CYCLOPÆDIA

OF

POLITICAL SCIENCE,

POLITICAL ECONOMY,

AND OF THE

POLITICAL HISTORY OF THE UNITED STATES,

BY THE BEST AMERICAN AND EUROPEAN WRITERS.

EDITED BY

JOHN J. LALOR.

VOL. I.

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TO THE

HON. ALEXANDER MITCHELL,

OF

MILWAUKEE, WIS.,

THE FIRST TO COUNSEL AND ENCOURAGE THE PREPARATION OF THIS WORK,

IT IS

Respectfully Dedicated.

21172

PREFACE.

NEITHER American nor English literature has hitherto possessed a Cyclopædia of Political Science and Political Economy. The want of a work of reference on these important branches of knowledge has long been felt, especially by lawyers, journalists, members of our state and national legislatures, and the large and intelligent class of capitalists and business men who give serious thought to the political and social questions of the day. The present work, which will be completed in three volumes, is the first to supply that want. It is also the first Political History of the United States in encyclopædic form—the first to which the reader can refer for an account of the important events or facts in our political history, as he would to a dictionary for the precise meaning of a word. The French, the Germans and even the Italians are richer in works of reference on political science and political economy than the Americans or the English. The Germans have Rotteck and Welcker's *Staatslexikon*, and Bluntschli and Brater's *Staatswörterbuch;* the French, Block's *Dictionnaire Général de la Politique*, and the celebrated *Dictionnaire de l'Economie Politique*, edited by Guillaumin and Coquelin.

The "Cyclopædia of Political Science, Political Economy, and of the Political History of the United States" is intended to be to the American and English reader what the above-named works are to French and German students of political science and political economy. The articles by foreigners in our work are largely translations from the *Dictionnaire de l'Economie Politique*, the *Dictionnaire Général de la Politique*, the *Staatswörterbuch*, and original articles by Mr. T. E. Cliffe Leslie, the eminent English economist; while the American articles are by the best American and Canadian writers on political economy and political science. The task of writing the articles on the political history of the United States was confided to one person, Mr. Alexander Johnston, of Norwalk, Connecticut, thoroughness, conciseness and the absence of repetition and of redundancy being thus secured.

It has been our aim to produce a work covering ground not covered by other cyclopædias. Hence, the biographies of American statesmen are made purposely very short, ours not being a biographical dictionary. The biographies in question are intended mainly to supplement the articles on the political history of the United States; just as our Cyclopædia itself is intended as a supplement to every other cyclopædia in the English language. It is, in fact, a *special* Cyclopædia, and bears the same relation to other cyclopædias that, for instance, a cyclopædia of law, medicine or engineering does. Great care has been taken in the articles from the French and German to preserve the exact meaning of the writer. In no instance has any liberty been taken with the thought of a contributor. The editor has not sought to harmonize the ideas of so many writers, and yet in very few instances will the opinions of one writer be found in direct conflict with those of another. The same subject is, in some cases, treated by two writers,

but from a somewhat different point of view, under titles almost identical; and in these cases the difference of title serves merely for convenience of reference.

A little familiarity with the work will satisfy the reader that the articles from French and German writers are as applicable in the United States as in France and Germany. There is no more a French or German or American political economy or political science than there is a German or French or American science of astronomy or chemistry. It would have been well, some may think, if all the articles had been supplied by American writers. No one, however, can regret that those not written by Americans are from the pens of the most eminent European writers, men like T. E. Cliffe Leslie, J. C. Bluntschli, Brater, Bastiat, Barthélmy Saint-Hilaire, Baudrillart, Chevalier, Clément, Coquelin, Coquerel, Finali, Joseph Garnier, Guizot, v. Holtzendorff, Horn, Paul Janet, Laboulaye, v. Mangoldt, de Molinari, de Quatrefages, Remusat, Roscher, J. B. Say, Léon Say, Jules Simon, Thiers, Wolowski, Wagner and Wirth. The fact that every article is signed by the writer of it, and that each writer is an authority on the subject on which he writes, gives to the work a value which it would not otherwise possess. This feature is, we feel confident, one which the reader will appreciate.

In no country in the world is the necessity of the study of political science and political economy greater than in the United States, in which every citizen is, directly or indirectly —through the medium of his vote—a legislator; and yet, in no great country, perhaps, has the study of politics as a science been so utterly neglected. Our experience as a people during the last decade has demonstrated how very important it is to lay before the great body of readers reliable works to which they may refer, when occasion requires, for the principles by which all great national questions are solved. The people of the United States for the past ten years, to go no farther back in their history, have been, so to speak, one great debating club, discussing such questions as the resumption of specie payments, contraction of the currency, inflation of the currency, money, paper money, the nature and cure of commercial depressions, the demonetization of silver, banks, savings banks, bi-metallism, the relations of capital and labor, the right of employment, socialism, communism, strikes, railroad policy, civil service, civil service reform, etc., etc. The thinking portion of the people have eagerly devoured whatever they could find on these topics.

Other questions equally important are springing up every year, both in the national and state legislatures, questions relating to interest, the hours of labor, taxation, temperance, etc. These and kindred questions are, or may very easily become, questions of practical politics, or of political economy as applied to politics. In the present work these and similar subjects can be found discussed, from the standpoint of the statesman and legislator, by the best minds of the age, each under its proper title and in alphabetical order.

We think that the time at which our work appears is peculiarly opportune, for never before was the attention of the American people turned to questions of political science and political economy, more than now.

The publishers and editor desire to thank the contributors to this work for the readiness with which they accepted the invitation to write for its pages; and the unselfish interest they have one and all manifested in its success. Our acknowledgments, however, are due in a special manner to Mr. Horace White, of New York; to Mr. A. R. Spofford, Librarian of Congress; to Mr. Edward Atkinson, of Boston; to Mr. John Jay Knox, Comptroller of the Currency, and to Mr. Max. Eberhardt, of Chicago.

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CYCLOPÆDIA

OF

POLITICAL SCIENCE, POLITICAL ECONOMY,

AND OF THE

POLITICAL HISTORY OF THE UNITED STATES.

ABDICATION.

ABDICATION, the renunciation of sovereign, monarchical or imperial power. It would seem natural that a prince, weary of the burdens and even of the pleasures of government, should have the right to lay down his crown and end his days in the repose of private life. It seems just as natural that he should have the right to leave the throne, of his own free will, when military reverses, the disaffection of his people, or other causes, render his abdication useful or necessary to the general well-being of the state. History gives us an account of many abdications, some of which are still fresh in the minds of men. These important acts, if not always accomplished with the consent of the nation affected by them, have been generally considered an exercise of right on the part of sovereigns. Many publicists, however, have thought proper to justify them, by advancing reasons which, in most cases, are weak enough. There are authors, on the other hand, who have denied to princes the right of abdication, but, with few exceptions, it has been denied only by the opponents of kingly power. Their chief objections may be summed up as follows: 1. According to natural law, a king has not the right to abdicate, because he has not the right to reign. In other words: We deny that a prince has the right to reign; therefore he has no right to abdicate. A thing or a right is not wiped out simply because it pleases me to assert that neither the one nor the other exists. We see nothing in natural law (by which we mean law conformable to human nature) opposed to monarchy. We even find arguments somewhat in favor of this form of government. Besides, we might ask: Where is your code of natural law? who drew it up? who has accepted it? where is it in force? 2. Constitutional kings can reign only with the formal consent of the nation, or its representatives, there being here a question of a mutual agreement which can be dissolved only with the consent of both parties. To this it may be answered that this consent would never be wanting, since the nation has every interest not to retain on the throne a prince who has weighty reasons for wanting to leave it. We find this argument altogether out of place in the mouths of men or from the pens of writers who maintain that a nation has always the right to set aside a king. What in this case becomes of the mutual agreement? How prohibit one party doing what the other claims a right to do? 3. From the point of view of divine right, abdication is unlawful, for the reason that the prince having been invested with supreme power by an act not of his own volition, can not, of his own motion, divest himself of that power. Various arguments may be used to refute this objection, which, be it remarked, does not come from the legitimist side. But if the refutation is to have full force, we must remain at the divine-right point of view. All that follows from investiture by divine right is that the nation can not dethrone its prince legally. But if monarchy is a divine institution, it follows that it is the monarch's duty to leave nothing undone to accomplish his mission, even to disappearing from the scene when it seems to him that the public interest demands that sacrifice from him. These are the chief objections brought forward against the right of abdication. In England the right of abdication is denied to the king, but it does not appear whether in the name of the constitution or of divine right. We simply find the following axiom: "The king of England may not abdicate except with the consent of parliament." When we ask why he may not,

the only answer we get is, that an abdication made at his sole instance would be inconsistent with the nature of the royal function. This is assertion, not argument. Should an English king abdicate, what would be the consequence? We have no doubt that parliament would take cognizance of the fact and sanction it as perfectly conformable to natural law. We here give a list of the abdications most remarkable for their causes, their results, or the name of the sovereign who laid down his crown. Among the Roman emperors, Diocletian and Maximianus put aside the purple in 305. In France it suffices to mention Napoleon I. (1814 and 1815), Charles X. (1830), and Louis Philippe (1848). In Germany Charles V. exchanged the imperial and royal crowns for the habit of a monk (1556). In 1848 the emperor of Austria preferred his ease to the struggles with which the events of that time threatened him. Successors of Charles V. in Spain abdicated for several reasons, Philip V. in 1724 and Charles IV. in 1808. The dynasty of Savoy affords more numerous examples of abdication: Amadeus, in 1494; Victor Amadeus, in 1750; Charles Emmanuel, in 1802; Victor Emmanuel I., in 1819; Charles Albert, in 1849. In Poland we find, since the abdication of the prince who afterwards became Henry III. of France, that of Augustus. in 1707; Augustus Stanislas, in 1735; and Poniatowski, in 1795. All are familiar with the abdication of Queen Christina of Sweden, in 1654. That of Richard II. of England (1399), is not so well remembered. As to James II., he did not formally abdicate, but the English parliament declared, in 1688, that he "having endeavored to subvert the constitution of the kingdom by breaking the original contract between king and people; and, by the advice of Jesuits and other wicked persons, having violated the fundamental laws, and having withdrawn himself out of the kingdom, has abdicated the government, and that the throne is thereby vacant." There was, in this case, a lively discussion as to whether the word "desert" or "abdicate" should be used. To sum up, we may mention the abdication of King Louis of Holland in 1810, of Louis of Bavaria in 1848, of the Hohenzollern Princes in favor of Prussia in 1849, and of the Duke of Saxe Altenburg in favor of his brother in 1849. Abdication is performed generally by a solemn act, and almost always in favor of the natural heir; but it is not always voluntary, and history shows us that it is often followed by regret. (See RESIGNATION.) MAURICE BLOCK.

ABOLITION AND ABOLITIONISTS (in U. S. HISTORY). I. GRADUAL ABOLITION (1776–1830). At the beginning of our national history abolition was a desire rather than a purpose, a matter of sentiment rather than of endeavor. In this sense every humane and thinking man, north or south, was an abolitionist. It would be waste of space to quote the words of Washington, Jefferson, Madison, Henry, Mason, Laurens, and other southerners, in order to show the drift of feeling in the south on this subject. All concurred in deploring the existence of slavery in their section, and in hoping that in some way not yet imagined its gradual and peaceful abolition would finally be accomplished. In the north the feeling was the same, except that the Quakers, or Society of Friends, had, since 1760, taken higher ground, and had made slave-holding and slave-trading matter for church discipline. In 1777 Vermont, not yet admitted to the Union, formed a state constitution abolishing slavery. State constitutions were formed by Massachusetts, including Maine, in 1780, and by New Hampshire in 1783, which the courts at once construed as abolishing slavery. Gradual abolition was secured by statute in Pennsylvania in 1780, in Rhode Island and Connecticut in 1784, in New York in 1799, and in New Jersey in 1804. Abolition of slavery in the Northwest territory, north of the Ohio and east of the Mississippi, including the present states of Ohio, Illinois, Indiana, Michigan, Wisconsin, and part of Minnesota, was secured by the ordinance of 1787. Here the process of abolition ceased for a long time, except that in 1817 New York totally abolished slavery after July 4, 1827, and that slavery in part of the Louisiana purchase, including the present states of Iowa, Oregon, Kansas, Nebraska, a part of Colorado, and part of Minnesota, was abolished by the Missouri compromise (see COMPROMISES, IV, V), whose validity was rejected by the supreme court (see DRED SCOTT CASE); but the provision for abolition was embedded in the state constitutions of the states named as they were severally admitted. In process of time gradual abolition took effect in the states which had adopted it by statute, but so slowly that there were, in 1840, 674 slaves in New Jersey, 331 in Illinois, 64 in Pennsylvania, and from 1 to 17 in Connecticut, Indiana, Iowa, New Hampshire, New York, Ohio, Rhode Island and Wisconsin, respectively. In 1850 slavery had disappeared in all these states except New Jersey, which still had 236 slaves in 1850 and 18 in 1860, the latter number being "apprentices for life," under the state act of April 18, 1846. In 1831–32 the insurrection of Nat Turner excited a strong desire for gradual abolition in Virginia, which was with great difficulty smothered after a three weeks' debate in the legislature.—ABOLITION SOCIETIES, based on the idea of gradual abolition, were formed in Pennsylvania in 1774, in New York in 1785, in Rhode Island in 1786, in Maryland in 1789, in Connecticut in 1790, in Virginia in 1791, and in New Jersey in 1792. These societies held annual conventions, and their operations were viewed by the more humane slave-holders with some favor, since they aimed at nothing practical or troublesome, except petitions to congress, and served as a moral palliative to the continuance of the practice. The abolition of the African slave-trade by Great Britain in 1807, and by the United States in 1808, came as a great relief to the aboli-

tion societies, which had grown discouraged by the evident impossibility of effecting anything in the south, and were now ready to accept this success as the limit of possibility for the present. Their annual national meetings became more infrequent and soon ceased altogether, though some state branches remained alive.—COLONIZATION SOCIETY. In 1801 Jefferson and Governor James Monroe, of Virginia, had considerable correspondence on the subject of colonizing free blacks out of the country. In the autumn of 1816 a society for this purpose was organized in Princeton, N. J. Dec. 23, 1816, by resolution, the Virginia legislature commended the matter to the attention of the general government, and a few days afterwards the society was reorganized at Washington as the "National Colonization Society," its president being Bushrod Washington, and its organ, "The African Repository." Its expressed object was to encourage emancipation by procuring a place outside of the United States, preferably in Africa, to which free negroes could be aided in emigrating. Its indirect object was to rid the south of the free black population, which had already become a nuisance. Its branches spread into almost every state, and for fourteen years its organization was warmly furthered by every philanthropist in the south as well as in the north. Henry Clay, Charles Carroll and James Madison, in the south, were as hearty colonizationists as Bishop Hopkins, Rufus King, President Harrison and Dr. Channing, in the north. And it is noteworthy that, although the society made no real attack on slavery, as an institution, nearly every person noted after 1831 as an abolitionist was before that year a colonizationist. Benjamin Lundy's travels through North America were for the purpose of finding a location for a free black colony in Texas or elsewhere in Mexico. James G. Birney was for some time the society's agent and superintendent for Alabama and Tennessee. Gerrit Smith, the Tappans, and many others, began their career as colonizationists and ended it as abolitionists.—LIBERIA. At first free negroes were sent to the British colony of Sierra Leone. In 1820 the society tried and became dissatisfied with Sherbroke Island, and Dec. 15, 1821, a permanent location was purchased at Cape Mesurado. In 1847 the colony declared itself an independent republic under the name of Liberia, its capital being Monrovia.—II. IMMEDIATE ABOLITION (1830–60). In 1829–30 William Lloyd Garrison, a Massachusetts printer, engaged with Lundy in publishing "The Genius of Universal Emancipation," at Baltimore, flung a fire-brand into the powder magazine so long covered by the decorous labors of colonization and gradual abolition societies. He insisted on *immediate* abolition, meaning thereby not instant abolition so much as the use of every means at all times toward abolition without regard to the wishes of slave-owners. The effects were almost immediately apparent. Abolition, with its new elements of effort and intention, was no longer a doctrine to be quietly and benignantly discussed by slave-owners, and from 1830 the name of abolitionist took a new and aggressive significance. Garrison's first efforts were directed against the colonization society. Jan. 1, 1831, he began publishing "The Liberator," in Boston, and through its pages converted so many colonizationists, that the "New England Anti-Slavery Society," founded on "immediate" abolition, was formed Jan. 1, 1832. In 1833 Garrison visited England, and secured from Wilberforce, Zachary Macaulay, Daniel O'Connell, and other English abolitionists, a condemnation of the colonization society. In December, 1833, the "American Anti-Slavery Society" was formed in Philadelphia by an abolition convention, Beriah Green being president, and Lewis Tappan and John G. Whittier, secretaries. From this time the question became of national importance. Able and earnest men, such as Theodore D. Weld, Samuel J. May, and Wendell Phillips, traversed the northern states as the agents of the national society, founding state branches and lecturing everywhere on abolition. The consequent indignation in the south found a response in the north with many who saw that the south would never willingly accept "immediate" abolition, and that the continuance of the abolition agitation would involve sectional conflict, and perhaps a convulsion which would destroy the Union. Abetted or tacitly countenanced by this class, a more ignorant and violent class at once began to break up abolition meetings by mob violence. In Connecticut, in 1833, Miss Prudence Crandall, of Canterbury, Windham county, opened her school to negro girls. The legislature, by act of May 24, 1833, forbade such schools, and Miss Crandall was imprisoned under the act. As this was ineffectual, she was ostracized by her neighbors, and finally, by arson and violence, her school was broken up. In the autumn of 1834 George Thompson, who had been instrumental in securing British emancipation in the West Indies, came to Boston, and for a year lectured throughout the north. He was denounced as a paid agent of the British government for the destruction of the Union, was mobbed, and finally escaped from Boston in disguise, in November, 1835. For some years abolition riots were epidemic throughout the north. Nov. 7, 1837, Elijah P. Lovejoy, a Presbyterian minister, who had established an abolition newspaper in Alton, Ill., was mobbed and shot to death. May 17, 1838, in Philadelphia, Pennsylvania Hall, an abolitionist building, dedicated three days before, was burned by a mob. Abolition riots then became only sporadic, but never ceased entirely until 1861.—In the south the import of the single word "immediate" was instantly perceived. By unofficial bodies rewards were offered for the capture of prominent abolitionists, a suspension of commercial intercourse with the north was threatened, and northern legislatures were called

upon to put down abolition meetings by statute. Southern grand juries indicted several abolitionists, and, when the accused naturally declined to appear for trial, their extradition as "fugitives from justice" was demanded by the state governor, but without success. The anti-slavery society had been quick to take advantage of the United States mails as an easy and secure means of introducing its publications into the south, where the society's private agents would have had short shrift. Remonstrances were at once sent to the postmaster general against this use of the mails, and he, while he regretted his official inability to interfere, gave southern postmasters a strong hint that they would do well to settle the difficulty by rejecting abolitionist publications from the mails. President Jackson, in his message of Dec. 2, 1835, requested congress to pass a law forbidding the circulation of abolitionist publications in the mails. A bill to this effect was introduced in the senate, carried just far enough to compel Van Buren, a candidate for the presidency, to take open ground in its favor, and then lost. In its stead, the care of abolition documents was left, with excellent success, to the states and the postmasters.—Congress, in accepting the District of Columbia, had re-enacted the whole body of Virginia and Maryland law, and thus left slavery in full existence; but few persons seem to have denied the power of congress to abolish slavery in the District at will. From February, 1833, a vast number of petitions were introduced, praying congress to abolish slavery in the District, and, after 1836, to abolish the "gag rules" by which the house had resolved to lay all such petitions on the table without consideration. (See ADAMS, J. Q.; PETITION.)—The Garrisonian abolitionists were, from the first, the radical wing. They believed in no union with slave-holders; they declared the constitution "a league with death and a covenant with hell," on account of its slavery compromises, and for this reason refused to vote, hold office or recognize the government; they attacked the churches freely and angrily, for sympathy with slavery; they made the public speaking of female members a prominent part of their work; and woman's rights, free love, community of property, and every novel social theory, found among them the first and most sympathetic audience. Many who would willingly have joined in opposition to slavery, were repelled by dread of the odium, theological and social, consequent upon a public identification with Garrisonian license of thought, speech and action; and a large and growing element in the American anti-slavery society felt that its influence was thus impaired. In 1838 the annual report of the society made the suggestion that abolitionist candidates for office should be nominated and supported. On this convenient rock the society split into two parts in the following year. The political abolitionists, including Birney, the Tappans, Gerrit Smith, Whittier, Judge Jay, Edward Beecher, Thomas Morris, and others, seceded and left the original society name and organization to the Garrisonians, who at once became, in the opinion of the seceders, "a woman's rights, non-government, anti-slavery society." In 1840 the seceders organized the "American and Foreign Anti-Slavery Society," and under this name prosecuted their work with more success than the original society of irreconcilables.—THE LIBERTY PARTY. Nov. 13, 1839, a convention of abolitionists met at Warsaw, N. Y., and incidentally nominated James G. Birney for president, and Francis J. Lemoyne, of Pennsylvania, for vice-president. Birney had been a slave-holder in Kentucky and Alabama, and was now corresponding secretary of the national society. These nominations were confirmed by a national convention at Albany, April 1, 1840, mainly composed of New York delegates, which adopted the name of the "liberty party." The nominees declined the nomination, but received 7,059 votes in the presidential election of 1840, ranging from 42 in Rhode Island to 2,798 in New York. Liberty party tickets were now put forth in various local elections, and the political abolitionists went into training for the election of 1844. Aug. 30, 1844, the liberty party's national convention met at Buffalo. Clay had made public, Aug. 16, a temporizing letter to the effect that he "would be glad to see" Texas annexed at some future day. (See ANNEXATIONS, III.) His letter cut off the slight previous possibility that the Buffalo convention might be induced to refrain from nominations. Birney and Thomas Morris, of Ohio, were nominated, and an active canvass was begun, quite as much against Clay as against Polk. In the presidential election of 1844, Birney and Morris received 62,300 votes, all in northern states, ranging from 107 in Rhode Island to 15,812 in New York. Had the Buffalo convention refrained from nominations this vote would have gone to Clay; at the least, it could not have gone to Polk. Clay would thus have had a popular majority in the Union, and the electoral votes of Michigan and New York would have gone to him instead of to Polk, giving Clay 146 and Polk 129 electoral votes. The liberty party's first appearance in national politics had therefore resulted in the election of Polk, the annexation of Texas, and the addition of a vast amount of slave soil to the United States. But it seems also to have convinced the thinking abolitionists that a union of the northern voters in favor of abolition, pure and simple, was, as yet, impossible. Slavery restriction, the exclusion of slavery from the territories lately acquired from Mexico, offered a more promising field, and the abolitionists, therefore, in the next two presidential elections voted the ticket of the free-soil party. In 1856 and subsequent years, they followed the fortunes of the republican party, which was also based on slavery restriction, but they always retained a semi-detached organization, acting

rather as auxiliaries than as an integral portion of the republican party.—UNDERGROUND RAILROAD. During the period 1850–60 the most active exertions of the abolitionists were centred in assisting fugitive slaves to reach places of safety in Canada. (See FUGITIVE SLAVE LAWS.) From the border of the slave states to Canada, chains of communication were formed by persons living about a day's journey apart. These were constantly engaged in secreting runaways, providing them with outfits and passing them on to the next post, or in bringing back intelligence of those who had already escaped. In addition to these duties, committees in the larger cities were busied in providing for the rescue, by law or by force, of captured slaves from the hands of the officers. The whole organization was commonly known as the "Underground Railroad."—III. FINAL ABOLITION (1860–65). The secession of a number of southern states in 1860–61, and the establishment of a *de facto* government in the south, was welcome to the extreme abolitionists, who rejoiced to be rid of the slave-holders and of political union with them. But the first shock of actual warfare brought to the surface an intense determination throughout the north and west that secession should not be allowed to become an accomplished fact. The ensuing war (see REBELLION) was begun in the spirit of the congressional resolution of July, 1861, that the war "was not prosecuted with the purpose of interfering with the established institutions of the southern states." But the southern leaders had not taken into account the fact that their system of slavery offered a fair mark for confiscation by an enemy which they could in no way retaliate. This species of warfare was early begun by the federal government. The act of Aug. 6, 1861, forfeited all claim, by the master, to the services of slaves employed in arms or labor against the government. This was not strictly a confiscation, but only a bar to proof of ownership. No blow at slavery, as an institution, was intended, and when proclamations abolishing slavery were issued by Gen. J. C. Fremont, in Missouri, Aug. 30, 1861, and by Gen. David Hunter, in South Carolina, May 9, 1862, they were promptly disavowed by the president. But the next session of congress, 1861–62, saw a more decidedly anti-slavery feeling. An additional article of war, March 13, 1862, prohibited the army from returning fugitive slaves; various other acts were passed to hinder the rendition of fugitive slaves in the northern states; slavery in the territories (see WILMOT PROVISO) was abolished, June 19; and the act of July 17 freed the captured, deserted or fugitive slaves of all persons engaged in rebellion, and authorized the employment of negro soldiers. The fugitive slave laws were not finally abolished until June 28, 1864. In all these provisions no invasion of slavery as a state institution was made; all were meant as blows at the tender spot of the confederacy.—The president's own wish was at first for compensated emancipation, and, in accordance with his special message of March 6, a joint resolution of April 10, 1862, declared that the United States ought to co-operate with any state which should adopt gradual "abolishment" of slavery, by paying the state for the slaves emancipated. The act of April 16, 1862, abolished slavery in the District of Columbia on this principle; but the border states were deaf to the repeated entreaties of the president up to the close of the session of congress in July. In September the president, yielding to the growing anti-slavery feeling in the north, issued his preliminary proclamation, followed, Jan. 1, 1863, by the emancipation proclamation. But this, by its terms, did not affect the slaves in loyal states, or within the federal lines, nor did it affect the principle of slavery even in the rebellious states. Had the war ended without further action against slavery, every slave in the rebellious states would, indeed, have been a free man, but there would have been no bar to the immediate importation of fresh supplies of slaves from the states where slavery had not been abolished —In his message of Dec. 1, 1862, the president again brought up his favorite project. He now recommended the adoption of three amendments to the constitution, providing (1) for the issue of bonds to compensate states which should abolish slavery before 1900; (2) for the validation of the emancipation proclamation and kindred measures; and (3) for colonizing free negroes out of the country. Bills to compensate Missouri and Maryland for abolishing slavery were introduced, by members from those states early in 1863, and received favorable votes in both houses; but the shortness of the session prevented their final passage. In West Virginia, by constitutional amendment adopted March 26, 1862, gradual emancipation after July 4, 1863, was secured. In Missouri the state convention, which had originally been called to consider an ordinance of secession, was re-convened, and passed, June 24, 1863, an ordinance of emancipation, taking effect gradually after July 4, 1870. Congress, by act of Feb. 24, 1864, emancipated negro soldiers, a compensation of $300 for each being paid to loyal owners, and by act of March 3, 1865, emancipation was extended to the wives and children of such soldiers. This measure closed the record of attempts at gradual, partial or compensated abolition of slavery.—Oct. 12–13, 1864, Maryland adopted a new constitution whose 23d article finally abolished slavery in the state. Ordinances of immediate emancipation, without submission to popular vote, were passed Feb. 13, 1864, by a convention of delegates from those portions of Virginia within the federal lines, and, Jan. 11, 1865, by a new state convention in Missouri. A recapitulation of all these partial assaults on slavery will make it apparent that, after Jan. 11, 1865, slavery had a legal existence only in the states of Kentucky and Delaware, if the action of Maryland, secured by soldiers' votes, and of irreg-

ular conventions in Virginia, Tennessee, Louisiana and Arkansas were valid. To resolve all doubts, and give the corpse of slavery a legal burial, a constitutional amendment in 1865 (see CONSTITUTION, IV.) was passed and ratified, by which slavery and involuntary servitude, except for crime, was abolished within the United States. The same year saw the cessation of the publication of "The Liberator," and the dissolution of the American anti-slavery society. The work of both had been done, and done mainly, after all, by the "political" abolitionists. By yielding the impossible point of present abolition in the States, and joining with the republicans in the demand for the restriction of slavery to state limits, they had aided in bringing on a conflict of a slave-holding section against the federal Union. In such a conflict it was inevitable that every blow at rebellion should rebound upon slavery. Had the conflict been postponed until the north and west could have been united in the ultra Garrisonian object of a crusade against slavery, it would not have come until the population and destructive power of both sections had grown so large that the peaceable formation of two or more nationalities on this continent would have been imperatively demanded by humanity. (See SLAVERY; EMANCIPATION PROCLAMATION; REBELLION; UNITED STATES.)—I. See Von Holst's *United States*, 277, etc.; Wilson's *Rise and Fall of the Slave Power;* Greeley's *American Conflict;* *The African Repository;* Jay's *Miscellaneous Writings on Slavery;* Earle's *Life of Benjamin Lundy;* Goodell's *Slavery and Anti-Slavery.* II. See Garrison's *Speeches;* May's *Recollections;* Johnson's *Recollections;* Gidding's *Speeches in Congress, Exiles of Florida,* and *History of the Rebellion;* Beriah Green's *Sketch of Birney;* Charles Osborn's *Journal;* Lovejoy's *Life of Lovejoy;* Tappan's *Life of Tappan;* Child's *Life of Isaac T. Hopper;* Frothingham's *Life of Gerrit Smith;* Gerrit Smith's *Speeches in Congress;* Still's *Underground Railroad;* and authorities under articles referred to. III. See Raymond's *Life of Lincoln;* Arnold's *Life of Lincoln;* Poore's *Federal and State Constitutions;* McPherson's *Political History of the Rebellion;* later authorities under REBELLION and SLAVERY; and authorities under EMANCIPATION PROCLAMATION. For acts of Aug. 6, 1861; July 17, 1862, and April 16, 1862, see 12 *Stat. at Large,* 319 (§ 4); 589 (§§ 9–11); 376. For acts of Feb. 24, 1864, and March 3, 1865, see 13 *Stat. at Large* (38th Cong.), 6 (§ 24), 571. For final abolition of slavery in territories, see WILMOT PROVISO; in the Union, see CONSTITUTION, IV. (Amendment XIII).

ALEX. JOHNSTON.

ABSENTEEISM, an expression which has arisen out of the discussions on the miserable condition of the Irish people, and which, as its derivation shows, denotes the habitual absence of the landed proprietors of a country from their estates. From such absenteeism has naturally sprung a system of farming out these estates to intermediaries, which has proved in its consequences of ever increasing injury to the tenant. These absentee Irish proprietors grant long leases of their estates to rich English capitalists, who sublet at a profit to other speculators, commonly known as middlemen, and these latter, dealing directly with the tenants, sublet for short terms, and contrive, by the minutest possible subdivisions, so to increase the number of bidders as to obtain for each holding the highest rental possible. Besides the effect of this feudal system of rack-rents in impoverishing the tenant to the last degree, the bulk of the rentals so accruing is annually exported without any return in exchange. No portion of such rentals is ever applied to the introduction of improved methods of agriculture, nor even to the development of either the manufacturing industries or the commercial enterprises of Ireland, as would naturally be the case were these proprietors themselves residenters. It is unquestionable, then, that absenteeism is one of the causes of the wretched condition of Ireland.—The politico-economical effects of absenteeism are everywhere the same, and are more marked in Ireland only because more general there than elsewhere. All export of capital or of income, without any counter-balancing return, is hurtful to the country from which such capital is withdrawn, and beneficial to that to which it is exported; it takes from the one for the use of the other, the means for the maintenance of labor, for the improvement of the natural capacities of the soil, and for the accumulation of wealth; and these results are in exact proportion to the magnitude of the sums exported. Among the causes provocative of absenteeism may be cited a corrupt administration of public affairs, or too burdensome taxation. These and like causes have determined many English families to seek homes in other countries. They thus escape a taxation which in England is very great upon all articles of consumption, and hence the government, to obtain the same amount of revenue, has no alternative but to impose upon the resident classes those taxes which the non-residenters escape. Of all the factors which determine this emigration of capital, the most powerful is the feeling of insecurity. The political turmoils which at times so greatly unsettled the state of continental Europe, drove many families of wealth to seek a refuge in England, although the cost of living is greater there than anywhere else.

AMBROISE CLÉMENT.

ABSOLUTE POWER. The opinion that absolute power is essential to the state, is very prevalent among statesmen and publicists. They disagree, however, as to who should be invested with this absolute power, the executive or the people; but they agree in the opinion that it should be lodged somewhere. Without absolute power, they say, there is no peace, no unity in the state, no authority which is either final or supreme. Absolute power and sovereignty are sometimes

called synonymous. There are whole families of nations, with which a high respect for absolute power seems to be a natural tendency, which submit to it willingly and without reserve. It is not simply the lower races of negroes which have submitted to an absolute ruler. The Mongolian race and the superior Semitic peoples even, favored an absolute form of government. And though the noblest nations, the Aryan, did not willingly submit to this form of government, and were jealous of it, they still have shown similar tendencies, both in theory and practice. The democratic Greeks sought the most perfect political freedom in an absolute government of the people. The aristocratic Romans, the first in the science of law, adhered, in the principles underlying their private and public laws, and by way of national preference, to the idea of absolute power. Individuals of great energy and superior intellect, when at the head of the government, are most apt to be provoked to resistance by any limit imposed to their universal authority, and seek to justify their action whenever they overstep the limit imposed, by an appeal to the necessity of absolute power. Instances of a leaning toward absolute power are, therefore, frequently met with in the history of modern European states, and were the causes provocative of a great many political events. And it is not always bad men who incline toward absolutism.—What is the meaning of absolute power? Absolute, in the full sense of the word, means freedom from all limitation. Really, there is nothing absolute but what is without beginning and end; a beginning and an end are limitations. The truly absolute, therefore, can be predicated only of a being unlimited and infinite, that is, only of God. Hence, absolute power, in the real sense of the word, can be conceived only as divine omnipotence. Absolute law is the law of God.—All human law, on the other hand, is necessarily limited, because its condition precedent, what it supposes, man, is a limited being. Absolute power can not be attributed to man, because the limits of human nature render it impossible to attribute such power to him.—In this extreme sense men have but seldom understood absolute power, and hardly ever claimed it. They understood and claimed this power in that extreme sense only when they regarded their ruler in the light of a divine being. A great many rulers of antiquity were worshiped as gods, and many of them may have felt themselves gods. Wherever polytheism prevailed, the people took little umbrage at this deification of man. And even where polytheism did not prevail, a people inclined to pantheism might worship certain heroes and princes as a temporary incarnation of the Deity. Even in our day such ideas have not totally disappeared. But as far as the more civilized nations and European nations are concerned, we need not fear that they will thus mistake the eternal God for man. The fiction of human omnipotence is, in our opinion, too ludicrous to serve as the basis of any political right. We know, indeed, that possessors of power, be they king or people, have a broader vision and exercise greater power than private persons, since they can command the services of many. But we know too well that the perception of those in power is subject to the limits of human vision; that there are some things it can not reach, and that they are subject in all their action to the same limitations as other men, and can neither change God's creation in any essential particular, nor even create the smallest organic being.—All human law or rights, and consequently the absolute power which man can claim, is necessarily limited: (*a*) *By the divine law.* Since man, as a creature, supposes the Creator, and always depends on God, he must recognize the divine law as superior to him, and as conditioning human law. The divine law is really absolute, because it proceeds from the absolute Spirit and is infinite. Man can not even think of the divine law as non-existing; still less can he break its power. Whether he will or not, he remains subject to the great law of nature, and to the law of the divine guidance of the world. He can not do away with the order of the world any more than with the elements, nor withdraw himself from the irresistible power of time. (*b*) *By the limited physical nature of man*, from which human law, because it pertains to the visible, earthly order of things, can not be separated. These limits may be disregarded in individual cases, but they can not be removed nor argued away. When, therefore, as in recent times, it is claimed that absolute power is necessary, those who approve it seek to introduce it into the state in a covert manner, and to moderate it by the recognition of the above limits. They admit that absolute law or right is not of human origin, and they give it a divine source. God, according to this view, has invested man with the right of absolute rule for the purpose of securing and maintaining social order, and has raised human rulers to the dignity of his representatives and plenipotentiaries. To this extent, therefore, they claim that man may properly exercise absolute power. This view is a dangerous one in this age, because it mixes the true and the false so adroitly that it may easily mislead the unthinking. While maintaining an appearance of reverence for God, who alone possesses absolute power, it seeks to secure to the sovereign the most unlimited power possible. It protests against human assumption, and still would reap the fruits of that assumption. It will not allow a ruler to make himself a god, but puts him in the place of God, and encourages him to entertain the strange delusion that his thoughts and actions are under divine control, in a manner different from the thoughts and actions of other men. It derives the absolute power of man from God, and, with due humility, recognizes the dependence of man on his Maker, while it encourages, in the mind of the ruler, the insolent idea that he only exercises the power possessed by God before He delegated it to him. In the actual exercise of his powers the sovereign is thus raised

to a level with the Deity, infinitely above the rest of mankind who are certainly his equals and not his creatures. The errors of this view are therefore essentially the same as if divine power were ascribed to man. Man can have rights and exercise power only within the limits of his nature.—To the extent that God confides the exercise of divine right to man, He, by confiding it to him, confides it to a being with all the limitations of human nature, and hence the right so confided is changed from one absolute and divine into one human and limited. If this be not admitted, the human ruler arrogates to himself a power which can be but a source of evil to him, for the reason that it is not in human nature to exercise such power. By giving his limited freedom the dimensions of divine power, he becomes the plaything of his own caprices; and the person who knows how to influence these, has the ruler under his control.—Absolute power, as thus defined, is most frequently advocated in Europe by absolutist parties, and there is a close relationship between such absolutism and these parties. Yet this idea of absolutism is not peculiar to absolutists, nor is it held by all absolutists. Neither is the political character of absolutism fully described by this definition.—But the term *absolute power* is frequently used to express limited power wielded by man. We call those forms of government absolute in which the sovereign is the sole source, representative and dispenser of power—though that power may be limited in its nature—and not obliged to secure, by virtue of a constitutional provision, the co-operation and consent of others to his measures (especially of legislative bodies, ministers and counselors), nor limited in the exercise of his power by the rights—those of a political nature at least—of others. It is evident that of such absolute power there are different grades. In proportion as the recognized limitations of absolute power are increased, the absolutism of that power itself diminishes. It is admitted that this power is political in its nature, and hence is subject to the same limitations as the state itself. And just here we notice, with increasing civilization and the growing maturity of the human race, a deeper insight into the natural limitations of the state, its functions and its laws, an insight which has in no way weakened the power of the state. To the limitations already noticed we may add the following: (1) The limitation, unknown to the Romans, which is represented by the Church, whose religious authority is independent of the state, and which is freely recognized as an independent institution by all civilized governments. (2) The limitation of international law, which sees to it that the different states may co-exist side by side—a limitation the extent of which increases in proportion to the increasing solidarity of mankind. (3) Private law, which defines the rights of individuals, of the family, and of corporations, and which, though it is the duty of the government to regulate and protect it, is not in its nature the product of the will of the state, and whose changes are determined by the freedom of private individuals. (4) By the special nature and history of the people living in a state, and of the country they control. There have been, and still are, states in which, though all these limitations were recognized, absolute power was claimed for the central organ of government. And such was the case, not in absolute monarchies only, but also in absolute aristocracies and in absolute democracies It can not be said that this idea of absolute power is so monstrous as the idea of absolute power spoken of in the first place above. A peaceful observance and a just administration of the law are reconcilable with the present idea of absolute power. The sovereign is not imagined to be a god or a fetich; he may be conscious of his own human nature and its limitations, and have an honest intention of faithfully discharging his duties to God and his fellow-men.—We are obliged to admit, indeed, that in certain cases such a close concentration of all the powers of government in the hands of one man may be needful, and hence justifiable. Nations of inferior races need the absolute rule of a superior prince, or of nobler races, in order to enjoy life in peace, or to attain a higher grade of civilization. Such inferior races frequently have neither the desire nor the means of limiting the power of their rulers. Most of the Asiatic and African nations, and those in the northeast of Europe, are subject to this sort of absolute governmental power, and the doctrinarian introduction of constitutional limitations would render their condition worse rather than improve it.—But to the more masculine and energetic people of a higher type, among whom there is also an aristocratic element, and among whom even the lower classes have a sense of justice and honor, the absolute form of government is, as a rule, unsuitable and intolerable. They can not bear the thought that all political rights accorded them are simply the gifts of royal grace. Having a knowledge of their own moral worth, and of the fact that they contribute to the welfare and share the fortunes of the state to which they belong, they can not understand why they should have political duties without also having political rights. And although they admit that the sovereign is entitled to share the highest prerogatives, and such a degree of political power as the unity of the state requires, they do not admit that the sovereign should enjoy all rights, and that the rest of the body politic should have none. They know that in an organism every one of its members, be it ever so inferior, has a significance of its own, and hence certain rights; and that, though the head may control the hands and feet, its control is limited by the power inherent in the latter, and that its rule over them can not, therefore, be absolute.—The humane state, in harmony with what is noblest in human nature—the civilized state—though it requires an efficient central power, has no tendency toward absolute, that is, unlimited, political power, as against which the political

rights of others count for nothing, and which is not controlled by some sort of limitation. It is only in exceptional cases, in times of great public danger, that the government seeks its own protection in the temporary exercise of absolute power. Threatened by the military force of a foreign enemy, or greatly agitated by party struggles,—exhausted and alarmed by outbursts of revolutionary passion,—nations even by whom freedom is highly prized may demand that protection which none but a dictator can give. When, in times of great need, the concentration of all public power in the hands of one man to save the nation becomes necessary, and when the confidence of the people in some great prince or soldier from whom help is expected is such as to remove all objections which can rightly be raised against a dictatorship, masculine nations grant absolute power to one man or else approve it, even when that one man assumes that power of his own motion. But the danger over, public order and peace re-established, the people again claim the free exercise of their political rights and privileges. The rule, therefore, in relation to civilized states is: Nowhere in the state should there be absolute power, while all power exercised should be regulated by law and defined by constitutional limitations. The exception to this rule is: In cases of actual necessity and great public danger, the sovereign power of the government, in answer to that necessity, may become absolute.—Whenever, in modern times, nations have shown a tendency toward absolute power, it was either because they believed it to be necessary for the removal of obsolete institutions, or for the promotion of freedom and reform; or because the people, in their struggle for a liberal system of government, yielded to the despotism of their terrorizing leaders, or because they were compelled to seek, for the time being, the protection of a dictator, to re-establish public order, or to defend the government against domestic or foreign enemies. In such cases the principle of constitutional freedom and the public order were the object of the struggle. Absolute power was used as a means to these ends, or suffered by the people to gain new strength for the work of progress and reform. Absolute power was nowhere the ideal people desired to see realized. Wherever it has been sought to be permanently established, the attempt has been, among the civilized nations of our age, unsuccessful. The character of our age demands an efficient and energetic government, but at the same time insists that its powers shall be limited, and exercised with moderation. The people of our age are not willing to submit to absolute power beyond the actual necessities of the case. A government which tries to secure absolute power for any purpose other than the maintenance of public order and a free exercise of its organic functions, is at war with the spirit of the age, and thereby endangers its own existence.

MAX. EBERHART, *Tr.* J. C. BLUNTSCHLI.

ABSOLUTISM.[1] This word is generally used to describe a form of government in which the head of the state wields power without any regular control, and without any limits imposed to his power by political institutions. Absolutism is found outside of monarchies, as in an aristocracy, a democratic legislature with a single house, or an assembly of the people in a very small state, where the majority unite in themselves all power. These are all examples of absolutism. As a rule, however, when absolutism is mentioned we have almost always a monarchy in view. A distinction is made between absolutism and despotism in this, that an absolute monarch may be naturally well disposed and inclined to remain within the bounds of law, or what is relatively legal, while the despot respects no law, and acts according to his caprice without regard to the interests of the people. There may be partisans of absolutism, but who would confess to any indulgence for despotism?—If we seek for arguments in favor of absolute monarchy, we can find scarcely anything more solid than sentiment, and a certain distortion of sentiment called mysticism. To speak of a divine gift of paternal authority is mysticism. Who in our day is not convinced that government exists for the good of the nation, and that men were not created that a king may have numerous servants and dependents? If, however, mysticism sometimes favors absolutism, there are other feelings which are shocked at the thought of having a master, and it is these feelings that constitute the dignity of human nature.—The only rational argument in favor of this form of government is found in the political immaturity or backwardness of certain nations. It is said that barbarous people need a strong hand to restrain them; but why should a barbarous or semi-civilized nation need a stronger government than a people altogether savage, who frequently recognize no authority at all? There is no logical necessity here. Should it happen to a barbarous people to fall into the hands of a man of genius, a monarch in advance of his subjects, of course a great advantage would result; they would be urged forward with vigor and intelligence in the path of progress. This, however, would be but chance, a happy accident, and would furnish no argument in favor of the system. What nation with even a pretense to civilization cares to be called barbarian?—Let us now see if absolute power is really exercised anywhere in political life. It seems to us that it is not. We find checks and limits to the human will on every side, and the most powerful of these checks comes from the will of others. Sometimes these restraints are evident; again they are occult, and are felt only instinctively; but they always exist.—According to the degree of civiliz-

[1] The articles ABSOLUTE POWER, by Bluntschli, and ABSOLUTISM, by Block, cover the same ground, to a great extent; but there are valuable ideas in each not to be found in the other. Therefore, it has been thought best to use both, with the names given them by their authors respectively.—ED.

ation of a state, power, unrestricted by law, is limited in various ways. On the one hand, by manners, customs and traditions; on the other, by religion; still again, by the fear of revolt or the vengeance of the injured. In the most enlightened countries, public opinion exercises, at times, an influence which can not be gainsaid. It is so difficult to rise above: "What will they say?"—Thus far we have discussed absolute power in the hands of a monarch, but it may also be exercised by collective governing bodies, either aristocratic or democratic.—When absolute power is the attribute of an aristocracy, it becomes odious sooner than in any other form of government. First of all, because it enters more quickly into the period of abuse, and because, if in an absolute monarchy the sovereign with his favorites and devoted servants may commit much wrong, they can not do so much in this direction as aristocratic families with their hangers-on and partisans. It is often the case that these dominant families are descended from conquerors belonging to another nationality and a different religion, that they are distinguished by the color of their skin or other external marks. In this case, these families have, on the one hand, a greater tendency to abuse their power and become tyrants, and on the other, the subject populations are less inclined to give them credit even for the good they receive from their government. An aristocracy as a collective body is less influenced by the restraints which limit the excesses of absolute monarchs; they fear the loss of power less.—In a democracy, absolute power seems to be the just and natural attribute of government. Is not this government the result of election? Does it not perfectly represent the will of the nation? Is it not theoretically, at least, responsible to the nation?—Still, absolute power is, in every case, too weighty a burden to be easily borne by men. While a despot may allow the reins of power to drop from his feeble hands to see them picked up by some favorite, a representative assembly may often be led into excess by even a generous sentiment, and thereby still further increase the burden on its shoulders. Absolute power in democratic governments is not altogether rational except when the government is elected unanimously. In that case each man would be the subject of his own will or of the power which he himself created. In practice, this never takes place, for majorities govern and often oppress minorities. They oppress them with the less scruple since they are the majority and have the letter of the law on their side.—The question may be put whether the nation itself has absolute power over one of its own members. The assertion, pure and simple, of such a principle would seem revolting in our day, although eminent men have upheld a doctrine which favors this view. To admit the absolute power of a nation is to justify religious persecution, slavery, and many other horrors with which humanity has stained its annals.—From deduction to deduction we have come implicitly to the question whether laws can command absolute obedience. We shall not give a definite answer to this question here, for we are not writing a treatise on casuistry. We have not to seek for the special cases in which a nation uses or abuses its power, nor in what cases the abuse should be submitted to and suffered. We shall say, simply, that we owe some sacrifice to society in exchange for the benefits which we receive from it. But the measure of the sacrifice must be found by each man in his own conscience. (See DESPOTISM, TYRANNY.)

MAURICE BLOCK.

ABSTENTION. This word was formerly employed in the civil law, and was synonymous with renunciation of the right of inheritance. It is now used only in a political sense, and means the renunciation of the exercise of one's rights.—Abstention is resorted to by political parties in a minority. These parties, sometimes, seeing that their efforts to bring about the triumph of their views are fruitless, feel loath to allow their adversaries to witness their defeat. Sometimes they propose to protest against oppression, real or imaginary. At such times they think that by voting they recognize the rightfulness of the act or of the government which they oppose.—Abstention is likewise resorted to in cases arising from a conflict of duties, feelings or interests.—We would call attention only to the case in which persons abstain from voting through neglect. An abstention so causeless and even so culpable can not be justified.—Can abstention by a political party be justified? We think not. In the first place, it is a species of self-annulment, a kind of political suicide, which can no more be excused than the act of taking one's own life. Besides, by retiring from the field, a party loses the chance of gaining an advantage by a sudden change in public opinion. By taking a part in political movements, by mingling with his fellow-citizens at election times, and by presenting himself as a candidate for their votes, a man may expect to propagate his political views with more or less success, and to exercise some influence on the destiny of his country. One owes his country not only his blood, but his self-devotion and his talent.—To the orator who remains silent, we might say: If you had spoken, we should perhaps have yielded to your arguments. You have no right to question the intelligence, the loyalty and the patriotism of your fellow-citizens, even when they profess opinions opposed to your own. What right have you to consider yourself infallible? Are you very sure that our reply would not have convinced you of your error, and converted you to our way of thinking?—We might remind those who practice abstention—which generally happens in special cases—on account of a conflict of duties or interests, of the law of Solon, which provided that every citizen should decide in favor of one or other of the parties of the country, because abstention often prolongs in-

testine struggles. Besides, it is seldom that after sifting things to the bottom, we do not find that one or other of these duties or interests should prevail. Under these circumstances, the failure to come to a decision is an evidence of intellectual indolence.—In conflicts of feeling or sentiment, if patriotism is at stake, there can be no doubt as to which side one should take. Did Brutus hesitate between patriotism and paternal love? A private citizen may hesitate; a public man, never: *noblesse oblige.*—It is apparent that we do not approve abstention in any case, and we seldom see cases in which it can be excused. Sometimes we are forced to look upon it as a weakness, and for weakness there can be only pity. MAURICE BLOCK.

ABUSES IN POLITICS. Abuses are a consequence of human weakness. No form of government, no organization can prevent them altogether. The more ignorant a people, the more frequent abuses are. If, instead of being supposed to know the law, every man really knew it, he would vindicate his rights and obtain justice, in the majority of cases. The fear of having a complaint entered by the injured party would of itself prevent many abuses. Unfortunately there is a certain amount of inertia in us all, which prevents the seeking of reparation, whenever the damage done us is not very great. Sometimes, it is true, we are inspired by a laudable feeling of forbearance when the question is one of fact, and that an isolated one; but when it is a question of principle or of precedent, it is the duty of every man to defend his own rights as well as the rights of those who are injured in his person. BLOCK.

ABYSSINIA, an extensive country of eastern Africa, in the upper valley of the Nile. It is bounded on the north by Nubia; on the east by Adel, and by a narrow belt of Arab coast land washed by the Red sea; on the south and southwest by almost unexplored regions; and on the west by lands which are little known to us, and inhabited by negro tribes. Its length from north to south may be 540 geographical miles; its breadth from east to west is about the same as its length. Approximately its area is equal to, if not larger than, that of France. The population is supposed to be nearly 4,500,000.—Taken as a whole, Abyssinia is a great mountainous plateau which rises to a height of 8,000 feet or more above the level of the Red sea and the extensive plains of Adel. On the north and west, the plateau slopes toward the plains of Atbara; on the southwest it inclines toward the valley of the Bahr-el-Azrek or Blue river; on the south it extends in the direction of Kafa and Enarea, countries as yet but little known. Its surface, which is very uneven, presents a succession of plains of different elevations, of abrupt mountains and deep valleys. In the south there is a great depression containing a large lake known by the two names of Tzana and Dembéa. About its middle the plateau is cut in two, from west to east, by a broad fissure or furrow more than 2,000 feet deep, through which flow the tumultuous waters of the river Takkazze, one of the two great rivers of the Abyssinian plateau. The other river is the Abai, which in Nubia is called the Bahr-el-Azrek or Blue river. This cut between the north and the south of Abyssinia, establishes a natural division which, at different periods, was considered as a political line of demarkation, and which to a certain extent may also be called an ethnographical boundary. North of the Takkazze and as far as the sea-board the country is called Tigré. On the south it is called Amhara, of which Shoa, which was formerly an independent kingdom, is now a subdivision. The capital of Tigré was formerly Axoum. It is now Adowa. The capital of Amhara is Gondar; it is the residence of the emperors of Abyssinia. Ankobèr is the capital of Shoa. There are about 7,000 or 8,000 inhabitants in Ankobèr, and the same number in Adowa. Gondar may have twice that number.—The Abyssinians divide their country into three natural parts: first the *kolla* or lower plains, then the *déza* or uplands, and the *ouïnadéga* or intermediary provinces. The lowlands, which are naturally the warmer, produce nearly all the vegetables and fruit trees grown in tropical countries, such as cotton, indigo, the gum tree, the ebony tree, the sugar-cane, the date tree, bananas, the coffee tree, etc. The lands in the middle part of the country have a temperature which may be likened to that of lower Italy and of the south of Spain. They readily produce most of the cereals, fruits and vegetables found in the temperate and the southern parts of Europe.—With the exception of the gold washings in the extreme western and southwestern sections, the mineral wealth of Abyssinia, or the greater part of it, is still locked up in the recesses of the earth. Small squares of salt constitute the currency of the country. This salt comes mostly from the lagoons lying between the northeast top of the plateau and the beach of the Red sea.—The inhabitants belong to several distinct races. The Semitic element, the immigration of which dates back to an unknown period, spread particularly over the Tigré country. Its language is called the *Géz.* This region was colonized by the Greeks who came to Egypt during the reign of Ptolemy Euergetes. The so-called Ethiopian race is also spread over the Tigré; but it predominates almost exclusively in Amhara and the rest of the country. It presents striking points of resemblance to the Galla tribes in the southwest of Abyssinia, a remnant of the Berber nation which possessed northern Africa in ancient times, and whose origin has been so much mooted. Abyssinian society has adopted some of the manners and customs of civilized nations, while in other respects it still retains the barbaric usages of African tribes. The Abyssinians are Christians of the Greek rite. The Gallas are Mussulmans.—In Abyssinia there are three remnants of civilization. The first was contemporaneous with ancient

Egypt, and was attributed by Herodotus to the Ethiopians. The Jews revived it. The Abyssinian dynasty is said to date back to Menilek, the son of Solomon and the legendary queen of Sheba. His descendants, it is related, reigned without interruption down to the eleventh century after Christ, when they were expelled by other Jewish kings who had not, like the descendants of Menilek, embraced Christianity. They were reinstated three centuries later. Their last descendant was living in 1840. The second civilization, introduced by the Greek kings of Axoum and by Christian missionaries of the fourth century, partook of the Greek and Egyptian character. The use of the Greek language became pretty general, at least among the higher classes. It was used in public inscriptions either alone or together with the Giz.— In Abyssinia Christianity has neither hastened nor followed the progress of civilization. Like other countries subject to Greek empire, and still more on account of its remoteness, Abyssinia was left isolated, by the Mussulmans, from European civilization. Of the laws of Europe it has preserved only a few fragments of the Theodosian code.— Abyssinian Christians are monophysites; in other words, they believe that there is only one nature in Jesus Christ. One of their confessions of faith is peculiarly Nestorian, like the confessions of nearly all the Christian churches in Asia. A Portuguese expedition overran Abyssinia in the sixteenth century, after which the Jesuits came and made three hundred thousand proselytes; but persecution soon blotted out every vestige of Catholicism in Abyssinia.—The Abyssinian, like every other monarchy, has had its changes and its revolutions. Sometimes it extended its authority over the entire territory, and often it had to contend against independent chiefs. Subdivision of the country and a state of anarchy, favored by local circumstances and the difference of origin of the population, have been frequent during the last century and a half. Tigré and Shoa recognized, it is true, the nominal supremacy of the king or emperor, who resided at Gondar, in Amhara, but in reality they were independent of him. The emperor, or the *Atié*, had been gradually stripped of his authority by the *Ras*, a sort of mayor of the palace. But the *Ras* had to contend for the mastery over each province, with feudal chiefs, the most powerful among whom assumed the title of king (*négous*). Oubié rose to power in 1840. He had conquered nearly all Abyssinia, when he was defeated and killed by Kassa. The latter took the name of Theodore, and proclaimed himself the restorer of the ancient Abyssinian power. His intelligence seemed to be equal to his pretensions; but subsequently he lost much of his force of character in the exercise of his authority which was menaced, and in the struggle in which he imprudently engaged with England. — In 1861, Négousieh, a relative of Oubié, proclaimed himself *négous* of Tigré. In Europe, Négousieh was thought to favor French influence in Abyssinia; while Theodore was looked upon as a friend of the English. Négousieh was vanquished and cruelly put to death by his rival. The triumph of the latter was considered, in Europe, the success of English policy, and England was supposed to entertain plans of colonization in Abyssinia.—Suddenly the news was brought to England that king Theodore had imprisoned Mr. Cameron, the British consul, at Massowah, a small Arab town situated on the coast beyond the limits of Abyssinia. The consul had wished to negotiate a commercial treaty between Theodore and the English government, as Lefèvre had endeavored to do between Oubié and France, in 1840. Theodore had consented to the treaty, and had even sent a communication to the queen of England, not, as some have said, to offer her his hand in marriage, but to propose an alliance between England and Abyssinia (1863). Mr. Cameron was intrusted to carry the dispatch to England, but he brought back no answer. Besides, on his way, he had tarried among the Turks of Nubia, the hereditary enemies of the Abyssinians. Theodore caused him to be imprisoned, as also several English and German missionaries and their families. The British government, which up to that time had rather discouraged than encouraged intermeddling with Abyssinian affairs by Mr. Cameron, sent Mr. Rassam, bearer of a dispatch from the queen, to demand the liberation of the prisoners. At first Mr. Rassam was kindly received, and all the captives were set free in his presence. Afterward, suddenly, on account of some unexplained suspicion, Theodore caused to be put in irons all the Europeans in Abyssinia, together with the envoy himself (1866).—It was then resolved to send an expedition to Abyssinia, for the sole purpose of obtaining reparation for this outrage against the law of nations. The expedition was prepared in India, which offered better resources than Europe to carry on a war in Africa. Between September and December, 1867, about 15,000 men were forwarded to Abyssinia. Sir Robert Napier, the commander of the expedition, demanded of Theodore the setting at liberty of the prisoners as the only condition of peace. Among the prisoners were 61 Europeans and 150 Abyssinians. Upon his refusal, one-third of the army of invasion was ordered to advance, across the table-lands and the precipices, to compel him into acquiesence, in the fortress of Magdala, where he had retired with the captives. On the 15th of March, 1868, 5,000 men appeared on the plateau of Dalanta, in front of the fortress. The army of Theodore which at first was 150,000 strong, had been reduced by desertion to 6,000 men. These 6,000 men attacked the English and were repulsed, leaving on the field of battle 2,000 of their number. The English had only 20 wounded, and not one killed. On the following day Theodore sued for peace on the terms proposed to him before the expedition, and which were refused. Then the king set free the Euro-

pean and put to death the Abyssinian captives, and when an assault was made on the fortress he took his own life. The English army retired from Abyssinia without broaching the subject of establishing themselves there. It was sufficient for them to renew the prestige of their arms, which enables them to rule in the East by the maintenance of only small armies.—Neither nature nor man has adapted Abyssinia to commerce on a large scale. The surface of the country and the absence of navigable streams render communication with the interior very difficult. In the whole country there is not a single road which deserves the name of a highway. Each canton has its own market for daily needs. Foreign commodities are carried to Abyssinia every year by caravans between the coast and Amhara. There is a special demand for coarse but showy cloths, silk and cotton fabrics, velvets, printed handkerchiefs and calicoes, all of an inferior or middling quality; also for toys, looking-glasses, needles, articles of glass-ware, weapons and fire-arms, black pepper, and various trinkets. In exchange, the caravans bring back principally gums, coffee, ivory, myrrh, wax, honey, ostrich feathers, peltries, horns, gold, musk, mules, wheat, and slaves.—The manufacture of cottonades is the chief industry of the country. The principal trades are those of weavers, metal-workers, blacksmiths, metal-founders, gunsmiths, goldsmiths. The various industries are centered mainly at Gondar. As a rule, and for ordinary purposes, every man in Abyssinia is his own artisan.—All traffic between Abyssinia and foreign lands converges at Massowah, one of the best harbors on the Red sea. The city and the fort are now governed by a Turkish officer appointed by the Ottoman government at Djedda. France, England and Austria have each a consul at Massowah. In 1859 France acquired Adulis, and in 1860, Obhok.—In ordinary times two principal caravans, the larger in the month of July or June, arrive at Massowah from Gondar every year. Smaller caravans come in every month. Caravans also come from Taka and Khartoum. A document published by the minister of agriculture and commerce estimates at 14,000,000 francs the general business transacted at the port of Massowah in 1859. Of this sum the imports amounted to 12,000,000 francs in round numbers, and the exports, 2,000,000. If these figures are correct, they show a great increase, as compared with the estimates for the preceding years.

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MAURICE BLOCK.

