian gods are buried in "profoundest hell." Tennyson comes much nearer the idea of Christmas in those eight stanzas that "ring out" the actual evils of the world, and

Ring in the valiant man and free,
The larger heart, the kindlier hand;
Ring out the darkness of the land,
Ring in the Christ that is to be.

Progress of Ballot Reform.

THE subject of reform in our election methods is likely to attract great attention in many of our State legislatures this winter. All the States which have given it legislative consideration heretofore but have enacted no laws—New York, Michigan, Kentucky, Iowa, and Connecticut—are certain to return to it, for the popular interest in it is much greater now than at any previous time. In fact, there is scarcely a State in the Union in which there are not earnest advocates of the reform. In Rhode Island a Ballot Reform Club was formed several months ago for the express purpose of drafting a bill to submit to the legislature, and less formal but no less earnest efforts in the same direction are being made in other States.

The record of the present year has been one of great encouragement to the friends of this most important reform. In April last the Wisconsin act went into operation for the first time, in a municipal election in Milwaukee. As our readers will perhaps remember, this act is only a partial application of the English and Australian systems. It is notable as the first application of the principle of ballot distribution by the State. Under its provisions the voter receives his ballots from a sworn official of the State in a room called the "ticket-room," which only one voter is allowed to enter at a time, passes alone to the "voting-room," where he deposits his ballot, and then goes out of a door provided for that purpose. No crowd of persons is allowed to collect within one hundred feet of the polling-places, and no person is allowed to offer tickets or to solicit votes within the same distance. In brief, from the time the voter enters the polling-place he is free from espionage and intimidation of all kinds, and can deposit a free and secret ballot. The first trial of the law was a most complete and satisfactory demonstration of its practicability and wisdom. Not only was the election the most quiet and orderly that the city had seen in recent years, but ticket-peddling and the browbeating of ignorant voters were annihilated at

a blow. The press of the city was unanimous in expressing approval of the workings of the new law.

The most important legislative achievement of the year has been the enactment of a complete ballot law in Massachusetts. This measure, while modeled primarily upon the bill which the New York legislature passed, but which Governor Hill vetoed, differs from it in many respects. It contains an especially valuable provision for preventing the forgery of official ballots, and is, taken all in all, probably the most intelligent and comprehensive application of the English and Australian systems to American needs which has been made. It places the entire printing and distributing of the ballots in the hands of the State, to be paid for at the public expense. It provides, also, for independent nominations by a specified number of voters, and requires the printing of the residence, street and number, of each candidate after his name upon the ballot. The Massachusetts law ought to be carefully studied by the framers of the new bill which is to be presented to the New York legislature this winter. It is likely to become the model for bills which are to be presented in other States, as indeed it ought to be; for, aside from its great merits, it would be most desirable to have our different State laws upon this subject as nearly homogeneous as possible.

We speak with entire confidence of the possibility of the different States having such laws in the near future. This is one of the reforms which must come, for without it our system of popular government cannot be maintained. Every election, especially in our large cities, shows that until this reform is secured all other reforms are impossible of accomplishment. The control of the election machinery, of the printing and distributing of the ballots, must be taken from the politicians and put into the hands of the State. That is, we must take the power to control our elections away from the men who have no responsibility and no interest in government save extravagance and corruption, and put it into the hands of officials who are sworn to do their duty. Of what use is it to try to get honest men nominated for office when we leave in the hands of the political workers the power to defeat them at the polls by distributing fraudulent or defective ballots, or by making "deals" and "dickers" which cheat the people of their will? We have talked for years about reforming the primaries and the nominating conventions, but not one particle of progress has been made. Under the Massachusetts law any 400 voters, in case of a candidate for State office, and any 100 voters, in case of a candidate for a lesser office, by uniting in a petition in behalf of a candidate of their choice can have his name printed upon the official ballots and have those ballots distributed at the polls at the public expense. What more certain way of reforming the primaries could be devised than this? If there were such a law in New York City there would be an end to the astonishing spectacle which is there so often presented of a "boss" setting up a candidate of his own for office in spite of all protests, and frequently electing him in spite of all opposition. Under such a law both "bosses" and primaries would in a very short time lose their present dominance in our politics.

In fact, there is scarcely a form of iniquity known to our election methods which a good ballot law would not eradicate. We should be rid at one stroke of the assessments upon candidates, of the bribing and bull-

dozing of voters, of the nomination of notoriously unfit candidates, of "deals" and "dickers" and "trades" at the polls. All these would disappear, for the simple reason that the machinery of elections would be taken out of the hands of irresponsible and often dishonest men. Such an obvious and imperative reform as this cannot be long delayed.

Should there be an "Aristocracy of Criminals"?

THE prisons of the State of New York at present furnish a very impressive object-lesson in political "economy," or perhaps it may better be said, in political extravagance. In order that it may be fairly understood it must be approached from the standpoint of a few very plain and generally acknowledged propositions. They are:

1. That the prisons belong to the whole people.
2. That the prison system is maintained for the protection of society against the criminal.
3. That society is never fully protected against the criminal so long as he remains a criminal.
4. That the criminal remains a criminal until he dies or is reformed.
5. That no criminal is likely to cease to be a criminal until he has the ability and the inclination to earn his own living.
6. That the fact of a man being a criminal does not release him from the obligation of earning his own living; it gives him no right to support at the expense of the honest tax-payer.
7. That no criminal can earn his own living without working for it.
8. That no criminal can acquire the habit of industry and the ability to earn his own living without working to do it.
9. That since the prisons belong to the whole people, and not to any trade or class, all the interests and responsibilities in the prisons should be planned with reference to the whole people, and not for the benefit of any particular trade or class.
10. That the whole people demand in the penal system the maximum of protection at the minimum of cost to the tax-payer.
11. (a) That the maximum of protection can only be attained when the prisoner is taught to be self-sustaining. (b) That the criminal cannot be taught to be self-sustaining unless he be made to work.
12. (a) That the minimum of cost can only be attained by making the prisoner as nearly self-supporting as is possible. (b) That the prisoner cannot be self-supporting unless he work for his living.
13. That idleness in our prisons increases the expense of the prisons to the maximum and reduces protection to society to the minimum, thus inflicting a wrong on every honest tax-payer.
14. That all taxes come ultimately from the earnings of the laborer.
15. That the honest laborer, in demanding the idleness of the criminals in prison, simply insists upon the minimum of protection at the maximum of cost, and further insists upon paying a large part of the cost himself.

These propositions, if grouped with the statement that all the prisoners in the New York prisons are idle, hardly need comment. In many of the other States

of the Union the same conditions exist that have brought about the passage of the Yates prison bill, the law that has thrown our prisons into this frightful state of demoralization. The demand was made by the so-called labor-reform leaders for a reduction in the competition of prison labor with free labor. The Yates bill was the result. While allowing hand labor in the prisons, it prohibits the sale of all prison products, and demands that the prisoners shall only work in supplying the needs of the State institutions. This would furnish labor to not more than one-twentieth of those incarcerated in our penal institutions. The act was "to take effect immediately"; and it has taken effect. To-day in our New York State prisons, and worst of all in the Elmira Reformatory, the shops are closed, the men are locked in their cells, they have ceased to earn their own living, the idleness that has already cursed their lives has fallen upon their lives again; they have nothing to do but to brood over their criminal exploits of the past and to plan criminal acts for the future. They will go out of prison in the same hopeless and helpless condition in which they entered it. They will go out as they came in — criminals. They will continue to prey upon society, and all the more successfully because of the criminal associations that they have formed in the idle hours of their imprisonment. In the mean while honest laborers may have the satisfaction of knowing that a man has only to be caught in committing a burglary or in robbing a bank to demand support from their earnings.

Every shoemaker, and hatter, and tailor, and day laborer in this State is to-day paying his share in the support of the fifteen thousand criminals in our penal institutions; and the laborer is paying the larger part. He may not directly pay the increased taxes, but inasmuch as his employer's and his landlord's taxes are raised, inasmuch will his wages be reduced, his house rent increased. And not only so, but when the criminal that the workman has been supporting comes out of prison, he will be a greater menace to the honest laborer's safety than when he went into prison. By his futile attempt to save the small fraction of a cent on his day's wages, the workman has increased the chances of having his earnings stolen, and multiplied the dangers that encompass his life and property.

It will of course be said by the friends of the Yates bill that when it is fully in operation it will not prevent systematic labor in the prisons. But one has only to glance at the law to see that it is entirely out of harmony with the spirit of the age. It forbids the use of machinery in prisons; and even the few prisoners who under the full operation of the law may be allowed to work go out, with only some old-time handicraft by which to earn a support, into a world that lives by machinery. It forbids the sale of prison products, but it does not prohibit the purchase of supplies from the outside world. As there are no earnings, all supplies must be purchased by the public funds, which, of course, finally come out of the pockets of those whose unscrupulous leaders made this law.

This law passed through a Republican legislature as a purely political measure. It was signed by a Democratic governor. It will be remembered hereafter as the most expensive prison law the State has ever known. It opens up immeasurable opportunities for corruption and theft. When the intelligent working-man stops to

think of the inevitable results of this law, he should call to account every man who has had a part in its origin, or its passage, or its signature; he should never permit these men to pose as the friends of labor and the laborer. No man is a friend to the laborer who leads him to do an injustice, or who puts an additional burden on his already overburdened shoulders.

A Confusion in American Party Names.

A CONFUSION exists in America in the use of party names which arises in part from the Constitution of the American Union—from the existence of States within the state. No merely local elections in England, for instance, are so important as our State elections. The local policy and local morality of the two leading parties as differentiated by the State communities are constantly varying north, south, east, and west. In one State, as in one city, one of the great party names may be used by a trading clique or a venal majority for unworthy purposes. In another State, as in another city, the other great party name may be in like manner degraded. Meantime the two great parties of the nation enunciate and act out their respective policies in the national conventions and in the legislative and executive branches of the General Government.

This condition of affairs has often a most unfortunate effect. Men of ability and of a fair amount of civic virtue are constantly being crippled in their public usefulness by being falsely and mischievously committed, against their clear convictions and better impulses, either to the local branch of a party through their approval of the same party's national principles, or to the national policy of a party through their approval of the so-called same party's local action. The finest contempt of the professional party-manipulator is reserved for the freeman who stands up for good local government, municipal or State, under whatever party name it may be offered, and stands up with equal determination for what he conceives to be good government in the nation, under whatever party name that government may be at the time best attained, even if he finds himself consorting on a State or a municipal issue with one party and on a national issue with another.

But the "free and independent" voter is a better citizen than the voter who is dazzled or intimidated by banners, badges, and words without meaning. There is no sincerity in the partisan abuse showered upon such a voter. The abuse is meant to produce the effect of trepidation upon the man who sees clearly and votes straight to the mark every time. But year by year the trepidation is less apparent, and the partisan scolding more of a sham. The greatest scolds are notoriously partisans who have themselves scratched and bolted whenever it was their interest or pleasure to do so. The time appears to be approaching when he will be regarded as a poor creature indeed who is governed in his voting for municipal, State, or national candidates by the good or the ill opinion of some other person, rather than by his own conscientious convictions. If the "whipper-in" should permanently succeed, and voting at all elections should be a matter of precedent, habit, or domination of mere party names, it would be time to despair of the republican experiment in the New World. The caucus and the boss would have supplanted free, representative government.

OPEN LETTERS.

Political Corruption.

THERE is a certain feeling of satisfaction for us in finding out that politicians show the same vices in other countries that they exhibit in our own. In France the canker of political corruption has eaten its way into the innermost circle. It is true that democracies are peculiarly liable to this evil, and for this reason, that in them the highest places are open to men whose sense of honor has not been educated. Man is, zoölogically speaking, a dishonest animal. St. Paul knew this when he said that "the love of money is the root of all evil," and Pope must have recognized the fact when he wrote the line, "An honest man's the noblest work of God." A polite education does much towards curbing the natural tendency; but such an education cannot be given to the whole male population, and hence can have little effect in a democracy.

Must our Government then be forever honey-combed with corruption? If so, we had better admit that it is a failure, and suspend our contract-labor statute for the purpose of importing the Czar at once. But no! We can face and overcome the evil. We have suppressed slavery. We are engaged in fighting the liquor traffic, and look forward to substantial results. We must take up the question of bribery in the same spirit. Our people are capable of great enthusiasm on moral subjects. Our thanks are due to the Abolitionists and the Prohibitionists for showing the deep moral sense of the community. We need some fanatics on the question of honesty. The moral sense of the people is well developed on the side of—what shall we call it?—physical morality. Our religious teachers do a great work for sobriety and chastity and all the domestic virtues. But for some reason or other we fall short on the side of the doctrine of *meum et tuum*. We cannot allow American honesty to take its place in history beside Punic faith. We must call to life the latent virtue of our people and sweep the curse away.

It would of course be impossible, if it were desirable, to change our form of government for the purpose of attaining this end. Pope says:

For forms of government let fools contest;
Whate'er is best administered is best.

We have outgrown such theoretical teaching. The masses prefer to govern themselves ill rather than that others should govern them well. Government nowadays must meet the wishes, rather than the wants, of the people. It must give the greatest satisfaction, not the greatest good, to the greatest number. We must take things as they are and seek a remedy compatible with universal suffrage.

Now there are three principal ways in which we can proceed. We can punish the briber and the bribe-taker, we can diminish the number of opportunities for bribery, and we can educate the people so that they will rise above it. The enforcement of the penal laws is probably our weakest refuge. The desire for money outweighs the perils of the law. While the trial of an

alderman for bribery was in progress in our courthouse, the Board of Aldermen was reveling in the same kind of corruption in the City Hall. We can in many cases take away the opportunities for bribery. We have an example of this method in the general laws under which corporations can be formed without applying to the legislature. A statute requiring all proposed acts to be filed and published before the meeting of the legislature would go far towards preventing corrupt legislation. The Australian system of voting will discourage bribery at the polls.

But it is in education that we can hope for the best results. The remedy must go to the root of the disease. We must begin in the public schools. This education should take two forms: it should show the pupil that bribery is an injury to the public and to him, so that he will oppose it by his vote; and then it should go further and raise his character, so that he would not himself give or accept a bribe. A simple text-book could cover the ground, teaching the fundamental facts of taxation, viz., that the landlord adds his taxes to the rent of his rooms, and the grocer includes them in the price of his groceries; and that in this way the poor pay the bulk of our taxes. It could show that every bribe paid to a public officer for a privilege or a franchise should have gone to the reduction of taxation, and hence to the reduction of rents and prices. What a strange state of affairs is presented by the results of our elections in the city of New York! The assemblymen and aldermen who represent the wealthiest constituents, including the directors and stockholders of corporations, are usually honest men, who will not vote for a bad measure for all the inducements which a corporation can offer. The tenement-house districts, on the other hand, are apt to select men who pose as friends of the laboring man, and yet as soon as they are elected become the tools of the moneyed institution which bids highest. Many of their constituents know this, and would consider them fools if they did not make something out of the legislative and aldermanic "business." These foolish electors are not unlike the two flunkies in Cruikshank's picture. One says to the other, "What is taxes, Thomas?" and Thomas answers, "I'm sure I don't know," and the scene is entitled, "Where ignorance is bliss." But for our voting population ignorance is not bliss. It ought to be easy to teach these voters that they are putting their worst enemies into power, and handing the government over to what Mr. Roosevelt has aptly called the "wealthy criminal classes." The press can do great good in educating the public on these subjects, and it has already given valuable assistance in its recent attacks on bribery. Our newspapers must cease, however, to treat this crime as if it were a laughing matter.

The other part of education—the moral elevation of the person—is, to be sure, the noblest method. It can be partly accomplished in the public schools, but their teaching should be supplemented by the church.

The task is by no means hopeless. The bribe-taking alderman, the bribe-giving director, will not pick your pocket. Can they not be taught to regard these acts as alike? It is largely a matter of education. We have heard a man inveigh against political dishonesty while he wore a suit of clothes which he had smuggled through the custom-house. No lesson can be more important than that which teaches us to distinguish accurately between honesty and dishonesty. A proper regard for truth and honesty is the fundamental virtue. A nation of drunkards would be Utopia itself in comparison with a nation of cheats, and the character of a nation cannot be better than that of the individuals who compose it.

But let us come to the practical suggestion to which all the above is prelude. Why should we not establish an American Society for the Promotion of Political Honesty? Such an association could have branches in all our prominent cities. It could have committees on the enforcement of penal laws, on legislation, on education. It could exert its influence through the press and through our school boards. Before long it would gain the fear, if not the respect, of our political parties, and the movement once begun would not end until political corruption had ceased to be a national sin.

Ernest H. Crosby.

Another Side of the Woman's Work Question.

It is a cheering sign for the great army of women who are obliged to earn their livelihood, that the "woman question" is being agitated in the light of woman's work. The question of what she is paid; of what she ought to be paid; of what she does; and, above all, "What shall she do?" is filling our papers and our councils.

But there is a side which, it seems to me, as a practical working and self-supporting woman, is very little considered. This is the question, "How does she do it, and how should it be done?"

It is my belief, strengthened by experience and observation, as well as by conversations with those who look at the question from a practical and business point of view rather than from a sentimental one, that one great drawback to woman's success in the business world — I mean equal success with man — is in her want of thoroughness, both in preparation for her work and in carrying it out. Women generally, as a mass, look upon self-support and labor as a thing to be avoided, and, only too often, to be ashamed of. It is a melancholy comment upon this assertion that, in the recent census in one of our large cities, the house-to-house census declared that the number of women who earned their living or were engaged in some daily, wage-earning avocation was only about half of that which the census of the female employees in business houses and factories declared. Can woman complain that she is not considered equal with man in the wage-earning world, if she herself takes so little interest and pride in her work that she denies it? The truth is, that woman, *en masse*, has for so short a time been supporting herself in any way which takes her out of the seclusion of the household that she is, *en masse*, ashamed of it.

Of course, there are many noble exceptions, but

the exceptions themselves will acknowledge the truth of the assertion. This being the fact, is it to be supposed that woman can claim the same regard as a wage-earning factor as if she took the pride in her work that a man does? Man has hundreds of years the advantage of us: he has the hereditary business instinct and training, the wholesome pride in honest work which comes from tradition and custom; and therefore he is that much more valuable than the woman who merely takes it up as a makeshift till she can be supported by some one else, or who has never given any thought to the subject, and so drudges on, poorly paid, but still, perhaps, paid as much as she is worth.

That there are thousands of ill-paid women, there can be no question or shadow of a doubt. But is not this rather because these thousands of women only do work which requires no skill beyond that possessed by every other woman; which requires no special training, and which, if she abandons it, any other woman can do as well?

The woman physician is as well paid as the man. I know a woman who is a dentist who makes more than most men in the profession. The woman who is an author, a painter, an actress, or a singer is as well paid as a man of equal talent and opportunity. To go lower in the scale of talent, the dressmaker, the milliner, the skilled female worker in our factories, is paid on the average as well as the male. A woman who is a good weaver is well paid; and while I am open to correction on this point, my understanding is that in all mill work, where skill and knowledge of the business is necessary, the woman operative is almost as well paid as the men engaged in the same work. She is at least recognized in labor unions and in strikes. That there is, and naturally will be, the slight difference in the pay given which comes from the man having been so long in the field is a thing which will right itself only in time.

But I would say, Let a girl feel that it is as natural and praiseworthy for her to earn her living as that her brother should; that if she would be as well paid as her brother she must be willing to give the same time, attention, effort, and endeavor to make herself a success and valuable to her employer as her brother does. She must be *thorough*. Any woman can measure a yard of muslin or can hand out books from a circulating library, any woman can work a sewing-machine; and any woman who does these things in the way that they are ordinarily done is as well paid as her brother who does the same things in the same way, and is so often contemptuously called a "counter-jumper." The men who earn good salaries as retail salesmen are men who, by years of attention to the qualities of goods and the desires of the market, combined with an amount of tact which would do credit to a successful diplomat, have made themselves a place which is open to every woman who will devote the same number of years of patient endeavor and ability. There are some such women, and they are well paid. Let a woman devote to this branch of business the amount of tact, *finesse*, patience, and taste which she doubtless possesses to a greater degree than a man, and she will almost always succeed.

I have said that the great trouble with this matter of woman's labor and woman's pay is that women do

not take up things which are in themselves valuable, nor do they give such effort to make themselves thoroughly valuable as men do. In regard to the first of these statements, it may be said that business is business. There can be no sentimentality in it. The law of supply and demand is inexorable. If there are twenty or fifty women to fill a position which any one of them can fill as well as another, no one of them will be well paid. In regard to the second, men make a study of their business, as a thing with which they wish to support themselves and their prospective or actual families—as a means to wealth. A woman, ninety-nine times out of a hundred, takes some business which will enable her to help herself till she marries. The hundredth woman is the well-paid one. Here lies the great trouble. Every woman, or nearly every woman, looks upon labor as an evil to be borne as lightly as possible till it can be shouldered upon a man. And at last, some sad day, she wakes up to a realization of the fact that there are not enough men to go around, and that she is stranded on the shore of low-waged incompetency. Some then make a noble struggle and retrieve their lost ground; and this is the reason that nearly all the well-paid women in our stores are those who by reason of their years have come to a realizing sense that probably no man will ever support them, and that they must carry the load themselves. As to that sad and weary army of sewing women, whose toil and hard lot brings tears to our eyes, it is mostly made up of those women who have never learned any real business; who have married, and, left widowed with little children to care for, and not the means to embark in that other weary business of boarding-house keeping, are obliged to take to that one thing which they as well as thousands of other women can do. They are forever handicapped.

Women do not usually—I say it with regret—put their hearts into their work as men do. They look upon it as a temporary affair, and so—as I have been told by both men and women who employ both men and women—they are not worth as much as a man, who wants to stick at the work.

There is but one remedy for this. As I have said before, let our young women and girls be taught that it is as necessary for them to know how to earn their livings with some true business as it is for their brothers.

