vocated. This policy can but put millions into the pockets of the landlords who sell, in the way of purchase money for land which God hath given to the children of men; and millions more into the pockets of neighboring landlords whose holdings would be enhanced in value by the municipal improvements. Not only would that policy, if carried out, enrich landlords at public expense, but it would intensify the deplorable conditions it is intended to ameliorate. The very poor would find it harder than ever, because dearer than ever, to secure a standing place upon the earth.

This housing scheme for the benefit of landlords receives little encouragement, however, from local radical sources. The organ of the London Workingmen's clubs, the Club World, has declared against it; and the council of the Metropolitan Radical federation after a full discussion of the subject has adopted resolutions which, while recognizing the urgent need of better housing for the working classes, express the very sensible opinion "that land monopoly is the principal cause of the low wages and high rents to which overcrowding is mainly due." The resolutions appeal also to the county council to consider "whether an attack upon land monopoly, by means of the taxation of land values, will not, by cheapening the cost of sites, do more to promote the provision of adequate house accommodation than a policy of land purchase, which will have the effect of increasing the value of land and consequently the cost of houses." These views are endorsed and actively supported by the London Echo.

Another judge has harshly exercised the autocratic power which courts long ago assumed and which they reluctantly relinquish, that of arbitrarily accusing, trying and punishing persons for contempt of court. The judge in this case is Judge Sherman, of the superior court at Dedham, Mass.; the victim is Torrey E. Wardner, editor of the Boston Traveler. An engineer of the N. Y., N. H. & H. RR. Co. had been on trial before Judge Sherman for manslaughter. The charge was based upon the facts of a railroad collision. While hauling the second section of a passenger train this engineer had run into the rear of the first section, killing several people. A strong popular belief, which found frequent expression, attributed the prosecution of the engineer to the railroad company. It was believed that the company hoped thereby to avoid responsibility for its own negligence. To this popular opinion the Boston Traveler gave editorial expression in an article which unequivocally charged that the engineer was being made a scapegoat for the company. At the time of the publication of that article the case against the engineer was still on trial, the jury having retired for consultation; and it has since been stated that one copy of the paper found its way into the jury room. Upon these facts Judge Sherman instituted contempt proceedings; and after a hearing before himself, without a jury, he convicted the editor and sentenced him to 30 days' imprisonment in the county jail. The editor was confined accordingly and subjected to all the rigors of imprisonment and discipline which the rules of the jail impose upon common convicts. He was even forced to live upon de-appetizing jail rations, and forbidden communication with friends.

Of the propriety of summary proceedings for contempt there can be no question, when the contempt consists in lawless and disturbing behavior in the actual presence of a court of justice. It is necessary to the orderly conduct of their business that courts should have power to deal with such cases summarily. And since the objectionable conduct occurs within the sight and hearing of the judge upon the bench, no harm can come from giving him power to punish without trial. There are in those cases no disputed facts to try. But a newspaper criticism, lawless though it may be—as when its object is to influence a verdict or decision—is not in the category of contempts in the actual presence of the court. There is in that kind of case not only no necessity nor excuse for summary proceedings, but great danger to freedom of the press in tolerating them. If any judge may, in his own discretion, hale an editor before himself, try him himself, decide the facts and the law himself, and fix the punishment himself, then editors are responsible for their publications, not to the law, but to the discretion of judges. The judge who sentenced Mr. Wardner, of the Boston Traveler, can cite in justification many precedents. Most of them are mouldy, however, or worse; and the whole affair lends great color of truth to the Traveler's claim that the engineer was a scapegoat for the railroad company. It is not an unreasonable inference that the editor was summarily, and it would seem rather viciously punished, more for the protection of the company than for the sake of the law.

To the rigid treatment of the editor of the Boston Traveler by the jail authorities there can be no special objection. It was perfectly right to treat him and the other prisoners alike. But there is an objection to treating any prisoners as the jail authorities have treated him; and it is to be hoped that his experience in the jail may prompt him to make a crusade in his paper against all prison abuses.

The opinion of the Minnesota supreme court in the decision to which we referred briefly in our issue of December 3, is now before us in full, and it quite sustains the view we then expressed that the decision rests upon the wholesome general principle that a legislative body cannot bind the people by creating property rights in franchises for unreasonable periods.

Judge Mitchell wrote the opinion of the Minnesota court. A private grant for a waterworks system had been made by the city of Little Falls.

