

the roads themselves and for nothing else.

It is because politicians are all the time looking for new sources of taxation to provide moneys for general use that automobile users are suspicious of gasoline taxes. They fear that, instead of being used for developing automobile highways, the money will be put into the general treasury to make up deficits caused by the politicians' extravagance. In New York State the cost of government has been mounting rapidly. Governor Smith has not only approved greatly increased appropriations, but has put through a plan which adds greatly to the State debt. The organized automobile users of the State naturally do not want to be made the victims of taxes to pull the State Government out of a financial hole. They have so far succeeded in preventing the passage of a State gasoline tax. But automobile users should not, and indeed they cannot, prevent the adoption of a tax on gasoline provided the revenue from that tax is used exclusively for the roads. Better roads and more of them will in the end bring to the user of the roads more than the tax would cost him. But even if they did not, such a tax is a fair charge upon those who use the roads and wear them out.

Railway companies have to pay for their rights of way and for the maintenance of their roadbeds. Trucking companies that compete with railways have the free use of the public highway. It is only fair and just that carriers using the highways should pay to the public a fair share for their use of them.

No better means for maintaining automobile highways has been devised than the levy of a moderate gasoline tax.

The Lawyer and the Court

THE disagreement which has come about between the trial judge and the prosecuting attorney in the Fall-Sinclair case is to be regretted, but the point of disagreement raises a pretty question, the settlement of which should be an achievement in judicature.

Justice Siddons, in order to ascertain whether or not criminal contempt of court had been committed, appointed as an investigating committee three members of the bar, one of whom was District Attorney Gordon. Mr. Gordon declined to serve, on the ground that his mind was already made up to the effect that contempt had been committed and

that he was ready to proceed. Possibly he may have felt aggrieved that his own judgment was not accepted by the court. Possibly, on the other hand, he merely felt that, as a venire-man who has formed and expressed an opinion is not a competent juror, an officer of the court



William J. Burns, whose actions are somewhat in dispute

who has formed and expressed an opinion is not a competent investigator of facts involving criminal liability. At any rate, he declined to serve and, without the knowledge of the court, made public the correspondence between himself and Justice Siddons.

An entirely different view of the matter was taken by Justice Siddons. He expressed surprise that an officer of the court who believed that contempt had been committed should refuse to help in establishing the facts. And he ordered that the correspondence with Mr. Gordon be made a part of the record of the contempt investigation.

Apparently, Justice Siddons's view is that Mr. Gordon was asked to act as an officer of the court, not by virtue of his position as District Attorney, but by virtue of his more fundamental position as a member of the bar; that his status was exactly that of the other two lawyers who were asked to serve; that he was an officer of the court, just as all lawyers are officers of the court, and bound, therefore, to carry out the court's orders.

There is nothing new in this conception. It has existed since the time when the king's officers followed his court. There may be a question, however, as to the extent of its application now.

But if this unpleasant incident

reminds lawyers that they are court officers and not merely advocates, it will have served a useful purpose.

New England in Council

NOWHERE else, so far as we know, has a group of States undertaken to do what the New England States are doing.

For several years New England, the great industrial region of the country, has felt itself to be the objective of economic assaults. Improved methods of transportation, mass production, new methods of marketing leading to hand-to-mouth buying, have served to stir up these veritable raids on New England's industrial resources. For two days more than fifteen hundred of the leading manufacturers and merchants in New England recently held a kind of town meeting about measures of defense.

As a result of this Conference at Springfield, Massachusetts, and the two that have preceded it, New England has become united on a civic, industrial, mercantile, and agricultural program. With thoroughness characteristic of New England, those laying out the campaign to meet the modern Goths—as they view them—are going back to fundamentals.

The program starts with economic surveys of the civic, industrial, mercantile, and agricultural fields, in order to discover their several needs and resources. Having made these surveys, committees have taken steps to provide for suitable legislation in all the New England States, acting as a unit to obtain close co-ordination of power supply, grading of agricultural products, co-operation in use of financial resources, and development and distribution of information as to trends of trade and ways and means. In the Conference the importance of new ideas, new designs, new methods, and new equipment to meet new demands was emphasized. Among the problems presented were those created by the floods in Vermont.

Secretary Hoover's appearance at this Springfield meeting indicates that the yearly New England Conference, with its machinery including a council of twelve from each of the six States, representative of industry, merchandising, finance, and agriculture, is now recognized as the mouthpiece of New England.

The New England Conference might almost be styled an economic war college.

Peace Talk

WITHOUT America, Europe evidently feels that she can no longer make war. This does not mean, of course, that war is impossible without direct American participation. But the requirements of modern warfare on a large scale are so immense, and the banking and manufacturing power of America is so great, that war is impracticable without American money and American material.