ACADEMIES. "To give unity to truths scattered over the earth:" nothing proves more clearly the need of academic bodies than these simple words dropped, as if by chance, from the pen of a celebrated French writer, Bernardin de Saint-Pierre, at the beginning of his *Chaumière Indienne*. Unity and multiplicity: such is the law of nature, as well in the intellectual and moral as in the material order. Hence the need of bringing thinking men together, so as to unite at a common focus their scattered and unconnected ideas. —Academic bodies continue the work of the great teaching bodies: in the latter, masters and scholars come together; in the former, masters only. The word *academy* often means a school, as for instance, the philosophical school of Plato, in the garden of Academus at Athens. This meaning of the word was preserved through the middle ages, as it has been down to our own time, in the universities of Germany, whose graduates continue to bear the title of *civis academicus*, although academies are devoted to the advancement of science, while universities, taking the branches of knowledge at their present state of advancement, confine themselves to giving an exposition of such branches of knowledge to those who attend them. This distinction made, we shall consider academies in the generally accepted sense of the term, as societies of men distinguished for their knowledge and their talents, who confer together on certain questions of literature, science and art.—It is the duty of every government to know and to follow the intellectual movement of the nation. Learned societies afford it the means of doing this. Their origin is frequently a modest one. Sometimes patrons of literature lay their foundation. Liberty and independence are of their essence. An academy which would consent to endure any pressure, especially that of authority, would soon be stricken with impotence. Thought, in order to labor fruitfully in the search after truth, should be free from all embarrassing prepossession and preoccupation. The interference of power, when limited to moral protection and material assistance, in no way affects the liberty of academic action. Learned societies when deprived of governmental aid are able, only in exceptional cases, to rise to the height of really national institutions and exercise on men's minds all the influence of which they are capable. It follows that there are two kinds of academies: state academies and *free* academies, just as there are in high education, free universities (few in number, it is true) and state universities. What the state can and should do, if only in its own interest, is to surround its academies and learned men with the consideration due them. Great monarchs, powerful ministers, such as Peter the Great in Russia and Richelieu in France, understood perfectly well the power which the cultivation of letters, science and art gives the state. The efforts of vulgar levelers will always fail when opposed by classes of men distinguished for their intelligence. Intelligence is a privilege which

can not be abolished since it is not conventional, but inherent in the very nature of man.—Independent of the functions peculiar to an academy and dependent on its internal organization, there are functions common to all academies because they belong to them from the very principle of their existence. Academies, therefore, as central organs of the intellectual life of the nation, acquainted with the progress of the human mind at home and abroad, cause the public to share that progress by means of oral discussion, by their periodical transactions, and by all the means which the greatest publicity can suggest. In this regard, academies partake of the nature of legislative bodies in democratic states, with this difference, however, that scientific questions can not be decided by majorities. As a scientific jury, however, an academy decides by a plurality of votes for or against the merits of papers written in answer to questions which it has proposed for discussion.—It would be difficult to give an idea of the number of academies and learned societies in the civilized world. A learned German, Dr. Ami Boué, member of the imperial academy of sciences of Vienna, in a work which forms a part of *The Report of the Third Session of the International Statistical Congress*, gives the number at 19,000, of which 18,436 are still in existence. Chronologically, the 19,000 associations (or, more correctly, 18,955) are divided into 2 classes, the first containing 1,021, founded during the 589 years which elapsed between the thirteenth century and 1790, and the second, 17,934, in the short subsequent period. After having thus shown the progress made by learned societies, "it is not possible to go backwards," says the author; "it is a mathematical, material and political impossibility." — Ethnographically considered, the Anglo-Saxon races have twice as many learned societies as the Latin races, to which the Germanic races are a little inferior in this respect. From the point of view of religion, the Protestants have, in proportion to their population, four times as many learned societies as the Catholics, and a hundred and forty times as many as the Greeks.—These statistics, as we have just seen, carry us back to the thirteenth century—the epoch from which the revival of letters dates. It was the age of Brunetto Latini, Dante's teacher. The first quarter of the succeeding century in France witnessed the establishment of the *academy of floral games*, at Toulouse, the work of the troubadours of Languedoc and Provence. From Italy came the literary impetus, afterwards felt by all Christian nations; during the fifteenth century by the Platonic academy established under Lorenzo di Medici, which professed Neoplatonism (Pico dela Mirandola was a member of it); in the sixteenth century by the academy *della Crusca;* in the seventeenth century by the *del Cimento*, all in Florence, which is justly considered the cradle of existing learned bodies. We shall now consider the most celebrated societies, classifying them by countries. — FRANCE. The *Institut National*, established at Paris, is the realization of a thought expressed in the following terms in the constitution of the 5th Fructidor, year III.: "There shall be for the entire republic a national institute, charged with collecting and preserving the results of scientific and other discoveries and perfecting the arts and sciences." Consisting at first of 3 classes: physical and mathematical sciences, moral and political sciences, literature and the fine arts, the institute was reorganized in 1803 into 4 classes: physical and mathematical sciences, the French language and literature, history and ancient literature, and the fine arts. The salary of members was 1,500 francs. In 1816 the institute was reorganized as the French academy, the academy of inscriptions and belles-lettres, the academy of sciences, and the academy of fine arts. In 1832, on the motion of M. Guizot, the academy of moral and political sciences was re-established. The institute held its first session at the Louvre in the *Salle des Antiques*. In 1806 it was located opposite the Louvre, at the hotel Mazarin, which was afterwards called the *Palais de l' Institut*. The academy holds sessions every Monday; the French academy, on Thursdays; the academy of inscriptions, on Fridays; the academy of moral and political sciences and fine arts, on Saturdays. By a decree of April 14, 1855, it was provided that the public sessions of the five academies should take place on the 15th of August of each year. At these sessions lectures are given, and the Volney prize for linguistics awarded; but since 1871 this session takes place on October 25th, the anniversary of the founding of the institute. The institute is under the supervision of the minister of public instruction. It appoints a central administrative commission from among its own members, to oversee the expenses of the five academies, as well as a special commission to award the prize in linguistics established by Volney.—Cardinal Richelieu gave legal authorization to a private society, founded by young men about the year 1629. This was the origin of the French academy. Its letters patent, signed by Louis XIII., date as far back as the year 1635. Established for the study and advancement of the French language, of grammar, poetry and eloquence, it was charged especially with the composition of the dictionary of the French language, *Dictionnaire de l' Académie*, the first edition of which appeared in 1694, and the sixth in 1835. The French academy, composed of 40 members, admitted neither corresponding nor associate members. It granted prizes for eloquence and poetry, prizes from the bequest of Montyon for virtuous acts and for books most useful to morals, as well as prizes from the bequests of Gobert, Bordin, Lambert, Count de Maillé Latour-Landry, Edmond Halphen, Thérouanne, and Langlois. The academy has published 6 volumes of memoirs since 1816.—The academy of inscriptions and belles-lettres, originally called the little academy, its members being recruited

from among those of the French academy, was founded in 1663 by Colbert, to examine and pass upon the embellishments of Versailles, as well as the designs for the tapestry of the king; the devices for the fêtes, tokens for the treasury, and the inscriptions on monuments and medals. In the month of February, 1712, its establishment was confirmed by letters patent of Louis XIV. It was only under the regency that it joined to its title of belles-lettres that of inscriptions. It numbers 40 members, 8 foreign associates, and 50 corresponding members. Besides prizes for the best works on the antiquities of France, and the prize of numismatics, it awards those of the Allier, Hauteroche, Gobert, Bordin, Fould, La Fons-Mélicocq and Brunet foundations. The memoirs of the members have been published since 1701. The current series commencing with 1816, comprises 24 volumes, besides 9 volumes of the memoirs of foreign scholars.—The academy of sciences is also a creation of Colbert, who established it in 1666, without any official act of royal authority. It was approved and confirmed in 1699 by letters patent of the king. Its constitution has always been considered one of the most liberal in existence. The academy is to-day divided into 11 sections; 5 for the mathematical sciences, including geometry, mechanics, astronomy, geography and navigation, and general physics; and 6 for the physical sciences, including chemistry, mineralogy, botany, agriculture, anatomy and zoölogy, medicine and surgery. It has 66 titular members, 10 free academicians, 8 foreign associates, and 100 corresponding members. It gives prizes on its own account; also prizes for medicine and surgery, experimental physiology, mechanics and statistics, all founded by Montyon; as well as the prizes founded by Lalande, Baron de Morogues, Laplace, Cuvier, Bordin, Alhumbert, Trémont, Bréant, Damoiseau, Poncelet, Jecker, Barbier, Godard, Savigny, Desmazières, Thore, Fourneyron, Dalmot, Chaussier, de la Fons-Mélicocq, Gegner, Serres, Lacaze. The collection of the memoirs of the academy of sciences since 1816, comprises 37 volumes, and 19 from foreign scholars, besides the series of reports of its sessions which numbers 70 volumes.—In France, as well as in Italy, there have been free associations of painters since the fourteenth century. In 1648 Cardinal Mazarin founded an academy of painting and sculpture, to which Colbert, in 1671, added an academy of architecture. The academy had been regularly established by letters patent of King Louis XIV. in 1655. Its province embraces the arts of design, the competitions for the great prizes for painting, sculpture, architecture, engraving and musical composition, and the presentation to the minister of candidates for professorships in the schools of the fine arts. It has 40 members, divided into 5 sections: painting, sculpture, architecture, engraving and musical composition; 10 foreign associate members, and an indefinite number of corresponding members. The prizes founded by Madame Leprince, by Deschaumes, by Count de Maillé Latour Landry, by Bordin, Lambert, Trémont, Achille Leclère, Troyon, and by Duc, are bestowed by this academy.—The academy of moral and political sciences is comparatively modern. It dates only from the organization of the institute, 3d Brumaire, year IV. But, suppressed 3rd Pluviôse, year X., it was re-established by royal ordinance Oct. 26, 1832. Its aim is the cultivation and encouragement of philosophical science, and the science of government, as is evident from the 5 sections into which it is divided: philosophy; morals; legislation, public law and jurisprudence; political economy, finance and statistics; general and philosophical history; (decrees of April 14, 1855, and May 9, 1866). It has 40 titular members, 6 free academicians, with 6 foreign associate and 45 corresponding members. In addition to the prizes which they decree, are those from the bequests of the following persons: Baron Félix de Beaujour, Baron de Morogues, Bordin, Léon Faucher, Edmond Halphen, Cousin, and Stassart. It has published 12 volumes of memoirs since 1816, and 2 volumes from foreign scholars. Besides this, since 1842, a report of the sessions is published regularly. These reports make in all 60 volumes in 4 series: the first 4 are by MM. Loiseau and Vergé, and the succeeding by the latter alone.—The Paris academy of medicine was created by Louis XVIII., Dec. 28, 1820, for the purpose of keeping the government informed of everything affecting public health, especially epidemics, epizoöties, the different kinds of medicine, new remedies and secret remedies, mineral waters, natural or artificial. It replaced the academy of surgery in Paris, founded by Louis XV. in 1731. Its sessions are on Tuesdays. The academy is composed of 97 titular members, 8 free associate members, 12 national associate members, 12 foreign associate members, 100 national and 50 corresponding members. It is divided into 11 sections: 1, anatomy and physiology; 2, medical pathology; 3, surgical pathology; 4, therapeutics, and medical natural history; 5, operative medicine; 6, pathological anatomy; 7, midwifery; 8, public hygiene, medical jurisprudence and medical police; 9, veterinary medicine; 10, medical chemistry and physics; 11, pharmacy. Its publications are its annual memoirs, commenced in 1828; a semi-monthly bulletin, from the year 1836 to the year 1847; and a weekly bulletin since the latter year. In the annual of 1848 the titles of all its memoirs published up to that time were given.—The society of surgery, at Paris, acknowledged to be an establishment of public utility by an imperial decree of Aug. 29, 1859, was founded July 1, 1843, by 17 surgeons of the hospitals of Paris. The surgical society is very well known. Besides the regular publication of its memoirs and bulletins, the *Gazette des hôpitaux*, *Moniteur des Sciences* and the *Union Medicale* have special editors charged with attending the sessions and giving an account of them every week

The sessions take place every Wednesday. The society is composed of 35 regular members, 70 national corresponding members, 70 foreign corresponding and 20 foreign associate members. On the second Wednesday of January an official session is held, at which the Duval prize of books is awarded. An annual contribution by the members, together with the profits from the sale of books and the charge for diplomas, make up the income of the society.—On May 19 of the same year (1859) the Paris society of anthropology was founded for the purpose of centralizing and directing research relating to the study of the races of mankind. Its programme does not comprise simply the description of these races; it includes also the investigation of their origin, their relations, their migrations, their civilization present and past, their languages and their monuments. The society is comprised of 115 French members, 26 foreign members, and 21 corresponding members. Its sessions are held on the first and third Thursdays of each month. Its resources are the same as those of the surgical society, and, like the latter, it publishes memoirs and bulletins. Mention should also be made of the central agricultural society of France, the society of acclimation, the central horticultural society, and the society for the encouragement of national industry, as among those which enjoy most consideration. Before leaving France we may refer to its numerous provincial societies. Each department has at least one, and the taste for historical studies predominates among their members. A special publication is devoted to them under the title: *Annuaire de l' institut des provinces, des sociétés savantes et des congrès scientifiques*, Paris, 1846, and the following years.—ENGLAND. The royal society of London was established in 1660, for the advancement of experimental science. A royal charter of July 15, 1662, and a second, more complete, of April 22 of the following year, constituted it a corporation; a charter of 1663 is still the fundamental law of the royal society, which had in 1859, 691 members. The society is divided into 8 scientific committees: on mathematics, astronomy, physics, chemistry, geology, botany, zoölogy, and animal physiology. It holds its sessions every Thursday, in the great hall of Burlington House, and has an annual session on St. Andrew's day for the award and distribution of medals. Its publications are the *Philosophical Transactions*, a yearly volume; and the *Proceedings*, a monthly bulletin. The most recent history of the royal society of London is that of Mr. Charles Weld.—The London astronomical society is composed of 431 members, and 49 associate members. The astronomical society holds its sessions on the second Friday of every month, at Somerset House on the Strand. The regular annual meeting takes place on the second Friday in February. The yearly dues from members are 2 guineas, besides an admission fee of 2 guineas. The society publishes memoirs and a monthly bulletin, which mutually supplement each other.—The geological society of London, which has its headquarters in Somerset House, had 1,245 members in 1870, of whom 39 were foreigners, 40 foreign corresponding members, and 3 honorary members. It was founded Nov. 13, 1807, and received a royal charter in 1826. The dues are 2 guineas a year or 20 guineas for life membership, and 6 guineas admission fee. The receipts of the society amounted to 2,560 pounds sterling in 1870. A quarterly review, containing many maps and pictures, has been published since 1845. The publication of the *Transactions* and the *Proceedings* has ceased, since the establishment of the *Quarterly Journal*, edited by the adjunct secretaries of the society.—The British association for the advancement of science was founded by Sir David Brewster, at York, Sept. 27, 1831. It meets annually, but not always at the same place. The first meeting, composed of 300 members, was held at York on the 27th of September, 1831; the succeeding ones in other towns. The association is divided into 7 or 8 sections: the sections of the mathematical and physical sciences; chemistry and mineralogy; geology; zoölogy; botany; animal and vegetable physiology; geography and ethnology; statistics and political economy. A central committee, with a fixed place of abode, does the society's business and publishes an annual volume of reports.—The Irish academy for the study and advancement of science, politics, literature and antiquities, at Dublin, recognized by royal patent of Jan. 28, 1786, but which existed as far back as 1782, was formed by the union of the physico-historical society of Dublin and the archæological association, societies founded respectively in 1740 and in 1772. The academy consists of 245 paying members, 62 honorary members, and 21 corresponding members. It is divided into 3 classes: sciences; history and belles-lettres; and archæology. It receives 300 pounds sterling from the government, and publishes memoirs under the usual title of *Transactions*, as well as *Proceedings*.—In 1731 a society was founded at Edinburgh, which in 1739 became the society of literature and science. After absorbing the society of medicine and surgery, it received the title of philosophical society, and published 3 volumes of essays in succession. It was recognized by the government March 29, 1783. It has 279 members, 136 paying members. The fee is 3 guineas annually, or 50 guineas for life membership, besides 5 pounds for a diploma. The *Philosophical Transactions* have been published regularly since 1788, and the *Proceedings* since 1836.—England has a number of historical societies, among which are the royal society of literature of the United Kingdom, at London, founded in 1823, which, besides books, has published a great work on hieroglyphics, with 60 plates; the historical society of London, founded in 1837 or 1838, and which has 100 members, who pay a yearly fee of

5 guineas, to which is due the publication of a history of the Anglican church; the historical society of sciences, at London, founded in 1840, for the publication of documents on the history of the sciences and their condition at different periods, the members paying an annual fee of one pound sterling. Another society founded also in London, in 1842, is devoted to the ancient history of England. — GERMANY. The academy of sciences at Berlin, founded in 1707, by Frederick I., at the suggestion of the illustrious Leibnitz, its first president, is governed by the royal statutes of March 31, 1838, which replaced those of Jan. 24, 1812. On Jan. 1, 1871, it had 46 regular members, 22 of the class of the physical and mathematical sciences, and 24 of the philosophical and historical class. It has 13 foreign members of the former, and 2 of the latter class, besides 11 honorary members, 83 corresponding members of the class of sciences, and 100 of the class of philosophy. All regular members receive an annual salary of 200 thalers. There are weekly sessions, and three solemn public sessions each year: on January 24th, the anniversary of the birth of King Frederick II.; July 3rd, in memory of Leibnitz; and on the anniversary of the birth of the reigning sovereign. The publications of this society consist in memoirs and monthly reports. — The royal society of sciences at Göttingen, the foundation of which dates from 1751, has always been among the most celebrated in Germany. At present, the number of its regular members is 8 in the class of physical sciences, 6 in the mathematical sciences, and 10 in that of history and philology; it has honorary members, foreign associate members, and corresponding members. The *maximum* number of associate members is fixed at 25, and of corresponding members at 50, for each class. Besides a weekly critical journal, which appears under its auspices, the society publishes a monthly bulletin of its sessions, and yearly memoirs, of which the last series, dating from 1811, makes 20 volumes, the first 8 volumes being in Latin. The title of the critical journal is: *Goettingische gelehrte Anzeigen;* that of the bulletin: *Nachrichten von der koeniglichen Gesellschaft der Wissenschaften und der G. A. Universität.*—The royal academy of sciences at Munich, organized according to law on the 28th of March, 1759, is divided into 3 classes: philosophy and philology; physical and mathematical sciences; and history. The first class numbers 13 ordinary members and 1 member extraordinary, 62 foreign and 8 corresponding members. There are respectively 17, 8, 85, 81 members of the second class, and 16, 6, 37, 35 for the third class above referred to, besides 15 honorary members of the 3 classes together. The class of mathematical and physical sciences is subdivided into 8 sections: natural history; astronomy; mathematics and mechanics; physics, chemistry; zoölogy, anatomy and physiology; botany; mineralogy and geognosy.—We may mention further in Germany, the Leopold academy, a society of naturalists, established at present in Jena. Its members, native and foreign, take or receive each as a surname, that of some scientific celebrity.[1] It is a great institution whose history has been published by one of its own members, Mr. Neigebaur. It takes its name from the Emperor Leopold I., who took it under his protection in 1677. — AUSTRIA. The imperial academy of sciences of Vienna was founded in 1652, and reorganized under letters patent of the Emperor Ferdinand I., dated May 14, 1847. It is divided into 2 classes, the class of mathematical and natural sciences, and the class of philosophy and history. Its personnel consists of 60 active members, 30 of each class, 120 corresponding members, 60 of each class, (30 from the empire and 30 from foreign countries), and 24 honorary members, (8 from the empire and 16 from foreign countries).—The other great academies of Austria are: the imperial and royal academy of fine arts at Vienna, founded in 1704; the imperial and royal academy of medicine and surgery, named after Joseph II., and founded at Vienna in 1786; the imperial geographical society of Vienna, a free association founded January, 1856; the royal society of sciences, at Prague, founded as a free society in 1769, and divided into 2 classes like the academy of Vienna, having 21 regular members, 46 members extraordinary, 7 honorary, 75 foreign and corresponding members; the Hungarian academy of sciences, at Pesth, founded by the Hungarian estates in the diet 1825–1827, for the cultivation and propagation mainly of science in the Hungarian language, and divided into 3 sections: languages and belles-lettres; philosophical, social and historical sciences; and the mathematical and natural sciences. — ITALY. Twelve principal academies fix the attention of the learned world in the Italian peninsula: the royal academy of Turin, divided into 2 classes, the class of physical and mathematical sciences, and that of the moral, historical and philological sciences; the academy of painting and fine arts, in the same city, founded during the last century; the royal academy *della Crusca*, at Florence, which has edited the fifth edition of its dictionary of the Italian language; the academy of science and art of the *Fisiocritici*, founded in 1691, at Sienna, where the purest Italian is spoken; the royal academy of sciences and belles-lettres of Naples, founded in 1780, and reorganized in the month of September, 1860; the academy of fine arts of the same city; the royal academy of science, letters and art, of Milan, founded in 1812 and reorganized in 1860; the academy of sciences, letters and arts, of Milan, founded in 1812 and reorganized in 1860; the academy of sciences, letters and arts, of Padua, founded by a decree of the Venetian senate, March 18, 1779; the institute of science, letters and arts, of Venice, which was established

[1] In the Palatine school founded by Charlemagne and improperly called the academy, the members were also obliged to assume a literary name for equality's sake.

in 1802 by the Cisalpine republic; the academy of sciences of the institute of Bologna, which dates back to the year 1690, and in which Pope Benedict XIV. established a class of bursers in 1745; the academy of sciences and belles-lettres of Palermo, certainly the oldest in existence, since its origin goes back to 1231; the academy of sciences of Catana, founded in 1744.—SPAIN AND PORTUGAL. Besides the literary and scientific, known as the academy of jurisprudence and legislation, the academy of medicine, the academy of archæology, the atheneum, etc., there are in Madrid 5 royal academies subsidized by the government, viz.: the Spanish academy or academy of the national language; the academy of history; the academy of higher arts, painting, sculpture and architecture, called also the academy of San Fernando, founded under Philip V., but which began its labors only in 1752, under Ferdinand VI.; the academy of exact sciences, physical and natural, which dates only from 1847; and the academy of moral and political sciences, more recent still, since it was created by article 160 of the law of Sept. 9, 1857, and by royal decree of the 30th of the same month.—After the academy of sciences of Thomar, in Estramadura, in 1752, and after the royal Portuguese academy of Mafra, founded by the Marquis of Pombal, the royal academy of sciences at Lisbon was founded Dec. 24, 1779. It is divided into 2 departments: the first of natural, and the second of political and moral sciences. The president of it is always a prince of the reigning dynasty. The royal academy of fine arts at Lisbon, the academy of fine arts and the polytechnic academy, both at Oporto, are institutions in which special branches of knowledge are taught.—RUSSIA. The imperial academy of sciences of St. Petersburg is a creation of Peter the Great, who after conferring with Leibnitz and other illustrious personages of the time, founded it Jan. 28, 1724. The empress Catharine II. founded the Russian academy in 1783, to encourage the development of literature, and in 1841 the Russian academy was incorporated with the academy of sciences by the emperor Nicholas. As at present organized, the imperial academy is divided into 3 classes or sections: 1, that of the physico-mathematical sciences; 2, the class of literature and the Russian language, with a separate management; 3, the historico-philological class. The researches of the academy are contained in 8 different collections of commentaries, acts, memoirs, and in a scientific bulletin intended for short notices, the publication of which should not be delayed.—The imperial academy of medicine and surgery, at St. Petersburg, founded Feb. 12, 1799, and reorganized in 1802, is a school of medicine, attended both by a great number of medical students and students of the veterinary art and pharmacy. It publishes three different collections of reports, in Russian, German and French.—The imperial academy of fine arts at St. Petersburg is an educational institution, with 300 students of painting, sculpture, architecture, engraving, etc. There are also museums of painting, sculpture and architecture, with models of different edifices, ancient and modern, of Christian archæological objects, and a library; likewise an institution and studio of mosaic painting, where the mosaic art is taught and orders executed under the direction of a professor of the academy, and belonging to the academy. In one of the halls meetings of architects and other artists are held.—The imperial Russian geographical society of St. Petersburg dates only from 1845. It was founded August 6th of that year, and has 4 sections: mathematical geography, physical geography, ethnography, and statistics. Separate sections were established in 1851 at Irkutsk, in Siberia, and in 1850 in the Caucasus. In 1867 2 new sections were founded: the section of the western provinces and that of Orenburg. The publications of the society comprise, in addition to several special collections, 18 volumes of memoirs, a monthly bulletin, monographs, maps and atlases.—SWEDEN. The Swedish academy at Stockholm was founded by Gustavus III., March 20, 1786. In the discourse with which this sovereign inaugurated the sessions, he announced that his object was to fix the rules and extend the knowledge of the Swedish language, to celebrate and revive national memories, as well as to pronounce the eulogy of great men who had served or saved the country, and thus contribute not only to ennobling the language, but to increasing the glory of the most illustrious sons of Sweden. The memoirs of the academy are published annually, and contain biographies of distinguished Swedes, the compositions which have taken the prize for eloquence and poetry as well as literary, historical, philosophical and philological dissertations by members of the academy. These memoirs, published from 1786 to 1871, contain 51 volumes 8vo. In 1857 the prize for poetry was awarded to Prince Oscar, for his songs in honor of the Swedish fleet. In 1870 the academy published the first number of its great dictionary of the Swedish language.—DENMARK. In 1742 was founded the *Societas Hafniensis bonis artibus promovendis*. Christian VI. recognized it the following year, and four years later it became the present royal society of science of Copenhagen. Its publications, illustrated by a great number of plates, are numerous and important, especially in the domain of the mathematical sciences, physics and natural history. At present the fifth series of the memoirs of the two classes of sciences and letters has been reached. For six years past the memoirs as well as the bulletins are accompanied by French summaries. Its first centennial history, from 1742 to 1842, has been published by Molbeck.—BELGIUM. The imperial and royal academy of sciences and belles-lettres at Brussels, created by letters patent of the empress Maria Theresa, (Dec. 16, 1772), ceased to exist under the French régime. Re-established May 7, 1816, it was reorganized by a royal decision of Dec. 1, 1845, as the royal academy of sciences,

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literature and fine arts of Belgium. Each of these 3 branches constitutes a class composed of 30 members, 10 corresponding members, and 50 associates, besides 7 academicans, forming a royal commission on history, to publish inedited Belgian chronicles. In the class of literature two commissions have been appointed, one charged with the publication of the ancient monuments of Flemish literature, the other with collecting the works of the great writers of the country. The members of the 3 classes have undertaken the editing of a national biography. It is very difficult to get a complete collection of the publications of the academy since its foundation, monographs, memoirs, notices, reports of meetings, and annuals. In the first volume of the *Annuaire de la bibliothèque royale de Belgique*, by Baron de Reiffenberg, the extent of this collection may be seen, with additions in the volumes of the following years.—A royal Belgian academy of medicine exists also at Brussels. Created by a royal decision of Sept. 19, 1841, it is composed of regular members, associate members, corresponding members, and honorary members. Its publications consist of memoirs and monthly bulletins.—HOLLAND. The royal academy of sciences at Amsterdam, instituted by royal ordinance of Oct. 26, 1851, has taken the place of the royal institute of Holland, established in May, 1808, by the king of Holland, Louis Napoleon. The academy, divided into 2 sections, has published a great number of works. the titles of which may be found in a pamphlet: *Revue des sociétés savantes de la Néerlande*, published in 1857, by W. Vrolik.—ASIA. The society of arts and sciences at Batavia is the oldest of all the learned bodies of Asia. Founded April 24, 1778, it felt the influence of the East India company, with its alternations of prosperity and decline. There are two other learned societies in Batavia: the royal academy of natural sciences, founded in 1850, and the industrial and agricultural society of the Dutch East Indies.—BIBLIOGRAPHY: Haymann, *Kurzgefasste Geschichte der vornehmsten Gesellschaften der Gelehrten*, Leipzig, 1743; *Verzeichniss der Universitäten, Akademien, gelehrten Gesellschaften*, Leipsig, 1795; A. d'Héricourt, *Annuaire des Sociétés savantes de la France et de l'étranger*, Paris, 1866; *Manual of Public Libraries, Institutions and Societies in the United States and British provinces of North America*, Philadelphia, 1859. XAVIER HEUSCHLING.

ACADEMIES (IN AMERICA). The oldest among the American academies devoted to the progress of science, is the American philosophical society at Philadelphia, founded by Benjamin Franklin and his associates in 1743. It has published, from 1771 to 1881, two series of transactions in quarto, numbering 21 volumes, (besides 20 volumes of proceedings), and filled with papers of value on a great variety of subjects. The American academy of arts and sciences, established at Boston, 1780, has issued many costly volumes, illustrating natural history and other sciences. The academy of natural sciences of Philadelphia, started in 1814, has devoted itself to original investigations and publications, as to the plants, animals and minerals of the United States, and has collected a very fine and extensive museum of objects of natural history. The lyceum of natural history in New York city, founded 1818, has published many volumes of annals devoted to science. The Boston society of natural history, 1834, has done much to promote investigation in its special field. The Connecticut academy of arts and sciences, founded in 1799, at New Haven, is still publishing valuable memoirs. The Essex institute, of Salem, Mass., formed in 1848 from the union of a county natural history society and a historical society, has nearly 500 members, and has printed a long series of collections illustrating history, biography, and almost every department of science. The Albany (N. Y.) institute, organized in 1824, has collected a library and a natural history collection, and published 8 volumes of transactions. The Franklin institute of Philadelphia, which dates from 1824, is for the promotion of the mechanic arts, and has published 110 volumes of its journal. The American institute, New York city, dating from 1829, devoted chiefly to agriculture and the mechanic arts. Thirty-two volumes of its transactions have been published by the state.—Of institutions or academies devoted to the fine arts, may be named the national academy of design, organized at New York in 1828, the Pennsylvania academy of fine arts, Philadelphia, 1807, and the metropolitan museum of art, established in New York city in 1870; these have annual or permanent exhibitions of painting and sculpture, and the last named has gathered a most valuable archæological collection. —Of the historical societies of the United States, the oldest is the Massachusetts historical society, organized at Boston in 1791, "to collect, preserve and communicate materials for a complete history of the country." It has published more than 70 volumes. Since the birth of this Nestor of the historical societies, more than 170 others have been formed, representing states or localities, of which we can only name the more vigorous or extensive: New York historical society (1804); American antiquarian society, Worcester, Mass., (1812); Rhode Island, Providence, (1822); Maine, (1822); New Hampshire, (1823); Pennsylvania, Philadelphia, (1824); Connecticut, Hartford, (1825); Ohio historical and philosophical society, Cincinnati, (1831); Virginia, Richmond, (1831); Vermont, Montpelier, (1838); Georgia, Savannah, (1839); Maryland, Baltimore, (1844); New Jersey, Newark, (1845); New England historic-genealogical society, Boston, (1845); Minnesota, St. Paul, (1849); Wisconsin, Madison, (1849); Iowa, Iowa City, (1857); Long Island, Brooklyn, N. Y., (1863); and Southern historical society, Richmond, (1869). Most of these have published volumes of original contributions to history or early manuscripts.—Of academies devoted to special sciences, there are the American geographical society, organized at New York in 1851; American philological

society, New York; American institute of architects, New York; American oriental society, founded at New Haven, in 1842; American numismatic and archæological society, 1857; American society of civil engineers and architects, New York; the American ethnological society, New York, 1842; Washington philosophical society, Washington, D. C., 1871; Cooper union for the advancement of science and art, New York, 1854, with a free school of art and science, lectures, library and periodical reading room; Lowell institute, Boston, 1839; Peabody institute, Baltimore, 1857 [the last two devoted, the one to public lectures, the other to a library, popular lectures, a conservatory of music, and an academy of art]; American association for advancement of social science, Boston, 1869, which has published 10 volumes; American medical association, Philadelphia, 1847; American public health association, Washington, 1872; American pharmaceutical society, Philadelphia, 1852.—There are in the United States, 3 more prominently national organizations or academies, viz.: The national academy of sciences, Washington, incorporated by congress in 1863, with a membership originally limited to 50; this academy is required to investigate and report upon any subjects referred to it by the government, and its proceedings and papers (hitherto small in extent) are printed by congress. The American association for advancement of science, organized in 1848, 30 volumes of whose annual proceedings have been issued. The Smithsonian institution, Washington, created by act of congress in 1846, in pursuance of a legacy left by an Englishman to found an institution for the increase and diffusion of knowledge among men. Its large income, of about $35,000 annually, is expended in procuring and publishing original researches in science, and to an efficient and widely useful international exchange. It has published more than 75 volumes of contributions to knowledge, miscellaneous collections and annual reports.—In America, outside of the United States, may be named the natural history society of Montreal; the literary and historical society of Quebec; the *real sociedad económica de la Habana* (Cuba); the *sociedad Mexicana de geografia y estadistica* (México); the *instituto historico geographico e ethnographico do Brazil* (Rio Janeiro), an active scientific academy, the most important in South America, founded in 1838, and enjoying an annual grant of $3,500 from the government; and the *universidad de Chile* (Santiago), an institution for liberal education, which has published over 50 volumes of valuable *anales* and scientific memoirs. A. R. SPOFFORD.

ACCLAMATION. This term, which signifies a unanimous call, is to be understood in the language of politics to mean that spontaneous expression of general consent which excludes all discussion, and bears down the isolated opposition of individuals. When an assembly votes by acclamation, whether there have been debates on the question at issue or not, it means that an immense majority have agreed on some matter, and that it would be useless to have recourse to the taking of a vote to demonstrate such agreement.—In Portugal the word has a special signification which is worth calling to mind. It refers to the accession of the house of Braganza to the throne after the overthrow of the Spanish dominion (Dec. 1, 1640). The vote calling the duke of Braganza to power was so unanimous that the word acclamation was perfectly fitted to mark the date when the dynasty of Braganza began. The Portuguese have made it an historic epoch from which they date, and say such an event took place before, during or after the *acclamation*. M. B.

ACCUMULATION OF WEALTH. It is to the power of accumulation or saving (two terms which in political economy are almost equivalent) that we owe all our capital, all our wealth.—All the utilities created by man are susceptible of accumulation, whether these utilities are identified with the men themselves, as those which consist in acquired knowledge, in the perfection given our physical, intellectual or moral faculties, or those added to external objects.—Of the accumulation of utilities of this last class, the most important are those realized in the cultivation of the soil. They consist in the clearing and reclaiming of land; in the increase of its natural fertility by manuring, irrigation or other means; in the substitution of plants useful to man for those with which the ground was primitively covered and not useful to man; in the multiplication and domestication of animals or beasts of burden employed as forces or intended for food; and finally, in the buildings, structures, machines or instruments used in exploitation of any kind. Accumulation of this kind forms the great mass of the material wealth of all nations whose civilization is advanced.—Next in order of importance come accumulations of wealth under the form of dwelling houses, of factories, shops, machines and tools, roads, railroads, canals, bridges, ships, harbors, etc.; in a word, all the creations of industry destined to facilitate manufacturing or commercial operations, or to satisfy the wants of shelter, of intercourse, communication, etc.—After these, the most important accumulations in the material order appear under the form of a supply of products destined either for the immediate satisfaction of our wants—such as furniture, utensils, fuel, food, linen, clothing, etc., with which every household is more or less amply provided, or those which have to undergo various changes or modifications, to fit them for consumption.—Among the utilities which are identified with man, those whose accumulation or extension is most important, consist in the perfection given to the *industrial faculties*, under which term we comprise: 1st, all positive knowledge capable of rendering man's labors more fruitful; 2nd, the art of applying this knowledge, and the spirit of invention; 3rd,

skill in performing all the details in the different kinds of work; 4th, the practice of the habits, individual or collective, most favorable to the development and power of the industrial faculties, and the harmony of economic relations.—It is plain that the accumulation of utilities, of capital, of wealth, may and really does take place under a multitude of forms. Among these forms we have not included that of money or coin. In reality, accumulations in no way need an increase in the quantity of that particular product; and it is undoubted that a people may double their wealth or increase it tenfold without a single cent being added to their monetary medium. Accumulation of wealth does not take this form except in countries which produce the precious metals. —Nevertheless it is the almost universal opinion that the greater part of the accumulations of wealth or savings is made under the form of money, and as this false idea is the source of a multitude of economic errors, it seems to us useful to show clearly that although much of the accumulation of wealth appears for a time in the form of money, it consists in reality of something very different. This, a few examples will show. A ditch-digger, by working continuously for six months, has, let us suppose, drained a marsh; the value of his labor is estimated at $400. Of this sum the workman has spent, let us say, $300 for his own personal wants, and there remain to him $100 which he puts into a savings bank. Here is an accumulation equal in value to $100; and all the circumstances remaining the same, this value should be found as an addition to the wealth of the country in one form or another. Is it in the form of money? Evidently not; for the $100, before going into the savings bank, were in possession of the proprietor who received them, let us suppose, from his tenant, who received them from the butcher, who, in turn, received them from the consumer of meat, etc. In short, this money existed in the country before as well as after the operation. The wealth here accumulated, then, does not exist in the form of money, and it can only be found in the improvement given the land by the labor of the ditch-digger, an improvement equal in value to $400, and exceeding by $100 the value of the articles consumed by the workman.—A builder constructs a house; he expends in its construction, in wages, materials, purchase of land, etc., a sum of $110,000. When he sells the house for $120,000 the excess of $10,000 is his profit, or the price of his services. Of this last sum, $5,000 have been spent in unproductive consumption, and $5,000 are added to the capital which he employs in his business. Does the accumulation here consist in money? By no means; since the money existed before in the hands of the purchaser. It is found in the value of the house which exceeds by $5,000 all that was spent.—The purchaser of the house receives from his tenants a yearly sum of $6,000. He uses two-thirds of this sum for the personal wants of his family, and he puts the $2,000 of surplus in the bank. Here we have a new accumulation of $2,000, which, although it does not come from new labor, must exist as additional wealth in the country under some form, and, no more than in the preceding cases, under the form of money, since the same money already existed, and has now merely changed hands. In what, then, can the new value acquired to the nation consist? In order to discover this, it is necessary to remark that the service rendered to the tenants by the house is really equal to the value of $6,000, since they have freely consented to pay that sum for its use. They might have applied that service to an industrial purpose and received back its price in that of the products created. But we will suppose that they have consumed it unproductively for their personal wants. Now even in this case the savings of the proprietor add none the less a value of $2,000 to the wealth of the country; and this value must necessarily be found in a form different from that of money. This will be easily understood by noting that without this saving, it would have been necessary to add to the unproductive consumption of the premises other productive consumption still by the proprietor, amounting to the value of $2,000. The saving, therefore, must be found in this case in the form of the different objects which the proprietor has abstained from consuming, the preservation of which has diminished the sum total of consumption in the country and consequently increased its actual wealth to that extent, production remaining the same. — We might take up in this manner, one after another, all the individual savings accumulated in a year, and it would be seen that all have increased the general wealth in proportion to their importance, either by adding to the utilities which the country already possessed, or by preserving a greater part of these, by limiting consumption. It will be seen, at the same time, that these accumulations were made under a multitude of different forms other than money, though most of them appear for a moment under this last form. Thus, that which is accumulated in reality is not money; it is objects fitted to satisfy our needs—utilities of various forms.—It is to be remarked, that these utilities scarcely ever remain in the hands of those to whom they are due; for even when they are exchanged for money, this money is usually given to others by those who have accumulated its values. Now, to place at the disposition of society a utility under one form or another is to render it a service, to furnish it with the means of labor or satisfaction, of which without this it would have been deprived. He who saves renders to society, therefore, a service proportionate to the value of his savings. It is true that he thus acquires the right of demanding equivalent services in return; but so long as he does not actually demand them, so long as he abstains from consuming their value for his personal wants, this value serves others than himself.—Thus, for example, the owner of land or capital who obtains from these kinds of productive property an annual revenue of $10,000, and who saves half of it every year,

renders to society a new yearly service worth $5,000; and although he reserves to himself the power of demanding back at a later time the sum total of these services, increased by the total of the interest, it is none the less evident that while he abstains from demanding it and consuming it, society has the benefit of it in his place. A family which during several generations, during two centuries, for example, should have saved uninterruptedly half of its annual income, would have really admitted society during all this time to an equal partition with itself of the means of production and satisfaction which this income brought; in other terms, it would have added to the sum total of the enjoyments of society, an amount twice as great as the family itself could have obtained from it. The means of creating new wealth or satisfaction of which the family would have deprived itself, would have been acquired by others. The only exclusive benefit which its savings brought the family consisted in the feeling of security resulting from the power which it preserved of demanding from society, in case of need, services equal to those which it had ceded to it.—These results of saving are incontestible. It follows, therefore, that it does not profit exclusively those who save, and that it is a very positive public benefit. The rich man who spends the whole of his revenue every year, in personal and unproductive consumption, does not exceed his rights; but in this way he only renders to others services exactly equal to those he receives from them; he is, therefore, of less use to others, and consequently less worthy of approbation and esteem in this regard, than the rich man who saves.—Nevertheless, common opinion is more disposed to approve him who spends all his income for his personal wants, than him who saves a part of it. Strange fact, that the person who preserves for his family and society the greater number of utilities of every kind, and does it by restricting his personal enjoyments, is just the man whom the vulgar mind is inclined to reproach with egoism, while it attributes laudable and generous sentiments to him who denies himself nothing.—To explain this unjust judgment it is affirmed that he whose personal wants are few *does not quicken the circulation of wealth*, that he deprives industry and commerce of its outlets and of the encouragement which the consumption of wealth might give them. In this way men come to believe and to profess that every one renders more service to society the more value he consumes unproductively. Thus, men justify the expenses of luxury, pride, profusion, etc. This error was so generally disseminated in France, that in the greater part of the pamphlets, etc., written in 1848 and 1849, with the intention of combating the aberrations of socialism, it was thought necessary to praise the expenses of luxury, and endeavor to prove that it is, above all, on account of this kind of outlay, that the poor classes are interested in respecting wealth; so that, to combat lamentable economic errors, others as great were propagated. This we shall try to prove in a few words.—Wealth is made up of all objects having value in exchange, no matter what their nature or their form. When a portion of wealth is consumed, that portion exists no longer; after which, if the want which it has satisfied appear again and we have still the means of providing for it, the object consumed must be reproduced, and the necessity of this reproduction gives new food to labor.—But we may consume a portion of wealth in two ways: in the first place, we can absorb its entire value, in such manner that absolutely nothing may remain of it. This is a case of *unproductive* consumption, which takes place, for example, in the case of a sumptuous repast, of fireworks, etc. We consume in this way the services of those who have furnished and prepared the food, those of the pyrotechnist, the powder manufacturer, the decorators, the costumers, the musicians, the actors, etc. We have thus furnished, but for once only, labor and pay to all these persons. In the second place, we may consume wealth in such a manner that after the operation a value may remain equal to or even greater than that consumed. This is a case of *reproductive* (or productive) consumption. Suppose, for example, that the value consumed at the banquet or the fête, instead of being used in this way, had been employed in improving a barren hillside or in making a vineyard of it: by this application of the value consumed, we should have given work and wages to ditchers, to vinedressers, to teamsters, to manufacturers of compost, to producers of plants and of props; and we should thus have furnished remunerated employment to a number of laborers at least as great as the number hired at the banquet; and, while *nothing* remained after the banquet, from this there would remain a vineyard, the annual product of which, the income from it, would furnish every year, and during an indefinite period, an entirely new article of food, in consideration of a certain amount of labor. This example suffices to show how much it is to the interest of workmen in general, that the rich, instead of spending all their income in unproductive consumption, in outlays for luxury, should devote the greatest part possible of it to *reproductive* consumption. Even if they do not watch directly over these operations, and if they confine themselves to placing the sum of their savings *at interest*, they still render a greater service to the working classes than spending their wealth unproductively. Deposited with a banker or a loan agent, their savings go to the farmer, the artisan, the contractor, who utilize them in reproductive consumption.—Do not men complain every day that we have not enough of capital; that it is lacking in manufactures, in commerce, in great works of public utility, and above all in agriculture; and that, by reason of its insufficiency, the rate of interest is too high? But if such is the case, what should we desire? Should we not desire that savings and investments should be multiplied as much as possible, that

capital should increase and its abundance make the use of it less costly, that is to say, lower the rate of interest?—Now, rich persons are the only ones who can make savings with ease. It should, therefore, be recommended to them, not by the law, for all liberty should be left them in this regard, but by morals, by the esteem attached to such conduct by an enlightened public opinion, by their own self-interest properly understood, which is here completely in accord with that of the laboring classes. Those who give other counsels to the rich, and desire to persuade them that they render more service and have more merit in proportion as they spend more for their wants, their tastes, their fancies, their vanities, their personal satisfaction, obey, in so doing, a prejudice which is much to be regretted. (See WEALTH, SAVING.) AMBROISE CLÉMENT.

ACT, the completion or attestation of any transaction in public, and, in certain cases, in private life. By the word act are specially designated certain decisions the result of conferences, congresses, and of various political bodies, such as diets, chambers and parliaments. Thus, the decisions of the diets of the German empire have appeared, since 1729, under the title of *Acta Publica*. The word act is often used as a synonym of document and even of contract.—This word has another and special meaning. It applies to the laws emanating from the British parliament and clothed with the royal sanction. It is important to note this last formality; for, in parliament, every proposed law preserves the title of bill, and does not acquire the name of act, until it has received the sanction of the crown. The most ancient act still in force is the celebrated Magna Charta.—Some acts receive their title from the place where the parliament which passed them met. Others still, from their initial designations. Since the reign of Edward II., the most common usage is to give the year of the reign of the king or queen under whom the act or statute was passed, and also the number of the chapter.—In the United States the term act is applied to any statute or law made by a legislative body, whether the national congress or the legislature of a state. General or public acts in the United States are those which bind the whole community; special acts affect only certain persons or interests. X.

ADAMS, Charles Francis, son of John Quincy Adams, was born at Boston, Aug. 18, 1807, was admitted to the bar in 1828, was the candidate of the free-soil party for vice-president in 1848, representative in congress (republican) 1859–61, and minister to Great Britain 1861–68. (See ALABAMA CLAIMS.) A. J.

ADAMS, John, president of the United States 1797–1801, was born Oct. 19, 1735, in Braintree (now Quincy), Massachusetts, where he died July 4, 1826. He was graduated at Harvard in 1755, was admitted to the bar in 1758, and in 1770 entered public life as a representative in the legislature. He was a delegate to the continental congresses of 1774–77, (see DECLARATION OF INDEPENDENCE). He entered the diplomatic service in 1777 as minister to France and (in 1785) to England. In 1788 he returned so free from domestic political entanglements that, next to Washington, he was the most available presidential candidate. He became vice-president in 1789 (see ELECTORAL VOTES), and retained that office until 1797, his casting vote as president of the senate being very useful in support of Hamilton's federalist measures. (See FEDERAL PARTY.) In 1797 he was generally accepted (see CAUCUS, CONGRESSIONAL) as the federalist candidate for the presidency, and was elected over Jefferson. His fatal mistake lay in his retaining Washington's cabinet. His own mind was bent on Washington's policy of neutrality between England and France, and his hearty dislike of Great Britain was a sufficient make-weight against commercial inclinations to enable him to keep the balance fairly even. But his cabinet was as strongly inclined to the Hamiltonian policy, which was not averse to the idea of war with France, and Adams was by no means as successful as Washington in controlling his political household —At first the new administration was extremely popular. The X. Y. Z. mission created an intense anti-Gallican feeling in the United States, and while Adams was willing to direct the storm, he was as popular with the Hamiltonian federalists as he had always been with those of New England. But he soon became satisfied that his cabinet was "Hamilton's rather than his," and that the main Hamiltonian object was to force a war upon France. In February, 1799, he therefore nominated ministers to France, and in November imperatively ordered their departure, in both cases without the previous knowledge of his cabinet. His action, dictated by pure patriotism and by a clear perception of the country's best interests, ruined the political prospects of himself and his party. The republicans, (see DEMOCRATIC-REPUBLICAN PARTY), relieved from the necessity of choosing between France and the United States, gathered fresh strength and renewed the struggle for the presidency; and the two factions of the federalists were more successful in proving one another unworthy of public confidence than in repelling the attacks of the common enemy. Upon Adams was thrown the entire responsibility for the alien and sedition laws, the increase of the army for political purposes, and every other "high-flying" federalist measure which had originated in congress. He was beaten by Jefferson, though really only by the vote of South Carolina, and there by a very slender majority (see ELECTORS), and, embittered by the virulence of the campaign, retired from Washington on the morning of March 4, 1801, without taking part in Jefferson's inauguration. The breach between them was not healed until some thirteen years after.—

The federal party never forgave Adams for his share in their overthrow. Their animosity was kept warm by the open desertion of his son (see ADAMS, JOHN QUINCY) to their opponents, and for many years the private life of the ex-president was made busy by recurring newspaper controversies. He and Jefferson died on the same day, the fiftieth anniversary of their joint work, the adoption of the Declaration of Independence.—See 1-3, 7-9 C. F. Adams' *Life and Letters of John Adams; Correspondence of John Adams and Wm. Cunningham*, 1803-12; 2 Gibbs' *Memoirs of the Administrations of Washington and Adams;* Trescott's *Diplomatic History of the Administration of John Adams;* Parton's *Life of Burr*, 225; Wood's *History of the Administration of John Adams*, and *Correct Statement of the Sources* of the history (both entirely untrustworthy, but interesting); and authorities under articles referred to. ALEXANDER JOHNSTON.

ADAMS, John Quincy, president of the United States 1825–29, eldest son of John Adams, was born in Braintree (now Quincy), Massachusetts, July 11, 1767, and died in Washington, Feb. 23, 1848. He was graduated at Harvard in 1788, was admitted to the bar in 1791, and in 1794, by Washington's appointment, became minister to the Hague. In 1803 he was chosen, as a federalist, United States senator from Massachusetts. In 1808 his support of the embargo was censured by his state legislature, and he at once resigned and went over to the opposite party, by which he was made minister to Russia and (in 1815) to Great Britain. In 1817 he became secretary of state under Monroe. In 1825 he was chosen president (see DISPUTED ELECTIONS, II.) His support came mainly from the same commercial and business interests which had formed the federal party, but which now, while accepting, without any thought of dissimulation, the republican name, retained all the federalist tendencies. He received but a few (6) scattering electoral votes from the south and west, and these two sections united in a determined opposition to him, which lasted through his administration, and in the next election (1828) was successful in gaining over the middle states and overthrowing Adams, as his father had been overthrown. (See DEMOCRATIC-REPUBLICAN PARTY, II., III.; FEDERAL PARTY, II. Adams has been blamed in part for his own defeat, on the score of his action in raking up, in 1828, the embers of a former charge of secessionist designs against the federalist leaders of New England (see SECESSION, I.; EMBARGO); but as he received the solid New England vote in 1828, the causes of his defeat are evidently to be sought elsewhere.—Adams retired, but not to permanent private life. His anti-federalist action above mentioned cut him off from all hopes of advancement at the hands of the national republican party in Massachusetts, but the anti-masons (see ANTI-MASONRY, I.) of his district sent him to congress in 1831, and he was regularly re-elected until his death, seventeen years after. In congress he was his own party, and became one of the most prominent members of the house. He opposed or supported the democratic administrations with absolute independence, and when the abolitionist petitions were cut off by the passage of "gag-rules" (see PETITION), he fought the obnoxious rules for years. In February, 1836, on the second of Pinckney's resolutions (see SLAVERY), that congress had no constitutional right to interfere with slavery *in the states*, which was carried by a vote of 201 to 7, Adams voted in the minority, and defended his vote by a full, though hypothetical, statement of the war powers of the federal government, under which slavery was eventually abolished. In February, 1837, for asking permission to offer a petition from a number of slaves, he was threatened with the censure of the house, but rode out the storm successfully. In 1839–40, he was counsel for the slaves in the Amistad case. In the course of this series of anti-slavery labors, he gradually drifted into co-operation with the abolitionists (see ABOLITION), though in his mind his abolitionist warfare seems to have been only an incidental feature in his nationalizing struggle against the overbearing particularism, developed by slavery, of southern leaders. In this sense his work was unfortunate in being 20 years before its time, and he may be considered as a republican of 1856, developed 20 years too early, and almost equally distasteful to both whigs and democrats. He died almost in harness, having fallen from his seat in the house through a paralytic stroke, from whose effects he died two days afterwards.—See W. H. Seward's *Life of John Quincy Adams;* C. F. Adams' *Memoirs of John Quincy Adams;* Quincy's *Memoir of John Quincy Adams;* and authorities under articles referred to. ALEXANDER JOHNSTON.

ADAMS, Samuel, one of the founders of American independence. He was born in Boston, on the 27th of Sept., 1722. He studied theology, but not finding the pulpit congenial, engaged in business in a small way. England's commercial policy towards the colonies led him into the opposition. He vigorously opposed the stamp duties, and was one of the first to advocate separation of the colonies from the mother country. He became a member of the Massachusetts colonial legislature in 1765, and was the first to suggest the establishment of the corresponding societies, with their rendezvous in Boston, which did much to promote the cause of the revolution. As early as 1770, in a speech on the rights of the colonies, he declared that the colonies were free, and would be free; just as in 1740, on the occasion of his taking his degree of A. M., he defended the thesis that "when the commonwealth can not otherwise be preserved, it is lawful to resist the supreme magistrate." A delegate to congress from 1774 to 1782 for Massachusetts, he did all in his power to give effect to the declaration of independence. He was always on the

best of terms with Franklin, Jefferson and others of the revolutionary chieftains, but not with Washington, whose endeavors to strengthen the federal government he erroneously considered dangerous to the liberties of the people. He was an influential member of the Massachusetts convention of 1788, which favored the adoption of the federal constitution, with some modifications, and he contributed more than any other one man to its final adoption by the eastern states. He was elected lieutenant governor of Massachusetts in 1789, and governor in 1794. He resigned the latter office in 1797, partly on account of old age. He died in Boston, Oct. 2, 1802, at the age of 81.—Samuel Adams was a man of great independence of character, fiery and resolute. He was a democrat by nature and an agitator of the first class. He was a particularist in American politics, and opposed to the federal party. Samuel Adams' judgment may not have been always correct, but he will always retain a place in the hearts of his countrymen as an example of unselfishness, inflexibility and political virtue, as in his lifetime he was styled the American Cato. X.

ADJOURNMENT. (See PARLIAMENTARY LAW.)

ADMINISTRATION. (See CIVIL ADMINISTRATION.)

ADMINISTRATIONS (IN U. S. HISTORY.) Under the confederation, the only substitute for an executive power was a series of boards of war, treasury, etc., working under the supervision of committees of congress. Under the constitution these were succeeded by a system of executive departments, organized by acts of congress but filled by appointment of the president. The principal officers of these departments form a body of advisers to the president, for which the name *cabinet* has been borrowed from English political language; but the word has no original significance in this country, and the president is not even required by the constitution, but merely permitted, to demand the written opinions of heads of departments.—The present departments were organized by acts of the following dates: *War*, (then including the Navy), Aug. 7, 1789; *Treasury*, Sept. 2, 1789; *State*, (originally *Foreign Affairs*), Sept. 15, 1789; *Justice*, (as a part of the Judiciary), Sept. 24, 1789; *Postoffice*, (temporary) Sept. 22, 1789, (permanent) May 8, 1794; *Navy*, April 30, 1798; *Interior*, March 3, 1849. The postmaster general was not considered a cabinet officer until invited by Jackson to cabinet meetings in 1829. Until that time this officer was considered a subordinate of the treasury department. A list of postmasters general, 1789–1829, is given at the end of this article.—1ST ADMINISTRATION. George Washington, Va., pres., John Adams, Mass., vice pres. *State*, Thomas Jefferson, Va., Sept. 26, 1789; *Treas.*, Alex. Hamilton, N. Y., Sept. 11, 1789; *War*, Henry Knox, Mass.; Sept. 12, 1789; *Atty. Genl.*, Edmund Randolph, Va., Sept. 26, 1789.—2ND ADMINISTRATION. George Washington, Va., pres., John Adams, Mass., vice pres. *State*, Thomas Jefferson, Va., March 4, 1793, Edmund Randolph, Va., Jan. 2, 1794, Timothy Pickering, Mass., Dec. 10, 1795; *Treas.*, Alex. Hamilton, N. Y., March 4, 1793, Oliver Wolcott, Conn., Feb. 2, 1795; *War*, Henry Knox, Mass., March 4, 1793, Timothy Pickering, Mass., Jan. 2, 1795, James McHenry, Md., Jan. 27, 1796; *Atty. Genl.*, Edmund Randolph, Va., March 4, 1793, Wm. Bradford, Pa., Jan. 27, 1794, Charles Lee, Va., Dec. 10, 1795.—3RD ADMINISTRATION. John Adams, Mass., pres., Thomas Jefferson, Va., vice-pres. *State*, Timothy Pickering, Mass., March 4, 1797, John Marshall, Va., May 13, 1800; *Treas.*, Oliver Wolcott, Mass., March 4, 1797, Samuel Dexter, Mass., Jan. 1, 1801; *War*, James McHenry, Md., March 4, 1797, Samuel Dexter, Mass., May 13, 1800, Roger Griswold, Conn., Feb. 3, 1801; *Navy*, George Cabot, Mass., May 3, 1798, Benj. Stoddert, Md., March 21, 1798; *Atty. Genl.*, Charles Lee, Va., March 4, 1797, Theo. Parsons, Mass., Feb. 20, 1801.—4TH ADMINISTRATION. Thomas Jefferson, Va., pres., Aaron Burr, N. Y , vice-pres. *State*, James Madison, Va., March 5, 1801; *Treas.*, Albert Gallatin, Pa., May 14, 1801; *War*, Henry Dearborn, Mass., March 5, 1801; *Navy*, Robert Smith, Md., July 15, 1801; *Atty. Genl.*, Levi Lincoln, Mass., March 5, 1801.—5TH ADMINISTRATION. Thomas Jefferson, Va., pres., Geo. Clinton, N. Y., vice-pres. *State*, James Madison, Va., March 4, 1805; *Treas.*, Albert Gallatin, Pa., March 4, 1805; *War*, Henry Dearborn, Mass., March 4, 1805; *Navy*, Jacob Crowninshield, Mass., March 3, 1805; *Atty. Genl.*, Robert Smith, Md., March 3, 1805, John Breckinridge, Ky., Aug. 7, 1805, Cæsar A. Rodney, Pa., Jan. 20, 1807.—6TH ADMINISTRATION. James Madison, Va., pres., George Clinton, N. Y., vice-pres. *State*, Robert Smith, Md., March 6, 1809, James Monroe, Va., April 2, 1811; *Treas.*, Albert Gallatin, Pa., March 4, 1809; *War*, William Eustis, Mass., March 7, 1809, John Armstrong, N. Y , Jan. 13, 1813; *Navy*, Paul Hamilton, S. C., March 7, 1809, William Jones, Pa., Jan. 12, 1813; *Atty. Genl.*, Cæsar A. Rodney, Pa., March 4, 1809, William Pinkney, Md., Dec. 11, 1811.—7TH ADMINISTRATION. James Madison, Va., pres., Elbridge Gerry, Mass., vice-pres. *State*, James Monroe, Va., March 4, 1813; *Treas.*, Albert Gallatin, Pa., March 4, 1813, Geo. W. Campbell, Tenn., Feb. 9, 1814, Alex. James Dallas, Pa., Oct. 6, 1814, Wm. H. Crawford, Ga., Oct. 22, 1816; *War*, James Monroe, Sept. 27, 1814, Wm. H. Crawford, Ga., Aug. 1, 1815; *Navy*, William Jones, Pa., March 4, 1813, B. W. Crowninshield, Mass., Dec. 19, 1814; *Atty. Genl.*, William Pinkney, Md., March 4, 1813, Richard Rush, Pa., Feb. 10, 1814.—8TH ADMINISTRATION. James Monroe, Va., pres., Daniel D. Tompkins, N. Y., vice-pres. *State*, John Quincy Adams, Mass., March 5, 1817; *Treas.*, Wm. H. Crawford, Ga.,

March 5, 1817; *War*, Isaac Shelby, Ky., March 5, 1817, George Graham, Va., April 7, 1817, John C. Calhoun, S. C., Oct. 8, 1817; *Navy*, B. W. Crowninshield, Mass., March 5, 1817, Smith Thompson, N. Y., Nov. 9, 1818; *Atty. Genl.*, Richard Rush, Pa., March 5, 1817, Wm. Wirt, Va., Nov. 13, 1817. — 9TH ADMINISTRATION. James Monroe, Va., pres., Daniel D. Tompkins, N. Y., vice-pres. *State*, John Quincy Adams, Mass., March 5, 1821; *Treas.*, Wm. H Crawford, Ga., March 5, 1821; *War*, John C. Calhoun, S. C., March 5, 1821; *Navy*, Smith Thompson, N. Y., March 5, 1821, Samuel L. Southard, N. J., Sept. 16, 1823; *Atty. Genl.*, Wm. Wirt, Va., March 5, 1821. — 10TH ADMINISTRATION. John Quincy Adams, Mass., pres., John C. Calhoun, S. C , vice-pres. *State*, Henry Clay, Ky., March 7, 1825; *Treas.*, Richard Rush, Pa., March 7, 1825; *War*, James Barbour, Va., March 7, 1825, Peter B. Porter, N. Y., May 26, 1828; *Navy*, Samuel L. Southard, N. J., March 4, 1825; *Atty. Genl.*, Wm. Wirt, Va., March 4, 1825.—11TH ADMINISTRATION. Andrew Jackson, Tenn., pres , John C. Calhoun, S. C., vice-pres. *State*, Martin Van Buren, N. Y., March 6, 1829, Edward Livingston, La., May 24, 1831; *Treas.*, Samuel D. Ingham, Pa , March 6, 1829, Louis McLane, Del., Aug. 8, 1831; *War*, John H. Eaton, Tenn., March 9, 1829, Lewis Cass, O., Aug. 1, 1831; *Navy*, John Branch, N. C., March 9, 1829, Levi Woodbury, N. H., May 23, 1831; *Postmaster Genl.*, William T. Barry, Ky., March 9, 1829; *Atty. Genl.*, John M. Berrien, Ga., March 9, 1829, Roger B. Taney, Md , July 20, 1831.—12TH ADMINISTRATION. Andrew Jackson, Tenn., pres., Martin Van Buren, N. Y., vice-pres. *State*, Louis McLane, Del., May 29, 1833, John Forsyth, Ga., June 27, 1834; *Treas.*, Wm. J. Duane, Pa., May 29, 1833, Roger B. Taney, Md , Sept. 23, 1833, Levi Woodbury, N. H., June 27, 1834; *War*, Lewis Cass, O , March 4, 1833; *Navy*, Levi Woodbury, N. H., March 4, 1833, Mahlon Dickerson, N. J., June 30, 1834; *Postmaster Genl.*, Wm. T. Barry, Ky., March 4, 1833, Amos Kendall, Ky., May 1, 1835; *Atty. Genl.*, Roger B. Taney, Md., March 4, 1833, Benj. F. Butler, N. Y., Nov. 15, 1833.—13TH ADMINISTRATION. Martin Van Buren, N. Y., pres., Richard M. Johnson, Ky., vice-pres. *State*, John Forsyth, Ga., March 4, 1837; *Treas.*, Levi Woodbury, March 4, 1837; *War*, Benj. F. Butler, N. Y., March 3, 1837, Joel R. Poinsett, S. C., March 7, 1837; *Navy*, Mahlon Dickerson, N. J., March 4, 1837, James K. Paulding, N. Y., June 25, 1838; *Postmaster Genl.*, Amos Kendall, Ky., March 4, 1837, John M. Niles, Conn., May 19, 1840; *Atty. Genl*, Benj F. Butler, N. Y., March 4, 1837, Felix Grundy, Tenn., July 5, 1838, Henry D. Gilpin, Pa., Jan. 11, 1840.—14TH ADMINISTRATION. Wm. Henry Harrison, O., pres., John Tyler, Va., vice-pres. *State*, Daniel Webster, Mass., March 5, and April 6, 1841, Hugh S. Legaré, S. C., May 9, 1843, Abel P. Upshur, Va., July 24, 1843, John C. Calhoun, S. C., March 6, 1844; *Treas.*, Thomas Ewing, O., March 5, and April 6, 1841, Walter Forward, Pa., Sept. 13, 1841, John C. Spencer, N. Y., March 3, 1843, George M Bibb, Ky., June 15, 1844; *War*, John Bell, Tenn., March 5, and April 6, 1841, John McLean, O., Sept. 13, 1841, John C. Spencer, N. Y., Oct. 12 1841, James M. Porter, Pa., March 8, 1843, William Wilkins, Pa., Feb. 15, 1844 ; *Navy*, George E. Badger, N. C., March 5, and April 6, 1841, Abel P. Upshur, Va., Sept. 13, 1841, David Henshaw, Mass., July 24, 1843, Thos. W. Gilmer, Va., Feb. 15, 1844, John Y. Mason, Va., March 14, 1844; *Postmaster Genl.*, Francis Granger, N. Y., March 6, and April 6, 1841, Chas A. Wickliffe, Ky., Sept. 13, 1841; *Atty. Genl.*, John J. Crittenden, Ky., March 5, and April 6, 1841, Hugh S. Legaré, S. C., Sept. 13, 1841, John Nelson, Md., July 1, 1843.—15TH ADMINISTRATION. James K. Polk, Tenn., pres., George M. Dallas, Pa., vice-pres. *State*. James Buchanan, Pa., March 6 1845; *Treas.*, Robt. J. Walker, Miss., March 6, 1845; *War*, Wm. L. Marcy, N. Y., March 6, 1845; *Navy*, Geo. Bancroft, Mass., March 10, 1845, John Y. Mason, Va., Sept. 9, 1846; *Postmaster Genl.*, Cave Johnson, Tenn., March 6, 1845; *Atty. Genl.*, John Y. Mason, Va., March 6 1845, Nathan Clifford, Me , Oct. 17, 1846, Isaac Toucey, Conn., June 21, 1848. — 16TH ADMINISTRATION. Zachary Taylor, La., pres., Millard Fillmore, N. Y., vice-pres. *State*, John M. Clayton, Del., March 7, 1849, Daniel Webster, Mass., July 22, 1850, Edward Everett, Mass., Dec. 6, 1852; *Treas.*, Wm. M. Meredith, Pa., March 8, 1849, Thomas Corwin, O., July 23, 1850; *War*, Geo. W. Crawford, Ga , March 8, 1849, Edward Bates, Mo., July 20, 1850, Winfield Scott, *ad interim*, July 23, 1850, Charles M. Conrad, La., Aug. 15, 1850; *Navy*, Wm. B. Preston, Va., March 8, 1849, Wm. A. Graham, N. C., July 22, 1850, John P. Kennedy, Md., July 22, 1852; *Interior*, Thomas Ewing, O., March 8, 1849, James A. Pearce, Md., July 20, 1850, Thos. M. T. McKennan, Pa., Aug. 15, 1850, Alex. H. H. Stuart, Va., Sept. 12, 1850; *Postmaster Genl.*, Jacob Collamer, Vt., March 8, 1849, Nathan K. Hall, N. Y., July 23, 1850, Samuel D. Hubbard, Conn., Aug. 31, 1852; *Atty. Genl.*, Reverdy Johnson, Md., March 8, 1849, John J. Crittenden, Ky., July 22, 1850.—17TH ADMINISTRATION. Franklin Pierce, N. H., pres., Wm. R. King, Ala , vice-pres. *State*, Wm. L. Marcy, N. Y., March 7, 1853; *Treas.*, James Guthrie, Ky., March 7, 1853; *War*, Jefferson Davis, Miss., March 7, 1853; *Navy*, James C. Dobbin, N. C., March 7, 1853; *Interior*, Robert McClelland, Mich., March 7, 1853; *Postmaster Genl.*, James Campbell, Pa., March 7, 1853; *Atty. Genl.*, Caleb Cushing, Mass., March 7, 1853. — 18TH ADMINISTRATION. James Buchanan, Pa., pres., John C. Breckinridge, Ky., vice-pres. *State*, Lewis Cass, Mich., March 6, 1857, Jeremiah S. Black, Pa., Dec. 17, 1860; *Treas.*, Howell Cobb, Ga., March 6, 1857, Philip F. Thomas, Md., Dec. 12, 1860, John A. Dix, N. Y., Jan. 11, 1861; *War*, John B. Floyd, Va., March 6, 1857, Joseph

Holt, Ky., Jan. 18, 1861; *Navy*, Isaac Toucey, Conn., March 6, 1857; *Interior*, Jacob Thompson, Miss., March 6, 1857; *Postmaster Genl.*, Aaron V. Brown, Tenn., March 6, 1857, Joseph Holt, Ky., March 14, 1859, Horatio King, Me., Feb. 12, 1861; *Atty. Genl.*, Jeremiah S. Black, Pa., March 6, 1857, Edwin M. Stanton, Pa., Dec. 20, 1860.—19TH ADMINISTRATION. Abraham Lincoln, Ill., pres., Hannibal Hamlin, Me., vice-pres. *State*, Wm. H. Seward, N. Y., March 5, 1861; *Treas.*, Salmon P. Chase, O., March 5, 1861, Wm. Pitt Fessenden, Me., July 1, 1864; *War*, Simon Cameron, Pa., March 5, 1861, Edwin M. Stanton, Pa., Jan. 15, 1862; *Navy*, Gideon Welles, Conn., March 5, 1861; *Interior*, Caleb B. Smith, Ind., March 5, 1861, John P. Usher, Ind., Jan. 8, 1863; *Postmaster Genl.*, Montgomery Blair, Md., March 5, 1861, William Dennison, O., Sept. 24, 1864; *Atty. Genl.*, Edward Bates, Mo, March 5, 1861, T. J. Coffey, Pa., June 22, 1863, James Speed, Ky, Dec. 2, 1864.—20TH ADMINISTRATION. Abraham Lincoln, Ill., pres., Andrew Johnson, Tenn., vice-pres. *State*, Wm H. Seward, N. Y., March 4, and April 15, 1865; *Treas.*, Hugh McCulloch, Ind, March 7, and April 15, 1865; *War*, Edwin M. Stanton, Pa., March 4, and April 15, 1865, (suspended Aug. 12, 1867, reinstated Jan. 14, 1868), U. S. Grant, Ill., Aug. 12, 1867, Lorenzo Thomas, Del., Feb. 21, 1868, John M. Schofield, Ill., May 28, 1868; *Navy*, Gideon Welles, Conn., March 4, and April 15, 1865; *Interior*, John P. Usher, Ind., March 4, and April 15, 1865, James Harlan, Iowa, May 15, 1865, O. H. Browning, Ill., July 27, 1866; *Postmaster Genl.*, William Dennison, O., March 4, and April 15, 1865, Alex. W. Randall, Wis., July 25, 1866; *Atty. Genl.*, James Speed, Ky., March 4, and April 15, 1865, Henry Stanbery, O., July 23, 1866, Wm. M. Evarts, N. Y., July 15, 1868.—21ST ADMINISTRATION. U. S. Grant, Ill., pres., Schuyler Colfax, Ind., vice-pres. *State*, E. B. Washburne, Ill., March 5, 1869, Hamilton Fish, N. Y., March 11, 1869; *Treas.*, Geo. S. Boutwell, Mass., March 11, 1869; *War*, John A. Rawlins, Ill., March 11, 1869, Wm. T. Sherman, O, Sept. 9, 1869, Wm. W. Belknap, Iowa, Oct. 25, 1869; *Navy*, Adolph E. Borie, Pa, March 5, 1869, Geo. M. Robeson, N. J., June 25, 1869; *Interior*, Jacob D. Cox, O., March 5, 1869, Columbus Delano, O, Nov. 1, 1870; *Postmaster Genl*, John A. J. Creswell, Md., March 5, 1869; *Atty. Genl.*, E. Rockwood Hoar, Mass., March 5, 1869, Amos T. Akerman, Ga., June 23, 1870, George H. Williams, Or., Dec. 14, 1871.—22ND ADMINISTRATION. U. S Grant, Ill., pres., Henry Wilson, Mass., vice-pres. *State*, Hamilton Fish, N. Y, March 4, 1873; *Treas.*, Wm. A. Richardson, Mass., March 17, 1873, Benj. H. Bristow, Ky., June 2, 1874, Lot M. Morrill, Me., June 21, 1876; *War*, Wm. W. Belknap, Iowa, March 4, 1873, Alphonso Taft, O., March 8, 1876, James Donald Cameron, Pa., May 22, 1876; *Navy*, George M. Robeson, N. J, March 4, 1873; *Interior*, Columbus Delano, O., March 4, 1873, Zachariah Chandler, Mich., Oct. 19, 1875; *Postmaster Genl.*, John A. J. Creswell, Md., March 4, 1873, Marshall Jewell, Conn., Aug. 24, 1874, James M. Tyner, Ind., July 12, 1876; *Atty. Genl.*, Geo. H. Williams, Or., March 4, 1873, Edwards Pierrepont, N. Y., April 26, 1875, Alphonso Taft, O., May 22, 1876.—23RD ADMINISTRATION. Rutherford B. Hayes, O, pres., Wm. A. Wheeler, N. Y. vice-pres. *State*, Wm. M. Evarts, N. Y., March 12, 1877; *Treas.*, John Sherman, O., March 8, 1877; *War*, George W. McCrary, Iowa, March 12, 1877, Alexander Ramsey, Minn., Dec. 10, 1879; *Navy*, Richard W. Thompson, Ind., March 12, 1877, Nathan Goff, W. Va., Jan. 10, 1881; *Interior*, Carl Schurz, Mo., March 12, 1877; *Postmaster Genl.*, David McK. Key, Tenn., March 12, 1877, Horace Maynard, Tenn., Aug. 25, 1880; *Atty. Genl.*, Charles Devens, Mass., March 12, 1877.—24TH ADMINISTRATION. James A. Garfield, O., pres., Chester A. Arthur, N. Y., vice-pres. *State*, James G. Blaine, Me., March 5, 1881; *Treas*, William Windom, Minn., March 5, 1881; *War*, Robt. T. Lincoln, Ill., March 5, 1881; *Navy*, William L. Hunt, La., March 5, 1881; *Interior*, Saml. J. Kirkwood, Iowa, March 5, 1881; *Postmaster Genl.*, Thos. L. James, N. Y., March 5, 1881; *Atty. Genl.*, Wayne MacVeagh, Pa., March 5, 1881.—*Postmasters General* (1789–1829); Samuel Osgood, Mass., Sept. 26, 1789; Timothy Pickering, Pa., Aug. 12, 1791; Joseph Habersham, Ga., Feb. 25, 1795; Gideon Granger, Conn., Nov. 28, 1801; Return J. Meigs, O., March 17, 1814; John McLean, O., June 26, 1823.—See Poore's *Political Register;* Lanman's *Dictionary of Congress; United States Treasury Register* (July, 1880); *War Department Register* (April, 1881). The organization of the Boards of *Foreign Affairs, War, Navy, Treasury*, and *Postoffice*, are in 1 *Statutes at Large* (Bioren and Duane's edition), 585, 591, 620, 631 and 649 respectively. The acts of Aug. 7, Sept. 2, Sept. 15, Sept. 22, and Sept. 24, 1789, May 8, 1794, and April 30, 1798, (above referred to), are in 1 *Stat. at Large*, 49, 63, 68, 70, 93, 354 and 553 respectively. The act of March 3, 1849 (Interior Dept.), is in 9 *Stat. at Large*, 395.