Do not bring them up to believe that marriage is the aim of a woman's life any more than it is of a man's, or that it is more honorable and dignified than work. Let them learn one of the hundred real trades or employments which women can learn; let them feel that the better they can do their work the more account they will be in the world and the more respected; that they should put their whole hearts into their employment and make themselves valuable as working factors, leaving marriage to come or not as they and fate will; and then, and not till then, they will become as valuable working factors as men, who already do all this. There is always room and good pay at the top. Value will command value, and a dollar's worth will generally bring a dollar.

(I must make one parenthesis and one exception here, and that is with regard to the respective pay of men and women teachers. That the discrepancy in this is as great as it is unjust I do not pretend to deny; and the only reason I can give for it, according to my

view, is, that there are too many women who wish to be teachers. It is the great refuge for every woman who has a fair education and wishes to earn her living in a "genteel" manner. The market is glutted with women teachers.)

As I have said before, man has the advantage of possession; life is the survival of the fittest; and since man has the vantage ground, only those women who are armed with the same weapons, have the same determination to succeed and the same stake to lose, will gain the same footing. I do not mean to accuse man of any more injustice than comes of this struggle for life; as I have said, business is business. No man pays for anything more than he is compelled to pay. Let our girls become really thorough saleswomen, both wholesale and retail, even if it comes to traveling; let them practically learn printing, engraving, designing, light cabinet-work, stenography, book-keeping, watch-making, goldsmithing, dressmaking (at which the practical woman sometimes makes a fortune)—any of the hundreds of things for which their nimble and delicate fingers, native wit and taste, quick perceptions and faithful perseverance, fit them, and let them learn it as a business, thoroughly, honorably, with the determination to be first-class workwomen, and soon they will share the pay as well as the work of men. And believe me, our girl will be no less fitted to be a good, loving wife and mother, if she sees fit to marry; and she will not be driven into a thoughtless marriage to escape the drudgery of earning the pittance which will not support her, nor of making a sacrifice which is generally considered to be even more disgraceful than that. Think of this, you who bemoan the thousands of unhappy marriages and the frequency of divorce. And if she is left, as so many women are left, with children depending on her for support, she is in no worse condition than the widower who is left with them to care for. Think of this, you who may be widows.

I will say here that men have objected to this idea, saying that if women are self-supporting they will not care to marry. Surely, I reply, if a man depends upon his money alone to attract and keep, the time has arrived when woman should compel him to make himself worthy of her love and her possession.

There are many bright instances where women have met and understood this condition of affairs, and have gone to work like men and made themselves valuable. They have something which they can do better than other women and as well as a man. And I am glad to say that my experience has been that such women are admired, appreciated, and valued. As one old business man said to me, "If you want a faithful, trustworthy employee, have a woman who understands her business." Woman has every element of success in her; teach her to bring it to bear on the situation.

L. E. Holman.

Home Rule and Culture.

SHOULD the hoped-for "Reorganization of the British Empire" include "Home Rule" for Ireland, with representation in the Imperial Parliament, not the least interesting of the phenomena following it in Ireland will be the revival of national culture, especially in fine and industrial art. Travelers in Switzerland, in

Germany, in Italy, in France, and in Belgium are perplexed in the museums by Gaelic manuscripts, many of them delicately illuminated, concerning which the custodians or catalogues make scant explanation. At Oxford and in the British Museum, in various public and private collections in Dublin, are beautiful evidences that the arts of design were early associated with the classical and sacred volumes which the Irish scholars, driven from their native haunts, carried away with them. In decorative art, in architecture, in sculpture, and in the manipulation of metals, Ireland has an obscured history that makes more pathetic her long intellectual death. While Western Europe sank into darkness a twilight of learning and of art activity prevailed in Ireland; but when the glory of the Renaissance gradually spread over the Continent and extended its mild radiance to England, war and penal statutes had destroyed the vestiges of culture in Ireland.

Her churches, ark-shaped, with plain or twisted pillars and round-headed windows in incised moldings; with interiors in which simple dignity is warmed by modest ornament; her bells and bell shrines, her chalices and crosiers, her book-covers and book-cases, showing that her artists were expert in filigree and in damasking, in *repoussé* and enamel, both *cloisonné* and *champlevés*; her belfries, towers, and duns; her clasps and mosaics, glass engraving and gem mounting, of which authentic examples are cherished illustrating the skill of the country from the fifth century to the fourteenth — all serve only to make more deplorable the decadence of a people whom penal laws so depressed that when the present monarch reached the throne three-fourths of the natives could neither read nor write. The sturdy commercial industry of Ireland which appeared during the seventeenth and eighteenth centuries had been as ruthlessly destroyed by statutes scientifically contrived in the interest of English rivals. To-day the shops of the Irish cities are filled with the manufactures of English towns. There is no considerable native production, except linen. All the arts of design have long been dead.

The happiest as well as the most trustworthy symptom in the Home Rule movement is that its growth has been parallel with the resuscitation of intelligence. The penal laws expired in 1829. The national schools were officially opened in 1832. With a population of 7,000,000 the enrollment was only 100,000, so long were the masses of the people accustomed to the conviction that education was felonious. Each succeeding decade has found the enrollment increased; and when it now reaches its maximum of more than 1,000,000 in a population of less than 5,000,000,—the highest in proportion to population of all countries, not even excepting our own,—the demand for Home Rule is found also at its maximum. More than three-fourths of the representatives chosen to speak for Ireland in Westminster have cast for three years a solid vote for the restoration of the national legislature. That this demand will be acceded to, no student of the English mode of dealing with modern political problems can doubt. The feud, political, religious, ethnical, that has raged for centuries, will cease. Good-will will become a habit of the English and Irish people towards each other. With the fixity of that habit we may look with confidence for a revival of culture in Ireland which will be found especially attractive in fine and industrial art.

Since the abolition of the Irish Parliament in 1800 there has been no native authority for the appropriation of revenue. During the same period England has become thoroughly aroused to the necessity of encouraging science and art. Availing herself of the fifty thousand volumes and the hundreds of cases of natural history left by Hans Sloane, a native of Ireland, she founded the British Museum. Later in the century she spent half a million dollars on the National Gallery, and has annually bestowed upon it a liberal allowance. The South Kensington Museum, the National Portrait Gallery, and the India Museum are all of comparatively recent origin, and have cost the treasury millions for their foundation and support. Museums of art have been opened in the provincial towns, supported in part by corporate, in part by private, and in part, indirectly, by Parliamentary aid. The effect of Kensington and other training schools upon the industry of England has been such that last year a leading French authority cried out that if France did not bestir herself England would take from her the markets of the world, which the superior technic and taste of the French designers have monopolized for a century, or since the establishment of art schools throughout France. Parliament expended last year upon the science and art of England nearly \$5,000,000, and upon science and art in Ireland less than \$300,000, one-half of this being only for buildings. Would not an Irish Parliament deal more wisely with Irish art and Irish manufactures?

England has used Irish talent for her own profit with sagacity and success. Her art owes much to James Barry and Sir Martin Shee — neither a first-class painter, but both admirable instructors and critics. When the Queen makes her progress to open or to prorogue Parliament, she passes through a national gallery the sides of which are frescoed by Maclise. In music Ireland claims Balfe and Wallace. In philosophy Boyle and Berkeley, Thompson and Tyndall, are hers. Moore obtained no attention until he tuned his dulcet lyre to praise a Prince of Wales; and Lecky is popularly classified as English with as little hesitation as a Burke, a Sheridan, a Goldsmith, a Philip Francis. There is a spurious and a lofty patriotism. There is a true and a false nationalism. It ought to be possible for the genius of the Irish people to express its individuality, as it was possible for that of Greece, for that of Venice; and that individuality is as genuine and characteristic as we believe American nationality to be. Under the beneficent operation of home rule and the permanent adjustment of the relations of England and Ireland on a political basis of justice and mutual friendship, we shall see the arts and industries of Ireland flourishing, encouraged by her own legislature; and her men and women of genius, no longer expatriated, working with love and confidence upon the noblest problems of her destiny.

Margaret F. Sullivan.

The Holt Method of Teaching Music.

BY A TEACHER.

THE Holt system, so rapidly growing in favor throughout the United States, differs very widely from most others in that it presents the "music end" first.

This mistake has been made in teaching music — the names of the characters representing music have

been taught first, instead of music itself. To little children, and even to children of a larger growth, it is dry and uninteresting; but if we reverse the process and teach *music* first and the names of characters incidentally, the work will be a constant delight and much valuable time will be saved.

Mr. Holt does not claim to have invented anything, but simply to have discovered that the educational principles which underlie the *true* teaching of any other subject can be applied to music. He has discovered a method of presentation according to such principles so that any one having teaching ability can successfully lead even the little child of five years to a surprising knowledge of music, provided only that the teacher has at the outset the musical ability to sing the scale.

In order to become a musical nation we must have music taught in the public schools, and the daily work must be done by the regular teachers with special supervision at certain intervals. The *only* rote lesson in the whole course is the first—the teaching of the scale which is taken as the unit of thought in tune. Aside from this there is no imitation. It is a system of much thinking. Tune and time are taught separately, the whole measure being taken as the unit in time.

Mr. Holt has studied what *not* to teach, and has stripped music of the technicalities and enigmas which have been a bugbear to so many.

He has shown—and we have proved it in our own schools—that it is as easy for children to read in one key as in another. There are no difficulties in the *representation* of music. One strong point is that we teach practically but one scale in different positions.

The syllables are used simply as a means to an end, and are dropped as soon as we can do without them. They are valuable in elementary work if used within certain limits; otherwise, they become a hindrance. It can only be said that their use is better than none, since they bring up quickly the characteristic quality of the intervals. In that all music is written upon the basis of tone relation and the syllables used help the mind to grasp the idea of this relation of sounds, the “movable *do*-ists” seem to have a little the stronger side of the argument. Try



It is easier to sing the 3, 2, 1 as “mi, re, do” than in any other way. The change of syllable gives the impression connected with the syllable. Until you think of the *g* as “3,” you are still in the other key.

Mary L. Lewis.

Herbert Spencer.

THE August CENTURY contained a powerful article from the pen of Dr. Lyman Abbott on “The Pulpit for To-day.” Its lesson—a much needed one—was given with the force of poetic beauty; but in it the learned preacher says, “The materialism that threatens the American Church is not the materialism of Herbert Spencer”—implying, of course, that Herbert Spencer is a materialist. The truth is that Mr. Spencer has furnished the most complete demonstration of the utter fallaciousness of materialism in its proper sense. The only materialism chargeable against Herbert Spencer is that of urging as the first duty of all to provide for their sustenance; and that is a materialism from which there is no escape, as even Dr. Abbott himself observes.

Every truth proclaimed by Dr. Abbott has been stated, and all its consequences have been developed, by Herbert Spencer with scientific exactness and with a logical power which has not, and never had, a parallel. He also has given to the preacher an unanswerable, philosophic basis for his labor. Dr. Abbott says, “It cannot be expected in such a paper as this that I should attempt to unfold a Christian sociology.” Herbert Spencer has attempted a *scientific* sociology, and the scientific world generally concedes that he has succeeded. And this sociology is so far *Christian* that Dr. Abbott might have enforced all his good lessons by reference to it. Again, in his quotation from De Tocqueville, Dr. Abbott, leaving “that question” “to the reflection of the reader,” might have added that Mr. Spencer had reflected on it to considerable consequence, as he has also on the questions of education and labor, to which Dr. Abbott also refers with much pertinence.

It will be noticed that I write merely to correct the misleading reference of Dr. Abbott’s article, not to take any issue with it. Indeed, as I have said above, I admire the great beauty and I commend the great usefulness of the lesson it conveys. What it offers under each of its heads I believe to be valuable truths.

Dr. Abbott says very beautifully that “Whether a people diverse in race, religion, and industry can live happily and prosperously together, with no other law than the invisible law of right and wrong, and no other authority than the unarmed authority of conscience, is the question which America has to solve for the world.” America is not yet practically engaged in solving that problem; but that she will solve it, and that the world will benefit by the fullness of the solution, is the faith of Herbert Spencer and his followers.

M. H.

BRIC-À-BRAC.

Noblesse Oblige. A. D. 760.

SAID Short Pepin, aloud
Before the awe-struck crowd:
“Rebel! betrayer of trust!
Whom word of mine can bring to the dust,
O Count that you are, O Magnifico!
Who made you so?”

Said the Count of Périgord,
With fingers tapping his sword,
Eyeballs merry as wine,
And proud as hid jewels in the mine:
“Come, Sire, don’t quibble with the thing!
Who made you King?”

Louise Imogen Guiney.

better fellow never died than Jacquelin B. Stanard.

A few of us brought up a limber-chest, threw our poor boys across it, and bore their remains to a deserted storehouse in the village. The next day we buried them with the honors of war, bowed down with grief at a victory so dearly bought.

We started up the valley crestfallen and dejected. Our victory was almost forgotten in our distress for our friends and comrades dead and maimed. We were still young in the ghastly sport. But we proved apt scholars. As we moved up the valley we were not hailed as sorrowing friends, but greeted as heroes and victors. At Harrisonburg, at Staunton, at Charlottesville, everywhere, an ovation awaited us such as we did not dream of, and such as has seldom greeted any troops. The dead, and the poor fellows who were still tossing on cots of fever and delirium, were almost forgotten

by the selfish comrades whose fame their blood had bought.

We were ordered to Richmond. All our sadness disappeared. A week later the Cadet Corps, garlanded, cheered by ten thousand throats, intoxicated with praise unstinted, wheeled proudly beneath the shadow of the Washington Monument at Richmond to receive a stand of colors from the governor, the band playing lustily —

Oh! there's not a trade that's going
Worth showing, or knowing,
Like that from glory growing
For the bowld soldier boy.

The boys who formed the corps of the West Point of the Confederacy are no longer boys. Many are dead. Many fill high stations in mature manhood. Many are already gray with care. The Virginia Military Institute still survives the wreck of war. But it is not the hot-bed of war that it was in those days.

John S. Wise.

TOPICS OF THE TIME.

Annexation, or Federation ?

IT will not be difficult to array arguments against the article on "The Reorganization of the British Empire," which was published in the last number of THE CENTURY. Certain advocates of a different conclusion will prove conclusively that annexation to the United States offers Canada's only hope of coming into touch with a real national life and of becoming a part of the world's commerce and international relations, and that the American ought to be as intensely and continuously interested in this matter as in his own national politics. And the principal immediate result will be that such advocates will be stirred up to a new astonishment or perhaps indignation at the American's stolid indifference, and will be apt to attribute it to the American's ignorance of or contempt for the power and importance of the Dominion.

Nothing could be more unjust than this latter supposition, and yet it is doing very much to sap the cordial relations which ought to exist between two neighboring peoples. The anti-annexationist of Canada has a suspicion that too many Americans are engaged in contriving methods of putting an end to Canada's separate existence; the annexationist is indignant when he finds that Americans, as a rule, are not only disinterested but uninterested; and the only political friends of "the States" in the Dominion are the Gallios who care for none of these things. The American looks with dull eyes upon all schemes of annexation, not because he has any feeling of contempt for Canada, but because he cannot yet see in the schemes themselves anything that is absolutely necessary or self-developed. Place before him that which seems a natural scheme, that which is the result of natural conditions permitted to work freely, and in

ninety-nine cases out of a hundred he will take the warmest interest in it and give it his most cordial approval, even though it is quite lacking in those points of selfish advantage to the United States on which the annexationist relies so confidently.

What could be more natural than the "federation" scheme for British reconstruction, which has been before the British public for years and is now renewed in the article just mentioned? It offers to Great Britain the maintenance of every interest, legal, economic, political, and moral, which has grown up in the past and has shown itself worthy of conservation. It maintains all the ties which have held the different parts of the Empire together. It even strengthens them prodigiously by transforming the weak ties of colonialism into a true national life: so that the foreigner shall look upon Canada or Jamaica, not as temporary hangers-on of a distant island, but as component and fully recognized members of a magnificent ocean empire. It distributes the burdens of imperial taxation over the whole Empire, so that the Australian may look upon every imperial iron-clad which comes into his harbors as possibly the product of his own state's taxation, while Canadian regiments shall take their tour of duty in English or Irish cities, or at the Cape. It lessens the dangers of a new break-up of the Empire through colonial discontent; the Canada or the New South Wales of the "federation" could submit without a second thought to abandonment of its claims "by its own government," while there is now always something of a sting in such an abandonment by a home government on whose decision the colony has exercised no direct influence. It leaves to every square foot of the Empire that alternative of self-government in the present, or of the hope of self-government in the future, which is afforded by our State and Territorial

systems. Canada would be at once one of the self-governing states of the Empire; but the Territories of India would have under the federation such prospects of complete statehood, when they should deserve it, as they never could have under a Russian dominion or protectorate.

And such a consummation is to be prevented by what? By certain remnants of feudal organization or thinking. The attempt has hitherto been made to base the British Empire upon the country known as England. England must be simply included in the splendid and closely knit Empire which is pictured in federation. England is not prepared to sink its proud historical continuity in such a federation: that might do for Scotland or Ireland, but not for the country of Alfred and Shakspeare, Milton and Cromwell. Still less is England prepared to transform its historic past into a geographical expression by dividing its representation in the Imperial Parliament, as that of New England has been divided in our own country, among half a dozen separate States. Family and other influences have been prompt to make use of such natural feelings in order to prevent the organization of a Parliament which should really represent the whole Empire, and to maintain the present system, which gratifies all the provincialisms of English anti-democracy, while it "governs" the rest of the Empire purely on sufferance.

It is hardly necessary to say that such a system cannot last; iron-clad navies have already made it an anachronism. British statesmen have for years been ready to meet the imperial dangers of a great naval war by quietly shaking the colonial apples from the boughs; by saying to their colonies, "Depart in peace; be ye warmed and filled." English historians are agreed as to the folly of the policy which split the British Empire a hundred years ago. What are future historians to say of the policy which is now prepared to submit to a disintegration of the Empire rather than sacrifice one jot of the ambition to make the legislative body an English rather than an Imperial Parliament—an ambition the impossibility of which will be shown by the first contact with the touchstone of events? Towards the climax of the English troubles with the colonies in the past century, the failure to reach a kindly and satisfactory settlement of them was attributed by Franklin's hard practical sense very largely to the desire of so many Englishmen of that day to keep up the fiction of "our sovereignty" over the colonies; each, "like the Genoese queens of Corsica, deems himself a sprig of royalty" over the colonies so long as the old system should last. It would be a curious historical parallel if survivals of the same feeling in this century should prolong the existence of the old system until circumstances should force a new disruption of the Empire.

The one practical factor which is fundamentally hostile to all such survivals is English democracy. Wherever it meets them, in the pulpit, in the press, in Parliament, or even on the panels of carriages, it meets them with unsparing ridicule. Its work has hitherto been mainly in the widening of the right of suffrage, but most of that work is now done. The question now is whether the inevitable development of English democracy in new directions, more particularly in that of a federated Empire, shall happily anticipate any conjunction of circumstances which might otherwise force a second break-up of the Empire. It is really,

then, a race against time by the English democracy. If, as one result, our neighbors to the north of us shall become an integral part of a real empire, such a natural and simple solution will find no congratulations more prompt and cordial than those of the American people, even though they are not based on any of the selfish advantages which annexation professes to offer to the United States.

And if the time should ever arrive when the United States is really interested in the question of Canadian annexation, it will be because whatever there is of "the natural" in such proposed relationship has come to the front and become a paramount consideration. But it is likely that the experiment of federation will be tried before the permanent experiment of annexation.

Separate Municipal Elections.

THE advocates of separate municipal elections in our large cities have hitherto been divided in their views as to the best time for holding them. On the one hand it has been urged that they should be held in the spring, and on the other that they should be assigned to the autumn of those years in which no State or National elections occur. The strongest, because best sustained, objection to the spring as the time is found in the fact that where the experiment has been tried it has been found that it is much more difficult to excite public interest then than it is in the autumn. Many people leave the city for the summer early, and the loss to the popular interest from this cause alone has been found to be considerable. Then, too, the force of habit has a good deal to do with it. Men find it difficult to arouse themselves to an election contest several months in advance of their regular voting time. It is also urged that this plan of two campaigns a year would double the expense of elections by making a double machinery necessary to attend to them.

These objections, taken together, were considered sufficient to defeat a bill which was before the New York legislature in 1885. Its failure led to the formulation of a much more comprehensive plan for separate elections in the autumn than had hitherto been produced. It came from the Constitutional Club of Brooklyn in the form of an amendment to the State constitution. The fatal objection which had been presented heretofore to all plans for holding separate elections in the cities of New York State in the autumn had been that there was no year in which elections for some kind or other of State officers did not occur. There is a governor, or minor State officers, or some judges, or members of the legislature, to be chosen every year. To get rid of this obstacle the proposed amendment lengthened nearly all the terms of city and State officers. It made the term for governor and other State officers four years instead of three, that of State senators three years instead of two, and that of assemblymen two years instead of one. Then it provided that in all cities in which elections were held in November, those for State and National officers should be held on even years, and those for city officers on odd years.

When once the wisdom of lengthening the official terms is conceded,—and there appears to be no valid objection to that change,—it will be seen that this plan obviated completely the main objections to the spring election plan. By coming at the regular time, public

interest would be more easily aroused and the regular machinery of elections could be used. Then, too, absolute freedom from State and National political or partisan influences would be secured, for by being held a full year in advance of all other elections there would be no temptation to influence the election for the sake of a so-called "moral effect" upon a larger one which was to come after it.

