

until the Hudson and other rivers have lost, from the same cause, as many inches of depth as some of the German rivers, before we take the necessary steps for their preservation. Twenty years from now, when Nature shall have renewed herself in the Adirondacks, the amendment may safely be repealed; by that time, let us hope, we shall have a large body of educated foresters. It should be followed by a legislative appropriation for the purchase or control of all lands necessary to the objects of the Reserve.

Another point that has been gained is the defeat—for who knows how many a time—of the assault upon the integrity of the Yellowstone Park, and the failure of a similar attempt to reduce the area of the Yosemite National Park before careful investigation of the reasons alleged. Congress will do well to search closely into all such measures for objects of private or corporate gain.

A fourth source of encouragement is the general interest awakened among societies such as the Sierra Club, the National Geographical Society, and others, for the preservation of the Pacific, or Mount Rainier, Forest Reserve as a national park. The opening of this remarkable region—the home of some of the greatest glaciers south of the Canadian line—would add another to the points of interest in the far West accessible to the traveler. The chief reason for wishing success to this movement is the danger that unless the government undertake the management of this reserve on the same basis as the Yellowstone Park, there will be an overwhelming pressure from the State of Washington for its cession as a State park, with the probable fate of neglect which has visited the Yosemite valley under the unfortunate management of the State of California. It has come to be an axiom that State management of national property is inevitably loose and bad.

Against these hopeful signs we have to face two regrettable considerations: one, that the bill of Mr. McRae, Chairman of the House Committee on Public Lands, providing for a measure of better government for the forest reservations, has been the object of a successful filibustering opposition on the part of certain Western representatives, which is very much as if an infant should filibuster against its mother's milk. The second and more important relates to the inaction of the United States government in the defense of the reserves already made—which is partly, we fear, supineness, and partly inability. The result has been that the incursions of sheep into the Sierra reserves have been unchecked, trustworthy accounts stating that during the past summer half a million sheep have been pastured on the Sierra Reserve in defiance of the "paper bullets of the brain" which have been fulminated against them by the Secretary of the Interior. In this matter the secretary is almost helpless, since he has not, and cannot have, initial command of the army for the purpose of policing these reserves; and there are, moreover, we believe, but two troops of cavalry assigned to California. It has been argued that this lack of ability to patrol should be a bar to further reservations until Congress shall have adopted some better measure of protection. With this view we do not agree. By the act of Congress of March 3, 1891, by which the President is empowered to make reservations of non-agricultural lands of high altitude, the President has it within his power to do his country a lasting and memorable service by making extensive reservations, where

practicable, at the head waters of Western streams. These are not only a commercial necessity for the lowlands, under the present conditions, but are likely to become such more extensively as irrigation becomes an important industry in the arid West. Already there are signs of interstate contests as to the ownership of water flowing through adjacent States, and it is the part of patriotic wisdom to provide a national policy on this subject—a policy which it may not be too much to hope will reduce to a great extent the injury from spring floods in the Mississippi and other streams, and at the same time insure the conservation of the water higher up where it is needed.

We have previously stated with some particularity the plan of Professor Charles S. Sargent, of Harvard, for the management of the forest reserves already made and to be made. It contemplates the transfer of these reserves to the care of the War Department, and their supervision and management by army officers, to be educated in the principles of scientific forestry at West Point or elsewhere, the force of laborers to be employed to consist of a forest guard locally enlisted. The present Secretary of the Interior has expressed the opinion that this plan would be preferable to the present dual control, and the only alternative of which we have heard is that the reservations should be placed in charge of the Agricultural Department. Against this there are two objections: first, that the government would have to create an entirely new educational system instead of availing itself of the Military Academy; and, secondly, that it would necessitate a large force of civil servants, which, until the complete adoption of the merit system, it would be the part of good citizenship to avoid. It is very much to be hoped that Mr. Sargent's plan will receive the favorable consideration of Congress at its coming session. It has already been indorsed by the American Association for the Advancement of Science and by the Irrigation Congress.

What is the Referendum?

DISSATISFACTION with the working of our State legislatures is leading to a demand in many parts of the country for the adoption into general practice of the Swiss referendum. It is urged by the advocates of this change that if the opinion of the people can be obtained in approval or disapproval of the acts of the legislature, we shall be certain of defeating many pernicious measures, and of aiding in the enactment of many desirable ones. In order to enable our readers to judge for themselves as to the probabilities of these results being obtained through this instrumentality, we will sketch briefly the history of the referendum and its results in practice.

