

# The Nation.

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## The Week.

We are tempted to ask of what use it is to have opinions, when we see it stated that President Taft, while opposed to the bill creating a retired list for all surviving volunteer officers, will not go so far as to veto it. He regards it, so the story runs, as nothing but an attempt to catch the old-soldier vote at the coming elections, and as a wholly unnecessary drain upon the Treasury—but he will not veto it. It will cost \$9,264,012, in addition to present pensions awarded to the prospective beneficiaries—but Mr. Taft will not veto it. Why not, Mr. Taft? Is it fear of the elections? Then let us suggest to the President a study of Mr. Cleveland's Administration. Does he know that Mr. Cleveland read every pension bill that came before him; that his wholesale vetoes of unworthy pension bills did more than anything else to convince the country of his downright honesty and devotion to the public welfare? Mr. Taft's friends are most eager for him to recover his lost ground. We suggest a vigorous use of the veto as an easy and highly desirable road to public favor. And nothing calls for a veto more loudly than this scandalous raid upon the Treasury by the pension-grabbers.

"The chief difficulty among Senators on the other side," said Senator Bailey in the debate on the railway bill last Friday, "is one of nice distinctions as to how they shall comply with party platforms. If that is to be the rule, there will be no need for Senators of wisdom, ability, and learning." Irrespectively either of its application or of its source, the point is well taken. There are two kinds of fidelity to party pledges. One comprises the fulfilment of the broad purposes to which the party has been clearly committed, and the carrying out of such specific promises in the platform as were the embodiment of intentions deliberately arrived at and known to be part of the party's programme. The other kind of fidelity consists in taking the platform, plank by plank, and undertaking a literal compliance with its language, as

though it were a contract. The first kind is right and wise, the second kind flies in the face of the most elementary principles of statesmanship. To pursue it would mean to make the result of a twenty-four-hour discussion, engaged in by a group of men who have been selected for a few days' service and who have never before been associated in a common work, conclusive as to the policy of the national government for four years. Everybody knows that the platform is a variegated affair, some parts of which are to be taken at their face value and others not. It is a rough guide to the voters, but its various parts have to be estimated in the light of common sense and political judgment. If Mr. Taft had appreciated the evident fact that the whole country understood the tariff plank as binding him to do more than it said in so many words, and other planks as not binding him at all, he and his party and the country would to-day be in a better position.

In his speech at Port Jervis, N. Y., on October 23, 1906, during his first campaign for the Governorship, Mr. Hughes thus set forth his beliefs on the Anti-Trust Law of 1890:

We do not want anything which will interfere with business enterprise. We don't want anything which will interfere with investments to give opportunities for labor. We do not want to return to soup houses. We don't want to make it difficult for men to find employment. But, on the other hand, we do want to make it difficult for anybody or for any set to unite together and prevent other people from having perfectly fair and just treatment. We want to end discrimination in business. I am for the Anti-Trust act.

Even without this explicit affirmation, the Governor's activities in preparing the new insurance law and in establishing the Public Service Commissions would have provided convincing evidence of his position. But the speech of 1906 also reflects the Governor's belief in conservative interpretation of the law. It was the man he succeeds, Justice Brewer, who, in the Northern Securities case, although he concurred with the four other Justices who found against the company, held that the verdict should be based distinctly on the ground of "unreasonable restraints of trade," and not extended to "those minor

contracts in partial restraint of trade which a long course of decisions at common law had affirmed were reasonable and ought to be upheld." Neither in Justice Brewer's attitude, nor in that of Gov. Hughes is there to be found any support for Judge Lacombe's Circuit Court opinion on the Tobacco case in 1908, that the Anti-Trust Act "prohibits every contract or combination in restraint of competition," and that two rival express-wagons, which should join forces in operating between villages on opposite sides of a State line, would be repugnant to the law.

My position as regards the moneyed interests can be put in a few words. In every civilized society property rights must be carefully safeguarded; ordinarily and in the great majority of cases, human rights and property rights are fundamentally and in the long run identical; but when it clearly appears that there is a real conflict between them, human rights must have the upper hand, for property belongs to man and not man to property.—[Mr. Roosevelt at the Sorbonne.]