Without venturing to decide which plan is the more desirable, we think there is no longer any doubt in any impartial mind as to the need of the proposed separation. There can be no improvement in our municipal government, no relief from the extravagant and oftentimes corrupt expenditures which make life in our cities so enormously expensive, until we bring the mass of the voters to the comprehension of two points: first, that it is playing into the hands of the men who make their living out of politics to allow National and State political considerations to enter into the choice of municipal officers; secondly, that the burden of taxation is not borne by the rich alone, but largely by the poor. The voters must think when they are deciding how they will vote, not as to what the effect of their ballot will be on a candidate for governor or President, but upon municipal taxation, schools, police, paving, lighting, street-cleaning, sewerage, docks. They must be taught to realize, what the mass of them do not now, that every dollar which is wasted in all these and the other outlays by the city government comes at last out of their pockets. Nothing is more pernicious in a great city in which there is a vast horde of ignorant and impoverished voters, than the mistaken idea that it is the rich men who pay the taxes. If a tax-collector could be sent yearly to every man to collect his share of the municipal expenditure, however small, we would soon see an end put to the plundering of politicians. The payment by every man, however humble his abode, of the poor rates as a condition of voting is the salvation of municipal government in England. It gives every laborer an intelligent interest in affairs, though the amount is the merest trifle compared with the sum which every poor man in an American city pays indirectly in the form of the rent for his wretched lodgings. It is ignorance on this point which leads the uneducated voters in our cities to think that every cent which men like Tweed and smaller men of his political school can filch from the city treasury and spend in politics comes from the pockets of the rich, and not from the poor at all. With separate elections a great deal could be done to dispel this sorry delusion. We could in such elections get the intelligent voters of all parties to unite, without regard to party names, upon the candidates who gave the best promise of honest administration of affairs, and by controlling elections in that way, as could easily be done, the light would soon be carried among the ignorant.

Are we Just to our Architects?

We hear much said just now of the architect's duties and obligations; and when any disappointment or accident can be so read as seemingly to prove that they have not been properly performed, the fact is often dwelt upon with almost hostile emphasis. On the other hand, little is said or thought of the duties and obliga-

tions of the architect's clients. Although now and again some gross disregard of these may be condemned in our law courts, their existence is hardly recognized as yet by the national conscience. For example, how many persons have thought it needful to inquire just why the ceiling of the Assembly Chamber in Albany was found defective and torn down, or why the tower of a new church in Washington fell the other day? How many have not jumped to the conclusion that it must have been the architect's fault, and that there can have been no possible excuse for him?

We have no wish to pronounce judgment with regard to either of these disasters. We refer to them simply in illustration of the fact that the common popular feeling towards the architectural profession is a feeling of distrust. When the undertaking of actual work is in question it is no exaggeration to say that architects are usually approached in an attitude of self-defense, are often grudging their just rewards, are sometimes asked to work without reward (in unpaid competitions, for instance), and are accused of a desire to overreach when, in fact, an effort is being made to overreach them.

Of no other profession would such words be true. Yet the architectural profession itself should not be held responsible. None has a fairer and clearer record to the eyes of those who know the rights and wrongs of its condition. None is more laborious; none does the country more credit, all things considered, in the results of its work; and none can with less justice be called overpaid. Doubtless we have had incompetent and careless, extortionate and dishonest, architects. But they have not been more numerous than the unworthy of other professions, and there is perhaps more excuse to be made for them. The excuse of exceptional temptation may be found in the fact which really explains the distrust in which architects are held by the public. This is the fact that architectural work does not yet rest upon a firmly established, frankly and generally accepted, business basis—chiefly because it has an artistic as well as a practical side, and our public is not yet clear in its mind with regard to the just claims and right rewards of artistic work, to the necessities of its execution, or the reciprocal obligations it implies. We know what our doctors can do, and ask them to do neither more nor less; and we know what we must pay them, and pay it without protest. Only paupers go begging to the medical profession; only fools think they can do without its services, or expect it never to make mistakes or ever to permit amateur interference with its decrees. It is the same with the law, and the same even with engineering, which comes so close to architecture. But when the dividing line is passed and the artist is approached we do not know just what he can do or how he must do it, or recognize our incompetence to help him; so we ask him now to satisfy impossible desires, now to be infallible, and now to suppress himself and follow our lead. And we are so uncertain as to his right pecuniary rewards that sometimes we expect him to do without any, and again believe in the likelihood of his dishonesty because he works for a commission regulated upon the cost of the building he erects. Do we think doctors likely to be dishonest simply because the more visits they make the more we must pay them?

This unfortunate and unjust state of mind might be modified were it more generally known how small, even

at the best, are the rewards of the architectural profession. It has recently been affirmed in the editorial columns of our chief architectural journal that probably not five architects in any one of our great cities earn, on the average, five thousand dollars a year, and that the chances of attaining to such an income are so small that Government positions assuring twenty-five hundred or even fifteen hundred dollars a year are tempting even to men well established in the profession. The statement seems astounding when we remember what success means in medicine or the law. But there is little reason to doubt its truth, and those who know the expenses which attend a large architectural practice will hardly find it difficult of belief.

A doctor may manage a very large practice with a "plant" consisting of a small office, a brougham, a single assistant, and a boy to open his door. A lawyer's outlay need not be much greater. But what are an architect's needs? It may seem very simple work to the public "merely" to design a building on paper and "merely" to supervise its erection by contractors who "do all the real work." But to design a building means to prepare, not only the little sketches and plans a client sees, but very many large scale drawings requiring much time for their elaboration, and not only artistic reflection, but long and complicated mathematical and pecuniary calculations too. And to supervise construction means frequent and extended visits from the architect or some competent assistant. All this implies very large and well-lighted and therefore very expensive offices, a numerous corps of assistants, some of whom must be men of great skill and long experience, and constant journeys often to very distant spots. Every one knows the immense commissions which Mr. Richardson received; but who remembers that he had more than a score of artists in his employ and took monthly journeys to Washington and Chicago? All architects must bear such burdens, but they fall much more heavily upon the American than upon the foreign practitioner. Rents are enormously high with us; the intense competition of Europe sends an established architect pupils who are willing to pay large premiums, while here salaries must be given from the start and must rapidly increase if good men are to be retained; and there is of course no comparison between the cost of journeys in France or England and those in our widespread territory. There are other facts which make an artist's task much harder here than in Europe and which tend to perpetuate the public feeling of distrust, but we merely wish at this moment to lay stress upon the fact that even the largest commissions on the most expensive class of buildings bring him a reward so disproportionate to that secured by an equal amount and quality of labor in other professions, that he may rank himself with the clergyman as among the least well paid of our professional men.

A Crisis in the Copyright Agitation.

FEW of the many friends of the International Copyright movement are aware of the critical condition of that reform. After a series of unsuccessful attempts to reach a settlement on the basis of abstract right, as embodied in the Dorsheimer and Hawley bills, the American Copyright League, representing the body of the authors of this country, last year felt it to be its

duty to give the weight of its influence to any movement that promised to establish in American law a fuller security of literary property. To this end, on an intimation from prominent publishers that such an overture would be welcome, an invitation to coöperative action was given by the authors to the publishing fraternity. Through a joint committee this coöperation was further extended to the printing and bookbinding interests, and after laborious negotiations a practical basis of union was arranged, which took form in the bill introduced into the Senate by Mr. Chace, and in the House of Representatives by Mr. W. C. P. Breckinridge. It is idle to assume that this bill is altogether satisfactory to many of its advocates; but this is an inherent defect of compromise measures, which are usually only resorted to at all as a means of escape from an unbearable situation. Among the warmest supporters of the bill as the wisest attainable measure are many authors and publishers who regret that the question cannot be settled upon a higher plane. By their efforts in great part has been achieved the present measure of success with the bill, which on the 9th of May was passed by the Senate by a vote of 34 to 10, and is now upon the calendar of the House of Representatives. To obtain special attention for it at the winter session, the copyright organizations earnestly invoke the assistance of the public.

To judge a moral question narrowly is to judge it wrongly; and the question of the security of literary property has wider relations than merely with the producers of books. The colleges of the country are alive to this, and through their faculties have warmly supported the reform. The monthly, weekly, and daily press have also borne an honorable part in urging it. Is it nothing to the clergy that numerous and honorable classes of professional men have for fifty years pleaded with unanimity against our unjust and degrading national position in this matter, with, until recently, but little help from the pulpit? Is it nothing to the lawyers, the publicists, the capitalists of America that one year after the execution of the Chicago anarchists our Government continues to deny the principle of property in its highest form? Is it nothing to American citizens that, in the opinion of the best judges, the prosperity of our literature—and through it the advancement of American ideals—is bound up in the success of this reform? Is it nothing to the reading classes that our people are more cheaply supplied with foreign literature than with their own? to the advocate of "American markets for Americans" that our authors must contend with stolen wares? to the advocates of the extension of our markets that we withhold the word which would enable our authors to secure possession of ready-made foreign markets for our intellectual goods? In the presence of such an object-lesson as is afforded by the movers of the bill,—Mr. Chace being a radical protectionist, Mr. Breckinridge a pronounced revenue reformer,—it is idle to repeat that the bill is not properly related to the tariff question; and at the close of a campaign in which each party has striven to commend itself and its revenue policy to its countrymen as being the more in their interest, it would be strange if they were not both moved by an appeal to consider the prosperity among us of a profession which has ever been held in the highest honor as the crowning glory of a great nation. To-day the profession of

letters asks no unusual privilege; but to be relieved from a disability which obtains against no other form of industry.

It is in the power of every reader of these words to aid in putting an end to the disgraceful inaction of our country, by urging upon his representative in the present Congress that he support Mr. Breckinridge's efforts to obtain consideration for the bill. Should it fail

through indifference or opposition to pass the present House,—and its secret enemies are working actively to that end,—it will again have to be pushed through the Senate, and the ground hitherto gained will be wholly lost. The committees, who have borne the brunt of the agitation at great expense of time and labor, have a right to expect the cordial assistance of all who have at heart the prosperity and honor of the country.

OPEN LETTERS.

More about "Lawyers' Morals"—The Responsibility of Laymen.

THIS is a matter that is much more seriously considered by reputable members of the profession than is generally supposed. It is a question of grave importance, not only to lawyers, but to the public at large. The standard of a lawyer's morals so far as his professional duties are concerned is, in part at least, established by legislation in most if not all of the States. In California, for example, the Code of Civil Procedure provides:

SECT. 282. It is the duty of an attorney and counselor:

1. To support the Constitution and laws of the United States and of this State;
2. To maintain the respect due to the courts of justice and judicial officers;
3. To counsel or maintain such actions, proceedings, or defenses only as appear to him legal or just, except the defense of a person charged with a public offense;
4. To employ, for the purpose of maintaining the causes confided to him, such means only as are consistent with truth, and never seek to mislead the judge or any judicial officer by any artifice or false statement of fact or law;
5. To maintain inviolate the confidence and at every peril to himself to preserve the secrets of his client;
6. To abstain from all offensive personality, and to advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he is charged;
7. Not to encourage either the commencement or the continuance of an action or proceeding from any corrupt motive of passion or interest;
8. Never to reject, for any consideration personal to himself, the cause of the defenseless or the oppressed.

This section of the code fixes a standard of moral and legal duty which if lived up to in practice should place the profession above just reproach. It is simply the embodiment, in legal form, of what is the lawyers' code of morals without legislation.

In an article in *THE CENTURY*¹ it is said that "it is apparently the popular opinion that lawyers' morals are of a different type from those of ordinary human beings." A great deal of the trouble lies in the very fact that popular opinion, and not the opinion of the profession, rates the standard of lawyers' morals below what it should be and below what it really is. It is believed that not only popular opinion, but the conduct of the public in its treatment of the profession, has tended more than all other causes to reduce the standing of individual members below the standard recognized by the profession. No lawyer of any standing believes that the moral standard of his profession should be below that of any other, or of any business or calling in life. But popular opinion has apparently established a lower

standard of morals, and is constantly tending to drag the profession down to that level. It is undoubtedly true that many lawyers fall below the standard recognized by the profession at large; but this may be said of any class of business men, and to a very great extent they are educated by public opinion, which looks more to a lawyer's success than to his professional honesty. It is not at all "presumptuous for laymen to judge their conduct"; but it should not be overlooked by the layman who treats of the ethical rules which should govern lawyers, that his standard of the morals of the profession may be far below that of the great majority of lawyers, and that he may be contributing his mite towards the debasement of its individual members, who would much rather elevate it still higher.

Certainly no one will deny that it is wrong for a lawyer to accept and attempt to win a cause which as a matter of law should be decided against his client, if he has knowledge of all the facts. The California code, it will be seen, expressly forbids this except in the defense of persons charged with crime; and so it is with the codes of other States. But it must be borne in mind that a lawyer, before trial, knows but one side of the case, while the layman who judges of his conduct has heard both sides. Not only so, but the client frequently misleads, and sometimes purposely deceives, his own attorney by concealing or actually misrepresenting the facts. No doubt an attorney would be justified in abandoning the case upon the discovery of the deception that has been practiced upon him; but almost invariably when the client has misstated the facts to his attorney he will do the same to the court under oath, and it is an exceedingly delicate matter for the lawyer to assume that his client is committing perjury and that the other party is in the right. This he has no right to do. It is his plain duty to present the case fairly to the court, whose duty it is to determine which of the parties is right. If, however, the lawyer *knows* his cause to be wrong, he violates his duty as an attorney, the law, and his oath by accepting a fee. He should unhesitatingly refuse to act further the moment he makes the discovery, if the knowledge comes to him after entering upon the case. But the distinction between *legal* and *moral* right should not be overlooked. The lawyer has a perfect right, and it is his duty, to interpose for his client any legal defense, although a layman might justly say that as a matter of moral right the client has no defense. For example, a debt may be barred by the statute of limitations. The defendant who is sued is in a moral sense still liable, as the debt is unpaid; but

¹ November, 1884.

the statute of limitations having run, he has a legal defense which his attorney is bound, as a matter of duty, to interpose for him. Many other cases arise in which technical rules of law conflict with popular notions of right and wrong; and because of this, lawyers are frequently censured unjustly.

Very few thoughtful men, whether lawyers or not, will at the present day contend that a lawyer violates any rules of professional ethics or commits any wrong to society by defending a criminal whom he knows to be guilty. To be tried and defended by counsel, in open court, is a constitutional right expressly guaranteed to every person charged with a criminal offense. No one, whether his attorney or not, has a right to assume his guilt. The law presumes his innocence. If he is unable to employ an attorney, the court must appoint one to conduct his defense. The attorney has no legal or moral right to refuse to defend him on the ground that *he* knows him to be guilty, whether he is employed by the defendant or appointed by the court to appear for him. This duty requires him to make the defense for him fairly and justly, in the interest of society as well as of the prisoner. If, believing the prisoner guilty, he expresses a different opinion to the court or the jury, he is guilty of a gross violation of duty and of professional ethics. Indeed, it is regarded by right-minded lawyers as unprofessional for an attorney to advance his opinion or belief in any case, civil or criminal, whether he is right or not. It is his duty to present the testimony to the jury, with his views as to its weight and the credibility of the witness, together with a statement of the law as he understands it, so long as his views do not conflict with the law as given to the jury by the court.

It should not be necessary to say that no rule of professional ethics could justify a lawyer in any attempt to deceive the court or a jury by falsehood or otherwise. This is expressly forbidden by law. Many laymen seem to act upon a different principle. They often employ an attorney because they believe that he will be able and willing to deceive, mislead, or in some way overreach the court, jury, and opposing counsel. One of the great misfortunes is, that when the services of a lawyer are needed the question is not usually asked, "Is he honest, can he be trusted?" but, "Is he smart, can he win my case?"

It is the observation of the profession that the question whether a lawyer is honest, and stands high in his profession in a moral point of view, has but little to do with his success in getting business from the great mass of litigants. It is a lamentable fact that many of the very best and most upright business men, so regarded, employ lawyers who have no regard for professional ethics or the plainest rules of honesty and integrity, solely because they believe such lawyers will gain their cases by means to which no honest attorney would ever resort. Such men are quick to condemn the profession, but they do not hesitate to employ an attorney, knowing him to be dishonest, and to wink at his practices, which they know to be unprofessional, so long as he is their attorney and his efforts result in success. It will thus be seen that there is less inducement for members of the legal profession to be honest, and greater temptation to be dishonest, than in almost any other business or calling in life. His employers fix for him a standard of morals which disgraces both

the client and the attorney. He is too often employed solely because he is understood to be dishonest. The better classes of the profession erect a higher standard, and endeavor to keep its members up to that level. That many lawyers fall below it is largely due to the causes just stated. A great majority of the young men who enter the profession are poor. They are not only ambitious to obtain business, but it is an absolute necessity that they should do so. For this reason they are not so careful as they should be about the cases they take. They soon learn from experience that men who stand highest in society and business circles are not at all particular *how* they win their cases so they win them. Many of them naturally drop down to the level of their employers' standard of a lawyer's morality and never rise above it. Others, who have a higher appreciation of their duties and obligations, rise to the level of the true standard of professional morality. It is a great misfortune that any of the profession should fall below this standard. There is no class of men who should be more worthy of trust and confidence. Their standard of morals should not be allowed to fall below that of any other profession or business. Men who employ them should aid in maintaining this standard. No doubt members of the profession might remedy the evil complained of, to some extent, by proceeding against lawyers who violate their duties. The means provided by law for disbarring attorneys are ample; but it is a delicate matter for a member of the bar of any town or city to prefer charges against a brother attorney. It is very rarely done, and when it is the courts are slow to use their powers of removal. Indeed, the courts of this country are very largely responsible for the estimation in which the profession is now held.

In the article referred to above it is very justly urged that an attorney should be a gentleman in court as well as out. A lawyer is likely to forget this in his zeal in the cross-examination of a witness, and in commenting, in argument, upon the testimony of the witnesses for the opposite party. The object of a cross-examination should always be to get at the truth, and not to intimidate or confuse the witness into a false or contradictory statement. In commenting upon the testimony of a witness the attorney should never descend to personalities, except in extreme cases where the dishonesty of the witness is apparent and the "justice of the cause requires it." The attorney, being privileged to speak freely of any witness, should use the utmost care not to abuse so high a privilege.

The subject of a "lawyer's morals" and of "legal ethics" is of great importance to the profession, and no lawyer having a proper regard for his honorable calling will stand in the way of any honest effort to elevate the standard of morals by which the profession should be governed. But he cannot be expected to overlook the fact that laymen, who look at the question from their standpoint, sometimes establish for him a standard of morals far below that recognized by law and by the profession; that too many laymen employ attorneys, and expect to profit by their services, solely because they believe the particular lawyer they employ is governed by that lower standard of morals and professional ethics.

This observation is not confined to "great corporations" and "monopolists." It is astonishing how many men, who are recognized as the most honorable in busi-

ness affairs, appear to believe that a lawyer is justifiable in resorting to any kind of falsehood and trickery to gain *their* cases. Such men can do more to elevate the morals of the profession by employing none but such as they believe to be honest — of whom there are as many as in any other calling, with perhaps one exception — than can be done in any other way. So long as lawyers are employed because they are regarded as being dishonest, so long will the profession be subject to reproach because it has bad men in its ranks.

That persons outside of the profession begin to think seriously of assisting to rid it of such lawyers is a good indication, and their efforts should receive every encouragement.

John D. Works.

A Letter of Lincoln.

THE remarkable popular interest in everything that throws light upon the character of Abraham Lincoln, which the serial publication of his life in *THE CENTURY MAGAZINE* in part finds and in part creates, emboldens me to believe that a recent discovery of my own bearing on the matter may be accepted by many readers as a contribution not without its value to the growing public fund of Lincoln *memorabilia*. I use the word "discovery," although that word may seem not fit, when I say, as I must, that what I discovered was already public enough to be seen framed and hanging on one of the interior walls of the fine State Capitol in Nashville, Tennessee. The documents to which I refer are now no longer to be seen where I saw them, they having, since my visit to Nashville a few years ago, been removed to a much less frequented place of custody in the same city. Through the intervention of a friend I lately found them again, though not without trouble, and here show them for the examination of the curious.

They consist of two letters, one written to, and the other written by, Abraham Lincoln. How they came into public keeping, and with what history, in the case of the illustrious writer of one of the letters, they may be associated, I have sought in vain to learn. But the letters happily explain themselves. Perhaps the enterprising authors of the biography now being published in the magazine may be able to bring these letters into their proper setting in the circumstances of Lincoln's life.

One thing was very noteworthy in the autograph letter of Lincoln, and that was its immaculately neat and correct mechanical execution. The manuscript had the physiognomy and air of one produced by an habitually fastidious literary man. The handwriting was finished enough to be called elegant; the punctuation, the spelling, the capitalizing, were as conscientious as the turn of the phrase may be seen to be.

It is a Mr. W. G. Anderson who writes a covertly threatening letter to Lincoln — little dreaming at the moment that it was an historic document that he was so seriously inditing. The date is Lawrenceville, October 30, 1840. The address is stiffly, meant perhaps to be even formidably, formal. It is "A. Lincoln, Esqr.; Dear Sir." Mr. Anderson straitly says:

"On our first meeting on Wednesday last, a difficulty in words ensued between us, which I deem it my duty to notice further. I think you were the aggressor. Your words imported insult; and whether you meant them

as such is for you to say. You will therefore please inform me on this point. And if you designed to offend me, please communicate to me your present feelings on the subject, and whether you persist in the stand you took."

And Mr. Anderson sternly signs himself, "Your obedient Servant."

There now was a chance for Mr. Abraham Lincoln. How will he meet it? Will he chaff Mr. Anderson? Will he give him stiffness for stiffness? There will surely be an interesting revelation of character. The actual fact is, if Abraham Lincoln had known, in writing his reply, that he was writing it much more for the whole world and for all future generations, than simply for his personal friend Mr. Anderson, to read, I do not see how he could have written it better for the advantage of his own good fame. Here is his reply:

LAWRENCEVILLE, Oct. 31st, 1840.

W. G. ANDERSON.

DEAR SIR: Your note of yesterday is received. In the difficulty between us of which you speak, you say you think I was the aggressor. I do not think I was. You say my "words imported insult —" I meant them as a fair set off to your own statements, and not otherwise; and in that light alone I now wish you to understand them. You ask for my "present feelings on the subject." I entertain no unkind feeling to you, and none of any sort upon the subject, except a sincere regret that I permitted myself to get into any such altercation.

