

## CHAPTER V

### ARISTOCRACY A FRUIT OF PRIVILEGE

THE Japanese say, "The cucumber vine will not bear an egg plant." And likewise it is true that the idea of equality cannot spring from privilege. From such a source ideas opposed to equality will come — superiority, exclusiveness, aristocracy.

Land is the basis of an aristocracy, as De Tocqueville, in accord with common view, observes. Other forms of privilege help to create it, but ownership of land is the chief cause. This does not occur where none of the land has a high price and where plenty of good land is to be had for nothing. Only where it is hard to get, where the price of some of it is high, and where its ownership is unequal, does the ownership of land constitute a privilege. For then some, perhaps many, must ask leave of its owners for its use, and must accompany that request with a payment of rent, fixed by competition with others who desire to use it — a competition that intensifies as population grows. At all times and among all peoples in the world's history, those who have owned the land have been the masters of those who were compelled to use it. We retain in the common term "landlord" the early meaning of lord of the land. We have forgotten that many of the names of rank in titled aristocracy arose originally from the tenure of land.

The principle of aristocracy arises from the possession of privilege, and of all its forms the ownership of land is the widest in extent, most potent and most permanent. Even when the start is made from equality of condition, those

who acquire large holdings and become the large land-owners become the real ruling class, the possessors of other privileges swelling their numbers.

A realization of this advantage in material circumstances on the part of those possessing it begets the feeling of superiority and the sentiments of aristocracy.

This is not to say that virtue and talents do not bring a preëminence and advantage to their possessors, for they do. Jefferson, corresponding with John Adams on this point, called it a "natural aristocracy, . . . the most precious gift of nature, for the instruction, the trust and the government of society."<sup>1</sup>

But what we are discussing is the opposite of this: an artificial aristocracy "founded," as Jefferson described it, "on wealth and birth, without either virtue or talents . . . a mischievous ingredient in government."

In the early social conditions of the Republic there was, viewed from our standpoint of to-day, little of this artificial aristocracy. It was true that in the colonial days there had been a crownocracy who enjoyed the crown grants, offices and other favors. It finds modern examples in the "Castle Irish" in Dublin, who bask in the sunshine of the Lord Lieutenancy. Among the American Tories, as they were called, were the larger landowners. General Greene was of opinion that they owned at least two-thirds of the land of New York.<sup>2</sup> In Pennsylvania the successors of William Penn, known as the "proprietaries," owned vast tracts.<sup>3</sup> While some of these estates were large, and while these large estate owners then prac-

<sup>1</sup> Letter of October 28, 1813, Jefferson's Writings, Ford Edition, Vol. IX, p. 425.

<sup>2</sup> Whitlock's "Life and Times of Jay," p. 92.

<sup>3</sup> In 1759 Benjamin Franklin was a leader in a popular movement to have proprietary estates taxed in accordance with other landed possessions in Pennsylvania. The proprietaries were only willing under extraordinary circumstances to submit to a tax on their "rents and quit-rents, but not on vacant lands, whether appropriated or not." Franklin's Works, Vol. VII, p. 319.

ticed what they aim to practice everywhere, the evasion of taxes, there was in no sense at that time what nowadays would be called a monopoly of land. Easy and independent subsistence was within the reach of all. As Jefferson said of the country generally: "Here every one may have land to labor for himself, if he chooses; or, preferring the exercise of any other industry, may exact for it such compensation as not only to afford a comfortable subsistence, but wherewith to provide for a cessation from labor in old age. Every one, by his property, or by his satisfactory situation, is interested in the support of law and order."<sup>1</sup> So generally was it the rule for men to be self-supporting and independent that none were encouraged to look to government employment for a living. In proof of this Franklin took occasion once to quote the thirty-sixth article of the Constitution of the State of Pennsylvania, running: "As every freeman, to pursue his independence (if he has not a sufficient estate) ought to have some profession, calling, trade, or farm, whereby he may honestly subsist, there can be no necessity for, nor use in, establishing offices of profit, the usual effects of which are dependence and servility unbecoming freemen, in the possessors and expectants; faction, combination, corruption and disorders among the people. Wherefore, whenever an office through increase of fees or otherwise, becomes so profitable, as to occasion many to apply for it, the profits ought to be lessened by the Legislature."<sup>2</sup>

