

The Nation.

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The Week.

The corporation-tax amendment to the tariff bill, introduced in the Senate last Friday, is, in outward seeming, a mild-mannered affair. The exemptions allowed are numerous. Losses and depreciation are to be written off before the balance-sheet has to be submitted to the tithing-man. Double taxation is to be partially avoided, since a corporation may deduct any taxes it has paid to any State or Territory—but this does not include municipal taxes on corporations. Nor does there appear to be contemplated, except in unusual cases, anything like inquisitorial methods. The sworn returns of the proper officers of corporations will ordinarily be taken without question, and the tax levied on that basis. These returns are to be public records, open to inspection; but the details of corporate business, or any information gained by collectors in the course of its investigation, shall not be divulged except by "special direction of the President." All this looks—and is meant to look—very harmless. But it is evident that the framers of the tax grew a little timid as they went on. They became afraid of getting too much revenue, as of too much publicity; and also dreaded annoying and offending too many people. The exemption of interest on bonds is difficult to justify, on any other theory. If the corporation tax was taken up mainly because it was expected to be "popular," it is obviously a mistake to exempt bondholders. And all the care taken in drawing the measure will not prevent it, if made law, from provoking a great amount of litigation, to say nothing of trickery and fraud.

We can but hail the glimmerings of common sense shown at last by the Merchant Marine League. At its meeting in Washington last week, which the President attended, the plan was announced of introducing a bill which should provide for a modified form of free ships. That is to say, any foreign-built vessel above 5,000 tons, wholly owned by Americans, is to be admitted to Amer-

ican registry, provided it engages solely in the foreign trade. This is the first time the subsidy-seekers have gone as far as that in the line of rationality. Their great trouble hitherto has been that they did not really want the ships so much as the work of building them. By their burdensome system of taxing and penalizing our industry, they had made the cost of ships turned out from our yards so high that Americans could not buy and sail them in competition with other nations; yet when Americans thought of purchasing steamships made abroad, as do the Germans, they were absolutely forbidden to use their own property under their own flag. If the light has now dawned upon this darkness, it is matter for public congratulation. We are not sanguine about getting free ships without a long and hard struggle. Our protected interests would rather see the American flag banished from the seven seas than allow it to float over plates and engines on which they have not first taken toll. But it is a gain to have the Merchant Marine League finally confess that something besides government boosting must be tried.

The award of the Georgia Railroad Strike Arbitration Board is a gratifying triumph of common sense and common honesty. Seniority of service and not color is the basis recommended for the promotion of firemen; and equal pay for equal work to firemen, hostlers, or hostlers' helpers, employed by the railway, is the award in the matter of wages. How any other result could be arrived at is unthinkable. The South has protested all along that the negro was to be given a fair chance at work, however much his political privileges were to be restricted. The findings of the Arbitration Board substantiate this oft-repeated profession. It is hard to see how the supporters of the innate superiority of the white race could logically defend the proposition that the white has to be protected against the competition of his inferior.

Attorney-General Wickersham's decision to discontinue the government suit against the New Haven and Boston and Maine railways, is certainly good sense

and presumably good law. The situation has radically altered since the suit was first brought. Local authorities have largely done what the Federal power was invoked to do. The New Haven's acquisition of trolley-lines has been judicially pronounced illegal, and the company is getting rid of those properties. As for the merger of the two railway systems, there never was fair ground for asserting that their lines, except in a few minor filaments, were parallel and competing. Public sentiment in New England was in favor of the union, chiefly for the purpose of bringing fresh capital and better management to the Boston and Maine. And now the State of Massachusetts has deliberately sanctioned the merger, under carefully-drawn restrictions, reserving to the Legislature close control over the financial operations. Attempts to make this union of railroads precisely like what was undertaken by the Northern Securities Company, are childish. In that case, the lines were indubitably parallel and competing, and there was no semblance of legislative control of the holding company.