Yours etc.

A. LINCOLN.

What more satisfactory light on the manly and gentlemanly spirit of the future President could one wish for than that? It certainly lacks nothing — unless it be a grace of distinctively Christ-like winningness, such as Paul could have given it.

I will venture to hope that when the Lincoln biographers come to publish the biography in book form, they may secure a facsimile reproduction of the original of this interesting letter.

William C. Wilkinson.

The Life of Lincoln — a Letter from General G. W. Smith.

IN their discussion of the battle of Seven Pines, in *THE CENTURY MAGAZINE* for October last, the biographers of President Lincoln have fallen into several errors, some of which will be briefly specified. They say, in substance:

1. That General Johnston made his plans without any reference to the possible initiative of General McClellan, with no thought of an offensive return, and that Johnston's purpose was put in action with great decision and promptitude.

2. That it had been the duty of the forces under G. W. Smith to strike the right flank of the Union army as soon as the assault of Longstreet and Hill became fully developed.

3. That if General McClellan had crossed his army, instead of one division, at the time that Johnston's entire force was engaged at Seven Pines, the rout of the Southern army would have been complete and the way to Richmond would have been a military promenade.

4. That it is hardly denied by the most passionate of McClellan's partisans that the way was open before him to Richmond on the afternoon of the first day; that being McClellan's greatest opportunity.

5. That there was great confusion and discouragement in the rebel councils after General Johnston was wounded and the command had devolved by seniority upon General G. W. Smith.

6. That the Union troops south of the Chickahominy, though wearied by death and wounds, had yet suffered no loss of *morale*; on the contrary, their spirits had been heightened by the stubborn fight of Saturday and the easy victory of Sunday.

7. That the Confederates had thrown almost their whole force against McClellan's left wing (Keyes and Heintzelman), and on the second day were streaming back to Richmond in discouragement and disorder.

8. Messrs. Nicolay and Hay approvingly quote from an official report made by General Barnard in 1863: "We now know the state of disorganization and dismay in which the rebel army retreated. We now know that it could have been followed into Richmond."

Occupying the second place in command, I was in a position to know that:

(1) General Johnston did not make his plans without providing for the possible initiative of General McClellan and the probability of an offensive return, as the disposition of the troops fully indicates; and his purpose was not "put in action" with promptitude.

(2) Instead of it being the duty of the forces under G. W. Smith to strike the right flank of the Union troops as soon as the assault of Longstreet and Hill became fully developed, it was their duty to guard against a possible advance of McClellan's right wing.

(3) Owing to the swelled condition of the Chickahominy it was physically impossible for General McClellan to have "crossed his army, instead of one division." And, owing to the fact that only a small portion of Johnston's force was engaged at Seven Pines, if the other Federal corps could have crossed the Chickahominy after Sumner, they would have found themselves confronted on the field by nine Confederate brigades that were not in action the first day. Besides, there were three divisions on our left then covering Richmond. The way to that city, through and over all these forces, in addition to the five brigades that had beaten McClellan's left wing (Keyes and Heintzelman), and the four brigades that checked Sumner, would have been no easy "military promenade."

(4) The way to Richmond was not open to McClellan on the afternoon of the first day.

(5) There was no "confusion in the rebel councils" when the command devolved upon me. It is true there was a lack of information in regard to the condition of affairs on the Williamsburg road, but as soon as I heard that a large portion of General Longstreet's forces had not been engaged there, I ordered him to renew the attack as early as practicable the next morning (June 1).

(6) A very large portion of the Union troops that were beaten on the first day (May 31) suffered great "loss of *morale*." The so-called "easy victory of Sunday" consisted in the repulse of six Confederate regiments that attacked the Federal lines on the second day, and the repulse — by another Confederate brigade — of the Federals who pursued the beaten six regiments.

(7) On the first day the Confederates attacked McClellan's left wing with but five brigades. So far from streaming back to Richmond in discouragement and disorder, they remained in possession of the captured works, on the Williamsburg road, nearly twenty-four hours after the fighting ended; and on the Nine-mile road closely confronted Sumner's corps, at Fair Oaks, for several days thereafter.

(8) Ten of the eighteen Confederate brigades which took part in these operations returned to their former positions, covering Richmond, the day after the fighting ended, and eight brigades remained on or near the battlefield.

The theory that at Seven Pines "the Confederates attacked in full force, were repulsed, retreated in disorganization and dismay, and might easily have been followed into Richmond," is refuted by the official records and by indisputable facts and proofs elsewhere published.

Gustavus W. Smith,
Late Major-General C. S. A.

The Mother's Right.

AMONG the many "rights" which women are demanding and exercising to-day, the mother's right to forestall "reform" and make "criminal legislation" unnecessary runs the risk of being overlooked. Our public-spirited women are doing, in many directions, good and noble work for fallen man; but it is a serious question with the thoughtful observer whether the average mother is not guilty of more corruption in the nursery than can be reformed by her sisters from the public platform.

That the smallest infant has hereditary tendencies from ancestors near and remote, whose influence precedes all exercise of a mother's power, none will deny. A father's strong influence, for good or evil, all will acknowledge. The subsequent benumbing atmosphere of "society" cannot be forgotten. But closer than all these has throbbled the mother's heart, and in those earliest and only years in which man entertains absolutely unquestioning faith in human teaching, it is his mother who represents to him the law of life.

It would probably startle the great mass of well-meaning mothers to have the adult errors of their sons explained as were those of the Hebrew king, "For his mother was his counselor to do wickedly"; and yet, let us see what close observation of the home rule of a large proportion of even so-called "Christian women" reveals.

While the writer was visiting the relatives of a celebrated clergyman, the distinguished man, who had not been in that part of the country for years, accepted an invitation to meet several friends informally. The seven-year-old son of the family, given to loud roaring whenever his wishes were crossed, was allowed to sit up and was thus exhorted: "Now, Tom, you must behave well; for your uncle is a celebrated man, and I want him to admire you." Result: Tom the most perfect of imitation gentlemen for that evening, while roaring and kicking as lustily as ever at breakfast the next morning; the conviction remaining with him that to seem and not to be is the important thing in life.

A mother, an active and prominent member of various public societies for "liberalizing thought" and

"promoting reform," found it difficult to make her son rise on Sunday morning in time to be ready for church. She finally adopted the expedient of sending his little sister to tell him that it was half an hour later than it really was; and he, too indolent to look at his own watch, was thus beguiled by his mother's and sister's falsehood to a religious service to which all three of their lives gave the direct lie. Could the beauty of truth and the call of duty seem real to those two poor children? And yet by whose training were they made to seem unreal?

Again, still in the circle of the writer's immediate acquaintance, a mother went to confer with the teacher of a school to which the former had just sent her son. "I know your principle is to appeal solely to the higher nature, and to make pupils learn by inspiring an intellectual interest in their studies and a sense of duty in their souls. That sounds very beautiful, but you can do nothing with my son in that way. Appeal to his vanity, suggest to him to outshine others, and he will do all you wish. I thought I would give you a hint how to manage him." It is interesting to know that the teacher remained true to the higher standard, and that the second year saw this boy, who, according to his mother, could be moved only through his selfish vanity, an alert and interested scholar, holding excellent rank in a school whose motto was, "Do *your* best, and rejoice with him who can do better."

The writer's love for children leading her to make frequent visits to the luxurious nursery of a friend, she noticed that a sweet-tempered little fellow was constantly deprived of his playthings and generally imposed upon by his brother. The mother's attention being called to it, she said placidly, "It was so fortunate that Willie would submit to such treatment, for dear Phil. was such a high-spirited boy that opposition made him frantic." That amiability had any rights, or that a "high spirit" could be brutally selfish, had never occurred to her. In another nursery were the children of a gentleman who, with his brothers, was noted for violent outbreaks of temper on the slightest provocation, the theory of home discipline having been the common *laissez-aller* of the last two generations. The wives of these brothers could not conceal the bitterness brought into their own lives by contact with natures at once so violent and so ignorant of self-control. Yet in this nursery, where the mother spoke frankly of the intolerable strain imposed upon her by her husband's conduct, she still laughingly allowed her tiny sons to bite and kick and scratch each other, as if they had been little tigers, instead of creatures with a conscience to be reached and hearts to be touched. The

little fellows happened to have hearts as warm as their tempers, and as quick perception of the right when it was put before them, so that this giving them over to the lower possibilities of their nature was as needless as it was wicked. When, at twelve years of age, the eldest boy had to be sent away to school because he was utterly unmanageable at home, he was as truly the fruit of his mother's training as of his father's sins.

On a railway train the writer noticed the entrance of a mother and little son who were unexpectedly greeted by a friend of the mother's. The friend was only going from one way-station to the next, while the others were on a long journey. There happened to be but one vacant double-seat in the car; and into this the boy slipped, taking the seat next the window. His mother, eager to improve the ten minutes with her friend, asked her son to give up his seat and take another for that little time, so that she could sit with her friend. "No, I won't; because I want to sit by the window, and all the other seats have people already at the windows."

"But, darling, only for ten minutes, and then you can sit by the window all day."

"No, I won't go. I want to sit by the window *now*."

"But, dear, not to give mamma pleasure?"

"No."

"Not for just ten little minutes, when mamma wants so much to talk to her friend, and you can sit by the window the whole day long?"

"No!"—with impatient emphasis. And in spite of humble entreaty from the mother, and good-natured urging from the friend, that home-nurtured bit of selfishness kept his place, the mother never dreaming of insisting on the right and courteous thing, but murmuring gently that "Bobby did so enjoy looking out of the window." When seven-year-old Bobby becomes Robert the husband, his sad little wife will wonder, "Why is it that men have so little tenderness for their wives?"

Not for a moment would one seem to forget that there are wise and noble women whose children rise up and call them blessed, and whose influence makes for that righteousness whose fruit is integrity. But such mothers shine against a dark background of women who, without any distinct consciousness of the evil they are doing, are nevertheless training from the very nursery great numbers of men who, while keeping within the limits of respectability, are not only the mere shadows of true manhood, but also the tricky politician, the unscrupulous merchant, the shameless sensualist, and the elegant embezzler.

F. L.



this one, claim it. I suppose THE CENTURY is desirous of correct history, although this brilliant achievement is of humble origin.

The circumstances are these: Captain J. A. Mower, 1st U. S. Infantry, afterwards General, took from a raft floating down the river a refugee from Island No. 10 named Morrison, who claimed to have formerly run a saw-mill at the mouth of the creek just above New Madrid. He suggested to Captain Mower that a canal could be cut. Captain Mower sent him as a prisoner to me (as I commanded the 1st U. S. Infantry)

with this information. I sent him to the nearest headquarters (which happened to be General Hamilton's), en route to General Pope.

Morrison, the saw-mill man, suggested the canal. Captain Mower, 1st U. S. Infantry, accepted the idea. General Pope ordered it, and Colonel Bissell executed it. There are officers of the regular army still living, besides myself, who remember the circumstances.

George A. Williams,

NEWBURG, N. Y. *Maj. and Bvt. Lt.-Col., U. S. Army.*

TOPICS OF THE TIME.

The Imperfections of American Law Procedure.

NO one is more deeply interested in having a prompt, rapid, effective, and respected system of legal procedure than the man who never goes to law and who would hardly know the crier of a court from the judge. He is interested in having it well known that the state has provided a ready and efficient remedy for those acts which provoke lawsuits, for the known existence of such a remedy is a strongly deterrent force upon men who are disposed to commit such acts. No one can say how large is the percentage of men who are so wavering on the brink of such acts that the efficiency of the state's judicial machinery is just the check necessary to prevent them from acting and thus to keep them out of the state's legal statistics; but the fact is plain that the force, large or small, works in favor of the great mass of voters, who never go to law.

That part of the remedy which constitutes law procedure has not been in this country quite so satisfactory to laymen as to lawyers. The latter may easily find fault with the ignorant complaints of the former, may call for bills of particulars, and may make strikingly favorable comparisons of the American with other systems. They forget that such comparisons, when partial in the smallest degree, may omit just the point in which our system is imperfect. Of course it cannot but be an enormous improvement on the primitive American process, in which the summons and complaint were supplied by the tomahawk, while judgment was enforced by the scalping-knife, with leg-bail or a tribal warfare as a court of last resort. Nor is promptness alone the touchstone of the highest comparative worth. The Russian political prisoner would thank the god of freedom who should give him American law procedure instead of that system of childishness, cruelty, intentional or unintentional, and unrestrained power which, we are now coming to learn, has borne intolerable sway all these years at St. Petersburg. The American system, again, is so permeated with democratic characteristics that our people would find a German or a French system an intolerable substitute; while the English system has too many survivals of the very expensive methods of the past to stand as our ideal in all points.

One thing should be remembered, however, as it is just the point in which the American system is most apt to break down: if the English system does compel the parties litigant to pay roundly for summary justice, it seems to give them what they pay for. If

the English law reviews are to be trusted, it is possible for an English plaintiff to hurry a rich and influential defendant through their whole system of courts and out at the court of last resort with a rapidity likely to take away the breath of an American lawyer or judge. We find a cause tried in January, and the course of appeals over by the middle of February, so that one number of a review contains all the steps of the case. Lawyers who show a disposition to make impudence take the place of law meet summary suppression. Wire-drawn objections to the impaneling of a jury, or to the use of the word "through" in an indictment, and the like, which with us tend to the delay or perversion of justice and the newspaper glorification and advertisement of the "great lawyers" who have invented them, really seem, during the past fifteen years, to have become exceedingly unpopular in English courts, and to be persistently wiped out as merely the worst enemies of substantial justice. It may be necessary for the English suitor to be backed by a popular subscription in order to meet the unconscionable expenses of his suit; but, at all events, he and his opponent and the general public know that substantial justice is a matter of only a few weeks.

American courts have given sound law without unconscionable expense, and with entire fearlessness; but it cannot be said that rapidity is a common characteristic of the forty or more systems of courts kept up by our Federal, State, and Territorial governments. The most venerable of them all is peculiarly distinguished by the fact that its docket is so congested that when it gets a case it is equivalent to a postponement of justice for three years. This high example has not been neglected elsewhere: we have courts or systems that are dilatory and others that are prompt; but he who does not prefer the latter can generally keep away from them. The knave who wishes to pose as an honest citizen can often fortify his position by a suit for damages, knowing that a careful selection of his forum and a diligent use of its opportunities for delay will enable him to put off inquiry until the public shall have forgotten the matter. The criminal's lawyer has a stronger confidence in the American court's weakness for "fine points" than he has in the eternal rules of law or evidence. The rich defendant who wishes to resist the establishment of a point against him can in like manner use our system of appeals, carrying his opponent through all the courts of a State, permitting him just to see daylight in the court of last resort, and then

dropping him again to the lower court to begin the struggle over again, until the process reminds one of landing a trout. How can the unlearned public, which has no interest in law except as a means of preventing litigation, be content with systems which yearly, monthly, daily, issue in such results as these?

But, it is objected, the law is as good as a people want it to be. Perhaps so, if the way to remedy defects by ballot is evident to the people. When both disease and remedy are beyond the horizon of the people, what can be expected but a growing sense of the "hell it is in suing long to bide," varied by an occasional impatient and hopeless popular effort to remedy evils which are rather felt than known? The whole plea is another example of that common political fallacy which expects from our ballot the results of a pure democracy, ignoring the fact that its only work is to choose representative legislative bodies. Give us something like the Australian system of voting, so that the resulting legislature will represent the state's business interests, and not a series of "deals," "dickers," "trades," and bargains, and such a legislative body will not take long to ascertain the seat of the evil far better than the individual voter or all the voters could do. It may be that we need more codification, or less codification, or no codification. It may be that the vanity of our lawyers and judges has built up a complicated system of appeals, unsuited for young States, and that these communities would be better off with nearly summary courts, one appeal from each, and a second appeal only when the court of last resort should itself take the suit up. It may be that changes in law procedure can be devised that shall give us less law and more equity, less nosing after "fine points" and more anxiety to get work done. It may be that much of the trouble has come from the criminal laxness of incompetent legislatures, which have permitted themselves to be used by certain self-seeking lawyers for the passage of special acts, of service to them in special cases, so that these lawyers have been continually making the law too hard for even the judges to understand. It may be that a somewhat longer and securer tenure would so increase the independence of the judges that they would put a summary quietus upon the political or too influential lawyers of their courts, their "fine points," and the delays of justice which grow therefrom. It may well be asked, Which body will be so apt to recognize the evil and the remedy—a legislature which merely stands for and misrepresents popular feeling and ignorance, like our legislatures as they have been since compression of population began to develop anti-popular interests, or a body which represents the democratic ballot and does its will, like the legislative bodies which the Australian plan of voting gives us? Like so many other problems, this one in its ultimate analysis becomes another phase of ballot reform.

Lynch Law as an Argument for Law Reform.

THE preceding article on the need of some reform in law procedure which should make the attainment of justice more speedy had regard only to a class of cases as to which popular dissatisfaction must of necessity be vague. When such a case, after having been beaten about from post to pillar on one technicality after another, at last makes a hole in the judicial waters and disappears, the fact is apt to provoke criticism, and

even an exaggerated indignation. But the only practical result is a certain percentage of increase in the stock denunciations of the law: that it is only for rich men, that any rogue who will pay for enough law may suspend or escape his punishment, or that the meshes of the law's nets catch only the little fish. Even when the failure of justice arouses any general attention, the consequent indignation expires in words; it never unites any considerable number of citizens in common action.

All this is more apt to be the case in the more closely settled districts of the country, where the population has begun to settle down into distinct social classes, each with its own interests. The banker's honest anger flames up for the moment as he reads the methods by which sewing-women are swindled by some of their employers; but the orbits of the banker and the sewing-woman are very unlikely ever to approach each other again. The exploits of the "jerry-builder," of the "real-estate fraud," of that army of persons who in every thickly settled community contrive to make a living out of their ability to sail several points nearer to the wind of the law than their neighbors, possess rather a curious than a personal interest for most readers, who never expect to come into personal contact with them. The case is different, however, with thinly settled or agricultural districts, all the interests and feelings of which are homogeneous, so that what happens to one person is very far from being beyond the possibility of happening to any of his neighbors. Interest takes a keener edge, and, if it be sufficiently tempered with indignation, may bind together the mass of the people in common action and become a strong social or political force. There can be no doubt, for example, that usury laws maintain their place in agricultural districts for the reason that the selling out of one's farm by an usurious creditor suggests a danger to which every farm in the district is more or less distantly liable. The economist may show that the usury law, if it has any effect, raises the rate of interest, but the agricultural voter will have it. But the frontier Territory, where money is wanted and the raw material of farmers is abundant, has no usury laws.

Even in our agricultural States there are great corporations whose busy work is steadily decreasing the cost of transportation, to the benefit of the whole community. It is not hard to show the folly of legislation the intention or effect of which is to cripple such corporations more or less. One might as well hamstring his own horse. But the farmer who is summoned to his fourth or fifth trial of a case against a corporation just as he finds that his personal treasury is exhausted, and his neighbors who know of the case and sympathize with him, have a new readiness to vote for any candidate for the legislature who shows a disposition to make things unpleasant for the corporations. With it goes a parallel disposition of juries to give heavier verdicts against the corporations, which in its turn provokes the courts into granting new trials because of excessive damages and thus intensifying the process. But in tracing the process back, is it fair to stop, as is commonly done, with the tyranny of the corporations or the stupidity of the people? Was there not a more direct force, back of either, in the original error, by which an agricultural commonwealth, of simple life and needs, was burdened with a judicial system too

complicated in its nature and workings to afford the people the plain, substantial justice they needed?

In such matters, affecting merely material interests, slowness of justice tempts the people, who know little of the theory of judicial machinery, to transfer the remedy from the operation of natural laws to the doubtful wisdom of the legislature. Is it wonderful that the same slowness, when it invades the field of criminal law, should tempt the people to take the remedy into their own hands? It is not so many centuries since man consented to give up his right of private vengeance to governmental agencies; still fewer since petty communities surrendered their control of criminal law to the newer and more ambitious courts above them. A Saxon hue and cry, haling a fugitive criminal before the hundred for punishment, would be a picturesque historical spectacle, while the Indiana or Mississippi lynching mob is a subject for reprobation only. Yet the latter may be only a reversion to an ancestral type, caused by the practical break-down of the more civilized and artificial type which has succeeded it. In that case the responsibility for the reversion should be upon men who took no part in it, upon lawyers and judges who might have made the criminal courts so simple and speedy that the popular feeling would have been only one of implicit confidence in them. The Cincinnati riots of 1884,¹ with the burning of the court-house and the partial destruction of the records, were of course to be condemned, but the condemnation ought not to stop there. The failure of criminal justice, the quiet repose of twenty untried murderers in the jail, and the evolution of a class of "criminal lawyers," whose perfect flower was the royal type of "jury fixers," were antecedent circumstances sufficient to show that a heavy responsibility belonged to the public men who had permitted criminal law to break down.

Such considerations apply still more to cases of lynch law in the South and West which are provoked by cases of a certain kind. These offenses appeal with such force to universal apprehension that it almost seems as if, in agricultural districts at least, there should be a class of unusually summary courts to try them. The house-father's desire is that punishment should be certain, terrible, and sudden, in order to sharpen its effect on the unknown percentage of men who may be on the point of committing the like. The intrusion of the smallest doubt of the adequacy of the ordinary legal machinery has consequences out of all proportion to its magnitude, and the mob makes sure of the criminal while it has him within reach. In such cases let us not spare our condemnation, but let us not place it upon any asserted savagery of

¹ See THE CENTURY for April, 1883, p. 944; and June, 1884, p. 303.

the people of the state. It belongs in large part to the dilettanteism of the state's educated legal class, the members of which, content with their judicial system as it stands, make no sufficient effort to see to it that their system fits the people, which is the first principle of law reform.

