philosopher who touches our philosophic nerve centers through our sense of humor. The philosophy of human life, not mere fun-making, has been the mainspring of Twain's delicious humor; and he has consequently outlasted all our fun makers. So it was with Lowell. He photographed Yankee seriousness through the lenses of Yankee humor. So with Dunne. He gives us glimpses of the shrewd Irish-American mind through peep holes of Americanized Irish humor. And so with Irwin, who turns the yankeeistic Oriental into a humorous and candid but serious and discerning critic of affairs. The opportunity is still open for a German humorist who knows the German above his beer line, for a Negro humorist who knows the Negro off the vaudeville stage, for a Scandinavian humorist who will put wisdom into the quaintness of American-Scandinavian speech. There are abundant opportunities, but as yet most of them are without their competent humorist. With Lowell for the Yankee, Dunne for the Irish-American, Irwin for the Japanese-American, and Twain for the universal, we name them all—all but the ephemeral comics.

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SHOULD ANY NATIONAL DISPUTE BE RESERVED FROM ARBITRATION?*

A man presents himself at the portals of Ellis Island. Our laws, the justice or efficacy of which we do not discuss, require us to question him. "Do you believe in organized government?" He answers: "I believe in government, of course, but let it not interfere with me. I accept it so long as it does not affect my personal independence, so long as it leaves me master of whatever concerns mine honor and permits me to avenge myself upon all who infringe upon that honor. I believe in government so long as it allows me as sovereign over my own destiny, to determine for myself what interests are vital to me, and to slay those who in my opinion trench upon them." To the man who so replies, we say: "Your recognition of government is formal; your appreciation of right as between man and man is undeveloped. If admitted to our country, you would be a danger to our well-being. In very essence you are an anarchist and as such may not enter."

Let us suppose a new state has arisen demanding recognition and admission to the family of nations. Its representatives, when entering into treaty obligations with other nations, are permitted to withdraw from submission to the judgment of any tribunal formed to adjudicate international difficulties, all questions which affect its independence, its honor or its vital interests. Whether in fact a dispute involves any of these elements, it retains, and is recognized as having a right to retain, the privilege of determining for itself. At most today we ask—not insist—that it shall arbitrate pecuniary claims.

When such a position is taken in international law, is not anarchy grown large legitimatized? Little harm can the sentiments of one man do. His opinions and interests will be corrected and controlled by the opinions and interests of his neighbors. Perforce he must submit to the judgment of his fellows all the questions as to which theoretically he claims the right of self-determination. But when a million men calling themselves a state—which, after all, is but a collection of human units—determines without restraint its justification for war over such questions and even settles for itself their very existence, thus claiming the right governed only by its own sense of justice to steal from and to murder another million of human units who exercise a similar power, we have chaos unspeakable, chaos legitimatized. By international law, paradoxically speaking, thus we have regulated chaos. And yet analysis shows that after all there is presented to us but the simple problem with which we opened—the right of anarchy—a problem confused only by the indefinite multiplication of the participants.

And we will not lose sight of the fact that even as to pecuniary claims, in almost every case a nation may refuse arbitration, upon the pretense

*This signed editorial was delivered as a speech by Mr. Jackson H. Ralston on May 18th last, at the Conference on Arbitration and Peace held in Philadelphia. Its intrinsic excellence derives additional force from the high standing of its author as an international lawyer. In the course of his practice as such he represented Felipe Agoncillo of the Filipino Republic in 1899, and was the American agent and one of the American counsel in the case of the Pious Fund of the Californias against Mexico, the first international dispute submitted to the Permanent Court of Arbitration at The Hague under The Hague Peace Convention of 1899. He was afterward named by the United States in 1903 as umpire for the Italian claims against Venezuela before the mixed tribunal at Caracas. The proceedings of all the mixed commissions at Caracas as well as the report of the French-Venezuelan Mixed Claims Commission of 1902, were edited by Mr. Ralston. He is also a Single Tax man of long standing and national prominence, especially distinguished for having brought on the first single tax experiment in the United States—that at Hyattsville, Md., where he was president at the time of the Board of Commissioners. This experiment was successful, but the courts terminated it as unconstitutional under the Maryland constitution. In 1878 Mr. Ralston was a delegate to France and Italy from the International Typographical Union of North America.—Editors of The Public.

that the very advancement of such claims is a reflection upon its honor, perhaps because there is offered a suggestion deemed disgraceful to its administrative or judicial officers, to which suggestion it refuses to submit.