ALEXANDER JOHNSTON.

AFRICA, one of the five divisions of the globe. Africa would be a continent were it not for the isthmus of Suez which connects it with Asia. At all other points it is bathed by the sea: on the north by the Mediterranean; on the northeast by the Red sea; on the east by the Indian ocean; and on the west by the Atlantic. Its entire area is estimated at 11,556,600 square miles. Its population, of which not even an approximate census has ever been taken, is estimated to be from 60,000,000 to 200,000,000, mostly of the black race. The truth here, as in most cases, is likely to be found between the two extremes.—Politically, Africa is divided into independent states and peoples, dependent states, and European colonies. I. The independent states and peoples are: In the north, 1, the empire of Morocco, with

about 216,000 square miles and a population variously estimated at from 2,500,000 to 8,000,000; 2, Tunis, claimed by Turkey as a vassal province, but whose bey exercises sovereign power (in 1871 the bey recognized anew the suzerainty of the porte), with a population of 2,100,000, and an area of about 42,000 English square miles. — On the west is the republic of Liberia, founded by free black immigrants from America. It has an area of 14,465 square miles; and a population of about 720,000.—In the east, the island of Madagascar. — In the south, in the interior, 1, the republic of Orange, established by the Boers, independent Dutch colonists, and 2, the republic of the Transvaal.—In the northeast, Abyssinia, situated on the lofty plateau between the upper Nile and the Red sea.—In the interior of Africa, and on certain parts of the coast, native tribes form a multitude of little nations, independent of all foreign power. Some of these are isolated; others are grouped into confederations, or formed into states subject to chiefs, whose dominions assume the titles and extent of kingdoms and empires, the limits of which vary according to the fortunes of war, and are more easily recognized by the people within them than by the territory they enclose. Without pretending to make a complete enumeration of these kingdoms, we may mention the following: in the great desert, the Touraegs and the Tibbous; in Senegambia, the Moorish and Berber tribes, and the Yolof, Bambaras and Mandingoes states (the Cayor Fouta-Djialon, Djiolof, Bambouk, Kharta, Kasso); in central Soudan or Takrour, Segou, Macina, the empire of the Fellatahs formed of a dozen vassal kingdoms, and besides Bornu, Baghirmi, Adamana, Waday, Darfour, etc.; in upper Guinea, the kingdoms of Ashantee and Dahomey. As to the inhabitants of central Africa, unknown to Europeans, those of southern Africa (Hottentots and Kaffres), and those of eastern Africa (Gallas and Somalis), they do not appear to have emerged from the condition of savage and patriarchal tribes, so as to form the body of a nation.—II. The dependent states are: Egypt proper, an hereditary vice-royalty under the sovereignty of the porte, with an entire area of 175,130 English square miles, and a population of about 5,517,627; Tunis (see above); Tripoli, governed despotically by a pasha named by the sultan; Zanzibar, dependent on the iman of Mascate. To these may be added the coast between Abyssinia and the sea, on which Massouah is situated, administered financially by the porte, and Madagascar, over which France claims sovereign rights of long standing. — III. The European nations which possess trading posts and colonies on the coast and in the seas of Africa are France, England, Portugal, Spain and Holland. About twenty years ago, Denmark sold her establishments on the Gold coast to England —Africa, owing to its Mediterranean coast, has always played a considerable part in the world's history. To mention Egypt and Carthage is to recall the glory and wisdom of antiquity, and the immortal struggles against Rome. In the middle ages the Mussulman sovereigns of Magbreb extended their dominions over Spain, and the regency of Algiers in the hands of the Barbarossas and their successors defied the threats of the Christian world during three centuries. In our own day the cutting of the isthmus of Suez promises a brilliant future to Egypt, situated as it is between Asia and Africa, the Mediterranean and a gulf of the Indian ocean. At all other points Africa has only commercial connections with the rest of the world — The economical and commercial position of Africa is a result of its geographical situation.—Traversed by the equator and both tropics it is within the torrid zone, most of whose vegetable and mineral products are found within its borders, but extending 35° to the north and south. It extends 12° into the northern temperate and 12° into the southern temperate zone, whose southern character is not unlike that of the Mediterranean coast. Two topographical peculiarities greatly modify the effects of its geographical situation. The first is the great deserts which, under the name of the Great Sahara in the north, and the Kalahari in the south, strike with almost absolute sterility immense tracts of land, and oppose almost insurmountable barriers to communication. The second are the high mountains, of which there are five systems: the Atlas in the north, the Abyssinian mountains in the east, the Kong range in the west, the mountains of the Moon in the centre, and the South African range. These mountains attain a height of from 6,000 to 18,000 feet, and temper the heat of the region by reason of their altitude. Communication with the world outside has been facilitated by the waters which surround Africa. Two great basins, the Mediterranean and the Red sea, were in antiquity the great water highways of the ancient world. Since the discovery of the cape of Good Hope all the rest of the coast has been visited by ships in great numbers, and has witnessed the rise of commercial houses, factories, dépôts, villages and colonies. In spite of the distance it was possible to establish relations between China and Africa in early times, owing to the monsoons which, in the Indian ocean, blow regularly during six months from the northwest, and six months in the opposite direction. Commercial enterprise, however, has rarely penetrated into the immense interior of Africa, on account of the small number of large rivers there, suitable for navigation. There are in Africa three rivers of the first magnitude: the Nile, the Niger, and the Zambeze; and four of the second magnitude: the Senegal, the Gambia, the Zaïre or Congo, and the Orange river. This paucity of rivers on such a vast surface indicates either the absence of rain in the interior, which seems to be the real cause of the deserts, or the rapidity of evaporation, a natural result of the heat, or, finally, a depression in the central region attended by the formation of lakes, where the rivers are lost. The existence of this last cause,

scarcely suspected in former times, has been confirmed in recent years by the discoveries of travelers.—All these peculiarities taken together explain the general character and local variations of African commerce and economy. The hottest climate on earth puts its powerful and glowing imprint on the flora and fauna of the country; while the climate grows milder at the north and south, and on the highest points of land, until we reach the temperature of temperate countries, with a sub-tropical tint. It follows from this that the products of southern Europe and central Asia must be found growing together in the north and south as well as in the islands with those of regions characteristically African. — The vast natural wealth of this continent is in the hands of the black race, who, with a thousand varieties of color, form and aptitudes, inhabit almost the whole of Africa, since they have not been subjected to foreign influence except on some narrow strips of coast-land. In the north, however, all the region of the Atlantic with the Sahara is divided between three principal varieties of the white race: the Aryans of Europe, masters of Algeria and settled somewhat numerously in the commercial towns; the Arabs, who invaded and conquered the country; and the Berbers, inhabitants of the land from time immemorial, and who are so ancient that they may be considered autochthonous. The black race begins on the southern rim of the Sahara and occupies all the rest of Africa from east to west, save a few spots on the eastern coast inhabited by Arabs, by Malay Hovas in Madagascar, by whites in different European colonies, and by the Turks in Egypt. The black race, according to a widely received opinion, inferior to the white in intellectual faculties, has been so enslaved by the latter at every point at which they have come in contact, that by an odious violation of human rights they were for centuries the principal article of export from Africa to Asia and America; but this is something which we can merely refer to here. (See SLAVERY, NEGROES.)—Still relegated to a lower scale in social life, the black race gains but meagre benefit from the gifts of nature. Their culture, their industry, their commerce, are but rudimentary. The ground is tilled by hand, rarely with the plow. Commerce is carried on by land on the backs of camels and by caravans, and by water. But these people, no matter how low they be, are susceptible of education. The most advanced among them are those who have been most under European influence. This influence operates on their manners as well as their industry, and at length progress manifests itself everywhere in their commerce which has already attained the sum of about $240,000,000. If we consider that France alone does five times as much business as all Africa, we shall see how much the latter is behind Europe, and what inexhaustible resources she offers to the intelligent use of capital, brain and muscle. — BIBLIOGRAPHY: Ritter, *Allgemeine vergleichende Geographie*, Berlin, 1822; MacQueen, *A Geographical Survey of Africa*, London, 1840; Murray, *Historical Account of Discoveries and Travels in Africa*, 3rd ed., Edinburg, 1840; Cooley, *The Negrolands of the Arabs*, London, 1841; and *Inner Africa Laid Open*, by same author; Bruce, *Travels to Discover the Sources of the Nile*, Edinburg, 1805–7; Speke, *Journal of the Discovery of the Sources of the Nile*, Edinb. 1863; Stanley's *Through the Dark Continent*.

JULES DUVAL.

AGE, Political Aspects of. The attainment of a certain age is one of the conditions attached to the exercise of civil and political rights. A man must have reached a certain age before he can be held responsible for his acts, or be entrusted with his own fate or that of others. This age is fixed by law and generally in accordance with the usages and customs of the country.—But age plays a part in the political life of a people altogether independent of the rights conferred by law on those who have reached their legal majority. Youth, ripe manhood and old age do not always look on questions from the same point of view. In fact they rarely do so. Youth lacks experience. It has not gone through the process of deception. It seizes questions with a generous spirit and looks at their bright side. It does not recoil before danger, and seems disposed, at times, to seek it. Manhood is less dazzled by appearances. It has been deceived only too often, and is not so easily caught with words. Old age is often skeptical, or makes it a point of honor to remain faithful to the opinions of a lifetime. Hence youth most frequently ranges itself on the side of democracy; middle age on that of the liberals; old age with conservatives. This of course refers only to the first impulse. On reflection the young man casts aside his utopian ideas, and, later on, takes the position which reason points out as the best or toward which his temperament inclines him. The mature man hesitates in the presence of new ideas, and takes no position without first obtaining ample information. The old man is naturally hostile to change. In a greater or less degree it is necessary to convince him of the reality of the advance before he will approve the step; not unfrequently he feels it a point of honor to stand aloof; he does not wish to give the lie to the beliefs, acts and feelings of his whole life.—There is, however, a force which frequently neutralizes or weakens the influence of age on political opinion. It is the fact of having been reared in a family with strong and well defined political convictions. In such families the sons generally take the opinions of their fathers as they do their names, and remain faithful to these opinions through life. The exceptions to this are more rare than is supposed, for here education has produced fixed ideas in the minds of the sons and caused them to take a fixed position. The child has often heard the arguments opposed to the views of his parent brought up and refuted in a manner convincing to his prejudiced mind. They

have been ridiculed, perhaps treated with contempt. These impressions have sunk deeply into the mind of the young man. They dictate his modes of thought, so that opposing ideas have slight influence on him. He does not listen to them willingly, and if his temperament, not to mention his interest, come to the aid of education it is nearly impossible to change his mind.—It may now be understood why democracies fix the accession to the right of suffrage at as early an age as possible, and why liberals, and still more conservatives, wish it fixed at a later age. In hereditary aristocracies political majority is often fixed at an early age because education there curbs the spirit of innovation, while in very small democratic states it is fixed at a more advanced age, each citizen looking on himself as invested with a position of trust, on which the welfare of his country depends. MAURICE BLOCK.

AGENT, Diplomatic. A diplomatic agent is a functionary commissioned to represent one state at the capital of another, or to negotiate and treat with that other on national affairs.—1. HISTORY. It may be said that there were diplomatic agents from the time that two or more political communities existed and began to hold intercourse. The Egyptians, the Persians, the Jews, the Greeks, the Romans, especially the latter, received and sent political agents to discuss their public interests with other nations. The Greeks and Romans called their agents *πρεσβεῖς*, *legati oratores*, and conferred on them special rights. Antiquity did not possess, however, a well developed international code. For this there are very excellent reasons, among others, that then the civilized world was frequently confined within the limits of a single empire. The middle ages witnessed the formation of distinct states, independent of one another. During many centuries, however, these states held but little intercourse. Agents were sent abroad by princes on private business which they did not distinguish from public affairs. Men of quality were also sent on formal missions. At times the pope demanded of princes to send him embassies of obeisance on their accession to power. In modern times these have been modified into simple embassies of respect or politeness. The popes alone had envoys, *responsales*, in early times near the kings of France and the Byzantine emperors. Later, we find permanent papal envoys, called legates, near the kings of France and England and the sovereign of the holy Roman empire.—The kings of France were the first secular princes who established a regular system of diplomacy. Louis XI. had permanent envoys residing near the king of England and the duke of Burgundy. His son, Charles VIII., by his Neapolitan expedition, brought about a complication of affairs in Europe which forced princes to be represented near foreign sovereigns.—The diplomatic agent is, therefore, a product of the cabinet policy which began to be developed in the 16th century.—Diplomacy had nothing regular about it in its early stages. At first there was but one class of diplomatic agents—ambassadors who, by diplomatic fiction, were supposed to have the high office of representing the person of the sovereign. This gave rise to ceremonial difficulties and great outlay of money, which neither contributed to the dispatch of business nor smoothed the way of negotiation. In order to avoid these difficulties simple agents were sent, who had nothing to do with ceremony because they did not represent the person of the sovereign. At first they received the name of agents, then of resident ministers at foreign courts. These agents were entrusted with the earliest permanent political missions. Ambassadors became permanent only subsequently to the establishment of political missions during the course of the 16th century, and from that time, were divided into several classes. It was in the 17th century that the rules of diplomatic etiquette began to be applied to envoys of the second degree. From the treaty of Westphalia we may date the establishment of more fixed rules for diplomatic agents. The treaty of Utrecht, in 1713, had the same result as that of Westphalia. In the 18th century there were three classes of public ministers: Ministers plenipotentiary, resident ministers, and *chargés d'affaires*. The sphere of action of the diplomatic agent has not undergone less modification than has the rank and distinction of the classes of ministers. Under Louis XI., and generally during the 16th century, diplomacy meant deceit and trickery. The question for the diplomate was not so much to represent the general interests of his own country as to find out the secrets of the court to which he was accredited. In proportion as political interests became separated from the private business of the prince, the activity of the agent began to lose its character of *finesse*, sharp practice and espionage. The establishment of permanent missions which became obligatory on all states, contributed greatly to the advance of international law. By degrees the adoption of a uniform *modus vivendi*, and of general rules of negotiation, created a certain equality among states, and also that feeling of right which forms the basis of the European system. In this respect above all, the establishment of permanent missions has been of great service. But on the whole it is impossible to form an idea of the part played by diplomatic agents without taking into account the general system of politics prevalent in civilized states. The purer politics become, and the higher its motives, the more fruitful in good results is the action of the diplomatic agent.—It may be said without fear of mistake that the great epoch of European diplomacy commenced with the era of absolutism, between the peace of Westphalia and the congress of Vienna, from 1648 to 1815. When a single will, looking only to its own pleasure, directed the destinies of states, the task of diplomacy was far different from what it is now. In our day public opinion urges on instead of following the march of events,

and diplomate, king or prince must be on good terms with public opinion if he hopes to hold his place. Besides, the multiplicity of interests in our days is such as to render it impossible for one man to represent his country in everything; and it now happens more frequently than in former times, that important negotiations, such as treaties of commerce, are confided to ministers plenipotentiary *ad hoc*. To this must be added the numberless means of communication. When the capitals, that is, the centres of negotiation, were separated from each other by long distances, instructions, general, special, ostensible, or secret, had much more importance than now. At the present time, the diplomate, like other men, utilizes the telegraph wire. There is no longer either time or distance. Cabinets are in a condition to profit by all the changes of circumstance, to act directly and immediately. Real diplomatic action will fall more and more into the hands of the ministers of foreign affairs of their several governments, and the diplomatic agent will become more and more a simple bearer of instructions. Adroitness, the power of studying and influencing men, will doubtless continue to be necessary qualifications of a diplomate; but his responsibility and independent action will tend to decrease, and consequently the importance of his functions will lessen. Men fit to devote themselves to public affairs have now open to them other careers than that of diplomacy, which does not, as formerly, furnish the only way, except that of arms, to honor, influence and reputation. It is much less sought after than in the beginning of this century, and great names are less frequently found in it.—II. Right of Legation. The right of legation is active and passive, that is, the state which has the right to receive diplomatic envoys has also the right to send them to other states. The right of legation is a consequence of sovereignty. Its exercise belongs to the representative of the state. It is optional and not obligatory. Nevertheless the refusal to receive the minister of a foreign power in time of peace may be considered as a cause of rupture, if the refusal be not founded on plausible reasons. Among these the most important may be the person of the minister himself, who may be objectionable to the government to which he is accredited. When one state denies to another the right to accredit ministers to it, it refrains from exercising the like right itself. The right of legation having its origin in sovereignty, belongs equally to monarchies and republics. The class to which a minister may belong is a question for the government which appoints him to decide. Nevertheless this principle is subject to certain restrictions resulting from inequality from the standpoint of diplomatic ceremonial. In general the right of sending ministers of the first class is reserved to states whose rulers enjoy royal honors, and to great republics. Dependent, semi-sovereign states can not accredit diplomatic agents. A state connected with another which is charged to negotiate concerning their common interests with third parties, has not the right to receive or accredit diplomatic agents. Such are Norway at present, and Poland under the constitution of 1815. The grand duchy of Luxemburg was in this condition for a long time, but since 1867 that country, which is connected with Holland through the person of the sovereign, has special diplomatic representatives. The states forming part of the German empire have not the right of legation. Some of them, nevertheless, still exercise that right by simple toleration. The Danubian principalities and other vassal states of Turkey maintain semi-official agents, but matters of importance which concern these dependent states are treated by the Turkish representative. A limited right of receiving public ministers is sometimes accorded to governors general, viceroys, etc. A monarch who has abdicated can no longer exercise the right of legation. A more disputed question is, whether this right ceases with the involuntary loss of the throne. The answer here is dictated by reasons of state. Formerly, the legitimate but dethroned monarch retained the right of embassy which was refused to the usurper. At present, when the tendency is more and more to recognize accomplished facts as the basis of new rights, the world is inclined to drop the distinction between governments *de facto* and *de jure*. From the moment that the successor of the dethroned prince really represents authority, it is in order to receive his envoys. It is admitted, in any and every case, that the reception of a minister being equivalent to a recognition of the sovereign whose mandatory he is, the minister of a dethroned monarch can not be received with the same title and in the same official character as the minister of the monarch who supplanted him. There is one exception, however, in favor of the pope. Since Italy took possession of Rome certain states have a representative near the King of Italy and also one near the chief of the Catholic church.—III. Classification of Diplomatic Agents. They may first of all be classed in accordance with the object of their mission. There are ministers for negotiation, ministers of etiquette and of ceremony. There are embassies of excuse, of obedience, or reverence. Finally, the mission of a diplomatic agent may be permanent or temporary, extraordinary or ordinary. These distinctions, however, do not refer to what is specially understood by classification, which has essentially in view the rank of the diplomatic agent. The difficulties raised formerly on account of ceremonial and the disputes on questions of rank led the eight powers who subscribed to the treaty of Vienna to adopt one and the same rule on this subject. By the act of March 19, 1815, diplomatic agents were divided into three classes: Ambassadors, legates or nuncios; envoys or ministers accredited near sovereigns; *chargés d'affaires*, accredited near ministers of foreign affairs. Ambassadors and legates or nuncios alone have the representative character. Diplomatic envoys on extraordinary

missions have no superiority of rank on that account. Diplomatic envoys take rank in their classes in accordance with the date of the official notification of their arrival. It became necessary for each state to fix a uniform mode of reception for the diplomatic envoys of each class.—The protocol of Aix-la-Chapelle, dated Nov. 21, 1818, added a fourth class, that of ministers resident, who took rank between ministers of the second order and *chargés d'affaires*. It is proper to add that but few states are represented by ministers resident. The most numerous classes are the second and fourth. In the majority of cases governments accredit near foreign courts diplomatic agents bearing the title of envoy extraordinary and minister plenipotentiary. This title was first employed by the English. Notwithstanding the regulation of 1815, a species of superiority over the ordinary was attributed to the envoy extraordinary. This is the reason why most ministers on a permanent mission take the title of envoy extraordinary. Diplomatic agents of the first three classes are accredited from one sovereign to another. The fourth class, that of *chargés d'affaires*, receive their credentials from the ministers of foreign affairs of their own country, and are accredited to the ministers of foreign affairs of the government near whose court they reside. The rules of Aix-la-Chapelle do not hinder any power from fixing the hierarchy of the diplomatic corps as it thinks fit. In France the hierarchy is at present the following: Ambassadors, envoys extraordinary and ministers plenipotentiary, *chargés d'affaires*, secretaries of embassy, secretaries of legation, attachés or diplomatic aspirants. The consuls general of France in Mussulman countries and in South America have the rank of *chargés d'affaires*. Diplomatic tradition ascribes to an ambassador (see AMBASSADOR) the privilege of representing more particularly the person of his sovereign; it has been concluded from this that he has a right to be received by the prince near whom he is accredited every time he presents himself, but in constitutional countries this right, if it still exists, is purely honorary, for the sovereign can not make any decision without consulting his ministers. The four classes of ministers admitted by the protocol of Aix-la-Chapelle, Nov. 21, 1818, comprise, properly speaking, public ministers. Besides these classes the following diplomatic agents may be mentioned: 1st. Semi-official agents sent by non-recognized or usurping governments. These are not members of the diplomatic corps. They have not letters of credence, but simply letters of recommendation. 2nd. Commissioners with a special mission, such as the fixing of boundaries or the settling of claims. 3rd. Great personages charged with important missions in which it is desired to avoid diplomatic ceremonial without at the same time placing the envoy in an inferior position. The public minister establishes his character by the delivery of his letters of credence, which are presented to the sovereign when the minister belongs to one of the first three classes, or to the minister of foreign affairs when he is merely a *chargé d'affaires*.—IV. PRIVILEGES OF DIPLOMATIC AGENTS. These were formerly very great, but at present they consist especially in the following: 1st. Inviolability of the person of the agent and the couriers of the legation. 2nd. Exemption from foreign jurisdiction. There is a certain number of undetermined questions here, the solution of which often depends on the manner in which the case presents itself, for the exemption from civil jurisdiction is not absolute. One thing well established, however, is, that the building in which the legation is located is inviolable, and that the local authorities can not cross its threshold even to serve a legal writ. Neither is the exemption of the diplomatic agent from criminal jurisdiction absolute. It does not extend to cases of flagrant conspiracy against the government to which he is accredited. Finally, as to the suite of the minister. There is a distinction to be made between the suite proper and persons simply attached to the legation, and even among the latter a distinction may be made between natives and foreigners. 3rd. The right of exercising freely the agent's religion in the residence of the legation. This privilege will cease to be one whenever universal freedom of worship shall prevail. 4th. The preceding prerogatives belong to diplomatic agents only in countries where they are resident in an official capacity. In countries through which they are passing, these privileges are purely a question of courtesy.—V. DUTIES OF DIPLOMATIC AGENTS. To the privileges of diplomatic agents there are corresponding duties, resulting either from the nature of their functions or from that of their privileges themselves. If a diplomatic agent enjoys inviolability it is on condition of not going beyond his proper sphere of action. Straight-forward honesty in his intercourse with the government to which he is accredited, is the first duty of a diplomatic agent. In case of offenses committed by public ministers against the safety of the state in which they are resident, their persons and papers may be seized if the danger be pressing, and they may be sent out of the country. If circumstances are not sufficiently imperative to oblige a recourse to such violent action, the recall of the objectionable minister is asked of his government. History affords many examples of both these cases. It is difficult to fix rules of action for exceptional cases. The residence of the legation should never become a centre of intrigue against the government of the country, and the minister should never maintain any relations with the chiefs of parties which might give umbrage to those charged with the direction of state affairs. In a political crisis, during the interval between the overthrow of one government and the establishment of another, the conduct of the minister ought to tend toward allaying irritation and not precipitating a rupture. Individual tact is the best counselor in these difficult circumstances. It is not possible to act in the

same manner in all places. Moderation in one country would be weakness in another. It must be acknowledged that diplomatic agents generally observe neutrality and a proper reserve. Conspiracies like that of Cellamare are unheard of in our day. Still, some eight or nine years ago many complaints were heard of the conduct of the Sardinian minister at Florence in 1859, and of the minister of the same power in 1860 at Naples; and an English minister boasted of the influence which he said he had in causing the overthrow of Louis Philippe's government.—Besides, a diplomatic agent ought not to confine himself to any one class of society, if he wishes to know and be able to describe the condition of the country in which he resides. Diplomates have been justly reproached for restricting themselves to a social circle which is at once narrow and cosmopolitan, being the same everywhere without a local character of its own. In fine, the diplomate should be zealous in defending the rights of his countrymen. There is nothing which makes a government more respected abroad, and, as a consequence, at home, than the protection which it affords its own citizens, not *per fas et nefas*, but whenever the right of the person in question seems beyond doubt.—VI. CEREMONIAL. Questions of ceremonial were formerly very difficult to settle, and caused many a controversy. In our day whenever points of etiquette are not settled by usage, means are sought to avoid them, and generally with success. Article 7, of the treaty of Vienna, lays it down that when a treaty is to be signed between several powers, which recognize the *alternat*,[1] the order to be followed in signing shall be decided by lot. At present the alphabetical order is more frequently used. In ceremonies the place of honor is the centre, and each member of the diplomatic corps takes his place according to his rank on the right of this centre. But it is frequently sought to avoid this ceremonial arrangement. Chance is allowed to assign each his place, or it is declared that each place should be considered as the first. The formalities for a reception audience differ according to the rank of the envoy. An ambassador has the right of wearing his hat in the presence of the sovereign before reading his address of audience to him. Ministers of the first class alone have the right to the title of excellency. They may ride in a carriage drawn by six horses. Papal nuncios at Catholic courts have precedence of all other envoys.—VII. A diplomatic mission comes to an end: 1st. Through the extinction of sovereignty in the state which sent the envoy, or in the state to which he is accredited; 2nd. By the death or abdication of the envoy's own sovereign, or the sovereign near whom he is accredited; 3rd. By the extinction of his letters of credence; 4th. By the annulling of his powers; 5th. By the recall or promotion of the envoy; 6th. In consequence of diplomatic rupture; 7th. By the accomplishment of his mission, if it is temporary or special. (See AMBASSADOR, CONSUL, DIPLOMACY.) JULES GRENIER and MAURICE BLOCK.

[1] The *alternat* means that each power stands first in the copy of the treaty destined for it.

AGENTS, Natural, a politico-economical term. The earlier economists were wont to say that three distinct elements concur in the production of wealth, to wit: land, labor and capital, the last being nothing else than previous labor accumulated. But this nomenclature soon seemed too narrow, at least in regard to the first of the terms composing it, in that it appeared to imply that land, properly speaking, is the only one of the natural forces which associates itself with human labor. It is evident that such is not the truth. Man finds agents everywhere in nature to second his efforts. The sea spontaneously yields to him a number of products which he needs only to gather up. The air, the wind, water courses, electricity, all the powers of the physical world, supply him with force of which he makes useful employment in the series of his industrial labors. —The need has been felt, therefore, of putting in the place of *land*, words of more general meaning, applicable to all the powers of nature whose existence is useful to man. To-day the term *natural agents* is almost universally accepted.—Natural agents are of various kinds. Some, like arable land, mines and quarries, furnish both the materials and the workshop of production. They constitute the foundation of all industry. To the arable land, the mines and the quarries may be added the sea, lakes and rivers, in so far as they are considered productive of fish; the others are merely simple agents, aids which second the labor of man either of themselves and naturally, or after they have been, so to speak, tamed and conquered. Such, for example, are the heat of the sun, which develops and ripens plants; the rains which make them fruitful; the water courses which turn hydraulic wheels; the wind which moves ships at sea, or whirls the windmill's arms on land; the seas, lakes and rivers, in so far as they are navigable routes; the weight of bodies, electricity, the force of expansion or contraction of metals, and generally, all the forces which man has found the means of bending to his service.—At no time has human industry been entirely deprived of the aid of natural agents; otherwise it would have produced nothing. But the number of forces which come to man's aid goes on increasing in proportion as his knowledge extends and his means of action grow. Man taxes his brain to conquer the powers of nature and shape them to his use, making them work to his profit, and he gradually succeeds in getting from them the better service. There is scarcely a discovery in science, or at least in the industrial arts, whose object it is not either to put some natural power hitherto unknown at the service of man or to make a new use of an agent already known. It is thus that the discovery of Daguerre compelled the rays of light to trace the image of external objects with a marvellous truth which the pencil of the painter will never

attain. It is thus that electricity, that power hitherto so mysterious and disobedient, is forced to furnish us with the means of instant communication with most distant places. The admirable discovery of the steam engine is nothing else than putting a natural agent at the service of man, a natural agent of incalculable power which has been successfully mastered. From day to day the number of natural agents in our service increases, and we obtain from them better work. This is one of the aspects of human progress, and not the one least worthy of interest.—This progress is visible in all directions. New mines and new quarries are constantly being discovered. On the other hand, the extent of arable land increases, either by the clearing up of forests, the draining of morasses or the converting of plains and heather into cultivated fields. In the meanwhile new seas are discovered by navigators, their surfaces are explored more exactly and their depths are sounded with increasing accuracy. Lakes by degrees disclose the wealth which they conceal. Rivers and lakes are confined within their beds, and, freed from the obstacles which barred their course, they become, thanks to the labor of engineers, channels of navigation which grow more perfect every day. The force of gravitation, which human ingenuity at first knew so little how to use, and which was even an obstacle to it in most cases, has become, owing to the discoveries of science, one of our most powerful auxiliaries at the present day. Again, the most mysterious forces of nature, as well as the most hidden properties of bodies, formerly rebellious to such a degree that frequently they were a source of trouble to man in his labors, but now conquered and pliant, have been put under contribution, and have become useful instruments in our hands. This is one of the chief causes of the relative fruitfulness of modern industry as compared with the industry of ancient times. "Analyze the progress made by industry," says J. B. Say, "and you will find that it can be reduced to having turned to best advantage the forces and the things which nature has placed at the disposal of man."—Among the natural agents of industry some are capable of being appropriated, others not. And this is true not only of those which constitute the groundwork itself on which industry operates, but also of those which act only as simple auxiliaries. Thus arable land, mines and quarries can be and are almost always appropriated. But the sea, which is productive as well as the land, though not in the same degree, since it produces fish, coral, pearls, salt, etc., the sea, we repeat, is not capable of appropriation, unless perhaps in some of its interior bays. A waterfall considered as a motive power can be appropriated, and we see in practice that most waterfalls have become private property in civilized countries. But the wind, which fills, very nearly, the same office either for windmills on land or vessels which sail on the seas, is not susceptible of appropriation, and there are really but rare and very exceptional cases in which we may say that it was appropriated to a certain extent.—This distinction is important because of the serious consequences which it involves. It has therefore been laid down carefully by all economists.—The services of unappropriated natural agents is always gratuitous, in this sense, at least, that all men are free to use them gratuitously, on the sole condition of assuming whatever care and expense may be necessary to reap a benefit from them. On the contrary, the service of natural agents already appropriated, is generally burdened with certain dues for the benefit of those who have become their owners. It can be readily understood that he who has succeeded in obtaining exclusive possession of a productive force, should not wish to yield the use of it to others without compensation. If he lends or rents it he is paid for its use. If he uses it himself for the purpose of selling the products which he obtains from it, he charges a little more for these products than the ordinary cost of production.—Looking at things from this point of view we are tempted to believe at first that the appropriation of natural agents is always an evil. But reflection is not slow in correcting this first impression. If it be true that the man who has become master of a productive force of nature to the exclusion of his fellows generally exacts a price for its use, it must be remarked also that he is impelled by his own interest to increase its power when he can do so by his labor and his pains. There are certain natural agents which work for man spontaneously, but the greater number need to be constrained by various means which science suggests, and which are sometimes very costly. Who would burden himself with these costs, if he were not sure of reaping a benefit? The appropriation of these agents therefore is often necessary, since, without it, we should not obtain the services which they can render, and in this case it is surely beneficial to all.—Let us hear J. B. Say on this subject. "If the instruments furnished by nature were all private property, the use of them would not be gratuitous, the man who became master of the winds would let their service to us for money; carriage of goods by sea would be more expensive and products consequently would be dearer. —On the other hand, if natural instruments capable of becoming property, as tracts of land, had not become such, no one would run the risk of making them useful lest he might not enjoy the fruit of his labors. We could not have at any price commodities in the production of which land has a part, which would be equivalent to excessive dearness. Thus, although the product of a field may be made dearer by the rental of the field which must be paid to its owner, this product is less dear than if the field had not become property."—These words sum up sufficiently well the two aspects of the question.—It must be said, nevertheless, that certain questions of another order are connected with this subject, which it suffices to refer to here. Can the appropriation of natural agents, useful or not, be justified in law? Is it

legitimate in its origin, leaving out of consideration the advantages admitted to result from it?—To what point may this appropriation be extended? It has long been applied to arable lands, mines and quarries, to water courses, and a great number of other tangible natural agents. Can it also be applied legitimately and with the same advantage to those intangible natural agents whose services industry is enlisting every day by aid of new methods which it invents?—There remains a last question raised by some distinguished economists, and which merits a solution. It is: Are the services of appropriated natural agents really paid for, if the price which one is obliged to give the proprietors for their use is anything else in reality than the just remuneration for their actual labor or for their accumulated previous labor? (See APPROPRIATION, LAND, RENT.)

CHARLES COQUELIN.

AGIO. Agio is the corruption of an Italian word which signifies additional value. It meant at first a price exceeding the ordinary or natural value of a thing. Later, it was used more especially to designate the difference in value between metallic money and paper money, or between one metallic money and another. And it is with this latter signification that it has come down to us. In the old banks of deposit, such as those of Amsterdam and Hamburg, bank money (*banco*) had generally a value a little different from that of the same denomination which circulated in the country. Thus, at Amsterdam the ducatoon (*banco*) had almost always a little greater value than the current ducatoon. At Hamburg the crown (*banco*) was sometimes more and sometimes less in value than the crown of the empire which circulated in the country. This difference was called and is still called by the name of agio. Several economists have thought it worth while to seek the cause of this agio, and the question was really not without interest. But they had not at hand all the data necessary to solve it. Some have adopted without examination the explanation given by Adam Smith. Unfortunately this explanation is more ingenious than correct. It is not astonishing that the author of the "Wealth of Nations" should have been deceived as to certain details relative to a foreign institution little known at that time, and concerning which he had only imperfect information. Adam Smith supposes that the money deposited in the bank of Amsterdam was always received there at its intrinsic value, and that it acquired there a superior value from the fact, that, being put in a secure place, it was sheltered from changes to which current money was constantly exposed. "The money of such banks," he says, "being better than the common currency of the country, necessarily bore an agio, which was greater or smaller according as the currency was supposed to be more or less degraded below the standard of the state. The agio of the bank of Hamburg, for example, which is said to be commonly about 14 per cent., is the supposed difference between the good standard money of the state and the clipped, worn and diminished currency poured into it from all the neighboring states." Speaking, afterward, of the credit which the bank opens for every depositor on its books, "this credit," he says, "was called bank money, which, as it represented money exactly according to the standard of the mint, was always of the same real value, and intrinsically worth more than current money."—And further on he adds: "Bank money, over and above both its intrinsic superiority to currency, and the additional value which this demand necessarily gives it, has likewise some other advantages. It is secure from fire, robbery and other accidents; the city of Amsterdam is bound for it; it can be paid away by a simple transfer, without the trouble of counting, or the risk of transporting it from one place to another. In consequence of those different advantages, it seems from the beginning to have borne an agio."—All the advantages which Adam Smith here enumerates are real; but, as every one could make these advantages his own to the extent that he desired, it does not appear why this would have sufficed to secure to the bank money a value always superior to that of current money, if there had not been some other cause for it. When he adds, further on, that depositors avoided drawing their money from the bank, through fear of having to pay for its safe keeping, and finds therein a new reason for the superiority in value of the bank money, he errs; for the deposits were never made for more than six months, and when they were renewed at the end of that time, it was necessary to pay again for their safe keeping. The fact is, that there were exceptional dues to pay when a new account was opened.—The exact facts are as follows: From the beginning the bank of Amsterdam laid it down as a rule not to receive money deposited with it at its full value, and to attribute to it a value always 5 per cent. less than its real value. Thus, the ducatoon of Holland, which had a current value of 63 *stubers* (3 florins and 3 *stubers*) was received at the bank for only 60 stubers, or 3 florins, and the individual who deposited it was credited for every ducatoon according to this scale. Every depositor had, therefore, 5 per cent. more than he was credited with by the books. This did not prevent the bank from restoring to him the full amount when he withdrew his deposit, with the exception of a small charge which the bank claimed. This was a method of counting, and nothing more. But it suffices to explain why the money of the bank was always worth something more than current money. It was not, as Adam Smith thought, on account of the preference given to the money of the bank; it was only because the bank, while adopting the denominations of the current money, applied them to values really greater.—The bank money, far from being held in very high favor, was, we are inclined to think, looked upon with some slight discredit, either on account of the difficulty of withdrawal

or of some other cause. In fact, as we have just seen, the bank money had always a real advantage of about 5 per cent. over the current money. The agio, therefore, should have risen to 5 to represent par. Now, it was almost always under that figure, generally between 3 and 4, although the variations were sometimes greater. In certain extraordinary cases, it disappeared altogether, and the value of the bank money fell below that of the current money. This happened, for example, in 1672. It is true that it was on the occasion of the approach of the armies of Louis XIV. But this situation did not last long, the bank having immediately resolved to restore all deposits.—At Hamburg the circumstances were different. At first the bank of this city did not wish to establish, as at Amsterdam, a difference between its own and the current money. It had adopted as a type the crown of the empire, which was worth 540 *ases* of Holland, and had accepted it at this rate; but later it was constrained to depart from this rule, in consequence of alterations of the coinage undertaken by certain sovereigns. In the 17th century, the emperor Leopold I., and in the 18th century Maria Theresa, of Austria, overturned the plan of the Hamburg people by coining, as Busch says, crowns of the empire, which were really worth only 516 *ases*.—A certain number of these new crowns having slipped into the bank, unknown to its administrators, a great embarrassment in making payments was the result. As it was not known who should bear the loss, they wished to distribute it among all the depositors, by paying them partly in crowns of standard quality and partly in adulterated crowns. To straighten the accounts an average was sought between the old and the new crown; it was found that this mean was 528 *ases* to each crown. This is how the crown *banco* of Hamburg was fixed at this time at 528 *ases*, an ideal value inferior to that of the ancient crown of the empire, but greater than that of the new crown, and which has remained unchanged in the midst of the variations upward and downward, which the current money underwent.—Thus, at Amsterdam on account of a premeditated design of the founders of the bank, at Hamburg through circumstances more potent than the will of the administration, an actual difference in value was established between the money of the bank and the current money. This naturally explains the agio. It should be added, however, that the agio fell or rose according as the money of the bank was more or less in demand. If there was a great number of payments to make in bank money, certificates of deposit delivered by the bank were more sought for, and the agio rose. In the opposite case it fell. But these are natural fluctuations which we need not stop to analyze. It is exactly like the varying relations established between the respective values of gold and silver.—At Amsterdam the course of the agio was quoted every day, and known by all interested parties. It is probably the variations to which it was subject, and the speculations of which these variations became the object, that gave birth to the word *Agiotage*. CHARLES COQUELIN.

AGIOTAGE. Commercial speculation is useful to society. Agiotage (stock-jobbing) is harmful to it. Besides, it is always contrary to good morals. Speculation takes its natural course and develops in free and peaceful countries; stock-jobbing is never so active as in times of calamity and national trouble. Speculation is a regular operation; stock-jobbing is a game in which the players cherish the purpose of cheating, if need be. Speculation is an investment of capital intelligently made by the purchase of commodities, etc., at a low price, with the intention of selling them afterward when the price rises; the difference in the prices covers the expense of keeping the goods, the interest on the capital employed, and the profit of the speculator. By the first operation speculation prevents the fall of prices to a degree which would be fatal to producers; by the second it stops an excessive rise which would be disadvantageous to consumers. In stock-jobbing, on the contrary, the purchase is made with the intent of selling as soon as possible. Most frequently a bargain is made on time in order not to employ capital. There is not the least intention of receiving the thing bought. Again, a sale is made with a promise to deliver a thing not possessed and which the seller has no idea of acquiring. It is calculated in the interval to effect payment by a contrary operation at prices whose difference would be a profit. Fortuitous circumstances are depended on to bring about this result; also the chances of the harvest, the effect of good or bad news which is invented and spread abroad as needed. The stock-jobber, in a word, bases his profit only on a loss which he causes others. When his operation is over, no service is rendered, no value produced. What is produced is a simple transfer of wealth, while a heavy blow is struck at public morality.—As the passion for play is one of the infirmities natural to man, stock-jobbing does not fail to increase whenever circumstances produce great or rapid changes in the prices of things. Men do not fail at such times to gamble in bonds, stocks and merchandise. According to the times, stock-jobbing has been directed to the shares of the India company, Mississippi lands, the assignats, French national property, building lots in cities, shares in industrial enterprises of every kind, the working of mines, the draining of swamps, canal or railroad enterprises, Marseilles soap, oil, coffee, sugar, bread, etc.—If it were desired to write the history of stock-jobbing, the year 1719 would occupy a large place in it. Law's *system* reached its highest point of development at that time; intoxication was at its height; every one thought to make a fortune by what was called in France *dealing in paper* (*le commerce des papiers*.) For those who were skillful enough and realized on the paper in time, it became positive wealth; but disenchant-

ment and ruin overtook all others; and in the month of December, of the same year, a rapid fall of values set in.—In view of the deficit and financial embarrassments of every kind left by Louis XIV., the regent, after having had recourse to the ordinary expedients of loans, the selling of favors and adulterating money, listened to the suggestions of Law. Educated, skillful, enthusiastic, Law, who had not been able to succeed in Scotland, his native country, was none the less convinced himself of the soundness and practicability of all his financial views. According to him, wealth is greater in proportion as the chief instrument of exchange becomes more abundant, and the bank-note above all is useful, in this, that it lends itself to as rapid an increase as possible of the *representative sign*. But as the sovereign power of the state alone gives value to money, the bank note, in order to keep its value, should rest on the state. To gain this support, a bank should accept the obligations of the state, as capable of forming an important part of its capital. On the other hand, it was necessary that the bank should be a joint stock institution, and in order to attract shareholders, it was necessary to offer them the bait of commercial profits, by obtaining the concession of certain great privileges. The *system* had thus as its essential elements bank notes and shares of stock. — Law obtained, May 2, 1716, the privilege of founding a private bank, for which the capital might be subscribed, three-fourths payable in *state paper*. The following year he obtained a decision that the notes issued by the bank should be received as cash by the State. Nevertheless the success of the scheme was far from remarkable; the shares were below par, and it became necessary to lend them some new attraction. Commerce with distant countries was carried on in those days by privileged companies, and there was in a monopoly of this kind to be found all the chances fitted to awaken hope in the minds of men. Law was permitted to succeed Crozat in the right of developing the commerce of Louisiana and the beaver trade of Canada. Consequently his bank founded the *Occidental Company*. When we to-day see the degree of wealth of the vast country drained by the Mississippi, and the present splendor of New Orleans, we can easily understand what were the illusions of the people who were promised that the development of this part of the globe would be carried on for their benefit.—The director of these enterprises governed at the same time the finances of the state. The general bank soon became a royal bank. To the monopoly of the commerce of the west was added the monopoly of the commerce of China and the Indies. The *Occidental Company*, which besides had acquired the lease of the *fermes générales*, and also the monopoly of commerce with Senegal, finally assumed the title of the *India Company*. Every transformation was followed by the issue of new stock. The wish to use the state notes, which were depreciated, attracted shareholders at first, then the habit of trading in stock commenced to take root. Stock-jobbing did the rest. Law excited it by every means in his power, and at the beginning of 1719 he inaugurated the *margin market*, by buying at par 200 shares of the *Occidental Company*, paying 40,000 livres on account of 100,000 livres which represented their value, and consenting to lose the earnest money thus given, should he not fulfill his engagement within a fixed time.—The centre of operations was in Rue Quincampoix, occupied then by bankers and money changers. The report of sudden fortunes made in this place attracted the crowd to it. Operations soon reached dimensions which would appear fabulous even to-day. The gutter of this street was called the Mississippi, and anecdotes abound concerning the strange incidents which happened in those places. It is related that a hunchback made a fortune by letting out his hump to serve as a desk on which to sign contracts.—The first shares had for a long time failed to reach par, 500 livres. The new ones, with the same nominal value, were issued at 5,000 livres. At the end of November, 1719, they were sold at forty times their nominal value. During this time, paper money was increased imprudently, and the moment of the crash drew near. The most adroit stock-jobbers commenced to retire first. They kept up prices as long as they could, in order to have time to change the fictitious values which they held for real values; but the bulk of the public, composed of simple people and bungling speculators, supported the whole weight of the bankruptcy.—Since that time stock-jobbing has not again appeared with that ensemble of characteristics which lent it, for a time, an effect truly dramatic. Operations have been more varied; stock gambling has become in some degree regulated, by division and by spending itself on objects of different kinds. State paper has furnished it its most constant and most regular food. Representative governments have been obliged to keep their accounts in public and to give up the precarious resource, left to absolute monarchies, of adulterating money. It was easy to make it a principle that the national honor is bound to the punctual payment of debts contracted in the name of the country. In this way, public credit has been developed; but, with this system, expenses have increased in gigantic proportions, loan has succeeded loan, and the public debt of every state has saddled the future with a heavy burden of interest.—In order to facilitate the circulation of loans, they established the non-distinction of origin of debts in entering them in the state ledger. State bonds were exempt from seizure by attachment against the owner. Markets were opened at which daily sales were made at auction and for cash; but, above all, the passion for gambling was excited by special privileges reserved to the brokers. Real operations served as a cloak to a much greater number of fictitious ones, and the confusion of transactions of different kinds was so great, that in sales on time, some of which, no doubt, were

very legitimate, it was difficult to discover which were the mere result of stock-jobbing. The number and nature of transactions were therefore multiplied.—At different times, especially in 1827 and 1828, there was veritable stock-jobbing in building lots in Paris. Peace, and commercial prosperity which resulted from it, increased the population With greater prosperity every one sought to obtain better lodgings, cleaner, better situated, better ventilated: whence the necessity of new buildings. Speculation sought the best investments, and when a happy choice had been made, the sale was attended by a large profit. Hence large pieces of land were sought for, in spaces where new wards could be opened, or new streets laid out. So far the transaction was quite legitimate. It was not always so, however, with the means employed to obtain purchasers for the land and raise the price of the lots. For this the ordinary tricks of jobbing were put in play. One of the means employed, with disastrous consequences to many people, was to build houses in many parts of the new ward without spending a cent. For this purpose the speculator, who had bought all the land, selected a lot desirably situated for a residence for himself. He had plans made by an architect. Then he called in contractors of masonry and carpentry, blacksmiths, joiners, roofers, glaziers and painters. He asked each contractor to undertake his part of the building in consideration of pay in land in the same ward, worth more than the work to be done, and at prices which stock-jobbing had raised greatly. Many sub-contractors allowed themselves to be taken by the bait, proud of thus becoming land owners. They commenced to build houses on their own lots, giving their own services for the lots. One returned in carpentry the value which he received in masonry, another in roofing what he received in lock-smithing, and so on to the end of the chapter. But the speculation did not always succeed. The ground was sold at too high a price; the apartments were rarely rented, and the houses still more rarely sold. All this work was accomplished only by delivery of materials by dealers in timber, iron, plaster, stone, paints, materials of every kind. These dealers prosecuted the sub-contractors, and the latter demanded the sale of the houses constructed by them. A settlement was generally effected at a low price. The original speculator became the purchaser, and thus found himself possessor of lots covered with houses, without other expense to himself than the original payment for the bare ground on which he had conceived the ingenious idea of laying out streets. Let this suffice as an example. —The chances of gambling will, doubtless, have at all times a great attraction for many people; and it will be difficult to abolish stock-jobbing altogether; but it is beyond doubt that the principal remedy for the evil is found, in this as in many other things, in complete liberty. What is needed after this is a repressive law, clearly defining all kinds of fraud, and competent to reach them. There is still another remedy of real efficacy, but which, it appears, our modern legislators will not give us so soon. It is necessary to stop the enormous public expenses, annual deficits, loans which alienate the future, and consume the savings of the present. Then there would be no further need of the aid of those who subscribe to, and negotiate public loans, and there would no longer be any interest in protecting stock-jobbery. (See PRODUCTS ON PAPER, CHAMBER OF COMMERCE.) Consult, upon this subject, J. B. Say, *Cours complet, 2e ed., t. II., ch. 16, de l'agiotage.* (*Collect. des princip. Econom.*) HORACE SAY.

AGRICULTURE. The connection between agriculture and politics is not very apparent, but it is vital. Let us first show the influence of a nation's politics on its agriculture, and then discuss the influence of agriculture on the political life of a nation.—The following words of a clever minister of finance have been frequently quoted: *Give me good politics, and I will give you good finances.* It might be said with equal truth: *Give me good pol tics, and I will give you good agriculture.* Agriculture can really flourish only in a country where person and property are respected, where taxes are apportioned equitably and spent with economy, where the good condition of the means of communication increases the extent of the market; in a word, where liberty, justice and peace prevail. Let us take as an example, two nations at the opposite extremities of Europe: England and Turkey. The former has a foggy climate and a wet soil; the latter the finest of climates and the richest of soils. In spite of this, we find that for the same extent of surface, agriculture is a hundred times more productive in England than in Turkey. Why is this? Because England has a good political constitution, while Turkey groans under a wretched government.—Insecurity is the greatest scourge of agriculture, as well as of every other industry. No one tills and no one sows unless he is sure of the harvest. The first duty of a government is to guarantee the security of person and property. When this condition is wanting, everything is wanting. Insecurity arises from two causes, either from an excess of weakness or an excess of power, in the government. Anarchic governments are powerless to defend private interests; despotic governments disregard these interests themselves. Both vices are found too frequently united, and governments which respect the rights of their own subjects the least are, at the same time, very little concerned with making them respected by others. —The second duty of a government toward agriculture is this: to tax it as little as possible for the security guaranteed it. Taxes and soldiers are necessary to make law respected, but neither should be in excess. Burdensome taxes and enormous armies exhaust agriculture, by imposing on it exorbitant sacrifices, either in men or money. —The taxes which affect agriculture most directly are those levied on land. These taxes may be

doubly harmful, by their amount and apportionment. An unequal or too arbitrary assessment may have as fatal effects as an excessive tax. Under the ancient régime in France the sum total of taxation was in no way excessive, but it was collected with such violence, so unequally and with such attendant abuses, that it ruined the rural districts. It often happened that tillers of the soil preferred to abandon their land rather than pay the tax. By the side of these overburdened lands were others enjoying almost complete exemption from taxation. Even now complaints are made in France of inequalities in the collection of the land tax, but these differences bear no relation to those of the olden time.—Agriculturists imagine that indirect taxes do not concern them; they are mistaken. Indirect taxation, by affecting everything consumed, weighs upon agriculture in two ways: it raises the price of the commodities which agriculturists consume, and lowers the price of those which they sell.[1] It is a bad calculation on the part of the tillers of the soil, therefore, to allow indirect taxation to increase indefinitely, while land taxes do not increase. The sum total of public receipts press on all industries. Agriculturists pay their part of indirect taxation, just as other taxpayers pay their part of the land tax, through the rise in the price of agricultural products. There is a complete solidarity in a nation. Under whatever form it be collected, a tax is legitimate only when it is necessary; it should be strictly reduced to the exigencies of the public service.—According to the happy expression of Montesquieu, agriculture has all the more interest that *the State should not derive from the real wants of the people the wherewithal to satisfy imaginary wan's*, since extravagant outlay is always made far from the agricultural districts and in opposition to their interests. It is in great cities and especially in capitals, that the imaginary wants, spoken of by Montesquieu, are developed, that sumptuous entertainments are frequent and the prodigality that ruins and demoralizes is found. The more parasites of every kind swarm in them, the more is the capital which might support useful labor lost in unproductive employments. Agriculture loses in these places both the money which it gives and that which it fails to receive.—Among the unproductive expenses of a country, one of the most fatal is that of great armies. Every nation contains an enormous number of women, children, old people and infirm, who furnish but a small contingent to the labor of the nation. The number of strong and vigorous workmen does not exceed a sixth of the whole population; that is, in France, for example, it is 6,000,000 out of 36,000,000. An army of 600,000 men takes away, therefore, one-tenth of the labor power of the country, and it is the agricultural interest which almost entirely incurs this loss. If the same security could be obtained with half the army, 300,000 additional men would be annually employed in the labor of agriculture, and would increase its production in that proportion.—On the other hand, the first rank among productive expenses is occupied by public works, not by the building of palaces and theatres, but by such as facilitate the movement of men and products over the whole face of the country. Harbors, canals, rivers, bridges, roads of every description, from country roads to railroads, everything capable of quickening commerce has the greatest effect on agriculture. Every industry prospers through the extent of the market, and an abundance of the means of communication extends the market. In France a thousand examples prove this; either in proportion as carriage roads are extended, or new railroads are opened, whole districts take on a new face at once.—When a government has guaranteed to agriculture security, moderation in public expenses, the reduction of the army to what is strictly necessary, and a good system of roads, etc., it has fulfilled all its duties toward it. To go further, would be useless and might become dangerous.—We find the minds of statesmen divided between two systems of farming. One party extols the advantages of large farming; the other, small proprietorship and small farming. The discussion of the relative merits of these systems is proper and useful enough when confined to theory, but harmful and bad when it is sought to impose one or the other of the two systems by force or by law on a country. —English legislation here favors concentration of property through primogeniture and entailment. French legislation, on the contrary, favors division of land. At first sight the English system seems to be superior to the French, from the point of view of agricultural interest, since agriculture is twice as rich in England as in France; but on closer examination it is seen that the real effect of their legislation is not so great. First of all, the land is more divided in England and less divided in France than is generally supposed, because the force of things in both countries corrects the extreme provisions of the law; and secondly, the size of landed estates has not in both countries the same effect on the development of agriculture.—In general the soil and climate of England is better adapted to large farming, the soil and climate of France to small farming. The two nations will, therefore, to all appearances, preserve their present land legislation, but will modify whatever is excessive in it. Entail is now very frequently attacked in England, on account of its driving capital away from agriculture. It has already received many severe blows and will probably receive still more. The right of primogeniture itself begins to be called in question, at least in its most absolute formulation. In France, on the other hand, the legislation which now favors excessive division of land into small parcels will have to be modified, sooner or later.—Public authority has frequently interfered by other measures in agricultural matters, with good intentions, no doubt, but with the most disastrous results.

[1] If taxation increases the price of the goods taxed, how can it at the same time lower it?

Governments naturally anxious that the people should have the means of subsistence, believed they were providing them, by prescribing or prohibiting certain kinds of farming, by regulating the distribution of crops, by fixing the price of wheat, etc. Such regulations as these were in special favor under the ancient régime in France. Royal edicts prohibited the setting out of grape vines, without permission; decisions of parliament prohibited potato planting under heavy penalties. In one place artificial prairies were forbidden; in another, men were punished even for cutting wheat with the scythe. It took a long time for people to understand that agriculture was hindered by this action and that it was vastly better to leave it to regulate itself. It is best that agriculturists should ask for the intervention of government in their affairs as seldom as possible. The best political institutions are those which leave them the broadest liberty. The least centralized governments are the best, even in cases which absolutely demand the interference of public authority. If the nations of Europe be examined, it will be seen that agriculture prospers most under the governments which are least centralized. Political liberty is good for every class; it is a safeguard for the interests of agriculture, as well as every other occupation. It not only prevents arbitrary and ill-judged measures, but it develops self-reliant habits; it stimulates the spirit of enterprise and manly resolution. Governments sometimes imagine that they help agriculture by what they call prizes, etc. It would be unjust to deny altogether the utility of public competition, by prizes, marks of distinction, etc., but too much importance should not be attached to these things. As a general rule, the agriculture which needs *encouragement* is not in an enviable condition. Its real encouragement should be in the sale its products meet with. All great industries have grown up of themselves without artificial stimulation, by the sole influence of the market.—Agricultural societies, and, still better, agricultural journals, are among the best agents for disseminating information useful to agriculture. Free discussion, no matter what the question be, is the best servant of truth. Interference by authority does more harm than good, at least in the great majority of cases. It is all important to accustom agriculturists as far as possible to attend to everything themselves, and to assume the initiative in everything that may be useful to them. The author of this article, in a book on the *rural economy of England*, has endeavored to point out the influence of free institutions on the development of agriculture. He has endeavored to show why country life is more sought after in England than in France: "The richest landholder of a county in England is generally the lord lieutenant, more an honorary than a profitable title, but one which reflects on its possessor the eclat of English royalty. The richest men after the lord lieutenants are the justices of the peace, that is the first and almost the only administrative and judicial magistrates. In France officials are almost all strangers in the departments which they administer, connected with local interests by no tie. In England the proprietors themselves are officials in their districts, and though the crown formally appoints them, they are officials by the sole fact of their being landed proprietors. There is perhaps not an example of a commission of justice of the peace having been refused to a rich and respected landholder. In France when a landholder wishes to play an important part he must leave his land; in England, he must remain there."—Every nation has a character of its own. It would be folly to dream of having the same institutions and the same manners in France, for instance, as in England, but without changing in anything the basis of French national organization, such as it has been formed by all French history, the French may seek to resemble their neighbors in those points which have contributed most to their prosperity. If political institutions and habits have an influence on agricultural wealth, agricultural wealth in its turn has an influence on political life. Wherever agriculture prospers, a general feeling of peace and stability reigns in the social body; ambition is less violent, passion less inflammable, revolution less frequent. Here again we may cite the example of England. If England is the nation of Europe which for two centuries has had the fewest revolutions, much here must be ascribed to the influence of the agricultural class. Commerce and industry, whose prodigious development forms the chief wealth of that country, occupy but a secondary place in public esteem. Every one there understands that when agriculture suffers, all things suffer. Agriculture, in turn, recognizes that the progress of trade and manufactures is necessary to its own prosperity.—What nations seek above all is power, and population makes power. Two hundred years ago the population of England was about one-fourth the population of France; a century ago it was one-half; to-day it is almost as great. For some years past it has become so dense that the soil does not suffice to support the inhabitants; but up to the middle of this century English agriculture was able to satisfy the increasing demands of consumption. And even to-day the population of England increases so rapidly that the importation of provisions does not keep pace with it.—Let us see what took place simultaneously in France, toward the end of the reign of Louis XIV. Instead of increasing, the population had diminished by one-fourth, and the provinces supported the survivors with difficulty. One of the most terrible proofs of this general abandonment of farming in France is the royal edict of Oct. 13, 1693, worded as follows: "The king having been informed that many persons and laboring men, little knowing that the high price of grain arises solely from the tricks of merchants and others engaged in commerce, who have hoarded these products in order to increase their price, through fear of a want of

food for their families during the year, *intend to leave their lands untilled*, his majesty enjoins upon all laborers, farmers and other persons obtaining profit from their lands through the labor of their hands, to cultivate those lands which according to the custom of the country ought to be cultivated and to do it at the proper time, according to the nature of the grain and the custom of the place; *if they fail to do this, his majesty permits all persons to seed these places, by the doing of which they shall be entitled to all the fruits thereof, and not be held to give any part to the proprietors or the tenants or pay any rent.*" What a fearful light is thrown on the general situation of the country by a document like this! We can readily understand how France, reduced to this point of depopulation and lifelessness, fell into the state of *stagnation* in which she languished for three-fourths of the 18th century, and how she was able neither to defend her colonies nor continue the unfortunate seven years war. If France were as thickly settled as Belgium, she would have 75,000,000 inhabitants. We can easily see that with such a population she would have more weight in European affairs. What is true of men is none the less true of capital. Whatever be the productiveness of trade and industry, agriculture is more productive still, in this sense, that it furnishes the raw materials for all the other branches of national labor. A nation merely commercial and industrial would have no foundation; its wealth would be precarious and uncertain. On the contrary, a people with a great agricultural development furnishes immense support to commerce and industry, and by the combination of the three sources of production, may reach the highest point of wealth and power.[1] Capital invested in the soil is the solid basis of all other capital. This is abundantly shown, even in France, by the richest departments, such as the department of the Nord or lower Seine. The most successful war consequently does not increase a nation's power as much as a few years of peace and agricultural labor. L. DE LAVERGNE.

ALABAMA, a state of the American union, formed mainly from territory ceded to the United States by Georgia, the strip of land on the northern border having been ceded by South Carolina, and the southwestern corner by Spain, (see MISSISSIPPI; ANNEXATIONS, II.) It was separated from Mississippi territory, as Alabama territory, by act of March 3, 1817, St. Stephens being the temporary capital; an enabling act was passed March 2, 1819; a state constitution was formed at Huntsville, August 2, 1819, and the state was admitted by joint resolution, Dec. 14, 1819. Its boundaries, as prescribed by the enabling act, were as follows: Beginning at the point where the 31st degree of north latitude intersects the Perdido river; thence, east, to the western boundary line of the state of Georgia; thence, along said line, to the southern boundary line of the state of Tennessee; thence, west, along said boundary line, to the Tennessee river; thence, up the same, to the mouth of Bear creek; thence, by a direct line, to the northwest corner of Washington county; thence, due south, to the Gulf of Mexico; thence, eastwardly, including all islands within six leagues of the shore, to the Perdido river; and thence, up the same, to the beginning. —The original constitution, closely following that of Mississippi, formed a free and independent state, with its capital at Catawba (changed in 1826 to Tuscaloosa, and in 1846–7 to Montgomery, its present location); the governor was to hold office for two years; and the legislature was forbidden to pass laws for the emancipation of slaves without consent of the owners, to prohibit immigrants from bringing slaves with them, or to deprive slaves of trial by jury for offenses above the grade of petit larceny; but power was given to prohibit the importation of slaves as merchandise. —Prior to the rebellion the political history of the state was uneventful. Its electoral vote was always cast for the democratic candidates, and all its governors were democrats. During the years 1838–46 a whig opposition was formed, and in 1856 the american, or know nothing, party nominated candidates for state offices. In all other state elections the struggle was rather personal than political, the opposing candidates being of the same party. The state government took part with Georgia against the federal government in the Cherokee case until the removal of the Indians beyond the Mississippi in 1836–7. The only other local political feeling was caused by an unsuccessful effort, 1838–45, to repudiate the debt assumed by the state through its guarantee of various state banks.—Feb. 24, 1860, the legislature by resolution instructed the governor to call a state convention "in the event of the election of a black republican to the presidency." The convention met Jan. 7, 1861, at Montgomery, and, Jan. 11, passed the following ordinance of secession: "1. That the state of Alabama now withdraws, and is hereby withdrawn, from the union known as 'The United States of America,' and henceforth ceases to be one of said United States, and is, and of right ought to be, a sovereign and independent state. 2. That all the powers over the territory of said state, and of the people thereof, heretofore delegated to the government of the United States of America, be and they are hereby withdrawn from said government, and are hereby resumed and vested in the people of Alabama."—Feb. 4, the provisional congress of the confederate states met in Montgomery, Alabama being represented and so remaining until the close of the rebellion. —The ordinance of

[1] It is certain that a country purely industrial or commercial lacks a foundation, and that agriculture is indispensable to give firmness and stability to a state, but agriculture alone does not make a country rich. What is the income from agricultural capital, and what from industrial capital? Besides, if there were no industry in a country who would buy the surplus products of agriculture? Is not the market the best stimulant to production? The most prosperous country is one in which agriculture, industry and commerce form together a harmonious whole. M. B.

secession was bitterly opposed in northern Alabama, and its passage was at once followed by arrangements, as in West Virginia, for the formation of a new state with its capital at Huntsville. The name was to have been *The state of Nickajack*, from a former Indian town: but an irruption of confederate troops soon stamped out the inchoate state.—At the close of the rebellion, Lewis E. Parsons, the provisional governor, (see RECONSTRUCTION), called a state convention for Sept. 12, 1865, which adopted a new constitution prohibiting slavery, and by ordinance declared null and void the ordinance of secession and all other unconstitutional ordinances of the convention of 1861. A governor and legislature were chosen, and in December, 1865, the state government was in operation again until superseded by the act of March 2, 1867. The state then passed under military rule. Nov. 5, 1867, a state convention framed a new constitution. In its first article universal suffrage was established, slavery was abolished, and the state renounced all claim to any right of secession and acknowledged paramount allegiance to be due to the United States This constitution was ratified in February, 1868, as congress afterward decided, and the state was re-admitted to the union by ratifying the 14th amendment, July 11, 1868, as announced by the president's proclamation of July 20. A new constitution was ratified by popular vote, Nov. 16, 1875. It attempted no change in the points above referred to, except in the use of the new phrase that "the people of this state accept as final the established fact that from the federal union there can be no secession of any State," but it took away the permission given in the previous constitution to sue the State in its own courts —The name of Alabama is taken from that of its principal river, popularly supposed to mean *Here we rest;* and these words are placed as a motto upon the coat of arms of the State. But the name really has no known meaning, and was first given to the river by the French, in the form "Alibamon," from the name of a Muscogee tribe living on its banks.—GOVERNORS: Wm. W. Bibb (term 1819–21, died in July, 1820), Israel Pickens (1821–25), John Murphy 1825–9), Gabriel Moore (1829–31), John Gayle (1831–3), Clement C. Clay (1835–7), Arthur P. Bagby (1837–41), Benj Fitzpatrick (1841–5), Joshua L. Martin (1845–7), Reuben Chapman (1847–9), Henry W. Collier (1849–53), Andrew B Moore (1857–61), John G Shorter (1861–3), Thos H. Watts (1863–5), Lewis E. Parsons (provisional), Robt. M. Patton (1865–7), Wager Swayne (military governor under Maj. Gen. Pope, March, 1867—July, 1868), W. H. Smith (July, 1868—November, 1870), R. B. Lindsay (1870–2), D. V Lewis (1872–4), Geo. S. Houston (1874–8), R W Cobb (1878–82) —(See CONSTITUTIONS, STATE, UNITED STATES.) See Pickett's *History of Alabama;* Brewer's *History of Alabama;* Poore's *Federal and State Constitutions;* Davenport's *American Gazetteer;* Murray's *United States;* Tanner's *Canals and Railroads of the United States;* Appleton's *Annual Cyclopædia*, 1861–70. For the acts of March 3, 1817, and March 2, 1819, and the resolution of Dec. 14, 1819, see 3 *Stat. at Large*, 371, 489, 608. ALEXANDER JOHNSTON.