A proposal to use the influence of the United States to prevent wars in the future, made by the British journalist Wickham Steed to President Coolidge at the White House, is a recognition of this fact. In substance, he suggests an independent declaration by the United States that we will not give economic or financial aid to any nation which is the aggressor in bringing on war.

The suggestion reveals the new position of America in relation to Europe. Great Britain has been the Power that sought either to preserve peace on the Continent by maintaining a decisive balance of power or by joining one coalition or another in war to prevent any other Power from becoming dangerously strong. The United States—potentially the strongest nation of all—now faces the question of assuming a similar policy toward the rest of the world. There is a British tendency to try to persuade America to reinforce the traditional British policy in a new form, to call in the New World—as a wise British statesman once said—“to redress the balance of the Old.”

The attitude of President Coolidge is characteristically reserved. The question who is the aggressor in any war important enough to demand a decision of policy by the United States must—obviously—be determined either by the United States or by some other nations or group of nations, like the League. The past two elections have indicated that the United States does not choose to concede the right to settle such questions to any other agency than the Government at Washington. If the decision were to be by the United States, so that this country would not be bound in advance to act in accordance with the judgment of other Powers, then the Administration might consider the advisability of such a definition of policy.

France has advanced a specific program of a different sort—the Briand suggestion that the United States and France outlaw war between them and arbitrate all differences. This is a practicable scheme, appealing to American thought and in accord with American precedents. The churches support it; and lately, as we have already reported, a delegation representing some 700 prominent churchmen, headed by Bishop William F. McDowell of the Methodist Episcopal Church, presented a memorial in favor of it to President Coolidge and Secretary Kellogg. Senator Borah's more vague advocacy of a declaration outlawing war in general is certain to bring the Briand plan to the fore in the Senate for discussion. One objection to it is that either nation might obviously be embarrassed in protecting its rights if one of them should become the aggressor in a war with a nation with which the other was in friendly relations. But the agreement could include a clause against aggression. The Briand plan opens up a possibility of permanent understanding with a traditional friend. Ambassador Claudel has spoken in moving terms of the great weight of the example set by the United

States. The policy which his Government suggests is one which the United States might find ways to develop even further in order to demonstrate its own amicable intentions toward the rest of the world. The interest of the United States lies in the preservation of peace. To encourage illusory schemes is worse than to do nothing; but anything we can practically do is so much gain.

Changing Beliefs and Unchanging Faith

A MARKED copy of a Roman Catholic periodical, the “Fortnightly Review,” of St. Louis, has been sent us by one of the foremost of Roman Catholic laymen. It contains the second installment of an article by Benedict Elder on “The Worst Evil of our Day.” This article is a signal of warning against the spread, particularly through our public schools, of atheism, infidelity, and agnosticism. It cites the Dayton trial in Tennessee as “the occasion that brought the whole atheistic and freethinking movement to public juncture.” It refers to “discussions in our Catholic papers about the fewness of converts” and reports of the loss of membership in Protestant denominations. It declares that not even Catholics, Protestants, and Jews combined can challenge this movement, because they cannot get together.

This outcry at the degeneration of religion is not peculiar to our age. It has been paralleled in practically every age. It is based on the assumption that religion is a group of beliefs or doctrines, of rites or ceremonials, and of organizations with authority to prescribe the ceremonials and the doctrines. Naturally enough, Catholics and Protestants and Jews cannot combine to resist a movement away from orthodox doctrine, ceremonial, and church organization, because it is precisely in those very matters that they differ among themselves. On this assumption to doubt a doctrine or to fall away from a ceremonial authoritatively prescribed is to repudiate religion. On this assumption, therefore, Christianity consists of a church or of churches with authority to formulate and sanction creeds and to designate sacraments or other observances.

This is not peculiarly a Catholic view of Christianity. It is a view held by many Protestants, and even by independent scholars. Such is the view set forth in the volume entitled “Christianity, Past and Present,” by Charles Guignebert, Professor of the History of Christianity in the University of Paris.

This book, which is more than a merely popular outline, has been just published in English translation by the Macmillan Company. In that book Guignebert says: “When one has taken the trouble to study two or three religions closely, . . . one certainly discovers similar principles and agencies, common aspirations, the same ambition to rule the community and even to regulate the lives of individuals.” And he describes popular religion as “a medley of beliefs and customs, differing in origin, age, and meaning, and only existing side by side because those who accept them never compare them,” and as “disconnected survivals, the débris of several religious organizations of past ages, upon which the present is established as well as it may be.” As a consequence, in “our own age,” he points out, “all active and fertile thought,