A Centennial Historical Exhibition.

ONE of the most interesting and important features of next April's Centennial Celebration of the inauguration of George Washington as President of the United States will be the exhibition, to be held at the Metropolitan Opera House in the city of New York.

As the generous coöperation of those who are in possession of the pictures and relics to be exhibited at that time is absolutely necessary for the success of the enterprise, the sub-committee in special charge of the exhibition have issued a circular of information and appeal. It appears that this exhibition is to be limited in scope to portraits and relics "relating to Washington, his Cabinet, members of the First Congress, members of the Constitutional Convention, and others connected with the inauguration of Washington, together with pictures of scenes and localities pertaining to the period." In the circular issued names are given of those whose part in the inauguration, direct or indirect, it is desired to commemorate. Those who wish for a copy of this circular and any further information on the subject may communicate with Mr. William A. Coffin, who has been appointed by the special committee as manager of the exhibition, and who may be addressed at the headquarters of the Centennial Committee, No. 280 Broadway, New York City.

French Masters and American Art Students.

THE "Open Letters" on Gérôme are by American artists who have profited by that master's instruction and advice. All but one of them were pupils in L'École des Beaux-Arts, in accordance with that liberal and wise system of the French which shows no discrimination against foreign art and artists, but extends the free hospitality of its national school, its historic galleries, and its yearly exhibitions alike to native and foreigner. With more time for notifying them of the opportunity, these "Open Letters" could have been greatly increased in number from the ranks of American artists who have proved the ability and devotion of their distinguished teacher by their own later accomplishment.

It is a blot upon American civilization that, instead of emulating the generous method of France, we put a penalty of thirty per cent. of its cost upon every foreign work of modern art brought to America by any private individual, including the works of those very teachers who have freely done so much for the advancement of art in the New World.

OPEN LETTERS.

American Artists on Gérôme.

I BELIEVE Gérôme's strength lies in portraying the grand, the dramatic, and the strongly individual; in perfection of drawing and complete harmony and unity of design. I know of no modern master who has cov-

ered such a wide range of feeling, and of none who has brought the art of composition to such perfection; and although his sense of color is the least delicate of his qualities, yet it is remarkable how frequently he produces a canvas fine in this respect—such as "The

Snake Charmer," "The Moorish Ruth," and others. His method of painting is simple, and good men who have followed it sincerely have become the best colorists — such as Dagnan-Bouveret, Bargue, and Abbott H. Thayer. His strong love of character is, I believe, the key to his choice of subjects, which are most frequently of semi-barbaric people, in whom individuality is more strongly pronounced than among the civilized. Notable exceptions are such men as Napoleon and Molière, whom Gérôme loves to portray. Almost every quality he has aimed at he has mastered. His limitations are only felt in his color and, I dare say, in his sculpture. The latter, though marvelous in the understanding of the figure and in the perfection and beauty of line, suffers from that very love of character and the picturesque which is so charming in his painting.

As a teacher he is very dignified and apparently cold, but really most kind and soft-hearted, giving his foreign pupils every attention. In his teaching he avoids anything like recipes for painting; he constantly points out truths of nature and teaches that art can be attained only through increased perception and not by processes. But he pleads constantly with his pupils to understand that although absolute fidelity to nature must be ever in mind, yet if they do not at last make imitation serve expression they will end as they began — only children.

There are people who pass by Gérôme because he is not a "colorist," or because he does not paint *lovable faces*, or something which they would do if they could paint. But these people do not see over him; they have not yet seen him.

I believe he is one of the greatest masters, not of modern times, but of all times, and that he will be venerated more and more as we grow up to him.

George de Forest Brush.

AS AN artist, in his most famous pictures Gérôme belongs to those who tell a story. But he says his say with such breadth and directness, and with such a powerful conception of his setting and his action, that what with a lesser man would be an anecdote becomes with him a *drama*, or at least a profound satire.

"Ave Cæsar," "Pollice Verso," "The Death of Cæsar," "Napoleon before the Sphinx," are small canvases rendering large subjects in a very large way. If they could have handled the brush, Juvenal might have painted "The Two Augurs," and Voltaire have done "Le Père Joseph." My master in Paris, M. Bonnat, one day advised me to show to Gérôme a Roman subject just begun, as to a *passé maître* in all things relating to classical antiquity, adding, "There is no better master anywhere, and *il est bien bon garçon*" (he is a capital fellow). Gérôme permitted me to bring pictures as often as I wished, and he was always more than kind in giving time and attention to young men, talking by the half-hour with enthusiasm of classical antiquity, saying, "Surround yourself with everything that you can,—casts, photographs, terra-cottas, vase paintings,—and look at them constantly with all your might." His large house and atelier, on the corner of the Rue de Bruxelles and the outer Boulevard, were full of interesting and curious things, brought

back from Italy and Egypt, and every morning the master himself might be seen riding a handsome horse along the Boulevard, followed by two great hounds, and looking more like a cavalry officer than a painter.

E. H. Blashfield.

THE rank and the qualities of Gérôme as an artist are so well known that I need say nothing of them, but perhaps I may be able to say something of him as a teacher which will be worth the saying.

I think there is a general impression that he is very rigid in his methods of instruction and that his pupils become, almost of necessity, his imitators. As a pupil of his during three years, and one who owes him much, I feel that this impression should be corrected. During all the time I was working in L'École des Beaux-Arts under his instruction I saw but two pupils whose work showed any decided imitation of Gérôme's own methods of painting, and I never saw any attempt on the part of the master to change the methods of his other pupils. Gérôme has a method of setting his palette which differs somewhat from that employed by most artists; a method which could, I think, only be employed by an artist exclusively devoted to form and comparatively indifferent to quality of color. When I began to paint for the first time under his instruction he recommended this method to me. I had already acquired other methods and did not change them, and he never again recurred to the matter. His criticism was always of results, and never, after that first time, of methods. I once heard him say to a pupil: "When you draw, form is the important thing; but in painting the first thing to look for is the *general impression* of color." Surely Manet could say no more. Gérôme is, in my idea, a master of line and of composition, but a poor *painter*. As a teacher I do not believe he has any superiors, and his criticism is always based on essentials, and seldom touches matters of method. His insistence upon sound drawing is eminently healthy, and no pupil can be other than benefited by it.

Kenyon Cox.

WITHOUT sympathy or love for Gérôme's art, I have always esteemed it highly. I think him a marked figure in contemporary art; as clear an individuality as history affords. Fearless in his compositions, his precision and close adherence to all that can be learned or known have never tamed the strongly personal view in which his work is always conceived.

I was drawn to Gérôme as a teacher from having seen a photograph of his "Eastern Butcher" standing by the door of his shop. This absolute reality in the drawing of the human body I could find in no other master.

I found him large and catholic in his instruction, as direct and exact in his criticisms as the click to the lock of a gun. Oblivious to methods, seeking to develop each pupil's peculiarities and temperament, he frowned upon any attempt to follow in his ways unless he thought it entirely within the sympathies of the pupil. He insisted upon absolute portraiture in the drawing of the figure, and was as quick to notice any deviation from the general color or complexion of the

model as in the form. We English and Americans used to think at times that he might have been a painter, even a colorist, had he started on that road. The French, and other foreigners than ourselves, however, always accepted fully his draughtsmanlike methods.

In criticism of compositions and pictures he brought to bear his wide knowledge and large experience in the intricacies of physical laws. With me he generally made suggestions which would add to the picturesqueness of my compositions, his criticisms always coming from his intellect rather than from his heart; although with some of his pupils I believe his sympathies were fully aroused.

Wyatt Eaton.

FIVE months in the atelier of Gérôme is so short a time that I have never presumed to call myself his pupil, but under the influence of so strong a nature it is possible to receive in that brief period a distinct and abiding impression of the man. His personal presence, alert, erect, and keen, is that of a soldier, and amid his colleagues of L'École des Beaux-Arts, clad in their uniform of dark-green embroidered with silver palms, he appears a veteran surrounded by conscripts. His art is tinctured with the like qualities, and against the invading armies of modern realism he has stood—valiant soldier—firmly at his post. And in the future, when the wheat is winnowed from the chaff, it can hardly be questioned that the typical reality which he has upheld will prevail against the accidental reality of the pretemporary *modernistes*. One of these last—Georges Rochegrosse—exhibited at a late Salon a "Death of Cæsar" where the assassins clambered over one another in their effort to reach the prostrate emperor, as beggars scramble for a penny pitched in the midst of them. Such a representation, however possible or probable, can never supplant the dignified and simple tragedy portrayed by Gérôme any more than the Venus of Milo, with her typical beauty garnered from a thousand perfections, can be supplanted by a cast from nature.

Will H. Low.

IN 1867 together with two other Americans, Mr. Aikens and Mr. Harry Moore, I enjoyed the benefit of Gérôme's instruction. We were, I believe, the first American students that entered Gérôme's atelier, which has since become so popular with Americans.

Gérôme's method of instruction was purely academic, in the sense in which that word is usually understood, as leaving no room for the individuality of the student to assert itself, and few were able to resist the dominating influence of his own strongly pronounced individuality, quietly but irresistibly exerted. Of the three painting-ateliers in L'École des Beaux-Arts, Gérôme's students were the only ones that had the *cachet* of their master. On the other hand, as to conduct it was the most riotous atelier in the school, and was frequently closed for weeks at a time by the Administration in punishment for a disorder which became insufferable, and which seemed like a rebound from the constraint the students felt in the master's presence. This rebound spent itself in hazing, singing, smashing easels, and other exhilarating exercises when

that presence was withdrawn. However, in spite of this, a great deal of good work was done there, for when a chorus of "*assez*" rang through the room it was a foolish fellow who dared to interrupt the silence which followed.

As an artist, Gérôme is not easily classified; and although he has had a numerous following, he retains his preëminence in his own domain.

John H. Niemeyer.

IN 1875 Gérôme was probably most impressive in his strong individuality. With gracefully sloping shoulders, delicate form, fine in line, neat and elegant in dress, his face seemed fatigued and listless—pale, with skin of satin texture, seeming to have been painted by his own hand. In action, before his pupil's easel, the eye under the compressed brow became searching and bright, the other remaining listless under its high arch.

Quick of vision and unmerciful in judgment, he dominated, by a singular magnetism, the student who gladly submitted to his terrible "*ce n'est pas ça*" and who scarcely felt elated with the seldom heard "*pas mal*"—such confidence he inspired in his sincerity in holding before us the same high standard of excellence towards which he also struggled.

This *personality* was so strong in Gérôme that his presence was sufficient to drive myself and others into hiding and relieve him of the trouble of judging us. It elevated us, in the moment, beyond our capacity; our errors glared in our work, we saw with his eyes, said to ourselves the unsympathetic "more simple," "it is not that," *judged ourselves*, only to return to our weakness on his departure.

S. W. Van Schaick.

THE thought of Gérôme arouses first of all, in an artist's heart, the sentiment of truth-worship. Whatever the degree of his appetite for his paintings, they must forever magnetize each fellow-artist by their stamp of a great nature's austere fidelity, and their purity in those respects which were plainly his aim destined them to last among a very few to represent his epoch hereafter.

As a man he is so imposing that it may be dangerous to speak. When he came into the school-room his presence hushed the crowd, even to the roughest communist element, so that you could always have heard a pin drop, save for his own serious voice—an homage emphasized by their different treatment of many other dignitaries.

One of my innermost longings will always be to get his approval of my work.

A. H. Thayer.

It is with great pleasure that I subscribe my most profound respect and admiration for Gérôme. I shall always consider it my good fortune to have had his counsel and advice—just, severe, and appreciative. Differing greatly in the phase of art which I follow, yet I cannot but esteem him as one of the masters and most distinguished men of his age.

J. Alden Weir.

Machine Guns.

WE desire to correct some statements which occur in the article by Lieutenant William R. Hamilton in the October number of THE CENTURY.

The Gatling gun was invented by Dr. Richard Jordan Gatling (not Robert). Referring to the comparisons and statements on pp. 888 and 890, relating to the feed, firing, and disabling of guns, it is well to state that the Gatling has been fired at the maximum rate till 63,600 shots have been discharged, a greater number than has been fired from any other machine gun continuously, and this with the old method of feeding. With the new feed (Bruce), by which cartridges are fed direct from the paper boxes in which packed, the maximum rate of fire can be kept up without cessation. There is no "spring to press the cartridges into the hopper" of the Gatling in any of the feeds used, or that ever were used; therefore no additional strength is needed at the crank. Of the two methods of feeding used by the Gatling, the positive and the Bruce, or guideway, neither has "springs," as stated, and either can be used on the same gun, and both are perfect in their action. The Gatling is certain in its fire, and if one of its barrels is disabled the lock—all of which are interchangeable—can be withdrawn, and the other barrels fired continuously. Damage to one or more locks or barrels will not, therefore, stop the working of the gun. Such a thing as an explosion of cartridges in the feed, or an accident from such causes to the man working the Gatling, is impossible. As before stated, the Gatling has fired 63,600 cartridges without being stopped to wipe out or clean the barrels,

and the gun worked satisfactorily. At the same official trial 10,000 rounds were fired at the *greatest rapidity attainable* by having extra men to relieve each other at the crank, and no heating to injure or prevent the working of the gun was appreciable; and at the armory in Hartford 10,000 or more shots have been often fired without cessation. It is not necessary to have a water-tank in attendance to cool the Gatling.

Relative to accuracy of fire (p. 891) we will state that the construction of the Gatling is such, the barrels being parallel with each other and parallel with the axis of revolution, that each barrel, when direct fire is made, points to the same place; *i. e.*, at short range every shot at the most rapid rate of firing can be discharged into a hole the size of a dollar. When the gun is traversed laterally a plank can be cut from end to end by the bullets as by a saw. No more accurate firing can be done by machine guns than by the Gatling. At the armory it is not considered an unusual thing to fire a single shot into the center of the target, and then insert a musket-cartridge shell in the hole, and drive it in by the ball of the next shot. The improved Gatling is as accurate as a rifle.

We believe the official trials made and the war record of the Gatling show that it has, in the way of rapid firing, elevation, and depression, accuracy and continuity of fire, positive and certain action, advantages which make it a complete machine gun for all service afloat or ashore.

The Gatling Gun Company,

By Fredk. W. Prince, Secretary.

HARTFORD, CONN.

BRIC-À-BRAC.

Coming from the Fields.



1ST VOICE. Sister Mary, deir ain' no sun ov'r yonder!
 MARY. An' de hoop'will * soon be erbout.
 Sister Mandy, deir ain' no work back yonder!

Refrain. An' de hoop'will soon be erbout.
 De mule done turn an' er-warkin' en es track!

* Whippoorwill.

VOL. XXXVII.—86.

MANDY. An' de hoecake 'll soon be erbout.
 Deir 's water en de trough an' fodder en de rack!

Refrain. An' de hoecake 'll soon be erbout.

Chorus. Jes look ov'r yonder, what I see?
 De angeuls beck'n me ter come.
 Jes look ov'r yonder, what I see?
 De ange-uls er-leadin' me home.

the majority must govern. Indeed, you have no choice. If the majority do not govern, the minority will; and if the tyranny of the majority is hard, the tyranny of the minority is simply unendurable. The rules, then, ought to be so arranged as to facilitate the action of the majority. This proposition is so simple that it is a wonder that there could be any discussion about it, and yet recently in the House there was much said in debate about the "rights of the minority" and that the rules of the House, instead of being merely business regulations, a mere systematization of labor, were a charter of privileges for those whose arguments were too weak to convince the House.

This indicates confusion of thought. There is only one charter of the rights of minorities, and that is the Constitution of the United States. That defines the power of Congress and implies that Congress shall act by its majority. Under that Constitution and within its scope whatever a majority does is right. Regulations and rules, then, are not made to protect those who are wrong, but to facilitate the proceedings of those whose action when it takes place becomes the law of the land. Of course such rules ought to provide for debate and for due and careful consideration. But after debate and after due and careful consideration there ought to be no hinderance to action except those checks and balances which our Constitution wisely provides. If the majority of the House of Representatives — each man selected from at least thirty thousand voters — cannot be trusted, who can? Nor is this the only safeguard. Each one of these men is watched by the people. He renders account at the end of each term. If such a man so situated must be held in leading-strings, representative democracy is a failure. It seems strange, under a republican government and speaking of the popular branch of the legislature of a republic, to be obliged to refer to principles so fundamental; but the longer one studies politics in this country the more he will long to see universally prevalent a wider understanding and a deeper-rooted belief in some of the principles advocated by Thomas Jefferson, whose memory to-day seems to be most vociferously cherished by those who never act on his opinions.

It is impossible, and perhaps would be indiscreet in advance of due popular discussion, to indicate the remedy for the evil which the foregoing simple narrative of facts discloses, but that some remedy should be applied admits of no doubt. The remedy ought not to be radical or wild in its character. Indeed, from the nature of things it could not be so. There need never be any fear lest an avalanche of legislation could burst upon the country. Do the best we can our parliament will be clogged, like every other similar assembly in the world of like scope and magnitude. Two and probably three changes ought to be made, and the effect should be faithfully tried. The morning hour, the length of which should be entirely under the control of the House, would, if restored to its full power and efficiency, afford means for the transaction of all business of a simple nature requiring little discussion. Then a provision enabling the majority of the House to select from the public calendars such measures as it prefers to act on, with due precedence for revenue and appropriation, would insure such freedom of action as would destroy the illegitimate power of the few and exalt the just power of the people acting through their own representatives.

To guard against the abuse of the motions to adjourn, to fix the day of adjournment, and for a recess, the simple amendment devised and read in the House recently by Mr. Cannon of Illinois would be ample and valuable. That amendment provides that those motions shall be confined to their legitimate and honest use and shall never be used as dilatory motions for simple delay. If it is objected that this places too much power in the hands of the Speaker, the answer is twofold. No Speaker would pronounce motions legitimate on their face dilatory and intended for delay until that fact was apparent to the whole world, and if he did unjustifiably exercise that power reposed in him as the organ of the House an appeal to the House would easily rectify the abuse. The danger in a free country is not that power will be exercised too freely, but that it will be exercised too sparingly; for it so happens that the noise made by a small but loud minority in the wrong is too often mistaken for the voice of the people and the voice of God.

Thomas B. Reed.

TOPICS OF THE TIME.

Election Laws for Congressmen.

THE experience of Great Britain and of the United States, in the matter of the election of members of the highest legislative body, has been very similar. Every step in the transfer of control of these elections

to judicial or neutral agencies has been warmly resisted by the constituencies and accepted only under protest, but its results have invariably tended to purify the election. British advance in this direction has been radical, thorough, and satisfactory; and parliamentary elections are now models, so far as bribery, corruption,

and coercion are concerned. American legislation has availed itself very little of British experience, and congressional elections are as unsatisfactory as ever. It seems now as if the time had come for the transfer of the decision of disputed election cases from the two Houses, or at any rate from the House of Representatives, to the Federal courts, the reason being that this self-denying ordinance is an essential prerequisite to every other reform in congressional elections.

It must be understood, of course, that no law could *bind* either House to maintain such action. The Constitution gives each House absolute power over its own organization and election cases; and even though it should in form of law resign its power of deciding disputed elections to the Federal courts, there would be nothing to prevent a partisan majority from resuming the power at some future time, if it should be determined to do so. But such a state of things is in no wise unprecedented. Territorial delegates sit in the House by virtue of a vote of the House, which a hostile majority might repeal at any moment; but no one apprehends any such action. The seating of the Cabinet in Congress would be a parallel case. The Pendleton Civil Service Act is another example of this permissive legislation, which could not *bind* the President but that he permits it to do so. A reckless majority in the House of Commons might no doubt insist on resuming the decision of election petitions, which was transferred to the judges in 1868, and it would be impossible to deny a similar power to the House of Representatives; but if the results of the transfer were to give as universal satisfaction in the United States as they have done in Great Britain, the practical exercise of the power would be as unlikely in one case as it is in the other.

At present one branch of our government, the House of Representatives, disappears on the fourth day of March of the odd years. For a period longer or shorter there is no such body, and one of the law-making factors of our system is represented only by a blank. Indeed, there are political dangers in the process of giving practical life to the new House. The only connecting link between old and new is the clerk of the old House. He is ordered by statute to make a list of such members-elect of the new House as come with certificates under the laws of their States or of the United States, and the clerk's list is the new House. In so far the new House has already surrendered a great measure of its authority over disputed elections, and that not to impartial judges, but to the governors of States or to the politician whom the partisan majority of the previous House had happened to choose as clerk.

The surrender of its authority by the new House may be final, for the first effort of the smallest *prima facie* majority is to make itself a safe majority. If the clerk's list makes out a majority of but a single vote, the first business of that majority is to decide in favor of the contestants of its own party a number of election cases sufficient to raise its majority to ten or a dozen. When party interests have thus been made safe, considerations of equity do have their influence, greater

or less, on the decision of the remaining cases. But up to that point the spirit in which disputed elections are decided is well put in an old story of two congressmen of the same party. Says one: "What are we at work on now?" "An election case," says the other; "but both the contestants are rascals." "Yes?" says the other; "which is *our* rascal?"

Such being the principles on which disputed election cases are commonly decided, is it any wonder that Congress has never seen its way clear to framing and passing an election law which shall really hedge around congressional elections with effective safeguards? What respect could be paid to such a law when it is notorious that the power which is to decide disputes under it will be governed in its decisions by questions of party necessity and not of the violation of the election law? The election of many congressmen in the South is impeached for one set of reasons, and the election of many congressmen in the North is impeached for a different set of reasons, but no act of Congress has yet done anything effective to meet either class of objections. Indeed, the more perfect and minute we imagine a proposed election law to be, the more absurd would it be to pass it so long as disputes about its execution are to be decided on partisan, not on judicial grounds.