ALABAMA CLAIMS (IN U. S. HISTORY). April 16, 1856, the representatives of Great Britain, Austria, France, Russia, Prussia and Turkey, assembled in congress at Paris, adopted the following declaration, to which nearly all other civilized nations afterwards acceded: 1st. Privateering is and remains abolished. 2nd. The neutral flag covers enemy's goods, with the exception of contraband of war. 3rd. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag. 4th. Blockades, in order to be binding, must be effective; that is to say, maintained by forces sufficient really to prevent access to the coast of the country. To this Declaration of Paris the United States refused to accede, being unwilling, by abolishing privateering, while other nations maintained enormous fleets, to accept the necessity of keeping up a large fleet in self-defense, but the President offered, July 29, 1856, to go further and adopt an additional article which should entirely exempt private property, even of citizens of belligerents, from capture on the sea, either by privateers or national vessels. Great Britain refused to agree to this, and the negotiation failed. The United States was therefore, in 1861, the only commercial nation not committed to the abolition of privateering.—The fall of Fort Sumter, in April, 1861, (see REBELLION), was followed by a series of retaliatory measures, to which the use of the telegraph gave an extraordinary swiftness of succession. On the 15th of that month the President, by proclamation, announced the existence of the rebellion, and called for volunteers to suppress it; on the 17th Jefferson Davis offered letters of marque and reprisal, against the commerce of the United States, to private armed vessels, and privateers at once began to issue from southern ports; and on the 19th, by proclamation, the President declared a partial blockade of the southern ports, which was made general on the 27th. On the 24th Secretary Seward applied to the powers which had made the Declaration of Paris for permission to accede to it without qualification. To this Great Britain, acting in unison with France, consented, on condition that the engagement should not "have any bearing, direct or indirect, on the internal differences now prevailing in the United States." As this seemed to imply that the *de facto* government of the southern confederacy should still be allowed to keep privateers afloat, the United States declined to accept it and allowed this negotiation to drop, with the following concluding monition, May 21: "Great Britain has but to wait a few months, and all her present inconveniences will cease with all our own troubles. If she take a different course she will calculate for herself the ultimate as well as the immediate consequences." In the meantime the Queen's procla-

mation of May 13 had announced her neutrality between the United States and the confederate states, had forbidden her citizens to take part with either, and had ordered her official servants to accord belligerent rights to both. This included the refusal of warlike equipments to the vessels of both parties, the preservation of the peace between their vessels in British harbors, and the detention of a war vessel of either for twenty-four hours after a hostile vessel had left the port. Under this proclamation the position of Great Britain was difficult at the best, because of the great number and extent of her colonies in every part of the world, for whose action she was responsible; but the active, notorious and undisguised sympathy of many of her colonial officers and citizens for the rebellion and its cruisers contributed very largely to the difficulties of the home government and to the subsequent American demands upon it for damages. While the rule prohibiting the obtaining, in British harbors, of warlike equipments, and particularly of coal except within certain limits, was stringently enforced against federal vessels, confederate privateers generally found little difficulty in evading them by the connivance of colonial officials; and several colonial harbors, particularly that of Nassau, became depots of supplies for this species of vessel, to which they resorted to prepare for new voyages of destruction. However impartial the treatment of belligerent vessels may have been in the ports of Great Britain, in the ports of British colonies United States war vessels found a neutrality so rigorous in its exactions as to be, in contrast with the open or hidden privileges accorded to rebel cruisers, fully tantamount to unfriendliness. They were frequently denied the privilege of taking coal on board which had been left on deposit in British harbors by the United States government, while rebel privateers, though without a port of their own, found no great difficulty in obtaining in British harbors the same "article of warlike equipment," without which they could not have kept the sea a single month. On these grounds the American minister to Great Britain, C. F. Adams, repeatedly warned the British government that the United States had a fair claim for compensation for the damage done to its commerce; and this was subsequently enlarged by the claim that the queen's proclamation of May 13 was itself issued precipitately and in violation of treaties, and that it gave possibility to rebel depredations which would have been impossible without it. It is but fair to add that the proclamation was defended by the Queen's ministers on the ground that rebel privateers were already upon the sea, and that it was necessary to free British officers who should meet them from the necessity of treating them as pirates.—The British foreign enlistment act of July 3, 1819, (59 Geo. III., cap. 69), prohibits under penalties, and empowers the government to prevent the equipment of any land or sea forces within the British dominions to operate against the territory or commerce of a friendly nation. In the United States the act of April 20, 1818, which is closely similar in its terms, preceded it, and the two governments are supposed to have acted with a common understanding in the matter. During the Crimean war the United States had fulfilled their obligations promptly and fully by seizing and detaining vessels represented to be destined for the service of Russia; and the claim was now advanced, and finally established, (see GENEVA AWARD), that Great Britain did not correspondingly exercise "due diligence" to fulfill its obligations. The first privateers, during the year 1861, were equipped in southern ports, and gained the open sea by running the blockade. When the most formidable of these, the Sumter, was hopelessly blocked up in Gibraltar by the U. S. steamer Tuscarora, and had to be sold in January, 1862, the confederate agents in Great Britain at once began the construction of armed vessels there, evading the provisions of the enlistment act by fictitious ownership. From Feb. 18, until March 22, 1862, minister Adams represented to the British government that a war vessel, then building by the Messrs. Miller, of Liverpool, the Oreto, (afterward the Florida), though nominally destined for Palermo, in Sicily, was evidently and notoriously intended for war against the United States. As she contained no arms or munitions of war, she was allowed to sail, and proceeded to Green Bay, near Nassau, where she enlisted additional men, and was transformed into a confederate privateer, arms and munitions having been brought from Great Britain in another vessel. The Florida was seized by a British steamer, the Greyhound, at Nassau, but released; and the British government refused to satisfy the demands of the United States that the vessel should be seized as a violator of the enlistment act whenever she should come within British jurisdiction. — Soon after the departure of the Oreto, or Florida, minister Adams began collecting evidence against another vessel then building by the Messrs. Laird at Birkenhead, near Liverpool, and called, from the number of merchants who had subscribed the expense of her construction, the 290 (afterward the Alabama). June 23, he gave notice to Earl Russell of what he believed to be the real character of the vessel, and solicited "such action as might tend either to stop the projected expedition, or to establish the fact that its purpose was not inimical to the people of the United States." That action was never taken. July 16, the American minister submitted to Earl Russell his evidence, and the opinion of distinguished English counsel, that "the evidence was almost conclusive." A week afterward, July 23, he offered fresh evidence, and a most emphatic opinion of the same counsel, to the following effect: "I have perused the above affidavits, and I am of opinion that the collector of customs would be justified in detaining the vessel. Indeed, I should think it his duty to detain her, and that if, after the application which has been made

to him, supported by the evidence which has been laid before me, he allows the vessel to leave Liverpool, he will incur a heavy responsibility—a responsibility of which the board of customs, under whose direction he appears to be acting, must take their share. It appears difficult to make out a stronger case of infringement of the foreign enlistment act, which, if not enforced on this occasion, is little better than a dead letter. It well deserves consideration whether, if the vessel be allowed to escape, the federal government would not have serious grounds of remonstrance." The vessel *was* allowed to escape. The board of customs referred the papers to their counsel; the Queen's advocate, Sir John D. Harding, fell ill; other counsel were called in, who advised the seizure of the vessel; but, before this opinion could be acted upon, the Alabama had sailed, July 29, without register or clearance, to the Terceira, one of the Azores, where she took her equipment from two British vessels and became a confederate war vessel, commissioned "to sink, burn and destroy" the commerce of the United States. No effective pursuit of the vessel was made by Great Britain, and she was hospitably received, without any attempt to arrest her, in several British colonies afterward.—In April, 1863, the Japan, afterward called the Georgia, left Greenock, and soon after, upon the coast of France, she took an equipment from another steamer and became a confederate cruiser. For over a year she continued her cruise until she was captured off Lisbon, Aug. 15, 1864, by the United States steamer Niagara, after a transfer to a Liverpool merchant. — In September, 1864, the steamer Sea King, owned by a Liverpool merchant, cleared at London for India. At Madeira she met another vessel, the Laurel, of Liverpool, from which she received her armament and men, and she then became the confederate war vessel Shenandoah. During her career as a cruiser, before her surrender to the British government, Nov. 6, 1865, the Shenandoah took in supplies and enlisted men at Melbourne, Australia, with the connivance, as the American consul asserted, of the British authorities at that port.—Besides the devastation wrought by the rebel cruisers, the United States considered the toleration by Great Britain of confederate administrative bureaux on British soil, by means of which alone offensive operations against American commerce were possible, as ground of reclamation. The action of the British government in maintaining an official union with France upon questions growing out of the rebellion, was also considered unfriendly to the United States in the absence of any recognition of the confederate states as an independent nation. The whole mass of grievances of which the United States expected satisfaction from Great Britain, and to which the name "Alabama Claims" was commonly given, may best be summed up in the words of the American members of the joint high commission: "Extensive direct losses in the capture and destruction of a large number of vessels, with their cargoes, and in the heavy national expenditures in the pursuit of the cruisers; and indirect injury in the transfer of a large part of the American commercial marine to the British flag, in the enhanced payment of insurance, in the prolongation of the war, and in the addition of a large sum to the cost of the war and the suppression of the rebellion."—When it first became apparent that the neutrality of Great Britain would be a source of danger to the United States, minister Adams was very active in pressing each fresh violation of neutrality upon the attention of the British government, not, as he explained to his own government, with any hope of obtaining more stringent laws, or greater diligence in the execution of existing laws, but with the intention of "making a record" to which the United States could thereafter appeal. The American ill-feeling toward Great Britain, which was developed by her haste to accord belligerent rights to the confederacy, had grown upon every new grievance until, when the rebellion was at last suppressed, it had settled into a dangerous disposition to leave the matter unsettled for the purpose of applying the British system of neutrality to British commerce in the event of any future war or rebellion against Great Britain. The American government, however, did not share this disposition. It continued to press its claim for compensation in the higher tone which was justified by its altered circumstances, but at the same time, Jan. 12, 1866, offered to submit "the whole controversy" to arbitration. The British government offered to accept an arbitration limited to the depredations of the Alabama and similar vessels, but this was declined by the United States for the reason that it involved a waiver of the position, which they had always held, that the Queen's proclamation of 1861, which accorded belligerent rights to insurgents against the authority of the United States, was not justified on any grounds, either of necessity or of moral right, and therefore was an act of wrongful intervention, a departure from the obligations of existing treaties, and without the sanction of the law of nations.—Jan. 14, 1869, Reverdy Johnson, American minister to Great Britain, arranged a treaty which, without mentioning the Alabama claims in particular, provided for the submission to arbitration of "all claims" of either country against the other since Feb. 8, 1853 In the senate this treaty had but a single vote in its favor, and was not ratified. Negotiations on this subject then practically came to a stand until Jan. 26, 1871, when the British government proposed the appointment of a joint commission to sit at Washington and arrange the terms of a treaty to cover the disputes as to the Canadian fisheries and other questions at issue between the United States and Canada. The proposition was accepted on condition that the treaty should also make some disposition of the Alabama claims. To this condition Great Britain agreed, and five

high commissioners from each country met in joint session at Washington, Feb. 27, 1871. After thirty-four meetings, the commission agreed upon the terms of the *Treaty of Washington*, which was signed by the commissioners May 8, ratified by the senate, by a vote of 50 to 12, May 24; ratified by Great Britain, June 17, and proclaimed in force July 4, 1871, by president Grant. It provided for arbitration (1) as to the Alabama claims, (2) as to claims of British subjects against the United States, (3) as to the fisheries, and (4) as to the northwest boundary of the United States. The arbitrators upon the Alabama claims were to be five in number, appointed by the president of the United States, her Britannic majesty, the king of Italy, the president of the Swiss confederation, and the emperor of Brazil; and were to hold their sessions at Geneva, Switzerland. (For the constitution and award of the tribunal of arbitration, and the provisions of the treaty governing its deliberations, see GENEVA AWARD)—See *The Case of the United States to be laid before the Tribunal of Arbitration to be convened at Geneva*, London, 1872; *Case presented on the part of Her Britannic Majesty to the Tribunal of Arbitration*, London, 1872; *Official Correspondence on the Claims in respect to the Alabama*, London, 1867; Bluntschli, *Opinion impartiale sur la question de la Alabama*, Berlin, 1870; Geffcken, *Die Alabamafrage*, Stuttgart, 1872; *Diplomatic Correspondence of the United States* (with messages) 1861–71; Cushing's *Treaty of Washington*. The act of April 20, 1818, is in 3 *Stat. at Large*, 448. The treaty is in *Stat. at Large*. ALEXANDER JOHNSTON.

ALASKA, an unorganized territory of the United States. (See ANNEXATIONS, VI.; TERRITORIES.)—See Whymper, *Travels and Adventures in the Territory of Alaska*, Boston, 1870; Dall, *Alaska and its Resources*, Boston, 1870.

ALBANY PLAN OF UNION (IN U. S. HISTORY). The lords of trade, in 1754, directed that commissioners from the several provinces should assemble at Albany, N. Y., to arrange a treaty with the Six Nations. June 19, 1754, commissioners from New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania and Maryland met, and, after concluding their business with the Indians, proceeded to consider a plan of colonial union, proposed by Franklin, one of their number, which was adopted, July 10–11. It comprised the appointment by the crown of a president general for all the colonies, with the veto power; the election by the colonial assemblies of a grand council, who, with the assent of the president general, should make Indian treaties, regulate Indian trade, purchase and dispose of Indian lands, raise and equip armies and navies for colonial defense, and lay taxes to support them. Members of the grand council were to serve three years, and to be chosen in proportion to the amount paid by the colony to the general treasury; but no colony was to have more than seven members, or less than two. Laws were to be valid unless disapproved by the king in council within three years.—It was agreed that this plan, in order to prevent a possible secession by any colony, should be made binding by act of parliament. The whole plan was disapproved by the crown, on the ground that it gave too much power to the colonies, and by the colonies that it gave too much power to the crown. (See REVOLUTION, UNITED STATES.)—See 4 Franklin's *Life and Writings*, 22–68 (containing the plan in full, and the *Letters to Shirley*); 2 Trumbull's *History of Connecticut*, 355; 3 Hutchinson's *History of Massachusetts*, 23; 1 Pitkin's *United States*, 142; 2 Hildreth's *United States*, 443.

ALEXANDER JOHNSTON.

ALBANY REGENCY, The (IN U. S. HISTORY), the name given to the politicians who, from 1820 until about 1854–5, unofficially managed the machinery of the democratic party in New York. It would be difficult to give an exhaustive list of those who, at various times, were recognized members of "the Regency"; but a partial list would include Martin Van Buren, who graduated from it upon his election to the United States senate in 1821, but still remained in close alliance with it; William L. Marcy, who graduated to the senate in the same manner in 1831; Silas Wright, until his election to the senate in 1833; John A. Dix, until his election to the senate in 1845; Edwin Croswell, editor of the "Albany Argus," and State printer; Benj. F. Butler, who was Attorney General under Van Buren, (see ADMINISTRATIONS); Azariah C. Flagg, secretary of state and afterwards comptroller of the state; Benjamin Knower, treasurer of the state; Roger Skinner; Dean Richmond; Peter Cagger; and Samuel A. Talcott. Although, as has been said, several of these "graduated," the graduates were expected, whenever necessary for the success of the party and the regency, to return to the field of state politics. Thus Van Buren in 1828, Marcy in 1832, and Wright in 1844, returned from the senate to accept a nomination for the governorship at the hands of the regency.—About 1819–20, when the system of nominating conventions began to be used, the regency began to be recognized as a political factor, and as the business of nominations was further abandoned to these smaller and irresponsible bodies the regency obtained progressively a stronger control over the conventions and thus over the action of the party. This control was not necessarily obtained by corrupt means. Those delegates to the conventions who were ambitious of office were controlled by the knowledge that the regency never forgot or forgave insubordination or rebellion, and never forgot or abandoned a friend who had suffered in its service; the great mass of delegates were controlled by the conspicuous success which usually followed a deference to the discreet and experienced politicians who composed the regency. In this way, and, in emergencies, by a judicious use of the State printing

and other contracts, the Albany regency (so called from the fact that its members lived at the capital of the state) continued to reward its friends, punish its enemies, control the party, and keep New York generally democratic, until its opponents in great measure accepted its machinery and overthrew it by its own methods. This last result, however, was much assisted by the split in the New York democratic party in 1848 (see NEW YORK, BARNBURNERS, FREE SOIL PARTY) and subsequent years, and when this division had lasted long enough to deprive the regency of the state patronage its most efficient weapon was gone, and its former power departed. (See DEMOCRATIC-REPUBLICAN PARTY.)—See 2 Hammond's *Political History of New York*, 157, 429; Hammond's *Life of Silas Wright;* 2 von Holst's *United States*, 21; Mackenzie's *Lives of Butler and Hoyt;* Mackenzie's *Life of Van Buren*, 29, 168; Sedgwick's *Political Writings of Leggett.* ALEXANDER JOHNSTON.

ALCALDE, the Spanish equivalent of the French *Maire*, the German *Bürgermeister* and *Schulze*, the Italian *Podesta*, the English *Mayor.* The powers of this office were much more extensive formerly than now, for they united judicial with administrative functions. The history of alcaldes may be found in the excellent work of Don Manuel Colmeiro, entitled *Direcho Administrativo Español*, Madrid and Santiago, 1850, 2 vols. 8vo. M. B.

ALCOHOL, Tax on. (See DISTILLED SPIRITS.)

ALGERIA. Since its assimilation with France declared by the decree of Oct. 24, 1870, Algeria should be described as a part of France situated in the north of Africa, and forming the three departments of Oran, Algiers and Constantine.—GEOGRAPHY. Algeria is the central part of the geographical region which comprises, together with Algeria itself, Morocco on the west and Tunis on the east. It extends from parallel 33° to 37° north latitude, and lies between longitude 6° east and 5° west, reckoning from the meridian of Paris. The meridian of Paris cuts it into two almost equal parts, in the centre of which is Algiers on the north coast of Africa, at 0° 44′ of east longitude.—The mountainous region of the Atlas has been called "the isle of the Occident" by Arab geographers. It is a sort of island bounded on the north and west by the ocean; on the north and east by the Mediterranean; on the south by the Sahara, which seems to be the bed of a dried-up sea, extending from Cape Noun and Bajador to the Gulf of Gabès. It forms a distinct geographical system, devoid of apparent connection with other regions of Africa. The desert separates it from Africa, and the sea connects it with Europe. It is, properly speaking, a *minor Africa* or a European Africa. Its climate and flora remind one of southern Europe, Andalusia, Sicily and Provence. The chain of the Atlas rising in the west, opposite the Canary islands which belong to its system, stretches northward to Fez, and enters the provinces of Tafilelt and Morocco, where it is 4,000 metres in height, and covered with perpetual snow. Thence it bends to the east; running parallel with the Mediterranean coast to the mountains of Fossato on the confines of Tunis. It stops at the heights of Gabès, where the sandy region commences.—Two great chains of mountains are to be distinguished in this region, that of the Sahara and the Central chain, and a third range which reaches to the sea. Only one group of the Sahara chain sends its waters to the sea, that of Djebel-Amour on whose northern slope the Shelliff, the largest river of Algiers, has its origin. The Central chain pours its waters, on the south, into the sands where they are lost, and into the basins where they evaporate in summer. On the north its waters enter the sea.—Algeria has three natural divisions. 1st. The Tell on the north, which is arable. It embraces all the Mediterranean slope between the sea and the Central chain, and in addition certain tracts of the Sahara slope of this chain, such as the country of Batna, Medjana and Hodna, in the province of Constantine. On the east the Tell extends further inland than in the other provinces. The Tell contains about 14,000,000 hectares. 2nd. That south of the Central chain, the region of lofty table-lands and the *Chotts*, a country of steppes and flats only fit for pastoral life. 3rd. The Sahara which properly speaking only begins south of the Sahara range. On both slopes pasture lands are found during the rainy season. Further on, a forest of date palms may be seen, from time to time, as a green island in a sea of sand. These oases situated on the flats are nourished by rivers which are almost always under ground, and whose waters, brought to the surface through ordinary or artesian wells, render possible the culture of the palm and a certain number of vegetables. In the mountains large hamlets, called *ksours*, serve as dwelling places for a settled population, as well as markets and granaries for the pastoral tribes of the country about. —The climate of the Tell is that of warm temperate regions; it calls to mind southern Europe. On the sea-coast and on the plains, there is no winter, simply a rainy season. The hottest part of the Tell is in the plains of the west and the valley of the lower Shelliff. In the Tell there is winter only in the mountains, and the interior towns usually situated at high altitudes. Sétif is 1,085 metres above the sea; Médéah, 940; Milianah, 900; Aumale, 850; Tlemcen, 800; Constantine, 650; Mascara, 600. In these towns the summer is hot, and the cold comparatively severe in the winter. Snows prevent terraced roofs. The rainy season commences everywhere in October, at the earliest, and ends completely at the close of April. The yearly average rainfall increases toward the east from Oran to Algiers, Constantine and Tunis. The proportion is approximately 3, 4, 5, 6.—South of Tell the heat is great in summer, but the winter is cold on the

elevated plateaux. The nights in summer too are cold. In the oases as well as on the flats there is no winter perceptible to the European, and the nights are hot.—All the agricultural products of France thrive, and all French fruit trees yield well in Algiers. Winter wheat is the indigenous variety. Sicilian flax is cultivated for its seed. The *alfa*, a kind of grass which Spain alone exported at one time, and of which cords and mats are made, and in England paper, is exported in large quantities from Oran. The climate has allowed the naturalization in Algeria of the banana and cotton. The *hénna* of the south and Mostaganem is sent to the dye works of France. In the torrid basin of the lower Shelliff and the west certain modes of tropical culture are possible, provided irrigation be practiced. When the damming of the Habra is finished, the greatest work of its kind in the world (30,000,000 cubic metres) it is proposed to utilize its water for the cultivation of the sugar cane.—In addition to the domestic animals of France, we find in Algeria the dromedary used for transporting burdens, for food, for clothing and furniture of the natives. The southern steppes afford pasture to countless flocks of sheep; many of these are sent to France and Spain, and their wool supplies the factory of Roubaix. Algeria is very rich in marbles and minerals. Between Oran and Tlemcen, the mine of transparent onyx so celebrated in antiquity has been re-discovered and is worked. The white marbles of Filfila are of the highest quality. The lack of coal prevents the smelting of iron ore, but it abounds to such a degree that the ore of Souma is sent abroad from Algiers, and at Bona a thousand tons of the magnetic iron of Moktar-el-Adid are shipped each day. At Gar-Rouban, near Morocco, a mine of lead with veins of silver ore, is worked. Zinc can be had in the district of Bona, and there are many beds of copper ore.—ETHNOLOGY. *Berbers* or *Kabyles*. Among all the races inhabiting northern Africa, at the present time, the Berbers have been longest in the land. All the conquerors of Africa, Carthaginians, Romans, Vandals, Arabs, Turks and French, have had to struggle with them. The Arab conquest forced them into the mountains where they still remain. Converted to Islamism, at a later period they took a prominent part in the different invasions of Spain by the Mussulmans. To them is attributed the high state of agriculture in Mussulman Spain. Their language belongs to the Semitic type, but differs more from the Arabic than the Hebrew and Syriac. An experienced eye never mistakes a Kabyle for an Arab of pure blood. The Kabyles and Arabs differ in everything, —in language, in physical type, in aptitudes in manners, and institutions. They have nothing in common but religion. In contrast, however, with the Arab the Kabyle is little inclined to religion.—In the mountains where the population is dense, land is scarce, and living difficult. The laboring Kabyle is rather a gardener and an artisan than an agriculturist. He prepares oil and figs for export, makes powder, arms, tools and household implements, soap, cloth, trinkets and earthenware. He peddles these articles in the Arab districts, and gets in exchange for them cereals which his own mountains do not produce in sufficient quantity. He goes to the villages and plains, to work for the Arab agriculturist, or the European manufacturer. He lives in a house and not under a tent or a *gourbis* like the Arab, who is always a half nomad. The Kabyle villages built on the crests of hills are little fortresses. The women are not veiled, and when guests are entertained they are not sent away. The land belongs to the family, not to the tribe.—Each Kabyle tribe is a little democratic republic, with an assembly, *djemmâa*, composed of all men able to bear arms. The *djemmâa* makes the laws, decides cases, regulates the administration, elects a chief *amin*, who is charged with carrying out its decisions; it concludes alliances between tribes, and decides on peace and war. The Kabyle tribes arrange themselves in confederations like the ancient leagues of the Grisons. Personal rivalries almost always separate them into two parties called *sofs*. Each one of these allies itself to the *sofs* of the neighboring tribes.—Hospitality is regulated by law, and is exercised in turns; it is not considered as a religious but a public duty. The Kabyles have an institution of international or rather inter-tribal law peculiar to themselves, the *anaya*. It consists in the protection afforded an individual either by a private person or by a tribe. A stranger, and even an enemy, who has obtained the *anaya*, is held inviolable, under pain of death. War breaks out between tribes frequently because the *anaya* has not been respected. Peace is concluded between tribes by the exchange of pledges, the withdrawal or giving up of which is a declaration of war.—The authority of France is exercised in Kabylia only in the following manner: it reserves to itself the exercise of the police power, criminal and correctional matters; it confirms the *amin* elected by the tribe, has agents called *amin-el-oumena*, who act for it as intermediaries with the *amins* of the several villages; it collects a poll tax in accordance with a list of names drawn up by the *djemmâa*. In this list the Kabyles are ranged in four categories, according to their fortunes. Of these the last is exempt from taxation; in the other three the tax varies, but is the same for all members of the same class. It was sought to introduce the office of cadi in civil cases, but the Kabyles wished to judge themselves by their own laws in general assemblies. They admit neither cadis nor the authority of the law of Islam. Justice is, in their eyes, a social question to be regulated by men, and a matter of religion decided in a sovereign manner by the Koran. These institutions are preserved intact only in Great Kabylia.—In Algeria the Berbers are called Kabyles, which, in their language, means confederates. In Aurès alone they are called *Chaouia*. The population of the oases

and the *ksours* of the Sahara is mainly of Berber origin, and has preserved in part the communal institutions of the Kabyles. The Touaregs in the depths of the Sahara and half way to Soudan are of the pure Berber race.—*Arabs.* The Arab tribes lead a pastoral life in the south, and are agriculturists in the Tell. There are some who change their habitations and mode of life according to the season of the year. Each tribe forms a kind of little nation with its territory, chiefs and history. The tribe is scarcely more than one family grown to the maximum of extension which in Mohammedan countries is great.—The Mussulman family has more affinities than the Christian. By polygamy, by adoption, through foster parents more numerous ties are formed than with us, and even divorce does not break them up completely, if children have been born of the marriage. Moreover the parents are not separated by material interests, for their landed property remains undivided (land *melk*), and they live together on the family estate. The life of relations in common and innumerable alliances determine the formation of a natural group, the tribe, which is almost entirely made up of relatives or allies. The fractions of the tribe are called, according to their importance, *Ferka, Khoms* or *Douar.* The chiefs of families or of tents, are the representatives of the tribe, and they make up its *djemmâa* which is its national assembly. If there is a family more ancient or more powerful than the rest, it is the natural head of the tribe.—The Arab tribal government is, therefore, patriarchal and aristocratic. In Arab countries there are three kinds of nobility, the *chorfa*, nobles by origin through descent from the daughter or uncle of the prophet; the *djouad* or military nobility; the *marabouts*, descendants of the saints of Islam. In certain tribes all the men lay claim to nobility, others are composed of *marabouts* alone.—The noble is not jealous, and his authority is not called in question. He is the honor of his tribe. This social organization gives a common interest to the tribe, and causes its members to render mutual assistance in time of need and against the stranger. Such was the Arab tribe before conquest changed its character. —The conqueror, Turk or Frenchman, has been frequently obliged, in the interests of his own power, to deprive the natural chief of authority and confer it on an inferior and sometimes a stranger. This chief has become a functionary in the service of France, charged with subjecting the tribe to French policy; he is imposed upon it and supported against it by the power of France. He often lacks authority and has tradition against him. If he is guilty of exactions the tribe must endure them, or go to war with France. Complaints against a chief whom they can not depose are regarded as opposition to French dominion, and are generally rejected. In a word, the imposed functionary often takes the place of the natural chief.—Moreover the prohibition by France of inter-tribal wars and the personal security afforded by the French police have made it unnecessary for the Arab nobility to uphold and protect, for purposes of self-defense, numerous clients who in return used to fight for them.—The exportation of wheat, which began since the conquest, has resulted in decreasing the reserve stock of cereals Let a bad year come, and the *khammès*, who tills for the fifth part of the produce, no longer finds open to him the corn pits of his master which in old times were filled with the surplus of fruitful years. This grain has been sold, its value has been already spent, or if the master has hid the grain away in the ground, he is less disposed to lend money to the *khammès* than he was formerly to furnish wheat at nominal prices. In case of scarcity the *khammès* dies of hunger, as in 1867. —The rule of conquerors has deprived the government of its patriarchal character, the security established by the French has relaxed the bonds of mutual interest which united the aristocracy to its clients. The grain trade has interfered with the assistance given by the rich to the poor in time of scarcity. A social and political revolution is going on through the force of circumstances, and independent of the will of man. This revolution will bring about dislocation of the tribe, the destruction of traditional relations between the nobility and their clients, and, consequently, the destruction of aristocratic power.—*Moors.* These are Mussulmans who do not belong to any tribe, and who inhabit the cities or their outskirts. They are called *hadri* or citizens. A few of them are descendants of the Moors expelled from Spain, and the majority are Arabs or sons of Arabs who have left their tribes in order to become citizens. A few are landed proprietors. The chief means of subsistence for the others is commerce, principally the manufacture of articles used by the tribes—shoes, saddles, implements, etc. In Tlemcen and Constantine whole streets are lined with the shops of Mussulman artisans.—The Moorish population is in a state of decadence. Living has become more expensive, and provisions and rents have risen enormously since the conquest. Processes of labor have not improved among them. The native consumers of the outlying districts have been replaced by Europeans. For the artisan of the towns the temptations to expense are greater than formerly. The result is that families once rich, but destitute of foresight, sold their farms, (*haouch*), then their country houses, later their houses in town, and at last pawned the pearls and jewelry of the women, in Algiers at the pawnbrokers, and elsewhere to Jews. These pledges are rarely redeemed. The Moorish population is sinking little by little and will never rise again. At Constantine, Tlemcen and other towns the artisan holds out yet, but even now, in the case of certain articles used by the natives, he has to struggle against the competition of European factories; perhaps he will be driven from the market in the case of other articles.—*Kouloughlis.* These are descendants of the children of Turkish fathers and Arab mothers. They

are found especially in the towns which were the centres of Turkish domination. They retain the overbearing pride of the conqueror toward a vanquished race. At Tlemcen they are equal in number to the *hadri* and are always in rivalry with them, which causes difficulties to the French administration.—The Kouloughlis, like the Turks, follow the *Hanefi* rite, while the Arabs observe the *Maleki*. These are two of the four rites equally recognized as orthodox by the Sunnite Mussulmans. These two rites differ by a few legal provisions, concerned particularly about the inheritance of women and the forms of prayer. At Algiers and Constantine each rite has its mosques, its ministers of worship and its *cadi*.—*Mozabites or Beni-Mzab*, merchants and artisans, temporary emigrants from their oases situated at 1° east long. and 33° lat. They are Abadites, partisans of the assassins of Ali, and equally regarded as heretics by the Sunnites and Chilites. Their *imans* or sovereigns had Tiaret as their capital at the epoch of Mussulman conquest. At present their iman resides at Muscat. They are puritans of great probity, and look down on everything not Mozabite. Laborious, industrious, economical, they make large profits in business. A Mozabite who emigrates is forbidden to take with him his wife, or his children of a tender age, to marry a foreign woman, to visit women of improper life or to neglect the practice of his religion. He is obliged to render an account of his commercial transactions to the federal council. Emigrants in the same village hold meetings for prayer and the censorship of private life. Corporal punishment is inflicted during the meetings. But if a Mozabite has met with reverses in business, and it is shown by the assembly that he was not at fault, his co-religionists make good his losses.—*Native Jews*. Their mother tongue is the Arabic, but a certain number have learned French. Among them are found rich merchants, wholesale and retail, who lend money (in Algiers there is no legal maximum of interest). Many of them are shopkeepers, a certain number artisans, factotums of great Arab lords, hawkers, who compete sharply with the Kabyles among the Arab tribes, traveling jewelers, who manufacture on the spot and deliver in jewelry the same weight as the Arabs give them in coin. Active, industrious, economical, and selling at the highest figure, they succeed as a rule. The French conquest has freed them from exactions and humiliations. It is only in the extreme south under the rule of great Arab chiefs, who are sometimes vassals and sometimes enemies of the French, that the Jews are still obliged to remove their shoes in passing before a mosque, not to ride on horseback, and to give bonds whenever they absent themselves. A decree issued Oct. 24, 1870, by the assembly at Tours, granted to natives the rights of French citizens. They are now electors and jurors.—*Negroes*. Brought from the Soudan as slaves. The trade in negroes, by way of the Sahara, was continued for a long time after its prohibition by the republic in 1848. They are not numerous, and tend to disappear, either by extinction or by mingling with other races. Some of them are like Arabs of dark complexion.—*Europeans*. The Spaniards are settled mostly in the provinces of the west and centre, the Italians and Maltese in the east and centre. The French are most numerous in the province of Algiers. The census of 1866 gives a total of 2,912,630 inhabitants classified as follows. Mussulmans, 2,652,072; Native Jews, 33,952; Europeans, 226,000. Official statistics do not distinguish the Kabyles from the Arabs.—The European population, in which the army is not included, is made up of two elements: the inmates of the hospitals, lyceums, schools, orphan asylums, seminaries, convents and prisons, 8,616; the fixed population, 217,990. The figures for each nationality have been determined only in the case of the fixed population. They are reckoned as follows: 122,119 French; 58 510 Spaniards; 16,655 Italians; 10,627 Anglo-Maltese; 5,436 Germans; 4,643 of other nationalities. Since the census of 1866, the famine which desolated the Mussulman territory in 1867–8 carried off perhaps 500,000 Mussulmans. Certain tribes have been almost destroyed and certain regions depopulated. In the same period the drought which prevailed in Spain, and later the exportation of *alfa*, brought into the west a great number of Spaniards.—HISTORY. This is conjectural up to the foundation of Carthage, 850 B. C. This city became mistress of northern Africa, which furnished its mercenary armies with their famous Numidian cavalry. In 250 B. C. the Romans began to struggle with the Carthaginians for northern Africa. In 146 they destroyed Carthage. In 646 A. D. the Arabs showed themselves in Tunis for the first time. The Goths were the masters of Tingitane. In 670, the fiftieth year of the Hegira, Okba founded in the southeast of Tunis, Kairouan, the Mussulman metropolis of the province of Africa.—After the fall of the Almohades, northern Africa was in a state of political decomposition, when two corsairs, the brothers, Baba-Aroudj and Kheir-ed-Din, established Turkish dominion by taking Djidjelli from the Genoese (1504), Shershell and Algiers from the Arabs (1515) and the rocks in front of Algiers from the Spaniards in 1530. By connecting these rocks with each other and with the land by a dike, Kheir-ed-Din created the port of Algiers. The successors of the two corsairs completed the conquest of Algiers.—The Turkish government, in Algiers, was a piracy on sea against Christians and on land against Arabs. Its instruments were: 1st. Janissaries recruited in Turkey; 2nd. Kouloughlis, descendants of Turkish fathers and Arab mothers; 3rd. Arab tribes known under the generic name of Maghzem, and who were settled from east to west along the strategic line north of the Central chain of mountains. These tribes, exempt from tribute and occupying their own land granted by the Turks, were bound to lend physical aid in collecting taxes, and against such tribes as might rebel. They also had their share

of the spoils. In general the Turks left the Arabs to their own devices, provided only that they paid tribute and yielded to the exactions of the conquerors. The Kabyles, protected by their mountains, preserved their independence almost everywhere.—*French Conquest.* It will be remembered that in 1827, in consequence of a fruitless claim addressed to the French government by the dey, Hussein-ben-Hassem, on account of grain furnished in 1796, by the Jew Bacri, a debtor of the dey, the latter struck the French consul, M. Deval, with his fan. Algiers was blockaded directly, and all reparation being refused, a French army landed June 14, 1830, at Sidi-Ferruch and entered Algiers in triumph July 5. From that day is dated the abolition of piracy and the foundation of African France.—Algiers taken, it remained to conquer Algeria. Oran was occupied for good in 1831, Bona in 1832, the ports of Arzew and Mostaganem in 1833, when Bougie also was taken. Tlemcen, occupied in 1836, was held by Cavaignac for seven months, at the end of which time General Bugeaud came to relieve the place. Clausel failed the same year before Constantine which was taken Oct. 13, 1837, by General Vallée after the death of General Damremont. Djidjelli was captured in 1839, Shershell, Médéa and Miliana in 1840. But it was only in 1841 on the accession of Gen. Bugeaud to the office of governor general, that the great African war commenced.—Abd-el-Khader, saluted emir in 1832 by the Hashems south of Mascara, had been recognized as sovereign in a treaty of peace concluded by Gen. Desmichels in 1834. After breaking this treaty he defeated Gen. Trezel at Macta. It was a rout, and the enemy massacred the French wounded. Clausel, the same year, avenged this defeat by taking and destroying Mascara, the capital of the emir. The following year Bugeaud defeated Abd-el-Khader at Shiffa. Unfortunately he concluded with him, in 1837, the famous treaty of Tafna which gave up to the emir half of Algeria.—The passage of the Iron Gates in 1839 by Marshal Vallée and the Duke of Orleans, was the occasion of a rupture with Abd-el-Khader. By the treaty of Tafna, the frontier line of the east, settled upon, was the road from Algiers to Constantine which no longer exists. The emir pretended that that line had been crossed by the French, and declared war. Marshal Vallée allowed the Arabs to invade and devastate Mitidja. They arrived in the neighborhood (*sahèl*) of Algiers and their horsemen came to the sea-coast within cannon shot of the French forts. In 1840 the war became general in the centre and west. Gen. Bugeaud, appointed governor general in 1841, inaugurated a new system of war that was to bring about the ruin of Abd-el-Khader.—The French base of operations, till then the sea, was transferred to the centre of the Tell between the sea and the mountain range which separates the Tell from the elevated plateaux. Military forces were firmly established from east to west at all points which commanded this strategic line. Thence light expeditionary corps were dispatched continually, operating near their basis, and forming a net which covered the country. At the same time Abd-el-Khader was isolated from his allies of the south by the erection of a chain of small forts which guarded the passes leading to the lofty plateaux of the Tell, of Oran and Algiers. When the net was extended the campaign began. The work lasted six years. Abd-el-Khader's permanent establishment at Boghar, at Taza, at Tackdemt, at Goudjela, were destroyed. All the tribes of the Tell, one after another, saw the French columns enter their territory, and learned by experience that neither the mountains of the Ouarensenis nor those of Dahra and Great Kabylia could protect them against the arms of France. The attacks made in the south by Yousouf, at Djebel-Amour, by Cavaignac, Renault and Géry among the Oulad-Sidi-Chikh, by Marey-Monge at Laghouat, deprived the enemy of every chance of succor from the Sahara populations. Abd-el-Khader still relied on the Moroccans, but these were repulsed in May and June, 1844, by Lamoricière and Bedeau, and finally conquered at Isly, Aug. 14, by Marshal Bugeaud.—Nevertheless Abd-el-Khader could not be captured. If, during his absence in 1843, the Duc d'Aumale deprived him at Taguin of his headquarters, that great nomad town, the wandering capital of the emir, the latter, by a prodigious march executed the same year, over one-half of Algeria, eluded five army corps who were watching his passage. He came again in 1846 to Great Kabylia, which refused to rise up in his behalf. Having taken refuge in Morocco, he was afraid of being delivered up to France by the sultan of Fez. After the submission of his two lieutenants, Ben-Salim and Bel-Kacem, as well as Bou-Maja soon after, he surrendered to Gen. Lamoricière Dec. 23, 1847, at Sidi-Brahim, where two years before he had carried off Col. Montagnac and his column. The great African war came to an end with the downfall of the redoubtable chieftain. It only remained to finish the conquest and repress uprisings.—In 1849, the taking of the oasis of Zaatcha after a siege of 52 days, the occupation of Bousada in 1852, the capture of Laghouat and the founding of Djelfa; in 1853, the creation of Géryville assured the French supremacy in the south. Great Kabylia, roused to rebellion from 1851 to 1853 by the cherif Bon-Barla, was finally subdued in 1857, under the government of marshal Randon. The posts of Tizi-Ouzon (1851), of Dra-el-Mizan (1855), and fort Napoleon (1857), now fort Republic, guarantees French rule in the interior of Great Kabylia.—In 1859 the fruitless expedition of Gen. Martimprey, in Morocco, cost the lives of many thousand men from cholera. In 1864 a quarrel with the chiefs of Oulad-Sidi-Shikh, a tribe of Marabouts in the extreme south, whose religious influence is very great, brought about a war with the French of long duration. It caused an insurrection, the same year, in the Tell of Oran and in the south of the province of Algiers.—It was hoped that the war with Prussia would be finished without an insurrection in

Algeria, though there was not a single regiment of French regulars in the country. There were merely native regiments and *gardes mobiles* without military training and not feared by the Arabs. An order for the mobilization of the *spahis* to France led to an uprising Jan. 23, 1871. At Ain Guettar, on the frontiers of Tunis, the neighboring tribes joined with the *spahis*. Later, when peace was concluded, Mokhrani, grand chief of Medjana, who owed nearly a million at Constantine, rose up in his turn and carried with him all Great Kabylia. Soon the whole province of the east was in arms. The revolt was completely crushed only in November, 1871.—French supremacy in Algeria is secured by three chains of posts, each extending from the boundary of Morocco to that of Tunis, the maritime line, the central, and the frontier line of the Tell. South of this last advance posts have been established in the Sahara.—On the seaboard, from west to east, are the ports of Nemours, Mers-el-Kébir, Oran, Arzem, Mostaganem, Tenès, Shershell, Algiers, Dellys, Bouzie, Djidjelli, Collo, Stora, Phillippeville, Bona, and Calle. There are two fine natural harbors, Mers-el-Kébir and Bouzie; an excellent natural harbor, Arzem, which has been improved; two other natural harbors, Djidjelli and Collo, the latter of which is in good condition; the great harbor of Algiers, created, like that of Cherbourg, by means of dikes; that of Bona, less extensive, but which French engineers have made better than Algiers. The harbor of Oran was created by means of dikes. The harbor of Phillippeville has been greatly improved. There are no other real harbors, but merely foreign roadsteads, at other points on the coast.—The central line of the Tell is the great strategic line of Algeria. The power that controls it is master of the country. The French hold it by virtue of a chain of settlements nearly all of which are situated at the points formerly occupied by the Turks and the Romans. On a line from west to east, the settlements are Lalla Maghnia, Tlemcen, and Bel-Abbes, the strategic centre of the province of Oran; Mascara, Relizane, Orléansville, Miliana, Médéa, Aumale, Bordj-bou-Arreridj, Sétif, Constantine, Guelma, and Souk-Ahras. The Arab invasions followed this line, from east to west, thence fell back to the northward and southward. The Romans, the Turks, and Marshal Bugeaud, conquered Algeria by occupying the central line as a basis of operations, while the Spaniards failed because they occupied the coast only.—The frontier posts in the province of the Tell bar the entrance against invasions from the southward. These posts, in the mountainous districts, guard the passes which give ingress to the Tell; and on the plains they occupy the points which command the great roads of the south. From west to east, the posts are Sebdon, El-Hacaïba, Daïa, Saïda, Frenda, Tiaret, Teniet-el-Haad, Boghar, which covers the entrance into the Tell through the valley of the Chelif; and Batua and Tebessa. These posts close the Tell against invasions by the herders from the south, while they open it to trade with them. Through these posts the herders come to barter the dates of the oasis and the wool of their flocks, for the cereals of the Tell which afford food to the south.—On the south of the frontier of the Tell and on the road to the Sahara, the French permanently occupy Djelfa and Boucaada; and within the Sahara they occupy the oasis of Laghouat and Biskra, together with the post of Géryville. This occupation is intended to protect and confine, by crowding them between the northern posts and the frontier of the Tell, the pastoral tribes which their geographical position renders dependent on the Tell for their natural market.—GOVERNMENT. The character of the government of Algeria is one of instability, and its normal condition change of form. The following are its principal phases of transformation: 1st. A provisory organization (1830–34). Authority exercised by the commander-in-chief of the army of occupation, who had under his immediate control a council called successively government commission, committee, administrative commission, and administrative council of the regency. Marshal Clausel confided the presidency of the committee and the territorial administration to the military *intendant*. The duke of Rovigo instituted a civil administration.—2nd. Governor generalship. The ordinance of July 22, 1834, created a governor general of the French possessions in the north of Africa. The ordinance of April 15, 1845, changed this title to governor general of Algeria, divided Africa into three provinces, and each of these into a civil, an Arab and a mixed territory. It instituted a general mode of administration of civil affairs, an upper council, and a council of claims.—In 1847 the ordinance of Sept. 1 inaugurated decentralization by appointing in each province a director of civil affairs and a council of administration. The progressive assimilation to France was commenced by the republic of 1848, which suppressed, on Dec. 9, the general administration of civil affairs, and created a department in each province with a prefect and a council of prefecture. Algeria had been in the jurisdiction of the ministry of war, where there had been created in 1837 a department under the name of division of Algiers, and later a department of the direction of affairs of Algeria, charged with the political and civil affairs, and besides a committee of consultation to examine all proposed laws, ordinances or regulations, as well as all affairs referred to it by the minister.—3rd. Ministry of Algeria and the colonies, (decree of June 24, 1858). The governor general was replaced by a minister residing in Paris. The council of government was suppressed. Councils general were instituted. The jurisdiction of prefects in civil affairs and of generals of division in military affairs was amplified. Under the name of upper commandant of the land and sea forces, a general officer is made chief of the army of Africa.—4th. Re-establishment of the governor generalship, (decrees of Nov. 24, and Dec 10, 1860).

The ministry of Algeria and the colonies was suppressed. A governor general is entrusted with the command of the land and sea forces, the government and administration of Algeria. This officer is tantamount to chief of the state. He prepares the budget to be approved and presented to the chambers by the minister of war, as an addition to the military budget, and orders what grants shall be allowed. He prepares the decrees which the minister of war submits to the chief of the state for his signature and countersign. He appoints to certain offices. But the administration of justice, and French public instruction, religious worship, the custom and postal service, and the treasury, are each under the jurisdiction of a special ministry.—Under the authority of the governor general the administration of Algeria is divided between two high functionaries, a sub-governor and a director of civil affairs, independent of each other. The sub-governor, in addition to his duties as chief of staff of the army of Africa, governs the military territory through three generals of division, with generals of brigade or colonels commanding subdivisions, and chief commanders of circuits. Each of these officers continues to keep under his orders one of those bureaus celebrated under the generic name of Arab bureaus, and which are named according to their degree, descending from the sub-governor to the commander of a circuit.—The director of civil affairs administers the civil territory through three prefects, with sub-prefects and civil commissioners. These unite in themselves in places where the commune has not yet been organized, the functions of mayor, sub-prefect, and, at certain points, those of justice of the peace.—To sum up, a superior council, of which six delegates from three general councils form a part, prepares the project of the budget for the general government and the assessment of taxes. A consulting council gives its advice on all affairs placed before it by the governor.—In this organization the civil and the military authority were independent of each other, and each free on its own territory. Marshal Pélissier used to say, "I am neither civil nor military governor; I am governor general."—By the decree of July 7, 1864, the civil was everywhere subordinated to the military authority. The generals commanding the three divisions took the title of commanders of provinces. The prefects were placed under their authority. received their instructions from them and addressed their reports to them. Algeria was subjected to a purely military government, which had, under its orders, a certain number of civil agents. Nevertheless, two decrees of 1866 and 1870 made the municipal and general councils elective.—5th. A civil governor generalship, (law of Oct. 24, 1870). By this decree the delegation of Tours founded in principle the civil government such as it still exists, at least in form.—The civil governor general retains the political, military and administrative powers of the military governor. He administers the former civil territory through a secretary general and three prefects, and the military territory through a chief commandant of the land and sea forces, who has under his orders as administrators of these territories, three generals of division, with commandants of subdivisions and circuits.—To sum up, a superior council of government and a consulting committee are appointed, the first with more elective members than formerly, the second with some elective members, which was not the case in the council of the previous government.—During the war with Germany, this government, as a whole, existed only on paper. The councils-general of Algeria had been dissolved simultaneously with those of France; the superior council could not be brought together for lack of members. Besides, the delegation of Tours, on account of representations from Algeria, had, in November, decided in principle on the abolition of the governor generalship, with the attendant offices which had been established or retained by it in October. Algeria was to be assimilated to France and its local institutions were to disappear. A decree had already deprived the chief commandant of the army and navy of authority over the tribes of the military territory, and another decree suppressed the special budget of Algeria by distributing it among the budgets of the different ministries. Of the institutions founded by the decree of Oct. 24 some could not come into existence, others existed only temporarily, and deprived of all assistance from the councils-general and the superior council could not come into regular operation.—The government of M. Thiers retained the governor generalship and the superior council; it abolished *de facto* the office of commander of the army and navy and re-established the special budget of Algeria. Algeria has retained the six representatives in the national assembly accorded it by the delegation of Tours. Natives appointed by the government form a part of the general councils, in which the great majority are Frenchmen, and are elected. The natives have a deliberative voice. This has given rise to formal protests in the three councils.—It would be difficult to define and classify the actual government of Algeria (1872.) Let it suffice to state that it bears the name of civil government and has as chief a naval officer who governs the regular military territory, that is, almost all of Algeria, through officers of the army.—TERRITORIAL ADMINISTRATION. Before the revolution of September it had as basis the division of each province into two territories, one civil which constituted the department and was governed by a prefect, the other military and governed by the general commanding the military division. The decree of Oct. 24, 1870, has in principle suppressed the military, but in fact it has left the administration of the government to the officers who exercised it before without subjecting them to the prefect. The original military territory is yet (1872) in practice outside the authority of prefects. Officers manage it, under the direct

authority of the civil governor general. The original civil territory forms but a diminutive part of Algeria. The administration of the country, as we see, has remained military in fact, although the governor bears the title of civil governor, and the designation 'military territory' no longer exists. The situation is undefined. There is no correspondence between things as they exist and the words which describe them. Algeria is in a state of transition between the military régime existing in fact and the civil régime which exists only in name. It is intended to increase the number of Algerian departments. The councils-general and municipal have the same attributes as in France. The councils-general have native members appointed by the government. The municipal councils are made up of members native and foreign, both elected, like the French council. There are no councils of the *arrondissements*.—The Arab and Kabyle tribes of the original military territory are governed as formerly by military commandants who have Arab bureaus at their disposal. The title of these French agents has changed, but their powers have remained the same. They continue, among the tribes, to take charge of politics, the administration, the legal police, the assessment of taxes. They have always native chiefs at command called *caids*, who, each in his own tribe, see their orders executed and collect the taxes.—FINANCE. The Arab taxation has retained its former character. 1st. *Achour*, or tithes of grain, the taxable unit being the plow, (*djebda*), that is to say, the area which it is possible to cultivate annually with one plow. Every year the tax on a *plow* is determined by the amount of the crop. 2nd. The *zekkat*, tax on flocks and herds; the rate is fixed annually. 3rd. The *hockor*, or rent of lands, *azel*, belonging to the state and worked on a permanent lease by the natives. 4th. The *lezma* or obligation. It is collected in different ways. 5th. In the south, various taxes on trade, on the purchase of grain, on date palms.—One-tenth of the Arab tax goes to the native chiefs who collect it, four-tenths of the remainder goes to the state, and six-tenths to the departmental budget.—There has been long under consideration a project to replace the *achour* and *zekkat*, the tax on grain and cattle, by a land tax. Lands belonging to Europeans are not taxed, but registration dues, stamp dues, the customs, licenses, indirect taxes, postal and telegraphic charges, come almost exclusively upon Europeans. The budget of the governor generalship of Algeria furnishes the following figures:

1865, receipts	17,713,804 francs.
1865, expenses	25,350,000 "
1870, receipts	16,500 000 "
1870, expenses	14,616,000 "
1872, receipts	17,043,000 "
1372, expenses	22,615,014 "

The following are the chief items in the budget of 1872:

RECEIPTS.

Registration, stamps, domains and forests,	5,647,500 francs.
Customs	2,351,000 "
Income from various sources	7,421,500 francs.
Four-sixths of the Arab tax accruing to gov.	4,605,000 "
Post office	1,000,000 "
Receipts from various sources of which 535,000 francs are from the telegraph	623,000 "

EXPENSES.

Central administration	514,500 francs.
Departmental administration	969,660 "
Prisons	973 200 "
Telegraphic service	1,041,700 "
Administration and management of Arab tribes	1,586.890 "
Financial service	3.122,762 "
Maritime and military service	500,000 "
Colonization	1,325,600 "
Topography and land registers	1,035,500 "

The budget commission of 1872 estimates that by transferring the collection of the Arab taxes which, on the average, yield ten millions, from native to French financial agents, the product of these taxes would be perhaps doubled, while the burdens of the Arab tax payer would be at the same time decreased.—Maritime duties, imposed on the frontier and collected by the custom house for the benefit of Algeria, yield on an average four millions net. Of this, four-fifths, distributed according to the number of the population,[1] go to the municipal budgets, the rest to the departmental budgets, which are mainly supplied by the six-tenths of the Arab tax which the state has surrendered to them.—The administration of justice in the case of the Europeans is the same as in France. The natives remain, so far as the civil law is concerned, under the law of Islam; but crimes and misdemeanors committed by Mussulmans are punished according to the French law. Civil cases are judged in Kabylia by the djemmâa, everywhere else by the *cadis*. Councils called *Medjelès* may revise the judgment of the *cadis*, but an appeal, properly speaking, is only made to

[1] The following statistical tables are from the Statesman's Year Book for 1881:

Area of each of the three civil departments, and the three military divisions of Algeria, according to the returns of 1877:

TERRITORIES.	Area—Square Kilometres	Population.
Algiers—Civil Department	8,268	484,771
" Military Division	96,899	587,896
Oran—Civil Department	15,355	416.465
" Military Division	70,747	236,716
Constantine—Civil Department	17,976	414,714
" Military Division	109,089	727,124
Total	318,334	2,867,626

The number of French settlers was given at 127,321, and the total population of European descent at 302 576 in the returns of 1877.

The total commerce of Algeria was as follows in each of the seven years from 1870 to 1877:

YEARS.	Total Imports.	Total Exports.
1870	£6,907,628	£4,978,250
1872	7,881,251	6,565 123
1873	8,268,685	6,088,256
1874	7,852,173	5,976,280
1875	7,696,562	5,756,317
1876	9,235,464	7,162,464
1877	8,112,132	6,880,251

the court of appeal at Algiers, and tribunals of the first resort at Oran and Constantine to which are attached, for this purpose, Mussulman assessors. Imperial legislation has forbidden appeal in questions of state and of marriage. It does not permit a case to come directly from the *cadis* to a French judge unless with the consent of both parties. Complaints are raised against these two regulations and against the institution of the *Medjelès*.—RELIGIONS. To the three religions in France, where ministers are paid by the state, Mohammedanism is added in Algeria. The government has appropriated the estates of the mosques, the property which before the conquest contributed to the support of public instruction, charity and pilgrimages to Mecca.—Algeria has an archbishop and two bishops. There is a Protestant and a Jewish consistory in each province.—PUBLIC INSTRUCTION. The academy of Algiers embraces three departments. Its rector is aided by two inspectors. There is a lyceum at Algiers and communal colleges at Oran, Constantine, Bona and Phillippeville, and a secondary school of medicine at Algiers. In 1870 the municipal council withdrew everywhere their aid from clerical schools. The communal are lay schools.—MEANS OF COMMUNICATION. Algeria had neither roads nor bridges; many of both have been constructed, but the military government has neglected to build a road from Constantine to Algiers. The more important half of Algiers is connected with the centre of administration only by sea, and Constantine is in more frequent connection with Marseilles and even with Paris than with Algiers. Neither is there a road between Bona and Constantine. On the other hand, roads have been built along lines which are little frequented (1872).—The railroad from Algiers to Oran unites the east with the centre of Algeria. Constantine is put in communication with the sea by the Phillippeville railroad.—COMMERCE. The principal articles of exportation are winter wheat, wool, and sheep, which the steppes of the south produce in almost unlimited numbers, tobacco, oil, alfa, oranges, mineral ores. Algeria imports textile fabrics, iron, sugar, coffee, soap, spirits, etc.—COLONIZATION. Since France decided to establish herself definitely on the north coast of Africa, it was understood, that in face of a conquered population which was hostile to her by reason even of their religion, French rule would be very precarious until a great many European settlements should have formed a point of support for the army and a basis for French power in Africa. Armed occupation could only be temporary; possession by the plow could be the only permanent and definite one. Therefore the government of July, the republic and the empire, at least till 1861, were favorable to colonization.—But colonization encountered many obstacles, some arising from war, others from the nature of the country, still others from the errors of the administration. Till the submission of Abd-el-Khader in 1847, the want of security prevented the spread of colonization beyond the vicinity of towns. The colonists were established in a region where everything had to be, so to speak, created—roads, bridges, villages, towns, and, we might add, even the soil itself. Moreover it was necessary for the colonists to change all their European habits. They had to learn, by rude experience, that in Africa, from June 15 to Oct. 15, there is a dead season between harvest and the working period, when the earth requires but little care, and hard labor in the sun is a cause of death. They did not know that the climate of Algeria demands more sobriety, and that the man who works with his hands needs more substantial nourishment than does the farm laborer of France. They needed time to accustom themselves to live after the manner of Africans and become acclimated. On the other hand, the exigencies of war and the errors of administration raised up artificial bars to colonization. Instead of concentrating the settlers in a limited circle where they might have aided each other, both in a military and industrial sense, they scattered new villages about to insure communication along strategic lines. Large concessions of land made through favor exhausted the domain of colonization and remained uncultivated, while *bona fide* settlers, village agriculturists, received only from 7 to 10 hectares. Roads were wanting for the transport of products to market, transportation for a short distance was more costly than the freight from Marseilles to Algiers. Military administration found it profitable to have wheat and even forage brought from France instead of buying them at a distance of a few miles from the coast. If Algerian products arrived in a port of the metropolis, they were stopped on the way for the payment of customs dues. To sum up, the delays of French administration discouraged immigration. A settler having arrived in Algiers with a little capital, and the vague promise of a concession of land, spent everything before obtaining what he sought, and returned to France by free passage to tell his fellow villagers that there was nothing to be done in Algeria.—Still colonization advanced. During the last period of the monarchy of July a large body of immigrants arrived in Algeria. The republic of 1848 established a large number in Africa. The *coup d'état*, and the proscription which followed it, sent to Algeria a large number of involuntary colonists who took a liking to the country and remained there. The military authorities continued faithful to the idea of the French government and of the generals who had conquered Algeria. They desired greatly the establishment of an African France, created, according to the notion of Marshal Bugeaud, by the sword and the plow. But when the military government was replaced in 1858 by the ministry of Algeria, that is to say, by a civil government, the military party suddenly changed its politics. Their unforeseen fall taught them that the progress of colonization must have, as a necessary consequence, the setting aside of military power and the establishment of civil government. In their own interest, therefore, they became hostile

to colonization and began a campaign against it which is not yet terminated (1872).—The military party persuaded Napoleon III. that colonization was impossible, that settlers were the natural enemies of the Arabs, that there was no future in Algeria except for the Arabs, and that a military government alone could elevate the Arab race and restore it to something of its ancient splendor. Napoleon III. resolved, therefore, to hinder colonization, and, instead of an African France, he undertook the foundation of his famous Arab kingdom.—The Arab people were to be subjected in perpetuity to great native chiefs rendering obedience to generals. It was even a question of re-establishing a native feudalism and superimposing on it a French military feudalism. They thought of creating great military fiefs. The emperor, king of Algeria, would then have great French and petty Mohammedan vassals. As to the French colonists who were an obstacle to this plan, it was thought at one time of depriving them of their property. Marshal Pélissier put an end to this idea by answering the emperor that its realization would cost four milliards of francs. But it was decided and declared that the colonists could not be agriculturists, and that they should, as in Java and British India, confine themselves to playing the part of overseers of the native industries, managers of factories, and merchants.—Colonization alone can save the Arab race from complete ruin. We have seen, during the last famine, Arabs of the military districts, where there are no colonists, perish by hundreds of thousands, while those of the civil territory, finding work, supplies, and support among the colonists, withstood the effects of the crisis.—BIBLIOGRAPHY: *Annuaire administratif de l'Algérie*, 16 *Alger*, 1879; *Annuaire général de l'Algérie, sur des documents officiels*, 8 Paris, 1879; *Etat actuel de l'Algérie, publié d'oprés les documents officiels, sous la direction du directeur genéral des services civils*, 8 Paris, 1879; *Tableau de la situation des établissements français*, 4 Paris, 1879; *L'Algérie et les Colonies françaises, par Jules Duval*, 8 Paris, 1877; *L'Algérie ancienne et moderne, par A. Fillias*, 12 *Alger*, 1875; Wagner, *Reisen in der Regentschaft A.*, 3 vols. Leipzig, 1841; Daumas, *Le Sahara algérien*, Paris, 1845; *Le grand désert*, 2 ed. Paris, 1849; *La Grande Kabylie*, Paris, 1847; *La Kabylie*, Paris, 1857; and *Mœurs et coutumes de l'Algérie*, 3 ed. Paris, 1857; also the official *Tableau de la situation des établissements français d'Algérie*, Paris, 1838, etc., and the official *Exploration de l'Algérie pendant les années* 1840–2, 31 vols., Paris, 1844; Hirsch, *Reise in das Innere von A.*, Berlin, 1862; Trumulet, *Les Français dans le désert* Paris, 1863; MacCarthy, *Geographie physique, économique et politique de l'Algérie*, Algiers and Paris, 1858; von Maltzan, *Drei Jahre im Nordwesten von Africa*, 4 vols., 2 ed., Leipzig, 1868; *Sittenbilder aus Tunis und A.*, Leipzig, 1869; Hanoteau and Letourneur, *La Kabylie*, 3 vols., Paris, 1872; D. Schneider, *Von Algier nach Tunis und Konstantine*, Dresden, 1872; Bainier, *Geographie commerciale de l'Algérie*, Mars., 1874; Fillias, *Histoire de la conquête et de la Colonization d'Algérie*, 1830–60, Paris, 1860; Nettement, *Histoire de la Conquête d'Alger*, 2 ed, Paris, 1871; Jussuff, *Sur la guerre en Afrique*, Algiers, 1850; Duke of Orleans, *Campagnes de l'armée d'Afrique* 1835–'9; *Publié par les fils*, Paris, 1869. On the more ancient geography and history of Algeria, see MacCarthy, *Algeria Romana*, Algiers, 1857; Rabusson, *De la géographie du nord d'Afrique*, Paris, 1856; Ibn-Rhaldun's *Histoire des Berbéres*, 2 vols., Algiers, 1847–51; Jaqut's *Descriptio Al-Magrebi*, Leiden, 1860.

CHARLES DU BOUZET.

ALGERINE WAR (IN U. S. HISTORY). From the time when Mohammedanism first gained a foothold in northern Africa, the Barbary powers carried on a naval warfare, at first for religion and afterward for profit, against every nation which refused to buy a peace from them. Before the American revolution, the American trade in the Mediterranean, amounting to about 20,000 tons of shipping, was protected by passes from the imperial government at London. In July, 1785, the Algerines began capturing American vessels, and continued to do so until 1793, except when their vessels were blockaded by a Portuguese fleet. In 1786–7 a treaty was concluded with Morocco; one with Algiers, Sept. 5, 1795; one with Tripoli, Nov. 4, 1796; and one with Tunis, Aug. 26, 1799. By these treaties the United States purchased peace either by a gross sum or by a yearly tribute; but the notorious doubt and difficulty of making the treaties, had at least compelled the formation of a small American navy, against the opposition of the republicans. (See DEMOCRATIC PARTY, II.) The payment of the tribute did not diminish the insolence of the recipients, and, in 1800, Bainbridge, who commanded the frigate George Washington, wrote to the navy department, "I hope I shall never again be sent to Algiers with tribute, unless I am authorized to deliver it from the mouths of our cannon."—In 1801, Tripoli, dissatisfied with inequalities in the tribute, declared war, and the other Barbary powers began to be clamorous for fresh presents. In 1802, congress having recognized the existence of war with Tripoli, Commodore Morris was sent to the Mediterranean with six vessels, and four other vessels were rapidly equipped to follow him. The grounding of the frigate Philadelphia in the harbor of Tripoli, Oct. 31, 1803, her capture, and her subsequent destruction by Decatur, and the bombardment of Tripoli, were the principal events of this war until a land expedition by Eaton, American consul at Tunis, compelled Tripoli to make peace, June 4, 1805. The restrictive policy, which soon after was begun by the republican party, (see EMBARGO), by checking American commerce, diminished the temptations to attack it; but the abandonment of this policy in 1810, renewed the temptation which the Barbary powers always found in an unprotected flag. In 1812 the dey of Algiers declared war against the United States, and from that time

until 1815 British cruisers were allowed to capture American vessels in the Barbary ports. In May, 1815, Decatur was sent to the Mediterranean with ten vessels. He sailed directly to Algiers, capturing on his way the largest frigate in the Algerine navy, and compelled the terrified dey to appear in person on the quarter deck of the American flagship and there sign a treaty, June 30, 1815, which formally abandoned any claim to tribute in future. He then compelled Tunis and Tripoli to pay indemnity for British captures. The payment of tribute was thus terminated.—The political importance of the Algerine wars lay only in the fact that they compelled the republican administration, in spite of its dislike to a navy, (see DEMOCRATIC PARTY, II., III., GUNBOAT SYSTEM), to retain a nucleus of it and thus to insure the principal successes of the war of 1812. But the administration was embarrassed by the effort to combine its two opposite lines of policy, a sea-going fleet against the Barbary powers and gunboats against Great Britain and France; and many of its naval budgets were passed by its supporters in congress in secret sessions. The Algerine wars also led to an increase in the tariff. By the act of March 26, 1804, renewed at intervals until 1815, 2½ per cent. additional *ad valorem* duties were imposed on all importations in American vessels, and 10 per cent. on foreign vessels, to form a fund for protecting American vessels against the Barbary powers (commonly called the Mediterranean Fund).—See 1 Lyman's *Diplomacy of the United States*, 370; 2, 3, Hildreth's *United States;* 1 Cooper's *Naval History;* 4 Jefferson's *Works* (ed. 1829), 21; 1 *Statesman's Manual* (Jefferson's *Messages*, 1804–7); 3 Benton's *Debates of Congress*, 158 foll. The act of March 26, 1804, is in 2 *Stat. at Large*, 291; the treaties of 1786–7, of Sept. 5, 1795, of Nov. 4, 1796, of Aug. 26, 1799, of June 4, 1805, and of June 30, 1815, are in 8 *Stat. at Large*, 100, 133, 154, 157, 214, 224. ALEXANDER JOHNSTON.