This is sound doctrine, every word of it. It is the same doctrine that Mr. William Jennings Bryan made familiar in his first great campaign. He packed it into epigrammatic form in the phrase, "The man above the dollar." To him, however, it "clearly appeared" that there was a "real conflict" between human rights and property rights in the question of the gold standard, and his conclusion accordingly was that the gold standard must go. Mr. Roosevelt, on the other hand, was at that time denouncing Bryan as a repudiationist of the worst kind, because it was not clear to him that the line between human rights and property rights was to be drawn in the way that recommended itself to Bryan and his followers. Mr. Debs, again, is firmly convinced that human rights conflict with property rights in a far more profound manner; while Count Tolstoy goes further still. In fact, the doctrine so solemnly set forth by Mr. Roosevelt leaves us exactly where it finds us; and every man Jack of us, from Senator Aldrich to Herr Bebel, can subscribe to it without fear that it will incommode him.

The promptness with which the trial of a peculiarly atrocious and revolting

murderer was brought to a close in this city last week, the firmness and dignity with which the proceedings were conducted by the judge, and the efficiency of the District Attorney's office in the handling of the case, have been made the subject of deserved commendation in the press. What has been praised as an exception ought to become the rule, and indeed a mere matter of course. Our country distances all other modern countries, by far, both in the number of homicides and in the small proportion of convictions. Although it is not the only cause, yet it is certain that one of the great causes of the multitude of murders in our country is the lack of business-like determination in the prosecution of murderers. Even the comfort that can be got out of this case, in which the matter was concluded with proper expedition, is diminished by the consideration that the crime was so unspeakably abhorrent, and the criminal so devoid of any redeeming quality, that there was no room for sympathy on the part of the most morbid or the most silly; and in addition to this, the evidence was simple and overwhelming. Nevertheless, it is to be hoped that this example of expeditious procedure, sacrificing no right of the accused, but at the same time not trifling with the stern demands of justice, will help to set a standard for future trials.

For reasons not obvious, American operas based on plots concerned with red men have never been successful. A conspicuous instance of undeserved failure was "The Ogallalas," by Henry Waller, who is also remembered to-day because he was the first American who succeeded in getting one of his works performed at the Royal Opera in Berlin. It does not seem likely, however, that the demonstration made against "Pola" in that city on Saturday night and in the following day's newspaper criticisms had anything to do with its Indian subject. The Germans have ever been fond of Indian stories; their boys and girls read Cooper as much as ours used to read him, and he has been imitated by Gustav Nieritz and other popular writers. Moreover, exotic music is much in favor at present, and as Arthur Nevin's opera contains tunes gathered in the camps of Blackfoot Indians, it should have made additional appeal from this point of view. Had it been

simply an uninteresting opera, it would have been damned with faint praise and allowed to vanish silently. The heat of the opposition was evidently due to long repressed indignation at the Kaiser's predilection for things American, including opera singers. Was it not enough to have half a dozen of the best places at the Royal Opera given to Americans, without lugging in American operas, too, when Germany has so many composers awaiting a hearing?

Renewal of trans-Atlantic wireless telegraphy by the rebuilding of the burned station at Glace Bay was assuredly a fitting occasion for the exchange of congratulatory messages between the postmasters-general of Canada and Great Britain, and Mr. Marconi. "We are the real rectors of the world," said one of the most distinguished living Canadians not long ago to the rector in whose parish lies one of his country estates; "we men who are bringing the peoples of the world closer together by means of great railroads and steamships, who devote our lives to the annihilation of time and distance." Powerful agents of progress such men undoubtedly are, and if within their overwhelmingly practical personalities there is left a spark of idealism, as in the instance referred to, the world may consider itself doubly blessed. The possibilities of the wireless are yet as vague as they are tremendous. Who may foretell the effect on the history of the future of world-wide conversation through the air? Already, in its infancy, its C. Q. D. has thrilled the human mind with its message of elements conquered and man triumphant.

