

inventing meddlesome legislation for the erection of tenements, or urging socialistic schemes for municipal lodgings—to all such, the single tax men have said: "Congestion is caused by land monopoly. Transfer the burden of taxation from houses to land values."

Their solution was too simple. Their advice was not heeded. But now the Prime Minister of England asks, as though the answer were apparent to everybody: "What is the housing problem but a land problem?"

For years single tax men have vainly pointed out the obvious fact that as wealth production consists of labor applied to land, a system of taxation which may make it more profitable to hold land out of use than to use it, operates to restrict the opportunities of capital and labor, and aggravates the problem of the unemployed. Now the Prime Minister of England is declaring on the hustings that the problem of the unemployed is simply the problem of colonizing their own countrysides, and that by a tax on the lands of the lords he proposes to open the door of opportunity to England's beggared sons. The Glasgow Herald quotes him as saying: "I am at any rate, convinced that a moderate application of the principle of site value taxation would appreciably reduce the burdens, and at the same time lighten rents and diminish the evils of over-crowding which disgrace us to-day, and give us a fresh outlet for employment."

And the example of this movement in England is rapidly bringing the idea into vogue in America. The Cincinnati Volksblatt, a German paper in high favor with conservative elements, said in a recent editorial:

What England needs is an industrial reform especially in the disposition of ground rent which constitutes a heavy burden for the people, and, what is more harmful, turns away capital which should be invested in industry and thereby causes a lack of employment. As soon as it shall be ordered that the increment of land values created by society shall be paid back to society in the form of taxes, an enormous amount of capital which is now being invested in land will be turned in another direction and secured for the benefit of industry.

HERBERT S. BIGELOW.

Vine Street Congregational Church, Cincinnati, O., February 18, 1906.

AN "ANTI-CRIME" MEETING IN A CHICAGO CHURCH.

For The Public.

A mass meeting of the churches and citizens of a North side neighborhood in Chicago was held at the North

Shore Congregational church on the 25th of February. As usual at similar meetings, held all over the city, the attendants were of a conventional type, and the clergymen were amiable. One of the leaders at this meeting was ex-Judge Sears, whose law firm is counsel for the gas trust, which holds up gas consumers. Judge Sears made a speech. He told the people that what they wanted was another mayor [the present mayor has not worked in harness with the gas ring], a mayor who would do the people's will by enforcing immediate law and order instead of trying for immediate municipal ownership. "Not I. M. O.," he said, "but I. L. O., is what Chicago needs most." After this the ministers jollied one another with reminiscences of their denominational experiences. One told how he had gone to an Episcopal Sunday school, was converted at a Presbyterian revival, studied at a Methodist college, and preached two years in a Congregational church. Then there came a speech not down on the programme. A hard-headed, straightforward Scot of the name of Canning, president of the Bible class of the church in which the meeting was being held, got the eye of the chairman and spoke substantially as follows:

"I don't know what significance these biographical sketches have, but to follow suit, I will state that I was born and raised in Scotland, married in the Second Presbyterian church of Chicago, had three children baptized there, and, last but not least, I have been sitting at the feet of Dr. Ainslie for the last four years in the North Shore Congregational church. If there is one note in Mr. Ainslie's teaching stronger than another, it is his insistence that we place the emphasis on the larger, not the lesser, things of life. I say this to those who may be strangers to the teaching of this pulpit morning and evening, year in and year out. Another piece of biography I forgot. When I landed in this country I went to live in Missouri. You know they are noted for their curiosity in Missouri, and I must have acquired a habit which prompts me to ask how the remedies or resolutions suggested here are going to suppress crime? How, for instance, is a higher saloon license going to prevent a thief from stealing a pocketbook or assaulting a citizen? If I am going to be robbed or assaulted and can choose my assailant, I prefer a drunken one to a sober one any day. I think I'd stand a much better chance.

"If we are going to be successful in this crusade against crime, we should be very careful how we go about it. We should see to it that we begin at the proper place and attack causes, not effects. If, as Mr. Ainslie has been teaching us all these years, we put the emphasis on the right thing, we will be successful; but if stealing a pocket-book is a crime, how much more heinous is the stealing of a street. And yet Judge Sears says we must get rid of Dunne and I. M. O., and substitute therefor another man, and I. L. O.

"However, I am heartily in favor of anything to suppress crime where and when we can, for if this thuggery is not nipped in the bud these fellows may become powerful enough to get their representatives into the Council and legalize their graft. They may steal enough to hire high-priced counsel to justify their crime, and then we will be up against it."

MURRAY F. TULEY.

A MEMORIAL ADDRESS.

Delivered by S. S. Gregory, Esq., representing the Chicago Bar Association, at the Memorial Meeting at the Abraham Lincoln Centre, Chicago, on Sunday afternoon, December 31, 1905. Mr. Gregory is a former president of the Illinois Bar Association, and one of the acknowledged leaders of the Chicago bar.

Murray F. Tuley was, in a just and high sense, a great judge.

Soon after his first election to the bench, which occurred in June, 1879, he began to exhibit that remarkable grasp and profound apprehension of the fundamental principles of equity which proclaimed him a great master in that high domain of jurisprudence. A court of equity is a court of conscience. The principles upon which it proceeds and on which it grants or withholds relief, are based upon the highest and most strictly ethical considerations known to any system of human law; and never was there an equity judge who more deeply appreciated this fundamental truth than did he whom, for many years, we at this bar have, by common consent, called the Chancellor.

