day nursery to the American Civil Liberties Union, from the National League of Women Voters to the New Jersey Association of Community Workers, from the Woman's International League for Peace and Freedom to the Chicago Post Office Clerks' Association. Practically all the social settlements of the country had sent their greetings. Seventy-five or more individuals, many of them expressing informally the sentiment of the groups with which they were affiliated, paid personal tribute to Miss Addams. Of course only a few of them could be read and only a few others can be quoted or even referred to here. These may be selected and quoted only in part from others quite as good.

From New York: Alexander M. Bing, "The best type of American citizenship is honored;" Mary VanKleeck, "Through serving her neighbors from many nations she has learned to serve the whole city, through understanding her city she has won her faith in the possibility of peace between nations;" James G. McDonald, "Because of her devoted patriotism, with which she combines far-sighted understanding of the fundamental relations between peoples, she has been an unfailing inspiration to millions of men and women who are fighting for a warless world;" Mary E. Richmond, "We credit two statesmen of rare social vision to Illinois, one was Abraham Lincoln, the other is Jane Addams;" Editorial staff of The Nation, "We recognize in you one of our greatest patriots;" John M. Glenn, "Three cheers for Jane Addams, great devoted patriot, who has during a long and distinguished career unreservedly given herself, with all her brilliant talents and all her resources material and spiritual, to the welfare of her country and her countrymen."

From Massachusetts: Joseph Lee, "The Massachusetts Civic League congratulates Chicago on recognizing the public service of Jane Addams, one of the great citizens of America;" Women's International League for Peace and Freedom, "Honoring the courage, sagacity and patience with which you meet painful and delicate situations, admiring your persistence and serenity of faith in this understanding and opposition, loving you for your broad human sympathies and service to all sorts and conditions of men, the national board of this league adds its own message: The debt of the United States to Jane Addams can never be put into words. Something of what Italy owes to Saint Francis we all owe to her;" Samuel McChord Crothers, "You can never know what inspiration you have been and are to those who have been working for a better social order. You have not only pointed the way out but you have walked in it. Never have you done more than in the last years in your work for world peace;" Edward A. Filine, "My tribute to your life of courageous and constructive leadership in the improvement of social, economic and political conditions, which has been one of the outstanding contributions to American progress."

From California: William Kent, "It seemed so strange to hear Jane Addams place Hull House on the basis of mutual benefit that it took long for me to blunder upon the basis of her theory and practice of democracy."

From Pennsylvania: Charles C. Cooper, president of National Federation of Settlements, "Miss Addams has always been a lighthouse on a dangerous coast, shedding her light with infinite patience and faith and above all with steadfastness."

From Minnesota: Anna Quayle, Wells Memorial House, "Why, Miss Addams, to us you are immortal. Please never use the bad word 'old age,' lest some that do not know what immortality really is, may take it as it sounds."

Five Men on a Dead Man's Chest, Yo, Ho!

By ROBERT W. BRUÈRE

CHRISTEN JENSEN was a longshoreman or stevedore in the port of New York. In August, 1914, the Southern Pacific Railroad had hired him to unload lumber from the steamship El Oriente. Midway of the morning on the fifteenth as he was maneuvering his electric truck, the lumber jammed in the port. He reversed his motor and lowered his speed. But with an eye to the lumber he forgot to lower his head, which hit the ship at the port line. His head shot forward like a stone from a catapult, his chin struck the lumber. In the neat language of the court, "his neck was broken and in this manner he met his death."

Such things had happened before. The state of New York had developed a standard procedure. Jensen having met his death by accident in the regular course of his employment, the Compensation Commission paid the cost of his funeral and made an award to his dependent wife, son and daughter. Immemorially the state's common law jurisdiction had covered all its citizens—carpenters, painters, upholsterers, repairmen of some twenty-two crafts, as well as longshoremen, who worked on and about vessels but were not members of crews. Masters, mates and seamen were beyond its reach and under the federal admiralty jurisdiction, subjects of the law of the sea.