In connection with this, Franklin said that the typical American of his day "would be more obliged to the genealogist who could prove for him that his ancestors and relations for ten generations had been plowmen, smiths, carpenters, tanners, tinnners, weavers, or even shoemakers, and consequently that they were useful members of society, than if he could only prove that they were gentlemen, doing

<sup>1</sup> Jefferson's Writings, Ford Edition, Vol. IX, p. 428.

<sup>2</sup> Franklin's Works, Bigelow Edition, Vol. VIII, pp. 174-175.

nothing of value, but living idly on the labor of others, mere *fruges consumere nati*, and otherwise good for nothing, till by their death their estates, like the carcass of the negro's gentleman hog, come to be *cut up*."<sup>1</sup>

The war of the Revolution distressed many of the American Tories. Some went to England, some to Canada. But a considerable number remained, though by reason of the cutting free of the colonies from the crown, they were, for the time being, reduced to quietness and submissiveness. But they were the main landowners, the possessing element; and if comparatively small, they nurtured within them the seed of an aristocracy, which, with the growth of population, would sprout and give forth a tree larger and stronger than the mere office-holding and favor-obtaining Tory aristocracy that had flourished during the pre-Revolutionary days. Franklin constantly struck at this small but vital spirit of aristocracy of his time. Even toward the end of his life he leveled the shaft of irony against it and its trappings, commencing his will with the words: "I, Benjamin Franklin, printer, late minister Plenipotentiary from the United States of America to the Court of France, now President of the State of Pennsylvania, do make and declare my last will and testament."<sup>2</sup>

These were the early days of the Republic. And even fifty years ago De Tocqueville could say: "Among the novel objects that attracted my attention during my stay in the United States, nothing struck me more forcibly than

<sup>1</sup> Franklin's Works, Vol. VIII, pp. 174-175. Said Franklin ironically: "The people have a saying that God Almighty is himself a mechanic, the greatest in the universe; and he is respected and admired more for the variety, ingenuity and utility of his handiworks, than for the antiquity of his family. They are pleased with the observation of a negro, and frequently mention it, that 'Boccarora' (meaning the white man) 'make de black man workee, make de horse workee, make de ox workee, make eberyting workee; only de hog. He, de hog, no workee; he eat, he drink, he walk about, he go to sleep when he please, he live like a gempleman!'"

<sup>2</sup> Sparks's Franklin, Vol. I, p. 597.

the general equality of condition among the people.”<sup>1</sup> At that time, as Dr. Gilman in his introductory to the French observer’s writings says: “De Tocqueville came to this country, and found not only political equality, but an absence of noteworthy social distinctions. There was no rich class, no fashionable class; there were no families of inherited importance, no privileged people.”<sup>2</sup>

Something must be allowed in the Frenchman’s broad statement respecting equality here to the fact that he had come fresh from a land in which were great social distinctions growing out of established privilege, notwithstanding the leveling revolution. He was as a man who, emerging suddenly from a darkened chamber, is dazzled by the blaze of the sunlight. Yet he did realize that the principles of social differences might exist in the United States, even though those differences be small and the line between them be very faint. For he affirmed “that aristocratic or democratic passions may easily be detected at the bottom of all parties, and that, although they escape a superficial observation, they are the main point and soul of every faction in the United States.”<sup>3</sup>

As we have seen, a powerful class has arisen in the United States from possessing of land and other government-made or government-approved advantages. The Federal Constitution from the beginning declared that “no title of nobility shall be granted by the United States; and no person holding any office of profit and trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.”<sup>4</sup> “A rose by any other name would smell as sweet.” So the causes of aristocracy existing, its results will appear, even if under other outward attributes than those of titled nobility.