The wreck of the Zeppelin II will elicit world-wide sympathy for the aged inventor, who seems fated to see a long life of endeavor filled with disappointments. It is not to be supposed that the German people will again come to his aid as they did last summer, when they subscribed nearly three-quarters of a million dollars to replace the airship that was destroyed at Echterdingen. That popular upheaval was more in the nature of a national vote of gratitude to Count Zeppelin than of confidence in his solution of the problem of the air. Expert opinion has all along been against the Zeppelin type of a rigid and enormous airship that is costly to build,

costly to drive and stable, and, by very reason of its enormous bulk, at all times exposed to the mercy of the storms, as has now been tragically demonstrated. Even if Zeppelins could be kept from dashing themselves into fragments, they would call for an elaborate equipment that would greatly reduce their value under actual conditions of warfare. A whole regiment of men to hold the ship down is something that a commanding officer in the field might find hard to spare. If the dirigible is to play a part in modern armaments, the choice plainly points to the smaller semi-rigid or flexible type as developed in the German Gross and Parseval machines and in the various French airships.

But even the cheapest of dirigible machines is an expensive affair compared with the cost of a Wright or Farman aeroplane; and the question of cost will enter largely into the ultimate decision between the merits of the heavier-than-air machine and the steerable balloon for purposes of war. The last two weeks have shown that in fair weather the dirigible can fly far and the aeroplane can fly far, as it has done for Paulan and the Englishman White. And it has also been shown that in rough weather aeroplanes and dirigibles will alike go to smash. It becomes, then, a practical question for the people in charge of Europe's military budgets whether it pays to invest the same amount of money in a single dirigible or in a dozen aeroplanes. The greater degree of stability is, of course, still with the former; but as a matter of practical economy, it might pay to let a half-dozen aeroplanes turn turtle for every one that responds to the task put upon it. It is not necessary in the ultimate settlement of the question that the decision shall be all for the aeroplane or all for the dirigible. There may easily be room for both. The balloon, with its expensive sheds and equipment, would correspond to the present fortress or system of coast-defence. The aeroplane, comparatively compact, portable, independent of gas and hydrogen supply, would be the counterpart of the field artillery, or even the light machine gun.

Despite the optimistic reports from Havana indicating that the Republic is proceeding vigorously against the disaffected negroes headed by Gen. Estenoz,

there is no disputing the critical situation of the Government. Whether the present action will really inspire fear of the Administration sufficient to tide it over: the summer remains to be seen. The West, it is rumored, has been "organized" against Gomez, as the phrase runs, for some time past. There is acute jealousy between the new regular army, unnecessarily created by the last American government of intervention, at whose doors many sins must be laid, and the Rural Guards. Gen. Pino Guerra, the commander of the uncalled-for regular army, was careful to recruit most of its members from his own province, Pinar del Rio. Having been himself merely a frequenter of cafés, without regular employment, prior to the revolution of 1906, his major-general's commission was so rich a reward for heading the rebellion against the Palma Government that it is not to be supposed he would look with disfavor upon another uprising, particularly as he is reported to have quarrelled with Gomez. The distribution of spoils has been going on now for something over a year—long enough to create many malcontents who feel that they are not getting their share of the booty. Fortunately, the sugar crop has been a good one; else the outlook would be menacing, indeed.

That the head of Scotland Yard should have used official secrets to supply to a newspaper articles which, it was obvious, would be used as campaign material is certainly a sufficient cause for British indignation, even after the lapse of many years. It is no wonder that a division in the House of Commons has been necessary to negative a motion to cancel the appropriation for Sir Robert Anderson's annual pension, after his bland avowal in a magazine that he was the author of the sensational "Parnellism and Crime." Hardly less humiliating to Englishmen than this revelation is the memory that the judgment of all concerned in the London *Times's* notorious publications was as ridiculous as the evidence with which a sorry attempt was made to combat the charge of libel. Piggott confessed forgery and blew his brains out; Le Caron, the spy, was obliterated, and the newspaper itself was almost wrecked. Had the evidence been sound, it would have been a matter for the prosecuting authorities, and if a detective's

unsupported story was insufficiently corroborated for such a course, it was equally at fault for the purposes of newspaper publicity and party capital. But statements now freely made that the spy was an *agent provocateur*, and that the whole affair was a "put-up job" in which all the principals concerned were conspirators, will not be generally believed. Exasperation followed constant Fenian outrages. The Government was justified in using a secret service. To charge that this secret service itself instigated outrages is to charge conduct entirely out of harmony with British character.

