

ever. That is to say, we see every winter very grave changes made in the law without being any better informed, or in fact nearly so well informed, of the reason of them than if we lived in Russia, and were governed by imperial ukase, instead of living in New York and being governed by acts and resolutions of a deliberative body controlled by a Constitution. For instance, the Field Code, making marked modifications in the law under which the people of this State have lived for two centuries, was passed in the Assembly, without debate, by the aid of half a dozen loafing members called in hastily from the lobby. We know what the author of the Code and a number of other well or ill-informed persons have to say for it; but we do not know what reasons influenced the Assembly in passing it. There was no more debate about it, no member thought it any more worth his while to give the people of the State an account of his reasons for making these great changes in their laws, than if he belonged to the Imperial Chancellery at St. Petersburg.

The same thing may be said of the bill providing for the Constitutional Convention. It was, everything considered, a very peculiar bill in various ways, as any one may see by reading Gov. Hill's veto of it. It made various startling departures from what any plain man would consider the natural and proper course in calling such a convention. These departures may have been justifiable. But whether they were justifiable or not, why the bill was first drawn one way and then drawn another way, none of the majority thought it worth his while to tell the public. They simply passed it, just as the Czar issues a decree, as their will and pleasure.

About the High-License Bill, owing to the great public interest in it, there was some discussion, but about the Vedder bill there was very little by legislators. Nobody knows why any legislator voted for it, unless it be Mr. Ernest Crosby, who will never tell. Nor does anybody know why the Insurance-Tax Bill was passed, or what was the influence which operated in the last hours of the session to cause the hurried passage of the shameless bills virtually taking the control of the Central Park out of the hands of the Commissioners in this city, by handing it over to the National Guard as a parade ground, and fixing the portions of it which may be used by bicycles.

We might greatly multiply these illustrations, but the above will serve our purpose. They show that enormous powers over the fortune, comfort, and safety of the people of the State are exercised freely by one of the most dangerous bodies known to civilized men—that is, an assembly which gives no reasons for its decisions. We do not allow judges trained in the law, and selected with care for their probity and capacity, to behave in this way. In every civilized State they are compelled, either by law or usage, when they decide an important controversy, to give in detail the arguments by which they reached their conclusions, not only in order to show whether the conclusions are sound, but also as a check on caprice, or corruption, or favoritism. We know that even bad men shrink from act-

ing wrongly if they are bound to put on record the reasons for acting. And yet we in this State allow a body of obscure men to get together in Albany every winter, and for four or five months to play ducks and drakes with the gravest interests of a great community, without giving anybody the slightest explanation of their conduct, and then sneak back to their villages and farms, with their tongues in their cheeks, to live on their booty, laugh at the indignation of their victims, and be forgotten.

Of course we do not expect every man in the Legislature to get up and give the reasons for his vote. Heaven forbid. But we do expect every political party which shapes or controls legislation in a deliberative body to put forward men capable of speaking for it, of expounding its motives and justifying its policy. Had the Republican party at Albany any such man this winter? Not one. Or last winter? Not one. Has there been the slightest sign of shame over this dumb contempt for the public? Not the slightest.

It will probably be said or thought by some that this silence of the party in the Legislature is at least made up for by the outspokenness of the party organs in the press. Those who think so are egregiously mistaken. The solemn truth is—and we commend it to the serious attention of all good men and women in this State—that the more outrageous or inexplicable the conduct of the majority in the Legislature is, the deeper the silence which the party newspapers maintain about it. Take as an illustration that extraordinary, and, indeed, we might say unprecedented incident, the refusal of the Republican majority in the Senate, for several years running, either to confirm or reject the nominations of Democratic Governors for the Quarantine Commission, so that Republican partisans should be enabled to hold for four and five years offices of which the terms were two and three years. If ever there was conduct by public men which needed explanation, it was this. The need of explanation became absolutely crying when Gov. Hill made three first-class nominations this spring, two of them Republicans, to fill the vacancies, and the Senate again "hung them up." Not one syllable of excuse or elucidation touching this extraordinary performance has come from any Republican in or out of the Senate, and be it well remembered that the Republican party press has been as mute as the politicians. The Organ in this city, which is believed to have more influence with these little gangs of conspirators at Albany than anybody else, and ought to have it by right, has been silent as the grave about the whole matter. The remedy is plain enough. There is only one, and it is easy of application. We must have a revision of the Constitution which will curtail the powers of mischief of these dumb but predatory animals.

FAILURE TO COMPROMISE IN VIRGINIA.