ALIEN AND SEDITION LAWS (IN U. S. HISTORY), two acts passed by the federalist majority in the summer of 1798. The session opened in December, 1797, with a strong federalist majority in the senate, and a democratic-republican majority in the house, which for several months voted down every attempt to resist by force the aggressions of France upon American commerce. But the publication of the dispatches from the X. Y. Z. mission in April, 1798, erased party divisions for the time, silenced the republican leaders, converted all the lukewarm republicans to an intense hostility to France, and gave both houses to federalist control. The leading republican journalists were mostly foreigners, Frenchmen, and refugee Scotchmen, Irishmen, and Englishmen, who had excited the warmest hatred of the federalists by their scurrilous and intemperate language, and by their open advocacy of the extreme violence of French republicanism. One of the first objects of the federalists, after providing for an increase of the army and navy, was to muzzle these aliens, and to this end the acts above mentioned were passed.—There were three alien laws. The *first* was an amendment of the naturalization laws, extending the necessary previous residence to fourteen years instead of five, and requiring five years previous declaration of intention to become a citizen instead of three. Alien enemies could not become citizens at all. A register was to be kept of all aliens resident in the country, who were to enter their names under penalties in case of neglect; and in case of application to be naturalized the certificate of an entry in this register was to be the only proof of residence whenever residence began after the date of this act. The *second*, passed June 25, was limited by its terms to two years of operation. It authorized the president to order out of the country all such aliens as he might judge dangerous to the peace and safety of the United States, or might suspect to be concerned in any treasonable or secret machinations. The *third* provided that, whenever any foreign nation declared war against or invaded the United States, all resident aliens, natives or citizens of the hostile nation, might, upon a proclamation to that effect, to be issued at the president's discretion, be apprehended and secured, or removed. The first and third of these acts met no warm opposition, though the first was repealed when the republicans gained power. The second is the one which is known pre-eminently as *the alien act.* It was opposed as an unconstitutional interference with the right secured to the existing states to permit until 1808 the importation or emigration of any such persons as they might think proper; as an attempt to usurp undelegated powers over aliens who were legally under the jurisdiction and protection of the laws of the state wherein they lived (see KENTUCKY RESOLUTIONS, IV.); and as an unconstitutional interference with the right of trial by jury. The first alien act, as to naturalization, was repealed by the act of April 14, 1802, which re-established the former requisites of time of residence. The second and third of these acts have no further history, for no prosecutions or direct presidential action took place under or by virtue of them. They are important only as one moving cause of the Kentucky and Virginia resolutions, and of the overthrow of the federal party at the next presidential election.—According to Jefferson a sedition law had been threatened in April, but no steps toward it were taken in congress, until June 26, when Lloyd, of Maryland, a federalist senator, introduced a bill in four sections, to define more precisely the crime of treason, and to define and punish the crime of sedition. The first section of Lloyd's bill declared the people of France enemies of the United States, and adherence to them, giving them aid or comfort, to be treason, punishable with death. The second section defined misprision of treason and prescribed its penalties. The third section made it a high misdemeanor, punishable by fine not exceeding $5,000, imprisonment from six months to five years, and bind-

ing to good behavior at the discretion of the court, for any persons unlawfully to combine and conspire together, with intent to oppose any measures of the government of the United States, directed by proper authority, or to impede the operation of any law of the United States, or to intimidate or prevent any person holding office under the government of the United States from executing his trust, or with like intent to commit, advise, or attempt to procure any insurrection, riot, unlawful assembly, or combination. The fourth section provided that any person who, by writing, printing, publishing, or speaking, should attempt to justify the hostile conduct of the French, or to defame or weaken the government or laws of the United States by any seditious or inflammatory declarations or expressions, tending to induce a belief that the government or any of its officers were influenced by motives hostile to the constitution, or to the liberties or happiness of the people, might be punished by fine or imprisonment, the amount and time being left blank in the draft of the bill. The first and second sections were struck out, and the bill, having thus been razeed to a bill of two sections, the third and fourth of Lloyd's draft, passed the senate by a vote of 12 to 6. In the house it also passed, by a vote of 44 to 41, but with a very material change. The extremely objectionable second section, (the fourth of the draft above given), whose intentional looseness and vagueness of expression could have made criminal every form of party opposition to the federalist majority, was struck out. In place of it was inserted a new second section which subjected to a fine not exceeding $2,000, and imprisonment not exceeding two years, the printing or publishing any false, scandalous and malicious writings against the government of the United States, or either house of the congress, or the president, with intent to defame them, or to bring them into contempt or disrepute, or to excite against them the hatred of the good people of the United States, or to stir up sedition, or with intent to excite any unlawful combination for opposing or resisting any law of the United States, or any lawful act of the president, or to excite generally to oppose or to resist any such law or act, or to aid, abet or encourage any hostile designs of any foreign nation against the United States. A third section was then added, providing that in all prosecutions under this section the truth of the matter stated might be given in evidence, as a good defense, the jury to be judges both of law and fact; and by a fourth section the act was to continue in force only until March 4, 1801. The credit of the last two sections is due to Bayard of Delaware. The bill as finally passed, therefore, consisted of four sections, the first being the third of Lloyd's draft, and the second, third and fourth the ones just given. The objections to it are its evident intention to restrain freedom of speech and of the press, both of which are guaranteed by the constitution, and its attempt to enlarge the sphere of the federal judiciary by impliedly recognizing its common law jurisdiction in criminal matters. The first objection can hardly be met successfully; in this respect the law was patently unconstitutional, partisan, and dangerous, and the only precedents in justification of it are drawn from the action of state legislatures or the federal government during the revolution or under the confederation, (but see WAR POWER). The second requires further consideration.—In civil matters the rules of the common law have always been followed by federal as by state courts. In criminal matters the state courts, in addition to the jurisdiction given them by statute, had always exercised a very extensive jurisdiction, which they still exercise, though to a less extent, over a class of offenses which are so not by any statutory enactment, but by custom, that is, by common law. Any of these could of course, at any time, be taken out of the common law by statute, and made a statutory offense with strict bounds of punishment; and libel has since been so treated by all the states. But in 1798 libel was still a common law offense, and the state courts claimed and exercised arbitrary power as to the extent of the punishment to be inflicted in case of conviction. It had never been decided whether the federal courts possessed this common law criminal jurisdiction, but it was known that most of the federal judges believed that they did possess it, and most of the federalists were inclined to the same opinion. The republicans, on the contrary, believed that the crimes expressly enumerated in the constitution—treason, counterfeiting United States coin or securities, piracy, and offenses against the laws of nations—were the only *crimes* over which federal courts had jurisdiction. If the doctrine of the federalists was correct (and it was certainly never contradicted by the federal courts until 14 years had passed, and the judiciary, with the other departments of government, had fallen into democratic hands) then the sedition law was a very salutary remedial modification of the common law, since it allowed the truth to be given in evidence, and laid down bounds of punishment, which the judges could not pass. If, on the other hand, the republican doctrine was correct, the sedition law was a pernicious precedent, since, by making a common law offense statutory, it implied a common law criminal jurisdiction in the federal courts, wherever statutes did not interfere. The republicans had little legal talent in their ranks in 1798, and had made little open opposition to the federalist claims on this point. But Jefferson at once perceived the limitless consequences which were entailed by the admission and permanent establishment of the principle implied in the sedition law. It was law, until overthrown by the supreme court, which was not at all likely while the supreme court was under federalist control. Individuals were thus irrevocably brought under the operation of a law which, under the very general term of "opposing" the government, made party opposition criminal. To prevent the exten-

sion to the state governments of the same prohibition of opposition, under some as yet unthought-of product of federalist legal ingenuity, the Virginia and Kentucky resolutions were prepared and passed, (see KENTUCKY RESOLUTIONS).—It is not a little characteristic, however, of the immature politics of 1798, that the alien law directed mainly against French refugees, provoked far more republican rhetoric than the sedition law, directed against native born citizens as well, though there were at least six prosecutions under the latter act and none at all under the former. Neither party had yet advanced far enough in political experience to learn that "the common law offense of libeling a government is ignored in constitutional systems, as inconsistent with the genius of free institutions." In the case of the sedition law the republicans felt the blow rather because it was aimed at them as a party than because of any deep-seated aversion to such laws as legitimate weapons in party warfare; in the case of the alien law, its apparent enmity to France was the touchstone by which alone most of the republicans judged of its iniquity. (See KENTUCKY AND VIRGINIA RESOLUTIONS, FEDERAL PARTY, DEMOCRATIC-REPUBLICAN PARTY.)—See 2 Benton's *Debates of Congress;* 1 von Holst's *United States*, 142; 5 Hildreth's *United States*, 215-236; 1 Schouler's *United States*, 393; and authorities under articles above referred to. The alien acts of June 18, June 25, and July 6, are in 1 *Stat. at Large*, 566, 570, 577, (see also authorities under AMERICAN PARTY). The sedition law of July 14 is in 1 *Stat. at Large*, 596. For the subsequent denial of common law criminal jurisdiction, by federal courts, see 7 *Cranch*, 32; 1 *Wheat.*, 415; 8 *Pet.*, 658 (per McLean, *J.*). The argument in favor of such jurisdiction will be found in Story's *Commentaries*, § 158 (note), and authorities there cited; against it, in 1 Bishop's *Criminal Law*, §§ 16–18, and authorities there cited. Lyon's fine was refunded by act of July 4, 1840, (6 *Stat. at Large*, 802), and Cooper's by act of July 29, 1850, (9 *Stat. at Large*, 799), the money in both cases going to the heirs. ALEXANDER JOHNSTON.

ALIENS. In the early days of Rome, a foreigner, unless under the protection of a *patron* and occupying the position of a *client*, was without the protection of the law, both as to his person and his property. Whatever the Roman citizen took from him, he acquired by the same title that he did the "unclaimed shell on the beach" which he picked up. Exceptions to this general rule owed their origin to special treaties which secured to members of a foreign political community certain rights within the commonwealth of Rome; and it is not unlikely that these treaties formed the primitive structure which gradually gave rise to the body of private international law known as the *ius gentium*, side by side with the civil law. The principle of the total and absolute exclusion of foreigners, is clearly traceable in both the constitution and the civil law of the Roman commonwealth during its early period. But the presence of a large number of foreigners within the dominion, and the necessities of trade, not only gave rise to the treaties referred to, but led the Roman lawyers to devise means whereby disputes between aliens and the citizens of Rome might be settled. They refused to decide these cases in accordance with the civil law, to whose benefits none but the citizens of the Roman commonwealth were admitted. From the rules of law, which were common to Rome and the several Italian tribes, and which were applied in settling the controversies to which members of such tribes might be a party, the Roman jurists built up a system of law which, though suggested in its origin by the spirit of scorn and disdain with which the Roman citizen looked upon all foreigners, became, with the aid of Greek ideas—as a body of laws common to all nations—the source of many of the principles of natural justice.[1]—In England an alien is defined as one born out of the allegiance of the king. In the United States an alien is one born out of the jurisdiction of the United States, who has not been naturalized under the constitution and laws of the United States. The children of ambassadors and ministers at foreign courts, though born on foreign soil, are not aliens.—As distinguished from aliens, natives are all persons born within the jurisdiction and allegiance of the United States. This follows the rule of the common law. In settling the rule relative to the distinction between aliens and citizens, in the jurisprudence of the United States, the courts held that the subject of alienage, under our constitution, is a *national* subject, and that the law on this subject, which prevailed in the states, became the common law of the United States when the federal union was established. Citizenship as distinguished from alienage is a national right.—To create allegiance by birth, the person must be born, not only within the territory, but within the allegiance of the government. A citizen can not renounce his allegiance to the government of the United States without its permission, to be declared by law; and as there is no existing legislation bearing on this subject, the rule of the common law remains unchanged.—By the fourteenth amendment to the constitution, "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside." The citizens of the federal union are, therefore, not to be treated, within the territory and jurisdiction of the different states, as aliens.—During the residence of aliens in a country, they owe a local allegiance to its government, and are equally bound with natives to obey all laws for the maintenance of the peace and the preservation of public order, which do not especially relate to the rights and the conduct of citizens. This principle is universally recognized and adopted, as being alike dictated by justice and the public safety. If an alien commits an unlawful act, or is involved in disputes.

[1] Maine, Ancient Law.

with a citizen, or any other resident foreigner, he is amenable to the ordinary tribunals of the country. In New York, resident aliens are liable to be enrolled in the militia, provided they are lawfully seized of any real estate within the state; and they are, in that case, declared to be subject to duties, assessments, and taxes, as if they were citizens. They can not, however, exercise any of the political rights and privileges which do, and ought to, form the sole and exclusive prerogatives of citizenship. They are, therefore, not capable of voting at an election, or of being elected or appointed to any office of public trust or honor. In addition to this, they are also incapable of serving as jurors.—Should an alien come to the United States with the intention of making it his permanent home, he will find in the law an easy means of removing his disabilities, and securing all the rights of citizenship, including that of taking an active share in the administration of the government. The acts of congress regulating and providing for the naturalization of foreigners need not be more than referred to here. A person naturalized under those acts, becomes entitled to all the privileges and immunities of native citizens, except that a residence of seven years is required to enable him to hold a seat in congress, and that no person, save a native born citizen, is eligible to the office of governor in some of the states, or of president of the United States.—The unjust and inhospitable rule by which the most civilized states of antiquity were characterized, prevailed in many parts of Europe, down to the middle of the last century. The law which claimed, for the benefit of the state, the effects of a deceased foreigner who left no native heirs, existed in France as late as the commencement of the French revolution. This rule of the French law was not only founded on the Roman law, but it was also justified by the narrow and singular policy of preventing the wealth of the kingdom from passing into the hands of foreigners. This provision of the *droit d'aubaine* was abolished by the constitution of the first constituent assembly, in 1791, and foreigners were admitted, on very liberal terms, and were declared capable of acquiring and disposing of property in the same manner as native citizens. This doctrine was more or less followed by subsequent legislation, and the treaties of France with other governments.—According to the common law, an alien can not acquire a title to real property by descent, or a title created in any other way by mere operation of law. The law *quæ nihil frustra* never casts the freehold upon an alien heir who can not keep it. It is understood to be the general rule, that even a native subject can not take by representation from an alien, because the latter has no inheritable blood through which a title can be obtained. The statute of 11 and 12 Wm. III., however, was passed to cure this disability, enabling natural born subjects to inherit, under certain restrictions, the estate of their ancestors, notwithstanding that those under whom they claimed or from whom they derived their title, were aliens. The provisions of this statute have been amplified by those of 33 and 34 Vict., c.14, by which aliens are enabled to take, acquire, hold and dispose of real and personal property of every description, (except British ships), and to transmit a title to land, in all respects as natural born British subjects.—The former statute is in force in several of the United States, but even where it is not, the courts are very liberal in their construction of the common law, and willing to conform to the enlarged policy of the present day in rather contracting than extending the disabilities attaching to alienage. As to the question touching the distinction of the *ante nati* and *post nati*, at one time the subject of much controversy, the doctrine was finally settled in this country, and persons born in England, or elsewhere out of the United States, before the 4th of July, 1776, and who continued to reside out of the United States after that event, were considered aliens, and incapable of inheriting an estate in lands in the United States.—Again, according to the common law, although an alien may purchase land, or take it by devise, he is still exposed to the danger of having his lands forfeited to the state, upon an inquest of office found, that is, on inquiry as to whether the sovereign is entitled to the possession of the property, real or personal, as against any other claimant. The alien's title is held to be good against every person but the state. If he should die before an inquest is had, the inheritance can not descend, but escheats. If he should undertake to sell to a citizen, the prerogative right of forfeiture is not barred, and the purchaser takes the property subject to the right of the government to seize it. His conveyance is good as against himself, but the title is voidable by the sovereign upon the proper inquiry being had. According to Lord Coke, an alien merchant is the only one who may take a leasehold interest in land; he is, however, restricted to a house, and if he dies before the termination of the lease, the remainder of the term is forfeited to the sovereign. The reason is, that the law gave him the privilege of habitation only, as essential to his trade, and not for the benefit of his representatives.—In many of the states the disabilities of aliens in respect to holding lands are removed by statute, though under certain conditions, such as that the aliens must be residents, or have declared their intention of becoming citizens, or both. As far as personal property is concerned, aliens are capable of acquiring, holding and transmitting it as are citizens, and they can bring suit for the recovery and protection of their property.—According to the authority of jurists such as Grotius, Bynkershoek and Martens, a state has the right, on the breaking out of hostilities with a foreign government, to treat persons as enemies who owe allegiance to that government, and to deal with their property found within the territory of the state as the property of enemies. It has the right to confiscate such property and to detain aliens as prisoners of war. But modern governments, while

modifying and softening this rigorous doctrine by stipulations and treaties, have more or less made special provision in their own legislation, for the security of the persons and property of aliens whose government may be at war with them. Thus it was provided by the great charter—though similar privileges had been granted fifteen years before, in 1200, by special charter[1]—that, on the breaking out of war, foreign merchants found in England, and belonging to the country of the enemy, should be attached "without harm of body or goods" until it should be ascertained how English merchants were treated by the enemy; and "if our merchants," the charter says, "be safe and well treated there, theirs shall be likewise with us."[2]—The statutes and judicial decisions which followed this liberal provision of the great charter, tended rather to increase than diminish its privileges. Alien merchants are allowed forty days to depart the realm with their goods; which period is extended for another forty days in case they are prevented from departing on account of accident. The legislation of the United States is dictated by the same wise and humane policy. The act of congress of July 6, 1798, c. 73, authorizes the president, in case of war, to determine the conduct to be observed toward subjects of the hostile government, who, being aliens, may be within the United States, and in what cases and on what security, their residence should be permitted; and it declared in reference to those who were to depart, that they should be allowed such reasonable time as might be consistent with the public safety, and according to the dictates of humanity and national hospitality, "for the recovery, disposal and removal of their goods and effects, and for their departure." Yet, notwithstanding this, it was held that the strict right of confiscating the property of resident aliens whose government was in hostility to ours, still existed in congress, and that the question as to what should be done with this kind of property, was one rather of policy than of law, and that the exercise of that right rested in the sound discretion of the sovereign body of the nation.—As to the question, whether the state, where an alien may have his domicile, should enforce a judgment rendered against him, either in his native country or in another state, it seems to be the opinion of the continental jurists, that, under their municipal laws, such judgment can not be enforced; it is simply within its own territorial jurisdiction, and as far as the *imperium* of the state extends, that judgments rendered according to law, can be enforced. Yet, inasmuch as it is the business of the state to embody in its laws and institutions the ideas of justice and right, and as the government is bound to recognize and encourage the same tendency in the laws and institutions of all civilized states, it is held to be the better rule, that the lawful judgments of the courts of one state shall be enforcible in another, provided it be shown that the court had jurisdiction of the cause; that it was decided according to the laws in force within its jurisdiction, and that the judgment does not require the doing of anything which is contrary to the laws of the country in which it is sought to be enforced. —During his domicile, an alien is subject to the police regulations and criminal law of the country where he may sojourn. Whether he can also be tried and sentenced there for offenses he may have committed elsewhere than in his native state, is a question upon which neither the legislation of the different countries of Europe, nor the opinions of jurists seem to agree. On the continent it is considered the better opinion, that, contrary to the rule prevailing in the United States and in England, where aliens are not tried for offenses committed elsewhere, aliens should be tried and punished for such offenses wherever they may be domiciled.[3]—The power of taxation as regards aliens, can not be exercised by a government to the same extent as regards its own citizens or subjects. Aliens should not be subject to taxation or assessment beyond what is required of them by law; and such tax or assessment should be levied on the property they possess, or should be imposed upon them by reason of the business they may carry on, in the country where they reside.—Aliens can not, and should not, be held liable to military service, or to any impost for military purposes. Aliens have the right to leave the state where they may be domiciled at pleasure; and the government has no authority to prevent their departure, except in cases where they have entered into some obligation which they are bound to discharge in favor of the government, or in favor of its citizens or subjects, or in case the alien has committed some offense for which he is punishable under the laws of such government. As aliens are at liberty to depart from the country where they may be sojourning, or have been domiciled, the government has an equal right to exclude them from its territory, and in that event, an alien has no redress beyond the protection and remonstrance of his native government, in case the foreign government should exercise its right of expatriation without just cause.—The relation of the citizen or subject to his government is not only such as to impose certain duties upon him in case he should reside in a foreign country, but as to secure to him

[1] Stubbs, Const History of England, vol. 1, p. 603.

[2] "Omnes mercatores habeant salvum et securum exire de Anglia, et venire in Angliam, et morari et ire per Angliam, tam per terram quam per aquam, ad emendum et vendendum, sine omnibus malis toltis, per antiquas et rectas consuetudines, præterquam in tempore gwerrae, et si sint de terra contra nos gwerrina; et si tales inveniantur in terra nostra in principio gwerrae, attachientur sine dampno corporum et rerum, donec sciatur a nobis vel capitali justiciario nostro quomodo mercatores terrae nostrae tractentur, qui tunc inveniantur in terra contra nos gwerrina; et si nostri salvi sint ibi, alii salvi sint in terra nostra." Such is the full provision, in the quaint law Latin of the times, of this great compact which is justly cherished as the priceless franchise of English liberty.

[3] Robert v. Mohl, Staatsrecht, Voelkerrecht u. Politik, vol. 1, pp. 731–758.

certain rights. Hence he not only retains all the rights and privileges guaranteed to him by the constitution and laws of his native state, but he may also ask the protection and intervention of his government as against any oppressive or unlawful act on the part of the foreign government. And his native government is bound to use every means pointed out by the law of nations, and the dictates of humanity and justice, for the protection of its citizens or subjects in a foreign country where they may be domiciled or sojourn as aliens. —See I. and II. *Kent's Commentaries;* Poezl in III. Bluntschli and Brater's *Staatswoerterbuch*, article *Fremde Fremdenrechte;* Foelix, *Traité de Droit International Privé;* Heffter, *Europæisches Voelkerrecht;* Sir A. E. Cockburn, *On Nationality.*

MAX. EBERHARDT.

ALLEGIANCE (IN U. S. HISTORY). I 1774–89. Until the opening of the American revolution, native or naturalized British subjects owed allegiance to the British crown, and, for more than a year after the armed forces of the king and his American dominions had met in battle, this obligation of allegiance was still acknowledged. The royal proclamation of Aug. 23, 1775, declaring the American colonists rebels, the act of parliament in December, 1775, authorizing the capture of American vessels, wherever found, the pamphlet of Payne, *Common Sense*, and, still more, the bombardments of Falmouth, (now Portland, Maine), Oct. 18, 1775, and of Norfolk, in Virginia, Jan. 1, 1776, were all arguments which convinced the colonists that allegiance, being dependent on protection, was no longer due to the king. The continental congress, however, which had already, in great measure, come under the control of the state legislatures, did not claim the allegiance of the American people, but resolved June 24, 1776: "That all persons abiding within any of the united colonies, and deriving protection from the laws of the same, owed allegiance to the said laws, and were members of the same; * * * * * and that all persons members of, or owing allegiance to, any of the united colonies, who should levy war against any of the said colonies within the same, or be adherent to the king of Great Britain, or other enemies of the said colonies, or any of them, within the same, giving to him or them aid or comfort, were guilty of treason against such colony." Jan. 25, 1777, Sir William Howe by proclamation offered protection to such citizens of New Jersey as should take the oath of allegiance to the king. Washington at once replied by a counter-proclamation, ordering all persons, who had thus received protection, to surrender their protections and take the oath of allegiance to the United States, or retire within the British lines. The novel idea of allegiance to the United States was the subject of very general and adverse criticism until Washington explained that he had prescribed no form of oath, and had only instructed his subordinates to insist upon an obligation "in no manner to injure the states." In February, 1778, congress prescribed the form of an oath, to be taken by officers of the army, and all others serving *under congress*, which was simply a renunciation of allegiance to the king of Great Britain, an acknowledgment of the independence of the United States, and an obligation to defend and serve them. This non-committal obligation remained the rule throughout the confederation. The state constitutions, adopted during the revolution and confederation, all provided for an oath of allegiance to the state alone, of which the following may serve as an example: "I, A. B., do truly and sincerely acknowledge, profess, testify and declare that the commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent state, and I do swear that I will bear true faith and allegiance to the said commonwealth * * * *."—II. UNDER THE CONSTITUTION. The constitution (articles III. VI.) introduced two new features into the national government: not only United States senators and representatives, but all members of state legislatures, and all executive and judicial officers of the United States and of the several states, were to be sworn to support the constitution; and the crime of "treason against the United States," which had no existence under the confederation, was stated and defined. The 1st congress at once enforced both these provisions. The act of June 1, 1789, provided for the new oath of allegiance; and the act of April 30, 1790, declared the punishment of treason against the United States (see also ALIEN AND SEDITION LAWS). The state constitutions, thereafter adopted, contain the oath of allegiance to the state, but bound up in it is the oath of allegiance to the United States.—The wave of reaction against the establishment of the national will as the basis of national government, (see UNITED STATES), which began to be apparent in the south about 1830, and which culminated in the rebellion, was marked by the introduction of a new and subtle doctrine as to allegiance. It defined allegiance as the paramount submission due by the citizen to the constitution and government of the state to which he belongs; and held that the citizen of a state owed to the government of the United States not allegiance, but *obedience*, because his own state, as a party to the confederation, enjoined it. It would follow from this that the citizen was bound as well to refuse obedience to the United States, and to array himself in arms against the national government, whenever ordered to do so by his state. A clear conception of this doctrine, and of its general acceptance by educated men in the south, will show the reason of the astonishingly sudden disappearance of the union party in the south in 1861; and will explain the course of A. H. Stephens, for example, who repeatedly and sincerely urged the maintenance of the union in December, 1860, and ninety days afterward, his state having seceded in the interim, was vice-president of the confederate states, with his own full concurrence.—The result of the rebellion settled the question of the citizen's obliga-

tion to "follow his state" against every other possible authority. The state constitutions formed in 1867–8 (see SECESSION, RECONSTRUCTION) contain provisions of which the following extract from that of Alabama is an example: "That this state has no right to sever its relations to the federal union, or to pass any law in derogation of the paramount allegiance of the citizens of this state to the government of the United States."—After the states had been re-admitted to the union under these constitutions, some of them, as Texas and Arkansas, framed new constitutions in which the above provision was omitted. But as the supreme court has decided that the conditions, of which the above was a principal one, under which the state was admitted are binding upon the state, and that the state is estopped to deny their validity, it would seem that this provision, though omitted, is still binding in law. As matter of fact and politics it has been still more emphatically settled by war.—The doctrine of the federal courts has always been that allegiance may be dissolved by the mutual consent of the government and its subjects or citizens, though the few decisions on this point touch only the deposition of allegiance by aliens, and the southern doctrine as to domestic allegiance has never been formally before the federal courts. A single case (cited in 3 *Dall.*, below) lays down the principle that renunciation of allegiance to a state government does not imply or draw after it renunciation of allegiance to the United States. The British government, on the other hand, until the passage of its liberal naturalization act in 1844, refused to recognize the American doctrine (see EMBARGO, II.).—See (I) 2 *Public Journals of Congress*, 216; 4 Washington's *Writings*, 298–319; 4 *Public Journals of Congress*, 49; 1 Poore's *Federal and State Constitutions;* 4 *Cranch*, 209; (II) 1 *Stat. at Large*, 23, 112; *The Book of Allegiance*, (arguments in South Carolina court of appeals, 1834); Thomas Cooper's *Consolidation;* 1 Tucker's *Blackstone App.*, 170–187, and authorities cited under STATE SOVEREIGNTY and SECESSION; 2 Stephens' *War Between the States*, 297; 2 Appleton's *Annual Cyclopædia*, 270 (Debates in Confederate Congress, 1862); 13 *Wall.*, 646; S. C. 39 *Geo.*, 306; W. B. Lawrence's *Visitation and Search*, 13; 3 *Pet.*, 125; 3 *Dall.*, 133.

ALEXANDER JOHNSTON.

ALLEGIANCE, Oath of. The long civil wars which desolated England had, among other results, that of creating a host of pretenders to the crown, which passed from hand to hand during the War of the Roses. Thus, after the death of queen Mary, there were no less than fifteen competitors for the inheritance of the daughter of Henry VIII. Elisabeth, having had trouble enough in securing her rights, sought for means to strengthen her authority. The first parliament which she convoked therefore proposed to satisfy the wishes of the queen, and, for the first time, prescribed the oath of allegiance. By this oath, which might be exacted from every person twelve years of age and upward, the queen was recognized as the only and legitimate sovereign; fidelity and obedience were promised her; and she was declared head and supreme defender of the church of England. King James I. had the form of the oath of allegiance modified by parliament in a more monarchical sense than was allowed by the terms employed in the reign of Elisabeth. After the revolution of 1688, the famous convention which formed itself into parliament, voted to retain the oath, but took good care to expunge everything in it which had the odor of passive obedience. The learned English author, Paley, who has commented at length on the terms and motives of the oath in its new form, proved that it justified even armed resistance in case the prince, by infirmity of mind or culpable action, should attack the liberties of the country. No doubt this interpretation, so conformable to the tone of the English mind, is of authority to day in the constitutional interpretation of the oath of allegiance.—In France, under Napoleon III., the first opposition deputies elected after 1852, having refused the political oath, the *senatus-consultum*, of Feb. 17, 1858, prescribed that every candidate for deputy should first put on file the oath of fidelity to the emperor. More than one who had at first refused afterward decided to take the oath. (See OATH.)

MAURICE BLOCK.

ALLIANCE. The nation being but the family enlarged, what is applicable to the one may nearly always be applied to the other, with a few modifications. We shall discover, therefore, in the development of the relations between individuals, the history and origin of the international relations called political alliances.—They have both been subjected to the action of time. They have been modified, transformed, and complicated, keeping pace with the evolution of humanity and the progress of society; but in every epoch we discover, as their essential bases, the constituent principles of the earliest human society. Affinities of blood, the power of passion, community of interests; these are the forces which in all ages have brought individuals, as well as nations, together. We shall adopt these three great divisions in our study of political alliances, keeping always in view the subdivisions which each of them admits of, for they correspond to three great phases in the history of all humanity, and, at the same time, show the permanency and the successive combinations of the constituent principles of which we have just spoken.—Affinity of blood was the formative principle of the first human groups; solidarity of interests has an ever increasing tendency to govern in the making of modern alliances; and yet it is demonstrable that material interests not unfrequently played a part in the most remote antiquity, even where consanguinity and race exercised the most decisive influence, just as certain family alliances have stifled the voice of interest in recent times and in countries in which the principles of political economy have long been

the guiding rules of diplomacy.—There are three chief classes of political alliances: alliances of blood alliances of ideas or principles, and alliances of interest. There are conditions of existence and duration peculiar to each kind of alliance. Some are temporary, others of indeterminate duration; some have a special object in view, others are universal in their character. There are alliances for common defense, and alliances at once offensive and defensive. The peculiar character of these alliances, the diversities resulting from the governments of different form between which they are contracted, become apparent from the study of the treaties which create these unions, and which constitute the law of nations. Conventions are for nations what contracts are in the case of individuals.—I. ALLIANCES OF BLOOD. There are blood alliances of peoples of common origin, and there are those due to the union of sovereigns. This double species of alliance predominated at the first grouping together of nomad tribes. The patriarchate which preceded royalty introduced family alliances. The laws of agglomeration are everywhere identical Families of a common stock come together and form a tribe; the tribes unite and form the nation; sovereigns, through their alliances, complete and extend the work begun by the heads of families and the members of the tribe. In the vedas, the bible, and the Scandinavian sagas, the illustrations of this are the same, and abound to such a degree that it would be superfluous to cite any. Although the alliance of blood and race becomes less important in international affairs as we advance into historic time, the part it plays is still great in the annals of nations. It was the ties of consanguinity that grouped the princes of Asia around the ravisher of Helen; it was the solidarity of race which gave avengers to the outraged Menelaus. We find in the immortal epic of Homer, on the narrow boundary between fable and primitive history, an example of the alliance of blood and race as it was developed during centuries of barbarism and ignorance.—During the period of the great migrations of peoples, and the wars of conquest and religion, alliances of blood played a less important part. They governed, however, in the formation of those numberless hordes which rolled westward like so many avalanches, from the lofty plains of Asia and the icy fastnesses of northern Europe. When men thought to stem the torrent it was through alliances of blood that resistance to it was organized. Such alliances it was that brought order out of chaos, light out of darkness, and did away with violence, and established peace. Such alliances it was that gave Clothilda to Clovis and Helen to Constantine. After the fruitless efforts of Charlemagne and his emulators to revive the empire of the west, the sovereignty of the world was divided among several. The age of feudalism was an age of violence, but it was also an age of grace and beauty. The souvenirs of chivalry show clearly enough what the influence of woman was during all that period. Her influence found expression and strength in marriage contracts. Through marriage all the great houses and lasting fortunes of modern times were founded. The fortune of war is variable. Defeat takes away what victory gave; but much is handed down which survives the reverses of war. The ties of blood resist the trials of adversity. While conquerors disappear like brilliant meteors, fortunes which last for centuries attest the force and vitality of family alliances. It was by these latter that the French monarchy was established. The fruits of the greater part of French conquests have been taken away from France. The dowries of French queens have remained. The house of Bourbon, whose destiny has been so closely allied to that of France, owed its greatness to the skill with which its alliances were formed more than to anything else. These verses inspired by the matrimonial successes of the house of Austria are well known: *Bella gerant alii, tu felix Austria, nube.*—We might say the same of the house of Savoy, which owes six or seven centuries of constant aggrandizement to its continued formation of useful alliances. We have said enough to describe the classes of alliances with which we are here concerned. To show what was their influence in peace and war would be to rewrite all history. We will, therefore, add but two examples to those already cited. The union of the house of France with that of Spain, ending in the war of succession under Louis XIV., and which gave rise to English mistrust under Louis Philippe, is one of those historical episodes in which the inconveniences and advantages of family alliances are strikingly shown. Formerly, in the organization of the "Holy Roman Empire of the German nation," of the Germanic Confederation, and latterly of the German Empire, we find a no less striking instance of race alliances.—The motive cause of family alliances is almost always the ambition of sovereigns, the instinct of conquest, or the desire of political preponderance. They are, therefore, most frequently aggressive. Alliances of race, on the contrary, are generally defensive. They are formed for the protection of interests, which would be imperiled by isolation from other interests. The menaces of Persia gave rise to the amphictyonic league. The gigantic development of the Russian empire, and the formation of France into a powerful unit, gave birth to the diet of Frankfort, which led to the complete unification of Germany.—II. ALLIANCES OF IDEAS OR PRINCIPLES. We do not wish to conceal the vagueness and insufficiency of this caption, yet we have been unable to find a title more applicable to an alliance which is neither an alliance of race, of family, nor of interest.—Hatred, vengeance, gratitude, friendship, ambition, faith, are feelings, passions, *ideas*, which have more than once determined peoples and sovereigns to contract alliances. It often happens that an idea is complicated with interests or with affinities of blood. We must not hope for strict unity in a subject which by its nature is complex and indeterminate.—One of the

most evident results of civilization is the substitution of interest for passion, in the management of human affairs. We must go far back in history to find an example of a people forming an alliance for objects of vengeance or hatred. Ambition itself scarcely ever avows its object now, and princes most greedy of glory disguise their passion under the mask of the general good. This was not always the case: The profound impression made by the invasions of the barbarians and the memory of the violence which prevailed under the territorial and political constitution of the world at the fall of the Roman empire, long sanctioned, among princes and nations, conventions regulating the most criminal projects, without scruple and without disguise. Antiquity had nothing similar to offer. Was not piracy the professed object of the alliance between the Barbary States? And when the Norman barons made a league with William to invade England, did they not stipulate beforehand the conditions of their assistance and the amount of booty they would demand in case of success? The hatreds and violence of the middle ages went as far as the formation of sacrilegious alliances. We can scarcely imagine the magnitude of the scandal, caused by the cross and the crescent fighting in the waters of Lepanto on the same side and for the same object. We are constrained to call attention to this scandal because it was an exceptional fact in flagrant contradiction with the customs and passions of the age. Faith, the religious sentiment, was really the ruling passion in politics until men's material interests began to rule supreme. From the schism of Arius to the peace of Utrecht, and the treaty of Westphalia, the question of religion occupies so large a place in all intervening conventions that diplomacy was saturated so to speak with theology.—In the name of the Holy Trinity, and under the inspiration of the Holy Ghost international acts were drawn up. We need not add that it became necessary for religious formulæ to cover interests of another nature. However, there is an event among the most important of history in which alliances of religion appeared in all their purity, the event of the crusades. The crusades were followed by consequences unforeseen by their promoters, but faith was in the majority of cases the sincere and only motive of the crusaders. Side by side with this great fact are others of less importance which ought to be ranged in the same category; the alliance against the Albigenses and that of the leaguers with Spain; but, in both cases, the religious principle in which the alliance had its origin was combined with political elements which did not permit complete assimilation.—The alliance of the United Provinces with the house of Orange, and the alliance of the Protestants of Germany with Gustavus Adolphus were essentially religious. They bore within them no doubt, the germs of political changes, which they were destined to bring about in Europe, but this can not detract from the purity of their origin. Religious sentiment will, perhaps, never again tower above material and political interests to such a degree.—Political principles have not been without influence on alliances. We may cite among others those which were based upon the ultra conservative principles of the Holy Alliance to which we devote a special article. Unity of liberal ideas has drawn France and England together, and, in conformity to a law, the effects of which are frequently visible in nature, that contraries attract, we have seen the Russia of Nicholas I. manifest a weakness for the American republic. Alliances based upon political ideas are not more numerous because men have less inclination to argument or reasoning than to sentiments or interest.—III. ALLIANCES OF INTEREST. The policy of interest prevails everywhere. If, therefore, we were to take up at random the alliances concluded since the beginning of this century, we should find that they are all connected either with a material or a political interest; but we have a more serious object in view. The present must be explained by the past. So long as nations were under the tutelage of princes, that is in their minority, so to speak, the will of the sovereign decided the fate of the nation. The country had no policy but that of the prince's ambition, it had no interests but those of his dignity and his dynasty. We must go rather far back in the annals of monarchy to find treaties of commerce and international conventions in which the least thought is given to the economical principles which rule the modern world. Commercial enterprises and industrial undertakings were then so many monopolies. Some princes might be named to whom agriculture, commerce, and industry are indebted for valuable encouragement, but the distance is great between this and an alliance of interest, such as we understand by the term to-day. We must not, therefore, look for alliances based on commercial interests, except in a few small states in which the commerce of the ancient world had become centralized, until we reach modern times We are not yet cured of the prejudice which causes us to put the glory of arms and military greatness above all other. We should not be astonished, therefore, at the small account which has been made of industrial nations for so long a time by warlike peoples. Fidelity to engagements entered into with them was not considered necessary. Such nations were held in regard only in so far as they were feared by or useful to others. Industrial states were among nations what the Jew is yet in certain countries. Therefore, guided by their instinct and enlightened by experience they substituted the foundation of colonies for foreign alliances which could offer them no guarantee of reciprocity. Before the discovery of the route around the Cape the great highway of the world's commerce was the one which the steam engine has reopened and which has now been so much shortened by the cutting of the Isthmus of Suez. The products of India and the East arrived at the

African coast and there awaited buyers from Europe. Hence along the coasts, the establishment of the flourishing emporiums of Tyre, Carthage, and of so many others. Between these states there was the closest of alliances, identity of origin and a permanent community of interests. On the opposite shore of the great lake, a similar work had been accomplished by the Phœnicians and the Phoceans. The merchant marine had there its stations, and commerce had its centres from the Greek archipelago to Bayonne. Heavy interests and formidable powers sprang up there with which the proudest monarchies of Europe had to reckon, the Sultan as well as other Asiatic potentates. The alliances concluded by Venice and Genoa are those in which commercial interests were most strikingly represented. The commercial and industrial development of Flanders, Holland and Great Britain succeeded Mediterranean prosperity. Commerce had changed its route. It had increased. Up to this time the world had been indebted to it for great cities, it was now to form great nations.—It is from this epoch that economic questions really take a place in the public law of Europe. In the treaties of Charles V. there are stipulations in favor of the good cities of Bruges and Ghent. Industrial states have greater need of independence and security than any others. Alliances of interest reached their full importance only when these interests themselves were admitted and represented in international conventions on a footing of equality.—Our own generation will witness the solution of the problem. Navigation, protection, exchanges, so long forgotten or merely implied, are prominently mentioned now at the head of every treaty. And not only have material interests become the main foundation of all alliances, but no other alliances are possible. There is an explanation of this phenomenon which leads us to hope that it will be an enduring one. The preponderance of material interests keeps pace everywhere with liberty and the progress of civilization. It substitutes loyalty and truth for violence and cunning; what all want takes the place of a single will. Liberty displaces servitude and democracy enters into the possession of its rights.—To believe in this upward course of humanity is to believe in the system of alliances born and destined to develop with it. We have seen by what a logical chain of events this system came to be substituted for the systems which preceded it, but its superiority over them consists in its satisfying man's multifarious wants. It results from this that alliances of interest take part in all the complications of modern life, and that they are never more important than when they compromise with the prejudices of race or with religious sentiment. This new law of international conventions destroys nothing; it transforms the past, it assimilates and absorbs it. It will be the lasting honor of Switzerland to have pointed out by its example, before all other peoples, the solution of the question. No matter how noble or how lofty the problem, it was interest that united together the old cantons, and this same interest has been so broadly understood, so wisely nursed that through the most violent European crises, in the midst of perils of every kind, it has held together to our day in a close and prosperous union three races, three languages and religions which were everywhere else at war.—Another nation which may be cited as the most marvelous example of prosperity due to an alliance of interest is the American Union. If the alliance of the northern and southern states was imperiled by the war of secession, it was because the republic had inherited from the past a legacy irreconcilable with the economic laws and morals of the future—slavery. There is a lesson to be learned from the fearful crisis through which the Union passed. It is this that the sanction of justice and morality is needed in alliances of interest more than in any other.—IV. Law of Nations. Like all international relations alliances are governed by the law of nations. Accepting the definition of authors, who see in states *moral persons*, we may compare treaties between states to contracts between individuals.—The acknowledged necessity of waging war under certain circumstances has established a two-fold relation among nations: 1st. A relation to the power with which they form an alliance. 2nd. Toward the power against which they employ their forces. Alliances bind the contracting parties to make war in common against third powers, or to furnish aid as auxiliaries to one of the principal belligerents. They are offensive or defensive according to the circumstances which determine them. In most cases offensive alliances are temporary and special, for they have a special and determinate aim. This attained they cease to have any *raison d'être*. Two nations may, however, unite their destinies for a purpose so complex and lasting that their alliance would lose the ordinary character of an offensive alliance. France and Spain afford us an example of these exceptions in the treaties of 1761 and 1796.—Defensive alliances have a character of permanence and generality in keeping with the object they have in view. Side by side with the full and complete alliance we may mention the simple subsidy treaty by which a state enters into no other obligation than to loan a body of its troops to another power which is to pay them. Besides the many examples furnished by antiquity and the middle ages we know how frequently during the wars of the empire, England bound herself by subsidy treaties with the continental powers; and we may add here, that this species of contract has often served as a pretext for more general and intimate alliances.—Treaties of alliance provide for the cases in which the aid of the contracting parties is to be invoked and the measure of their participation. When the contingencies provided for have happened, it has first of all to be decided whether the *casus fœderis* exists, that is to say whether the parties to the treaty are in the position contemplated by it. It often hap-

pens that when the time has come to carry out the terms of the treaty, one of the powers recedes from the fulfillment of its obligations. We do not wish to recount the almost infinite number of pretexts which bad faith has been able to suggest under such circumstances. It has sometimes happened that a treaty of alliance left unexecuted has become a cause of war. The difficulties are still more numerous in carrying out the conditions of certain treaties, in regulating the sacrifices made or the advantages gained. Here, again, we find in Heffter a confirmation of the position we have taken. He says, paragraph 116: "In such cases the rule of partnership has to be followed, in accordance with which the profits and losses fall to each party in proportion to the amount he has invested in the business. Have we not here the laws of common morality, and the rules of private business? We find the same doctrine on this matter in Wheaton's Elements of International Law, vol. I., p. 259, etc. Although it is considered almost impossible to specify all the cases in which the refusal of aid may be proper before the commencement of war, and to foresee all the disputes which may follow the conclusion of peace, Martens has noted four cases in which an alliance may be broken, even during the course of a common war: 1st. Cases of necessity. 2nd. Cases in which an ally was the first to break faith with his ally. 3rd. When the object of the alliance can no longer be attained. 4th. When the ally refuses peace offered on proper terms. We are very far from wishing to approve the opinion of Martens. As to conventions concerning subsidies and auxiliaries we shall limit ourselves to a few essential generalities. Most frequently after fixing the number and conditions of the first contingent they provide for the additions which may become necessary. They reserve the civil rights in their own country of the men who go to serve on a foreign soil and under a foreign flag. They stipulate for the reward as compensation which shall follow success or defeat. They establish the differences existing between the ally and the auxiliary, between the auxiliary and the power which simply furnishes a subsidy. These differences impose restrictions on the rights of war. An anterior treaty may engage a nation to assist another in an anticipated war, without the nation which fulfills this engagement being considered in a state of hostility with the power against which it bears arms involuntarily and accidentally.

L. LEGAULT.

ALLIANCE, the Holy. Among the alliances of modern times, the holy alliance, which was entered into at Paris, Sept. 14–26, 1815, by the emperor of Russia, Alexander I., the emperor of Austria, Francis I., and the king of Prussia, William III., has a special claim to our consideration, because it is one of the most remarkable attempts to announce a principle of government the adoption and carrying out of which was expected to secure, forever thereafter, the peace of Europe, and justice and prosperity to the nations of Europe. The struggles carried on for a number of years, first against the French revolution and the principles of government which, originating in France, had spread throughout Europe, then against Napoleon's universal supremacy, had awakened a desire in the minds even of European sovereigns — who, leading in the uprising of Europe, had finally entered the gates of Paris as victors—for a principle which might successfully resist and overcome the principles of revolution. This revolution was the work of *men*. The eastern monarchs, therefore, appealed to God as their only helper. The human laws by which the state was governed, were to be invigorated and purified by the moral precepts of a divine rule, and the rights of man were to be superseded by the authority of Christ.—The emperor of Russia was the author of this scheme, and the moving spirit of this alliance. It is strange that this declaration of principles, touching a system of government essentially Christian in its nature, was substantially the work of Russian statecraft, and that the German sovereigns had hardly a greater share in it than that of approving and signing it. France, which was the first to embrace the ideas of the new era, was also first to announce her new polity. Russia, which was the most backward in its political ideas, attempted to renew, in opposition to the polity announced by the French, the polity of a by-gone age. Germany alone, placed between the two, did not yet dare to publish its own views to the world. The Germans took the matter under consideration, siding now with the one, and then with the other of these principles, but always with the reservation, that, if they should succeed in their intellectual endeavors, they would break the silence they had hitherto observed.—All the states of Europe were invited to join the holy alliance. Although the alliance was expressly based on the Christian religion, and although its originators represented three different creeds—the Greek, Catholic, and Protestant—the pope, whose political power was more than any other, based on the authority of Christianity, was, strangely enough, left out. They probably understood, though not very clearly, that the principle underlying the alliance, would, if the pope was to join in it, assign the *first* place to him, and would, followed out to its ultimate consequences, establish the supremacy of the church over Christian *governments*. But this was not what they wanted. They, rather than submit to this danger, by inviting the pope to join them, were willing, by failing to invite him, to betray the weak side of this principle which they were ready to proclaim to the world as a new gospel. It was less strange that they failed to invite the Ottoman court, for it was not to be expected that the head of Islam should acknowledge Christianity as the only principle of his policy. Still, Russia, by excluding Turkey from the pale of European peace, had secured her freedom of action, so far as her schemes of

conquest in the south were concerned, and might point to the Christian principle, which formed the basis of the holy alliance, while encouraging and protecting the Christian population of Turkey in their efforts to rid themselves of the yoke imposed on them by the Mohammedan government. All the governments which had been invited, joined the holy alliance. The Bourbon kings of France, and even the republic of Switzerland, joined it, the latter, however, giving her assent rather vaguely, in response to the invitation extended to her. England alone, whose political education was of a superior kind, refused to join it, but without proposing any new idea, or even stating that she was opposed to the principle of the holy alliance, in whose favor all European dynasties had declared themselves, and which the king of England personally approved. The objections England urged were simply of a technical nature. In the compact, the following principles were either expressly set forth, or were contained in it by necessary implication: 1. The unity of European Christendom as one family of nations. The allied sovereigns declare, (art. II.), that they consider themselves and their subjects "as members of the same Christian nation" and their several governments "as three branches of one and the same family." This principle itself was not new. In the middle ages it was more universally recognized, and had become embodied in the two closely related institutions—the papacy and the empire. What was new in this declaration was the effort to revive this principle in the shape of a family alliance as distinguished from the system of the Roman empire of the middle ages, which shortly before had had a passing revival in the universal empire of Napoleon. And this effort was made after, and in spite of the lines which divided Christianity into opposing creeds, and in the face of the national animosities which, for centuries, had broken up the whole fabric of European government, and which had destroyed all thought of a community of interests calculated to sustain it. That thought was indeed alike productive of good results and in keeping with the requirements of the age. The unity of Europe and the essentially Christian character of European civilization are verities of the greatest importance, in their bearing alike on the organization and peace of all European governments and the development of mankind. 2. Then again, the fact that the alliance rose, in point of principle, above the denominational and political differences which divided the nations of European Christendom, was evidence of a noble spirit. The Christian European commonwealth was the principle which embraced all those differences with a spirit of conciliation. If we bear in mind how little in our days even this principle is realized, and the efforts that had been made since its first announcement, and are still made, to have the different Christian creeds recognized, and the diversity of political opinions tolerated, we shall have no difficulty in understanding, that the holy alliance seemed to the sovereigns who had entered into it, and, at the beginning, to nations, to possess, in point of principle, a surpassing wealth of wholesome truths, whose light was to break upon and spread throughout Europe. This was a truly *modern* principle. It was, not in a religious, but in a political sense, that the middle ages had shown this liberal spirit. The middle ages had tolerated the greatest diversity in the forms of government, while they had persecuted all departure from the orthodox faith as a heresy, and had interdicted communion of any kind with those of a different faith. Now these three sovereigns announced, in principle, *freedom of conscience* and a *community of creed* throughout Christendom. And it was the emperor of Russia, whose people, more than any other European nation, had been held captive by their creed, who took the lead in the announcement of so liberal a principle. Yet, the practical workings of the holy alliance did not at all correspond with its principle in the end. The subjection, in the several countries, of all those whose faith differed from the recognized creed, did not cease; and least of all in Russia, whose emperor had been principally instrumental in effecting the alliance. The Græco-Russian church never ceased to oppress other creeds, and tried to spread its dominion by both crafty and forcible measures. 3. The Christian religion was proclaimed as the moral principle which was to govern in the international conduct and comity of the several states, and the relation of the government to its subjects. The allied sovereigns declare, in the introduction to their manifesto, "their ardent conviction of the necessity requiring the reciprocal relation of the several powers to be based on the sublime truths which the holy religion of the Lord and Redeemer," (in the original: *l'éternelle religion du Dieu sauveur*), and they evince "in the most solemn manner, before all the world, their firm purpose to adopt both in the government of their states, and in their political relations with every other government, the precepts of this eternal creed as their sole guide—that is, the precepts of justice, of Christian love, and of peace, which are not simply applicable to private conduct, which should exercise a direct influence on the intentions of sovereign rulers and their conduct, because they are the only means of firmly establishing human institutions, and of removing their imperfections." Who doubts that a candid observance of the moral commandments of the Christian religion by both sovereigns and their people, as well as by individuals, would have a very wholesome effect; that, by this observance, an absolutely new era of ideal wealth and material prosperity would be inaugurated, the like of which the most vivid imagination and anticipation poets and prophets did not dare to attribute to Paradise Lost or the millennium. The announcement, by the most powerful sovereigns, of intentions and tendencies like these, was calculated to again awaken and strengthen the despairing or slumbering hopes of the people

for an improvement in their public affairs. This announcement was in itself—for we believe that it was made in good faith—a deed of great moment. Yet even on this point these hopes were not realized, and politics in their actual state were carried on, in spite of that declaration of principles, in the old way. Their actions differed in so many instances and so strikingly from the intentions of these rulers, that the people could not help losing faith in their honesty of purpose. 4. The Christian religion, moreover, was proclaimed as the political principle which was to regulate and govern the whole system of public law. Just here the grave mistake in point of principle, in the policy of this confederation, one which subsequently provoked the distrust and hate of the people against the holy alliance and caused its final dissolution, was made. We can not, of course, censure the Russian emperor for having mixed up the principles of religion with those of politics, and mistaking the one for the other; for state and church were, in the Russian empire, not separated as distinctly as in the empires of civilized Europe. But the fact is still remarkable, that at that time the German and Romanic sovereigns alike overlooked a distinction which not alone the positive teachings of Christ, but also the primitive political and ecclesiastical institutions of their people had pointed out most emphatically. The greatest danger, however, lay in the manner in which the Christian religion was made the principle which was to govern the system of public law. Christ himself purposely and in opposition to other founders of creeds, never made any public declaration of principles touching the state or the forms of government or its laws. In spite of this, Christian rulers now undertook to base their polity on the positive authority of Christ. They openly declared Jesus Christ as the sole "sovereign of all Christendom to which they and their people belong, who was the only source of power,"[1]—and they announced themselves as "representing his divine authority" as being his viceroys on earth, as it were, commissioned to "govern in the different parts of the Christian world." If we consider, in addition, that this statement does not draw any distinction between God and Christ, it becomes quite evident that this principle of government is none other than that of theocracy, and that it is at the same time, that of absolutism, because God is, as he must be, conceived as the absolute ruler, and because, according to the above statement, His power is simply delegated to His viceroys for them to execute. Indeed, it was but the polity of Russia as it had come from the east. It might agree with the character of the *slāve*, but it was impossible for the Teutonic people or the Romanic nations to submit to it. In the middle ages even, the Teutonic and Romanic nations alike were no longer held captive by the theocratic polity of the eastern nations. They were saved from it by the separation of church and state The spirit of modern times above all had developed an opposition to theocracy as a form of government. The tendency of the age was too outspoken in favor of the principle that the state was a government of man, and that it was for the human mind to comprehend and determine its nature and proper functions. The absolute power of the kings in the seventeenth century, and in a large measure in the eighteenth century, had, moreover, been a favored system of government. Rulers clothed with absolute power, destroyed the feudal powers of the "small lords"—they removed the checks and obstacles placed during the middle ages in the way of progress—they concentrated the power of government, and paved, by the destruction of the institutions of the middle ages, the way for the advent of a new era. But no sooner had this work been accomplished than the people became opposed to the exercise of absolute power. The most formidable revolution the world ever saw, followed as a reaction against the spirit of absolutism which had prevailed until then. What reason had men to hope after all these violent agitations and changes characterizing a new era, that the standard bearing the principle of absolute government of a by-gone age, which had shown its weak sides in all these agitations and changes, might be raised again, and that the nations would gather around it in true loyalty? The unbiased could not help but see in this the spirit of reaction as opposed to the revolution. How was it possible to discover in this manner a principle on which the advancement and progressive growth of government and its institutions might be based in future? The extreme ardor of certain parties might be lavish in praise, whereas the instincts of the masses and the minds of the intelligent saw the dangers rather than the benefits which this spirit seemed to prophesy. 5. The promise of mutual aid in all cases, which the allied sovereigns held out to one another,[2] was not calculated to remove the apprehensions caused by the manner in which the polity they intended to pursue was announced. On the contrary, the mutual guarantee of absolute sovereignty soon came to be considered the most practical feature and the very nature of the alliance. This being the case, the fears soon bore down all hopes, and the alliance grew more and more unpopular. The European nations had, in the wars of liberation, taken up arms against the absolute power of Napoleon, the greatest political genius of the age. Was it to be expected that they would now permanently and blindly submit to the absolute power of their

[1] Art. 2. "*les trois princes alliés ne s'envisageant eux-mêmes que comme délégués par la Providence pour gouverner trois branches d'une même famille; savoir l'Autriche, la Prusse et la Russie; confessant ainsi que la nation chrétienne, dont eux et leurs peuples sont partie, n'a réellement d'autre souverain que celui à qui seul appartient en propriété la puissance parce qu'en lui seul se trouvent tous les trésors de l'amour, de la science et de la sagesse infinie, c'est à dire Dieu, notre divin sauveur Jésus Christ, le verbe du Très-Haut, la parole de vie.*"

[2] Art. 1. "*les trois monarques contractans demeureront unis par les liens d'une fraternité véritable et indissoluble, et se considérant comme compatriotes, ils se prêteront en toute occasion et en tout lieu assistance, aide et secours.*"

rulers, without any guarantee, that the latter were willing to recognize the wants of the age, and to exercise their absolute power for the benefit of the people generally? And in case the people did not submit—in case they exercised their traditional or newly acquired privileges in checking the spirit of monarchical absolutism—in case they demanded some guarantee of good government, such as their generation might ask for—should every sort of tendency toward political freedom be checked or kept down by the force of arms to suit their absolute rulers? Questions of this sort were raised at once; and the events of the following fifteen years strengthened the belief that the alliance was bearing down with a heavy load on every tendency toward a more liberal development of European states. 6. In order to allay these fears somewhat, another principle was announced—the patriarchal—that the sovereigns considered themselves, in relation to their subjects and armies, *fathers* of a family, (Art. 1, "*se regardant envers leurs sujets et armés comme pères de famille.*") The allusion to the family relation and to paternal sentiments was to soften down whatever was offensive in the assertion of the principles of the absolute and divine power of kings. Not as slaves to their master, but as children to their father, should subjects look up to their rulers—another Russian idea. The Russian emperor is both revered like a god and loved like a father by his people. But while the patriarchal idea of government in Russia and China and among the eastern nations generally, is still, in a measure, a legitimate factor, the manly European nations have, for centuries past, outgrown its discipline. The educated and thoughtful European is no longer willing to look upon his relation to his ruler as being that of a minor, and can no longer expect his ruler to have the feelings of a father toward him. The European state has long since outgrown the artless views peculiar to family life, and the limitations which characterize the family, and is governed by the broad principles of public law. To the European mind, therefore, that declaration must have seemed like a going back to a primitive age. And likely as it was to respect and be gratified by the benevolence displayed in the paternal sentiments of the sovereign, it was still opposed to a principle which, as was evident, was but a *fiction*. I have reviewed the principles of the holy alliance critically and somewhat in detail, because it has, in point of principle, still some effect on the present political state of Europe, and because it has an important bearing on the history of political ideas regarding the constitution of the state. Yet, the confederation itself was broken up by the spirit of the age, which it was expected to govern and control. The opposing tendencies, in point of principle, among the sovereign powers themselves, were first in making themselves felt, both at and after the congress of Troppau, in 1820, and subsequently in a more marked manner in the Greek question, in 1827. The July revolution of 1830 caused a wide breach between the parties to the alliance. In its opposition to the French revolution, and even to the Belgian uprising, the alliance showed its utter weakness. It did not dare, in all cases, to furnish the mutual aid and assistance it had promised and to defend its views by force of arms. The formation of the Prussian diet in 1847, the European uprising in 1848, the re-establishment of the Napoleonic dynasty in 1850, the war, finally, of Russia with Turkey and the eastern powers in 1854–6, gave the finishing stroke to the complete dissolution of a confederation whose chief significance lay in its principles, and whose political ideas were not likely to minister successfully to the political wants of the age.

MAX. EBERHARDT, *Tr.* J. C. BLUNTSCHLI.

ALLOYAGE. Gold and silver coins are never made of absolutely pure metal. Precious metals, when extracted from the earth, are nearly always found mixed to a greater or lesser extent with other metals, from which it is often difficult or too expensive to separate them entirely, yet it has been deemed necessary always to add to gold and silver a certain proportion of some commoner metal, such as copper, in order to increase their hardness and better fit them to stand wear and tear. This is called *alloyage*.—Alloyage should be in a fixed proportion, for instance, one-ninth part. But the same proportion is not adopted everywhere, although all nations are tending more and more to the adoption of the same proportion.

CH. C.

ALMANACH DE GOTHA. This publication has acquired a position apart, in the political world. On this account the following data will not be without interest. The first idea of this almanach is due to Wilhelm von Rotberg (died in 1795, minister of state). He had printed under the title: "Almanach, necessary for 1763," a volume on the model of the *etrennes*, (Christmas presents), then published in Paris. Beginning with the following year, the almanach grew under the hands of its new editor, Em. Ch Klüpfel, who had lived at Paris from 1747 to 1750, and who died in 1776, vice-president of the superior consistory of Gotha. Klüpfel was the first to insert the names of European sovereigns, much more numerous then than in our day. He also included, though at first only in extracts, the genealogical tables which have been so often consulted. The Almanach of Gotha therefore dates from the year 1764. The centennial anniversary of its first publication was, however, celebrated in 1863. The German edition, *Gothaischer Hof Kalendar*, did not appear until 1765. In this year the names of all the living members of princely families were given for the first time. Instructive or simply amusing notices on the most varied subjects were inserted in it. Toward the end of the last century events took such a serious turn that the amusing part of the almanach was dropped and the place that it occupied given to historical and statistical infor-

mation. In 1794, Frederick Schlichtegroll, who died in 1822, director of the academy of sciences, (Munich,) added the *chronik* In 1802 the names of ambassadors or envoys were added; in 1824 the personnel of ministries and higher departments, and, soon after, the consuls and other functionaries.—Under Napoleon I. the Almanach of Gotha had to suffer on account of the tenacity with which it adhered to the ancient order of things. Its publication even suffered a temporary suspension.—The two editions, French and German, are almost identical. The plan followed in the first two parts dates from 1815, that of the third from 1824. In 1768 engravings were added to the text. There was a great variety of them at first, but since the end of the last century only portraits are given.—Although the Almanach de Gotha is the property of an individual house, (Justus Perthes at Gotha since 1816), it is almost considered as the official almanach of reigning princes and the higher nobility. It enjoys also the reputation of an authority for statistical data. These are always drawn from official or authentic sources. The number and extent of these data so increased from year to year that an enlargement of the volume was found necessary in 1870. M. Block.