The conviction of Sanford Robinson, formerly of counsel for the Heinze copper interests, for corruptly impeding the administration of justice, should serve as a useful deterrent to corporation lawyers generally. Modern tendencies have too much changed the practice of law from a profession to a trade. The professional restraints have given way in many cases to the prostitution of a lawyer's legitimate services to a barter for hire. It is well to remind young attorneys that by virtue of their calling they are all informal officers of the courts of justice. For a lawyer to drive possible witnesses out of the jurisdiction of a tribunal, or to effect a concealment of a client's books of account, is on the same plane as a physician's sale of a certificate of death or his engagement to perform a criminal operation. A sharp conviction or two of this kind will be more effective in keying up the standard of legal ethics than dozens of well-intended commencement addresses to newly-fledged graduates of the law schools. Fear is an excellent school-master.

The outcome of the election in San Francisco last week shows, as was to have been expected, that the voters of that city were sadly torn by conflicting emotions when they read over the proposition to build and operate a municipal street railway. In favor of the enterprise stood the whole infamous history of the United Railroads. Surely, the thievery and political corruption indulged in by this corporation must have made even extreme municipal socialism appear the lesser of two evils—until the voter contemplated the pack of officeholders, ward bosses, and laborites who would have something to say in the management of a municipal railway. We cannot read into the narrow majority of 403 against the proposal any repudiation of radicalism. San Francisco found herself hung between the devil and the deep sea and concluded, rather timidly, that a two-million-dollar experiment is ill-timed when every man suspects his neighbor. And the zeal with which walking delegates and their newspapers championed the project, definitely sealed the verdict against it.

What is pronounced to be a final effort to set aside the pure food law has been initiated by a number of concerns skulking in the background, which have put forward the Hipolite Egg Company of St. Louis as plaintiff against the Secretary of Agriculture. A seizure made last March of the company's canned eggs in Peoria, Illinois, is cited as proof of the irreparable injury which the company is sustaining without adequate remedy at law. It seems that boric acid is injected into the liquid egg mixture which is sold to bakers and confectioners for use in making cake and pastry. There is a fitting malodorous aroma about the contention of beef-embalms and egg-fortifiers that they have a constitutional right "to sell the public what the public want." Rousseau in his enumeration of the natural rights of man quite forgot the right to sell skimmed milk for cream.

We may be far too indulgent to our young college barbarian, but we are too often utterly unfair to him. It may be true, for instance, that the average undergraduate learns very little and cares very little for learning; and it may be true that our colleges are nurseries of disbelief and libertinism. But the two

things together cannot be true. If our universities were filled with an eager, passionate youth, avid of ideas and ideals, there would be danger in heretical voices from the cathedra. Such a danger the European universities have often experienced. The French collegian has played a prominent part in demonstrations and *émeutes*. The German Burschenschaften have made history. The Russian university student has been a leader of revolution. Given a young man who finds truth in books, and in himself the instinct for translating theory into action, and the colleges may influence the world. But our own healthy football and rowing men are quite immune against noxious doctrine.

The American high school should not be razed merely because its graduates cannot run a department store, or make a pair of trousers, the day after Commencement. But its best friends must censure its failure to give pupils the right attitude toward every-day life. The Students' Aid Committee of the New York City High School Teachers' Association reports that too many of its applicants exhibit a pathetic lack of initiative, with an inability to carry out simple orders. Out of 800 boys in a large evening school who sought employment through the committee, only eighteen appeared punctually, though explicitly ordered to do so. Of these eighteen, sixteen were instructed how to write letters of application, which they were to present on the following evening at 7:15:

At the appointed time not one appeared. The first one when questioned remarked that he "didn't think it mattered." It was particularly specified that they were to write letters on unruled paper. . . . Not one had that kind. Some had foolscap, most of them had little sheets of cheap letter paper, because they thought it "would do just as well." . . . The matter of the letters was very indifferently expressed, and either the ability or the disposition to carry out instructions was absent.

These boys are not all dolts. They have simply never been taught to obey, or to take responsibility. They learn, says the committee, that "high-salaried teachers must be ready to hand out to them paper and pencil and pen." They are made flabby by too much coddling; and, after having been discharged from half-a-dozen small posts, easily lose faith in themselves, or else in the social order. Let them have vocational training, but,

first of all, thorough drill in the indispensable art of attending to business.