Must we not, then, conclude that our international law is but taking its first few feeble steps; that we are just entering upon a long and painful period of education, the end of which will be to assimilate international justice to national justice.

Taking a look into the future, we may recognize that the time must come when such a thing as international law relating to warfare will be as obsolete as is today common and statute law relating to the status of slaves. I remember as a boy reading a book, then old, laying down the rules of the Code Duello. Today such a work prescribing the amenities of private murder would seem as out of place in our civilization as, let us hope, in the future will seem the half of the volumes of international law which are now given over to the examination of the courtesies of public slaughter.

But our course seems clear. We must develop the idea of arbitration, insist that no question is too small, no interest too great, to be subjected to the judgment of disinterested and competent men, for, internationally as well as in our private lives, something on its face immaterial may lead to consequences coloring history. Tracing the causes of wars to their obscure beginnings, how often we find that foolish jealousies, accidental or intentional lack of observance of the smaller courtesies of life, have led on and on to the slaughter of thousands. But if apparently small things can with justice and advantage be settled between man and man, and nation and nation, by submission to impartial men, with how much more obvious reason should the larger and more dangerous matters take the same course. And after all, can those who take part in them best determine whether the matters in dispute be large or small, be great enough to justify the killing of thousands, or insignificant enough to be atoned for by the payment of a few dollars?

How needless does calm investigation show to have been even modern wars conducted by men priding themselves upon their civilization? Can anyone living tell beyond a peradventure what was the Schleswig-Holstein question, which involved a bloody conflict? Was there just and sufficient cause for the Franco-Prussian struggle? Does anyone attach large importance to the supposed questions leading to the Crimean War? And was the charge of the Light Brigade, immortalized in poetry, sufficient return to the world for thousands of deaths among the subjects of four nations?

When we look back at all these struggles, standing in the disinterested attitude of strangers to them, living as short a time as from thirty to fifty years after, and consider their doubtful or inadequate causes, can we not agree that the arbitrament of a group of cool and disinterested men living contemporaneously could, if asked, have afforded a peaceful and honorable solution? And if in any of these cases the causes were so slight or so involved and so difficult of reasonable statement as to preclude reference to arbitration, may we not think such fact to be sufficient to condemn those engaging in these wars as mere brawlers in the family of nations?

Visible advances toward the goal I have indicated have been made, and in the making America has taken an honorable and leading part. Repeatedly have we arbitrated boundary questions, questions of a nature which in a less civilized age or with less advanced participants would have led to frightful wars and have been regarded by the countries in dispute as affecting their honor and vital interests. Very many commissions to which we have been parties have settled claims disputes touching wrongs to individual citizens of a character which, under less happy circumstances, would have spelt war; and for even smaller aggravation than has been involved in them, less favored nations have with heartiness entered upon throat cutting and destruction. Can we not even to-day take pride in the Alabama Claims Commission, which satisfactorily solved questions which might be classified as of honor and vital interests, although ostensibly determining only pecuniary liability, and which made this settlement at a cost which, compared with that of a week of war, was infinitesimal?