There are in Switzerland two varieties of referendum, one called the obligatory, and the other the facultative or optional. The first applies to all amendments to the federal constitution, requiring that these must all be submitted to the popular vote for ratification. The second requires that all laws and acts of a general nature shall be submitted for popular approval whenever 30,000 voters or eight cantons petition to have it done. Though the cantons never petition, the people avail themselves of the privilege so freely that during the twenty years in which the law has been in force they have had the referendum applied to an average of one eighth of all the laws passed. Only a third of those thus submitted have secured popular approval.

We have been speaking thus far of the referendum in federal matters. In the cantons, which are similar to our States, the two forms of referendum are used in relation to cantonal measures. In all the obligatory form applies to constitutional changes; in about half of them the same form applies to all cantonal laws, and in the other half the optional form alone is used. The general results vary in the different cantons. In those having the obligatory form, the proportion of laws rejected ranges from a quarter to a half. In cantons having the optional referendum alone, experience shows that the people seldom avail themselves of it.

One curious fact about the working of the referendum in Switzerland is that labor laws, or measures designed to benefit the condition of the working-classes, are very likely to be rejected. A signal instance of this kind occurred in June last, when a vote was taken on a proposal to insert in the constitution a provision affirming the right of every male citizen to employment. It was rejected by a vote of 300,000 to 85,000. Formerly similar results had been recorded in the cantons. In one of them, the industrial canton of Zurich, a law was rejected which reduced the hours of work in factories and gave protection to the women and children employed in them. The same canton also rejected a factory law, a law providing for the compulsory insurance of workmen and regulating their relations with their employers, and a law giving daughters an equal inheritance with sons in the estates of their parents. Laws involving an expenditure of money are almost invariably rejected. It was the custom at one time in some of the cantons to submit the appropriation bills to the popular vote; but as these were rejected several times in succession, it was found to be impossible to carry on the government, and the practice had to be abandoned. In all cases the vote cast under a referendum is much smaller than that cast at elections, rarely much exceeding half the full electorate. In many instances laws fail to be approved because a majority of the citizens have not voted upon them. Political or party considerations do not enter into the referendum decisions, and the consequence is that a party is seldom held to account at the polls for its conduct in the legislature. Indeed, the effect of the referendum is to diminish party feeling, do away with party policies, and lessen the prominence and importance of individuals. The division of responsibility between the legislature and the people has the natural effect of making the legislators complacent about the passage of doubtful laws, since they may trust to the people to reject them if they are not wanted.

In this country the referendum principle has been applied to nearly all constitutional changes, both national and State, since the early days of the national existence. The first constitution of the State of New York went into operation after having been drawn by a convention in 1777, without being submitted to the people; and the same thing occurred in Virginia, and probably other States, when State governments were first established and the population was small. In 1890 the convention which drafted the new constitution for Mississippi, declared it adopted without submitting it to the people; but this is the only case of the kind in this country since the Civil War at least. The referendum principle has been extended in various States and at various times to such questions as the lo-

cation of a State capital, and laws providing for the expenditure of large sums of money, or the loaning of a city's credit, have been conditioned upon popular approval. This was done at Albany last spring, in a bill authorizing the building with public money of a new rapid-transit system in New York city.

The general proposition to apply the referendum to all laws passed by the legislature, under conditions similar to those observed in Switzerland, is a much more serious matter. We are a much larger nation than Switzerland, which altogether is scarcely larger than half the State of New York, and our volume of legislation, State and national, is enormously greater. The proposition amounts practically to one for the abandonment of representative government and a return to pure democracy, or government by town meeting. The objection to this change, from a constitutional point of view, has been clearly and forcibly stated by the Supreme Court of Massachusetts, in a decision upon the constitutionality of an act granting suffrage to women conditional upon the ratification of the act by the people. Summed up briefly, the decision of the court was that our government consists of distinct bodies, legislative, executive, and judicial, and that it is not consistent with this form of government that these powers should be delegated. The governor ought not to pardon a convict on condition that the people ratify his act; the judges ought not to put a certain construction on the law on condition that the people approve it; the legislature ought in like manner to be solely responsible for the laws it passes, otherwise it might make all its acts conditional upon popular approval, and we should find ourselves trying to carry on government under a pure democracy. Similar decisions have been made by the New York Court of Appeals, Chief Justice Ruggles saying in one of them, in 1853: "I regard it as an unwise and unsound policy, calculated to lead to loose and improvident legislation, and to take away from the legislator all just sense of his high and enduring responsibility to his constituents and to posterity, by shifting that responsibility upon others."