The Southern Pacific contested the award, arguing that since Jensen met his death on board a vessel riding in navigable waters he was at the moment of his accident by virtue of his presence on a ship not a longshoreman but a seaman. The state authorities, including judges of the state's highest courts, found no substance in this subtle reasoning. But the United States Supreme Court, by a five to four vote, heard it with approval. Jensen's widow lost her award. Some hundreds of thousands of harbor workers in the ports of New York, Chicago, Boston, Cleveland, Seattle—in all ports of all states with workmen's compensation laws—lost the benefits of those laws. They were thrown back on to the discredited system of employers' liability suits which, in the admiralty law as it then stood, were still hedged about by the fellow-servant and contributory-negligence defenses.

Mr. Justice McReynolds, delivering the opinion of the Five, declared that

> the work of a stevedore, in which the deceased was engaged, is maritime in nature; his employment was a maritime contract; the injuries which he received were likewise maritime; and the rights and liabilities of the parties in connection therewith were matters clearly within the maritime jurisdiction. . . . If New York can subject foreign ships coming into her ports to such obligations as those imposed by her compensation statute, other states may do likewise. The necessary consequence would be destruction of the very uniformity in respect to maritime matters which the Constitution was designed to establish. . . .

Mr. Justice Pitney, dissenting, protested that until this time he had never believed that the law could be so construed.

In a later case involving the same question Mr. Justice Holmes declared that "the reasoning of Southern Pacific vs. Jensen and cases following it never has satisfied me."

Mr. Justice Brandeis, reviewing Mr. Justice McReynold's chain of reasoning, trenchantly states that

several of the links are, in my opinion, unfounded assumption which crumbles at the touch of reason. How can a law of New York, making a New York employer liable to a New York employe for every occupational injury occurring within the state, mar the proper harmony and uniformity of the assumed general maritime law in its interstate and international relations when neither a ship nor a ship owner is the employer affected, even though the accident occurs on board a vessel in navigable waters?

Thus began a battle of opinion which in recent months has entered a new phase. In a series of decisions, also delivered by Mr. Justice McReynolds, culminating in the New York case of Matti Lahti vs. Terry & Tench, the Supreme Court would seem to be trimming away the broad ground upon which the Five stood in the Jensen case. Congress, by amendment of the Judicial Code, deprived employers under admiralty jurisdiction of the common-law defenses of contributory negligence and the responsibility of fellow servants, and now the Supreme Court, approving the amendment, turns the sea-change of stevedores into seamen to the stevedores' advantage. And Congress appears to be at the point of enacting a federal longshoremen's and harbor-workers' compensation law that will restore to these men the advantages of the best compensation laws without prejudice to the harmony and uniformity of the maritime law which Mr. Justice McReynolds held of transcendent importance.

Note that in the Jensen case it was said that the work of a stevedore is maritime in nature and that his employment is a maritime contract. Those terms have occasioned the learned judges in the state courts endless perplexity. In the case of Robinson vs. the C. Vandervilt (86 Fed. Rep. 785) it is said that "whatever is done to operate a ship, to aid her physically in the performance of her mission, viz., to take freight or passengers, to carry freight or passengers, to unload freight or passengers, and to preserve her while so doing is a maritime service." Well then, assuming, as a certain judge did, "that the fabrication of repair materials at a point miles removed from the ship or navigable waters subjected a workman to injury, could it be said that the tort was occasioned in the performance of a maritime contract within the rule denying jurisdiction of the state industrial commission?" Clearly that would be too far-fetched. So this judge concludes that "while the reported cases do not enunciate a definite, fixed rule to determine what labor is and what labor is not of a maritime character, I think there is discernible in them the distinguishable feature that the services performed were in immediate proximity to or upon the ship."