The French electoral campaign has been enlivened by the appearance of a score of women as candidates for the Chamber of Deputies. How recent is the suffragist movement in France may be gathered from the fact that while the suffragette has almost disappeared from the columns of the British comic weeklies, she has now for the first time been exploited by the Paris press. Albert Guillaume in *Figaro* suggests that the woman whose husband is inclined to grumble at dressmakers' and milliners' bills is now in a position to threaten him with the much more expensive dissipation of running for Parliament. And yet one would imagine that the question of woman-suffrage would present itself most seriously in France, which is in the habit of thinking of itself as holding the vanguard of civilization, as the first nursery of political and social revolutions. The case is all the more odd because the French woman is so frequently on an equal economic basis with her husband, whether he be wage-earner or small business-man. And in higher circles of society, French women do exercise that indirect influence on politics, art, and literature which is in other countries more spoken of than real. Possibly in this very fact consists the reason of the French woman's smaller measure of discontent.

Something more than considerations of administrative military policy is probably involved in the reported decision of the Russian war office to transfer an entire army corps from the western frontier to the Volga region and southern Russia. The move is described as tantamount to an abandonment of Poland in case of an invasion by Ger-

many. But the decisive step in that direction was taken some time ago when the Russian Government determined to abandon its chain of Polish fortresses and to concentrate its defences on the Asiatic frontier. Is it against Persia that the Russian forces are massing? Is it to Turkey in Asia, or possibly to Japan, that the index points? Or are the Polish battalions needed for keeping domestic order in the Volga provinces where, three years ago, there was danger of peasant uprisings? Whatever may be the motive, it is a situation which will be received with bitter dissatisfaction in France. This Russian alliance which has cost the French so many hundreds of millions and which utterly failed them in the hour of need, five years ago, will become a weaker reed than ever if Germany is entirely relieved of the menace of Russian troops on her eastern frontier.

Big with the promise of the future is the so-called United Universities Scheme, originating with Oxford and Cambridge, and intended to promote the foundation of a university in China which shall unite the educational forces at work there under a central head, at the same time preserving their autonomy, and shall also found new branches of educational work from the same source. On this matter, the distinguished Rector of Hatfield, the Rev. Lord William Gascoyne Cecil, brother of the Marquis of Salisbury, is now in this country with a mission to the presidents of our leading universities to arouse their interest in the plan. It is contended that far-reaching results will be attained by forming the forces of education into colleges and hostels on the plan of the English universities, and it is hoped by the committee in charge of the scheme, a committee on which are many men prominent in scholarly and clerical life in England, that not only will China be benefited by the adoption of such a plan, but that also by it the bond between England and the United States will be strengthened. In the words of Lord William Cecil, "China will have Western civilization," and the idea of combining the forces of this country and of England to present that civilization in a desirable and dignified form, must appeal strongly to those who are carrying on the work of our universities.



## GOV. HUGHES'S APPOINTMENT.

Gov. Hughes's decision to accept the appointment to the Supreme Court offered to him by President Taft takes from our active political life its finest figure. We had, frankly, not thought it possible that Mr. Hughes would even consider the offer. That so splendid a moral force, so rare an Executive, and so unselfish a patriot should be removed from the sphere of statesmanship, even by appointment to so exalted a position as the bench of our highest tribunal, appears to us a severe blow to the whole movement for the reform of our political conditions. The judge is necessarily excluded from the arena. His voice may be heard occasionally, as was Justice Brewer's, in the forum or the pulpit or on the platform. But when Gov. Hughes takes his seat in Washington a great educative force will be lost. That tremendous driving power which, coupled with his downright earnestness and sincerity, has twice convinced the State where its best interests lay, and with it his unusual executive ability, will fall into disuse. The strongest force for reform—strongest because of wise radicalism allied with a judicial temperament—is now to go out of our workaday political life.

From this point of view we cannot conceal our regret at Mr. Hughes's decision. Mr. Taft has rightly called him the Republican party's greatest asset. Even had Mr. Hughes gone back to the practice of the law, he must have remained a source of inspiration and power, ready to lend his ability and prestige to the great work of driving from our public life the bosses who have opposed his reforms, and of putting back into the hands of the people the control of their own affairs. It was impossible to think of Mr. Hughes really divorced from our political struggles; it was very easy to think of him as Senator in Washington, and even occupying a higher place, and still easier to think of him as in his law office a great moral leader of his party in the nation, in reserve for just such an emergency as made him Governor in 1906.