There can be no question that where the number of citizens is small, representative government is unnecessary, and direct government by the people is the easiest and best form. But representative government is the outgrowth and sequel of direct government, coming into existence as a necessity when the number of citizens has become great. To adopt the referendum under representative government is to hand back to the people certain powers which they have delegated, and to revert to the problem of direct legislation by a democracy—a problem which was abandoned as unsolvable when representative government was established. This proposition to retrace our steps in government is largely due to the distrust and dissatisfaction with modern legislatures which exist in all parts of the country; but it is doubtful if we should improve the quality of our legislators by relieving them of full responsibility for their acts. The chances are that we should get a more inferior quality still. The direct, logical, and sure remedy is at hand. Representative government does not need to be abandoned, but to be put into the hands of better men. If all citizens will do their duty, and see to it that only fit men are sent to the legislature, we shall be in no need of the referendum or any other reversion to primitive governmental methods to save us

from the consequences of our own indifference and neglect of civic duties.

Free Art in America at Last.

FOR many years the fight for free art has been continuously urged by American artists, and by those who are especially interested in the artistic and intellectual advancement of the United States, and sensitive concerning the fair fame of their country in the sisterhood of civilized nations. At last the battle has been won, and won decisively, by the united votes of the most intelligent members of both parties in Congress.

In this successful "campaign of education" the artists have taken a leading part, and their persistence, the cogency of their arguments, the good spirit and devotion shown by them, the breadth and loftiness of the views promulgated, all are worthy of the highest praise.

It is necessary, also, to note the response of congressmen in this case to right ideas lucidly expressed and disinterestedly advocated; and the hopeful citizen of the republic has a right to take new courage when he is able to add so enlightened a measure to the gratifying list of lately accomplished reforms. Many not old have seen, among other reforms, slavery and the slave-trade extinguished, polygamy crushed out, civil-service rules enacted and continually extended, our ballot laws improved, international literary piracy abolished, and now the barbarous tax on painting and sculpture not reduced, but wiped out! Moreover, the same Congress that has given us free art has established the Federal Civil-service Commission on a firmer basis than ever, by legislation which the leading advocates of the merit system declare to be almost as important as the original law creating the commission.

No one can say that American artists are afraid of competition. This new and generous legislation should put a new spirit into them, and should be a fresh reason for the complete removal of that neglect from which they have at times seemed strangely to suffer among their own people.

The Pictorial Side of the Life of Napoleon.

THE CENTURY'S series of "Battles and Leaders of the Civil War" was the record of a military struggle waged by communities at the time virtually without art; the "Life of Napoleon" now appearing in THE CENTURY is the record of wars engaged in by the most artistic of all modern nations. The Art Department of THE CENTURY MAGAZINE had a difficult task to make attractive the art side of the American war series, and the degree of success met with was all the more creditable from the obstacles encountered.

In the Napoleon series, on the other hand, the opportunity is unprecedented, and this series should prove artistically, in many respects, the most splendid papers of a historical character yet published in a periodical.

In the preparation of these illustrations, it is possible to draw upon the most desirable of the portraits and pictures made at the time, and upon the rich stores of French military art subsequently accumulated, and use can be made of the accomplished pencils of living military and other artists of France and America; and as the scene moves from country to country and from period to period,—the panorama meantime decorated by a brilliant multitude of historical characters,—there should be no lack of variety in the story as told in the gallery of pictures which, from month to month, will illuminate the narrative.

OPEN LETTERS.

Sloane's "Napoleon."

IT is almost as difficult to enumerate the qualifications requisite for a biographer of Napoleon, as it is to make a fair estimate of Napoleon himself. It is not simply necessary that he should be impartial and well informed; he must be able to penetrate the motive and weigh the worth of the most conflicting testimony, to unravel the most intricate web of illusion and of detraction ever woven about a human character and career. It is not enough that he should be familiar with the historical forces playing about Napoleon, and those which he set in motion, with the events that shaped or determined his career, but he must be used to study and make allowances for the surprises in human nature.

The time has not yet come when we can expect a perfectly unprejudiced life of Napoleon from either a Frenchman or an Englishman. The tremendous passions of the Revolutionary era still survive on both sides of the Channel. It is not historical knowledge or scien-

tific method that is lacking in either case, but cosmopolitan impartiality. An American, who inherits English traditions and French sympathies, and is removed in space of time far enough to enjoy an undisturbed perspective, has a better chance of success. The American author of the present life has, to my mind, special qualifications for his great task.

William Mulligan Sloane is of Scotch Presbyterian stock, and was born in Richmond, Ohio, Nov. 12, 1850. He was graduated at Columbia College in 1868, and for some years taught Latin and Greek in the Newell Institute at Pittsburg, where his father (James Renwick Wilson Sloane) was pastor of a Presbyterian church. In 1872 he went abroad to pursue his studies in Germany, and attended lectures at the universities of Berlin and of Leipsic. At this time his attention was principally turned to Oriental studies, and it was at Leipsic that he took his Ph. D., his theme being "Arabic Poetry before the time of Mahomet," with metrical versions. While in Berlin he was for a time attached