

three Powers have efficient navies. But such a treaty might be made between any three world Powers that had each a navy adequate to make it an efficient factor in preserving peace by enforcement of law. Any three of the following Powers might make such a tripartite treaty: France, Germany, Great Britain, Italy, Japan, the United States. Possibly Austria, Russia, and Spain should be added to the list.

Such a tripartite treaty, whoever made it, might at the time proffer to the others a request to join on the same terms. Or any one of these nations might offer publicly to make such a treaty with any other two of the naval Powers that would join with it in so doing. We need not wait for *all* the nations to join in such a peace-making combination. If any three great naval Powers should join in such a combination, it would furnish an object-lesson and an inspiration to the rest. It would be a first step toward lessening naval armaments, because a first step toward getting rid of the necessity for them. It would be a true "holy alliance," because it would be an alliance for peace, order, and international well-being.



A GAIN AND A LOSS

Governor Hughes has accepted the appointment, offered him by President Taft, to the position upon the bench of the Supreme Court made vacant by the death of Mr. Justice Brewer. The appointment will not take effect until October, when the Court will meet after its summer recess.

We believe that Mr. Hughes will make a good judge, and that he will add strength to the Supreme Court. He has never occupied judicial position, so that the belief cannot be predicated upon direct experience of his past career. But he is an able lawyer; his knowledge of the law is broad, thorough, and extensive. He is young, as Justices of the Supreme Court go—his forty-eight years contrasting favorably with the sixty-six years of his immediate predecessor in appointment. His experience in public life has all been gained during the new era in which so many fresh problems of industrial, commercial, and National life

have created new conditions to which the interpretation of our Constitutional and statutory law must be applied. His creation of the Public Service Commissions, and his veto of the Long Sault Charter, to cite only two examples, indicate that in dealing with the great question of corporation control and regulation his first thought is for the interest of all the people. But they indicate no less that he recognizes the corporation as a great instrument of modern industry which needs, not to be hampered, but to be regulated in the public interest. His intrepid and persistent fight against the race-track gambling laws, about to be brought to a triumphant conclusion in the enactment of supplementary legislation, displayed a deep reverence for the fundamental law and an implacable hatred of every attempt at legislative evasion or nullification of that law. He knows life. Not, perhaps, in the sense that he has had in any large measure personal experience of the actual conditions of modern industry and business, but in a more important sense. In interpreting a particular law it is not essential that a judge should know from his own experience the exact part of life which it touches. But it is vitally essential that he should be interested in that life. It is only too easy for the judge, secluded in his study and isolated by the very conditions of his office from the currents of life which legislation aims to control and direct, to become absorbed in the law, its judge-made precedents and interpretations, its fine-spun distinctions and delicate shades of meaning. To the extent that he prefers these cold abstractions to the warm facts of life he is in danger of sacrificing justice to legalism. From this danger Mr. Hughes, we believe, will be free. His veto of the two-cent-fare bill and the Coney Island five-cent-fare bill shows his conviction that legislation should be related to the actual facts of life rather than based upon *a priori* theories. He is interested in life. He does not permit his lawyer's love of the law to blind him to vital conditions.

But while we recognize the value to the Supreme Court of the accession of such a man, we cannot help feeling a deep regret that Mr. Hughes is to be removed from

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the sphere of active public life in which his influence has been so widely, so deeply, and so wholesomely felt. At a time when the long-continued sway of an old political régime of bargain and sale and growing adherence to relaxed moral standards in the business world has made the hour ripe for such a personality, he has been an impelling moral force. He has had a great part in bringing the dawn of a new era in politics and in raising the standards of commercial life. He has bound men to him by the very strength of his moral earnestness, by his sincerity, by his repudiation of every suggestion of compromise on matters of principle. His departure from active public life will be a keen loss not only to his own community, but to the whole Nation.



A BAD BILL

The Senate, after adding twelve million dollars to the Rivers and Harbors Bill, as reported from the House of Representatives, proceeded to pass this bill, despite the protest of the Senator who perhaps knows more about the subject than all the rest of his colleagues together. We refer to the Hon. Theodore E. Burton, long Chairman of the House Committee on Rivers and Harbors, and now Senator from Ohio.

Mr. Burton has blocked the appropriation of many millions of dollars demanded year after year for unworthy or unwise river and harbor appropriations. He opposes the present bill not primarily because the sum of fifty-two million dollars is involved. He opposes it—and we oppose it—because the bill is immoral.

The measure contradicts the record of the years since 1902, when the Army Board of Engineers was created. Since then only projects having the Board's indorsement have been included in rivers and harbors bills. But the present measure contains ten items examined and rejected by the Board as unworthy of adoption! They are doubtless more useful in their political than in their economic aspect. The vehement support given by their Congressional sponsors to them reminds us that the most undeserving projects are often presented with the greatest pressure. The assurance displayed in

offering some of these items is remarkable in face of President Taft's views on waterway improvements, as expressed on his trip down the Mississippi last autumn. He declared that he would not tolerate "pork barrel" appropriations. "Every measure that is to be adopted," said he, "must be on the ground that it is useful to the country at large, and not on the ground that it is going to send certain men back to Congress, or on the ground that it is going to make a certain part of the country prosperous at the expense of the many." The objectionable items in the present measure are objectionable because, if an expert commission has rejected them, we must believe that they were introduced chiefly to make some members of Congress "solid" with their constituents. Such legislation is essentially immoral.

Moreover, the bill is unscientific. A scientific measure would consider items in order of merit. It would emphasize, first, the streams of considerable size, like the Hudson and Ohio Rivers, upon which large cities or great industrial centers are located; next, short rivers, like the Monongahela, in busy industrial sections; and only lastly the minor streams. In the present measure the emphasis is misplaced.

Finally, the bill marks the continuation of a "dribbling" policy. We persist in making partial appropriations for a multitude of improvements, without providing for their completion. The present measure includes about four hundred and fifty projects. Three-fourths of the items are for projects under way. Of course the magnitude of a proposed improvement sometimes justifies the undertaking of only a portion at one time; but this does not detract from the general rule that, whenever possible, the Government's public works should be provided for in one bill, and pushed to early completion. Under our system of piecemeal appropriation the full use of an improved stream or harbor is long delayed. Take for illustration Sandy Bar Harbor in Massachusetts. The completion of this harbor will cost over five million dollars. During the past quarter of a century one million five hundred thousand dollars has been spent upon it. The present measure carries a