Even in the small matter of claims of individual citizens, no nation can properly be a judge in its own cause. Many a time has this been illustrated, and I will refer but briefly to its latest demonstration with regard to Venezuela. When the ten commissions sat in Caracas in 1903 to determine the claims of as many nations against Venezuela, there were presented before them demands aggregating, in round numbers, thirty-six millions of dollars. The Commissioners and Umpires determined that but six and one-half millions should be paid or, roughly, eighteen per cent of the original amount of the demands. One nation, as a condition precedent to the execution of

the protocol of arbitration of her remaining claims, demanded payment in full in advance of certain claims aggregating nearly three hundred and fifty thousand dollars. For precisely similar claims submitted to arbitration, she received twenty-eight per cent of her demands, indicating fallibility, as I believe, when she acted as her own judge, and demonstrating that the advance payment was largely unjustifiable. The experience of other nations before like tribunals was of the same general nature. And the history of claims arbitrations furnishes many similar instances.

But what is honor, about which nations hesitate to arbitrate? For theft, for murder, we have a definite measure, born of the universal conscience, the same yesterday, today and forever; but honor, as the term is applied, is a mental concept varying with the mood of the times. He who accuses my honor does not rob me. Honor is only to be lost by my personal act. The impeachment of my honor may call for self-examination to determine whether the accusation be well founded. The death of the offender does not adjudicate the falsehood of the accusation.

But if the delivery of an insult be considered to be an impeachment of honor, should the reply come in the shape of war? If a man or a nation is insulted, as we term it, is the insult extinguished by the death of the insulter? Does not his killing convict us rather of want of discretion and temper? Is not the best answer a well ordered life and established good reputation? Should not other resort be forbidden to us than declaration of further relations with the offender, who, individual or nation, has merely sinned against good manners?

A reservation of independence as not the subject of arbitration, seems, on analysis, meaningless though harmless. Arbitration postulates an agreement between equals. Questioning the independence of one party or the other involves a doubt as to their equality, and is foreign to the idea of arbitration.

When we treat of vital interests, we touch a subject never properly to be withdrawn from arbitration. What are vital interests? They are today whatever the nation declares to be such, and withdraws from arbitration. The so-called vital interests are matters of commerce, trade and politics. As to matters of trade and commerce, we shall submit that their advancement as a basis for vital interests is founded upon a misconception of the purposes of government. As I take it, governments are formed to preserve the true liberty of the individual, to protect him in his rights of person and, as subordinate to his rights of person, his rights of property. They are not formed to extend and develop commerce and trade as such. Properly speaking, no nation has political interests beyond it own borders, and, were we to enter upon the reign of arbitration, no question of political interest, as we shall attempt to demonstrate, could properly arise.

Politically speaking, vital interests are, when analyzed, found to be based upon either a desire to ultimately possess something now belonging to another, or a fear that a strong nation may violently so enlarge itself as to endanger us. With the thorough establishment of unrestricted arbitration, we will not be able to indulge our predatory instincts at the expense of our neighbors. With such condition, we will not fear lest another nation so aggrandize itself by violence as to be a source of danger to us. At one and the same time we would restrain our own unjust acquisitiveness and we would lose our fear. The thorough establishment, therefore, of arbitration means the cancellation of the term "vital interests" as applied to politics.

Can we hope for justice from arbitration? We might in view of the course of our discussion respond by asking—"Has justice been obtained through war?" Long ago legislators found that the wager of battle failed to secure justice as between man and man. Without lengthening the discussion, we may believe that armed conflict has not, on the whole, advanced the rule of right. When at one time war has served to check inordinate ambition, at as many others it has furthered its purposes.

We may concede that in private matters, justice has often gone forward with halting steps, has even at times seemed to go backward, yet who among us would dispense with the conclusions of judge and jury and revive the wager of battle?

From the beginning, with the advantage of national precedents and experiences, we may expect arbitration to bring us approximate justice. That always exact justice should be rendered may not be expected. The members of our Supreme Court, differing as they frequently do most vitally, will not say that this tribunal has never erred. But, despite the possibility of error, we find that order and the well-being of the community must be maintained even at the chance of individual injustice, a chance which no human skill can eliminate.

But arbitral history leads us to the conclusion that more than an approximation of right may

be expected, that a tribunal which is the center of observation by the whole world will seek to give and will give a judgment as nearly righteous as may be.