ALSACE-LORRAINE. A country separated from France by the war of 1870–71 and made a part of the German confederation, or more correctly of the German empire. It is not our purpose to write a history of this country or to relate by what combination of circumstances it ceased to be French. Neither is it our design to risk conjecture as to its future fortune. Our task is simply to detail actual facts. Alsace-Lorraine was not demanded by the German government as a territory formerly taken away from Germany, nor as a province containing a German population, but "as the key of the house, *la clef de la maison*." It was as a bulwark against wars of revenge or reconquest that Alsace-Lorraine was annexed to the German empire, such at least is the pretense made. —The country was ceded, in virtue of the preliminaries of peace Feb. 26, 1871, confirmed by the treaty of peace signed at Frankfort May 10, 1871, ratified by the law of May 18, following. *Bulletin des Lois*, 1871, 1, p. 117.—Article 2 of this treaty is thus drawn up: "French subjects born in the ceded territories, and now actually domiciled there, who may wish to preserve their French nationality shall have, by virtue of a preliminary declaration to that effect made to the competent authority, the power until Oct. 1, 1872, of transferring their domicile to France, and fixing it there and this right shall not be done away with, by the laws relating to military service; in which case their quality of French citizens will be maintained.—They shall be at liberty to retain their real estate in the territory ceded to Germany."—It is not the declaration of his choice which determines the nationality to which the Alsacian or the native of Lorraine henceforth belongs, but his place of domicile. It was given to be understood that the person who should elect in favor of France but who should be found domiciled in Alsace-Lorraine after Oct. 1, 1872, should be considered a German, notwithstanding his declaration of choice which should be considered as null and void.—For natives of Alsace-Lorraine outside of Europe the period of choice was extended to Oct. 1, 1873, by the additional convention of Dec. 2, 1871.—The present position of Alsace-Lorraine in the German empire was fixed by a law passed by the *reichsrath*, June 3, 1871. The following is the text:—Art. 1. "The territory of Alsace and Lorraine ceded by France, according to the terms of article 1, of the preliminaries of peace, is united forever to the German empire.—Art. 2. "The constitution of the German empire shall go into force in Alsace-Lorraine on Jan. 1, 1873. Some parts of the constitution may be put in force before that date, by decree of the emperor with the consent of the federal council. The modifications and additions to the constitution must be approved by the *reichstag*.—[Art. 3, of the constitution comes into force from the present date, (this article 3 confers German nationality on the inhabitants of the newly annexed territories).]—Art. 3. "Executive power in Alsace-Lorraine belongs to the emperor. Until the constitution goes into force, the emperor must have the assent of the federal council in legislative matters, and when it shall be a question of making loans or furnishing guarantees involving the empire, that of the *reichstag*. Annual reports on the administration of the provinces shall be presented to the *reichstag*. After the constitution goes into force, this assembly will equally take cognizance of matters, which in the confederated states are not within its jurisdiction.—Art. 4. "The decrees and ordinances of the emperor shall be countersigned by the chancellor, who shall thus assume responsibility for them."—Thus the countries detached from France have not been distributed among the different German states. They form a unity, a special state, a member of the German confederation. The reasons for this action were stated by Prince Bismarck, before the *reichstag*, June 3, 1871, in the following words: "One question alone has been seriously put: 'Shall Alsace-Lorraine be annexed to Prussia, or shall it become a part of the empire directly?' From the beginning, I have favored the latter alternative, first of all in order not to mix questions of dynasty with political questions; and besides because I see that the inhabitants of Alsace will adopt more readily the German than the Prussian name During the two centuries that the Alsacians have belonged to France, they, like true Germans, have preserved a good share of particularism, and it is on this, to my thinking, we ought to build, doing the opposite of what was done in analogous circumstances in North Germany. Our mission is first of all to strengthen this particularism.—The more the inhabitants of Alsace shall feel themselves to be Alsacians, the more they will differ from the French. As soon as they feel

they are Alsacians they are too logical not to feel that they are also Germans. In consequence of artifices, I might indeed say intrigues, of the French government, the name of Prussian is detested in France, much more than that of German. —It is an old tradition in the country, not to recognize the Prussians as Germans, to flatter the Germans as such, and to represent them as under the protection of France, vis-à-vis of Prussia. In this way it has come to pass that the Prussian name has a hateful sound in French ears, and whenever it is desired to say anything evil of us it is said of the Prussian government or the Prussians, while they speak of the Germans whenever they wish to say anything good. It is not to be doubted that this policy of bringing suspicion on Prussia, which has been continued by France for a whole generation has left its traces in Alsace. Besides, as I have already said, it is easier for the Alsacians to find a new position as Germans than to adopt the Prussian name. This reason alone would be sufficient for me. As to what must be done later in the interest of the empire and of Alsace I think it will be necessary first of all to hear what the people of Alsace and Lorraine have to say for themselves * * *."—Alsace-Lorraine has representatives in the *bundesrath* and in the *reichstag* since 1873, but it has not yet been announced when this country shall have a special constitution. In the meanwhile the public powers of the empire, the emperor, and the *reichstag* and *bundesrath* will manage, for Alsace-Lorraine, not only the affairs which these powers manage for the whole empire, but also those which remain within the competency of the government of each German state. In other words, Alsace-Lorraine is provisionally without a government of its own: the functions which would devolve on a special government to perform are exercised by that of the empire.[1]—The administration of the country was organized by the law of December, 1871. It is placed under the direction of an upper president, a title given in Prussia to the governors of such provinces as embrace several departments. The upper president who is assisted by the imperial council of Alsace-Lorraine, (council of state), resides at Strassburg as does also one of the three prefects (or rather presidents of departments) the prefect of lower Alsace. The prefect of upper Alsace is at Colmar, the prefect of German Lorraine at Metz. The prefects are assisted by administrative councils, composed of the higher functionaries. The departments are divided into circuits answering in some sort to the former *arrondissements*, but with different and smaller boundaries. At the head of each circuit, there is a director who has provisionally the powers of a sub-prefect. Contrary to French usage, these circuits can have their budgets. They are recognized civil entities. Civil tribunals of first resort are established at Metz, Sarreguemines, Strassburg, Saverne, Colmar, Mülhouse. The court of appeal sits at Colmar. In commercial suits appeal may be made to the federal supreme court (third resort) at Leipsig. The German commercial and penal codes are in force side by side with the civil code of France. Many provisions of previous administrative law are retained. All laws which have not been expressly repealed are still in force, *i. e.*, no law is implicitly repealed by the change of sovereignty, the financial system has been scarcely touched. Direct taxes are collected as before, but the monopoly of tobacco is suppressed. The reasons for the law of June 3, 1871, shows that this suppression is equal to a reduction of taxes amounting to almost 5 fr. (50c.) per head. Primary instruction, and military service have been introduced. Both are obligatory.—Alsace Lorraine has an area of 5,580 English square miles, and a population December, 1875, of 1,531,804. If we are to believe the *Almanach of Gotha*, which does not cite its authority, there were, in 1872, 254,000 Frenchmen and 1,345,000 Germans in the country, but we can not discover that these figures are confirmed.—The area and population according to the census of Dec. 1, 1875, were as follows: Upper Alsace, 1,353 square miles; population, 453,374. Lower Alsace, 1,844 square miles; population, 598,180. Lorraine, 2,383 square miles; population, 480,250. Total square miles, 5,580; total population, 1,531,804. (See LORRAINE AND ALSACE.)—BIBLIOGRAPHY: Schöpflin, *Alsatia Illustrata*, 2 vols., Colmar, 1751–61; *Alsatia diplomatica*, by the same author, 2 vols., Munich, 1772–5; Colbéry and Schweighäuser, *Antiquités de l'Alsace*, Paris, 1828; Strobel, *Vaterländische Geschichte des Elsass*, 6 vols., Strassburg, 1840–48; Lorenz and Scherer, *Geschichte des Elsass von den ältesten Zeiten bis auf die Gegenwart*, 2nd ed., Berlin, 1872; Spach, *Moderne Culturzustände im Elsass*, 3 vols., Strassburg, 1873–4; Glöckler, *Das Elsass;* Freiburg in Br. 1876.

M. BLOCK.

[1] Since January 1, 1874, the constitution of the German empire has been in force in Alsace-Lorraine, and the empire legislates for the country. But it is contemplated in future that laws may have force in Alsace-Lorraine when approved by the *landesausschuss* (committee of the country) and the *bundesrath*, even without the co-operation of the *reichstag*.—ED.

AMBASSADOR. The article "Diplomatic Agent" in this work may be supplemented by a few striking passages which we here quote, from a speech of Prince Bismarck at Berlin Nov. 16, 1871, in the German *reichstag*.—"An ambassador does not deserve a higher salary by reason of his title, for ambassador is only a title. If you put a colonel or a general at the head of a brigade, he becomes a brigadier and must always be ready to do a brigadier's duty. If you maintain your ambassador at a great court in a shabby manner, his expenses will not, perhaps, necessarily exceed those of a minister plenipotentiary by more than from one thousand to three thousand thalers. This sum will suffice to cover the outlay imposed on him by the custom prevalent in most countries in accordance with which sovereigns accept, on certain occasions, the invitations of ambassadors; and

it is this custom of giving great entertainments that causes the increased outlay of which I have spoken. The honor which the visit of the sovereign confers on the house he enters has this effect: it makes the position of the representative in the eyes of the sovereign's subjects correspond with the dignity of the state he represents. But there is no question of that in the increase of salary which you have proposed.—Why then, we may be asked, confer the title of ambassador at all? I answer, because of the hierarchy of political agents. A difference is made between the members of the diplomatic corps, an unjust one, no doubt, but one which is nevertheless generally admitted. Thus if a minister of foreign affairs be in conference with a minister plenipotentiary, at the moment that an ambassador is announced, he thinks it his duty to break off the conference at once and receive the ambassador. A minister plenipotentiary may have waited an hour perhaps in the antechamber of the minister of foreign affairs. At the moment he is about to enter an ambassador arrives, and the usage of most courts, so far as I know, is to receive the latter; the minister will have to wait a long time more, and perchance he may not be received at all that day. The result is mortification and collisions which may be avoided by a mere change of title. A minister plenipotentiary conscious of his own dignity will not endure such treatment, and, for my part, I found myself in a situation to resent it successfully but not without bringing on a coolness out of all proportion with the importance of the matter. Moreover, such resistance can not be made without placing persons in a position which almost touches the limits of what is allowed to the representative official of a great nation. The object can be obtained by conferring on the agent the title of ambassador, which thus becomes, through the marks of honor which it brings him, a bit of economy rather than a cause of expense. The prerogatives belonging to the title of ambassador may be considered as a full equivalent for a few thousand thalers.—I have read occasionally in the public papers (and the preceding speaker has alluded to the point) that some persons recognize the danger of the privilege belonging to ambassadors of conferring directly with the sovereign. This is founded on error. An ambassador has no more access to a sovereign than any other minister plenipotentiary, and he can in no way pretend to have the right to treat with a monarch directly and without the intervention of the monarch's ministers." M. Block.

AMBITION, Political. Vanity (in the sense here used) is the desire of honor and distinction; ambition is the desire of power. The two are essentially political passions. The second plays a most important part in society. If men were completely devoid of egotism, the love of justice and the public good would suffice to give life to the body politic; but, as a matter of fact, power is sought for and held on to, because men love it. Ambition is the motor, secret or avowed, of the great majority of those who govern states. It is useful, because it calls forth men; it is necessary, because it lends force to those who govern and consequently to governments; it may be even glorious, if noble in its aims, pure in its means, and seconded by great intellectual power. It is more in place in free than in absolute states. Richelieu and Colbert, under the ancient monarchy of France, were useful, if ambitious men. They might have been dangerous and even pernicious citizens, if they had not risen to the highest rank. It is in free states alone that ambition can have a definite, specific aim, test its powers, and adapt itself to circumstances and to men. It is the chief motive power in free states, as vanity, under the name of honor, is in absolute monarchies.—In speaking of political ambition, we need not always have a Marius, a Sylla, or a Julius Cæsar in view. These names fill the minds of men as they do, because they are very great names; but the most absolute monarchies have their ambitious men as they have their civil wars. It was not liberty that made the overthrow of the Roman republic easy; it was the weakening of authority. It is sometimes thought that liberty and authority are antagonistic, and that the one increases only to the detriment of the other. There could be no greater mistake. An authority powerfully constituted but restrained within just limits and a generous liberty may co-exist in the same state. This is the indispensable condition of order and stability. There is no liberty without a powerful authority to secure its continuance, nor can there be a firm, lasting and beneficent authority without liberty. These conditions are required by the nature of man, which has equal need of freedom and limitation. Liberty permits ambition to act for good, and authority prevents its passing the limits set to guard the common weal. An ambitious man subject to a master has but two roads to success, revolt and flattery. An ambitious man in a free state may reach his end by the éclat of his talents or his virtues. He journeys under a clear sky, and the more lofty his soul the greater are his chances of success.—It was a saying of the Fourier school, that everything is good in its place. This is particularly true of ambition, but it needs to be directed by a right conscience, and an honest and firm mind. Ambition is almost always given to excess, and consequently to violence. The vehemence of its desires deceives it as to the legitimacy of its objects and its means. It then becomes immoral through blindness and passion; and, as it is attended with pride, far from confessing its errors it invents a false morality to justify and exalt them. The author of the *First Alcibiades*, who perhaps was Plato, treats this subject with much force and truth. He shows that it is a vulgar ambition to desire power when one is not sure of exercising it in the interest of humanity, and a criminal ambition to acquire dominion through injustice. Morality enlightened by history, pronounces this judgment on ambition and

ambitious men: No legitimate ambition can justify or excuse the use of illegitimate means. No ambition is legitimate which has not sufficient force at its command. It is not success that justifies ambition; it is the service rendered by it. The common herd who always approve and applaud force are slaves of success heart and soul. They are the devoted and patient servants of every ambitious person who succeeds. Success has in itself no moral grandeur. It is a force, but it is not, as has been said, an evidence of force. It may attend corruption and weakness. The true criterion of a lofty and noble ambition is this: the employment of honorable means and of none other, the promotion of justice and the furtherance of the interests of the whole community, while furthering one's own. JULES SIMON.

AMENDMENTS TO THE CONSTITUTION.
(See CONSTITUTION.)

AMERICA. It is with the fall of the eastern empire, that is, with the capture of Constantinople by the Turks, that, according to most historians, the modern era opens.—While acknowledging the share taken by the Byzantine emigration in the onward movement accomplished then in Europe, we think it is pre-eminently with the discovery of America (1492) that the modern era should be made to begin. By opening a broad career to the spirit of enterprise and adventure, by rousing old Europe to come and share the boundless wealth of a new continent, by opening new markets for commerce, by substituting, at least in part, the conquests of colonization for the barren conflicts of the past, the discovery of America could not but force Europe out of the bonds imposed upon it by the middle ages. It is in this that the explorations of Columbus and his successors are superior in civilizing influence to the crusades. From the struggle caused by the crusades, although these were born of a moral idea, civilization reaped little benefit, and the result of them is that a religious antagonism has been generated between the east and the west, the violence of which eight centuries have not been able to temper. America serves old Europe in a different way. She enriches and reinvigorates her. Every nation that sets foot on American soil doubles its power and influence. Without mentioning Spain, which owed to America its domination at one time in Europe, what would the annals of Portugal have been without the new continent? Shall we yet see this impulse in the line of progress which the old world received from America return whence it came; in other words, is Europe destined to sink into decadence and see the new world the torch-bearer of civilization? This thesis has been maintained, and without accepting its conclusion, we may admit that a grand future is reserved to the magnificent continent where generous nature seconds the efforts of the American states, north and south, a great number of which are distinguished for the energy and intelligence of their inhabitants.—From a purely geographical point of view, the new world is naturally divided into North and South America, connected by the isthmus of Panama. Of the innumerable islands which belong to the new continent, two groups should be mentioned when speaking of the great geographical divisions of America. These are the arctic lands or the islands which extend north of the new continent, and the Antilles, which usage improperly designates the West Indies.—According to the calculations of Humboldt, the surface of this part of the world, including the islands we have mentioned, reaches 38,233,594 square kilometres.—America exhibits the peculiarity of having fewer inhabitants to the square mile than any part of the globe, and of having, at the same time, a greater number of different kinds of people than there are in any of the divisions of the old world. According to the ethnographical atlas of the globe, 438 languages are spoken there and more than 2,000 dialects.—The people of the new world form two great divisions, the aborigines, and people of foreign origin. The latter comprise at present the great mass of the population of America and compose the dominant nations of the new world.—The Spaniards, the English and their descendants, the people of African origin, the Portuguese, the Irish, peoples of foreign blood. After them in respect to numbers come the Germans and the French. The Dutch and Danes are still fewer in number. The Swedes must also be mentioned. They preponderate in the island of St. Bartholomew, and several millions of Basques and Italians who are settled principally in Uruguay and some of the eastern states of the Argentine Confederation. It is proper to state that North America belongs more particularly to the Saxon or Germanic race, and South America to the Latin race.—The decrease of the aborigines is a fact shown by every day experience. They recede before Europeans, and the fragments of their race are found only where settlers have not yet penetrated or where they are few in number.—Christianity extends its influence over the whole of the new world, from the arctic regions to Patagonia, and presents the following subdivisions: The Catholic church prevails in the empire of Brazil and all America which was formerly Spanish; the Episcopal or Anglican, the Presbyterian or reformed, and the Lutheran churches, with the Methodists, Quakers, and Baptists, to mention only the most numerous, are dominant in the United States and British America. The orthodox Greek church is established in the late Russian possessions. The Mosaic law is observed by a small number of persons living principally in the United States, the English, Dutch, and French Antilles; and, in the Guianas, fetichism, in various forms, is found among the savage tribes.—When the Spaniards discovered America, it presented every variety of government from the paternal despotism of the Incas to the absolute independence enjoyed by the members of the tribes still existing. It has been observed that government in almost all the indigenous nations of

America appears under a mild form, which contrasts strangely with the despotism prevalent in Asia and Africa, even among nations the most polished. While the flourishing empire of Peru was governed by a theocratic despotism, and while we find a pontiff and an absolute king among the Muyscas, the government of the Natchez was theocratic, and that of the powerful Mexican empire resembled one of the feudal monarchies of the middle ages more than it did the despotic empires of Asia. Tlascala, Cholula and Huetxocingo, as well as that group of little states established on the eastern and northern coasts of Brazil, were republics.—At present most of the indigenous nations of the new world are democratic republics, governed by a chief, sometimes elective and sometimes hereditary. Some of them banded together formed or still form confederations, such as the famous confederation of the five nations, the Sioux, the Arrapahoes, etc. The government of the Osages, the Kansas, the Pawnees, the Missouris, the Mohawks, and several other nations, is a species of republican oligarchy. That of the Araucanians presents a mixture of aristocracy and democracy. That of the Cherokees is an imitation of the internal administration of the United States, while that of the Otomakos and the Yaruros in the territory of Venezuela lead, so to speak, a family life with property in common. The American colonies, English, French, Spanish, Dutch, Danish and Swedish have retained, with certain modifications, the administrative forms of their mother countries.—The United States form a great federal state, in which each separate state governs itself, except that it has confided to a central authority, the federal government, the management of everything touching the common defense, foreign politics, customs and postal service, etc. (See UNITED STATES.)—The republican constitution of the American Union has served as a model to a host of states built on the ruins of the Spanish colonies. The constitutional monarchy of Brazil forms the only exception to this rule.—From a political point of view, America may be divided into two great sections: independent and colonial America.—Independent America comprises the United States, founded originally by English colonists; Mexico, a state formed in 1810 from nearly the whole vice-royalty of Mexico and a fraction of the captain generalship of Guatemala; the central American republics, made up of the captain generalship of Guatemala, less certain fractions of its territory, and divided since 1839 into five republics, Guatemala, San Salvador, Honduras, Nicaragua and Costa Rica, (see these countries); the Colombian republic, formed of New Granada, Ecuador and Venezuela; the first two have arisen from the dismemberment of the vice-royalty of Santa-Fé, the last from the captain generalship of Caracas; the Peruvian republics, comprising the republic of Peru and that of Bolivia, both formed of the vice-royalty of Peru; Chili, formerly the captain generalship of Chili; the Argentine republic or confederation, formed by the greater part of the vice-royalty of LaPlata; Uruguay, formed of the eastern portion of the vice-royalty of LaPlata; Paraguay, having the same origin as the preceding, and whose founder was the celebrated Doctor Francia; the empire of Brazil, the republics of Hayti and San Domingo, which divide the island of San Domingo. Add to this enumeration the independent nationalities of the Araucanians, the Creeks, the Apaches, the Algonquins, the Esquimaux, which are the most important nations.—Colonial America comprises British America, composed of the Dominion of Canada in North America, of Jamaica, the Barbadoes, Saint Christopher, Antigua in the Antilles, a part of Guiana; Demerara and some possessions of minor importance; Spanish America, composed of Cuba and Porto Rico; French America, comprising a part of Guiana, the islands of Martinique, Guadaloupe, St. Marie Galande, St. Pierre, and Miquelon; Dutch America, composed of a part of Guiana, the isles of St. Eustache, Saba, Curaçao, etc.; Danish America, formed of the Greenland group, the isles of Santa Cruz, St. Thomas, and St. John in the Antilles; Russian America, Kodjak, Sitka, and the Aleutian islands; Swedish America, confined to the island of St. Bartholomew in the Antilles.—A special article has been devoted to each American state and territory.—BIBLIOGRAPHY. See A. von Humboldt, *Examen critique de l'histoire de la géographie du Nouveau Continent*, 5 vols., Paris, 1836-9; Long, Porter and Tucker, *America and the West Indies geographically described*, London, 1843; Macgregor, *The progress of America from the discovery of Columbus to the year* 1846, 2 vols., London, 1847; Wappäu's revised edition of Stein's und Hörschelmann's *Handbuch der Geographie und Statistik*, vol. 1, Leipsig, 1855, etc.; Handelmann, *Geschichte der Americ. Colonisation und Unabhängigkeit*, Kiel, 1856, seq.; Peschel, *Geschichte des Zeitalters der Entdeckungen*, Stuttg., 1858; Kunstmann, *Die Entdeckung A.s nach den ältesten Quellen dargestellt, nebst Atlas*, Munich, 1859; Cortambert, *Tableau général de l'Amerique*, Paris, 1860; Kohl, *Geschichte der Entdeckung von A.*, Bremen, 1861; von Hellwald, *Die Americ. Völkerwanderung*, Vienna, 1866. M. BLOCK.

AMERICAN MERCHANT MARINE; Its Growth, Decadence, and Causes of Decay. The building and use of ships were employments to which the founders of the North American colonies and their descendants subsequently, until within a very recent period, may be said to have taken to naturally; and from the middle of the seventeenth until the middle of the nineteenth century—a period of 200 years—they were the two industries whose competition England, with good cause, especially dreaded. In fact, within little more than twenty-five years after the settlement of New England, or in 1650, the English parliament, in full accord with the then spirit of the age, felt it necessary to enact a statute for the avowed purpose of protecting English shipping

against the competition of the English plantations in America, which statute was reënacted or amended in the direction of further restriction in 1661, and again in 1663. By the statute of 1650 the export and import trade of the English colonies was restricted to English or colony built ships; but by the statute of 1663 nothing was allowed to be imported into a British plantation except in an English-built ship "whereof the master and three-fourths of the crew are English."—But, notwithstanding these restrictions, the business of ship-building and ship-using in the American colonies was one that would not stay restricted, but continued to grow in spite of all efforts of the mother country to the contrary. At the time of the breaking out of the American revolution and for long afterward there were more people in the northern part of New England—Maine and New Hampshire—engaged in ship-building and in navigation than there were in agriculture, and Massachusetts at the same time was estimated to have owned one vessel for every one hundred of its inhabitants. The enactment of arbitrary laws on the part of Great Britain to prevent her American colonists from freely participating in the carrying trade and commerce of the ocean was, however, a sore grievance, and ultimately, as is well known, constituted one of the prime causes of the American revolution. They were, furthermore, from the very first either openly or secretly resisted and evaded, and under their influence the colonists became a nation of law-breakers. Nine-tenths of their merchants were smugglers. One-quarter of all the signers of the declaration of independence were bred to commerce, to the command of ships and to contraband trade. Hancock, Trumbull, (Brother Jonathan), and Hamilton, were all known to be cognizant of contraband transactions, and approved of them. Hancock was the prince of contraband traders, and, with John Adams as his counsel, was appointed for trial before the admiralty court in Boston, at the exact hour of the shedding of blood at Lexington, in a suit for $500,000 penalties alleged to have been incurred by him as a smuggler. The pertinency of the introduction of these historical facts in this connection is to be found in the evidence they embody of the opinions entertained by the founders of the republic respecting the justice or expedience of laws arbitrarily enacted for the restriction of commerce and the freedom of trade. Men like Hancock, Trumbull and Hamilton, who were merchants before they became statesmen, had, as the result of personal experience, been led to feel that the government of Great Britain, in endeavoring through such laws to restrain the colonists from engaging freely in a department of otherwise lawful industry and from enjoying the fruits of their labors, contravened their natural rights, reaffirmed the principle of slavery and became their enemy. Every evasion of such statutes was, therefore, in their view, a blow in favor of liberty. Hence also the origin of that count in the indictment against the king of Great Britain embodied in the declaration of independence "of cutting off our trade with all parts of the world." It is interesting also to note, how, subsequent to the revolution, a determined effort was made by American statesmen, to incorporate the idea of free commerce and unrestricted trade with all nations as a part of the fundamental and permanent policy of the new republic. Thus, up to that time, treaties of commerce between nations had been little other than agreements to secure special and exclusive privileges to the contracting parties, and to antagonize as far as possible the commercial interests of all other countries. But in the treaty of commerce entered into between France and the United States, in 1778, the commissioners of the two nations—Franklin, Deane, Lee and Gerard—evidently determined to attempt to inaugurate a more generous policy and establish a precedent for freer and better commercial relations between different countries than had hitherto prevailed. It was accordingly agreed in the treaty in question to avoid "all those burdensome prejudices which are usually sources of debate, embarrassment and discontent," and to take as the "basis of their agreement the most perfect equality and reciprocity." And they further stated the principle which they had adopted as a guide in their negotiations to be that of "founding the advantages of commerce solely upon reciprocal utility and the just rules of free intercourse." The traditions and customs of Europe were, however, too strong to be at once broken down; and in the end the United States abandoned its efforts in behalf of a new commercial policy, and within a comparatively few years afterward enacted a commercial code as illiberal and narrow in many respects as any that had preceded it.—Let us next briefly trace the experience of American shipping subsequent to the revolution. At the time of the formation of the constitution in 1789 the registered tonnage of the United States, by which is to be understood the tonnage engaged in foreign trade, was 123,893 tons. During the next succeeding eight years, or from 1789 to 1797, it increased 384 per cent., but this remarkable increase was exceptional, and was due to the almost universal state of war in Europe, which threw the carrying trade of the world in an equal degree into our hands. Between 1797 and 1807 the increase was 42 per cent., or from 507,777 tons to 848,307 tons. Between 1807 and 1837 there was no increase, but periods of decrease (as between 1811–14 and 1818–25), and again of partial recovery, so that in 1837 the amount of American registered tonnage was only 810,000 tons, or about 38,000 tons less than it was thirty years previously, or in 1807. Subsequent to 1837, the increase was again rapid; rising from 810,000 in that year to 1,241,000 in 1847, to 2,268,000 in 1857, and culminating with 2,496,000 tons in 1861, or at the period of the outbreak of the war. The maximum tonnage of the United States at any one time registered and enrolled, (or engaged in foreign and domestic trade), and in the fisheries was

in 1861, namely, 5,539,813 tons. The tonnage of the world at that time, divided among the different nationalities, was also approximately as follows:

	Tons.
Belonging to the United States	5,539,813
Belonging to Great Britain and her dependencies	5,895,369
Belonging to all other nations	5,800,767

The tonnage belonging to the United States in 1861 was therefore but a little smaller than that of Great Britain, and nearly as large as the entire tonnage of all maritime nations combined, with the exception of Great Britain. In respect to the international carrying trade of the world, the United States had more tonnage engaged than all other nations combined, exclusive of Great Britain.—Another point of great importance in this connection is, that from 1855 to 1860, the period when the American shipping interest attained its greatest prosperity, the tonnage of the United States engaged in foreign trade was more than 50 per cent. in excess of what would have been requisite to carry all the exports and the imports of the country; or, in other words, if American vessels had exclusively moved all our exports and all our imports from 1855 to 1860 there would have remained some 1,300,000 tons of American shipping to be otherwise accounted for in respect to business. But as the American vessels did not at that time exclusively carry all our imports and exports, and as fully 25 per cent. of the foreign trade of the United States was then done by foreign vessels, it follows that the tonnage of the United States in 1855–60, which was in excess of the immediate trade requirements of the country, was much more than 1,300,000 tons. This surplus was in the employment of foreigners and engaged in a trade with which the United States had no connection except as a carrier; and in this business, the ships employed, not unfrequently, did not return for years to their home ports. At the same time, the amount of American tonnage transferred by sale to foreigners was very considerable, and, for the year 1855, amounted to 65,000 tons.—Attention should also be here called to the circumstance that the remarkable results as above detailed were achieved at a time when the differences in the wages of seamen, and the cost of stores, rigging, etc., on American vessels in favor of their foreign competitors, was very marked, if not fully as great as at present. The explanation of this anomaly is that the crews of American vessels, although paid higher wages than the seamen of any other nationalities, were more efficient, consequently fewer men were needed, which reduced the cost and risk of navigation, and this last in turn reduced the cost of insurance, as compared with English ships, even in English companies. The Americans also very early introduced labor-saving machines and mechanism, as for managing the top-sails, handling and lifting the anchor, loading and unloading freights, which also largely dispensed with the necessity of manual labor. Vessels of the United States at the time under consideration were better modeled than vessels of foreign construction, and, being better modeled and better handled, they sailed faster, and as a general rule could make four voyages while the Englishman, under similar circumstances and with similar vessels, could make but three. American ship-owners, consequently, obtained more freight and often better prices—a sixteenth of a penny more per pound, for example, in cotton—and in English ports, other things being equal, English merchants preferred to ship in American rather than in British bottoms. In 1857, when the rebellion in India broke out and the British government found it necessary to dispatch troops and stores with the greatest promptitude, the vessels that were first chartered, at the highest prices, which were most relied upon and did the best service, were the magnificent American-built clippers at that time largely engaged in the India and China trade.—The statistics of American shipping thus far presented have not discriminated between sailing vessels and steamers. But there is a point just here of no little importance as throwing light on what subsequently happened. It is this: British foreign steam shipping practically dates from 1838, when the Sirius and Great Western, the two pioneer vessels, crossed the Atlantic to New York. The increase in this department was at first very slow, and thirteen years later, or in 1851, the total British steam tonnage engaged in foreign trade was only 65,921 tons. The foreign steam shipping of the United States may be said to date from 1848, when it amounted to about 16,000 tons. For a number of years next subsequent its increase was so rapid that in 1851 the foreign steam tonnage of the United States and Great Britain were almost equal; that of the former being 62,392 tons, and that of the latter 65,920 tons. The prospect, therefore, at one time was that the United States, although late in the start in this new department of foreign shipping, must soon equal, if not overtake, her great commercial competitor, Great Britain. And after the year 1851 the American growth steadily continued down to the year 1855, when our aggregate steam tonnage engaged in foreign trade amounted to 115,000 tons. But from that time onward there was no more progress, but a retrograde movement; so that in 1862 the aggregate foreign steam commerce of the United States was less by 1,000 tons than it was in 1855. But even before the outbreak of the war "there were no ocean mail steamers, away from our own coasts, anywhere on the globe under the American flag, except, perhaps, on the route between New York and Havre, where two steamships may then have been in commission, which, however, were soon afterwards withdrawn. The two or three steamship companies which had been in existence in New York had either failed or abandoned the business; and the entire mail passenger and freight traffic between Great Britain and the United States, so far as this was carried on by steam, was controlled then (as it mainly is now) by British companies."—The year

1856 further marks a great natural division in the history of the entire foreign mercantile marine and ship-building industry of the United States. The record thus far has been substantially a record of a most remarkable progress and prosperity. The record hereafter is to be a record of decadence and disaster, which, considering the magnitude of the capital and interests involved, is almost without a parallel in the history of modern civilization.—The decline in American shipbuilding and in the American carrying trade upon the ocean did not, as is popularly supposed, commence with the war, and was not occasioned by the depredations of the confederate cruisers. These agencies simply helped on a decadence that had previously commenced, and which probably would have progressed just as far as it now has had no war intervened. The first symptoms of this decadence appeared in 1856 in the falling off in the sales of American tonnage to foreigners; the reduction being from 65,000, in 1855, to 42,000 in 1856; to 26,000 in 1858, and to 17,000 in 1860. During the war, however, the transfers of American tonnage to foreign flags again increased very largely; and for the years 1862 to 1865 inclusive, amounted to the large aggregate of 824,652 tons, or to more than one-fourth of all the registered tonnage (the tonnage engaged in foreign trade) of the United States in 1860. But these transfers it is well understood were not in the nature of ordinary business, but for the sake of obtaining a more complete immunity from destruction upon the high seas than the United States at that time was able to afford. The year 1856 also marks the time when the growth of our foreign steamshipping was arrested and a retrograde movement inaugurated, so that, as before stated, our aggregate tonnage in this department was 1,000 tons less in 1862 than it was in 1855. The total tonnage of every description built in the United States also declined from 582,450 tons, in 1855, (the largest amount ever built in any one year) to 212,892 tons in 1860, a reduction of over 60 per cent. in five years. The year 1855–6 was also the period when American vessels carried the maximum percentage (75.2 per cent.) of the exports and imports of the United States. After 1856 this business steadily declined from 75.2 per cent. in 1856 to 73.7 per cent. in 1858; 66.5 per cent. in 1859, and 65.2 in 1861, the year of the outbreak of the war. Notwithstanding this, the records of the United States treasury department show that the aggregate of American tonnage engaged in foreign trade and the total aggregate of the entire mercantile marine of the United States were both greater in 1861 than at any former period. Whether it was at this latter date all profitably employed, as it certainly was at an earlier period, can not now be affirmed.—What happened in the twenty years that elapsed between 1860–61 and 1880 is shown by the treasury statistical statement. Our aggregate tonnage of every description, registered and enrolled, sail and steam, employed upon the ocean, upon the lakes, upon our rivers and harbors, has declined from 5,539,813 tons in 1861 to 4,008,034 in 1880—a reduction of over 26 per cent.—Our tonnage engaged in foreign trade has declined during the same period from 2,496,894 tons to 1,314,402 tons—a reduction of 47 per cent.—The aggregate of tonnage of every description built in the United States in 1855 was 583,450; in 1861, 233,193 tons, and in 1880, 157,409 tons—a reduction of annual increment since 1855 of 73 per cent., and since 1861 of 32 per cent. How rapidly furthermore this former great branch of American industry is decaying may be also illustrated by the statement that the American tonnage built in 1880 was 35,622 less than 1879, and 78,095 tons less than in 1878. There was a falling off in the shipbuilding of the New England States during 1880 of 9,500 tons as compared with 1879, 44,012 tons as compared with 1878, and 105,123 as compared with 1875; while for our entire seaboard—Atlantic, Gulf and Pacific—the tonnage built in 1880 was 142,755 tons less than the product of 1875.—But the changes which have taken place within the last twenty-five years in the ocean carrying trade of the United States constitute by far the most striking illustrations of the tremendous decadence and wreck which our foreign maritime commerce and commercial marine within that period experienced. During the whole period between 1855 and 1860 there was, as before noticed, at least a million and a half of American tonnage exclusively in foreign employ, "carrying cargoes from foreign ports to foreign ports for foreigners, to be used by foreigners, and in which business Americans had no direct interest but to receive in cash their freight money, to be sent home and added to the productive capital of the country." Of this great and profitable business a small proportion (in 1881) probably yet remains, but how much it is difficult to state with accuracy.—Again, in 1856, out of the total value of all the exports from and of all the imports into the United States the American commercial marine transported 75.2 per cent. The record of the experience of the twenty-five years next succeeding is exhibited in the following table:

Percentage of the exports and imports of the United States carried in American vessels from 1856 to 1880 inclusive:

Years.	Per cent.	Years.	Per cent.
1856	75.2	1870	35.6
1857	70.5	1872	28.5
1859	69.9	1874	26.7
1861	65.2	1876	25.9
1863	41.4	1878	22.6
1865	27.7	1880	17.4
1867	33.9		

Or to sum up in a few words, of the goods, wares and merchandise exported and imported into the United States during the fiscal year 1880, American vessels transported only 17.4 per cent. and foreign vessels 82.6 per cent.—Startling, however, as are these statistics, they nevertheless fail to convey the exact truth of the situation at the present time of writing. For it must be borne in mind, that while the business of American shipping engaged in foreign trade has been rapidly

disappearing, the opportunities for business have at the same time been increasing in a far more rapid ratio: or, to put the case differently, while there never was so much business calling for the employment of merchant vessels in the history of the world as at the present time, the extent to which the capital and industry of the United States participate in this business is annually growing less and less. Thus, taking merely the trade of the United States as an example, we find that out of a total value of exports and imports in 1860 of $762,000,000, the value transported in American vessels was $507,000,000, or 66.5 per cent.; but in 1880, out of a total value of exports and imports of $1,589,000,000, American vessels transported a value of only $28,000,000, or 17.6 per cent., a little more than half of what was done twenty years ago, or in 1860. Of this enormous increase every maritime nation of any note, with the exception of the United States, has taken a share. American tonnage alone exhibits a decrease. Thus comparing 1880 with 1856, the foreign tonnage entering the sea-ports of the United States increased nearly 11,000,000 tons; whereas the American tonnage entered during the same period exhibits a decrease of over 65,000 tons. British tonnage increased its proportion from 935,000 tons in 1856 to 7,903,000 in 1880; Germany, during the same time, from 166,000 to 1,089,000; Sweden and Norway from 20,662 to 1,234,000; Austria from 1,477 to 206,000; Spain from 63,813 to 227,496; while Russia, whose vessels participated in our trade in 1856 to the extent of only 40 tons in 1880, reported 104,049 tons.—The tonnage of iron vessels, sail and steam, built in the United States from 1876 to 1880 inclusive, amounted to only 101,823 tons, and this trifling amount was almost entirely for our coastwise or home trade, in which no foreign competition whatever is allowed under the provisions of our navigation laws. No iron sailing vessels were built in the United States between 1871 and 1880; but during the latter year 44 tons were reported by the treasury department as having been constructed. *Per contra* the increase of iron shipbuilding in Great Britain during the corresponding period amounted to 1,800,193 tons.—From these exhibits it is easy to comprehend the tremendous change that took place between 1856 and 1880 in the great department of domestic industry under consideration as measured in ship-building and in the business for which ships are constructed and used. Let us next endeavor to gauge the amount of this loss as measured in money.—In 1855 the amount expended in the United States in the construction of new vessels was estimated at about $25,000,000 per annum; and a sum considerably in excess of this for the repair and rebuilding of old vessels; or a total for this branch of domestic industry of from $55,000,000 to $60,000,000 per annum. The bulk of this large expenditure was very largely for the labor of construction. A present (1881) annual expenditure in the United States of $25,000,000 for similar purposes would probably be an over rather than an under estimate. We start off in the money account, therefore, with a loss to the industry and business of the country in the two items of ship building and ship repairing of from $30,000,000 to $35,000,000 per annum.—Again, the business of transporting merchandise or passengers by land or by sea is as much a productive industry as the raising of wheat, the spinning of fibres or the smelting or forging of iron. It adds to human comfort, it supplies wants, creates values, increases abundance.—In foreign commerce, the freights paid on the things transported are as much exports or imports as the merchandise which is exported or imported. Thus, if 2,000 tons of coal of the value of $10,000 are sent in a vessel of the United States to China, and the freight on the same is $6,000, this freight is as much of an export of the results of American industry as the coal, and if paid and returned to the United States in the form of coin or tea or silk, may, and under ordinary circumstances will, add as much proportionally to the general wealth of the country as the proceeds of the sale of the coal upon which the freight was earned. On the other hand, if the coal is transported in a foreign vessel, the freight earned does not increase the capital or benefit the labor of the United States, but of the country to which the vessel belongs. The amount paid for the transport of the imports and exports of the United States for the calendar year 1879, has been estimated by the best authorities, (Henry Hall, of the U. S. census and Dr. E. H. Walker, late statistician of the New York produce exchange), at $88,000,000 as a minimum for exports and about $45,000,000 on imports, or an annual total of $133,000,000. For the fiscal year ending June 30, 1880, Mr. Hall also reports 18,000,000 of gross tons of the produce and manufactures of the United States as exported, and 3,900,000 tons of the produce and manufactures of foreign countries as imported into the United States, the exports—grain, provisions, cotton, petroleum, etc.—representing a large bulk in comparison with value, and the imports—textiles, drugs, manufactures of metals, etc.—large value in proportion to bulk.—Of the above estimated aggregate of freights paid on the exports and imports of the United States, probably not more than one-fifth, or $26,000,000 as a maximum, was carried under the American flag. If the proportions of the carrying trade which were controlled by the United States in 1860 had been simply maintained, without any increase, the present (1880) worth of the business which has been lost to the country in this department of domestic industry must be estimated at $86,000,000—$26,000,000, or $60,000,000 per annum.—Adding to these estimates the loss of business consequent on the decline of ship building and ship repairing, and also the nearly total loss of the great business of ocean passenger and immigrant carriage—to be estimated for the year 1880 at not less than $15,000,000—and we have the sum of one hundred millions of dollars

as the smallest measure in money of the annual worth, in 1880, of the business which the United States has lost in consequence of the decay of her commercial marine. If we assume, however, only seventy-five millions as the loss which the business and national wealth of the country at present annually sustains by reason of the decay of our industries of ship building, ship repairing and ship using in foreign commerce, then this loss would be equivalent to the almost complete wiping-out of the business of pig-iron smelting as it existed in the United States in 1870; to forty-five per cent. of our manufacture of cotton goods at the same period, and nearly the same proportion of the value of our woolen and worsted industries.—As illustrating, furthermore, the extent to which the ocean carrying business is capable of development as a national industry, attention is asked to the fact that the gross amount of freight—exclusive of that on bullion—earned by British vessels on the transport of the exports and imports of the united kingdom for the year 1875–6 was estimated by the best authorities as £56,000,000, or $280,000,000.—But the direct losses occasioned by the decay of our ocean commercial marine are insignificant in comparison with the indirect losses due to the loss of trade from an inability to make exchanges promptly, regularly and cheaply with foreign countries. No matter how well stocked the store may be with good, cheap and desirable goods, if would-be customers find great inconveniences in the way of getting to the store and in transporting to it their products for barter or exchange, they will not come, but trade elsewhere.—Having inquired into and acquainted ourselves with the present condition of our foreign commercial marine, and having traced the gradual changes which have taken place in our ship-building industry and foreign carrying trade within the last quarter of a century, embraced between the years 1855 and 1880, we are now prepared to enter upon a discussion and analysis of the causes which have produced the existing most remarkable, and at the same time nationally discreditable condition of American ocean commerce.—The facts already presented fully demonstrate that the war of the rebellion was not the cause, and did not mark the commencement of the decadence of American shipping, although the contrary is often and perhaps generally assumed by those who have undertaken to discuss this subject. The war simply hastened a decay which had already commenced, and under the same influences and conditions as have otherwise prevailed the same results would undoubtedly have been reached, even if no war had intervened. Neither can the paralysis with which the great branches of domestic industry under consideration have been smitten and have been threatened with extinction, be referred to such agencies as fluctuations of supply and demand, foreign wars, or financial revulsions at home or abroad, for all these influences have operated in the past, but have produced no such results, either in this country or elsewhere, as those we are considering. During the latter years of the period we are now treating—1878–80—the general prosperity of the country, measured by the volume of business transacted, and the amount of resulting profits, has been greater than ever before, and yet there has been not only no resuscitation of the American commercial marine, but rather a marked and further decline. It has been also a popular idea, that the continued decadence of American shipping since the close of the war in 1865, was in part due to the system of vicious irredeemable currency which the war engendered; but the currency of the country was restored to a specie basis in January, 1879, and foreign nations have no longer any advantage in this respect over the United States; and yet there were not half as many vessels built during the prosperous specie-paying year of 1880, as during the height of the inflation period of 1868. To what then is the deplorable result, which no one denies has happened, to be attributed? The answer first is, not to one, but to several causes. The primary cause was, what may be termed a natural one, the result of the progress of the age and a higher degree of civilization—namely, the substitution of steam in the place of wind as an agent for ship propulsion, and the substitution of iron in the place of wood as a material for ship construction; and for nations or individuals to have attempted to permanently counteract the influence of these substitutions by legislation or any specific commercial policy, was as useless, as our own experience proves, as to have sought to arrest the stars in their courses. So long as wood was the article mainly used in the construction of vessels the United States had an advantage over foreign nations in the cost of the material, in the skill which we had acquired in working the same, and in the positive genius for the management of wooden sailing ships which natural faculty and more than two centuries of experience may be claimed to have nationally engendered. When, however, the steam engine was substituted for the sail, and iron for wood, then these advantages were in a great degree neutralized or wholly swept away.—Foreign steam shipping and the successful application of iron to the construction of vessels designed for ocean navigation were accomplished facts in Great Britain as early as 1840. As is generally the case with all new inventions and discoveries, these startling innovations on an old established order of things were in the outset regarded doubtfully and, indeed, did not command the full confidence of the commercial public in both respects until a considerably later period. The application of steam to ocean navigation was the first to be accepted as an absolute necessity, and therefore as inevitable. The Americans waited until English experience had proved the fact to their full satisfaction, and then embraced the idea so eagerly and turned it to practical account so rapidly that the foreign steam tonnage of the United States, which really commenced to

exist in 1848, nearly equaled in 1851 (as before shown) the entire steam tonnage of Great Britain of longer growth, and continued to regularly and largely increase until 1856. But during the period between 1848 and 1855 the commercial public had become pretty generally satisfied in respect to certain other matters. They had been taught by further experience that iron in the construction of vessels was much more durable than wood, and that whatever difference, therefore, there might be in the first cost, the iron vessel in the long run is cheaper than the wooden one. They had learned that iron vessels are more rigid than wooden vessels, and that the former are therefore better adapted to withstand the strain of heavy steam machinery, and also that from lack of the necessary strength and rigidity the application of the most economical method of propulsion—namely, the screw—is impracticable in the case of wooden vessels of large capacity. They had also learned that iron ships are superior to wooden ships in bouyancy, and hence draw less water with a given tonnage, carry a greater weight of cargo, and have a greater stowage capacity. In short, they had come to know that for the most practical purposes wooden ships in competition with iron ships were nowhere. American ship owners, merchants and navigators, or at least the more enterprising of their number, were not more backward in learning and understanding the significance of these facts than their English competitors; and the conditions of the hour for the continued prosperity of the American merchant marine were fully set forth in various commercial journals of the United States.—Had matters been allowed to take their natural course; had Americans been allowed to simply take the advantage of the world's progress which was taken by their competitors, it is reasonable to infer that there would have been no material decline in the American shipping interest, and no such condition of things to bewail as exists at present. To assume to the contrary is to assume that Americans would have made an exception of this one department of their domestic industry, and have failed to bring to it that sagacity and skill that before and since have characterized all their other business operations. But matters were not allowed to take their natural course. The means and appliances for the construction of iron vessels did not then exist in the United States; while Great Britain, commencing in 1839, (when John Laird constructed his iron steamers for the British navy which afterward took part in the Chinese war), and with seventeen years of experience, had become equipped in 1855 for the prosecution of this great industry. The facilities for the construction of steam machinery adapted to the most economical propulsion of ocean vessels, furthermore, were also inferior in the United States to those existing in Great Britain, and by reason of statute provisions (see NAVIGATION LAWS OF THE UNITED STATES), citizens of the United States interested in ocean commerce were absolutely prevented and forbidden from availing themselves of the results of British skill and superiority in the construction of vessels when such a policy was the only expedient which could have enabled them at the time to hold their position in the ocean carrying trade in competition with their foreign rivals. Now, there is very little sentimentality in the representatives of trade and commerce, whatever may be their nationality. They simply ask, "Who will serve us best and at the cheapest rate?" And the inability of the ships of the United States to do the work which trade and commerce required that they should do as well and cheaply as the ships of other nations being established, the decadence of American shipping commenced and was inevitable from the very hour when this fact was first recognized, which was about the year 1856. Here, then, we have the primary cause of the decay of the business of ship building in the United States and of our commercial marine. Other causes —hereafter noted—have since come in and helped the decay and are powerfully operative to prevent recovery; but so long as the conditions, which in the outset were the source of the trouble, continue to prevail, decay will continue to go on and there can be no recovery. Attention should here be called to the circumstance that the relation of the United States to Great Britain in this matter of ship construction and employment has been no different from the very outset of the new era in navigation from that of all other maritime nations, with the single exception that, as the interest of the United States in the new conditions was greater than that of all these others combined, it was incumbent on the former to act with the greatest wisdom and discretion, and not allow prejudice and ancient conservatism to prevent the removal of obstacles which stood in the way of national growth and development. But none of these nations, with the possible exception of old Spain, acted as did the United States Taking a practical, common-sense view of the situation and setting sentiment aside, they concluded that it would be the height of folly to permit a great and profitable department of their industries to be impaired or destroyed rather than allow certain improvements in the management of its details, because suggested and carried out by a foreign nation, to be purchased and adopted. And they, therefore, virtually said to their own people: "If England can build better and cheaper ships for ocean commerce than you can yourselves, and will furnish them to you on terms as favorable in every respect as is granted to her own citizens, and if your own private judgment and feeling of self-interest prompts you to buy and use such ships, the state will interpose no obstacles to your so doing. As between a business and the instrumentalities for doing business the interests of the first are to be first considered, for if the business fails, the instrumentalities employed in it, be they good or bad, will retain but little of value; whereas, on the other hand, if the business can be kept profitable there need be no apprehension

as to a deficiency or imperfection of the instrumentalities." And the merchants and capitalists of these maritime states, adopting the course which seemed best to them under the circumstances, went to England and supplied themselves with ships and steamers of the most approved patterns, and sharing with the English the monopoly of owning and using the same, have always derived great profit therefrom. And the several states, furthermore which permitted their citizens to act without restraint in accordance with their own best judgment in this matter, have never had any such results as the United States has experienced, but, on the contrary, have seen their commercial tonnage and carrying trade upon the high seas largely increase, and if their shipping interests have since experienced any vicissitudes, they have not in any one instance been referred to influences even remotely connected with the liberal policy that was adopted. On the other hand, the policy of the United States under the same circumstances has been very much as if at the outset of the development of the railway system as an improved method of transporting goods and passengers, some one state of the Union—say Ohio, for example—had said, "We have no manufactories of locomotives or cars, or mills for rolling railway bars, within our territory; state pride and a desire to be wholly independent will not allow us to purchase these articles of Pennsylvania; therefore we will continue to use horses and wagons, which heretofore answered our purposes of transportation, and not use railroads until we can manufacture all railroad equipments ourselves." People in other states would have been prompted to characterize the action of the people of Ohio as irrational, and as in opposition to their material interests, and yet the boundary line which separates the United States from Great Britain is just as much a matter of artificial ordination as that which separates Ohio from Pennsylvania. But be this as it may, the result in the hypothetical case would have been exactly the same as is the result in the real case. Ohio would not have got her railroads nor the wealth and development that would have flowed from their construction. The United States has not got the ships, or the wealth and business that have been attendant upon their possession and skillful employment in other countries.—But, although the navigation laws of the United States have been undoubtedly the prime agency in originally occasioning this decadence, and subsequently preventing the resuscitation of American shipping engaged in foreign commerce, other influences have also powerfully contributed to the same results. Among these, the influence of the high protective tariff system of the United States which has been in operation since 1861, must be regarded as most prejudicial; *first*, by enhancing the price of nearly all articles entering into the domestic construction and equipment of vessels, and for which the allowance of a drawback on the importation of similar articles of foreign production has afforded but a partial relief; and *secondly*, by preventing that reciprocity of trade between the United States and various foreign countries, which is essential to the full and profitable employment of vessels. Ships are the children and not the parents, the effect and not the cause of commerce; and so long as the commercial policy of the United States restricts the producers of this country from freely exchanging the products of their labor with the products of the labor of the producers of other countries, foreign commerce will not develop or a national commercial marine find a basis for growth or even existence.—Another serious obstacle in the way of the profitable employment of American vessels in foreign commerce, is the system of state or local taxation generally adopted by the several states of the federal union, under which ships are taxed as personal property, to their owners; a practice which does not prevail in any other of the leading maritime nations. The manner in which such taxes work to the disadvantage of American shipping may be thus illustrated: Let us suppose the projection of a new line of steamships to run between the United States and Europe in competition with existing lines, now controlled by foreign capitalists and registered under a foreign flag. If the nationality of the company is to be American and its location any one of our leading Atlantic cities—except Philadelphia—the taxation on the whole accessible capital or property of the company—ships, wharfs, machine shops, offices—and floating capital, will be from 1.50 to 2.50, or even greater per cent., on a pretty full valuation. In the State of New York the tax is to a great extent evaded. In many of the other states it is, however, rigidly enforced. [Since this article was written (1880), New York and Massachusetts have exempted ships engaged in foreign commerce from local taxation.] On the other hand, Pennsylvania, when she some years ago incorporated a local transatlantic steamship company having its *situs* in Philadelphia, judiciously exempted all ships engaged in foreign trade, as well as all other property—stocks, bonds, etc.—of the company in question, from all state taxation. Furthermore, until recently, the national government would have preferred an average tax under the tariff of about 40 per cent. on all articles of foreign production entering into the construction of vessels, and as a consequence it advanced the price of similar articles of domestic production to an equal or nearly corresponding extent. By the act of June, 1872, however, articles of foreign growth or production "necessary for the construction and equipment of vessels built in the United States for the purpose of being engaged in foreign trade" may be imported in bond free of duty; but vessels receiving the benefit of this provision are not allowed to engage in the coastwise trade of the United States for more than two months in any one year. As one consequence of this restriction, a New York ship owner stated at the recent meet-

ing of the national board of trade (December, 1880,) that, having occasion to send a vessel built for foreign trade from New York to New Orleans for temporary employment, he was obliged before he could do it to pay $400 for duties on the suit of metal which had been previously placed on the ship's bottom. For some years after the war, also, when the shipping interests of the United States engaged in foreign trade had suffered exceptionally from the inability of the government to protect it from confederate cruisers, and when it, therefore, needed the kindliest and most fostering care, income taxes were imposed on the incomes of ship-owners (if they perchance happened to have any) and in addition heavy taxes on the gross receipts of their entire business and upon every passenger ticket by them sold. When the largest possible damage had been effected these national taxes were repealed. But the practice of Great Britain and other nations of allowing vessels employed in foreign commerce to take stores for voyage consumption out of bond free of duty has not as yet been thought worthy of imitation, and as a consequence the cost of ship supplies in the United States was reported by a committee of congress a few years ago to be about 20 per cent. in the aggregate in excess of the cost of supplies to vessels of Great Britain. If now, on the other hand, the *situs* of the prospective new steamship company is made foreign and its location fixed at Liverpool, the whole amount of local taxation to which the company would be subjected would be merely an assessment to the extent of from 10 to 25 per cent. on the rental—not capital—value of the premises occupied either as offices, storehouses or machine shops. Beyond this the British government would levy an income tax on the profits (if any) of the shareholders or owners, as individuals, which tax is at present about 2 per cent., but in 1875 and 1876 was less than 1 per cent.; and, omitting all other forms of direct taxation, would allow all articles subject to taxation either under the excise or tariff, such as distilled spirits, teas, sugars, coffee, wines and tobacco, which may be required for use on board the steamer in question, to be taken from bond free of duty. The difference in the return on the investment, therefore, growing out of the difference merely in the fiscal systems recognized in the different locations specified, would be of itself sufficient to afford to the foreign capitalist a dividend on his stock equal to at least one-half of the ordinary rate of European interest on the capital employed, while to the American investor the disadvantage would have an expression at least twofold greater through an increase of expenses and a diminution of profit which can be traced directly to a system of taxation which has enhanced the price of everything that has entered into the steamer, from the laying of her keel to the coal that feeds her engines. In Great Britain and other countries it is furthermore to be noted that the ownership of a ship that is idle and not earning, or employed and not earning, does not entail any burden of taxation, but in the United States it makes no difference whether the ship be at work or idle, profitably or unprofitably employed, she pays taxes all the same. —With competition with foreign nations on terms of equality being, therefore, from the very outset, not less by state than by federal laws, rendered impossible, is it to be wondered at that the American ocean marine has declined almost to extinction, or that there are so few mechanical establishments in the United States capable of building or repairing first-class steamships? — Tonnage taxes on shipping are not levied by Great Britain, nor, it is believed, by any other of the maritime states of Europe, except Spain. Prior to the war also there were no tonnage taxes in the United States, and their enactment in 1862 was due simply and exclusively to the urgent necessities of the government for revenue occasioned by the war. Those necessities having long since passed there is no good or sufficient reason for the continuance of such taxes. The rates imposed on American and foreign vessels being substantially the same, American vessels would not seem to be relatively at a disadvantage with foreign vessels on account of these taxes. But really they are; inasmuch as in the one case the effect of the tax is generally to reduce realized profits, while in the other it constitutes, under existing circumstances, an obstacle, as will be presently shown, in the way of realizing any profits at all.—According to British maritime rules the tonnage capacity of vessels is reckoned on only such space as is available for cargo, and in the measurement of vessels for the ascertainment of their capacity allowance is made for the space occupied for the accommodation of the officers and crew and also by the machinery. In the United States the space occupied by the water closets and galley are alone exempt from admeasurement; and as a consequence American vessels are at a disadvantage as compared with British shipping in respect to tonnage and harbor dues and light money in ports where such taxes are levied. Again, a sailing vessel which enters an American port once a year is obliged to pay as much tonnage tax as a steamer that enters the same port every month; and if in a given line a steamer which has paid her tonnage taxes for a year becomes disabled and is withdrawn during the first month of the year the substitute steamer must pay tonnage all the same for another full year.—The charges of our consular system are claimed, and undoubtedly with truth, to be another weighty burden on American shipping engaged in foreign trade. These fees are all fixed by congress, and paid into the United States treasury, and have evidently been arranged with the idea of not only rendering the United States consular system self-sustaining but of also making it a source of revenue to the government. For the fiscal year ending June 30, 1880, the amount of consular fees paid into the United States treasury was $592,161, and the amount disbursed for consular salaries $465,641. For contingencies

pertaining to the consulates there was also disbursed the additional sum of $164,000. Compulsory pilotage, the three months' extra pay to crews discharged in foreign lands—the great mass of sailors being now of foreign nationality and as much at home in one port as another—and the obligatory employment of government officials for the shipment of sailors in American ports, are also further obstacles in the way of the prosperity of the American commercial marine from which its foreign competitors are either wholly or in a great degree exempt. By a system of compulsory dues on incoming and outgoing vessels, (from which only the coasting service is exempt), the Sandy Hook pilot service of the port of New York, which consists of 133 New York and 58 New Jersey pilots, derives a yearly income from the commerce of the port of $800,000 to $1,000,000. The specific amounts charged are said to be two and a half times in excess what is paid in Liverpool for similar service; and at the shipping convention at Boston in October, 1880, Mr. James E. Ward, of New York, stated that his firm "paid as large an amount for pilotage into New York harbor as they did to the captain of his steamship for sailing the vessel all the way to Cuba and back, facing all the dangers of the seas and the risk of contagion in Cuba." These compulsory pilot charges contribute to make New York one of the most expensive ports for shipping in the world.—From this history of the rise and fall of the American merchant marine it must be evident that no one measure will arrest the decay of American shipping now in progress, bring back prosperity to the ocean carrying trade, or revive the ship-building interests of the United States; but that the field of reform to be entered upon is very large and the number of details to be attended to very numerous. Reform and prosperity are, however, both possible and practicable if the people of the United States desire and will it.—To complete this history, a further special reference is needed to the American merchant marine engaged in "*coastwise*" or domestic commerce as contradistinguished from that engaged in "*foreign*" commerce. American vessels engaged in foreign trade, in order to be qualified by law for so doing, are required to be *registered* "by the collector of that collection district which includes the port to which such vessel shall belong at the time of her registry; which shall be deemed to be that at or nearest to which the owner, or managing owner, of such vessel usually resides" (U. S. Revised Statutes, section 4141.) Registered vessels are subject to the payment of tonnage taxes and various regulations from which vessels engaged exclusively in foreign trade are exempt. (See Revised Statutes of the United States, titles XLVIII and XLIX, sections 4131 to 4310 inclusive.) Vessels designed for the coastwise or domestic commerce, if of less than twenty tons burden, are required to be licensed, and if in excess of twenty tons are required to be both licensed and enrolled in the collection district where owned; are not subject to the payment of tonnage taxes, and are not permitted to engage in foreign trade, without changing their enrollment for a register. Vessels of foreign construction, or owned in part, or commanded by foreigners, are not permitted to engage in the coastwise or domestic commerce of the United States. Vessels licensed for the carrying on of fisheries can, before sailing, obtain special permits for touching or trading at foreign ports; but any such vessel found within three leagues of the coast with merchandise of foreign growth or production on board, exceeding five hundred dollars in value, without special permit for the carriage of the same, is made subject to confiscation, with cargo. For further details of regulations respecting the coastwise commerce of the United States, see Revised Statutes of the United States, title L, sections 4311–4390.—The tonnage of vessels of the United States, owned by American citizens and sailing under the American flag, on the 30th of June, 1880, was as follows:

VESSELS.	Number.	Tonnage.
Sailing vessels	16,830	2,366,258.03
Steam vessels	4,717	1,211,558.35
Canal boats	1,235	106,589.57
Barges	1,930	383,628.61
Total	24,712	4,068,034.56

The employment of tonnage on the 30th of June, 1880, was reported by the register of the United States treasury to have been as follows:

In the foreign trade	1,352,810.31
In the coastwise trade	2,649,352.84
In the cod and mackerel fisheries	77,538.73
In the whale fishery	38,408.12

The tonnage of sailing vessels—including canal boats and barges—and of steam vessels, comprising the merchant marine of the United States from 1860 to 1880 inclusive, is thus reported by the U. S. treasury department:

YEAR ENDED JUNE 30.	Sail.	Steam.	Total.
	Tons.	Tons.	Tons.
1860	4,485,931	867,937	5,353,868
1861	4,662,609	877,204	5,539,813
1862	4,401,701	710,463	5,112,164
1863	4,579,537	575,519	5,155,356
1864	4,008,440	977,960	4,986,400
1865*	1,212,805	367,189	1,579,994
1865†	2,816,838	699,950	3,516,788
1866*	2,442,012	926,267	3,368,479
1866†	785,254	157,245	942,299
1867*	2,834,535	1,122,980	3,957,515
1867†	278,072	68,900	346,972
1868*	3,118,895	1,199,415	4,318,310
1868†	33,449	.....	33,449
1869*	3,041,073	1,103,568	4,144,641
1870‡	3,171,412	1,075,095	4,246,507
1871	3,194,970	1,087,637	4,282,607
1872	3,326,194	1,111,553	4,437,747
1873	3,539,584	1,156,443	4,696,027
1874	3,615,042	1,185,610	4,800,652
1875	3,685,064	1,168,668	4,853,732
1876	3,107,086	1,172,372	4,279,458
1877	3,071,403	1,171,197	4,242,600
1878	3,045,087	1,167,678	4,212,765
1879	2,993,420	1,176,172	4,169,601
1880	2,856,476	1,211,558	4,068,034

*New measurement. †Old measurement. ‡New from 1869.

The following table exhibits the tonnage of vessels of the United States employed in the foreign trade, coastwise trade, whale fisheries, and in the cod and mackerel fisheries, from 1860 to 1880 inclusive:

YEAR ENDED JUNE 30.	Foreign trade.	Coastwise trade.	Whale fisheries.	Cod fisheries.	Mackerel fisheries.	Total Merchant Marine.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
1860	2,379,396	2,644,867	166,841	136,653	26,111	5,353,868
1861	2,496,894	2,704,544	145,734	137,846	54,795	5,539,813
1862	2,173,537	2,606,716	117,714	133,601	80,596	5,112,164
1863	1,926,856	2,960,633	99,228	117,290	51,019	5,155,056
1864	1,486,749	3,245,265	95,145	103,742	55,499	4,986,400
1865*	509,199	1,016,199	1,380	36,683	16,533	1,579,994
1865†	1,009,151	2,365,323	89,136	28,502	24,676	3,516,788
1866*	1,031,541	2,162,220	76,990	51,139	46,589	3,368,479
1866†	356,215	557,401	28,180	503	----------	942,209
1867*	1,300,852	2,528,214	52,384	44,567	31,498	3,957,515
1867†	214,706	132,176	----------	----------	----------	346,972
1868*	1,460,940	2,702,140	71,343	83,887	----------	4,318,310
1868†	33,449	----------	----------	----------	----------	33,449
1869*	1,496,220	2,515,515	70,202	62,704	----------	4,144,641
1870‡	1,448,846	2,638,247	67,954	91,460	----------	4,246,507
1871	1,363,652	2,764,600	61,490	92,865	----------	4,282,607
1872	1,359,040	2,929,552	51,608	97,547	----------	4,437,747
1873	1,378,533	3,163,220	44,755	109,519	----------	4,696,027
1874	1,389,815	3,293,439	39,108	78,290	----------	4,800,652
1875	1,515,598	3,219,698	38,229	80,207	----------	4,853,732
1876	1,553,705	2,598,835	39,116	87,802	----------	4,279,458
1877	1,570,600	2,540,322	40,593	91,085	----------	4,242,600
1878	1,589,348	2,497,170	39,700	86,547	----------	4,212,765
1879	1,451,505	2,598,183	40,028	79,885	----------	4,169,601
1880	1,352,810	2,599,278	38,408	77,538	----------	4,068,034

* New Measurement. † Old Measurement. ‡ New from 1869.

The following table (derived from reports of the U. S. bureau of statistics) also exhibits the value of the imports and exports of the United State carried, respectively, in United States vessels and in foreign vessels, during the twenty-five years, from 1856 to 1880, with the percentage carried in vessels of the United States—(including merchandise and coin and bullion):

FISCAL YEARS.	IMPORTS.		EXPORTS.		Total imports and exports carried in American vessels.	Total imports and exports carried in foreign vessels.	Per cent. carried in American vessels.
	In American vessels.	In foreign vessels.	In American vessels.	In foreign vessels.			
1856	$249,972,512	$ 64,667,430	$232,295,762	$ 94,669,146	$482,268,274	$159,336,576	75.2
1857	259,116,170	101,773,971	251,214,857	111,745,825	510,331,027	213,519,796	70.5
1858	263,700,016	78,918,134	243,491,288	81,153,133	447,191,304	160,666,267	73.7
1859	216,123,423	122,644,702	249,617,958	107,171,509	465,741,381	229,811,211	66.9
1860	228,164,855	134,001,599	279,082,902	121,049,394	507,247,757	255,040 793	66.5
1861	201,544,055	131,106,093	179,9.2,733	69,372 180	381,516,788	203,478,278	65.2
1862	52,274,100	113,497,629	125,421,318	104,517.667	217,695,418	218,015,296	50 0
1863	109,741,580	143,175,360	132,127,691	199,880,691	241,872,471	343,056,031	41.4
1864	81,212,077	248,359,816	102 840,409	2 7,442,730	184,061,486	485,793,548	27.5
1865	74,385,116	174,170,53	9 ,617,756	262,839,538	167,402,872	437,010,124	27.7
1866	112,040,395	322,171,76	213 671,406	251,754,928	325,711,861	685,226,691	32 2
1867	11.,200,536	300.622,045	1.9,138,851	279,399,969	296,998,387	580,022,004	33.9
1868	122,965,225	248.659,583	1.5, 16,348	3 1,886 491	297,961,573	550,546,074	35.1
1869	136.802.024	300,517,231	153,154 748	283,979,781	289,956,772	586,492,612	33.1
1870	153,237,077	309,140,510	199,732,324	329.786,978	352,969,491	638,927,488	35.6
1871	163,280,710	363,020,644	190,378,462	392,861,932	353,6.4.172	755,822,416	31.8
1872	177,288,302	445.416,783	168,.44,799	393,929,579	345,331,101	839,346,362	29 1
1873	174,739,834	471,806 765	171,566,758	494,915 886	346,306,592	966,725.651	26.4
1874	176,027,778	405,3 0,135	174,424,216	533,885,971	350,451,994	939,206,106	27.2
1875	157.872,726	382,949,.68	156,385,066	501.838,949	314,257,792	884,788,517	26.2
1876	143.389,704	321,139,500	167,.86,457	492,215,487	411,076,171	813 354,987	27.7
1877	151,834,067	329.565,923	164,826.214	530,354.703	316,660,281	859.920,536	26.9
1878	146,499,282	307,497,5 5	166,551,624	569.5-8 554	313,0 0.906	876,991,129	26.3
1879	143,590,353	310,199,59	128,423,339	600,769,633	272,015,697	911,269,232	23.0
1880	149,317,368	503,494,913	109,028,8.0	720,770,521	258,346,228	1,224,265,434	17 4

"NOTE.—The above figures do not include the amounts carried in cars and other land vehicles since July 1, 1870. Exports are stated in mixed gold and currency values since 1861."

The following table, derived from the annual report of the U. S. bureau of statistics, exhibits the tonnage of American and foreign vessels entered at seaports of the United States during each year from 1860 to 1879 inclusive:

YEAR ENDED JUNE 30.	ENTERED.		Total.
	American Vessels.	Foreign Vessels.	
	Tons.	Tons.	Tons.
1860	3,301,903	1,698,291	5,000,194
1861	3,025,124	1,533,963	4,559,087
1862	2,629,351	1,561,945	4,191,296
1863	2,397,706	1,897,714	4,295,420
1864	1,655,434	2,512,047	4,167,481
1865	1,615,317	2,211 610	3,826,927
1866	1,891,453	3,117,034	5,008,487
1867	2,145,691	3,120,095	5,266,486
1868	2,465,695	3.105,826	5,571,521
1869	2,459,336	3,572,644	6,031,980
1870	2 452,226	3,817,9 3	6,270,189
1871	2,603,591	4,390,606	6,994,197
1872	2,584 646	5,185,340	7,769,986
1873	2,449,285	5,951,464	8,394,749
1874	2,914,942	7,094,713	10.009,655
1875	2.887.153	6,255,985	9,143,138
1876	2.927,789	6,788,124	9,715,9.4
1877	2,957,791	7,448,697	10.406,488
1878	3,009,437	8.521,090	11,530,527
1879	3,049,743	10,71>,394	13,763,137

DAVID A. WELLS.