GROPING along this line of reasoning toward the light, the final court of appeal in New York set aside the awards of the Compensation Commission in a number of cases illustrated by that of Guiseppe Insana. This longshoreman was employed by the Nordenholt Corporation to tier up bags of cement as they were unloaded from a vessel. He fell on the dock and sustained injuries resulting in death. The New York courts held that he met his death in the performance of a maritime contract and was accordingly beyond the state's jurisdiction. For this apparently logical application of the rule as stated in the Jensen case, they were later rebuked by Mr. Justice McReynolds for making "deductions from Southern Pacific vs. Jensen, etc., which we think are unwarranted," since they failed to perceive that in matters of tort the exclusive test of admiralty jurisdiction is locality. Jensen was injured on a vessel and so came under admiralty; Insana was injured on the dock, and so remained under the state's jurisdiction. So far so good, although not even the judges of New York's highest court seem to be able to distinguish between a tort that is plain tort and a tort that is an incident in the performance of a maritime contract.

BUT respecting plain tort, locality is the exclusive test. Then arose the case of Matti Lahti. He was at work on a raft or floating platform used in the construction of a pier. He was injured. He appealed to the state for compensation. The referee found that since he was hurt while working on a vessel afloat on navigable water he was beyond the state's jurisdiction. On appeal, the case came before Frances Perkins, member of the Industrial Board. Like Justice Holmes in another case about to be cited, she decided that words are flexible and so construed "raft" to mean, not a vessel, but a "floating scaffold." The New York Court of Appeals reversed her. "Claimant," they held, "was injured while standing on a floating raft in navigable waters. In such circumstances, the maritime law must fix his rights and remedies, for the locus of the accident was maritime though the service was not." And now the United States Supreme Court has just reversed the Court of Appeals and sustained Miss Perkins! The locus was winked at and the award sustained because the work Lahti was doing was "local" in character, the state statute provided the exclusive remedy and its application worked no material prejudice to any characteristic feature of the maritime law.

Hear Justice Holmes delivering the opinion of the Court in the case of International Stevedoring Co. vs. Haverty. Haverty was injured on a vessel at dock in Seattle. Although a longshoreman, he was beyond the jurisdiction of the state compensation law since he was hurt while on the vessel. So he decided that for legal purposes he ceased to be a longshoreman when he boarded the vessel and became a seaman. In 1920 Congress had removed the contributory-negligence and fellow-servant defenses in cases where seamen who suffered injury elected to maintain action for damages. Haverty won the verdict. In determining whether the act of Congress applied to his case, Mr. Justice Holmes said:

It is true that for most purposes, as the word is commonly used, stevedores are not "seamen." But words are flexible. The work upon which the plaintiff was engaged was a maritime service formerly rendered by the ship's crew. . . . We are of the opinion that a wider scope should be given to the words of the act, and that in this statute "seamen" is to be taken to include stevedores engaged as the plaintiff was, whatever it may mean in laws of a different kind.

By such whittling of the scope of the rule laid down in the Jensen case, and such widening of the scope of the common-law remedy within presumptively maritime jurisdiction, all the advantages accruing to employers as a result of the Jensen decision are fading away. It was by an analogous evolution of opinion that state compensation laws came to supercede the discredited system of employers' liability suits on land. No one can now have a substantial reason for opposing the enactment into law of the longshoremen's and harbor-workers' compensation bill before Congress. It is only through its enactment that the weight of opinion of the Five in the Jensen case can be entirely lifted from the chest in which hundreds of dead longshoremen await their awards.

Youth Tilts at Smut and Trash

By BRUNO LASKER

WITH campaigns now on in New York, Chicago and smaller cities for censorship of books and magazines, special interest attaches to the new German national censorship law of December 18, 1926. The proper title of this law is An Act for the Protection of Youth against Trashy and Smutty Literature and whatever general effects it may have on the general sale of objectionable printed matter, it is conceived and worded as an affair of juvenile welfare.

The act does not completely prohibit even those literary wares that have been found dangerous to the morals of youth. It provides for a system of listing such literature and a limitation of sales methods. Listed books, pamphlets and magazines may not be peddled or placed on exhibition. They may not be sold to persons under eighteen years of age and orders for them may not be solicited. If two numbers of a periodical have been listed in the same year, that paper may be suspended for from three to twelve months, but a political daily paper or periodical may in no case be thus suspended and "no piece of writing can be put on the list because of its alleged political, social, religious, ethical or philosophical tendency."