In the whole history of arbitrations, but one has ever been suspected of corruption, and, by joint agreement, its findings were reviewed. Slight criticism may be made of the generality of other like tribunals. Today doubtless even the English will agree that the findings of the Alabama Joint High Commission were just.

Of the four arbitral sentences given by the Permanent Court of Arbitration at The Hague, but one—that in the Venezuelan Preferential Case—has received serious criticism. Even in this case, judicial settlement, though perhaps erroneous, was immensely valuable.

Let it not be said that the ideas to which I have sought to give expression are too advanced, are impractical. It is only by "hitching our wagon to a star" that we may progress. Let us not forget that there is nothing blinder and stupider, nothing less practical than the so-called practical man, that only among the dreamers of dreams of human advancement are to be found those who the flow of events demonstrates to have had the clearness of vision of the truly practical man.

JACKSON H. RALSTON.

EDITORIAL CORRESPONDENCE

AUSTRALIA.

Corowa, N. S. W., May 8.—At the beginning of the year, the New South Wales Local Government Act of 1906 (vol. ix, p. 1161) came fully into force in municipalities. General elections of aldermen, to hold office for three years, were held on February 1st.

The question of land value taxation versus taxing improvements was very much discussed during the elections, especially in the suburbs of Sydney, where the single taxers and other supporters of unimproved land value taxation were very active.

The Act provides that a municipal council must levy a tax for general purposes of not less than one penny in the pound on the unimproved value of all land in its area. If any further revenue is required, it may be raised by taxing either the improved or the unimproved value, at the option of the Council, but subject to the decision of a poll of taxpayers, if demanded.

There is a limit on the total amount of money which a Council may raise by taxation, but this amount is so large that the taxing power is practically unlimited.

Most of the new Councils have now levied their taxes; in the majority of cases on the unimproved value only; the rate varying from one penny to (in one instance) sixpence in the pound. Taxes of from threepence to fourpence are common, and there are several of fivepence. These high taxes may, however, cause reaction.

In some cases where Councils proposed to raise part of their revenue from taxes on the improved value, polls were demanded, and in nearly every instance the decision was that the unimproved value only should be taxed.

In many municipalities where the double system of taxation has been adopted, the tax on the unimproved value exceeds one penny in the pound; the taxes being twopence to threepence on the unimproved value and one-half penny to one penny on the improved value.

Altogether the taxes levied up to the present show that the feeling in favor of land value taxation for local government purposes is far more general than even the most sanguine supporters of that system imagined.

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In the Shires, which were constituted in 1906, revenue for general purposes must be raised by a tax on the unimproved value of the land only; the minimum tax is one penny, and the maximum, twopence in the pound. So that only in a minority of the municipalities, and in the city of Sydney, is there now any taxation of improvements in New South Wales. The suburbs of Sydney are municipalities. The State tax of one penny in the pound on the unimproved value of land, with exemptions, has been suspended in Shires and Municipalities. It is now in force only in the city of Sydney and in the "Western Division" of the State, where there is little population, and which is not under local government.

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In the Federal Parliament the Senate has discussed the tariff bill (vol. x, p. 1062) and returned it to the House of Representatives with a number of requests for amendments, most of them for higher duties. Being a taxation bill the Senate cannot amend it; it can only request the House to do so.

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The Queensland State parliament has passed an act providing that if a bill be twice passed by the Assembly (lower house) and twice rejected by the Council, it shall be submitted to a referendum of the electors, whose decision shall be final.

ERNEST BRAY.

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Better a wrong will than a wavering; better a steadfast enemy than an uncertain friend; better a false belief than no belief at all.—George Eliot, in "Daniel Deronda."

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A hunter accosted a peasant. "My good man," quoth he, "can you show me any lion's tracks?"

"Tracks!" rejoined the peasant. "Why, sir, I can show you the lion himself."

At this the hunter lost his temper and showed it plainly.

"Answer my question, caitiff!" he roared.

N. B.—Errata: For hunter read average reformer. For lion read graft. For peasant read almost anybody who has eyes to see.—Puck.