AMERICAN PARTY, The (IN U. S. HISTORY). Opposition to aliens has at intervals been a feature in American politics from the foundation of the government. During the period 1790–1812 the question whether war should be declared against Great Britain or against France was almost always a critical one, the democrats (see DEMOCRATIC-REPUBLICAN PARTY) preferring, of the two, war against Great Britain, and the federalists (see FEDERAL PARTY) war against France, though both were professedly anxious for neutrality. During this period most of the immigrants were really banished men, driven from England, Scotland or Ireland for too free use of the printing press, for hostility to the British government, or for affection to that of France. Naturally these immigrants took the democratic view of the great debatable question, in all its ramifications; as naturally the federalists became an anti-alien party; and as naturally the aliens sought refuge in a permanent alliance with the democrats which has been kept up by their successors. —The first naturalization act (March 26, 1790,) made two years residence necessary, and this was prolonged by act of Jan. 29, 1795, to five years, as at present; but the federalists, in 1798, having taken advantage of the war fever against France and their own almost absolute power, raised the period to fourteen years (see ALIEN AND SEDITION LAWS). Jefferson's election and the democratic triumph in 1800 brought the period back to five years in 1802, and insured fresh reinforcements of aliens to the dominant party. The British minister, Foster, soon after his return, in 1812, from America, where he had honestly and vainly striven to avert war, stated in the house of commons that, among those who voted in congress for the declaration of war, were at least six late members of the society of united Irishmen. The increasing feeling of the federalists produced an anti-alien clause in the amendments proposed by the Hartford convention, (see CONVENTION, HARTFORD), but with returning peace the nativist feeling died away. When the congressional caucus, in 1824, nominated Crawford and Albert Gallatin, (a Swiss by birth), the latter withdrew because of the strong objection made to his nomination, which, indeed, was improper (see CONSTITUTION, AMENDMENT XII. ¶3).—The first revival of nativism was naturally in New York city, where a foreign population early began to form. In 1835–7 an attempt at a native organization was made, but it had ended in failure before the election for mayor in April, 1837. The close vote of the whigs and democrats, and their alternate successes, had given bitterness to their contests in the city, and when the democrats at the election for mayor in April, 1843, carried the city, (Morris, democrat, 25,398; Smith, whig, 19,517), they proceeded to parcel out the local offices, giving the lion's share to foreign born citizens. The result was seen at the election for state senator in November, 1843: Jones, democrat, 14,325; Franklin, whig, 14.291; Quackenboss, American republican, 8,549; the latter's vote being evidently mainly democratic. In April, 1844, the vote stood: Harper, native American, 24,510; Coddington, democrat, 20,538; Franklin, whig, 5,297; and the city passed under native control. By this time the native movement had spread to New Jersey and Philadelphia, and in the latter place several lives were lost and much property (including two Catholic churches) destroyed in riots between natives and Irish citizens. The whigs had generally voted with the democratic natives in order to secure their vote for Henry Clay, but when, in November, 1844, New York city and Philadelphia gave native majorities, and at the same time majorities for the democratic presidential electors, the whigs drew off. In April, 1845, the vote in New York city stood: Havemeyer, democrat, 24,307; Harper, native American, 17,485; Selden, whig, 7,032; and, in 1847, the new party had disappeared in New York city. As a result of the election of 1844, the 29th congress, in December, 1845, had 6 native representatives, 4 from New York (2nd, 3rd, 5th and 6th districts), and 2 from Pennsylvania (1st and 3rd districts). In the 30th congress there was but one, (Pennsylvania, 1st dist.). Thereafter for some years, with the exception of very small votes occasionally cast in New York, New Jersey and Pennsylvania, nativism disappeared.—About 1852, when the rapidly growing sectional contest as to the extension of slavery to the territories had begun to sap the old allegiance of members of both parties, and when the whigs might almost be described as maddened by the steady stream of reinforcement which their democratic opponents were receiving from immigration, nativism again appeared in the form, new to American politics, of a secret, oath-bound fraternity, whose name is said to have been *The Sons of '76*, or *The Order of the Star Spangled Banner*. Its real name and objects were not revealed even to its members until they had reached the higher degrees, and their constant answer when questioned on these subjects—"I don't know"—be-

came almost a shibboleth of the order and gave it the popular name by which it is still known—know-nothings. Its ostensible moving causes were the increasing power and designs of the Roman Catholic church in America, the sudden influx of immigrants after the failure of the European revolutionary movements in 1848–50, and the greed and incapacity of naturalized citizens for public office; its cardinal principle was that "Americans must rule America"; and its favorite countersign was a mythical order of Washington on a critical occasion, "Put none but Americans on guard to-night." Its nominations were made by secret conventions of delegates from the various lodges, and were voted for by all members under penalty of expulsion. At first these nominations were merely selections of the best men from the rival whig and democratic tickets. No public notice of such indorsement was ever given, but its effects were visible in the counting of the votes and threw political calculations into chaos. So long as this plan was followed, though the order's name did not appear in politics, it was really the arbiter of elections.—In 1854 the Kansas-Nebraska bill was passed, and resulted in the permanent division of the northern whigs. Those who were not sufficiently opposed to slavery to enter the new republican party, and who despaired of further national success under their old party name, saw no refuge from the democratic party and its reinforcements from increasing immigration except in the know-nothing order, which now, tacitly accepting the name of the American party, struck out a separate existence in politics. The race between the republican and American parties was at first fairly even. In the state elections of 1854 the latter party carried Massachusetts and Delaware, and in New York polled the respectable vote of 122,282. But it was still a middle state party and had no opening in the west, where the republican party was steadily conquering a place as the only opponent of the democratic party. In the state elections of 1855 the American party, though it gained little in the west, made a great stride in advance southward, spreading its organization among the former whigs in that section. So late as 1881 the proportion of foreign born population in the south, except in Florida, Louisiana and Texas, was under two per cent., or practically nothing. In 1855 this absence of foreign born population was universal in the south, and the nativist feeling among the whigs of that section made it easy to transfer them to the American party, which thus secured in both sections, the governors and legislatures of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, California and Kentucky, the controller and legislature of Maryland, and the land commissioner of Texas, and in Virginia, Georgia, Alabama, Mississippi, Louisiana and Texas, was beaten only by majorities ranging from 2,000 to 11,000. It seemed for the moment that three parties would exist in future, a republican party in the west, and an American party in the southern and middle states, struggling for supremacy in the northeast, while the democratic organization remained intact in all the sections. Even in the hour of the American party's first successes, however, Greeley, of New York, shrewdly observed that it seemed to have "about as many of the elements of persistence as an anti-cholera or anti-potato-rot party would have."—Encouraged by its brilliant initiation into state politics, the order began preparations for a campaign as a national party in 1856, hoping for support from all who were tired of agitation either for or against slavery. Instead of this it aimed to introduce opposition to aliens and Catholicism as a national question. Leading Catholics were brought to bay in public controversies, the persecutions in all countries by the Catholic church were recounted, special denunciations were leveled at Bedini, the "pope's nuncio," and Americans were warned that the inquisition would "kindle the fires of the holy *auto da fé* on the high places of our republic, and deluge our blooming plains with American blood." The hollowness of this effort to escape the inevitable conflict, ostrich-fashion, became evident in the party's first and only national convention, into which the dreaded slavery question at once forced its entrance. Feb. 19, 1856, a secret grand council of delegates met at Philadelphia and after a stormy session of three days adopted, Feb. 21, a platform in sixteen propositions, the principal being as follows: (3) "Americans must rule America and to this end native born citizens should be selected for all state, federal and municipal offices. (9) A change in the laws of naturalization, making a continued residence of twenty-one years necessary for future citizenship (12) The enforcement of 'all laws' until repealed or decided unconstitutional. (13) Opposition to Pierce's administration for its expulsion of 'Americans' from office, and its reopening sectional strife by repealing the Missouri compromise. (15) That state councils should abolish their degrees, and substitute a pledge of honor to applicants for admission."—The party, thus dropping a part of its secret machinery, hoped to gain votes in the north by denouncing the administration, and the Kansas-Nebraska bill, in the south by upholding the fugitive slave law, and in both sections by substituting nativism for slavery agitation. The open nominating convention met the following day, Feb. 22, with 227 delegates, Maine, Vermont, Georgia and South Carolina, being unrepresented. About 50 delegates were "north" Americans, of republican, or anti-Nebraska, sympathies, and these offered a resolution denying the power of the secret grand council to bind the convention by a platform. This was negatived, 141 to 59, and by 151 to 51, a ballot for candidates was ordered. Many of the "north" Americans then withdrew. After one informal ballot, Millard Fillmore was nominated, on the first formal ballot, as follows: M. Fillmore, 179; George Law, 24; Kenneth Rayner, 14; John McLean, 13; Garret Davis, 10; Sam.

Houston, 3. Necessary to a choice, 122.—By a vote of 181 to 24 for all others, Andrew Jackson Donelson, of Tennessee, was nominated for vice president, and the convention adjourned. Its nominations were adopted, "without adopting or referring to the peculiar doctrines of" the American party, by a whig national convention at Baltimore, Sept. 17.—The preliminary state elections of 1856 were by no means discouraging for the American party. In New Hampshire and Rhode Island its governors were renominated and elected in the spring, so that eight of the thirty-two states now had American governors. The presidential election in November, however, showed that in national matters the party had indeed none of the "elements of persistence." In New Hampshire, in March, 1856, the vote had been 32,119 American, 32,031 democratic, 2,360 whig; in November of the same year it was 38,345 republican, 32,789 democratic, 422 American. The first wave of the republican tide from the west had washed nativism almost out of New England. The American (popular) vote was 874,534 in a total of 4,053,967; and its total electoral vote was 8 out of 296, the vote of Maryland.—In the state elections of 1857 the American party carried Rhode Island and Maryland, and in the 35th congress, which met in December, 1857, it had from 15 to 20 representatives and 5 senators. When the 36th congress met in 1859 it had become almost entirely a border state or "south" American party, having 2 senators, one each from Kentucky and Maryland, and 23 representatives, as follows: Kentucky 5, Tennessee 7, Maryland 3, Virginia 1, North Carolina 4, Georgia 2, and Louisiana 1, (see BORDER STATES). In 1860 (see CONSTITUTIONAL UNION PARTY) it made another desperate effort to save the country by ignoring slavery agitation, and, having failed to carry the south, disappeared finally from politics.—The existence of a secret and oath bound party was always an anachronism in an age and country where free political discussion is allowed. But the short lived organization introduced many young men to politics, who would have found no opportunity in the other parties, and served to delay in some degree the inevitable conflict until the adverse elements had fully come to a head. (See WHIG PARTY; ANTI-MASONIC PARTY, II.; UNITED STATES.)—See *Sons of the Sires* (anon.); 2 Wilson's *Slave Power*, 419–434; *Principles and Objects of the American Party* (anon.); Wise's *Seven Decades*; O. A. Brownson's *Essays and Reviews* (art. *Native Americanism*); Godwin's *Political Essays;* 2 von Holst's *United States*, 523; 3 Seward's *Works*, 386–389; Bromwell's *Immigration*, 157; Knapp's *Immigration*, 228–30; *Tribune Almanac*, 1844–6, 1855–7; Clay's *Private Correspondence*, 497–520; Carroll's *Great American Battle;* Lee's *Origin and Progress of the American Party;* Whitney's *Defense of the American Policy;* Warner's *Liberties of America;* Denig's *Know-Nothing Manual;* and later authorities under WHIG PARTY. The acts of March 26, 1790, Jan. 29, 1795, and June 18, 1798, (see ALIEN AND SEDITION LAWS), are in 1 *Stat. at Large*, 103, 414, 566; the act of April 14, 1802, is in 2 *Stat. at Large*, 153. Slight amendments have been made to the last named act but without essentially changing it. By the act of March 3, 1813, (2 *Stat. at Large*, 811), five years' residence was required before admission; but this was repealed by act of June 26, 1848, (9 *Stat. at Large*, 240).

ALEXANDER JOHNSTON.

AMERICAN WHIGS (IN U. S. HISTORY), the first American political party. Of the two English parties during the years 1763–75, the tories upheld the principle of passive obedience to the crown, while the whigs aimed to "fight up against the king and against the people." Neither pretended to uphold "the people" as a political force. When George II., abandoning the direct assertion of royal prerogative, but still aiming to exert it indirectly through a purchased parliament as his instrument, attempted to ignore or subvert the legislative bodies in America, those Americans who had the political wisdom to see that they were contending against the king under the mask of parliament naturally preferred the name of American whigs. Its first appearance seems to have been in New York city in 1768. When the king declared his American subjects out of his allegiance, and they consequently declared their independence of him, the name whig became synonymous with that of patriot, while that of tory was given to the American supporters of the crown. After the peace the whigs, having banished the most prominent tories, and confiscated their estates, remained the only party in America until the question of a closer union divided Americans into federalists and anti-federalists. (See DECLARATION OF INDEPENDENCE, ANTI-FEDERAL PARTY.)—See 6 Bancroft's *United States*, 141. A. J.

AMES, Fisher, was born in Dedham, Mass., April 9, 1758, and died there July 4, 1808. He was graduated at Harvard in 1774, was admitted to the bar in 1781, and was a member of the house of representatives 1789–97. In politics he was a federalist, and his ability made him one of the leaders of his party. In eloquence he seems to have held the first rank in the first four congresses. As an instance, it is said that, at the conclusion of his speech in favor of the execution of Jay's treaty, in 1796, the opponents of the treaty secured an adjournment in order to neutralize if possible its influence on the wavering. Failing health removed him from politics, in 1797. (See JAY'S TREATY, FEDERAL PARTY.) His works have been collected in two volumes. —See Ames' *Works of Fisher Ames;* 1 Benton's *Debates of Congress*. A. J.

AMISTAD CASE, The (IN U. S. HISTORY). June 27, 1839, the schooner *L'Amistad* left Havana for Puerto Principe, with a cargo of slaves, fresh from Africa. The slaves, at the first oppor-

tunity, rose in revolt and killed the whites except two, whom they reserved to navigate the vessel to Africa. The two white men gradually altered the ship's course so that, in August, she was off Long Island, New York, where she was seized by a United States war vessel, and sent into New London. Mr. Calderon, the Spanish minister, in the absence of an extradition treaty, asked the surrender of the ship and cargo as an act of international comity, and president Van Buren, supported by the advice of the attorney general, was determined to grant the request on the ground that the slaves were "property rescued from pirates," which Spain and the United States, by the treaty of Oct. 27, 1795, had agreed to mutually restore. Counsel for the slaves contended that even by the Spanish law, they were free men, having been illegally carried into slavery from Africa. The case first came on in the district court, and the administration was so confident of the result that a vessel was ordered to New Haven to convey the blacks to Cuba. But the abolitionists, throughout the country, took an intense interest in the case, secured counsel, and gained a verdict in the district court. The district attorney then appealed to the circuit court, and thence to the supreme court, which gave final judgment, March 9, 1841, that the blacks, having been kidnaped from a foreign country, were not bound by treaties with Spain, but were free men. The case in the supreme court was distinguished by the argument of John Quincy Adams in favor of the blacks.—The case is in 15 *Peters*, 518, (14 *Curtis*, 156); 3 *Opinions of the Attorneys General*, 484; 10 Adams' *Memoirs of John Quincy Adams*, 398; 2 von Holst's *United States*, 321. The treaty of 1795 is in 8 *Stat. at Large*, 138; art. 9, p. 142, is the one specially referred to. See Barber's *History of the Amistad Captives*. A. J.

AMNESTY. Amnesty is the reproduction of a Greek word, *ἀμνηστία*, the literal meaning of which is forgetfulness. This is also the true meaning of the English word. To grant an amnesty is not to forgive or pardon; it is to forget. Amnesty preserves a character of generality, and of absolute remission which no other form of clemency implies. Thus the right of amnesty is the broadest privilege of victory and power. Amnesty has frequently to deal more with the treachery of fortune than with the faults of men. Thrasybulus, after having driven out the thirty tyrants of Athens, had a law passed by the people, called the law of forgetfulness, *ἀμνηστία*, which forbade the troubling of any citizen on account of past acts. This example sustains our definition and marks clearly the sense and bearing of the word. After a struggle or conflict and especially after civil convulsion, when victory has pronounced in favor of a person or a party, when the vanquished have laid down their arms and hatred has left the battle-field to take refuge in the breasts of men, clemency is sometimes called on to finish the work begun by proscription, and the scaffold; and that which was obtained neither from the rigor of persecution nor the terror of torture is obtained by an amnesty which appeases minds, cicatrizes wounds, and lulls vengeance to sleep.—Amnesty, emanating always from the will of man or of a political body, has no fixed rules. It varies according to the character or interest of the grantor, or the circumstances inspiring it. It is general or particular, absolute or conditional. It is general when it comprises a whole class of offenses, and makes no exception of persons. It is particular when it excludes a whole class of individuals judged unworthy of it. It is conditional when it subjects the people it has in view to the performance of certain conditions. It is absolute when it imposes no conditions. We will cite a few cases of the different kinds of amnesty which we have just named. One of the most celebrated amnesties is that mentioned in the treaty of Passau. Not only was it general and absolute, but it seems that after having amnestied the combatants it was desired to amnesty the war itself. It called the brilliant campaigns of Maurice de Saxe, simply "military exercises." The thirty years war brought to a close by the treaty of Münster was also followed by an amnesty called full and entire, but the execution of which met with many difficulties.—When Charles II. re-ascended the throne, he declared a general amnesty without restriction, but parliament interfered, and the majority, more royalist than the king, excepted the judges who had condemned Charles I. This regretable exception, as is known, was made a pretext for fearful reprisals. But there is a still bloodier page in the history of amnesty. Sincere in appearance, but serving in reality to cover the most abominable designs, the amnesty granted to the Huguenots, in 1570, was an odious snare and paved the way for the massacre of St. Bartholomew.—A few facts more: In 1413 a truce was made between the Armagnacs and the Bourgignons under the name of *letters of abolition*. It was an amnesty intended to efface the whole of a bloody past. A century later, at Bordeaux, an amnesty followed the repression of seditious movements which had taken place in the city. In 1556, 1560, and 1572, in consequence of various episodes in religious wars, amnesties were accorded, guaranteeing to the conquered heretics life and possession of their property.—In 1749 an insurrection broke out at Lyons. The question was about a regulation of the council of wardens. The acclamation of the working class was answered by musket shots. The whole population rose up, sustained and excited, even by the women. The armed force was driven from the city. The conquerors executed justice on the unlucky regiment, the original cause of the trouble. The case was a grave one; the precedent perilous. Yet clemency prevailed, and to proportion it to the importance of the occasion the form of a general amnesty was given it.—It is not by facts alone that the distinctive characteristics of an amnesty are revealed. They are indicated and

commented upon in the writings of the lawyers of the time. "The king," says Rousseaud de Lacombe, "accords sometimes *letters of abolition* to a city, a province, a community, for deeds or crimes committed against the interests, the order, or the will of the king, or against the royal authority; this pardon is called an amnesty," and he adds: "It is necessary to follow blindly whatever is ordained by the letters and decisions containing the amnesty or *abolition*."—Almost all the governments which have succeeded each other in France since the revolution of 1789 have had recourse to amnesty with a view to peace and concord; but the crises were so near each other, hatred so pertinacious, passions so hot, that the conqueror almost always sacrificed some victim to his safety or his rancor. There are exceptions to almost all amnesties. In 1814 the restoration recoiled even before this measure. It was replaced by article 11 of the constitutional charter, declaring that no man could be prosecuted for his political opinions. Napoleon was bolder on his return from the island of Elba. After declaring all who had assisted in overturning the imperial throne state criminals, he granted them a full and complete amnesty, from which were excepted only 13 of the most guilty. This example of partial and restrictive amnesty was imitated at the second restoration. Published only on Jan. 12, 1816, this new amnesty did not include a certain number of prominent persons, among whom it will suffice to mention Ney, Labédoyère and Lavalette. The men who had voted the death of Louis XVI. were proscribed, and the power was reserved of banishing from the kingdom in the space of two months, certain suspected persons, among the number Soult, Bassano, Vandamme, Carnot, Hulin, Merlin and others. This was mingling many an irritating souvenir with a measure the real meaning of which is forgetfulness (amnesty).—To whom belongs the right of granting amnesty; and how may different political constitutions, modify the exercise of that right? These questions we shall examine now.—It is of the essence of this right to belong to the sovereign. Simple as this rule is when the sovereignty is one and absolute, its interpretation may vary greatly if the sovereignty is limited or divided. Under the ancient monarchy of France, for instance, when the king desired to grant an amnesty, he sent the *letters of abolition* to be registered, and we do not think that any parliament would have allowed itself to remonstrate on this subject. Even the quotation from Rousseaud de Lacombe made above, shows how free this law was from restriction.—It has been the same wherever the same form of government has existed.—In republics this right has passed to the sovereign assembly which retains and defends it against the claims of the executive, which sees with good reason in this power the index and the means of preponderant powers. France has witnessed the spectacle of this struggle on two memorable occasions which we need to recall because the distinction between pardon and amnesty was clearly established on both occasions. According to article 16 of the senatus-consultum of the 15th thermidor, year X., the first consul had only the right to pardon. The power of granting amnesty had not been given him. Napoleon wished that this anomaly should disappear.—Article 57 of the law of April 22, 1815, an addition to the constitution of the empire, was thus worded: The emperor has the right of pardon even in correctional matters, *and of granting amnesties.* In 1848, at the time of discussing the articles of the constitution, the project drawn up by the commission was worded thus: Amnesty can be accorded only by a law. M. Aylies proposed an amendment, that the words, "On the propositions of the president of the republic" be added. This amendment was opposed in the name of the commission by M. Dupin. He maintained that the power left the president of anticipating the assembly in proposing an amnesty was enough of a prerogative. The constitutional assembly rejected the amendment. The wording of the commission was retained. Article I., of the senatus-consultum of Dec. 25, 1852, is thus worded: The emperor has the right to pardon and grant amnesties. The charter of 1814 was silent on the question of amnesty, and we have seen that article 11 had in view the effacement of the political past of all citizens. Under the régime established in 1871, the right of amnesty in France, is reserved to the national assembly. Certain political casuists have asked, not without some puerility, what are the signs by which the claims of a new power to the right of amnesty are to be recognized, and who is to be the judge if the terms of the act are not sufficiently clear? This double question will remain long unanswered if it is to be examined aside from accomplished facts. A. HÉBRARD.

AMNESTY (IN U. S. HISTORY). I. Dec. 8, 1863, president Lincoln issued his first proclamation of amnesty. It was based upon the president's constitutional power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. Congress had authorized such a proclamation by act of July 17, 1862. The proclamation offered a full pardon and restoration of property rights, except in slaves and in cases where rights had accrued to third parties, to all, with the exceptions hereafter given, who would take and keep the following oath: "I ——, do solemnly swear, in presence of almighty God, that I will henceforth faithfully support, protect and defend the constitution of the United States, and the union of the states thereunder; and that I will, in like manner, abide by and faithfully support all acts of congress passed during the present rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by congress, or by decision of the supreme court; and that I will, in like manner, abide by, and faithfully support all proclamations of the president, made during the existing rebellion,

having reference to slaves, so long and so far as not modified or declared void by decision of the supreme court. So help me God."—The following classes of persons were excepted: civil or diplomatic officers, army officers above the rank of colonel, and naval officers above the rank of lieutenant, in the confederate service, all who had left judicial stations or seats in congress, or had resigned commissions under the United States, to aid the rebellion, and all who had treated federal colored soldiers or their officers otherwise than lawfully as prisoners of war. March 26, 1864, a supplementary proclamation explained that the first proclamation was not intended to embrace prisoners of war.—II. May 29, 1865, president Johnson issued a proclamation offering amnesty, as in president Lincoln's first proclamation, to those who would take and keep the following oath: "I, —— ——, do solemnly swear, or affirm, in presence of almighty God, that I will henceforth faithfully support and defend the constitution of the United States and the union of the states thereunder, and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves. So help me God."—In addition to the classes named in the proclamation of Dec. 8, 1863, the following classes were excepted: all foreign agents of the confederate states, graduates of West Point or Annapolis in the rebel army, governors of states in rebellion, deserters, privateersmen, Canada raiders, prisoners of war, persons worth over $20,000, and persons who had already taken and broken the oath required. Persons in the excepted classes were to make special application for pardons. A bill to repeal the act of July 17, 1862, above mentioned, was passed by the house Dec. 3, 1866, and by the senate Jan. 7, 1867, and became a law through the president's failure to sign or veto it. He preferred to treat the original act and the repealer as nullities, trenching on the president's constitutional pardoning power.—III. Sept. 7, 1867, president Johnson issued another proclamation of amnesty. It recited the substance of former proclamations, including that of April 2, 1866, declaring the rebellion at an end, offered full amnesty to all who would take and keep the oath, above given, substituting "late" for "existing" in describing the rebellion, and excepted the following classes, "and no others": the president, vice-president, and heads of departments of the confederate government, its foreign agents, military officers above the grade of brigadier general, naval officers above the grade of captain, governors of states, all who had unlawfully treated prisoners of war, all legally held in confinement, and all parties to the assassination of president Lincoln.—IV. July 4, 1868, by proclamation, president Johnson offered full pardon and amnesty for treason, with restoration of property rights, except as to slaves and confiscated property, to all except those who might be under indictment or presentment in any federal court. No form of oath was prescribed.—V. Dec. 25, 1868, by proclamation, president Johnson, by virtue of the power and authority in him vested by the constitution, proclaimed and declared unconditionally and without reservation, a full pardon and amnesty for treason to all who directly or indirectly participated in the rebellion, without the formality of any oath (see RECONSTRUCTION).—VI. By the 3rd section of the 14th amendment, which was declared in force July 28, 1868, disability to hold office was imposed on those who in higher positions had engaged in rebellion, with permission to congress to remove such disability. After the disability of many persons had been removed by acts of congress applicable only to individual cases, the act of May 22, 1872, removed the political disability of all persons except those who had engaged in rebellion, having been members of the 36th or 37th congresses, officers in the judicial, military or naval service of the United States, or heads of departments or foreign ministers of the United States. An attempt in 1873 to make the removal universal failed — See Appleton's *Annual Cyclopædia* (1861–73), McPherson's *Political History of the Rebellion* and *History of the Reconstruction*. For the successive proclamations above referred to, see (I.) Dec. 8, 1863, and March 26, 1864, 13 *Stat. at Large* (38th cong.), appendix 1, vii, xi; (II.) May 29, 1865, McPherson's *History of the Reconstruction*, 9; (III.-V.) Sept. 7, 1867; July 4, and Dec. 25, 1868, 15 *Stat. at Large*, 699, 702, 711. The act of July 17, 1862, is in 12 *Stat. at Large*, 589 (§13); the act of May 22, 1872, is in 17 *Stat. at Large*, 142. ALEXANDER JOHNSTON.

ANAM, Empire of. (See COCHIN CHINA.)

ANARCHY. According to the etymology of the word, anarchy would mean absence of all government, of all political authority; but in evil as well as in good, the mind may conceive an extreme limit which can scarcely be ever attained in reality. Therefore history does not present, perhaps, a single complete example of anarchy, in which each individual was found in full and entire independence of all external authority.—Since sociableness is one of the essential characteristics of man, we find in every movement tending to disintegrate society, elements of one or more new associations; and from the moment that through one cause or another a government is overthrown, if it is not replaced by a new one, the citizens group themselves in fractions more or less numerous around an authority which springs up because of the situation. Instability of public power is the peculiar mark of anarchy, whether governments embracing the whole of the country but representing different ideas rapidly succeed one another, or whether the nation is divided into several fragments hostile to one another. This state of things may appear all at once and sometimes when it is least expected, but the causes of the evil are almost always of remote origin, and should be carefully distinguished from the accidents which de-

termine the outbreak.—The existence of a political society implies a common object, and as soon as the members of such a society have ceased to agree on the object or the means of attaining it, we may say that the germ or commencement of anarchy is present. Anarchy, then, exists long in the minds of men before it reveals itself in facts, and it may be referred to two principal causes: disagreement in beliefs or opinions and antagonism of interests.—These two causes operate almost simultaneously; but even when it is the principal motive of the fomenters of anarchy, interest, if not altogether concealed, is generally relegated to an inferior place, for men when acting collectively make it a point to rise, at least in appearance, above the level of vulgar interests, for which they are willing to sacrifice so much individually, and to connect the cause for which they are struggling with some great principle in politics, morality, or religion.—In republics, the ambition of citizens who wish to get possession of supreme power, and in monarchies the ambition of princes who can come to the throne only through change in the regular order of succession, have more than once been the apparent cause of anarchy; but if a close examination is made, it will be seen that these ambitious persons merely profited by the disagreements of people, or by an antagonism of interests, and that there was in the condition of the country a greater cause of anarchy, the effects of which were merely rendered more speedy and intense by the personal action of these ambitious men. It is the same, to a certain extent, with the weaknesses inherent in every political constitution; they do not become stumbling blocks until men cease to understand each other.—Nevertheless there are some of these weaknesses which may be considered as a sure cause of anarchy, for the reason that, at a given moment, they are certain to lead to serious differences among the citizens of a state. Very large states contain in themselves the germs of anarchy, on account of the almost absolute impossibility of keeping so many diverse interests in harmony for any great length of time, and of establishing between the inhabitants of countries long strangers to one another the community of ideas necessary to preserve a sufficient force of cohesion between all the different parts of such an empire.—In case anarchy arises from the abnormal territorial extension of a state, it is often the prelude to a social dissolution, but there are other cases in which it comes solely from a too rapid transformation of the conditions of existence of a political society. Then instead of coming peacefully, progress is made amid profound convulsions caused by the struggle between old and new ideas.—No matter what the conditions of its appearance, anarchy is always a great evil. Not only does it decrease the security of person and property, if it does not annihilate them altogether, it also destroys confidence, dries up the sources of labor; and the misery it produces renders men the victims of evil passions and more accessible to the influences of faction; but the many sufferings it causes individuals and the trouble which it introduces into the economy of society, are generally of less significance than the disturbances which it produces in the moral order. Men are thus subjected to trials from which they rarely come forth with any advantage to themselves. In times of anarchy we witness some rare examples of political virtue, of civil courage and moral force, but at the same time a multitude of facts calculated to injure the public conscience. In the fever which seizes on all minds, notions of good and evil, of the just and the unjust, become obscured. Everything is judged and decided with the blindness and rage of passion. Lassitude and disgust are certain to follow this state of violence, and the necessity of calm, order and repose becomes so imperative that it almost always leads to revolutions fatal to public liberty. Happy the people whose liberties do not totally perish in these fatal crises, and who look for safety to a power intelligent enough to know how properly to limit the dictatorial authority with which general confidence has invested it.—The means of preventing or putting an end to anarchy necessarily vary according to an infinity of circumstances, and it is the great art of the statesman to discern those best adapted to the time and to the character of the nation; but in many cases it is with anarchy as with acute diseases, where nature and time do more to cure the patient than the skill of the physician.—May not anarchy which is a very great evil, become a very great good? Such is the question raised by a celebrated writer, M. Proudhon, and he did not hesitate to answer it in the affirmative. If we understand him aright, the *an-archy* of M. Proudhon is nothing but self-government carried to its extremest limits, and the last step in the progress of human reason. According to him, men will at last acknowledge that, instead of disputing and fighting over questions of which, in the majority of cases, they know nothing, and instead of seeking to enslave each other, they would do better to accept the law of labor frankly and join hands to triumph over the numerous obstacles which nature opposes to their well-being. In this new order of things, nations would be nothing more than groups of producers bound together by close ties of common interest. Politics, as hitherto understood, would have no further *raison d'être*, and *an-archy*, that is to say, the disappearance of all political authority, would be the result of this transformation of human society in which all questions to be solved would have a purely economic character. Long ago J. B. Say advanced the opinion that the functions of the state should be reduced to the performance of police duties. If so reduced there would be but one step needed to reach the *an-archy* of M. Proudhon—suppression of the police power.

L. FOUBERT.

ANCIEN RÉGIME. The *ancien régime*, the old régime, might be defined feudalism in its decrepitude. So long as feudalism was a living

reality, so long as it constituted a form of government, the people who were oppressed by it more or less, endured it as a necessary evil. They thought, perhaps, that the social order in which they were living, was the condition natural to man. But when gun-powder, the printing press, the discovery of America, and a thousand other inventions and discoveries, had raised the intellectual level of a great number of men and formed a class of citizens well-to-do and enlightened; when the concentration of political power in the hands of a sovereign had lowered his vassals to the rank of subjects, undistinguished from the masses except by a vain title, sometimes humiliating and sometimes detrimental to others, sentence of condemnation was passed on feudalism. The object of the revolution of 1789, was to wipe it out entirely.—It was because the ancient political and social condition of things was destroyed at a single blow, and because the change was brusque, that the term *ancien régime* came into use. If, in France, as elsewhere, the abuses had disappeared one by one, in an almost imperceptible manner, the contrast between the past and the present would have been less striking, and there would scarcely have been occasion to say anything about it. The middle ages had been replaced in other countries than France by the modern era, but in them the transition was made without conflict. The result was that hatred between the representatives of the *ancien régime* and the modern order of things is less profound in those countries or, at least, has not had time to manifest itself in violence.—The idea entertained at present, by the masses of the *ancien régime* is vague enough. It appears to them as a mist filled with nobles and privileged priests, tithes, duties and services, and with a number of other disagreeable things. The *ancien régime* is at present a scarecrow made use of in France, by parties, to influence ignorant minds. Enlightened men know that it is forever dead, and that it was but a corpse when the revolution buried it for all time. Humanity never retraces its steps.

MAURICE BLOCK.

ANDORRA, Republic of. A small independent state situated on the southern slope of the Pyrenees between the French department of Ariége and the Spanish province of Lerida, having an area of 450 to 460 square kilometres, with a population of about 12,000. The republic of Andorra (Val d'Andorre) is under the protection of France which divides the suzerainty with the bishop of Urgel, in Spain, who exercises episcopal jurisdiction, assigns priests to the parishes, names one of the provosts and receives 450 francs yearly. France appoints the other provost and (alternately with the bishop of Urgel) the civil judge. A tribute of 960 francs is paid to France, but in return the republic enjoys certain customs-privileges.—The government of the republic is carried on by the sovereign council, the 24 members of which are elected for life by the citizens. The council is presided over by a syndic, elected also for life by its members. The syndic is charged with executive power; the provosts and the civil judge with the administration of justice. The provost named by France must belong to the department of Ariége. The term of office is not fixed. The term of office of the provost appointed by the bishop of Urgel lasts only three years. He must be a citizen of Andorra.—The revenues of the republic are derived from rents from the communal pasturages, from personal and land taxes. As all officers are unsalaried these revenues are intended to discharge the tributes to France and the bishop of Urgel.—All citizens are obliged to bear arms and to come together at the summons of the provost to maintain order and public tranquillity.—See Dalmaude, Baquer, *Historia de la republica de la Barcelona*, 1849.

MAURICE BLOCK.

ANHALT. The duchies, formerly principalities of Anhalt, were 4 in number during several centuries. In 1793 the extinction of the line of Zerbst took place, in 1847 that of Kœthen, and in 1863 that of Bernburg; so that now the line of Dessau has reunited all the country of Anhalt. The duchy of Anhalt forms a part of the German empire. (See GERMAN EMPIRE). It has an area of 869 English square miles with a population of above 213,565 according to the census of Dec. 1, 1875, mostly protestants. The duchies of Anhalt had even in the time of the Holy Roman empire a common diet, and their princes had formed a family compact stipulating for reciprocal rights of succession, and according precedence to the eldest among them. In 1848, these bonds became relaxed, each duchy constituted itself apart from the others, and provided itself with legislative chambers, on a democratic basis. But since 1850 certain democratic provisions were repealed and, on Nov. 4, 1851, an order of the duke of Anhalt Dessau, annulled the constitutional act of 1848. The old state of things changed somewhat by the orders of July 18, and Aug. 31, 1859, has been reëstablished, and these orders combined with the family pact of 1635, make up the constitution of the duchy.—The duke who enjoys the title of highness (*hoheit*) possesses all political power, but he enacts laws only with the concurrence of the estates whom he consults also in other important affairs.—The assembled diet is composed of 36 members. Of these 12 represent the nobility and great land-holders, 12 the towns and 12 the rural population. The representatives of the nobility are elected for life by their peers. The 12 deputies from the towns are the mayors of the 4 chief towns, and 8 common councilmen, elected for 6 years from among all the municipal bodies. The country members are chosen also for 6 years by the village mayors (*schulze*), either from their own body or among the rural proprietors.—To be eligible a person must be at least 30 years old, profess the Christian religion, have civil and political rights, and have lived in the country at

least 3 years. The diet assembles at least once in 3 years. Its sessions are not public. During the intervals between the sessions, business is done by a permanent committee of 9 persons elected by the diet. This committee is assisted by 2 jurists. —Municipal administration (law of March 1, 1852,) accords to the communes the right of self-government under the supervision of the state. The communes are represented by a municipal body, composed in the towns of a burgomaster, and in the villages of a mayor (*schulze*), assisted by a common council and, in important affairs, by an assembly of communal delegates. The burgomaster and the common councilmen of towns are elected for 12 years. The delegates of communes, the mayors and the common councilmen of villages for 6 years. The local police is generally under the burgomaster or the *schulze*, but in the neighborhood of the great estate of a nobleman, or a public domain, the proprietor of that estate or the farmer of the domain, may be charged with it.—The internal finances of the duchies of Anhalt, both in income and outgo are about 2,213,000 thalers.—The debt of the duchy in 1879 amounted to 7,445,417 marks.—The army of Anhalt is assimilated to that of Prussia. The contingent is one man out of a hundred, not including the landwehr.—Agriculture, the raising of cattle, the forests and mines (iron, silver, lead, coal) are the chief sources of wealth.—A number of hands are employed in woolen and linen industries. Commerce is relatively important, the transportation of merchandise is facilitated by the navigation of the Elbe and the Saale and by about 85 kilometres of railroad. The bank of Dessau has a capital of 4,000,000 thalers. The central bank of Germany 50,000,000, the institution of credit for industry and commerce, at Dessau, a capital of 8,000,000. These establishments are a proof of great commercial activity.

M. Block.

ANNEXATION (in General). If this word has any political meaning, it can only be applied to acquisition of territory without armed conflict. Annexation differs, therefore, from conquest, but it is not always agreed to expressly, by the country annexed. In 1845 Texas requested to be annexed to the United States. In 1859 and the following years, certain Italian provinces consented to their annexation to the kingdom of Piedmont. In Germany, after the war of 1866, states were annexed to Prussia without any consultation with their inhabitants, and notwithstanding the minatory tendencies of Germany. The autonomy of these states was extinguished against the will of a part of their inhabitants. The war of 1870-71 seems to have had the effect of hastening assimilation.—The fate of annexed countries is merged in that of the state of which they form a part. Sometimes they are allowed to retain their legislation and previous structure, (Prussia); at other times, means are taken to hasten their fusion with the state to which they are annexed, into a homogeneous whole, (Italy). Annexations do not seem to raise now, as they once did, questions of a grave international character. We might almost believe that nations had now become less jealous of each other. But in such matters there is no general rule. Each case admits of circumstances and therefore of consequences, and a solution peculiar to itself.

M. Block.

ANNEXATIONS (in U. S. History). By the treaty of 1783 "His Britannic Majesty acknowledges the said United States, viz, New Hampshire, Massachusetts-Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free, sovereign, and independent states; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claim to the government, propriety, and territorial rights of the same, and every part thereof." The nominal boundaries of many of the states, as constituted by their charters, extended to the Pacific ocean; but in practice they ceased at the Mississippi. Beyond that river the sovereignty, by discovery, settlement and active exercise, was vested in the king of Spain. Before the end of the eighteenth century all the territory west of the present boundary of the states above named had been ceded by them to the United States, (see Territories), and the Union consisted of the thirteen original states, with Vermont, Kentucky, and Tennessee, afterward admitted, and the territory (see Ordinance of 1787) comprised within the limits of the Atlantic ocean, British America, the Mississippi river, Louisiana, the gulf of Mexico, and Florida. For these states and this territory the Union had been made. The objections to the extension of the Union, without the unanimous consent of the "original partners," are elsewhere given (see Secession, I.; United States); only the successive processes by which the extension was accomplished will be considered at present. —I. Louisiana. One of the earliest physical problems with which American statesmen were called to deal was found in the position and necessities of the emigrants who had crossed the Alleghanies and were beginning to fill the valley of Mississippi. If they were to be permanently retained in the Union it was essential that some easier communication should be formed between them and the older states, and that they should not be annoyed by Spanish restrictions upon the free navigation of the Mississippi and its affluents. All through the closing hours of the revolution, Washington's attention was drawn to this question, and, in 1784, a tour to Pittsburgh and a personal examination of the Alleghanies convinced him that, by deepening the Potomac and the James on one side, and the head waters of the Ohio on the other, canal communication between the east and the west was possible. This scheme, which would have offered engineering difficulties then almost insurmountable, had gone so far as incor-

poration by Virginia and Maryland, when Washington reluctantly allowed himself to be withdrawn from it by the voice of the whole country to the presidency of the convention of 1787, and afterward of the United States.—It had long been the fixed policy of Spain to exclude all foreign commerce from the Mississippi. She had refused, in 1780–2, to make a treaty with the United States, the main reason for her refusal being Minister Jay's demand for the free navigation of the Mississippi. She had then even designed, as appears from one of Dr. Franklin's letters to congress, to confine the United States to the territory east of the Alleghanies, on the ground of a proclamation by the king of Great Britain in 1763, forbidding his North American governors to grant lands westward of the sources of the rivers falling into the Atlantic ocean. In July, 1785, when Don Diego Guardoqui, a *chargé d'affaires*, arrived at Philadelphia, the claims of Spain had been finally modified to the Floridas, all the west bank of the Mississippi, the east bank to a point considerably north of the present southerly boundary of the state of Mississippi, and an exclusive navigation thence to the mouth of the river. The commercial states of the north were anxious for a treaty of commerce with Spain even at the price of the abandonment of the interests of the western settlers, and Guardoqui refused a treaty on any other terms. Aug. 29, 1786, by a vote of seven northern to five southern states, the congress of the confederacy withdrew its demand for free navigation of the Mississippi, and before Oct. 6, their secretary of foreign affairs, Jay, had agreed upon an article by which the claim was suspended for twenty-five years, though not formally relinquished. But, while congress had been deliberating, a nation had been forming in the Mississippi valley; and the remonstrances, public and private, of its inhabitants were so emphatic, and in some instances so violent, that in September, 1788, congress in desperation relegated the whole subject to the new federal government, which was to assemble in March, 1789. Negotiations with Spain were dropped until February, 1793, when Messrs. Carmichael and Short again attempted, but in vain, to make a treaty. The year 1795 was more auspicious. Spain was exhausted by war with the French republic; her virtual ruler, Manuel Godoy, prince of the peace, was aware that hostile expeditions against New Orleans, under Genet's directions, had, in 1793, with difficulty been suppressed by the federal government, (see GENET, CITIZEN), and, Oct. 27, 1795, Thomas Pinkney, envoy extraordinary, succeeded in negotiating a treaty of friendship, boundaries, and navigation. Its important features, in this connection, are in the fourth and twenty-second articles:—Art. 4. * * * * * * "And his Catholic majesty has likewise agreed that the navigation of the said river (Mississippi), in its whole breadth, from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention.—Art. 22. And, in consequence of the stipulations contained in the fourth article, his Catholic majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandises and effects in the port of New Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores; and his majesty promises, either to continue this permission, if he finds during that time that it is not prejudicial to the interests of Spain or, if he should not agree to continue it there, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment."—With this article, when it was some three years later, honorably executed, the people of the west were fairly satisfied.—By the third article of the secret treaty of St. Ildefonso, Oct. 1, 1800, in return for the erection of the kingdom of Etruria for the prince of Parma, the king of Spain's son-in-law, Spain "retroceded" to France the vast province of Louisiana, stretching from the source to the mouth of the Mississippi, and thence west to the Pacific (but see OREGON). It had belonged to France until the peace of 1763, when it was ceded to Spain in compensation for her losses during the war. By its retrocession the United States were now to be hemmed in between the two professional belligerents of Europe; and a great fleet and army, which sailed toward the end of the year 1801, ostensibly against St. Domingo, but ultimately intended to take possession of New Orleans, showed Bonaparte's design to revive there the colonial glories of the former French monarchy. April 18, 1802, president Jefferson wrote to Robert R. Livingston, minister to France, as follows: "The cession of Louisiana and the Floridas by Spain to France works most sorely on the United States. It completely reverses all the political relations of the United States, and will form a new epoch in our political course. There is on the globe one single spot the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three-eighths of our territory must pass to market. France, placing herself in that door, assumes to us the attitude of defiance, * * * * (and) seals the union of two nations who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation, and make the first cannon which shall be fired in Europe the signal for tearing up any settlement she (France) may have made."—The ferment in the west, caused by the retrocession of Louisiana, was increased by the orders of the Spanish *intendant*, Morales, issued Oct. 2, 1802, abrogating the right of deposit, without substituting any other place for New Orleans, as the treaty of 1795 above given, required. In congress James Ross, senator from Pennsylvania, introduced resolutions authorizing the president to call out 50,000 militia and take possession of New Orleans. Instead of this, congress appropriated $2,000,000 for the pur-

chase of New Orleans, and the president, Jan. 10, 1803, sent James Monroe as minister extraordinary, with discretionary powers, to co-operate with Livingston in the proposed purchase.—Monroe found his work done to his hand. A new war between England and France was on the point of breaking out, and in such an event England's omnipotent navy would make Louisiana a worse than useless possession to France. April 11, 1803, Livingston, who had already begun a hesitating negotiation for the purchase of New Orleans alone, was suddenly invited by Napoleon to make an offer for the whole of Louisiana. On the following day Monroe arrived in Paris, and the two ministers decided to offer $10,000,000. The price was finally fixed at $15,000,000, one-fourth of it to consist in the assumption by the United States of $3,750,000 worth of claims of American citizens against France. The treaty was in three *conventions*, all signed the same day, April 30, 1803, by Livingston and Monroe on one part, and Barbé-Marbois for France on the other. The first convention was to secure the cession, the second to ascertain the price, and the third to stipulate for the assumption by the United States of the claims above named. Its important articles in this connection are the first and third of the first convention, as follows: ART. 1. "*Whereas*, by article the third of the treaty concluded at St. Ildefonso, the 9th Vendémiaire, an. 9 (Oct. 1, 1800), between the first consul of the French republic and his Catholic majesty it was agreed as follows: His Catholic majesty promises and engages on his part, to retrocede to the French republic, six months after the full and entire execution of the conditions and stipulations herein relative to his royal highness the duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it; and such as it should be after the treaties subsequently entered into between Spain and other states; and *whereas*, in pursuance of the treaty, and particularly of the third article, the French republic has an incontestable title to the domain and to the possession of the said territory: The first consul of the French republic, desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French republic in virtue of the above mentioned treaty, concluded with his Catholic majesty. ART. 3. The inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."—The annexation of Louisiana was the source of unbounded exultation to the president and his party. Its constitutionality was at once angrily attacked by the federalists, and never defended by Jefferson. He says, in a private letter: "The constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our union. The executive, in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the constitution. The legislature, in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing for them, unauthorized, what we know they would have done for themselves had they been in a situation to do it. It is the case of a guardian, investing the money of his ward in purchasing an important adjacent territory, and saying to him when of age, 'I did this for your good; I pretend to no right to bind you; you may disavow me and I must get out of the scrape as I can; I thought it my duty to risk myself for you.'" (For the amendment, which was to cover the case, see CONSTITUTION, IV.)—"The news of the transfer of Louisiana was like a thunder-stroke for the cabinet of Madrid, who then perceived the enormous fault it had committed in sacrificing the safety of Mexico. Florida, inclosed on both sides by the United States, was separated in the middle from the Spanish dominions, and would fall on the first occasion into the hands of its neighbors." It is supposed that, in addition to the non-fulfillment by Napoleon of essential points of the treaty of St. Ildefonso, that treaty had annexed a secret condition that France should not alienate Louisiana, and that Bonaparte had, as he frequently did in other cases, contemptuously disregarded it. It is certain that Spain refused with indignation to believe the first news of its alienation, filed a formal protest against it, and only consented to it at last after a course of unfriendly conduct, which, according to a report of a house committee in January, 1806, fully justified a declaration of war against her.—Ratifications were to be exchanged within six months from the date of the treaty, that is, before Oct. 30, 1803. The president therefore called an early session of congress for Oct. 17, and in two days the treaty was confirmed by the senate. In the house, Oct. 25, the resolution to carry the treaty into effect was passed, by a vote of 90 to 25, over the opposition of the federalists, who maintained the unconstitutionality of the annexation on the grounds assigned by Jefferson himself above. (See SECESSION, LOUISIANA.) The province of Louisiana added 1,171,931 square miles to the area of the United States, comprising Alabama and Mississippi south of parallel 31°; all Louisiana, Arkansas, Missouri, Iowa, Nebraska and Oregon; the entire territories of Dakota, Washington, Idaho and Montana; the state of Minnesota west of the Mississippi, and Kansas except the southwest part south of the Arkansas; Colorado and

the territory of Wyoming east of the Rocky mountains, and Indian territory.—II. FLORIDA. Until 1763 the eastern boundary of Louisiana was the river Perdido. When Great Britain in that year became the owner of that part of Louisiana east of the Mississippi she at once united it to Florida, and created two territories, east and west Florida, separated by the Appalachicola. By the fifth article of the treaty of 1783, "his Britannic majesty ceded and guaranteed to his Catholic majesty eastern and western Florida." Spain therefore claimed, and not without considerable appearance of reason, that she could not retrocede to France what France had not ceded to her in 1763; that Louisiana east of the Mississippi had disappeared from the map in 1763 and become a part of Florida, and that, when she retroceded "Louisiana" to France in 1800, she had no intention of ceding with it the separate territory of west Florida, acquired by her after 1763, from Great Britain. She had therefore retained Mobile, the key to the rivers of Alabama, and in its custom house levied heavy duties on goods to or from the upper country. The United States, however, claimed that, as Spain's retrocession and France's cession were, of "Louisiana, with the same extent that it had when France possessed it" (see treaty above) Louisiana's eastern boundary was now again the Perdido. To avoid war with Spain the claim was not forcibly asserted until 1810, when, the king of Spain being dethroned, and the cortes having been driven to the isle of Leon and dissolved, the hereditary government had to all appearances disappeared, and a large part of the people of west Florida, having met in convention at Baton Rouge, declared themselves independent and assumed the lone star as a symbol for their flag. Against the protests of the Spanish governor and of the British *chargé d'affaires*, governor Claiborne, of the territory of Orleans, was sent by the president to take possession of west Florida, and accomplished it, with the exception of the city of Mobile, late in 1810. In 1812 the Pearl river was made the eastern boundary of the state of Louisiana, and the rest of west Florida was annexed to Mississippi territory. In 1813 possession of the fort and city of Mobile, and of the whole of west Florida, was at last secured by general Wilkinson.—Through all this period the determination of the southern states to gain east Florida also had been rapidly growing. Acts of congress of Jan. 15, and March 3, 1811, passed in secret, and first published in 1818, had authorized the president to take "temporary possession" of east Florida. The commissioners appointed under these acts, Matthews, and his successor, Mitchell, both of Georgia, had stirred up an insurrection in the coveted territory, and, when the president refused to sustain the commissioners, the state of Georgia declared Florida necessary to its peace and welfare, and practically declared war on its own private account. Its expedition, however, resulted in nothing. In 1814 general Andrew Jackson, then in command at Mobile, having, by a raid into Pensacola, driven out a British force which had settled there, restored the place to the Spanish authorities and retired. In 1818, during the Seminole war, being annoyed by Spanish assistance afforded to the Indians, Jackson again raided east Florida, captured St. Marks and Pensacola, hung Arbuthnot and Ambrister, two British subjects who had given aid and comfort to the Seminoles, as "outlaws and pirates," and again demonstrated the fact that Florida was completely at the mercy of the United States. The Spanish minister at Washington therefore signed a treaty, Feb. 22, 1819, by which Spain ceded Florida, 59,268 square miles, to the United States, in return for the payment by the latter country of claims of American citizens against Spain, amounting to $5,000,000. The ratification of Spain was only obtained in 1821, after an unsuccessful effort on her part to secure, as the price of it, the refusal of the United States to recognize the independence of the revolted Spanish-American colonies. By this treaty the western boundary of Louisiana was fixed as follows: "Beginning at the mouth of the Sabine in the gulf of Mexico; up the west bank of the Sabine to the 32nd degree of north latitude; thence north to the Red river; along the south bank of the Red river to the 100th degree of longitude east from Greenwich; thence north to the Arkansas; thence along the south bank of the Arkansas to its source; thence south or north, as the case might be, to the 42nd degree of north latitude, and along that parallel to the Pacific." As the price of Florida, therefore, the United States gave up the claim to Texas and the Rio Grande as its western boundary.—III. TEXAS. The inevitable result of the two previous annexations was the annexation of Texas. It had been persistently claimed before 1763 by Spain; and France, though claiming it as part of Louisiana, had made only a few futile attempts to colonize it. It had been one of the ultimate objects of the Burr conspiracy. During Wilkinson's hasty preparations to defend New Orleans against Burr in October, 1806, he had agreed with the Spanish commander upon the Sabine as a provisional boundary between the Spanish and American territory, and upon the consequent suspension of the American claim to Texas as part of Louisiana; and the treaty of 1819 above mentioned made this boundary permanent. Considerable opposition, of which resolutions offered by Henry Clay were an expression, was manifested against the "alienation" by treaty of soil to which the United States had a claim, but the annexation of Florida covered all dissatisfaction in the south, and when Mexico's revolt was successful, by the treaty of Cordova, Feb. 24, 1821, "Texas and Coahuila" became one of the states of the Mexican republic.—The Missouri struggle, (see COMPROMISES, IV.), had shown that the union of the two sections in the United States was as yet only factitious; that the operation of economic laws would inevitably drive immigra-

tion away from slave soil and toward the free territory of the northwest; and that, consequently, in the sectional race for the manufacture of new states and the control of the senate, the south was doomed to defeat if the Sabine remained as the boundary. Therefore, so early as 1821, the adventurous and lawless population of the southwest, under the direction or with the silent sympathy of far-seeing southern leaders, began systematic efforts to pierce the barrier of Mexican exclusiveness and effect an entrance into Texas. Under the guise of persecuted American Roman Catholics, enterprising men obtained land grants from Mexico and filled them with settlers who had at least as much reverence for Catholicism as for any other form of religion. Offers were made in 1827 and 1829 by Clay and Van Buren, successively secretaries of state, of $1,000,000 and $5,000,000 for Texas, but without effect. In 1833 Texas had grown so far in population that it disdained to be longer a part of Coahuila, and by convention, April 1, formed a Mexican state constitution of its own. In 1835 the Mexican congress abolished all the state constitutions, and created a dictator; and, March 2, 1836, Texas put into practice the doctrine of secession by declaring its independence of Mexico. After a brief war, marked by the inhuman Mexican massacres of Goliad and the Alamo, Houston, the Texan commander, with 700 men, met Santa Anna, the Mexican president, with 5,000 men, at the San Jacinto, April 10, and totally defeated him. Santa Anna, a captive and in mortal fear, was glad to obtain his freedom by signing a treaty which acknowledged the independence of the republic of Texas, but which Mexico naturally refused to ratify. In March, 1837, the United States, and, soon after, England, France and Belgium, recognized the new republic, which may thereafter be fairly considered independent, though never acknowledged as such by Mexico.—The finances of Texas early fell into extreme disorder. Her government had borrowed and expended so recklessly that borrowing would no longer avail, and its operations had almost come to a stand-still for sheer want of money. Under these circumstances annexation was as desirable to Texas as to the south, and in August, 1837, by her minister at Washington, Texas made application to the executive for membership in the United States. A proposition to that effect was introduced in the senate, by Preston, of South Carolina, and tabled by a vote of 24 to 14. The matter then rested for some years, and Texas, undisturbed by Mexico's continued refusal to recognize her, proceeded in the prodigal sale and distribution throughout the south and southwest of a vast mass of land warrants, whose owners were at once converted into advocacy of Texas and annexation. Jan. 10, 1843, Gilmer, member of congress from Virginia, in a letter to a Baltimore newspaper, eloquently appealed to the people to annex Texas in order to forestall Great Britain in so doing; and his appeal was seconded by the legislatures of various southern states. From this time Texas annexation became a game, skillfully played in partnership by the southern politicians, who wished to increase the number of southern states, and the Texas land and scrip speculators, who wished to make their worthless ventures profitable. A letter was obtained from ex-president Jackson, March 12, 1843, warmly counseling immediate annexation. The democratic national convention was put off from December, 1843, until May, 1844, and in the interval Van Buren, the chosen candidate of the northern democracy, was formally questioned by letter as to his position on annexation. April 20, 1844, Van Buren declared against it, as also did Clay, the leading whig candidate, April 17. May 17, the democratic convention met at Baltimore, and as a preliminary adopted the rule of the conventions of 1832 and 1835, which has since been the rule in all democratic conventions, that a nomination should only be by a two-thirds vote. This made Van Buren's nomination impossible, and insured to the southern minority the ultimate choice of an annexation candidate. On the 8th ballot Van Buren was withdrawn, having fallen from 146 to 104 out of 266 votes, and on the next ballot Polk was nominated. Not only was the candidate strongly in favor of immediate annexation; the platform also warmly demanded the *re*-occupation of Oregon, and the *re*-annexation of Texas.—In the meantime, an annexation treaty had actually been concluded with Texas, April 12, 1844, by Calhoun, whom Tyler, in the course of his drift back toward the democratic party, had called into his cabinet (see ADMINISTRATIONS), as secretary of state, and who had declared his only object in the cabinet to be the annexation of Texas; but it was rejected by the senate by a vote of 16 ayes to 35 nays. This treaty fixed the western boundary of Texas, as Texas herself had done in 1836, at the Rio Grande, thus taking in the country between the Nueces and the Rio Grande, which had been settled by Spaniards since 1694 as the province of Coahuila, and had been peaceably in Spanish and Mexican possession ever since, though Texas had attempted some formal exercises of jurisdiction over it. In this disputed territory lay the germs of the Mexican war.—In the presidential election of 1844 votes were gained for Polk in the north by the demand for the re-occupation of Oregon, and by the cry of "Polk, Dallas and the tariff of 1842," (see TARIFF); but in the south the whole question turned on Texas, and "Texas or disunion" became a common toast. Polk's election was accomplished in part by the vote which the liberty party, (see ABOLITION, II.), threw away on Birney, which would have given New York and Michigan to Clay, and in part by indubitable fraudulent voting in Plaquemines parish, in Louisiana, which gave the vote of that state to Polk. Nevertheless, his success was taken as a popular indorsement of Texas annexation, and in the next session of congress the doubtful members hurried to join the popular side. Jan. 25, 1845,

a joint resolution was passed by the house, by a vote of 120 to 97, that "Congress doth consent that the territory properly included within, and rightfully belonging to, the republic of Texas, may be erected into a new state, to be called "the state of Texas," the consent being given on three conditions, 1st, that evidence of the formation of the new state should be sent to congress for final action on or before Jan. 1, 1846; 2nd, that the public property of the republic should be transferred to the United States; and 3rd, and most important, (see DRED SCOTT CASE, KANSAS-NEBRASKA BILL, COMPROMISES, V.), as follows: "*Third:* New states of convenient size, not exceeding four in number, in addition to the said state of Texas, and having sufficient population, may hereafter, by the consent of said state, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the federal constitution; and such states as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the union with or without slavery, as the people of each state asking admission may desire. And in such state or states as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude, (except for crime), shall be prohibited." To some of the senators this formation of a new state out of territory which had never been formally annexed seemed utterly unconstitutional, and an amendment, prepared by senator Walker, of Wisconsin, was added, authorizing the president, if he should deem it advisable, to first make a treaty of annexation with Texas. The whole was then passed by a vote of 27 to 25, and agreed to by the house. No such treaty was ever made. Tyler leaped at the chance of ending his presidency with *éclat*, and on the last day of his term sent a special messenger who secured the unanimous assent, June 18, of the Texas congress, to annexation, which action was ratified, July 4, by a popular convention. A joint resolution was passed in the house, Dec. 16, 1845, by 141 to 56, and in the senate, Dec. 22, by 31 to 13, for the admission of Texas as a state, and its annexation was complete without the formality of a treaty. The power of annexation by treaty, which had been doubted, but exercised, in 1803, had thus been carried, in 1845, to annexation even without treaty, and both by the strict constructionist party. (For the further results see WILMOT PROVISO, COMPROMISES, V.). The annexation of Texas added 376,133 square miles to the United States. — IV. NEW MEXICO, AND UPPER CALIFORNIA. These two pieces of territory had been conquered during the Mexican war, the former, (including Utah, Nevada, and a large part of Arizona, New Mexico and Colorado), by Kearney, and the latter by the navy under commodore Stockton and a small land force under Fremont, and both were held as conquered territory until the end of the war. From the opening of hostilities, the acquisition, by force or purchase, of a liberal tract of Mexican territory as "indemnity for the past and security for the future," had been a principal object of the war, and at its close, by the treaty known as the treaty of Guadalupe Hidalgo, signed Feb. 2, 1848, by Mr. Nicholas P. Trist and three Mexican commissioners, and ratified by the senate March 10, the territory above named was added to the United States, the price being fixed at $15,000,000, besides the assumption by the United States of $3,250,000 in claims of American citizens against Mexico. The territory thus annexed, including that part of New Mexico east of the Rio Grande, which was claimed by Texas, and for which Texas was afterwards paid $10,000,000 by the United States, added to the area of the United States 545,783 square miles.—V. GADSDEN PURCHASE. During the next five years disputes arose as to the present southern part of Arizona, the Mesilla valley, from the Gila river to Chihuahua. A Mexican army was marched into it by Santa Anna and preparations were begun for a renewal of war. By the Gadsden treaty, Dec. 30, 1853, so called from its negotiator, the United States, at the price of $10,000,000, obtained the disputed territory, as well as a right of transit for troops, mails, and merchandise over the isthmus of Tehuantepec. By this annexation, 45,535 square miles were added to the United States.—VI. ALASKA. This territory, distant about 400 miles from the United States, and valuable only for its fur-bearing animals, was first claimed by Russia by right of discovery; and by right of possession of opposite shores, Siberia and Alaska, (or Aliaska), Russia also claimed the northern Pacific as a sort of inland water. By treaty of March 30, 1867, ratified by the senate in special session June 20, 1867, Russia ceded the whole of this territory, 577,390 square miles, to the United States for $7,200,000.—Summary:

	Square Miles.
United States in 1783	827,844
Louisiana (1803)	1,171,931
Florida (1819)	59,268
Texas (1845)	376,133
Mexican cession (1848)	545,783
Gadsden purchase (1853)	45,535
Alaska (1867)	577,390
Total	3,603,884

The boundaries of the United States were established by art. 2 of the provisional treaty of Nov. 30, 1782, (8 *Stat. at Large*, 54), and by art. 2 of the definitive treaty of Sept. 3, 1783, (8 *Stat. at Large*, 80).—I. See Barbé-Marbois' *History of Louisiana and its Cession;* Gayarre's *History of Louisiana;* Monette's *History of the Mississippi Valley;* 1 Lyman's *Diplomacy of the United States*, 107; 5 Hildreth's *United States*, 449, 480; 3 Benton's *Debates of Congress;* 2 von Holst's *United States*, 548; 8 Jefferson's *Works*, (edit. 1829), 491, 512; and earlier authorities under SECESSION. The Spanish treaty of Oct. 27, 1795, is in 8 *Stat. at Large*, 138; the Louisiana treaty and subsidiary conventions of April 30, 1803, are in 8 *Stat. at*

Large, 200, 206, 208. II. See 6 Hildreth's *United States*, 223, 658–712; 2 Lyman's *Diplomacy*, 126; 4 Adams' *Memoirs of John Quincy Adams;* 4 Calhoun's *Works;* and other authorities under JACKSON, ANDREW; FLORIDA. The Florida treaty of Feb. 22, 1819, is in 8 *Stat. at Large*, 252; the acts of Jan. 15 and March 3, 1811, are in 3 *Stat. at Large*, 471, 472. III. See 2 von Holst's *United States*, 551; 1 Greeley's *American Conflict*, 147; Wise's *Seven Decades*; 7, 11 Adams' *Memoirs of John Quincy Adams;* Jay's *Review of the Mexican War;* 4 Calhoun's *Works;* 2 Benton's *Thirty Years' View*, 94, 581; 2 *Statesman's Manual;* 15, 16 Benton's *Debates of Congress;* and authorities under TEXAS. The resolution to annex Texas, March 1, 1845, is in 5 *Stat. at Large*, 797; the resolution to admit Texas, Dec. 29, 1845, is in 9 *Stat. at Large*, 108. IV. See authorities last cited, and those under CALIFORNIA, and COMPROMISES, V. The Mexican treaty of Jan. 12, 1828, (art. 2, defining boundary), is in 8 *Stat. at Large*, 374; the treaty of Guadalupe Hidalgo, Feb. 2, 1848, is in 9 *Stat. at Large*, 922. V. The Gadsden treaty, of Dec. 30, 1853, is in 10 *Stat. at Large*, 1031. VI. The Russian treaty of March 30, 1867, is in 15 *Stat. at Large*, 539.—For areas, summary, etc., see *Walker's Statistical Atlas of the United States*, (ninth census). ALEXANDER JOHNSTON.