But, if what has been said has been well taken, the special difficulty would seem to disappear on the application of a single remedy: give the *final* decision of all disputed congressional election cases to the Federal courts, and let their certificates, not those of the governors, constitute a list which shall be considered binding, not only by the clerk, but by the new House itself. When the enforcement of the election law is thus given to the Federal courts, for decision on judicial not on partisan grounds, it becomes for the first time possible to couch a congressional election law in the most sweeping, complete, and minute terms. It may require registration in every congressional district of the country, and make the expenses of registration and election, including the printing of ballots, an exclusive charge on the Federal treasury; it may make the Australian system the essential rule of the election, even in the remotest parts of the country; it may make bribery and coercion not only criminal offenses but reasons for the judge to refuse a certificate and order a new election; it may provide for the sworn publication of the expenses of all candidates and agents, with like penalties for violation or evasion; but it is patently unreasonable to attempt to impose any such safeguards until all disputes under the law are to be finally decided by a judicial application of the law to the facts and not by party needs — by Federal judges in office during good behavior, and not by an interested majority of the House.

Of course the difficulties in the way of such a change are great. Some Representatives would consider the proposal of it as almost an insult to their House; others would take it as another attempt to develop a centralized tyranny over congressional elections; ¹ others elections by State legislatures becomes very sweeping — fully sweeping enough to justify the proposed transfer of judicial powers to the Federal courts. This fundamental question was fully debated in Congress by Senator Thurman, on the passage of the Enforcement Act of 1870, and his most serious objection was that there were not Federal judges enough to decide disputed State elections, as that law proposed to do, and as this article does not.

¹ There is no ground for this accusation, provided only that the House is willing to yield its constitutional power over election cases in the interest of the purity of elections, as the House of Commons did in 1868. The Constitution, Article 1, Section 5, makes each House the judge "of the elections, returns, and qualifications of its own members." Let the House of Representatives yield this, and the general power of an act of Congress to "make or alter" the regulations of the "manner" of the congressional

would insist that the same rule be applied to the Senate, as well as to the House. But is not the remedy worth considering, in spite of its difficulties? Indeed, in the midst of the loud and various cries for reform in congressional elections both South and North, will their advocates stop for a moment to tell us how any of their schemes are feasible as laws so long as disputes under them are still to be decided as party questions by a majority of the House, and not as questions of law by judges?

The English Language in America.

THERE is now only one important point in which our right as a nation to be individual, or the great significance of the individuality we possess, is seriously questioned by our English cousins, and that is our use of our mother tongue. If "the great American language" and "Americanisms" of every shade are accepted by them as facts, they are certainly still accepted under protest. And it may be confessed that most Americans feel that this protest is, on the whole, justifiable. We are disposed to admit that we have been forced into an unfavorable position by the questionable character, as regards literary quality, of a large part of our special contributions to the development of English speech. The American freeman is not readily restrained by considerations of taste or style, or by linguistic laws; but from the merely literary point of view, which is that of the purist and often even of the more broad-minded scholar, these considerations are all-important.

It will not do for us, however, to concede too much to our transatlantic critics. It is very possible that their objections to details, however justifiable they may be, may blind both them and us to what is really essential in the matter. First of all both need to realize the fact that we have a proprietary right in the great common heritage of the English-speaking world. There is no divine right in matters verbal vested in English-speakers on the other side of the sea. Our language is not lent us by them on the condition that it shall not be tampered with, but is our own to mold or forge to all the purposes of our multifarious and peculiar practical and intellectual life.

Furthermore, whether we approve it or not, some real divergence of American from British usage, the extent and character of which are not yet clear, and indeed can be guessed only after estimating the joint effect of all the disturbing and all the conservative forces at work, is inevitable. The great fact about language is that it is a tool—that it comes into existence solely for the sake of its utility. It may be, as Emerson says, "fossil poetry," or, as stylists and purists insist, a mine of glittering crystals suited chiefly to adorn the periods of the *littérateur*; but it is poetry or gem only after it becomes fossil or crystallized. In its origin, in its generative and most vital stage, it is the veriest prose, the most amorphous and utilitarian of substances. But it cannot fulfill its end as a tool unless it can be adapted to all the changing conditions of the practical and mental life of those who use it; and as a matter of fact no language has ever been to any great extent restricted in its development by any other consideration. The only language that can satisfy the purist is a dead language: wherever there is life there is change, adaptation, neologism. The

usage which really in the long run governs speech is that which is best adapted to the true needs of actual life in all its phases; and that usage *must* be variable. To one who reflects upon the subject along this line, the theory that the usage of 35,000,000 people living under one set of conditions can by any possibility control, or by any rule of reason ought to control, the usage of 60,000,000—soon to be 200,000,000—living under another and quite different set of conditions must seem radically absurd. If in the evolution of the life of the former it becomes necessary, or for any reason advantageous, or simply customary, to use certain words with novel extensions or restrictions of meaning, or to invent new terms and modes of expression, or to vary the pronunciation of words, there is no reasoning, linguistic or moral, which can or should prevent it; and if the same thing happens to the latter, the situation in all its aspects is precisely the same. If the result in the latter case is an "Americanism," it is in the former a "Britishism," and the one is just as legitimate and valuable as the other, the conditions of utility and taste being equally fulfilled. Americanism in language (whatever it may turn out to be) has a right to exist, and must exist—a genuine product of the new soil.

Upon the comprehension of this fact follows the most important of all the problems connected with this subject—namely, what is the probable outcome as regards the English language and literature of the American branch of this divided stream of usage? As a rough answer, the statement may be ventured, with due modesty, that Americanism in our language has a better evolutionary chance of survival as *the* English of the future than has Britishism. The linguistic heritage of the past is common to both: in that neither has preëminence or advantage; the future, however, cannot well belong to both equally, but the lion's share must fall to the stronger, and that we shall be the stronger we can hardly be expected to question. If the forces which are to govern the result were identical with those which determine material preëminence there could be little doubt about it; but of course they are not. A thousand additional dollars in a man's pocket do not change his habitual enunciation of a single letter, or modify his use of a single word. Nor is mere increase of population, fast though it will here undoubtedly be, of much account. The augmentation of the number of Chinamen by a hundred millions would not have much effect on Chinese speech. Neither does mere practical activity and enterprise count for much by itself; for it may be counterbalanced by extreme conservatism in other equally important directions. In brief, in order that English-speaking men on this side of the Atlantic shall be able to make their use of their language the language itself rather than a dialect of it,—in comparison with its use by Englishmen on the other side,—they must possess not merely such advantages of position as regards material prosperity and energy as will give them a preëminence of material influence, but also masterful intellectual qualities which will enable them to impress themselves on the world as the dominant branch of the Anglo-Saxon race. To these must also be added a certain independence and originality in linguistic matters. If these conditions are fulfilled, whatever in language establishes itself in American common life will of a certainty establish itself in American literature,

and therefore as the English of the world. To what extent these favorable elements are present should perhaps be left for foreign eyes as unprejudiced and friendly as those, for instance, of Professor Bryce to discover. But Americans who see the enormously increasing population of their country, brought from all quarters of the globe into stimulating contact with new phases of nature and life, stirred by contagious, restless, New World activity, and amassing enormous wealth, and believe that throughout this mass of humanity there is a strenuous intelligence and an eagerness and capacity for mental growth paralleled nowhere else, may be pardoned for thinking that the elements demanded cannot be lacking. That we possess the last-mentioned requirement, readiness to adapt and change, certainly cannot be denied. Not the least notable evidence of it is, for example, our comparatively great openness to conviction in the direction of a scientific and practical simplification of our spelling. Thus one can hardly imagine that, as has happened on the other side, if our Philological Association were constructing a great English dictionary which from its nature must be quite independent of popular support, it would practically throw its influence in favor of the most conservative and certainly obsolescent orthography. It is also worth noting that our temper in this direction is precisely that which is needed to make English, what all who speak it hope it will be, the universal language of the future commercial, as French has been of the past political and social world. In a word, the hope that the English language as spoken by our descendants will be its dominant and most widely adopted form is entirely reasonable, and the determination that it shall be such is a worthy national ambition.

Lincoln's Disinterestedness.

THE very heart and substance of the authorized Life of Lincoln are to be found in the installments published in THE CENTURY for December, January, February, and March. No quality that helped to make Lincoln one of the ablest as well as one of the noblest of men fails of illustration in these thrilling chapters. We say thrilling, because we believe that no intelligent student of history — especially no patriotic American of any party or locality — can read these pages without emotion. Has the mental history of a single sublime and world-approved act ever before been so minutely and authoritatively described? The published and hitherto unpublished documents, letters, records of companions, and reported conversations are here gathered together by his private secretaries and displayed in orderly and lucid array. So interesting is every paragraph that one longs for even fuller information — but as it is, the data are full beyond precedent.

As is well known, there were, technically speaking, two Emancipation Proclamations, the preliminary one of September, 1862, and the final proclamation of January 1, 1863, which carried out in due course the programme of executive action laid down in the preceding document. As it was the January edict which actually gave freedom to the colored race in America, it is this

which is generally called the great "Emancipation Proclamation." But the two documents are really one act, and it was the September utterance that reverberated through the world and put forward the march of civilization. For this reason the present installment of the Life is illustrated with facsimiles of both documents — preceded by the original draft, which never appeared till given to the public by Messrs. Nicolay and Hay, in the December CENTURY. It was this original draft with which Lincoln surprised his Cabinet in July, 1862, and it has a peculiar interest as showing how the official utterance first shaped itself in his mind. In the present installment the authors give (on pp. 691 and 699) the first draft of the proclamation of January 1, 1863, as well as the facsimile of the document in its final shape.

One cannot but be impressed anew by the fact that one of the most effective equipments of Lincoln for the performance of difficult duties was a quality which he shared with Washington, and which each possessed to a conspicuous degree — the simple but tremendously powerful quality of disinterestedness. It was tact, *i. e.*, intelligence added to kindliness, which helped make Washington a successful leader; it was tact which helped Lincoln to steer his Administration not only through the perils of war but between the rocks of selfishness and faction — but without purity of purpose, without absolute disinterestedness, neither could have done so well, so completely, the work assigned.

With the enormous and enormously increasing populations, the seething social movements, and the ever-threatening political dangers of the New World, there are not and never will be times of perfect peace and quiet. Every Administration, every Congress, State, community, every year, every day, has its emergency. In our uncertain and ever-shifting scheme of general and local governments good men, bad men, half-good and half-bad men, are continually pushing or being pushed to the front as leaders. Now and again an unscrupulous schemer attains a notable official or unofficial eminence; and his disgraceful and pestiferous "success" tends towards the imitation of his methods on the part of men of easy consciences. The example of Washington, the centennial of whose inauguration is so near at hand, and of Lincoln, who was with us only yesterday, and whose pure and devoted life is now being told for the first time — there will never be a moment when the example of these men will cease to be among the most saving forces of the nation.

It would be a poor investment of energy to talk to some busy and party-honored dispenser of corruption funds or political bargainer with liquor-dealers about the public virtues of Washington and Lincoln; but to the young, or to those who in public life still retain somewhat of the delicacy of innocence, it is always worth while to uphold our most prominent instances of political success, and to repeat continually that selfishness is weakness; that honesty is strength; that disinterestedness is a mighty weapon and often the only one wherewith a man may do what with his whole heart he desires to do.

OPEN LETTERS.

"What of the South?"

ARE we one people, or are we not? If we are, why this constantly recurring question, What of the South under the coming administration of the Republican party? If we are not one people, where are all the boasts of buried differences and the eloquent declarations of obliterated sectionalism that have in recent years been sounding throughout the land?

Political parties must always exist, and under our form of government they are certainly advantageous, if not positively necessary. They serve as checks on one another, and hinder that wholesale corruption in high places which sooner or later has always resulted in the total destruction of undisputed dynasties.

We have just gone through a great political contest—nothing more, nothing less. Such battles necessarily involve victory and defeat. Only one side can win. In this instance the Democrats were defeated. So were the Prohibitionists. But this last fact does not argue that we are all going to become drunkards immediately, nor does it demonstrate that the doctrines of prohibition are utterly unsound.

Now I cannot possibly see wherein the Democratic party has any better ground for serious apprehension with reference to the country's future welfare than the Prohibitionists. By way of remonstrating with the prophets of evil, we might remind them of the gloomy predictions that were so actively circulated by disappointed Republicans four years ago, when Mr. Cleveland led the Democratic hosts to victory.

Mr. Cleveland's term of office is about to expire, and during his administration the country has gone on in its development and increased in its prosperity. In a fair-minded contemplation of General Harrison's election to succeed Mr. Cleveland I cannot discover any ground for alarm. In saying this, too, I beg to add that I am an uncompromising Democrat, I have always been such, and never expect to be anything else. I am a Southerner by birth, rearing, and education. It is under the impulse of my devotion to the South and to the Southern people that I address this "open letter" especially to them.

The people are the guardians of their own welfare and safety, and if any political faction abuses the power given it by the people it will be stripped of that power. Four years from now the Republican party will be approved or condemned by the American people, who are the makers and unmakers of all political parties of this land. The South has no reason for overwhelming alarm or distressing apprehension in contemplating the administration of General Harrison. Neither has she any reasonable ground to expect political favors—

not because she is the South, but simply because she was not on the winning side. But let the South remember that the campaign was not based on the race problem, nor was it a contention for or against States rights. The Republican triumph is simply a defeat of the Democratic party in all the States. The fight was made on the tariff. That was the only vital issue of the campaign, and there were varying opinions at the South, as well as at the North, East, and West, as to the wisdom and expediency of the views held by the Democratic party on that question.

The South can lose nothing but those political offices now held by many of her worthy sons. She may not lose all of those. That will, of course, depend entirely on General Harrison's regard for or disregard of civil-service reform. But let us take the worst view of it, and suppose that every Southern Democrat now in office shall be removed promptly after March 4: the South will then be no worse off than she was for twenty years after the war, and surely she is better able now than she was then to bear the disadvantage.

The fields of the South are richer than ever with unfailling harvests; her mining interests are more extensively developed, and are greatly increasing their product of inexhaustible wealth; her manufacturing industries are thriving to-day to a marvelous extent and expanding constantly; her railroads are spreading over the entire expanse of available territory; her people are stronger and happier than they have ever been. Let Southerners turn their hands and hearts to the vast resources, infinite riches, and matchless beauty now revealed in the land which the Lord their God hath given them.

During the next four years there is no more danger of interruption to the material development, industrial progress, and financial prosperity of the New South than of any other part of the country, and I do not believe that the relations between the races in the South will be any more strained or unpacific under the administration of General Harrison than they have been during the presidency of Mr. Cleveland.

Marion J. Verdery.

"College Fraternities."

IN an article on "College Fraternities" in *THE CENTURY* for September, 1888, the name of President Garfield was placed in a list of prominent members of Alpha Delta Phi, Psi Upsilon, and Delta Kappa Epsilon. A correspondent writes that he was a member of neither of these societies, but of Delta Upsilon, a non-secret fraternity, of which he was an active and interested member up to the time of his death.



were British, but claimed to act under authority of a native king, just as the Germans in Samoa tried to cover themselves with the scanty mantle of Tamasese. The commander of the *Cyane* bombarded the town to punish the local authorities, and he returned home to receive the approval of his Government and the plaudits of his countrymen. Similar action was directed by President Monroe, in 1817, in the case of Amelia Island. And General Jackson, in his seventh annual message, admirably stated the principle upon which such intervention rests, with the citation of which we may conclude:

Unfortunately many of the nations of this *hemisphere* are still so tortured by domestic dissensions.

Revolution succeeds revolution, injuries are committed upon foreigners engaged in lawful pursuits. Much time elapses before a Government sufficiently stable is erected to justify expectation of redress. Ministers are sent and received, and before the discussion of past injuries is fairly begun fresh troubles arise; but too frequently new injuries are added to the old to be discussed together with the existing Government after it has proved its ability to sustain the assaults made upon it, or with its successor if overthrown. If this unhappy condition of things continues much longer other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries by their own power without waiting for the establishment of a Government competent and enduring enough to discuss and make satisfaction for them.

George H. Bates.

TOPICS OF THE TIME.

The First Inauguration.

IT is not so much to the mere passing of an historical milestone that so many men's thoughts turn back, this month,¹ to the first inauguration of a President under the Constitution, as to the commemoration of the critical point in the development of the United States. History has changed its point of view of late years. It used to be thought that the accomplishment of national unity by the former English colonies of central North America was merely an evidence of the great political wisdom of our forefathers. Now it is conceived that national unity was the fit and natural line of development; that countless natural forces, seen and unseen, tended to drive the colonies, however unwilling, in that direction; that, successfully resisting these forces and missing their true road, they would have struggled hopelessly for all time in shallows and in miseries; but that, finding the true road, they have gone on triumphantly to achieve their destiny and become the great Republic. And, as the historical indication that the true road had been found at last, the first inauguration must have peculiar interest for every American.

Even from the purely human side, however, the event is very far from being confined to natural forces; it had its great personal element of such clear prominence as to give it a far higher interest. The emergency was so serious that the wisest of men saw and said that upon a rejection of the Constitution the course of events would turn to the establishment of national unity by armed force of some sort. And yet, in spite of the most singular errors on the part of the people, it never came to violence; we must go to the annals of other peoples to study the agonies of the birth of a nation in the throes of armed revolution. And, as the first inaugura-

tion showed that the American people had yielded wisely and peacefully to the demands of their natural position, every historical student must see how appropriate it was that Washington, whose existence, character, and influence had made that form of peaceful solution possible, should have been the central figure of the ceremony — the first President.

The belief is not uncommon that Washington had been the leader of the people before and through, as well as out of, the armed struggle against the British ministry. But the course of events which led to war was singularly lacking in leaders of national influence. Almost the only one who approached that position was Franklin. The people of the middle and New England colonies had faith in the common sense of Poor Richard; and, when his course was seen to be veering towards an apparent support of resistance, the silent influence of the fact was very considerable. But no contemporary would have dreamed of rating the Virginia colonel, during the twenty years after 1756, within many degrees of the hard-headed Pennsylvania printer as a leader. Until the recognition of Washington's usefulness on the military committee of the First Continental Congress, he was merely one who had done good service in the French and Indian War, and was now hardly to be distinguished from any other Virginia gentleman.

And so the character of Washington developed through twenty years of inglorious obscurity. There were examples in plenty in his time, as in ours, of the truth of Bacon's famous saying as to the varying effects of reading, writing, and conversation on man's development. Washington has left no special evidence that his development took any of these roads. It seems to have been a case in which a strong spirit, guided by strong sense, grew into greatness by constant thinking; by freedom from conventionalizing association with

¹ It is familiar history that the inauguration was to take place at New York City March 4, 1789, according to the vote of the Congress of the Confederation; but that the shiftless habits learned under the Confederation, difficulties of travel, etc., delayed the

ceremony until April 30. There is nothing sacred or even constitutional in March 4 as an inauguration day. The Congress of the Confederation named the first Wednesday in March, which in 1789 was the fourth day of the month.

others, and by the development of an individuality, strong, natural, and always and instinctively honest and true. No four years in college will graduate a man in such a course as this; and it is not likely that one of these twenty years of silent training was superfluous.

It is an open secret that, so far from being the real authors of American independence, the "fathers of the republic," through the pettiness, self-seeking, or cowardice of many of them, and the short-sightedness of others, were often about the most serious obstacle in Washington's path. But that path never once swerved from the straight line of absolute rectitude which was the fruit of twenty years' self-discipline, nor had it gone far before the "plain people" all over the continent, recognizing in the General-in-Chief their ideal, gave him a universal and loyal affection which the politicians of his time never freely offered. From the "time that tried men's souls" down to the day of his death, Washington was the unique political force of the country. The fact that his tried judgment, unselfishness, and crystal honesty approved or disapproved a measure was decisive with the mass of the people. History has no scales in which to weigh the incomparable political advantage of the American people in having such a character among them at such a time; but one is safe in ascribing to that fact the peace, security, and order of the process by which the transformation from an imperfect to a finished national Constitution was accomplished. And when New York City commemorates, this month, the first inauguration, it is but fitting that the occasion should be permeated with the personality of Washington, in the spirit of Lowell's noble apostrophe to Virginia in his ode, "Under the Old Elm":

Mother of States and undiminished men,
Thou gavest us a country, giving him,
And we owe alway what we owed thee then.

And yet the "plain people" of his time should not be denied the merit, great in any people, of a prompt and whole-souled recognition of their ideal in the great man as he came into their horizon. They did not kill the prophet who had been sent to them, but followed him reverently, affectionately, and to their country's highest good. One place of honor after another was thrust upon him, and not one of them with the trace of an effort to obtain it. His most confidential correspondence shows invariably the same sincere conviction, whenever any such advancement was proposed for him, that it was entirely beyond the range of his abilities and that it was his duty to urge the selection of some one else. The popular recognition of his sincerity deserves to be recorded. It was an honor to both sides — Washington's unaffected reluctance to accept the offices provided for him, and the people's intense belief that he was the Heaven-sent occupant of those particular positions.

Have our people changed their ideal or changed their nature in the past century? It would seem that one or other of these events has taken place, in the view of shrewd politicians. This is a period of our history in which a vacancy in office is a signal for self-seeking candidates for nominations on either side to publish and push their "claims," to trumpet the superiority of their chances, to have their committees,

workers, newspaper organs, and all the other apparatus of self-laudation, carefully overseen by themselves and paid for by themselves or their admirers. Is this the way in which the American people of this generation is condemned to seek and discover its ideal? Then must we say, still in Lowell's words, but with a tinge of deeper longing and regret:

Rigid, but with himself first, grasping still
In swerveless poise the wave-beat helm of will;
Not honored then or now because he wooed
The popular voice, but that he still withstood;
Broad-minded, higher-souled, there is but one
Who was all this and ours, and all men's, — WASHINGTON.

Constitutional Amendments.