<sup>1</sup> “Democracy in America,” Vol. I, p. xlii.

<sup>2</sup> *Ibid.*, Vol. I, p. xlii.

<sup>3</sup> *Ibid.*, Vol. I, p. 227.

<sup>4</sup> Art. I, Sec. 9, Clause 7.

Mr. Bryce notes one aspect of this. He asserts that the railroads particularly "illustrate two tendencies specially conspicuous in America — the power of the principle of association [at core privilege], which makes commercial corporations, skillfully handled, formidable to individual men; and the way in which the principle of monarchy, banished from the field of government, creeps back again and asserts its strength in the scarcely less momentous contests of industry and finance."<sup>1</sup>

And winning in what Mr. Bryce calls the "contests of industry and finance" (which might better be called "monopoly and finance"), they acquire the power of aristocrats, if devoid of the garnishings. Professor Bascom of Williams College fearlessly utters a clear word on this point: —

The multi-millionaire cannot be the member of a free state, on equal terms with his fellow-citizens. This would be true under any circumstances, but it is still more true when this wealth has been acquired in abuse and in defiance of economic and civil law. This additional fact shows that the tyrannical temper is present, which, opportunity favoring, will disregard all rights in behalf of personal power. We can but predict that the next generation is threatened with a still greater perversion of the conditions which belong to a free and democratic community.<sup>2</sup>

President Wheeler of the University of California, in a recent address on "The Abundant Life," becomes still more specific, saying: —

One of the saddest features of lives pursued by wealth consists in isolation from humanity. People who maintain steam yachts and dine Frenchfully at night and flit between Lenox and Newport and Palm Beach and Homburg are naturally and automatically driven into the society of the like conditioned and bound there. Their sons attend the same expensive academies, their daughters are polished off at the same elite schools, their sons and daughters meet together, and they intermarry and interdivorce, and the caste of the great rich emerges. Sound judgment and clear perspective in the motives and movements of human life are seldom found among these people of the caste who drag the golden ball and chain.

<sup>1</sup> "The American Commonwealth," Vol. II, p. 532.

<sup>2</sup> "Social Forecast," *The Independent*, March 30, 1905.

Are not evidences of these things to be seen on every hand? "One of the most noticeable features of the alteration in the United States is financial," observes Madame Waddington, wife of the late diplomat and ex-premier of France. She said this after an absence of thirty-eight years from New York, where she had been known as Miss Mary Alsop King, daughter of the at one time President King of Columbia College. "Several times my different friends," she continued, "in driving on the avenue, or while dining, or at the opera, or the theater, have pointed out to me the notables. Here was a steel king, there a railway king, over yonder a shipbuilding king, farther away a cattle king, or a mining king, while Wall Street kings were so numerous as to be a rule rather than an exception. My interest soon turned to dismay. Was this really America — a Republic? Were there no persons worth pointing out except financial magnates, millionaires? Had America no artists, scholars, poets, thinkers — men who work and think otherwise than in terms of dollars and cents? It was disappointing, depressing. Why," with a change of tone for the merrier, "my family contained about the only Kings in the city forty years ago. But now America has more kings to the square inch than Europe has to the square mile. And a Republic! *Je vis en espoir.*"<sup>1</sup>

Yes, and others live in hope, too. Yet listen to these words: "I do not believe in equality; it would never do. We are coming more and more to have an aristocracy and a common people. I do not believe in being too democratic. Europe is older than we, and she cannot get along without the different classes."