With the passing of Sarah Orne Jewett, New England loses its most sympathetic interpreter—New England, that is, as the land of woods and hills and meadows and villages. Miss Jewett rarely went to the town for her subjects unless for the sake of momentary contrast. How large a part of her insight depended on actual acquaintance and how much came from instinct, matters little. In the portraiture of New Englanders who are distinctly of the country, Miss Jewett stood alone. It must be admitted that she shut her eyes to the grimmer sides of rural life. Abnormal deflections of character—greed, pride, envy, utter selfishness—work all the greater havoc with the Puritanic countryfolk, if once they penetrate the native moral fibre. Other authors, also women, have written of these sordid tragedies of country life. Miss Jewett either could not or would not see that side. To her mind the very fact of the open sky, the well-tilled farm-land, the spruce village street, set the people above those moulded by a more sophisticated civilization.

Yet this belief never blinded Miss Jewett to the essential humanity which she made it her business to portray. For her, character in its minutest phases stood foremost. And it was rarely weak character. To be sure, she never overlooked the individual foible, but hers are the foibles which inspire the reader's affection, not his scorn. "The Dullham Ladies," realizing the ebb of their prestige, taking their journey, timorously buying false hair, are never for one instant made despicable. And all Miss Jewett's work is sweetened by pervasive humor. And this often shades into pathos. Is the old lady who takes her first ride on the railway laughable or something quite the reverse? It is hard to say. If for nothing else, Miss Jewett's stories will live as the memorials of a locality and a people. She understood what lay beneath the surface. The whole type is epitomized in "Miss Tempy's Watchers," where the two women sit all night gossiping tenderly of their friend who lies dead in the room above. Their words seem, at present, to point elsewhere:

"None of us has got her light hand at doin' things tasty. She made the most o'

everything, too. Now, she only had that one old quince-tree down in the far corner of the piece; but she'd go out in the spring and tend to it, and look at it so pleasant, and kind of expect the old thorny thing into blossom."

"She was just the same with folks," said Sarah Ann.

Rudyard Kipling was for a number of years the most convenient club, and perhaps the most fitting club, with which to belabor Mr. Alfred Austin. But it would require no great stretch of the imagination to conceive England's poet laureate himself as the author of Kipling's latest outburst against the radical measures of the Asquith Ministry:

They said: Who has toiled? Who hath striven and gathered possession?
Let him be spoiled; he hath given full proof of transgression.

Kipling as statesman and prophet never impressed himself upon the serious men of Great Britain. The trend of Imperial politics has been, at bottom, away from what his muse has pictured and urged. His chief grievance used to be that the mother country neither cared for nor watched over her daughter commonwealths sufficiently. The mother is now looking towards her daughters for aid and comfort in her depression. The lower breeds whom it was Britain's mission to keep down and govern without asking are now her allies in Japan, and participants in a larger share of self-government in India. The flannelled fool and the muddled oaf, it is true, have been going in for a little more volunteer soldiering of late, but only because of a panic fear of invasion, and not out of a growing sense of Imperial duty. If now the flavor of Kipling's verse depart, wherewith shall the poet's reputation be salted? His swing and color created at least an atmosphere of exaltation in which the faults of his logic might be forgotten. But bad logic in doggerel can be only ridiculous.

Financial legislation in the German Reichstag seems to have reached a veritable *impasse*. Of the \$35,000,000 of additional revenue which Von Bülow's original budget measure contemplated raising, over one-third, or \$13,750,000, was expected from the inheritance taxes. But the Conservatives and Clericals refused flatly to assent to this item, and in the Finance Committee have succeeded in defeating the project. Should the committee's action be reversed by the

Reichstag, they declare that no further assistance may be expected from them. On the other hand, the Reichstag has evidently taken the bit in its teeth by sanctioning a yearly tax on bonds and shares to be calculated on the quotations of the year previous and on the interest rate which dividends declared bear to the capital value as measured by the market quotations. This latter tax the Chancellor has declared the government will never accept. The logical outcome would seem to be either a dissolution and an appeal to the country, or the retirement of Von Bülow.