ALL negotiations between Virginia and her English creditors are at an end. As it is now clear that the sole endeavor of the State was to effect by persuasion what it had failed to effect by laws, threats, and years of liti-

gation—that is, a substantial acquiescence with the "Riddleberger" settlement—the negotiations were of course foredoomed to failure. The creditors are no doubt disappointed, but a review of their position should make them take heart again. The niggardly policy of the State has at least prevented them from being tempted to abandon all their real security by the offer of a large sum, and they will be spared the future bitterness of finding their claims denied to them, principal and interest, and themselves treated to insult and warmed-over excuses, after the manner with which Tennessee treated her creditors. As they now stand, they can fight on, sure that their coupons will have some value not dependent on the pleasure of a repudiating party or State, and it is highly probable that this value will slowly rise after the immediate present.

If, after thus reviewing their position, any of the creditors still fail to feel the advantage of having a legal right in place of Virginia's bare word for a round sum, let him send for a file of Virginia papers and read them. He will find that the refusal to accept the munificent compromise is considered by the repudiators "as a declaration of war." Now who would care to trust to people who can so twist facts that, after harrying their creditors for five years in order to drive them from a legal stronghold, and failing in that, they call the mere refusal to vacate at request an act of aggression too great to be borne?

The newspapers, of course, are full of the severe measures the State will take. They threaten to pass a constitutional amendment repudiating the whole debt, to levy monthly taxes, and darkly hint at other "honorable" measures for destroying the tax-receivable quality of the coupons. But, as the *Baltimore Sun* dryly remarks, the remedies are not of obvious efficacy. The editors also trust to the chapter of accidents. Stress is laid upon the fact that the death of Mr. Justice Woods will give the President a chance to appoint a successor who will join with a minority in the present court to reverse the decision making coupons tender for taxes. This is puerile. The President may be trusted to fill this important position with an honorable man, learned in the law. The bondholders need ask for nothing more. Such a man will follow what has, with very few exceptions, been the custom of the Supreme Court, and abide by its past decisions. So strong is this rule of abiding by decided cases that there is no fear that the judges who dissented from the opinion in the 114th United States Reports would reverse the decision now. They abode by the majority opinion in the 116th United States, and the necessary grounds of the decision are too narrow to be changed by anything short of reversal. The Virginians should recognize once for all that nothing short of an amendment to the Constitution of the United States can change the tax-receivable quality of the coupons.

As to the chapter of accidents outside of the courts, the bondholders have much more to hope. Virginia is now probably at its lowest moral and intellectual ebb. Though the State as a whole is richer than before the war, its best people, by a transfer of wealth, are poorer. In consequence its energetic blood has emigrated, its citizens have

taken high places, especially in Maryland, New York, and the Pacific States, and are indeed scattered all over the West and North. The gap left has not yet been filled. On the contrary, Mahone, Riddleberger, and Massey have been the dominating influences over both political parties, to which men of placid temperament and not particularly strong character, like Fitz-Hugh Lee, have been obliged to succumb. Emigration has not set in sufficiently to make its influence felt. But in the future, when the West becomes practically filled up, it is not unlikely that the population of Virginia will change. Western and Northern capital and energy will develop it, and bring in business principles to replace the present mawkish sentimentality and public dishonesty. Then Virginians will see that it will actually pay to have good credit, and will settle their debt. So far the whites only have been spoken of. With the colored people there is still more hope of advance. The schools are educating them rapidly, and with education they will be far more subject to the appeals of reason and honesty than at present. A Riddleberger and a Mahone will find them less supple tools for their demagogic purposes.

At the same time, unless the creditors could continue to worry the State, their position would be a precarious one. If the State could prevent the coupons from entering its treasury, its legislators would feel so rich that the same faults of intellect and character which prevent them from paying their debts, would cause them to run into all sorts of extravagant expenditures. Even now State pensions begin to agitate the politicians' brains, and next we should hear of internal improvements, schemes for making Norfolk rival New York, subsidies to railways, monuments to public characters, and the other hundred schemes for frittering away the public money. But upon this the coupons will be a constant check. The higher the taxes the more temptation for paying them with coupons, and their menace will spoil the State's credit. Thus it will be impossible to forget their debts, and the two greatest dangers in a matter of this sort, stolid forgetfulness and actual inability to pay, will be prevented. In 1795 Georgia made her famous Yazoo land sales. In 1796 she repudiated the sales and publicly burnt the Act of '95 before the State-house, using a sun-glass that fire from heaven might be called down upon the act. In 1798, to emphasize further her repudiation, a new Constitution was formed to embody it, and that same year, at her instigation, the eleventh amendment to the Constitution of the United States, which gives States immunity from suit, was passed. Yet, with all these barriers against the claims, they continued to be agitated, and in the end the State was glad to cede the lands, subject to the claims, to the United States. The matter thus became transferred to the national Government, and, through the virulence of John Randolph, long remained unsettled, but finally, in 1814, a compromise was made by which the creditors received \$8,000,000.