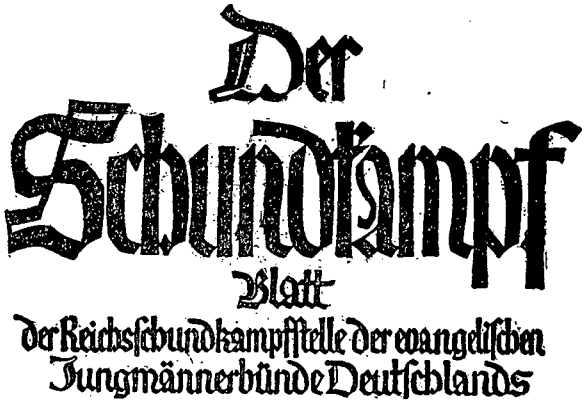
Censorship committees are appointed by the national Department of the Interior in consultation with the state authorities for three-year periods, to consist of two representatives each of art and literature, the publishing trade, juvenile welfare agencies and organizations representative of youth, teachers and popular education associations.

Almost all of artistic and literary Germany was arrayed against this bill which was hotly contested for many months. It was because it had behind it the churches and social agencies, organized labor and —a force that does not exist as yet in any other country as an effective political factor—several hundred thousand young people enrolled in self-governing local and national leagues of their own, the so-called Youth Movement. In fact, youth was the originator and the chief protagonist of the measure. Its fight during and since the war for moral sanitation inevitably led up to a recognition of the evil influences of obscene and trashy literature. Some years ago, when sentiment along this line began to crystalize, the newspapers reported raids on bookshops here and there, and many a cobbled market-place was strangely lit up with a bonfire of collected literary refuse.

Eventually more reasonable methods prevailed, and the young crusaders discovered allies in the book trade and in the social welfare organizations which, increasingly, have permitted the fresh breath of the Youth Movement to fan to new flames the hidden embers of their one-time ardors. For many years, teachers, social workers and reputable publishers had cooperated in voluntary schemes for the suppression of this dismal traffic. In the larger cities, boards of censorship, thus voluntarily set up, endeavored to bring the retail trade to their side. While there was not much difficulty, as a rule, with the established booksellers, the real trouble was with the little stationery shop in a side street, the furtive peddler, and the newsstand. Anyone comparing the situation after the war with that before, could not but be impressed with the fact that it had got much worse, due in large part to the general demoralization which followed the let-down of discipline by war and destitution, when old ties and old standards of social ethics broke.

But why, it may be asked, does the German law censor trash as well as what is clearly smut? How on earth are these German censors going to define what is merely vulgar? The self-constituted censorship committees of the past and public opinion, outside the circles of the artists and writers, seem to have had no difficulty in coming to fairly clear-cut conclusions as to what kind of literature has a bad effect on children. That difficulty exists, they say, when you try to establish abstract standards; but when all such standards are discarded and a committee, composed of experts in the way provided by the law, pragmatically faces the probable influences of a real piece of literature on real children, the number of marginal cases will not be large. They admit that in some cases their decision may hit a work of partially artistic qualities; but they are not appointed to make artistic distinctions, merely to safeguard the morals of youth.

Those sponsors of the bill with whom I talked recently in Germany were convinced that the inclusion of trashy literature in the scope of the measure was making for realism. "It is not the words of a particular sheet of music that will demoralize youth," one of them said, "but the whole body of cheap printed matter that children buy surreptitiously for a few *pfennige,* with its false sentiment, its over-stimulation of the emotions, its misrepresentation, its approbation of crime and many other sinister influences that gives a setting of more or less regular literary fare to the exceptionally bad."



A DIFFERENT DRAGON

Cover of a series of pamphlets issued by the German Y. M. C. A. in the campaign against obscene literature