Yet from the point of view of the Supreme Court, everybody must rejoice; and we should be the last to underestimate the value of the services Mr. Hughes can render as a member of that body. Questions of far-reaching moment that call for another Marshall are

coming before the Court, and will continue to come before it, testing our written Constitution as it has never yet been tested. That the Court needs vigorous, active personalities, men of sound judicial training combined with a clear understanding of the underlying political forces of the day, is undeniable. It has needed strengthening, needed it so badly that Mr. Taft's exultation on receiving Gov. Hughes's acceptance is easy to understand. So keen and trenchant a mind is bound to make itself felt at once; and it is natural to look forward to its exercise, later on, in the Chief Justiceship. Moreover, the Governor's comparative youth insures that continuity of service for years to come, the lack of the possibility of which caused the opposition to Justice Lurton.

If it is seldom of late years that a man has stepped from high executive office to the Supreme Court, no one will dream of criticising Mr. Hughes's appointment for that reason. Between Salmon P. Chase's service as Governor of Ohio from 1855 to 1859 and his becoming Chief Justice were his three years and more in Lincoln's Cabinet. Like Gov. Hughes and Edwin M. Stanton, Chase had never held any judicial office before going to the highest. But in his executive position at Albany, Mr. Hughes has displayed such unquestionable judicial qualities, besides exhibiting extraordinary zest for severe mental application, that Mr. Taft did the merely obvious thing in offering him Justice Brewer's place. That Mr. Hughes received it as a call to service is beyond question. We would not lay stress to-day upon the pecuniary sacrifice which Mr. Hughes makes in accepting the Justiceship. The alternative of a lucrative law practice in New York, with an income of a hundred thousand a year or more, might have made some men waver in their minds, but not, we are sure, Gov. Hughes. It is the opportunity to continue in the public service which has appealed to Gov. Hughes.

In what shape Gov. Hughes's transfer to the bench leaves his party in this State, on the eve of an important campaign; the effect of turning over the Governorship to the discredited Lieut.-Gov. White, and the fact that this change in Mr. Hughes's fortunes makes Mr. Roosevelt and Mr. Taft undisputed masters of the Republican party in the

nation—these are questions into which we do not propose to enter to-day. We would rather, for all the regrets we have expressed, congratulate the country that Mr. Hughes is to remain in the public service, even if not in that capacity in which we feel that the country's need of him is most intense. He has done the State inestimable service—service the value of which will be better understood as time passes. For time can only add to the appreciation of his courage and his unsparing devotion of every thought and action to the people's interests. As soon as we get a perspective, we shall perceive clearly that Mr. Hughes has not only set up new standards of executive devotion and skill, but has made the whole country realize afresh the possibilities offered by the headship of our State governments for distinguished and useful service to State and country. In that way at least his influence will remain active in political life.

## THE PHILIPPINE LAND SCHEME.

Whether it is the Sugar Trust or some other purchaser that has obtained a large slice of the Philippine Friar lands seems to us for the moment relatively unimportant. Congressman John A. Martin of Colorado is certain that the Sugar Trust has bought it through a dummy named Poole. That would not be surprising. When Mr. Forbes, the new Governor-General, was last in New York city he made an urgent appeal for the investment of capital in the Philippines. He wanted American business men to build railways, erect mills, purchase plantations, and generally to exploit the archipelago, or, as the cant phrase runs, "bring the blessings of civilization and prosperity to the islands." Only the lack of capital, he declared, prevented an extraordinary advance in the Philippines. It was consciously or unconsciously a deliberate invitation to the powerful syndicates that are seeking outlets for American capital abroad to come to the Philippines, whose richness Mr. Forbes vaunted.

Naturally, those who believe in the Philippines for the Filipinos protested. All, on the other hand, who desire to see the United States permanently hold the archipelago for purely money-making purposes applauded. They feel sure that if millions of American dollars are invested in the Philippines by the all-powerful business interests, the flag will