It was made under the authority of the city charter, which empowered the council to erect waterworks or to grant the right to do so to third parties. In making the grant the city council required the grantees to maintain a certain number of fire hydrants, for which the city was to pay a certain sum for the life of the grant—30 years. The grant was assigned to the Little Falls Electric and Water Co., which collected annually of the city the sum so specified for water hydrants. To put a stop to this a taxpayer of the name of Flynn sued the company for an injunction, claiming that there were more fire hydrants than the city needed, and that the price was grossly excessive. In the lower court he was defeated, but the highest court of the state decided in his favor. The water company rested its case upon its 30-year contract. In rendering the judgment of the higher court Judge Mitchell recognized the power of the city authorities to contract in relation to the matter in question, but held that this power does not carry with it by implication power to make a contract "which shall cede away, control or embarrass their legislative or governmental powers, or render the municipality unable in the future to control any municipal matter over which it has legislative power." It would be a very dangerous doctrine, he said, to hold that city councils may contract for any period of time they see fit; for if that doctrine were accepted, "the city council might have made a contract running 100 or even 500 years as well as 30 years;" and by reason of the incompetency or dishonesty of its officials "the power of a municipality might thus be bartered away for so long a period of time as to practically disable it from performing its public duties." For these reasons the fire hydrant clause under consideration—the only clause the court had any jurisdiction to pass upon, in the case before it—it was decided to be "as to time, unreasonable and void, as being beyond the scope of the authority of the municipal authorities." It is evident from Judge Mitchell's opinion that the whole franchise would for the same reason have been swept away had the whole of it been involved in the case. The decision is published in full in the Northwestern Reporter for December 3.

That Minnesota decision is reassuring. Its general adoption would make the danger of long-franchise grants less menacing. Yet the principles of law upon which it rests are not novel. Before corporations began to pack the judicial bench with their lawyers, the principle that Judge Mitchell invokes was familiar and supposed to be firmly established in American jurisprudence—the principle, that is to say, that municipal legislatures cannot, under the guise of contract, legally tie up or obstruct their legislative functions. With the revival of this principle, the danger of long-time franchises would be greatly minimized. There would be much less temptation to bribe city officials. A franchise that might be abrogated as an unreasonable grant would hardly be worth spending bribe money for.

THE SERVANT GIRL QUESTION.

Not infrequently the servant girl question is a question of incompetent mistresses rather than one of incapable servants. If the servants' side of the question were heard, this would plainly enough appear; but as servants get no hearing, while mistresses swap their grievances at social gatherings and have their complaints dished up in newspapers and magazines, the servant alone is pilloried by public opinion as the offender. It is another version of the fable of the lion and the man. When servant girls write for the papers and magazines, you will hear a different story.

Not that all mistresses are incompetent or otherwise bad. Far from it. But a perfect mistress here and there cannot undo the harm that mistresses in general, if incompetent, can cause. It is to mistresses in general, therefore, and the relationship of mistress and servant as a whole, not to individual cases, that we have reference.

As a rule, mistresses are either wholly ignorant of housekeeping or have only a partial or a theoretical knowledge of it. They have not, so to speak, been "brought up to the business." What constitutes good service would be a mystery to them if they had sufficient sense of responsibility to inquire into it. Few could take the place of the average servant and do as well. With what intelligence can such women either direct servants or rebuke them, commend or complain?

If men who undertake to manage businesses were as poorly equipped by experience as the generality of mistresses are for housekeeping, business men would complain as much of the incompetency of workmen as their wives do of household servants. Inexperienced and incompetent businessmen do.

Rich women escape much of the annoyance of the servant girl problem by employing housekeepers. Nor do they thereby merely shift the annoyance to others. The important thing they do is to substitute competency for incompetency in management.

Still another advantage in this connection is enjoyed by rich mistresses. Able to pay high wages, they secure not only trained and able housekeepers, but also trained subordinates. The servant girl question is not a burning one in aristocratic households. It is peculiarly a middle class question.

We must concede, however, that neither incompetent management nor the comparatively low wages that prevail in middle class households, fully explain the servant girl question. Even competent and considerate mistresses are baffled by it.

But it must be remembered, as we have already suggested, that competency and considerateness here and there cannot atone for the incompetency and lack of consideration which characterize mistresses in general.

Then there is the further consideration of wages. Though servants' wages be high in comparison with other wages, they are not high enough as a rule, in middle class households, to attract the better grades of trained servants. The best servants are drawn to households where wages are higher and conditions better. Con-