This is the utterance of a social leader in Newport and New York, whose husband is very rich in railroad and other government-made and sanctioned privileges. She realizes that she and her family are rich from those privileges,

<sup>1</sup> Signed article by William Griffith, *New York Times*, Dec. 18, 1904.

although perhaps she does not choose to call them privileges. In the eyes of the statute laws and the construing by the courts they are rights. She herself may call them ethical rights, too, and may think them as sound and defensible in ethics as true rights. Starting from such premises, what more natural conclusion than that there is a natural division of the people into two classes: the aristocratic, embracing those who possess the major portion of the wealth, and consequently command the affluent surroundings and the culture; and the common people, embracing the mass of the population who, as it were, live from hand to mouth, all of them in trouble and strife, multitudes of them in want and brutishness?

And so it is that in a little book entitled "The Ultra-fashionable Peerage of America," a votary of Newport and New York society, Rev. C. W. de Lyon Nichols, formerly pastor of a fashionable Episcopal church in New York, says, "Almost within a decade there has sprung up in our free, democratic United States an exclusive social caste, as valid at certain European courts as an hereditary titled aristocracy — a powerful class of ultra-fashionable multimillionaires, who, at their present rate of ascendancy, bid fair to patronize royalty itself."

This observer divides the American peerage into five different grades, as follows: (1) the ultra-smart One Hundred and Fifty; (2) the Four Hundred, supplemented by a limited few of the fashionable folk of the provincial cities and towns; (3) the outer fringe of the Four Hundred; (4) the Colonial and Knickerbocker families; (5) the wealthy upper-middle class — society in the crude.

If this is an exaggerated picture of what we may under the circumstances call the "upper class" conditions in this country, it is none the less illuminating. The existence of privilege, born of governmental favor, has differentiated our population into social classes as truly as that in India there are high-caste Brahmans and low-caste Brahmans.

What difference is there, save at a few functions, between



the outward trappings of our very rich and the titular princelings and nobles of Europe? And then behold our marriage alliances, as between noble houses. A century and a quarter ago we cut away from the monarchical idea with all its paraphernalia. But as a bright young English democrat ironically said, when visiting the Boston State House and viewing the British flags taken during the Revolutionary struggle: "We English are evening off that account now by having our peers marry your heiresses." Is it *not* a common social ambition for a superwealthy American daughter to wed a foreign coronet, regardless of the once predominant, all but universal democratic-republican principles among our women as well as our men? And are not many of these alliances made regardless of gambling and even worse reputations? "We are doing our best with our outworn and decadent institutions," remarks an English newspaper sarcastically. "The House of Lords is getting a good many American mothers."

But what of it? It is, as Professor Goldwin Smith has remarked, useless to rail at a class for following its natural bent. He continues:—

Multi-millionairism does not more. Its luxury and ostentation are as natural as they are conspicuous. A famous ball bespoke at once its profuse magnificence and its disregard of democratic sentiment. At heart it sighs for a court and for aristocracy. It is even introducing the powder-headed footman, while he is going out of fashion in England. Its social center is shifting more and more from the United States to monarchical and aristocratic England, where it can take hold on the mantle of high society, get more homage and subserviency for its wealth, hope perhaps in the end to win its way to the circle of royalty, and, if it becomes naturalized, to obtain a knighthood or even a peerage. It barter the hands of its daughters and its millions for aristocratic connection. One of its leading members has just abandoned his native country for the country of his class, while he continues to draw a royal income from the industry of New York. Its growth on the body politic may be, as we are told it is, the operation of natural law. But so are growths on the physical body, against which, nevertheless, we guard.<sup>1</sup>

<sup>1</sup> Essay, "Republic or Empire?"

It is probably an overstatement to say, although it has frequently been said, that the Royal College of Arms in London is mainly supported by fees from rich Americans, endeavoring to trace their aristocracy back to titled stock. Nevertheless it is true that much money is really spent by Americans in seeking out ancestral crests and coats of arms. Through one of our daily press we are informed by "an English authority" that "in the United States of America the machinery for the purpose of tracing pedigrees is much more complete and more easily available than in any other country of the world." Indeed we now have two works that vie for appellation of the American Burke's Peerage. One is "Matthews's American Armoury and Blue Book," edited and published by John Matthews of London. The other is "Crozier's General Armoury; a Register of American Families entitled to Coat Armour," published by the New York Genealogical Association. The Crozier work offers descriptions of approximately two thousand coats of arms belonging to American families, with the name of the first of each of such families, the date of his arrival and place of settlement, and perhaps the town or country whence he came.