A worldwide malady—this of financial ways and means, akin to Becky Sharp's problem of *How to Live on Nothing a Year*. Over the whole world the finance minister has first assented to new and generous outlay, and then comes his less congenial task of robbing the hen-roosts. Unfortunately, all the fowls have learned that in squawking there is a chance of safety, and the shrill outcry is continuous. In Great Britain the Board of Trade and the landed gentry protest against the pending budget. Under this fusillade two Cabinet Ministers' health has suspiciously failed and they have resigned. In Germany Von Bülow, while defiant in the Reichstag over his shattered budget, had to go to Kiel to consult the War Lord about the situation. In France the tax-machine has just been speeded up so as to overtake some of the security incomes which have failed to get out of the way. Even Cuba begins to show signs of progress in civilization. Her budget is behindhand. There is no chance of securing its passage by the constitutional date. They talk of passing a provisional supply bill, of unloading all financial responsibility on their President, and, as a last resort, of establishing a Government lottery, to be "a dependency of the Treasury."

The findings of the French parliamentary naval commission, under the presidency of M. Delcassé, make it evident that in France, at least, expenditure on ships is not only a crushing burden, but one that affords no effective navy. In the past decade, France has expended between 600,000,000 and 700,000,000 dollars on the navy. In this time, she has dropped from the second

to the fourth place in naval strength, exchanging places with Germany, despite the lesser expenditure by that country. French battleships are shown to cost 50 per cent. more than the original estimate, and the report asserts that "negligence, disorder, and confusion" prevail at the navy yards. The Mediterranean squadron could not be a very formidable antagonist, if it had to discontinue firing practice, as the report asserts, because of the many defects in untested guns. Notable among the confessions of the commission is that as to the relative cost of building battleships. The same outlay that secures five in France, provides six in Germany, and six and a half in Great Britain. The lack of reserve coal and supplies of ammunition at various ports, so one officer testifies, would permit only six hours of continuous battle by the French navy. The theoretical estimates of the relative strength of navies will be shown some day to have neglected a factor of prime importance—the presence of common honesty and efficiency in public service.

The merits of the appeal to President Taft in behalf of two Congo missionaries depend entirely upon the kind of intervention called for. If our Government is asked to secure the quashing of the indictment for criminal libel which the Kassai Rubber Company has had brought against the missionaries, Mr. Taft ought to ignore the petition. To grant it would only interfere with the disclosure of the Central African situation. Whatever the defendants know about slavery and torture, they should tell under oath in a public courtroom. The things which have been done on the Congo are bad enough, but that is the strongest reason why they should not be overdrawn. In the present confusion and passing of lies, nothing could be more salutary than a fair trial of Dr. Morrison and Dr. Sheppard. Our State Department should see that the defendants' witnesses and evidence are suitably presented. The rubber company must be thwarted if, as is alleged, it is conniving with the Congo Free State authorities to pay off a grudge against the Americans who have exposed its barbarous practices. So much every citizen in foreign lands has a right to ask of his country.

PRESIDENTIAL INTERVENTION.

Nobody has ever laid down an absolutely sound, consistent, and comprehensive rule about the attitude of the President towards pending legislation. Both the Constitution and precedent leave so many doors open to Executive influence, that one of them can always be used with some show of reason. Critics will usually confess, when candid, or when driven into a corner, that it is a matter not so much of principle, as of taste and the personal equation. A cynical Senator once put the case as follows: "I like to have the President interfere with Congress, when he interferes on my side. That is a proper discharge of his high Constitutional function. But when he steps in to help the other fellows, it is not only unconstitutional, but a damnable outrage."