As this is one of our eras of great striving and cry for reforms of various kinds, it is probable that we shall hear a great many proposals of amendments to the Constitution of the United States, as if the suggestion of even the best of amendments gave it any more real chance of life than if it were meritless. It is therefore necessary to retain, as a very prominent element of our political consciousness, the knowledge that the adoption of any isolated amendment is now a matter of such enormous difficulty as to be practically impossible. The time may come when some amendment shall evidently have behind it, as in the case of the civil war amendments, so general a popular and party interest as to "rush" it over all the inevitable obstacles; but that time is not now. The reform which is limited to the road of constitutional amendment may besiege the entrance to it until it dies of inanition; it must abandon hope long before it even enters.

The very first difficulties are those of mere constitutional machinery, which Sir H. S. Maine has stated with so much Tory gusto that his statement has already become classical. They are obstacles which the people imposed upon their own action in the original constitution in order to guard against what was supposed, a century ago, to be democracy's characteristic turbulence and impatient desire for change. A change in the English constitution, no matter how radical, needs only a majority vote in the two houses of Parliament; and in practice a determined majority in the House of Commons will insure a majority in both houses. A change in the American Constitution demands, at the very beginning, a two-thirds' majority in both houses of Congress. Every one familiar with such matters knows that the difficulty of getting a two-thirds' majority in either house is far more than a geometrical increase over that of getting a simple majority; and that a two-thirds' majority in *both* houses is a difficulty almost geometrically greater still. Here the framers of the Constitution might have stopped, but they did not. They provided that the amendment, after passing the gauntlet of Congress, should not be valid until ratified by three-fourths of the State legislatures. As there are now 38 States, three-fourths means 29; and, as each of these bodies has two absolutely independent houses, this means that the budding amendment must find friends to introduce it, champions to fight for it, and a majority to support it, in each of 58 separate legislative bodies, each with its peculiar interests, prejudices, and characteristics. Who can name any single amendment which is at all likely ever to be backed by such popular interest, the country over, as

to command such wholesale legislative support as this? ¹

It cannot be said, either, that the mass of the American people feel any dissatisfaction with these restrictions on their power of change. Their general mental attitude has had an odd illustration during the past winter. One of our leading weekly journals sent out a request to a number of distinguished gentlemen to enumerate the points in which they believe that the Constitution should be amended. Then, having advertised his action, and reserved a sufficient portion of the next issue, the editor awaited the responses. With one exception, they came in the shape of curt notes stating broadly that the distinguished gentlemen were certain that the Constitution, unchanged and reasonably construed, was quite good enough still for all the needs of the country. The editor closed the account with a protesting list of amendments which, to his thinking, deserved consideration at least. Very many of us are strongly inclined to agree with the editor, but the people are not. The responses in this case are a peculiarly clear indication of the popular indifference, since they come from our distinguished men, whose office, the true *noblesse oblige* of a democracy, is to reflect the prevailing type of their people.

If this be substantially true of "distinguished men," it is even more so of the men who declare the law — the judges. On any theory of the source and origin of law, it must be admitted that no law, whatever the forms under which it is passed, has much chance of life unless it is in harmony with the spirit and temper of the people. In this respect the judges also reflect the popular type. Even when an amendment passes the congressional Scylla and the Charybdis of the legislatures, as did the civil war amendments, the judges will always be apt to meet it, as in their case, and prune its scope and meaning into entire harmony with the general system to which it was intended and supposed to be a radical change.

The politicians, apart from their natural desire to pose as distinguished Americans, have found a further use for this constitutional American trait; they have made it their Golgotha for embarrassing reforms, their easiest way of how not to do it. If they could persuade the Prohibitionist that he must confine his efforts to obtaining a constitutional amendment, there would be a long breath of relief, at the South as well as at the North. If they attack ballot reform, it is always by selecting some essential point, declaring it in conflict with the Constitution, and asking that that be covered by an amendment; that is, that it and the whole scheme with it be postponed to the Greek Kalends. Garfield's death and the popular feeling growing out of it gave civil-service reform a considerable exemption from the parallel charge of being an unconstitutional restriction upon the President's appointing power. If the present efforts to secure uniformity in marriage, divorce, and interstate extradition law were as distasteful to the "old war horses" of either party, complaint would

soon be made that the proper constitutional road to the end in view would have been the adoption of an amendment permitting States to form combinations or alliances for such purposes.

It seems hardly necessary to do more than present such considerations as these to show that any isolated amendment starts on a course of predestined neglect or ill-usage to an inevitable failure. It may be that changes in the Constitution are likely to be made through a second convention, like that of 1787. It would propose a number of amendments together; and, though these would not necessarily be at all interdependent, those of them which should be sufficiently in harmony with the genius of the people would undoubtedly have, in the common support of only slightly different interests, a prospect of success such as no isolated amendment can ever command.

But the second convention seems very far off, and its road is as yet as hopeless as that of the single amendment. This fact postpones many reforms indefinitely, for the maintenance of constitutional orthodoxy, of a high standard of popular knowledge of and respect for the details of the Constitution, is itself a continuing process of reform, outweighing in importance other more pretentious claims. But there are some cases where the provision of the Constitution is not so much mandatory as permissive; where the agent, by giving up a constitutional privilege, while shirking no constitutional duty, may clear the way for great reforms. Ought the President to be considered as acting unconstitutionally when he restricts the appointing power by bringing new classes of public servants under the civil-service rules? or the House of Representatives, if it should consent to accept as final the decision of Federal judges on disputed cases under a general election law? In default of any possibility of an amendment at present, the charge of unconstitutionality, as a barrier to such reforms as these, seems hardly worthy to be final; here, at least, is a fair substitute for an amendment.

The Coast and the Navy.

SMALL as is the excuse for the recent system of international armament in time of peace adopted by the governments of Europe, there would be even less excuse for a voluntary assumption of the burdens of the system by the United States. To enter upon such a course would be to give up at once all the advantages of the wise policy which has guided American diplomacy from the beginning. The nation which, through the kind offices of three thousand miles of stormy ocean, can afford to decline on principle all manner of "entangling alliances," to confine its attention mainly to its own continent, and to ignore the diplomatic combinations and policy of the Old World, has an advantage which it would be folly to forego. Up to the present time the path of wisdom has been readily perceived and willingly followed by the Ameri-

¹ The difficulties have been overcome in the first ten amendments, which were almost a part of the original instrument, though two others founded after passing the congressional barrier (see Professor McMaster's article in this number); in the XIth Amendment, which had behind it the selfish interests of the States; in the XIIth Amendment, which had behind it the determination of the dominant party to make the electoral system a trifle at least more democratic; and in the XIIIth, XIVth, and XVth Amendments, which had behind them

the determination of the dominant party to gather up and store away the successive results of the civil war. The congressional difficulty was also surmounted in 1807 by an amendment forbidding American citizens to accept foreign honors, and in 1861, by the narrowest of margins, by Douglas's proposed XIIIth Amendment. But neither of these had any real or general impelling force behind it; the latter was ratified by but two States, and the former still hangs in limbo, and it would be difficult to say whether it is now constitutionally dead or alive.

can people and their most trusted leaders; and the spirit of which the so-called Monroe Doctrine is really but a narrow phase has governed American policy from Washington's time onwards.

However it may have been in the early years of weakness, it has become more and more evident, as the nation has grown more powerful, that its traditional attitude of neutrality is not the result of fear. European governments have been progressively more willing to permit the American Republic to go on its own undisturbed course in consideration of the fact that their own system was not to be disturbed by the entrance into it of *this new planet* whose possible attracting influences were so far beyond calculation. This steadily neutral position of a great and growing nation has been of the highest service to all neutrals, whose interests are regularly those of civilization itself. The American Government, by accepting and supporting those principles of international law which have seemed in accordance with abstract justice and natural law, and rejecting or resisting such as were the product of mere local jealousies, European policy, or overmastering force, has been able, with the slow acquiescence of older governments, to do far more than its share in that amelioration of the intercourse among nations which has been the hope of all the great publicists since Grotius. With some few errors, the international record of his country is one on which an American may look with satisfaction and pride.

Events seem to be tending towards the imperiling of this historical position of the United States. It was probably inevitable that there should be some change for the worse as the process of armament in other countries became more intense. Although the foreign commerce of the country has diminished to a miserable showing, and the people have shown again and again that they have sufficient self-restraint to reject even the most tempting opportunities of foreign annexation or conquest, yet it should be remembered that reasons or excuses for the clashing of American and foreign interests must recur, and that every such rude contact with an armed nation contains the germ of a possible war. This is an age in which neutrals have fallen upon evil times. There are countries which would be but weak antagonists for ours in a war for which both were fully prepared, but which have provided in advance iron-clad navies strong enough to lay San Francisco or the Atlantic or Gulf cities hopelessly under contribution from the declaration of war. Under such circumstances, is the great American Republic to trust supinely for safety to luck or to the forbearance of other governments? Spain or Chili could do our coasts more damage in six months than we could recoup by final war indemnities, even if we took possession of the whole of the offending country. Nor is it so certain as is often assumed that their naval success would be limited to the first six months of a war, with a series of retributive victories over them during the remainder of the hostilities: how or where are we to build a navy when every nook and corner of our coasts is open to entrance and search by a superior iron-clad force? It may be thought that we have only to accumulate money in order to have guns and iron-clads at command, and that we have nothing to fear while the Clyde is open and our treasury has a surplus. But we ourselves are responsible for a case which fairly bris-

gles with awkward precedents as to the duties of neutrals in preventing the sale of armed vessels to either of two belligerents; and it is not likely that the precedents would ever be disregarded in favor of the United States. All the modern circumstances unite to demand a care in fortifying our coasts, and a liberality of expenditure upon our navy, such as have not been thought of before; but there is not necessarily any waste involved. The case is simply that of the belated traveler, who, knowing that his road is infested with foot-pads, goes to the expense of providing himself with a pistol.

There are many evidences, however, that the intoxication of warlike expenditure is not to spend its force in simply making the nation's coasts and commerce safe; that the sense of power and the combative instinct grow as they are fed. There are in every country, our own being no exception, newspapers and public men who are always ready to float on the crest of a wave of popular passion, no matter whether it may be driving, or on what inhospitable shore it is to break in tumultuous surf at last. The case will bring its peculiar temptations for the United States, for the navy is just that branch of the service for which our people have a traditional weakness, and on which they will spend the public money with least complaint. We may still echo the fine saying of Webster, in his appeal to Congress in 1814 for a naval rather than a land war: "Even our party divisions, acrimonious as they are, cease at the water's edge."

The dangers involved are of course too great to admit of parsimony. It was a pleasant jest of Washington's, when some one in the Convention of 1787 moved a permanent restriction of the standing army to 5000 men, to suggest as an amendment a solemn constitutional requirement that no enemy should ever invade the United States with more than 3000; and we should take care not to expose ourselves to the spirit of the sarcasm. But when the building of a single vessel has come to cost millions of dollars, instead of the modest two or three hundred thousand which sufficed to build even a 74-gun ship in 1815; when scores of ambitious naval officers are anxious to show a clear justification for this expenditure; and when the thoughtless people who are always ready to have every fancied insult wiped out in blood are the ones who are apt to be heard first, loudest, and most persistently, who shall say there is no possible danger in the "new navy"? It is beyond question that it is a necessity; but in yielding for the time to the evident necessity it should be with the determination that the war-spirit shall find no further admission to the American policy than an honest, though liberal, estimate of the necessity of the case shall require.

The interests with which this Congress and the next are to deal are vast, varied, and delicate. It is of course the first business of our legislators to see that the Republic receives no detriment. But the provision for this duty should not be made the means of transferring the once great neutral Republic to the list of quasi-belligerents who now give an added stigma to the term civilization by their system of permanent armament. A failure to guard this point would rank as one of the most unfortunate events in the history of international law.

Republicanism in France.

THE difficulty in the definition of a republic is a familiar one. Every one speaks of France, but not of Russia, as a republic; and few will deny that Great Britain, spite of crown and aristocracy, is nearly as much entitled to be called a republic as she ever will be. Perhaps a rough but satisfactory definition would make a republic a representative government, in which democracy is the rule for the individual, while there is just enough centralization in the government to secure a good working administration. Examined by this test, it would seem that our Confederation, for example, did not deserve to be called a republic, or anything more than a congeries of republics, by reason of its lack of centralization; and it is to be feared that the French Republic is as little deserving of the title, by reason of its superabundance of centralization.

Frenchmen are not generally flyaways; in most of the relations of life they are sober, calculating, foresighted, forehanded men. Few of them are so low in the scale of economic humanity as to be without some small stake in the welfare of the country: why should any considerable number of them desire in politics to give life and movement to such episodes as that to which General Boulanger has given name and perhaps fame? It may very well be that the lack of balance already referred to will furnish an answer. The essential elements of democracy, the equality of all men before the law, and the right of each man to declare his will by vote on the subjects which lie nearest to him, are now features of the French political system. They have not yet been carried to an ideal point, perhaps; but almost every change of government in this century is a landmark for some advance in this direction. The last twenty years in particular have seen a distinct and new development in the disposition of Frenchmen to assert for themselves not only the republican privilege of choosing national representatives, but the democratic privilege of managing their own immediate concerns, either directly or through local assemblies. By this development the French voter, if he has got nothing else, has gained the power to annoy the Government. It becomes then a serious question how far the political system of the country has been so subjected to parallel development as to avoid giving voters provocation for such annoyances.

We are somewhat familiar in this country with the name and attributes of the so-called "spoils system." Some of its evil effects have been covered over by the natural capacity of most Americans for executive work; even when "rotated" into office they are apt to do their work far better than there was any good reason to expect. But the evil effects cannot be concealed altogether. Defalcations and scandals in one department of Government work after another sap the confidence of the voters in the party which permits them. Even such minor inconveniences as the going astray of letters play their part in alienating votes. Finally, what is the democracy to do but that which it is apt to do even in case of a panic or a bad harvest—put the blame on the party in power, and vote its opponent into its place.

If this be the case in the United States, whose political system has been only so far centralized beyond

that of the Confederation as to bring the Government into contact with a comparatively few well-defined interests, what must be the result under a governmental system like that of France, where spoils is the guiding-star of party, and where the Government, nevertheless, essays to manage countless interests which under our system are left to individual enterprise? Such a system, applied to an American population without restriction of suffrage, would result in an immediate revolution, not of parties alone, but of the whole political system. With a French population, never used to anything but dependence on the Government, change of the system being unthinkable, the extended suffrage can be used to annoy, or in case of profound dissatisfaction to overturn, the Government.

The contrast is stronger still when we consider the influence of tradition. The spoils system is no more or less than the selling of offices, the getting of a *quid pro quo* for them. The French politicians, like our own, cannot be brought to look upon an office as anything more than a representative of value, received or to be received; to give it away, which is to them the only outcome of a reformed civil-service system, seems naturally a terrible waste of the raw material of "politics." When the spoils system made its way into the texture of American politics it had no traditions behind it; it was comparatively a parvenu, and any disposition on the part of democracy to drive it out again would leave no constitutional gap. But in France the traditions are all the other way. The political system is descended from that under which for centuries the open and universal sale of offices was a recognized part of the income of the Government, and under which, moreover, the spoils system was never confined to offices, as with us, but extended to the whole policy of Government and every other political interest. The results have been such as one would hardly venture to summarize in the case of a great and friendly nation like France. Those who have followed the direct and scarcely concealed dependence of the whole De Lesseps Panama scheme upon political "influence," and the manner in which press and politicians have treated economists who have endeavored to tell the truth about the affair, have no difficulty in understanding what is meant by a spoils system which goes beyond the mere matter of offices. The French voter apparently has no such difficulty; his difficulty is in finding a remedy. To attempt to extirpate the "principle" of the spoils system from its wide field would be to tear up the whole political system by the roots, as in the Nihilist programme, with no attempt to supply a substitute. The best the voter can do, then, is to make his vote the medium of some sort of protest until the class from which his representatives are usually chosen has learned greater political wisdom.

It cannot be doubted that this goal will be reached if democracy in France is given the necessary time and opportunity to release itself from the thralldom of tradition. For the Republic to seek a remedy in increase of centralization without any reform of political methods, in the intensification of Government control over elections, in decrease of the privilege of suffrage and of democracy, would be the policy of him who covers an incipient fire with new combustibles and goes away thinking that the danger is over.

OPEN LETTERS.

A Trained Military Reserve.¹

I. OUR DISBANDED VETERANS.

A QUESTION of the highest importance to a nation that maintains only a small standing army is that of a trained military reserve — a reserve to the active regulars and the militia. Roughly, I estimate the number of volunteer veterans of the civil war, and militia veterans in the whole country, who had good military training between 1861 and 1865, at one million. These veterans now average fifty years of age and are nearly all exempt from service, and there is no body of men in training to replace them.

There are perhaps 200,000 well-trained soldiery at present, counting the active and veteran militia under 45 years of age, the discharged regulars, and the old soldiers of foreign armies who are now citizens here. There should be at all times at least one million men of this class actually enrolled and accounted for.

One way to keep the number and the status good in times of peace would be to pass young men through a short service of training, carry them on the rolls as reserves, and hold them to an interest in the maintenance and development of the military system. Some such method as this proved the salvation of Prussia after her conquest by Napoleon, early in the present century. The magnificent military establishment founded by the Great Elector, and so zealously fostered by Frederick the Great, lost its prestige when pitted against Napoleon, and after the French victory over the Prussians and their allies in 1806-7, Frederick William III. was constrained by the terms of peace to reduce his standing army to 42,000 men. A very clever war minister, among other things, limited the term of service to six months, and in a few years Prussia had a large trained reserve ready for the field, and yet the number in actual service at any one time did not exceed the maximum allowed. In later wars with Napoleon, Prussia came to the front as a military power, and she has since kept her place. The present one-year volunteer system of the German Empire answers the same purpose, and distributes annually throughout the nation a body of soldiery trained for field service.

The principle could be tried here by adopting plans for special education in the regular army and the militia as suggested by General Kautz and Colonel Rice in this magazine. The enlistment in either branch of service would be voluntary, but after the training had been received at the expense of the state and the soldier discharged, he should be enrolled among the reserves of his district. His discharge should be evidence that he had received a stated amount of preparation, and should give him precedence over recruits for promotion whenever the reserves are called to arms. In infantry, at maximum strength, there is one officer (counting those not commissioned) to every six men, and the whole number of trained reserves available for service would be needed to officer new levies in case of an uprising.

¹ See the articles on "Our National Military System," in THE CENTURY for October, 1888.

A competent leader for every six men would make soldiers out of the whole mass in a very short time.

George L. Kilmer,
Formerly U. S. Vols. and N. Y. National Guard.
NEW YORK CITY.

II. SUGGESTIONS FOR ORGANIZATION.

AS one who has personal and practical knowledge of the development of the National Guard system from the old militia, I ask attention to some defects in the system and to some suggestions for possible remedies.

The adjutant-general, in all the States, is the ranking officer on the military staff of the governor, usually the ranking officer in the State. While the position is quite uniformly a political, appointive one, yet in the majority of instances the desirability of permanence is recognized, many of these gentlemen having held office through more than one term. In every instance, I believe, the incumbent is one who has fairly earned his appointment by military service. Nevertheless the tenure of office should be changed at once, for the danger is imminent, in our larger States, that the military character of the function will be lost in the political. If the United States should be permitted to assume any control of our State troops in times of peace, it can only be in some such way as detailing officers to act as adjutants-general to the governors of States, for the usual tour of detached service. In no other way would the National Guard as a whole consent to United States supervision, in the sense of the communication of Colonel Rice. This is the debatable point in his paper, and to that I desire, in behalf of many comrades, briefly to address myself.

The brigade and regimental commanders in the National Guard throughout the country are to a very large degree men of soldierly training and instincts, with a good war record; there are very few of this grade of officers in the National Guard who have not done full duty on the field of battle. The same is true, to some extent, with the company commanders, at least in many of the States. Men of this character would not be pleased to be sent to school to the young officers of the army; a proper respect for their position would forbid it. More than that, the discipline of the command would suffer when its head conducted its administration under the supervision of another. Such a plan is unwise. The officers of the army who visit our encampments, while always ready to give any assistance in their power, do not come in the capacity of *instructors*. They come as *inspectors*, to report on our efficiency and readiness for service if called upon. I have never met an officer detailed to my encampments who considered himself an instructor, nor one who failed to avoid any appearance of criticising my routine, drill, or administration, while all have been prompt to assist me in any way I might desire. A proper regard for military discipline would forbid a commanding officer surrendering his command, even for a moment, to another; he would richly deserve the loss of the respect of his men, and would probably get his deserts. The

commanding officers of brigades, regiments, and companies in the National Guard need a strengthening of their just power, certainly not a weakening, as "army instructors" would surely bring about.

Granting that the commanding officers of the National Guard in general are competent, although in some States the absence of a military board and the pernicious system of elections are responsible for some incapable officers, it is not at this end of the line that reform is most needed. The rank and file in too many companies are banded together in a sort of social military club, the social character sometimes being of first, and again, in other organizations, of secondary importance. When largely social, the membership is prone to be confined to a narrow circle of society, and the support of the company becomes a heavy pecuniary burden. At the same time the military efficiency is likely to become impaired. Under other circumstances, the monotony of drill drives many to seek discharge, and the membership is very unstable. I have known a company of forty to change completely its membership in two years; it is not uncommon, indeed it is quite the rule, to find one-third of a company new men at each annual encampment. In one sense these frequent discharges are beneficial, as some knowledge of drill is widely diffused in a community, but it makes a drudgery for the drill-officers, who are continually breaking in recruits. All commanding officers in the National Guard find this the most trying feature in their service, the same thing being gone over year after year, reaching a certain point only to go over it again. Many have come to the conclusion that the only relief will be found in a total change of the system, and something like the following has met the approval of many competent officers:

The strength of the National Guard to be proportioned to the population—say a battalion to each congressional district. The officers to be commissioned for an indefinite period, during good behavior, after passing a military board. Each regimental organization to have lineal promotion on examination. The brigade, regimental, and company commanders to receive sufficient allowances to cover their expenses, and all officers United States pay when in active service. The assistant adjutants-general on brigade staffs, and adjutants of regiments, to be United States officers detailed for that duty. Each district to be required to furnish a stipulated number of enlisted men for one year,—or two possibly,—to be chosen by lot when voluntary enlistments fail. The district to furnish suitable armories and pay a portion of the expense, the State to furnish uniforms (always of United States regulation pattern) and equipment, as now. Attendance on drill, authorized parades, and annual encampments to be enforced by statute, and a small *per diem* paid for such service. Of course a man can reenlist as often as his captain chooses to accept him, but the district must be compelled to furnish its quota, and no more—that is, an excess in one district cannot be credited to another not so fortunate. This would give us a reliable force, one under perfect control, and with little more expense than the present system. The company subalterns and junior field-officers, being in the line of promotion to command, would not need money allowances beyond pay when on duty.