It is obvious that the family names of many of our new rich do not appear in this heraldic list. Hence perhaps some of the spirit expended to form associations of Sons and Daughters of the Revolution and the like. But such hierarchies of exclusiveness might be quite cast in the shade by the formation of a Society of Sons, Daughters, Wives, Fathers-in-law, Mothers-in-law, Sisters-in-law, Cousins-in-law and Aunts-in-law of Nobility.

How far has been the departure from Franklin's<sup>1</sup> typical American, who would be more obliged to the genealogist for proving him a descendant of a line of plowmen,

<sup>1</sup> For that matter Franklin himself is going out of date with many who claim a right to exclusiveness. He has been declared by some of the authorities of the Society of Colonial Dames to be not an eligible "ascendant" for membership in that body.

mechanics, or tradesmen, than from a line of mere "gentlemen," who do nothing!<sup>1</sup>

We more and more hear of social censure of "persons in trade," and one social queen barely passes the social bars by the fact that while the family forebear in the country was a "tradesman," he "sold pearls and diamonds," which is far different from selling carrots, cloth or rat-traps. And there was a distinct division of opinion over the action of the widowed Mrs. Ten Millions in publicly refusing to give consent to her son's espousal of Miss Charming of only Ten Thousands. While of irreproachable personal and family reputation, Miss Charming and her people were regarded as "social inferiors."

If any should deny that we have come to social gradations more or less distinct, the liveried and even powdered servants would confront him. Nowadays there is a positive fashion in personal ailments, and Mrs. Overwrought Magnificent or her fascinating but politely wearied daughter cannot cross the room for a drink of water, but must ring for a maid and have her bring it.

"The Americans never use the word 'peasant,'" said De Tocqueville, "because they have no idea of the class which that term denotes."<sup>2</sup> Nor do the body of Americans use the word now. But it is heard frequently enough in "exclusive circles," along with the term "tenantry."

This is in the order of things. Privilege begets in its possessors a feeling and an assertion of superiority. As Bentham has said: "Wherever there is an aristocracy, public sentiment is the child of that aristocracy." And since our Princes of Privilege constitute a real if untitled aristocracy, we must expect its offspring.

Much has been said of late about the introduction of un-American ways at the capital city of the nation, and

<sup>1</sup> Justice Darling, of the King's Bench, during a trial in London recently decided that following the definition of the Herald's College, a gentleman is a man who himself and whose father and grandfather were entitled to bear a coat of arms.

<sup>2</sup> "Democracy in America," Vol. I, p. 406.

especially at the Executive Mansion. These remarks may in the main be ascribed to unfriendly partisan super-sensitiveness or to the kind of democratic-republican squeamishness that converts mere matters of personal taste into heinous departure from the virtue, wisdom and simplicity of the fathers. It is true that now, when the President enters a general reception chamber all present of both sexes are expected to rise and remain standing; that the President, giving a formal dinner, does not take a lady on his arm to the table, after the time-worn usage of other American hosts, but proceeds alone; that unofficial as well as official Washington now construes a request of the President to be a command. It is also true that a kind of livery is now worn by some of the White House attendants, and that it was not put upon all, even the clerks, owing to an outcry of alarm and disgust. Moreover it seems now to be necessary for a diplomat when calling at the White House officially to go clad in much of his regalia, instead as of yore, in the simple habit of a civilian; and that the first entrance and the final departure of such representative of a foreign Government is accompanied by the thunderous escort of a squadron of cavalry.