The President has the undoubted right to "recommend" legislation. But recommend is a "bountiful word." It may be made to cover not only the initial urging of laws by message, but speeches and other public deliverances in their favor. For such recommending of legislative measures, the President has, by the nature of his office, peculiar fitness. He stands detached from the purely local interests and the personal squabbles which too often govern the action of members of Congress. He is the directly elect of the whole people, and has come to be looked upon as a court of appeal, above Congress, and less subject than it to being swayed by petty motives. He is also the leader of his party, and as such concerned in shaping its policy so as to command popular approval. Thus there has always been, and exists to-day, a powerful reason why the pronouncements of the President touching proposed legislation should have great weight. The country, in fact, looks to him to be an originating and guiding statesman as well as to execute faithfully the laws. And if we concede his right to recommend legislation, we cannot well deny his right to take an interest in what he has recommended, and to strive in every lawful and proper way to bring it to fruition. We cannot conceive of a serious President seriously urging upon Congress an important measure, and then dismissing it from his mind as something with which he has no further concern. It is only a question of the means he may nonora-

bly and safely employ to further his ends.

Between the recommending message and the inhibiting veto, given him by the Constitution, there lies a large area in which the Presidential power to secure needed laws may be exercised. Private consultations at the White House have been immemorially held. There can be no challenge of their propriety, unless improper things are done at them. A President may seek to persuade a Congressman; he ought to attempt neither to bully nor to bribe him. Whatever else the framers of the Constitution may have contemplated, they certainly did not expect the President to use the patronage of his office in order to bend a Senator to his will. Yet this, of course, has often been done. It has been done, too, from good motives and in great emergencies. We suppose that there is no doubt that Mr. Cleveland made appointments to office for the purpose of securing the repeal of the silver-purchase law. The silver champions openly charged him with buying the bill's way through Congress by the use of patronage. But men like Senator Allison were ready to defend this, and to assert that it was God's mercy to the country that Grover Cleveland was in the White House to force the repeal of the disastrous legislation. There, again, we see how the President's action is judged according to personal bias. We are all inclined to agree with the old deacon who said that he believed in special Providences—"when he wanted to." If a wicked enemy's barn was struck by lightning and burned up, the manifestation of divine justice was obvious; but if his own crops perished in a flood, it was not Providence, but Satan, who was visibly at work. Similarly, most Americans believe in the special intervention of the President—when they want to.

An unpleasant impression is undeniably created, however, when the President becomes unreservedly and openly a legislator. We have just had the unaccustomed spectacle of a law actually drafted under the President's eye, and by his aid, and introduced in the Senate hot from the White House. It is known as the "Taft amendment." Senator Aldrich asked, not for a general plan, or suggestion, but for a completed bill. There was method in this, if not malice. Aldrich wished to spare himself the respon-

sibility for either introducing or passing the measure. With a frankness never before seen in Congress, he stated to the Senate—and only those on the spot can say if he did it with a sneer—"Here is the President's bill." It had been visé in every phrase at the White House. Now, we think that, saying nothing of the contents of the bill, it was unwise and undesirable to have it laid before Congress in this fashion. Should it be defeated, the result would be a deep wound to the President's prestige. If it succeeds, it will establish a precedent which, in ambitious and unscrupulous hands, might work great harm, and which could not fail to plague even Mr. Taft, since the effect would be to make men run to him to draft bills on all other subjects. It would have been better to maintain the appearance of aloofness from the actual devising and redacting of legislation.

Having put his hand to the plough, it is clear that President Taft will not look back. His course, thus far, has had the effect of keeping the Republican organization in both houses under control, and himself in control of it. That power he is now bound to use in a way not only to hold his party true to its pledges, but to care for the unrepresented consumer. The Washington report is that he is determined to do this; and such definite assurances as those the New Jersey Senators give their constituents that hides will be made free in the conference, imply that the President's wishes are to be more nearly met by the conferrees than they have been by the Senate. Only by a final tariff bill which will reasonably square with his promises, can Mr. Taft justify his intervention to save Aldrich from defeat. Upon that Senator's gratitude, however, we should not advise the President to count too confidently.

DENYING AMERICAN CAPACITY.

If the American polo players should demand that the English concede them 3 goals in the international match; if the foreign professional golfers should be compelled to give our natives half a stroke a hole, in the open championship; if our tennis experts should go over to try again to bring back the Davis cup, on condition that each game should be started 15-love in their favor; if Harvard should race the University of Cambridge again, first stipu-