Of course there are many matters of detail not touched

upon, but the main features are not difficult to understand, and, it would seem, must stand as self-evident facts. The National Guard is an absolute necessity if we would avoid the cost of a standing army. How to make it more efficient is the question now seeking solution.

J. G. Gilchrist,

Colonel 3d Regiment Iowa National Guard.

IOWA CITY, IOWA.

III. NEED OF PRACTICAL TRAINING.

How many of our National Guardsmen know how to take care of themselves on the march and in camp? This is essential for soldiers to know, and they should be instructed in that respect by actual experience, so as to be ready in case they are called upon for field service. When the National Guardsmen are ordered to go into summer encampments in their different States, instead of being transported by rail or by boat, they should march there—be properly equipped, and the rations issued the same as they would be in active service. Officers and men would learn more on one march than they would in camp, where everything is prepared for them, if they were there a month, and they would never forget it. What the National Guardsmen want is more practical work and less of the parade and review while in camp. There should be no rifle practice except volley and skirmish firing, which should be practiced more than it is. It not only makes the men familiar with the rifle, but also teaches them steadiness in the ranks and confidence in one another, so that when the word of command is given they would be as one man. In case of riot this would be invaluable to a command. Visitors should be allowed in camp on stated days only, and they should be few. Nearly every State camp is overrun with visitors, taking the attention of the soldiers from their duties, and putting the officers to great expense in entertaining their friends.

It should be esteemed an honor to be a member of the National Guard, and every inducement should be offered to the young men of the country to join it. The officers should be selected with care, and should consist of men in whom the rank and file have confidence. The General Government should have control over all, so that should trouble arise they would be available as United States volunteers.

The regiments in seacoast States should be instructed in heavy artillery drill. The officers of the army would be only too glad to instruct them, and the United States Government would put every fort at the disposal of the National Guard for that purpose. A few officers and men of the militia know how to work a Gatling gun or a howitzer, but outside of this they know but little of the artillery arm of the service.

William H. Howard,

Capt. and Inspector Rifle Practice, 1st Reg't N. J. N. G.
NEWARK, N. J.

IV. A PLEA FOR SOCIAL INTERESTS IN THE GUARD.

ANY attempt to introduce more of the discipline of the regular army into the National Guard may prove fatal. The lack of interest does not arise from a lax discipline, as one of the writers in *THE CENTURY* implies, but from a want of enthusiasm, which the present system fails to furnish. It is argued that if one is not inclined towards that which is strictly military, let him stay out. But how are we to maintain an interest among the companies in the small cities and villages,

where the military element is limited at best?—and such communities add no insignificant quota to the numbers of the National Guard.

The want of interest comes not from lack of a pecuniary, but a social compensation; for men, unless professionally inclined, are sure to lose interest in any consecutive line of study. There is no social coherence, chiefly because there is nothing in common beyond an irksome routine of military discipline. The monotony of such a life is the chief complaint of officers in the regular army. In the face of this it is to be expected that the young men are going to bind themselves for any length of time when the only object of it all is the display of gold and tinsel twice a year? Under the present system this is the limit of outdoor display that our small city companies receive. If we expect the private to take an interest in smoothing the rough places in his manoeuvres, he must be given frequent chances to parade his achievements. For instance, let the regiments which are composed of companies from neighboring cities hold a monthly regimental drill, alternating between the cities from which the regiment is made up. This would engender a friendly rivalry, which would stimulate the pride, ambition, and military zeal of the communities from which they are drawn.

I have asserted that the social as well as the military interest must be kept up; this can be done by giving such aid as will not only stimulate present interest, but be a guaranty of the company's future existence.

An individual allowance of twenty-five dollars per annum for attendance at drill—this would be the smallest amount that could be called an inducement—would in five years, counting fifty men to a company, build an armory suitable for all the purposes of military and social entertainment. The drill-room should be constructed not only for use as the school of the company, but also for musical, dramatic, and literary entertainment as well. In every town of any importance can be found a club-room for the older generations: the pride that is taken in it, and the fraternal feeling that it engenders, suggest that if the members of the National Guard had some such feature in connection with their military work, the bond of mutual fellowship would be strengthened.

Another feature in inducing the National Guardsman to fill out his enlistment would be a suitable reward for services faithfully rendered. Now, beyond his discharge-papers, the private has nothing to show that he has been a member of the National Guard. Surely the young men who pledge five years to the service of their Government are entitled to something more than the distinction they may have found during their enlistment. Their hearts and their hands have been enlisted for their country's safety, and though their military experience may have been more an imitation of the "Field of the Cloth of Gold" than an actual contact with the stern realities of the field of battle, yet their patriotism, if not their deeds, entitles them to a badge of honor.

Paul A. McPherson,
ROCKFORD, ILLINOIS. *Veteran 1st Reg't Wisconsin N. G.*

V. GENERAL SUGGESTIONS.

I HAVE read with great interest the articles on "Our National Military System."

The National Guardsman takes an oath to go, even at the risk of his life, wherever and whenever called during a period of from three to five years. In most cases he has to pay for the privilege. This should not be so. All military expenses should be met by the State and the United States governments. If the National Guardsmen choose to give a ball on other than drill nights—why, those who dance must pay the piper.

The National Guard should be a *national* and not merely a State guard, and, as suggested by Major Brush in THE CENTURY, should take oath to support the General as well as the State government. I am quite sure this is the case in Pennsylvania.

While it is true that for mere instruction purposes a regimental camp is best, as President Wingate says, still I should attach great value to the *esprit de corps* that can only be evoked by the massing of large bodies of troops. Will it not be found best to alternate regimental with brigade or division camps, as is done in Pennsylvania?

Would it not be feasible to have United States Regular troops participate in brigade encampments with State troops, to set a soldierly example?

The National Guard while in camp should be paid from \$1.50 per day for privates, to say \$20 for colonels, to make it possible for valuable men to stay in the service.

Adjutant-General Drum, of the Regular Army, suggests, in his report for 1887, that the Government would be willing to spare "young officers, during the winter, to aid in the instruction." Could not the Government spare officers of at least six or eight years' service, and for not less than two years continuously? I would suggest the proportion of one officer to fifty companies, which should form a brigade. This proportion would allow him to spend at least five drills a year with each company, and the advantage in the way of uniformity will be conceded. He should have appropriate rank in the State organization, his pay should be divided between the State and General governments, and he should report to both the State and United States military organizations.

Could not the National Guard be more exercised in day marching, skirmishing through rough country, and intrenching itself at night? Along with this would go signal-practice; guard and picket duty would become more real, and an extra corps of surgeons or experienced officers should be on hand to make it learn how to take care of itself.

Artillery should receive more attention, and that with modern breech-loading guns and machine guns. New York has, I believe, taken a good step in instruction with heavy artillery. This example should be followed wherever the guns afford a chance.

I like General Kautz's suggestions, and believe they ought to be carried into effect on the part of the United States Army, and also that more should be done in and by the National Guard.

SAN FRANCISCO, CALIFORNIA.

W. J. Gregory.

VI. ANNUAL COST OF A NATIONAL GUARDSMAN.

THE following articles of uniform and equipment, with prices, are enumerated in the United States Army list. The amount of uniform given is sufficient for a five-years' enlistment. Most of the equipments would last through two or three enlistments, and on the other

hand, in case of much actual service, the amount allowed for uniform would not be sufficient.

<i>Uniform.</i>		<i>Equipment.</i>	
Helmet.....	\$1.64	Springfield rifle and bayonet.....	\$13.12
Cap.....	.59	Waist-belt.....	.54
Dress-coat.....	6.99	Cartridge-box.....	1.22
Blouse.....	3.68	Bayonet-sabbard.....	.90
Trousers, 2 prs.....	7.94	Gun-sling.....	.36
Shoes, 2 prs.....	4.84	Blanket-bag.....	2.29
Overcoat.....	10.36	Haversack.....	1.44
Flannel shirts (2).....	4.66	Canteen, meal-can, cup, knife, fork.....	.51
Berlin gloves, 12 prs....	1.32	Woolen blanket.....	4.30
		Rubber blanket.....	1.13
	\$42.02		\$25.81
Total uniform and equipment.....			\$67.83

Linen and underwear same as worn in civil life.

From the foregoing table it will be seen that it would cost \$67.83 to clothe and equip a soldier. Each year he should be allowed fifty dollars for attending armory drills; twenty dollars pay and four dollars subsistence for a ten-days' camp tour. Add to this four dollars for his percentage of the cost of camp equipage and transportation. The total cost for five years (one enlistment) would be \$457.83. Armory, target practice, and incidental expenses would increase these figures; but it is believed that five hundred dollars would cover the ground—making an annual expense of one hundred dollars per man.

General A. V. Kautz has stated in *THE CENTURY* that "the annual cost per man of maintaining our military establishment is about twelve hundred dollars." That statement refers to the regular army, and in comparing it with the figures given in this article it is to be remembered that a National Guardsman, unlike a regular soldier, wears a uniform at stated periods only and sustains himself, except during a short annual encampment. I have not considered the cost of maintaining the administrative departments or of officering the National Guardsman. There is no way of getting at this with any degree of accuracy by estimating from the military expenditure of the different States, but it is believed that one hundred dollars more per annum would cover everything, including the increased expense of maintaining cavalry and artillery, and thus make the annual cost of a National Guardsman two hundred dollars.

The National Government is now spending annually upon the National Guard about four dollars per man. Each State maintains its own National Guard,—the four dollars from the Government helping that much,—and the efficiency of the National Guard depends largely upon the liberality of the State.

In order to make the National Guard uniformly efficient it should be under the pay and control of the General Government. The time has come to do away with State militia and to have United States militia or a National Guard in fact.

Edmund Cone Brush,

Major 1st Reg't Light Artillery, Ohio N. G.
ZANESVILLE, OHIO.

Railway Relief Associations.

PERMANENCE in his position and probability of promotion are what the railroad employee is now virtually guaranteed. Were he equally as well assured of assistance during sickness, disablement, or superannuation,

and for his family at his death, his condition as a wage-earner could not be improved.

It cannot be denied that the average employee considers the railroad officer a cold-blooded machine whose sole duty it is to get as much work out of the men as possible and to save the dollars whenever he can. And it has become the rule that when one of the rank and file receives an injury while in the discharge of his duty, and he himself is to blame, he makes no request for aid except from his benevolent association if he belongs to one; if not, the hat is passed around for him.

So then, because railroad companies have adopted no system of relief for their sick and disabled employees, benevolent associations and mutual aid societies were started among them. Originally these societies and brotherhoods were formed for benevolent purposes. Had the managers been allowed to appropriate the funds of the company to assist to a reasonable extent the disabled employee, many of these associations would not have been formed, or if formed would now be under some control by the railroad company. The enforced lack of interest of the managers in the condition of their employees was one main reason why a fighting by-law for self-protection was added to the benevolent by-laws of those associations. Strikes have followed and much loss of money and loss of friendship on both sides have resulted, which might in nearly every case have been prevented had the corporations forestalled the employees by adopting and putting in force some system of relief.

Many of these relief associations among railway employees are of long standing, and were organized during periods of rapid railway development when the financial resources of the companies were taxed to the utmost to pay not only interest but operating expenses. Any increase in expenses in the way of contributions for the physical relief of employees was naturally looked upon with disfavor, especially by the managers of those roads whose ownership was continually changing hands; and, besides, a large percentage of employees was changing from one road to another as they could better their condition in the matter of wages and location. This was also the case, but to a less degree, with certain grades of officers. It has only been during the last few years that the tramp element among employees has become reduced to a minimum, and the feeling of permanence in their situations has taken strong hold upon the others.

Seeing as we do the many lines in the country grouped into large systems whose ownership will no doubt remain stable in years to come, permanence of employment and stability of position is easy to be guaranteed, and the corporations can now better secure their own rights and strengthen themselves against the encroachments of the public by drawing their employees more closely to them, showing that paternal care and solicitude for them which tend to establish good feeling and community of interest.

Relief associations under the guidance of the companies will do this. They are flourishing on the Baltimore & Ohio and the Pennsylvania railroads. The organizations on those roads may be taken as the type of what other companies should do. On the former, the scheme originated with the elder Garrett nearly ten years ago. At its organization all employees could join without regard to age. After a short period those over forty-

five years and those who could not pass a medical examination were not allowed to join. All persons employed regularly by the company are required to pass a medical examination, must be under forty-five years of age, and must join the relief association. Thus it will be seen that nearly all their employees are members. The compulsory feature looks to an outsider like a hardship, but the obligation is on him only who seeks employment.

The employees are divided into two classes — hazardous and non-hazardous; and these two classes are divided into five others who pay into a fund certain fixed sums each month, according to the amount of wages regularly received. Benefits are paid in weekly indemnities in cases of sickness and disablements and a gross sum to the beneficiary when death occurs. They vary according to the amount contributed. Free medical and surgical attendance is given; hospitals are established; physicians are appointed at convenient points on the line. The company has contributed \$100,000, the interest on which at six per cent. goes into the fund yearly. It also puts \$25,000 per year into a superannuation fund. A building loan association has also been formed, which has become quite popular.

There are many other liberal features, of which limited space will not permit an enumeration.

The Pennsylvania Railroad Company has also adopted a system of relief similar to that of the Baltimore & Ohio, but not so extensive. It is entirely voluntary and numbers over 20,000. It rapidly increases in popularity as its benefits become more appreciated.

In both companies the employees are rapidly leaving the local benevolent associations; they find they can insure themselves with the aid of a solvent and powerful company for much less money than in the thousand and one local lodges whose solvency depends on the honesty of a secretary or a treasurer.

Other systems of relief, but to a minor extent, have been adopted by railway companies — notably free hospital service for the sick and disabled upon the Santa Fe and Missouri Pacific, all of which materially lessen the number of claims for damages and subsequent costly trials and judgments in the courts.

While the features of these relief associations may be improved upon, they are certainly productive of great good to the employee and tend to create a feeling of permanency in their situation and a bond of interest between them and the owners of the property. The liberality which is displayed by the corporation, in establishing these relief associations, and which might be increased to still greater mutual advantage, will certainly prove to the employee that his welfare is watched and guarded zealously by his superiors.

If other railroad corporations improve upon the methods recited above, nothing further need be done to make the friendly relations between them and their employees so complete and cordial that all causes of dissatisfaction arising from time to time in the conditions of their service will be readily adjusted without resorting to strikes, boycotts, or other despicable means of warfare.

L. O. Goddard.

“The University and the Bible.”

APROPOS of the article in the November CENTURY by Mr. Newton M. Hall, concerning the adoption of

course of study in the Bible by Dartmouth College, it may be of interest to those who desire a short study of the Bible, but do not have it in the curriculum, to learn of an experiment tried last year at Johns Hopkins. Although the attempt was made under the design of one of the associate professors, the movement had the sanction and best wishes of the president. The results are worthy the consideration of all interested in the study of the Bible, particularly of the Old Testament, as well as of those in the various colleges who have not time to pursue a regular course in this subject, yet have a desire to become more familiar with the Bible, its history, and its teachings.

The plan of class organization, together with the scheme of study, was worked out by Dr. H. B. Adams, associate professor in history. Originally the members of the class, about fifteen in number, were graduate students, except three. Only those known to take great interest in Old Testament history were invited to join. At first the class met fortnightly for an hour and a half on Sunday afternoons. The earlier meetings were held by the courtesy of Dr. Adams in his rooms; later, when the class was opened to all who desired to come, one of the rooms of the university, “College Hall,” was placed at the service of the class.

The members of the class were representatives of nearly all the departments of investigation. The plurality of students were from the historical department; but there were also men who had made Oriental languages a special study, others had read the Ulfilas Bible, and still others could give interesting comparisons between the biblical account of the world and the legends of various peoples. One important feature was the presence of two Japanese students, who gave, when occasion offered, myths from the Orient. The representation of creeds was very like that of departments of inquiry. All the more prominent sects were present, from a converted Catholic to an orthodox Jew. This one fact was found to be of material advantage; a catholicity of belief was attained which would have been impossible had all been of the same religious belief. As it was, the members had to respect one another's belief; and one not unimportant result of the class was that each member found out that amid differences of sect all were striving for a common end.

The plan of study was to take up great landmarks in Old Testament history at each meeting. The subject was announced in advance, so that the preparation in each case might be as elaborate as each chose to make it. The list of subjects considered was as follows: Science and Genesis; Science and Man; Biblical and Babylonian Accounts of the Flood; The Babylonian Background of Hebrew History; Egypt and the Hebrews; Phœnicia and Israel; Hebrew Law; Constitutional History of the Hebrews; Hebrew Culture; Continuity of Hebrew Influence. There was no textbook used; citations were made, on the one hand, from such extreme writers as Wellhausen and Renan, and, on the other, from the orthodox authors and commentators. The opinions gleaned by all in the class in reading during the two weeks previous received due consideration. The general method was discussion, and that alone.

The study was found to be of great advantage to those taking it. Not only did each acquire a knowledge of the Old Testament, but the scientific student

became aware of the methods of work of the historical and linguistic investigators, and *vice versa*. The plan is one adaptable to any college or body that desire a study of the Bible. It proved eminently successful at the university, which has already an extensive course in church history, and which, no doubt, will soon incorporate in its curriculum the study of the Bible from purely scientific motives.

John B. Daish.

Imperial Federation.

It would be difficult to discover in Canada any active interest in the proposed reorganization of the British Empire, commonly referred to as Imperial Federation. A few branches of the Federation League have been established in the Dominion; but I do not recall the name of a prominent public man who favors the project; while several may be named, such as Sir Hector Langevin and the Hon. Mr. Chapleau, the leaders of the French Conservatives, and the Hon. Edward Blake, lately leader of the Liberal party, who have put themselves on record against it. Mr. Blake some years ago appeared to look with favor upon such a federation; but he has recently avowed a change of opinion, and has declared that he believes his present views are shared by the people of Canada.

Mr. G. R. Parkin is scarcely correct in implying, in his paper on this subject in THE CENTURY for December, that Goldwin Smith's views as to the future of Canada are "rejected with indignation by the vast majority of Canadians." The "vast majority" of those

who know what are Mr. Smith's views of the ultimate relations of the United States and Canada concede that those relations ought to be discussed from every possible standpoint, and regard them as scarcely second in importance to British connection.

Two influences are very potent in molding public opinion in Canada. One is the almost universal desire for closer commercial connection with the great nation to the south of us; the other is a strong aversion to the assumption of any obligations which may involve the Dominion in Old World controversies. The discharge of those responsibilities which arise from the possession of half the North American continent will sufficiently tax the ability of Canadian statesmen. "England has become an Oriental power," said the late Lord Beaconsfield; and he emphasized the declaration by advising the Queen to declare herself Empress of India, and by bringing Indian troops to Cyprus, with the view to having them ready for a possible European emergency. What advantage it would be to Canada to place herself in a position to be involved in Oriental complications, which are neither few nor remote, has never yet been demonstrated.

FREDERICTON, N. B.

Charles H. Lugin.

"Abraham Lincoln." A Correction.

By a typographical error on page 559 of the February CENTURY, "the estimated wealth of the loyal States in 1860" was stated to be "\$100,000,000,000," when the reading should have been "ten thousand millions."

BRIC-À-BRAC.

That Poet of the Future.

I'VE been reading, Mr. Riley, in a recent magazine, Of your Poet of the Future with the truly rural mien, Of the careless, simple fashion in which he'll choose to come—
With the beauty of his bugles overbalancing the drum:
And by what his hands hold not, and by what he does not wear,
I rather think I'd know him, if I met him anywhere:
But really, Mr. Riley, I do not clearly see
How you can at such a distance say that the Poet's "he."

For it may be that this singer who shall our souls confess
And come to us with bugles—will wear them on her dress;
That we shall find her shining with pearls upon her breast,
Or radiant in some cottage as she lulls her babes to rest;
In the choir of the cathedral we may hear her pure voice swell,
Or murmuring some sweet measure as she serves us from the well;
For her hands may not be sunburned—although her gloves be tan:
And your poet, Mr. Riley, may not be at all a man!

Oh, the Poet of the Future shall find welcome and have room,
Whether singing at the plowshare or sweeping with a broom;
But this "honest arm of labor" that you speak of in your song,

Always to a "him" pertaining, may it not to "her" belong?
For some women's "palms" are sisters to the "honest toiler's" too,—
And they cannot always fold them when the plowman's toil is through,—
And it may be that this Poet, on whose coming we agree,
When really come and with us will be spoken of as "she."

Charles Henry Webb.

The Prime of Life.

JUST as I thought I was growing old,
Ready to sit in my easy chair,
To watch the world with a heart grown cold,
And smile at a folly I would not share,

Rose came by with a smile for me,
And I am thinking that forty year
Is n't the age that it seems to be,
When two pretty brown eyes are near.

Bless me! of life it is just the prime,
A fact that I hope she will understand;
And forty year is a perfect rhyme
To dark brown eyes and a pretty hand.

These gray hairs are by chance, you see—
Boys are sometimes gray, I am told:
Rose came by with a smile for me,
Just as I thought I was getting old.

Walter Learned.