He never permitted the voice of judicial conscience to be stifled by technical rules, nor smothered in a mass of ill-digested authority. He realized that equity was the science of principle and not the creature of precedent.

He investigated, with an industry that never faltered and a patience that never tired, the facts, however complicated, of every case that came before him, and then applied to those

facts thus developed, the simple, honest, old-fashioned moral principles that form the basis of genuine equity. His clear and luminous mental vision looked right into the very truth of the case before him. Neither sophistry nor specious reference to authority could divert him from the straight path of sound principle nor raise a cloud of doubt such as often envelops the timid and uncertain Chancellor. When he had reached his conclusions on the facts and satisfied himself as to the principles applicable to them, he proceeded with undeviating firmness and with almost mathematical precision to the inevitable conclusions to which he was thus conducted. And so I say in this presence that as a profound and learned Chancellor, a great master of the highest branch of jurisprudence, he is entitled to equal place with the great equity judges of England and of our own land.

He did not favor, however, some of the spurious off-shoots which modern methods have attached to this jurisdiction. So far as I know it was he who coined the phrase "Government by Injunction," which has gained such wide currency. This expression not inaptly characterizes those efforts now so common to commit to chancery the enforcement of the criminal law under the guise of protecting property rights. When this jurisdiction is invoked by individuals whose rights of property are involved, it is, by modern authority, firmly established. It requires and is bound, sooner or later, to receive legislative treatment as to matters of procedure, which will render it impossible for courts of equity to administer the penal code without any limitation in respect of the constitutional rights of the accused, under the form of proceedings in contempt for violating an injunction. This mode of procedure becomes peculiarly obnoxious and hostile to liberty, when it is resorted to by the nation or state in respect of matters as to which the sovereign has no property interest, and solely and only for the purpose of procuring an injunction against criminal conduct already prohibited by the law. The necessary effect of this course is, if violation of an injunction thus obtained be alleged, to deprive the accused of his constitutional right to trial by jury, on what is virtually a criminal accusation.

This is literally government by injunction. It was attempted by the national government in one case and sustained by the highest judicial au-

thority. But the political consequences of this proceeding were so impressive that though the courts now declare this to be the law, no national executive has since ventured to experiment with this still novel and most extraordinary equitable remedy.

Judge Tuley, as a true and courageous friend of personal liberty, firmly opposed the exercise of this oppressive and dangerous jurisdiction.

But he was more than a great chancellor. He comprehended as some judges do not, that the great end and aim of human law is to secure protection to those who need protection; he appreciated that where there is power which is not restrained, there is the certainty that this power will be abused; that in all ages and under all judicial systems the strong and powerful are well able to take care of themselves; and that the great end and aim of our Anglo-Saxon system is to secure that exact equality of all men before the law which is the cardinal and foundation principle of republican institutions. Therefore it was that when the cause of the poor and the helpless came before him, he strove with anxious care to see that they had the fullest and most ample opportunity for the assertion of their rights.

Undazzled by the glamour that sometimes seems to encompass great names and great prestige, unawed by the demonstration of great power and vast accumulation, before him the humblest suitor might contend upon an equal footing with a modern Midas or combined and federated interests of unlimited wealth and power. And this the masses of the people felt—and so did the great rogues who retain lawyers to demonstrate that two and two make five and that black is white and who feel that the heinousness of crime is in inverse ratio to its magnitude. They feared sometimes that he was prejudiced against them; and he generally was.

As the people trusted and revered him, those who sought to exploit them feared him and shunned his courtroom. Yet no judge ever more scrupulously followed the law as he saw it, nor restrained, within legitimate bounds, his righteous indignation at every form of fraud and oppression.

The man was more than a great judge. He was a true democrat. He was a democrat in the sense that Thomas Jefferson was a democrat, that Abraham Lincoln was a democrat. He was simple in his life. He

believed in the people. He had no sympathy with those who contend that, though the people are incapable of self-government, men taken from their ranks are yet so superhumanly endowed, that they can govern not only themselves but their fellows. He believed that the people should be the just repository and great reservoir of all political power. He believed also in the essential and inalienable rights of man to life, liberty and to property. And when, upon some great popular clamor, these rights were threatened or assailed, he became at once their stalwart and aggressive champion.

He was keenly alive to the public interest on all occasions. He had the courage of his convictions and the ability to express them with clearness and force. Up to the very closing years of his life, he entered upon every just scheme of reform, with the energy, courage and enthusiasm of youth, inspiring and leading men of half his age who might more naturally have been looked to for the motive and dynamic power necessary to such efforts. Never have I known a man more willing in all civic controversy to act on Sir Philip Sidney's maxim—Whenever you hear of a good war, go to it.

Two dudes visited the zoo in Boston. With cigarettes in their mouths they stopped at the cage of a mother anthropoid ape with her young ones. Pointing to the family of anthropoids, one dude said to the other: "That is what you came from." And they laughed heartily. The mother ape called her children aside and, pointing

THIS MAY MEAN YOU

The suggestion here made relates to an important work of the present year, and every interested reader should give it immediate attention.

All who have not already done so are requested to send at once to the publishers the names and addresses (with occupation, where it can be given) of all those in their vicinity, men and women, who are believers in, or sympathizers with, single tax principles, whether actively so or not. Blanks will be sent where desired.

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