All this rests upon the charm that picturesqueness and display have for the citizen who has been elected to occupy the presidential chair at this time. Doubtless in the opinion of some it lends verisimilitude and reality to an exalted office, which, but for such garnishing, would seem badly furnished indeed. But it is neither written in the laws nor crystallized in custom. It rests only upon the passing pleasure of the present occupant of the White House. To-morrow another citizen will be called to that place. To it he will perhaps bring very different views respecting such matters. Perhaps he may think them too trivial to call for more consideration of an executive of a nation of nearly eighty millions of people than to blot them out of thought.

This we may answer to partisan citizens and overzealous patriotism. Yet it may seem to be curiously coincident with the larger and deeper social formalization and segregation into classes or castes that are going on through the body of the nation, being accompanied by anomalous attempts of some of our ambassadors to foreign courts to get into the whirl of pomp and paraphernalia of royal assemblages by arraying themselves in bedecked and bespangled clothes, unlike even United States military plumage, and utterly out of keeping with the dress of the President of the Republic, which is simply that of an American gentleman in private life.<sup>1</sup>

And it might also be said in passing reference to President Roosevelt's military escorts and his steps to centralize the military arm of the Government and to build up the naval arm, that professional soldiers are not prone to democracy. De Tocqueville descants on the aristocratic tendencies of armies in democracies.<sup>2</sup> And in keeping with this, one of our admirals thinks so lightly of the right of suffrage that he has not voted in many years and has rather boastfully proclaimed the fact; while one of our major-generals has propounded the doctrine that young army officers should not be allowed to marry without permission of the War Department, and ought to be forbidden

<sup>1</sup> In 1853 the State Department issued a "circular of instruction" to our representatives abroad commending to them "the simple dress of an American citizen." It expressed regret that there had ever been a departure in this respect from "the example of Dr. Franklin," and said that "each of our representatives in other countries will be left to regulate the matter according to his own sense of propriety, and with a due respect to the views of his own Government, as herein expressed." Some of our diplomatic representatives have construed this to mean that they were at liberty to follow their own inclinations as to dress in foreign countries. As a consequence, Mr. Whitelaw Reid donned silk knee-breeches at Edward VII's coronation in London, and Ambassador McCormick at St. Petersburg and Ambassador Charlemagne Tower at Berlin let loose their fertile fancies, devising and wearing dark blue uniforms, trimmed with gold buttons and gold lace, accompanying this with sword and black hat with a white ostrich feather.

<sup>2</sup> "Democracy in America," Vol. II, p. 326.

to take wives who are not rich, unless the bridegrooms have means beyond their pay, so as to live in a style according with their social station. And in a speech before the Democratic Presidential Convention at St. Louis in 1904, Captain Richard Pearson Hobson, the hero of the Merrimac exploit at Santiago in the Spanish War, declared that "intelligence must govern," with what appeared to be an intimation that intelligence was confined to the more or less select.

Can such sentiments be unnatural in men reared as the officers of our regular army and navy are? Taken for life under the Federal Government's care and expense before they are of voting age, given the highest technical training in its military and naval academies, on graduation given command without having, like the common soldier, to begin in the ranks, or like the common sailor, to "go through the hawse hole," disciplined to take and to give arbitrary orders and taught that martial law supersedes all civil procedure, it would be remarkable, indeed, if these men should not have a secret contempt for the common people and a disdain for the trammels and restraints of civil law.

But these things pass out of mind in light of the graver matter of the suffrage. We shall later consider this more fully in relation to politics. But some attention is required here.