No better instance could be given of the difficulty of shaking off a just claim. The Yazoo land sales were undoubtedly carried through the State Legislature by bribery, and the equity of the claimants depended solely upon the fact

that they were innocent purchasers for value. In Virginia's case there is no question of bribery; or doubt that she has received full value; and her creditors, instead of having nothing except pluck and a strong sense of right to depend upon, have in the coupon an automatic torment for the State Treasury.

DIRT ROADS.

ABOUT this time of the year Americans begin to give an amount of attention to roads and road-making which is sadly wanting during the rest of it. There is probably no people in the world which has made such progress in the arts of civilized life generally that seems to care so little for what a good many social philosophers put among the very foremost of them, the art of road-making. In fact, some philosophers have pronounced the history of roads the history of civilization. Nothing distinguishes a civilized country from a barbarous one so markedly as the difference in the means of communication between one locality and another. As a general rule, one knows that a people is rising in the social scale by seeing its roads improve; one knows that it is declining by seeing its roads go out of repair. Nothing marked so vividly the great plunge into barbarism which Europe took after the fall of the Roman Empire as the disappearance of the superb lines of communication which led from the Forum straight as an arrow to every corner of the Roman world. Nothing, too, tells the tale of Chinese decadence so distinctly as the ruin which has overtaken the great roads and canals which at an earlier period connected the capital with the provinces. When an American goes to Europe for the first time, nothing seems odder than the superiority of the European roads in countries which can make no pretence of equalling the United States in other marks of material progress. We are not a declining people; on the contrary, we are the most growing people in the world. We are not among the poor nations of the globe; on the contrary, we are probably the very richest. We are not indifferent to material improvement; on the contrary, the most frequent charge made against us is that we give too much attention to it; and yet we are worse off by far, in the matter of roads, than any other highly civilized community.

The original reason of the American indifference about roads was probably the rapidity with which the early settlers scattered themselves in small communities over wide areas. The fewer people there are to the square mile of inhabited territory, of course the costlier roads become; and when population is very much dispersed, as in frontier settlements, people cease to think of good roads as a luxury within their reach, and devote themselves simply to the task of keeping them passable. This tendency to neglect the art of road-making would probably have disappeared early in this century if the railroads had not come in as the great lines of communication, thrown the post roads and military roads out of use, and relegated all roads but railroads to the condition of cross-roads or byways. The railroads not only did this, but they dispersed the settlers over still wider areas than ever, and

thus made the prospect of running a good highway past every man's door seem hopeless. The consequence has been that the early colonial or frontier state of mind—in which a road was considered good enough if it was simply practicable to wheeled vehicles (that is, if there were no holes or rocks in it sufficiently formidable to upset a carriage), and anything better than this an unattainable luxury—has almost settled into a national tradition.

One has only to go a few miles out of any of our large cities to find the roads in every direction being repaired in the exact manner in which they were repaired by the struggling colonists between 1630 and 1700—that is, nothing is attempted beyond filling up the holes with any material that is at hand, and affording facilities for the water to run off. The material that is at hand is, of course, the mud or compost out of the adjacent ditch. This is shovelled up with the utmost gravity and deposited all along the centre, filling up the cavities and hiding from view the projecting rocks. In districts in which gravel or strong clay is obtained in this way, the result is often satisfactory enough. But as a general rule the contents of the ditch are simply mud or decayed vegetable matter, fit only for manure. Spread over the road as a plaster, it rapidly becomes dust and is swept away by the wind, or else becomes mud and is washed back again into the ditch, or down into the hollows, in which in wet weather it forms a kind of quagmire, through which horses toil wearily. The one advance we have made in this curious process over the early colonists is the invention of the large iron scoop or shovel, worked by oxen or horses, as a substitute for the manual labor of the olden days. A foreigner, seeing it at work for the first time, is always disposed to believe that the road is being prepared for a crop of some kind, and as a matter of fact we have ourselves seen many a mile of country road in which, after the spring repairs, potatoes or corn would have grown very luxuriantly.

Of course there are signs of progress out of this primitive condition in the more densely settled districts on the eastern coast and in the neighborhood of the large cities. The Park roads, with which people have been made familiar during the past thirty years, have shown those who have never been abroad what a good road is, and have thus raised the standard of road-making, as the Vienna bakery raised the standard of bread-making all over the country after the Philadelphia Exposition in 1876. But most rural districts suffer greatly from not having a standard at all. Some of those who tax themselves most freely suffer most, because the plentiful supply of money not only does not improve the roads, but breeds a political ring, who treat it as "boodle." The reason they suffer is that, as they have no standard of goodness in roads, and do not make specific requirements as to what shall be done to keep the roads in order, it is never possible to bring trustees, or selectmen, or roadmasters to a proper account. They always escape if they can show they have put on the annual spring plaster; and when it is washed away, as it is sure to be a little later, they throw the