In his first annual message to Congress, in 1861, President Lincoln pointed out that "the insurgents," in "the most grave and maturely considered public documents" relative to their secession Government, boldly advocated "the abridgment of the existing right of suffrage and the denial of the people of all right to participate in the selection of public offices except the legislative, with labored arguments to prove that large control of the people in government is the source of all political evil. Monarchy itself is sometimes hinted at as a possible refuge from the power of the people." Said he: "In my present position I

could scarcely be justified were I to omit raising a warning voice against this approach of returning despotism.”<sup>1</sup>

The old slavery argument was that the black man was by nature inferior to the white man, and, therefore, of course, could not be the white man's equal; that the black could, however, be reclaimed from barbarism by association with the white man, learning the ways of Christianity from the white man and working for the white man. But the black man must not be taught to read or write, for that might beget in him a discontented and rebellious spirit. As for giving him the suffrage, only crazy fanatics would be so foolish as to speak of it.

And now, with the bloody Civil War over slavery forty years gone, we see that the black citizen — by an amendment of the Federal Constitution enfranchised equally with the white citizen — is as systematically in the South deprived of his right to vote. And not merely this. There is a distinct and strengthening sentiment in the North to disfranchise large bodies of white voters. In the South the race question largely intervenes. The white man is determined to rule over the mingled population of whites and blacks. In the North there is a growing despair of making political head against the swelling “criminal class.” How often do we see reflected in the newspapers the belief that the only way to clear our politics of its corrupt and rotten elements is to “eliminate the ignorant and vicious vote to a large extent.” Every now and again a strong voice comes from the pulpit, as for instance this: —

I know there are many who enter the twentieth century with unspeakable regret that manhood suffrage was ever adopted, who believe that we ought to have educational or property qualifications; who consider that American citizenship has become too cheap; that myriads of votes represent nothing but ignorance, passion and appetite; that we have a great lowest class which always votes wrong; that candidates and party organs are constantly stultified by necessary appeals to this degraded and purchasable vote. There are

<sup>1</sup> “Messages and Papers of the Presidents,” Vol. VI, pp. 56-57.

plenty of our wisest and best citizens who would like to do for the slums what the South is doing for the negroes — just quietly relieve them of the burden of government.<sup>1</sup>

Politicians generally are very cautious about having anything to do with such views. Yet once in a while a voice rings out for restricted suffrage even in the political field. Such was the case during the Low-Shepard mayoralty contest in New York in 1901. Abram S. Hewitt disparaged "universal suffrage" for the government of large aggregations of men, saying that "most statesmen and the best thinkers of the day . . . agree that municipal government is a matter of business and not of general politics. They think that ignorance should be excluded from control and that the city business should be carried on by trained experts selected upon some other principle than popular suffrage." In this view Mr. Hewitt said he concurred.

Mr. Hewitt was a wealthy man, had been member of Congress for a number of terms, also mayor of New York, and on his death, not long following this statement on the suffrage, he was declared by the Chamber of Commerce of New York to have been the city's first citizen. His open declaration for a restricted suffrage stunned the body of the people and put the political world in a ferment, but it was nothing more than a simple avowal of the state of mind of many in his walk of life.<sup>2</sup>

Akin to this attack on popular suffrage is the attack on trial by jury. Until now we have been taught that the latter principle is one of the stones in the arch of our liberties. But now we are told, as by Professor Alfred Neri-nex, of the Chair of Law in the University of Louvain, Belgium, in an address before the congress of lawyers at

<sup>1</sup> Report of a sermon by Rev. Dr. W. S. Crowe, Universalist Church of the Eternal Hope, New York, Nov. 25, 1900.

<sup>2</sup> This utterance, coming from so prominent a man in the community in the last days of the canvass, made a political sensation, as the files of the New York daily papers of Nov. 3 and 4, 1901, will show.



the St. Louis Exposition, that, speaking of civil suits, "when you cannot get men of high standing in the community for jurymen, you get men of lower tenor, whose judgment cannot be depended upon." This is not the average viewpoint, but the superior one. Often are just such sentiments heard nowadays in private conversation in this country. Those who adjudge themselves wise distrust the "ignorant and criminal classes."

Among those sharing this distrust is Secretary of War Taft, who, while on the Federal bench, was an able exponent and developer of the injunction principle in labor disputes.<sup>1</sup> In an address at the anniversary of the Yale law school in June, 1905, he broadly intimated that the principle of jury trial in civil cases was on trial in our extra-constitutional dependencies, Porto Rico and the Philippines. It is only a step from jury trial in civil suits to jury trial in criminal cases; and it is only one more step from the ignorant Porto Rican and the ignorant Filipino to the ignorant and criminal among our own people, for if the one may justly or for any reason of policy be deprived of the benefits of jury trial, so may the other.

Secretary Taft seems mentally to have taken those steps, for in his Yale address he said: "I grieve for my country to say that the administration of the criminal laws in all the states of the Union (there may be one or two exceptions) is a disgrace to our civilization." He cited the extraordinary increase in murders and homicides of late years,<sup>2</sup> and proposed as a cure — what? To bring about conditions that should lessen crime? No; to clap the cover down tighter on it. He proposed, first, to abolish or limit the "right of criminal appeal"; and second,

<sup>1</sup> See Book V, Chap. II.

<sup>2</sup> Since 1885 in the United States there have been 131,951 murders and homicides, and there have been 2286 executions. In 1885 the number of murders was 1808. In 1904 it had increased to 8482. The number of executions in 1885 was 108. In 1904 the number was 116. . . . As murder is on the increase, so are all the offenses of the felony class. — Secretary Taft's Yale address, June, 1905.

to remove all peremptory challenges and to empower the court to "advise the jury" — which in a little while would mean, as we may know from the aggressions of the courts in other directions, to command the jury. And this must also be noted, that with all the depreciation of the jury system by those deeming themselves qualified by intelligence and other circumstances to be competent to pass upon such matters, nothing is said against the grand jury, that relic of nobility. The only clear reason for this is that the "ignorant and criminal" classes are ineligible for service there. Property qualifications are required. Only persons possessing a prescribed amount of property can serve; and on *ex parte* statements, they can make or refuse to make presentments, bring or refuse to bring indictments. Since class distinctions have come to be drawn relatively to the wealth and the privileges possessed, the grand jury is becoming — has become — a class institution, not accessible to the poor, the common man.

What does all this mean but the very spirit of aristocracy? To say that the best way to promote upright government is to take the vote and jury trial from the ignorant and vicious is much like saying, as some do, that the way to lessen the criminal class is physically to unfit them from propagating their kind. Does it occur to such people to ask what generates the ignorant and vicious class?

Are some human beings made so different from others that they like ignorance and viciousness from their birth and, if possible, would select it as a matter of choice? Or are the ignorant and vicious, ignorant and vicious because they are poor? Poverty is a great breeder of misery; ignorance and vice are the handmaidens of such misery. What sinks the multitude in the slough of involuntary poverty? Precisely that which exalts others to the heights of superabundance — privilege. It robs the many to lavish the spoils upon a few. The judgment of him who benefits is warped by the transaction. He shuts his eyes to the real source of his riches and tells himself that they come natu-

rally and without favor that any other man has not equal chance to enjoy. This brings him to the comfortable conclusion that he is materially better off because he is more intelligent and wiser than others. The pronouncement then goes forth: "Intelligence must govern."

Thus Privilege robs the poor man of his bread and then of his vote and right of jury trial. If this is not chattel slavery, it is the equally bad *slavery of circumstances*.

Abraham Lincoln said that no man is good enough to govern another man without that other's consent. Henry Clay in a speech in Congress in 1818 said that "it is the doctrine of thrones that man is too ignorant to govern himself."

As will be seen more fully in later chapters, the real directors and, therefore, rulers in politics to-day are to large extent not the masses of the people. Privilege, in the form of monopoly corporations and vested interests, is too often the dominant power. It shapes, passes or thwarts legislation. It does this in favor of the few and in spite of popular suffrage. It comes to regard this arrogated power as not merely wise, but right. As a consequence, it seeks to reduce the plain people from their place of equal citizens to that of governed workers.