ANTI-FEDERAL PARTY (IN U. S. HISTORY). At the close of the revolution there was but one party in the United States, the American whigs. They had no organization and needed none, their former opponents, the loyalists or tories, having been banished, killed, or converted. The state legislatures had taken the opportunity offered by the confusion of the revolution to seize, by the articles of confederation, upon the powers which the king had abandoned, and which the national popular will was not yet sufficiently educated to assume (see CONFEDERATION, ARTICLES OF). In this interregnum and in this seizure all America had acquiesced, with the exception of a few advanced thinkers like Hamilton; and the mass of the population was entirely agricultural, democratic, particularist, devoted to the worship of their separate commonwealths, and disposed to look upon the central or federal government very much as they had but recently looked upon the king. The war practically ended in 1780, but a space of seven years is marked by great development in the United States. Before 1787, in spite of lawlessness and bad government, commerce and the commercial class had already reached respectable proportions, a distinct creditor class had been formed with capital to lend, and in the south property owners had learned their weakness and their needs. These three classes, uniting for the control of the convention of 1787, had really split off into a new party (see FEDERAL PARTY), leaving the mass of the people to their particularist prejudices.—As the old government had been strictly federal, or league, in its nature, it would seem natural at first sight that those who favored its retention or modification should take the name of federalist, and Gerry, of Massachusetts, and a few others, made some efforts to secure this party title, and give their opponents that of anti-federalists or nationalists. But all parties were quick to perceive that the essence of the constitution was its creation of a strong federal government; and all who were opposed to this new and portentous appearance in American politics, all who considered the constitution fantastic, theoretical, and experimental, and a distant attempt to ape European monarchy, all the local magnates who feared to be overshadowed by the new central power, all the small farmers who dreaded the addition of federal to state taxes, at once accepted the name of anti-federalists and opposed the ratification of the constitution, in and out of the conventions.—In Rhode Island and North Carolina the opposition was successful, (see CONSTITUTION III.), but in the other states it was overcome. In Pennsylvania the anti-federalists protested that they had been unfairly treated. In the legislature, which was slightly federalist, the resolution for a state convention gave but ten days for the choice of delegates, thus cutting off the anti-federalists of western Pennsylvania from all chance to participate. To secure a longer interval of time, the opposition absented themselves, and left the house without a quorum, but two of their number were seized, carried into the house, and held in their seats while the quorum thus secured passed the resolution. In consequence, so the protest alleged, but 13,000 of the 70,000 voters in the state were represented in the convention. September 5, a separate anti-federalist convention at Harrisburgh demanded a second federal convention to revise the constitution.—Had the anti-federalists followed the concerted plan of ratifying the constitution *on condition* of its revision by a second federal convention, their general success could hardly have been prevented. But they saw fit to oppose ratification altogether, and, as the federalists were wise enough to yield to ratification on the "Massachusetts plan" of *recommending* amendments, stiff-necked opposition to the plan indorsed by Washington and Franklin resulted only in general failure and utter demoralization, for the time, of the anti-federal party. When the 1st congress met, the active, energetic and skillful federalist leaders secured control of almost every department of the new government, yielding to their opponents only the speakership of the house, the attorney generalship, and the state department.—But it must not be supposed that all who were classed as federalists in 1787–8 were really wedded to federalist doctrines as afterward developed by Hamilton. Every convention contained many delegates who, like Madison, Edmond Randolph, and R. R. Livingston, while opposed by nature to a strong federal government, were equally opposed by education and experience to the rickety rump which then figured as a congress, and to the articles of confederation which had stamped upon it its peculiar character. It

was natural that such delegates should urge ratification as an escape from present and pressing evils; Jefferson himself, who had at first pronounced against any constitution without a bill of rights, soon came to say—"It has my hearty prayers." But it was natural also that these men, when the constitution had been adopted, should aim at a construction of its terms which should not give the new government extensive power. The consequent divergence between real and temporary federalists became evident about 1791–3, when the latter again coalesced with the former anti-federalists under a new name (see FEDERAL PARTY). In 1793 Madison and Hamilton, who had made common cause in 1787–8, were already attacking one another in the newspapers, each significantly quoting his former associate's language in *The Federalist*.—Throughout the 1st congress the anti-federalists made but two essays at party contest. Their opposition to Hamilton's plan for settling the public debt (see FEDERAL PARTY) was defeated by Hamilton, assisted by Jefferson, (see CAPITAL, NATIONAL), and their opposition to his scheme of a national bank (see BANK CONTROVERSIES) was equally unsuccessful. They also very generally opposed the imposition of any higher duties on imports for the benefit of manufactures, but their opposition was without concert and without success. The first session of the 2nd congress has many symptoms of the revival of the anti-federalists as a popular and strict construction party. Their opposition to bounties to the cod-fisheries, and to the senate's proposition to put the head of the president for the time being upon the coins, took a fairly organized form, and by the end of the session the tone of discussion had so risen that allusions were made to the existence of a "corrupt faction" in congress. In the second session party organization took on unmistakable form. The debates on the increase of the army show that the anti-federalists had come to regard Hamilton as the arch-priest of broad construction, and themselves as his appointed adversaries. Toward the end of the session they attempted without success to censure his management of the treasury and his language to the house. Their former party name was no longer entirely applicable, for they were not now opposed to the federal government or to the constitution which had created it. On the contrary, by a process which was very natural, however odd at first sight, they, who had at first absolutely opposed the constitution through their fear of a strong and tyrannical federal government, had now become, through the same fear, the most pronounced champions of the exact and literal language of the constitution, and opponents of all attempts to extend its meaning by ingenious interpretations of its terms. In other words, they were now a strict construction, conservative party (see CONSTRUCTION, I.).—Jefferson had returned from France in 1789 wholly engrossed by the opening scenes of the French revolution, and personally triumphant in the prospect of the coming success of the principles which he had formulated in the declaration of independence. Very soon after his return he seems to have become fixed in the belief that the conflict between government *by* the people and government *of* the people was to be transferred to America also, and that the Hamilton school, under the guise of broad construction, was aiming at monarchy. He soon impressed his belief upon others, and before the summer of 1792 he was able to refer in vague terms to the opposition to Hamilton as a "republican" party, in contrast to the "monarchical" federalists. He was emphatic, at first, in excluding the anti-federalists from the "republican" party, acknowledging them only as allies; but Washington's neutrality proclamation in 1793 brought all the former anti-federalists so prominently forward as friends of the French republic that Jefferson perforce accepted as political facts the death of the anti-federal party and the existence, for the future, of but two parties, the federal party and the republican, or, as it was soon enlarged, the democratic-republican party.—See Pitkin's *Statistical View of American Commerce;* Randall's *Life of Jefferson;* Jefferson's *Ana* (in *Works*); Austin's *Life of Gerry;* 1 Gibbs' *Administration of Washington and Adams;* 3, 4 Hildreth's *United States;* 1 Benton's *Debates of Congress;* and earlier authorities under DEMOCRATIC-REPUBLICAN PARTY.

ALEXANDER JOHNSTON.

ANTI-MASONRY (IN U. S. HISTORY). I. ANTI-MASONIC PARTY. The society of free masons was established in the United States during the last century, and before 1820 had enrolled among its members very many of the political leaders of the country. In 1826 William Morgan, of Batavia, Genesee county, New York, having prepared a book for publication which purported to expose the secrets of the fraternity, was arrested, and a judgment obtained against him for debt. Upon his release, Sept. 12, he was seized and conveyed in a close carriage to Niagara. No further trace of the missing man was ever found, in spite of liberal rewards offered for him or his abductors. The affair caused intense excitement throughout western New York. Charges were made that the conspiracy to abduct embraced all the leading free-masons of that section of the State; that these had systematically thwarted all investigation; that members of the society placed their secret obligations above those of citizenship or official duty; and that they were necessarily unfit and unfaithful public servants. In town and county elections candidates who refused to resign their membership in the society soon found a strong, though unorganized, anti-masonic vote against them, and in August, 1828, the national republican party in New York, carefully nominated state candidates who were not free-masons. But an anti-masonic state convention, at Utica, a few days later, nominated candidates pledged against free-masonry, and polled 33,345 votes out of a total of 276,583. In 1830 they entirely displaced the national republicans in New York, as

the opponents of the democrats, and, as Jackson, the democratic leader, was a free-mason, steps were taken by his opponents to extend the anti-masonic organization to other states, in hopes of thus gaining the small percentage of votes necessary to defeat the democrats in the national election. The attempt was a failure, in one sense, since the number of national republican free-masons who were alienated to the democracy more than counterbalanced the anti-masonic accession; but it resulted in the establishment of the anti-masons as the controlling anti-democratic organization in Pennsylvania and Vermont, and as a strong local party in Massachusetts and Ohio. In the state of New York, William H. Seward, Millard Fillmore, and Thurlow Weed, first appeared in politics as anti-masonic leaders.—In February, 1830, a state convention at Albany, had decided in favor of a national anti-masonic nominating convention, and this decision was confirmed by a national convention, in September, 1830. John Quincy Adams had already lost control of the national republicans, and Clay had begun to develop some of that popularity with the party which afterward made the whigs almost a distinctive Clay party. In the hope of forcing Clay, who was a free-mason, out of the field, the anti-masons held their convention first of the parties, at Baltimore, in September, 1831, and nominated William Wirt, of Maryland, and Amos Ellmaker, of Pennsylvania, as presidential candidates. The national republicans, however, persisted in nominating Clay, and Wirt and Ellmaker received the electoral vote of Vermont alone. The anti-masons made no further effort to act as a distinct national party, and the rise of the whig party soon after absorbed their organization, except in Pennsylvania, where they retained existence in alliance with the whigs until about 1840, and in 1835, through democratic dissensions, succeeded in electing their candidate for governor, Joseph Ritner. But while acting as a part of the whig party, the anti masonic element was sufficiently strong and distinct to force the nomination of Harrison, in 1835 and 1839, instead of Clay. (See WHIG PARTY.) The anti-masons and the American party have been the only instances in our political history of an attempt to form a national political party not based on some controlling theory as to the proper construction of the constitution.—II. AMERICAN PARTY. In 1868 a national convention, at Pittsburgh, formed the national Christian association, which has held annual meetings since, and now has branches in 14 states. In 1875 this body began political action as the American party. It is opposed to free-masonry as false religion and as false politics, and demands the recognition of God as the author of civil government, and the prohibition of oath-bound secret lodges as acknowledging supreme allegiance to another government than that of the United States. The vote of the party was in 1876 and 1880 included in the few thousand votes classed as "scattering." Its newspaper organ is *The Christian Cynosure*, published in Chicago, Ill., and its practical leader is president J. Blanchard, of Wheaton College, Illinois.—See (I.) Creigh's *Masonry and Anti-Masonry;* 2 Hammond's *Political History of New York*, 369, 403; H. Brown's *Anti-Masonic Excitement, in* 1826–9; Ward's *Anti-Masonic Review* (1828–30); 1 Seward's *Writings;* *Proceedings of the U. S. Anti-Masonic Convention, in Philadelphia*, Sept. 11, 1830; Stone's *Letters on Anti-Masonry;* and earlier authorities under WHIG PARTY; (II.) *Christian Cynosure*, 1880; Greene's *Broken Seal;* Gasset's *Catalogue of Anti-Masonic Books in Public Libraries.* ALEXANDER JOHNSTON.

ANTI-NEBRASKA MEN (IN U. S. HISTORY), a name at first assumed by northern whigs who had broken with the southern whigs on the support of the Kansas-Nebraska bill. They drew reinforcements from democrats opposed to the extension of slavery to the territories, and thus, without any party organization, succeeded in gaining control of the house, and electing the speaker in the 34th congress, (1855–6). At the next session they had developed into the republican party. A. J.

ANTI-RENTERS, The (IN U. S. HISTORY). Large portions of Columbia, Renssalaer, Greene, Delaware, and Albany counties, in the state of New York, belonged to manors, the original grants of which were made to "patroons" by the Dutch company, and renewed by James II., the principal being Renssalaerswyck and Livingston manor. The tenants had deeds for their farms, but paid annual rental in kind, instead of a principal sum. This arrangement caused growing dissatisfaction among the tenants after 1790. When Stephen Van Renssalaer, who had allowed much of the rent to remain in arrears, died in 1839, the tenants, who longed to become real land owners, made common cause against his successor, refused to pay rent, disguised themselves as "Injuns," and began a reign of terror, which for ten years, practically suspended the operations of law and the payment of rent throughout the district. An attempt to serve process by militia aid, known as the "Helderberg war," was unsuccessful. In 1847 and 1849 the anti-renters "adopted" a part of each party state ticket, and thus showed a voting strength of about 5,000. This was not to be disregarded in a closely divided state, and in 1850 the legislature directed the attorney general to bring suit against Harmon Livingston, to try title. The suit was decided in Livingston's favor, in November, 1850, but both parties were then ready to compromise, the owners by selling the farms at fair rates, and the tenants by paying for them. Most of Renssalaerswyck was sold, and of the Livingston manor, which at one time contained 162,000 acres of choice farming land, very little now remains in the possession of the family.—See Jay Gould's *History of Delaware County N. Y.*, and authorities under NEW YORK; Mrs. Willard's *Last Leaves*

of American History, 16–18; Jenkins' *Life of Silas Wright*, 179–226; Cooper's *Littlepage Tales*.

ALEXANDER JOHNSTON.

ANTI-SLAVERY. (See ABOLITION.)

APPORTIONMENT. The term apportionment was applied in the federal constitution to the distribution of representatives in the lower chamber of the federal congress between the several states and to the allotment of direct taxes upon the basis of population. The rare intervals at which direct taxes have been levied by the federal government, and the recurrence in the state and federal systems of regular apportionments of representatives, have led to the general restriction of this term to the distribution of representation, and it is here used in this sense alone. State constitutions employ the word in both senses, but more frequently with reference to representation. The regular annual apportionment in many of the states, New York, Illinois, and others, of a school fund raised from the several counties by valuation and distributed by population (New York) or by population of a school age (Illinois) has continued the use of the word apportionment in fiscal allotments. The word has also a legal signification. As the division of a territory into districts is usually intimately connected with the apportionment of representation to its population, the words "districting" and "re-districting" have come to be used in American politics as nearly synonymous with apportionment.—The principle of representation once established and its basis determined, the apportionment of representative power in arbitrary or proportional parts becomes the next problem in any government based on representative institutions. This apportionment may rest either on status, or the representation of certain estates by members qualified, not by election, but by position; on the organic divisions of the state; or on numbers, reference being had either to population or wealth. Bentham proposed an apportionment based in part on population and in part on territory, and such a principle was adopted in France in the constitution drawn by the constituent assembly in 1791. It has been secured elsewhere in practice by combining a representation based on population with one based on the integral divisions of the state. Historically the apportionment of representation has been first by status, next by the recognition, generally on an equality, of the organic or administrative divisions of the state, and lastly by number; a method of apportionment now recognized in the fundamental law of all constitutional nations except Great Britain, and at intervals recognized even there. In general where apportionment is based on status it is arbitrary; when derived from the administrative or other divisions of a state or confederacy it is equal; and, when guided by population, it is proportional. The allotment of representation among the towns of Aragon in the first recorded instance of representation assigned other than by status, in 1162, was equal, and the same rule was followed in Castile in 1169. Frederick II. in Sicily, 1232, assigned each place two representatives. When the cities appeared by deputies in the German diet, they enjoyed equal representation, and the same was true of the municipalities represented in the states general of France. A like principle was followed in the union of Utrecht in the Netherlands, as it had been in the Swiss confederation. It reappeared in the continental congress and is preserved in the United States senate. An upper chamber swayed by this principle, even where, as in Germany and the Dominion of Canada, complete equality is not given the smaller states, and a lower chamber based on population, often with certain classes excluded—as aliens in many American states, and slaves in Cuba under the Spanish constitution—is now the rule in most representative constitutions.—In allotting representatives by population among the divisions of a state, whether a definite number of representatives or a fixed ratio is applied to the population of each division, fractions always remain. Provision is generally made for treating these fractions as full ratios if over one-half; but in the United States the tendency of apportionments during the past generation has been toward a recognition of any fraction in all cases where greater proportional equality of representation is secured by doing so. Regular intervals at which an apportionment shall be made are generally prescribed in the fundamental law and the apportionment itself is generally, but not always, performed by the legislature. In the division of representation, the entire number assigned to each subdivision may be elected as a whole. French *scrutin de liste*, or districts, may be laid out, as in the German empire and in most states of the union, in apportioning state representation, by the body making the original apportionment, or the work of districting may be done by a second body as congressional districts, after the apportionments of representatives by congress, are laid out by the state legislatures, and in New York, Massachusetts, Michigan, and Missouri state legislative districts within the counties are laid out by county authorities, independently of the legislature. Where the election of representatives is by single districts the effort is, not unfrequently, made to lay out these subdivisions so as to give the party in power a majority. This is ordinarily done by massing the voters of the opposite party in a few districts and distributing those voting with the party in power in a larger number. In American politics this is known as "gerrymandering;" having been conspicuously practiced in the act of Feb. 11, 1812, laying out Massachusetts into senate districts, passed during the temporary ascendancy of the democratic party in the legislature of that state under Gov. Elbridge Gerry. Another instance of the same practice which has given a term to politics is the sixth congressional district in Mississippi, as laid out in 1874, which, as it lies along the Mississippi river and almost the entire

length of the state, is known as the "shoe-string" district. The districts laid out in France under the second empire by the electoral decree of 1858 furnished equally remarkable cases of "gerrymandering."—As the British colonies in North America, while enjoying mutual political equality, differed greatly in size and population, the problem of an equitable apportionment of representation presented itself in the earliest inter-colonial assemblies. In the confederation made by the New England colonies in 1643, known as the "united colonies of New England," each of the four colonies was equally represented in its council by two delegates, although the burdens of taxation and military service were allotted by population. At a later date, 1648, Massachusetts demanded an additional member or an equalization between the privilege of representation and the burdens of taxation. This was denied in the reorganization of the confederacy, and to its close the share of each colony in its deliberations remained equal. The first step in American history toward an apportionment of representation upon some other basis than the equal voice of each division in the nascent nation was presented in the "plan of union," submitted by Benjamin Franklin to the commissioners from seven states, who met at Albany in June, 1765. This plan proposed a "general council" with "legislative powers," apportioned every three years among the colonies by the "proportion of money arising out of each colony to the general treasury." A provisional apportionment proposed by Franklin for the first meeting of this council is the earliest aliquot division of representation among the colonies ever offered. The same problem confronted the continental congress at its first session in Philadelphia, Sept. 5, 1774, when James Duane, of New York, proposed a committee to prepare regulations "particularly on the method of voting, whether by colonies, by poll, or by interests." Patrick Henry, declaring that he sat "not as a Virginian but an American," urged a "national" system of representation based upon free citizens, excluding slaves; but the congress, as John Adams reminded it, had accurate information neither as to the wealth nor the population of the colonies, and it was at length voted "that in determining questions in this congress each colony or province shall have one vote, the congress not being possessed of or at present able to procure materials for ascertaining the importance of each colony." There was here the distinct admission, and apparently by a unanimous vote, that the colonies were entitled not to an individual but to a proportional vote; but the precedent established of necessity was accepted in practice and became the rule of procedure in the continental congress, first by consent and later by the articles of confederation Apportionment in the acts and proceedings of the congress of the revolution is uniformly applied to the assessment of pecuniary burdens and the distribution of calls for military service. Proportional representation was urged by Virginia, but steadily voted down by the smaller states. "Our great question," wrote John Adams, when a member of the committee drafting the articles of confederation in 1776, "is whether each colony shall count one, or whether each shall have a weight in proportion to its number or wealth or exports and imports or a compound ratio of all." The subject came up for discussion in the long and desultory debate to which these articles were subjected in congress through fifteen months, and Oct. 5, 1777, three plans of apportionment were proposed in succession; first, that Rhode Island, Delaware, and Georgia should have one vote and the other states one for every 50,000 white inhabitants, with a provision that the representation of the three smaller states should increase with every additional 50,000 to their inhabitants and the ratio of representation be itself changed when it threatened to make congress too numerous; second, that every state should send a delegate for every 30,000 of its inhabitants, each delegate to have one vote, and third, that representation should be "computed by numbers proportioned" to the taxes levied on the states and paid by them into the public treasury. All three propositions were voted down, Pennsylvania and Virginia standing alone in their support, and by a vote of ten colonies to one, each was given one vote and the privilege of sending not less than two nor more than seven delegates.—Repeated review and discussion have made familiar the steps by which a compromise was reached in the convention of 1787, at Philadelphia, on the distribution and apportionment of representation; the only question which provoked the menace of withdrawal from one of the states and threatened at a later date the dissolution of the convention. As at last adopted, an equal representation was given the organic divisions of the new government in the upper chamber. In the lower, number was followed as far as the free population of the country was concerned, and status in determining the share, "other persons" should play in increasing the representation of states with a slave population. The verbiage of the clause in the federal constitution, basing representation on the total free population, "three-fifths of all other persons, and excluding Indians not taxed," first appeared as an amendment to the articles of confederation in the continental congress April 18, 1783, proposing a new basis for raising revenue. It was urged and accepted in the convention as an equitable compromise and in the constitution was accompanied by a clause which provided that the federal house of representatives should never have less than a member to each state and never have more than one to every 30,000 inhabitants in the states, computed upon the constitutional rule. The constitution contained also a provisional apportionment of representation to the states, at best little more than a guess. Mr. Gorham, of Massachusetts, a member of the committee of five which first sketched this apportionment, informed the convention that without observing fractions, the com-

mittee had been guided by the "number of blacks and whites with some regard to supposed wealth," and at a later date Mr. Gerry, of the same state, told the Massachusetts convention that, in the share given Georgia, allowance was made for expected growth from pending immigration. The only grave criticism made on the provisions respecting apportionment in the federal constitution came from Virginia and Massachusetts, who urged that the ratio should not be altered till the number of representatives reached 200. A constitutional amendment to this purport was passed by the 1st congress, but it was never ratified by the states. The constitutional rule remained unchanged and governed apportionments through 70 years, a longer span than has fallen in history to any other provision controlling the distribution of representation by changes in population.—The first of the 10 decennial apportionments, including 1880, which have come up under the federal constitution, raised, in 1792, all the questions in regard to the representation of fractions and was marked by the same struggle between the north and the south, as its successors. In this and in 4 succeeding apportionments the recognition of fractions was treated as unconstitutional. Since 1830 a contrary practice has obtained and is now firmly established. The census of 1790 placed the representative population of the country at 3,636,921. Dividing this by 30,000 as a ratio, the house (2nd congress, 1st session) apportioned 113 members on a plan favoring the southern states. The senate raised the ratio to 33,000, transferring the unrepresented fractions from the east to the south. The house refused to yield and the senate insisting upon its amendment, by the casting vote of vice-president Adams, the bill lapsed, and the house passed another, with the same apportionment, but providing for a new census in 1795, to be followed by another apportionment. The senate struck out this provision, added 7 members for each large fraction, which in Delaware was 29,000, and sent the bill back to the house. There, after a hot debate, in which both sections predicted a dissolution of the union if an apportionment favoring it was not adopted, the bill passed 31 to 29; the Delaware member, the only representative from the south voting for it. A week later the bill encountered the first veto message in the history of the government. Hamilton and Knox, the two northern members of the cabinet, advised its signature; Jefferson and Randolph, the two southern members, its veto. President Washington, with some misgiving, lest he should seem to "be taking sides with a southern party;" sent to congress a brief veto, in which, without accepting or rejecting the principle first advanced by James Madison, that the representation of fractions was unconstitutional, he based his objections upon the fact that the apportionment was on a different ratio in different states and in some fell below 30,000, the constitutional limit. The first was the inevitable result of representing fractions at all; the second of assigning members to fractions after taking the smallest ratio known to the constitution. Congress yielded, and in the house 34 to 30, in the senate by a heavy majority, passed a bill placing the ratio at 33,000, and apportioning 105 members among the states, without regard to fractions. The real principle underlying this and succeeding struggles, was whether in an apportionment the nation should be considered as a whole or be dealt with by states.—Following the same ratio and the same principle as in the 1st apportionment, congress, in January, 1802, (6th congress, 2nd sess.) distributed 141 members among 15 states. Senator White, of Delaware, endeavored in the senate, to secure an additional member for an unrepresented fraction of 28,811 in his state, but his proposition was voted down, 10 to 15 as unconstitutional.—Two unsuccessful attempts were made before the census of 1810, to determine the apportionment in advance, by adopting a ratio before the results of the census were known; but the house (11th congress, 2nd and 3rd sess.) laid on the table bills proposing 40,000 and 45,000 as the ratios. After the census was published, the house, (12th cong., 1st sess.), 102 to 18, placed the ratio at 37,000, distributing 180 members. The senate, on motion of senator Bayard, 22 to 12, reduced the ratio to 35,000, giving Delaware a member, with 181 as a total, and the house, 72 to 62, agreed.—For the first time since the 1st apportionment, an effort was made, after the census of 1820, (17th cong., 1st sess.), to abandon an equal ratio for all the states and adopt a number which should make the average to each member within each state equal. Under the vehement opposition of Mr. John Randolph, this was voted down, 43 to 125, and, 100 to 58, the house passed the apportionment bill, as reported by its committee, with a ratio of 40,000 and a house of 212 members. The senate, 25 to 21, accepted this, but added an amendment providing that the apportionment could be changed in the case of Alabama, when its census was completed, and, while denounced as unconstitutional in the house, for prolonging the apportionment, it passed 98 to 47.—Mr. James K. Polk, in 1832 reported to the house (20th cong., 1st sess.) an apportionment bill based on the 5th census, in which the ratio was 48,000, and the membership of the house 240, a ratio favorable to Tennessee and highly unfavorable to New England. The house after prolonged debate, in which several other ratios were adopted, at last, 119 to 75, reduced the ratio to 47,300, which cut down the apparent size of the fractions without changing the distribution of members, and sent the bill to the senate. There it was attacked by Mr. Webster, in an elaborate report, urging the representation of fractions over one-half; the representation of fractions less than a moiety being pronounced unconstitutional. This amendment was once lost, 23 to 24, but its principle was at length adopted, 23 to 20, the whigs generally voting with Mr. Webster. The house, 134 to 57, refused to agree, and the senate yielded.

Mr. Polk presented the democratic view in a report in which he declared that the states "must be regarded as separate, distinct communities or masses of population and not as parts of the consolidated population of the union, melted down into one mass or community;" a doctrine now abandoned in federal apportionments.—Debate chiefly centered, in the apportionment on the census of 1840, (27th cong., 2d sess.), on a provision requiring the states to elect by districts, moved by Mr. William Halstead, of New Jersey. Supported by the whigs and opposed by the democrats, this was passed, 101 to 99, in the house, and 29 to 19 in the senate. This measure was principally intended to divide the delegations from New York and Pennsylvania, then elected on a general ticket. It was opposed as unconstitutional, because it directed the state legislatures to lay out districts, and deprived any citizen from voting for the entire congressional representation of his state. In the struggle over this provision, fractional representation was adopted with little debate. The house, 125 to 75, placed the ratio at 50,179 and the members at 217. The senate, 28 to 18, added 6 members for fractions over one-half, and the house, after once refusing, yielded to this, 111 to 102.—The census of 1850 was preceded by a measure determining the method and principle of the apportionment based upon it. To the bill providing for taking the census, sections were added, on motion of Mr. S. F. Vinton, of Ohio, (31st cong., 1st sess.) placing the number of the house at 200, and requiring the secretary of the interior, as a ministerial act, to divide the representative population of the entire country by 200, and the population of each state by the quotient thus obtained as a ratio; assigning to each state representatives for each full ratio its population contained, and 1 for each fraction till the entire number, 200, was exhausted. The principle of these sections, since known as the "Vinton bill," has guided all subsequent apportionments. The house, 93 to 78, increased the number of members to 233, and the senate supported this, 27 to 17. An apportionment was made pursuant to this measure by the secretary of the interior, (32nd cong., 1st sess., ex. doc. 129). and subsequently altered under a supplementary act, (approved July 30, 1852), giving California an additional member.—In apportioning representatives after the census of 1860, congress followed the principle of Vinton's bill, but abandoned its method. The house, 86 to 7, passed without debate, (37th cong., 1st sess.), a bill which, taking 233 as the basis for apportioning 233 members on Vinton's plan, then added 6 more members to represent large fractions in Vermont, Rhode Island, Ohio, Kentucky and Iowa. In the senate, Mr. Collamer, going a step farther in the support of fractional representation than had been proposed at any previous apportionment, urged that the average of population to each member should be kept equal by giving the small states an overplus. The senate, still basing its ratios on 233 members, added 8 for fractions in Pennsylvania, Ohio, Kentucky, Illinois, Iowa, Minnesota, Vermont and Rhode Island, making 241. Supplementary legislation gave California an additional member and permitted Illinois to elect a member at large.—Before the census of 1870, the 8th, had been taken, these amendments had altered the constitutional rule of apportionment. The 13th amendment left no "other persons" for the three-fifths rule to operate upon, and the 15th amendment, by imposing manhood suffrage upon the states, accomplished the purpose intended by the 2nd section of the 14th amendment. Drawn as a compromise, after the failure of a proposed amendment directly expressing its purpose, the 14th amendment, in its 2nd section, imposed a new rule of apportionment by requiring the population of each state, as a basis of representation, to be diminished in the proportion between the whole number of its male citizens, 21 years of age and upward, and those whose right to vote at any state or federal election the state denied or in "any way abridged," except for crime or a share in the rebellion. This amendment was intended solely to discourage exclusions from suffrage on account of race; but senator Sumner objected to the explicit assertion of this purpose, and proposed language so broad as to include, in its literal meaning, all the abridgments of the grant of suffrage to adult citizens, based on residence, illiteracy, idiocy, insanity, non-payment of a poll-tax, or a property qualification. This interpretation was never suggested in the debates upon the amendment. It had its first recognition in two bills for taking the 9th census, drawn by Mr. James A. Garfield, and passed by the house, (41st cong., 2nd sess), but lost in the senate. In the absence of legislation the secretary of the interior added to the schedules of the 9th census, inquiries in regard to the abridgment of suffrage to citizens; but the data obtained deserved, as Mr. Francis A. Walker, superintendent of the census said, "little credit." No provision for obtaining this information was embodied in the law for taking the 10th census, and two precedents now exist for disregarding this inquiry in census legislation. When an apportionment based on the 9th census was reached in the house (42nd cong., 2nd sess.) Mr. Garfield and Mr. S. S. Cox insisted that the meagre returns reported by the secretary of the interior should be employed, such as they were. Mr. James Maynard and Mr. M. C. Kerr united in advancing the interpretation that the 14th amendment regarded only abridgments of the suffrage based "on race, color, nationality, or any other quality which inheres in the person and constitutes part of the individuality of the voter," and the house, 77 to 70, supported this commentary. In the debate in the house (46th cong., 3d sess.) on the apportionment after the 10th census, substantially the same view was adopted, Mr. Cox urging that the rule in the 14th amendment could not be practically applied. This may now be considered as the accepted doctrine, and

future apportionments will probably rest upon number alone.—Prior to the census of 1870 the house, (41st cong., 2nd sess.), passed, 86 to 84, a bill drawn after Vinton's measure and placing the apportionment of 275 members in the hands of the secretary of the interior. The senate, 30 to 21, increased this number to 300, and the bill was lost in the house, 96 to 94. Two years later, the house, (42nd cong., 2nd sess.), adopted, 93 to 89, a law, apportioning 283 members upon a new plan. Four of the states, Delaware, Nebraska, Nevada and Oregon, had a population less than the ratio obtained by dividing the entire population of the United States by 283. Assigning these states 4 members, their population was subtracted and the remainder of the population divided by 279 for a new ratio; upon which the remaining apportionment was made, 17 members being assigned for fractions. The senate accepted this bill; but at a later date a supplementary bill passed both chambers adding a member each to New Hampshire, Vermont, New York, Pennsylvania, Indiana, Tennessee, Louisiana and Florida, 9 in all, making the total 292. Upon its face a supplement to the other bill, this was in fact, as an accompanying report explains, to be taken with that as a new apportionment with 131,425 as a ratio, obtained by dividing the population by 290; 2 more members being given for large fractions in Florida and New Hampshire.—After the census of 1880, the house, (46th cong., 3rd sess.), 136 to 123, passed a bill apportioning 319 members, on Vinton's plan, but the measure was lost in the senate. —All the states of the American Union, except Delaware, provide in their constitutions for a periodical apportionment of representation, and a re-distribution of the members in one or both branches of the legislature has been made with some regularity during the last half-century in all the other states except Connecticut. This allotment of representation is usually guided exclusively by numbers in apportioning the lower branch and by population controlled by county or town lines in the upper, so that the former generally reflects changes in population more closely than the latter. The chief exception to this rule is in Vermont where representation in the lower branch has, since 1793,[1] been equally distributed among the towns while the members of the senate, since 1836, have been divided among the counties by population.—The duty of apportionment is committed to the legislative authority of the state; except in Ohio, where the governor, auditor and secretary of state or any two of them have allotted representation in both branches under the constitution of 1851; in Maryland, where the governor performs the same duty by the constitution of 1867; while in Missouri, 1867, the governor, secretary of state and attorney general are empowered to lay out senate districts if the lower chamber, at its final session after any enumeration, fails to pass a bill re-districting the senate. In Massachusetts, under amendments adopted in 1836 and in 1840, the apportionment of the state was placed in the hands of the governor and council, until 1857, when it was restored to the legislature. In Illinois, by the constitution of 1870, the first apportionment under minority representation was committed to the governor and secretary of state. Both Massachusetts, 1780, and New Hampshire, in 1784, in their early constitutions left the apportionment of representatives in a measure to the people of each town by selecting a small number of ratable polls as the ratio and permitting each town to send 1 for such ratio; the large towns, as Boston, rarely sending all the members to which they were entitled to the general court. This right, the judge of the state held (Mass. Elec. Cases, 120,) was enjoyed by the town in its corporate capacity and could not be interfered with by the legislature —The following table gives the ratio and the number of representatives at each apportionment:

STATES.	Constitution, 1781. Ratio, 1 to 30,000.	Act of apportionment April 14, 1792. Census of 1790. Ratio, 1 to 33,000.	Act of apportionment January 14, 1802. Census of 1800. Ratio, 1 to 33,000.	Act of apportionment December 21, 1811. Census of 1810. Ratio, 1 to 35,000.	Act of apportionment March 7 1822. Census of 1820. Ratio, 1 to 40,000.	Act of apportionment May 22, 1832. Census of 1830. Ratio, 1 to 47,000.	Act of apportionment June 25, 1842. Census of 1840. Ratio, 1 to 70,680.	Act of apportionment May 23, 1850. Census of 1850. Ratio, 1 to 93,420.	Acts of apportionment May 23, 1850, and March 4, '62. Census of '60. Ratio, 1 to 125,840.	Acts of apportionment February 2 and May 30, 1872. Census of 1870. Ratio, 1 to 131,400.
N. Hampshire.	3	4	5	6	6	5	4	3	3	3
Massachusetts	8	14	17	20	13	12	10	11	10	11
Rhode Island	1	2	2	2	2	2	2	2	2	2
Connecticut	5	7	7	7	6	6	4	4	4	4
New York	6	10	17	27	34	40	34	33	31	33
New Jersey	4	5	6	6	6	6	5	5	5	7
Pennsylvania	8	13	18	23	26	28	24	25	24	27
Delaware	1	1	1	2	1	1	1	1	1	1
Maryland	6	9	9	9	9	8	6	6	5	6
Virginia	10	18	22	23	22	21	15	13	11	9
N. Carolina	5	10	12	13	13	13	9	8	7	8
S. Carolina	5	6	8	9	9	9	7	6	4	5
Georgia	3	2	4	6	7	9	8	8	7	9
Vermont	....	2	4	6	5	5	4	3	3	3
Kentucky	....	2	6	10	12	13	10	10	9	10
Tennessee	....	....	3	6	9	13	11	10	8	10
Ohio	....	....	....	6	14	19	21	21	19	20
Maine	....	....	....	....	7	8	7	7	5	5
Alabama	....	....	....	....	2	5	7	7	6	8
Mississippi	....	....	....	....	1	2	4	5	5	6
Louisiana	....	....	....	....	3	3	4	4	5	6
Indiana	....	....	....	....	3	7	10	11	11	13
Illinois	....	....	....	....	1	2	7	9	14	19
Missouri	....	....	....	....	1	2	5	7	9	13
Arkansas	....	....	....	....	....	....	3	2	3	4
Michigan	....	....	....	....	....	....	1	4	6	9
Florida	....	....	....	....	....	....	....	1	1	1
Texas	....	....	....	....	....	....	....	2	4	6
Iowa	....	....	....	....	....	....	....	2	6	9
Wisconsin	....	....	....	....	....	....	....	3	6	8
California	....	....	....	....	....	....	....	2	3	4
Minnesota	....	....	....	....	....	....	....	....	2	3
Oregon	....	....	....	....	....	....	....	....	1	1
Kansas	....	....	....	....	....	....	....	....	1	3
W. Virginia	....	....	....	....	....	....	....	....	....	3
Nevada	....	....	....	....	....	....	....	....	....	1
Nebraska	....	....	....	....	....	....	....	....	....	1
No. of Rep.	6	105	141	181	212	240	223	234	241	292

[1] Here and elsewhere dates refer to the adoption of the organic law quoted

The basis of apportionment, where dependent on the civil divisions of the state, is, in New England, the town; in the middle, western and southern states the county; in Louisiana the parish; in South Carolina, until 1868, election districts: while in New York until 1821, in Virginia, from 1850 to 1864, the state was divided into 4 districts, made up of counties, within which senators were apportioned. In Virginia 8 such districts were provided at the same time for the lower branch. Ohio, 1851, has 33 fixed senate districts within whose limits senators are apportioned, districts being united from time to time when they fall below the ratio obtained by dividing the state population by 35. Under an opinion given by attorney general Nash, in 1881, districts so united can not be separated in a subsequent apportionment until the population of each equals the state ratio for senator. Another unit in apportionment was recognized in Maryland by the division of the state, adopted in 1776 abolished in 1836, into an "eastern" and "western" shore in allotting the senate. Massachusetts was also divided up to 1851 into senate districts, made "permanent" in 1840, among which senators were apportioned. These various divisions of a state to which representation is assigned or within which it is divided must be distinguished from the ordinary district whose erection is a customary incident of apportionment where the number of representatives is greater or less than the number of counties or towns. Apportionments within the states, based upon number, rest either upon the entire population, (Alabama, 1867; Connecticut, 1828; Illinois, 1870; Louisiana, 1852, 1879; Massachusetts, 1840; Minnesota, 1857; Missouri, 1875; Nebraska, 1867; Nevada, 1864; New Hampshire, 1877, New Jersey, 1844; Ohio, 1851; Pennsylvania, 1873; Rhode Island, 1842; South Carolina, 1868; Texas, 1836, 1876; Vermont, 1836; West Virginia, 1872; Wisconsin, 1848; all the western states mentioned excluding Indians not taxed), upon the total population less aliens, (Maine, 1820; Maryland, 1867), upon the total population, less aliens and Indians not taxed. (New York, 1821; North Carolina, 1868), upon the total population less aliens ineligible to naturalization, Chinese, (California, 1879) or upon voters (Arkansas, 1874; Florida, 1868; Georgia, 1877; Indiana, 1851; Kentucky, 1850; Mississippi, 1868; Tennessee, 1834). In three states, the old limitation to a white population still remains (Iowa, 1857; Michigan, 1850; Oregon, 1857), but in none of these would the recognition of a colored population affect an apportionment. In Michigan, "civilized persons of Indian descent" are included in the representative population and tax paying Indians were by the New York legislature in the last, 1879, apportionment of the state. The constitutions of Colorado, 1876, Kansas, 1859, and of Virginia, 1870, omit to designate specifically the basis of apportionment, which is presumably the entire population. In nearly all the states, limitations upon the application of the rule of numbers exist with reference to one chamber or the other; usually by requiring county lines to be observed. In New Hampshire, the upper chamber is still apportioned by direct taxation. An apportionment of this character existed till 1821 in New York, 1836 in Massachusetts, 1868 in South Carolina and from 1835 to 1868 in North Carolina. In all these states, except South Carolina, this allotment was applied to the upper branch; there one-half the lower branch was apportioned by taxation and one-half by population under a provision adopted in 1808 and continuing till 1868. Georgia and Pennsylvania both had apportionments based on freeholders in their first constitutions and ratable tax-payers were the basis for apportioning the lower branch in New Hampshire till 1877 and in Massachusetts till 1840. Before the civil war, Georgia, 1798; Maryland, 1851; North Carolina, 1835; Virginia, 1850, adopted the "federal" rule of population and in all the other slave states, the free white population was the only basis employed as to population. A like limitation occurs in most of the early constitutions in the states formed out of the northwest territory.—The decennial census taken under the federal constitution has led all the states except Kentucky, which still retains an octennial period, to adopt an apportionment once in 10 years, even where, as in New York and Massachusetts, the state apportionment takes place after an intercalary state census. In 10 states (California, Indiana, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, Oregon and Wisconsin) provision is made for a new distribution of representation after every state as well as after every federal census, giving an apportionment every five years. Apportionments every 4 years, (Arkansas, 1836; Iowa, 1846; Louisiana, 1812; Kentucky, 1792; Missouri, 1820; Ohio, 1802,) every 6 years, (Alabama, 1819; Indiana, 1851,) every 7 years, (Georgia, 1798; New York, 1777; Pennsylvania, 1776, 1840; Tennessee, 1796; Vermont, 1786), and every 8 years, (Kentucky, 1850; Texas, 1845) have been required by different constitutions; but of these only Kentucky survives. It is an open question in state, as in federal, constitutional practice whether the requirement of a recurrent apportionment is mandatory or directory, whether it can be discharged only by the legislature sitting next after the enumeration or by any other, and whether once accomplished, it can be revised by a succeeding legislature. The constitution of Louisiana, adopted in 1868, prohibited the legislature from passing any act at the first session after a census before a reapportionment bill had become a law, but this restriction was dropped in the constitution of 1875. The constitutions of 6 states (Arkansas, 1874; Alabama, 1867; Connecticut, 1828; Nebraska, 1875; New York, 1846; New Jersey, 1844), require an apportionment once made to remain unchanged till the next census, and the constitutions of all the other states enjoin an apportionment "immediately" or at the "first session

after" an enumeration. Mandatory language is generally used in these injunctions, but the practice of state legislatures has repeatedly construed it as directory. The constitution of Connecticut, 1828, requires a decennial apportionment of the senate, but after making an apportionment on the census of 1830 none was made till 1880 by the legislature. In New York state after the census of 1855 an apportionment was not made till 1857, and after the census of 1875 till 1879, and there have been other cases of delay. The attorney general of New York state held in an opinion (58 N. Y. A. Gen. Decisions 21) that no apportionment could be made except by the legislature meeting immediately after the enumeration, and while the law does not seem settled (19 N. Y. 41; 20 N. Y. 447, 19 Barber 81) the later decisions favor the view that an apportionment can be made only after an enumeration (3 Keyes 111). This is the accepted doctrine in Maine (Opinions of Justices, 33: 587, and 18: 458), but an exception is made if the apportionment "appear to have been unconstitutional." In Massachusetts the decennial distribution is held to be "fixed and unalterable" (6 Cushing 575; 2 Gray 84), as it is in Ohio (1 Ohio, 437). In the state last named frequent changes in apportionments had been, as the court was moved to say, a "most humiliating experience." A like practice, more or less frequent, has established in most states the precedent that an apportionment can be made by any legislature and in some cases, when an apportionment has already been made, (Indiana state apportionment 1880, Ohio 1878 and 1880, in re-districting congressional districts, and Louisiana 1879), a second and third distribution of representation has been made by successive legislatures.—In apportioning representation, the state authority discharging this duty is generally limited in three particulars, in the number of members to be distributed, in their distribution among the civil divisions of the state and in the representation to be given to fractions. But three state constitutions (Alabama, 1819; Georgia, 1789; North Carolina, 1776) have left the legislature complete discretion in determining its numbers at an apportionment. The usual practice has been to specify a major and minor number within which the legislature is required to act. This is now the case in all the states except 14 (Delaware, 1776; California, 1870; Colorado, 1876; Georgia, 1868; Illinois, 1870; Iowa, 1857; Massachusetts, 1857; Nebraska, 1867; New York, 1846; North Carolina, 1868; Ohio, 1851; South Carolina, 1868; Vermont, 1836 and West Virginia, 1877). In several of the earlier constitutions, instead of specifying the limits by the number of senators and representatives, a ratio is named by the constitution to be used in apportionment. This is still the case in Florida, where 1,000 registered voters is the ratio in the lower branch, in Minnesota, 2,000 population for representatives and 5,000 for senators, in New Hampshire, 1,200 population for the house, in Rhode Island 1,530, and a like practice has been followed in other states; 7,000 and 3,000, 12,000 and 4,000 being the ratios for senator and representative in 1836 and 1841 respectively in Illinois. In distributing representation the county is usually assumed as the unit, the town as well as the county being used in New England. In nearly all the states which have been admitted into the Union since its organization and in several of the original states, the legislature is at liberty to group counties whose population falls below the representative ratio; but in 7 states (Florida, 1868; Georgia, 1868; Kansas, 1859; Louisiana, 1879; Michigan, 1850; New Jersey, 1844; New York, 1846), each county, and in Rhode Island, 1842, each town is guaranteed 1 member of the lower branch, and in Connecticut, 1828, each county is secured 2 senators and in New Jersey 1. Provisions prohibiting the legislature from dividing counties in laying out districts for the upper chamber and requiring such districts to be of contiguous territory, exist in many constitutions, but the inconvenience of a contrary practice has led it to be abandoned, even when no restriction exists. In Maine, the judges have held (Opinions of Justices, 18: 458) that a small county can be attached to a portion of a large county, where the latter is divided into more than one district. In New York state such an apportionment has been proposed, but never practiced. It has been held in the same state that after districts have been laid out new counties could be erected a part in each, leaving the right of suffrage unchanged (19 Barber 81); but this is doubtful and has been denied in an opinion by attorney general Talcott (Assembly Journal, 1822, p. 78), a view which is sustained in 20 N. Y., 447. A limitation upon the number of members which can be assigned any one county exists in the constitutions of most of the states having a large city, designed to prevent the concentration of too large a representation at a single point. A provision of this character was strongly urged by Chancellor Kent in the New York constitutional convention in 1821, but was voted down. Pennsylvania, in the year 1873, Rhode Island, in 1842, South Carolina, in 1868, Maine, 1820, and Florida, in 1868, have such limitations in regard to one chamber or the other, and down to a recent date they existed in Louisiana. In Maryland, 1851, Missouri, 1875, and New Hampshire, 1877, the same result is reached by largely increasing the ratio of representation when a number of members are apportioned to one county. It is the uniform practice in all the states to recognize the representation of fractions whether a constitutional provision is made for this or not. In Tennessee a county, losing by unrepresented fractions in apportioning one branch, is to have special representation in apportioning the other; in Kentucky allowance is to be made for such loss in successive apportionments; in Texas fractions can be united by giving two counties having fractions equal to a ratio an additional member, but in general the legislature is left to its own discretion. In Massachu-

setts, under the amendments adopted in 1836 and 1840, fractions were given a proportional representation during a part of each decennial period, a plan followed in the Ohio constitution of 1851. Each fraction left in apportioning senators and representatives among districts and counties is multiplied by five, and if the product equals a full ratio, the district receives an additional member for the fifth of the five terms into which each ten year period is divided, if the product equals two ratios for the fourth and fifth terms, and so on. These additional members are known in Ohio politics as "floaters."—The initial apportionment of representation prior to the existence of a written constitution in the original states was in general made by the revolutionary committee in organizing a new government after the disappearance of the colonial administration. In the admitted states and the organization of territories, an apportionment is usually provided in the enabling act. In distributing representation in the various conventions and state "congresses" called in 1775–6–7–8, an equal allotment among the recognized divisions of each colony was the rule, as it had been in the colonial legislatures. In New Hampshire, a census was taken in 1775, the earliest on record with this end in view, for the purpose of "apportioning fairly" the delegates to a convention which met Dec. 21, 1775. An unequal distribution of representation was made in South Carolina in calling a congress in 1776; but it does not appear to have been guided by population. In Pennsylvania each county and Philadelphia were given 8 members in the convention of 1776. Equal county representation was followed in New Jersey and Delaware. Massachusetts, Connecticut, Maryland, Virginia, and North Carolina adopted the apportionment already existing. The first step toward an apportionment based on number was not taken in Rhode Island till the irregular call issued by a committee appointed by the "friends of the suffrage" convention, July 20, 1841, which assigned each town a delegate to every 1,000 inhabitants, and 3 to each ward in Providence. Vermont, on organizing a central government in 1777, gave each town an equal voice. The first apportionment in Kentucky, to the convention meeting at Danville, was on the basis of a delegate to every company of militia in the Kentucky district, a unique instance in American history of representation resting on the old Teutonic foundation, an arms-bearing people. The ordinance of 1787, in providing for the government of the territory northwest of the Ohio, apportioned the membership of the lower branch of the territorial legislature by allowing, "for every 500 free male inhabitants, 1 representative, and so on progressively," until the number of representatives amounted to 25, when further apportionment was left to the legislature of the territory. In succeeding enabling acts constituting territories, the first apportionment and districting is vested in the governor and succeeding allotments committed to the legislature. Where, as in Alabama, 1817, a territory is erected from counties already part of another, the existing apportionment is accepted. Usually, in providing for a convention to draft a state constitution, the distribution of representatives is left to the territorial legislature, sometimes with a limit on the number of the convention, (Louisiana, 1811) and in other instances the enabling act makes the apportionment, (Missouri, 1820); a circumstance probably due to the fact that the proposed state was smaller in area than the existing territory. In the last three states admitted, Nevada, Nebraska, and Colorado, the act providing for a state convention authorizes the governor of the territory to lay out districts, and constitutes the governor, the federal district attorney, and the chief justice a board of apportionment to distribute the members, whose number is usually fixed by the governor, among these districts. Where the first step toward a convention is taken by the people an existing apportionment has been adopted, in West Virginia, 1861, the old representative districts of the last Virginia apportionment, in Kansas, 1857–9, and in Michigan, 1834, the lower branch of the territorial legislature, but in Tennessee, 1796, the first call was for 5 from each county. In California the constitutional convention of 1849 revised its own apportionment; an act without precedent. The convention met pursuant to a call issued by brigadier general Riley, U. S. A.,—in his capacity as civil governor of the conquered territory—dividing the state into 10 districts and apportioning delegates among them with general reference to the last Mexican apportionment, with a proviso that any district could elect more members whose admission would be decided by the convention. After three days' debate, the convention, guided principally by the votes cast, increased its number from 37 to 73.—In the period succeeding the civil war, an apportionment of representation in state party conventions based on the votes cast at a recent election for the candidates of the party has come into use. It obtains in both parties in Massachusetts, New Jersey and Ohio, in the republican party in New York, in city conventions in Cincinnati and Chicago, and elsewhere. Where such a division is not employed, representation in a party convention is generally based on some legislative apportionment.—The methodical distribution of representation upon an accepted basis is recent in all European governments. No principle was followed in allotting representation in the ancient German diet. The constitutions of 1815, which organized the federal diet of the German empire, divided representation with general reference to population in the plenum or general assembly, but contained no provision for an apportionment. The short-lived Frankfort assembly of 1848 was based on a representative ratio of 50,000 inhabitants. An apportionment according to population was a prominent feature of the Prussian plan for reorganizing Germany in 1866. The projects proposed by Austria at Frankfort, Sept. 1, 1863,

and by Saxony, Oct. 15, 1861, both divided representation more closely in accordance with population than in the federal diet, but they adopted no uniform rule of distribution. This was provided during the organization of the North German confederation in 1866 through the adoption in September by the Prussian legislature of a law for the election of the first German parliament, under which a deputy was to be apportioned to the states in the constituent diet of the new confederacy for every 100,000 inhabitants, a surplus of 50,000 to be treated as a whole number; elective departments and districts to be settled by the government. This apportionment was extended without changing its character when the new German empire was organized in 1871, and adopted for the *reichstag* in article 20 of the constitution. The limits placed upon future apportionments are the stipulations that each state shall have at least one representative and the guarantee of 48 members to Bavaria, 17 to Würtemberg, 14 to Baden, and 6 to Hesse. The apportionment of representation to the states in the *bundesrath*, or federal council, as fixed by article 6, is not subject to revision, but gives each of the larger states a representation approximately proportioned to population, and the smaller states 1 vote each. In the Prussian kingdom an apportionment based on population was first provided by the electoral law passed by the united diet in 1848, which took the census of 1846 as a basis in distributing representation in the lower chamber, assigning 1 member to each civil division, 2 to those having 60,000 inhabitants, and for every 40,000 more inhabitants an additional member. The Prussian constitution of 1850 altered this apportionment by distributing the election of 350 members among administrative "circles" of 10,000 inhabitants each. The present Prussian lower chamber is apportioned upon much the same principle. Representation in the provincial diets of Austria is not subject to any systematic apportionment, and while the membership in the Austrian *reichsrath* and the Hungarian house of representatives follows the population of the crown lands represented approximately in each case, the average ratio of representation (1 to 34,000 in Hungary and 1 to 97,000 in Austria in 1869) is extremely unlike in the two bodies. The imperial patent of Feb. 26, 1861, under which the first Austrian parliament was summoned, apportioned 343 deputies among the crown lands with a general adherence to population in the share given each. The earlier Austrian constitution of 1849 provided no apportionment whatever.—The states general of the old French monarchy was a body in which the distribution of representation in the two upper branches rested on status and in the third on the ancient divisions and municipalities of the kingdom. The national assembly organized under the constitution of the year III, 1791, consisted of 745 members; 247 apportioned on the basis of territory, each department having 3 members and Paris 1, 249 on population and 249 on the direct contributions of each department to the government. Under the directory, the first empire, the restoration and the monarchy of July mediate elections by groups of taxables organized upon various systems took the place of any systematic apportionment. In 1848 the provisional government, in its decree of March 5, announced population as the basis of representation and, selecting 40,000 as the ratio, apportioned 900 members among the departments in France and the colonies abroad; a principle followed by the constitution of 1848 in the apportionment it provided, carried into effect by the electoral law of 1849. The constitution proclaimed under the second empire, Jan. 14, 1852, adopted 35,000 as a representative ratio (article 34) and empowered the executive to divide the departments into districts (*circonscriptions*) on this basis, allowing an extra member for fractions over 25,000. These districts were not required to be of contiguous territory, often were not, and were revised under the constitution every five years. Under the republic, the constituent electoral law of Feb. 25, 1875, regulates the apportionment of members to the lower branch of the national assembly. It provides that each administrative *arrondissement* shall name 1 deputy, (*scrutin d'arrondissement*), and those with a population over 100,000, 1 for every fraction of this number. As the French *arrondissements* are of nearly equal size and intended to contain about 100,000 inhabitants, this is practically a general apportionment upon a ratio of 100,000, and a representation is also given the colonies. The districts electing members, it is provided by the same enactment, must be defined by law, and can be changed only by law. At the passage of the electoral law defining the apportionment of the chamber of deputies, the national assembly also distributed among the departments in nearly equal shares, not dependent on population, the senators to be chosen by each.—An equal division of representation continued to be the rule in the allotment of representation among the Spanish municipalities summoned to send members to the cortes down to the final suppression of their legislative powers in the 16th century; although during the 14th century the larger cities obtained a greater proportional representation. In 1808 the central junta, in providing for the re-assembling of the cortes, assigned an equal representation to those cities last represented and to the provincial juntas, and 1 deputy besides to every 50,000 souls in the kingdom; the Spanish-American colonies, most of which were then in insurrection, being included in the apportionment. The constitution of Cadiz, adopted four years later, abolished by the decree of May 4, 1814, but subsequently revived at frequent intervals by the "constitutionalists," provided an apportionment based on population, taking 70,000 as a representative ratio. The census of 1797 was assumed as a basis of the apportionment made by the constitution, but it is difficult to reconcile its allotment of representation with the

returns of population; Valencia and Granada, with a nearly equal population, having respectively 19 and 2 deputies. An apportionment based on representation was demanded at every rising for the next half century by Spanish liberals, and in 1868 the electoral law, promulgated by the provisional government, declared an apportionment by provinces for every 45,000 inhabitants, a fraction over 22,500 to count as a full ratio; 350 deputies being distributed on this basis. The constitution of June 6, 1869, changed this ratio to 40,000, and that of June 30, 1876, to 50,000—in Cuba, 40,000 free persons. Representation in the present Spanish upper chamber, 1881, is distributed partly by status and in part to state corporations.—In Switzerland, an equal representation of the cantons was the rule till 1848. This was embraced in the act of mediation, 1803, and in the constitution imposed by the allied powers in 1815. In 1848 the method since enacted in the constitution of 1864 was adopted. In the state council, each canton has 1 vote; in the national council, a delegate is assigned to every 20,000 inhabitants, fractions over 10,000 to count for 1. Each canton and each half of a divided canton is guaranteed 1 vote. The election is by districts. The Danish great charter, drawn in 1848, and revised in 1866, gives a member in the lower branch, *landsthing*, for every 16,000 inhabitants. In Belgium the chamber of representatives is based upon a ratio of 1 to 40,000, and the provincial councils are also apportioned by population, varying from 1 to 11,500 in Brabant and Hainault to 1 to 5,000 in Limbourg and Luxembourg. The members of the lower chamber in Holland, by the constitution of 1815, revised in 1848, are apportioned 1 to 45,000 of population among the provincial states. The first Mexican constitution, 1824, apportioned the house of representatives on the ratio of 1 member to every 40,000 inhabitants.—As the English house of commons is, in its origin, a body made up of the consolidated representation of the shires and boroughs into which the kingdom was divided for local administration and the collection of taxes, the only apportionment known in English constitutional practice is based on the organic divisions of the state; a fact mirrored in the nearly equal representation awarded to the counties and boroughs returning members to parliament before the reform bill of 1832. The changes in representation made by this and succeeding measures have been simply a redistribution of the right of returning members of parliament among civil corporations in the United Kingdom; often with a general reference to population, but with no apportionment based upon it. Sir Thomas E. May states that "the principle of population, although rudely carried into effect, formed the basis of representation in early times," but it is difficult to reconcile this statement with the actual distribution of members. The representation given Scotland by the act of union, 1707, was intended to represent the relative importance of the two kingdoms in wealth and population; but the allotment was only approximate. Even this was not attempted at the union with Ireland in 1801. In organizing representative government in the colonies, parliament has uniformly recognized population as a basis for the apportionment of representation. Pitt's constitutional act of 1791 for the government of Canada empowered the governor of the colony to decide the number of members to be returned to the lower chamber in the colonial legislatures of Upper and Lower Canada, and to lay out districts containing an equal male population for the election of these members. Future apportionments were committed to the local authorities. The same general plan was followed in the act of Aug. 5, 1850, organizing the Australian colonies, an initial apportionment by the governor and future distribution by the colonial legislatures. The act of 1841, uniting the two Canadas, accepted the old districts and made a new apportionment in the bill. By the act of union in 1866, organizing the dominion of Canada, no apportionment is provided for the senate, a fixed number being assigned each province. For the house of commons, the legislature is authorized to make a decennial apportionment of 181 members among the different provinces; dividing the population of Quebec by 65 to obtain a representative ratio, in accordance with which members are to be distributed; fractions over one-half to be reckoned as whole numbers and those less than a moiety to be omitted. At any assignment, no province is to lose in representation unless its decrease of population is over one-twentieth. TALCOTT WILLIAMS.

APPROPRIATION. Appropriation is the reduction to private property of an object which belonged or might belong to all. Thus, arable land which, as we may suppose, was primarily the property of the whole human race, was appropriated when it was first divided into parts, each one of which had its distinct owner.—The word appropriation can hardly be applied to things other than those given by nature; for, as to those which are the fruit of the labor of man, they so naturally and necessarily belong to him who has produced them that they are, so to speak, incorporated in him, until he disposes of them by exchange, or voluntarily destroys them. But the word appropriation does not apply equally to all natural objects. It can hardly be properly applied to the simple consumable products which the earth or the sea may furnish man with. It is rather applied to productive original *stock*, that is, to the natural instruments of production, such as arable land, mines, water-courses, etc., in a word to all the natural elements which constantly assist us in our labors.—Among the natural instruments of production, some are susceptible of appropriation, others are not. For instance, arable land and mines have been almost entirely converted into private property in all civilized countries; but the sea which, like the earth, is

productive, since it produces fish, mollusks, coral, pearls, salt, etc., has not been appropriated and scarcely can be, except some very limited portion of it near the shore.—All economists admit that the appropriation of arable land has singularly increased its fecundity, and made it truly a benefit not only to the actual possessors of the soil, but also to those who believe they have been unjustly deprived of it. "We have examples," says J. B. Say, "of what happens where there are no landed proprietors. Where there are no such proprietors, people are in the condition of the Hurons and Iroquois. Among them the soil belongs to nobody; and the only product that their agricultural industry, which is the chase, procures from this soil, consists of the furs which they sometimes secure at the cost of untold fatigue, though at times their labor goes unrewarded. The produce of the chase does not always crown their efforts, and they and their families are exposed to most frightful privations."—In countries where the land does not belong to anybody, nobody cultivates it, and men obtain from it only the meagre fruits which it produces spontaneously.—In all countries, even the most civilized, there still are lands which are not absolutely appropriated, in the sense that the state or communes have reserved their possession to themselves. This is always a beginning of appropriation, and it can not be said in this case that nobody is interested in improving the natural resources of such land; but as the proprietor is a collective person, his interest is not sufficiently direct and urgent to induce him to endeavor to draw from the land all that it can be made to yield. Hence it is that in all the countries of the world, the lands belonging to the state and municipalities are by far the worst managed and least productive.—Mines and quarries may be *appropriated* just as arable land may be, and, it is evident, may gain fully as much by it. Their appropriation is, however, rarely as complete and absolute as that of land. In many countries, the state makes certain reservations in this respect. In some of them the government retains the mines in its own possession, and works them itself. This is the case in Germany for instance, with the iron and salt mines, and in some other parts of Europe and America, with gold and silver mines. In France, the government while granting to private individuals the right to work mines, reserves to itself the ownership of them in principle; so that, leaving out the consideration, the labor, the expenses, and the losses to which it subjects its grantees, it constantly holds over them the threat of a withdrawal of their grant. Theirs is a sort of conditional and precarious appropriation, which does not offer the advantages of an absolute and irrevocable appropriation. (See AGENTS, NATURAL; LAND, MINES, OCCUPATION, PROPERTY.)

CHARLES COQUELIN.

APPROPRIATIONS. (See PARLIAMENTARY LAW.)

ARBITRAGE. In banking and commercial matters, arbitrage or arbitration of exchange is resorted to in order to discover, by comparison and calculation, the profit which may result from the negotiation of bills of exchange on different places.—This process is either simple or complex. The simple process is of more general application, because there is little speculation in money changes which extend to more than three places.—Simple arbitrage is a comparison of the course of exchange between two places, relatively to the course established between these two places and a third; that is to say, the rate of exchange between two places being known, arbitrage consists in comparing this rate with that prevailing at the third place, in order to ascertain to which of the three it is most advantageous to make the remittances to be made.—A complex arbitrage consists in comparing the course of exchange of more than three places, with a view to ascertain what a remittance shall cost in the last which has passed through all the others. In fact, a complex arbitrage is the repetition of several simple arbitrages, and can be solved only through a series of operations in the rule of three.—Arbitrage in the case of goods takes place especially when the price of a certain commodity at a certain place being known, it is sought to ascertain what price the commodity will bring in another market; and consequently what price should be asked for it there, so as to realize a profit. In this case, there are charges made for handling and transferring the goods to be taken into account. The merchant who is not in a position himself to reckon these expenses, particularly when his business relations extend to markets far distant from his place of residence, usually has these expenses estimated by his correspondents.—Arbitrages are very useful, as they tend more and more to keep in balance the rate of values between different countries. CHARLES COQUELIN.

ARBITRARY ARRESTS. (See HABEAS CORPUS.)

ARBITRARY POWER. In the common acceptation of the term arbitrary power is an act of the will not guided nor restricted by any law. It is characteristic of all absolute governments to become arbitrary, but in theory we can well conceive of a power without external limits, which would impose limits to itself and respect the limits thus self-imposed. Should such a government exist, we can readily comprehend that it would have warm adherents. Nevertheless, we believe, that in an enlightened nation, public sentiment will never be favorable to arbitrary power.—Such power destroys morality, security, and patriotism itself; and this the more, the further it is carried. But it would be an error to look for arbitrary power only in despotic states. Frequent examples of its exercise are found under constitutional governments and even in republics, in countries governed by law and ranged by the Germans under the denomination of *Rechtsstaat*.

These cases of arbitrary power should be charged to the account of the discretionary power which the laws are obliged to leave to a considerable number of officials, or rather to the account of citizens who submit to the abuse of power without making use of the legal defense at their command. If the functionary knew that every act of his, not justifiable by the necessities of the case, would be brought before the higher authority of the courts, or merely before the tribunal of public opinion, by way of the press, he would think twice before assuming the responsibility of it. If no one would consent to endure arbitrary power, no one would be arbitrary.—The word arbitrary has in addition a philosophic meaning, which must not be confounded with its vulgar sense. We shall endeavor to define this in a few words and indicate the application it finds in governmental affairs.—The actions of men are sometimes determined by natural laws, physical or moral. Sometimes again they are not affected by any insurmountable restriction. A man can not remain suspended in the air without support; here is a physical impossibility. A man can not be grateful for evil done him; this is a moral impossibility. But he is free to grant a month's delay and, if he wishes, two or three months' to a debtor; in a word, he can accept or grant a thousand different conditions in every one of the thousand circumstances of life. This is arbitrariness, for in strictness everything not materially or morally necessary, forced, or inevitable, is arbitrary. One arbitrates, chooses, among several solutions or methods of action, that which seems preferable for some reason. Now in a large number of cases the law should have settled the question. To cite but a single example: how long an interval should be allowed a criminal between judgment and appeal? A limit is necessary; it is not established by the nature of things; it is therefore necessary to fix it by legislation. The time adopted is chosen arbitrarily, though by no means capriciously or without reflection, but it would have been possible either to lengthen or shorten it. Once a law is enacted the tribunal which enforces it exercises no arbitrary power. We have laid stress on this acceptation of the word only with the intent of bringing home to the legislator the fact that when he is obliged to fix arbitrary limits he ought before making decision, to examine everything, to hear and weigh what may be said pro and con. Laws of this category cause most harm when they have not been made with that maturity of deliberation which should never be absent in an act so important. (See ABSOLUTISM, BUREAUCRACY.)

MAURICE BLOCK.

ARBITRATION. (See INDUSTRIAL ARBITRATION.)

ARCHONS. The archons were the principal magistrates of Athens. Their institution goes back to the eleventh century before Christ. After the death of Codrus (1045) the Athenian aristocracy, the *eupatrides*, like the *patres* in Rome at a later period, abolished royalty and replaced a hereditary king by an elective magistrate, the archon, elected for life, invested with the royal authority but responsible to his electors and chosen from a limited number of families. So long as the Doric and aristocratic elements were preponderant in Attica, the archonship retained its original character. But it was modified according as the constitution inclined to democracy, and the different reorganizations which it underwent are a faithful picture of the revolutions, more and more democratic in character, of the Athenian people. After 714 (or 752) the archonship, instead of being a sort of royalty for life, was limited to ten years. Thenceforth open to all noble families, it ceased to be the exclusive appanage of an oligarchy. In 683 it received its almost final organization. Executive and judicial power, concentrated until then in a single hand, was divided among nine archons, elected for a year. Each of these had his special powers. The first, the archon *eponymous*, gave his name to the year, represented the state, maintained the social hierarchy, was judge of questions of civil status, and acted as the official representative of widows and orphans. The second, the *king* archon, inherited the religious functions of ancient royalty. He looked after the ceremonies of religion, presided at the Areopagus, and had jurisdiction in criminal cases as well as in cases of sacrilege. The third, the archon *polemarch*, organized and commanded the army and decided disputes between citizens and strangers. All other judicial affairs were reserved to the last six archons, named *thesmothetæ*.—The reforms of Solon while respecting this organization did away with its sovereignty. While the archonship was rendered accessible to all citizens of the first four classes established in the state by Solon according to their fortunes, its judicial power ceased to be absolute. The archons were obliged on leaving office to render an account of their administration before the general assembly of the people, to which, from that time the real sovereignty belonged. The archon *eponymous* had within his jurisdiction only questions of status and inheritance. The creation of ten *strateges* elected annually took from the archon *polemarch* nearly all his military authority, and by the extension of power given the *heliasts*, the six archons *thesmothetæ* were transformed into simple examining magistrates. Aristides by a law opened the archonship to all classes of citizens. Shortly after, Pericles and Ephialtes substituted drawing by lot for election. The candidates were not admitted until after an examination, and a decision by the assembly of the people. Once in office, they continued under the supervision of the *nomophylactes*, new magistrates charged with maintaining the law, and who might veto every act of their administration. To sum up, their judicial power was limited to the repression of the simplest misdemeanors punishable with a

small fine.—Thus deprived of all their authority in favor of the people, the archons, like the consuls at Rome, survived all the governments which followed one another in Greece and their name is found in an edict of Galien in the third century of the Christian era. M. Block.

AREOPAGUS. The origin of the Areopagus is of such remote antiquity that the ancients themselves did not know the precise period of its establishment. When Solon, in 595, undertook to give Athens a new constitution, he found in the Areopagus, a court of justice, whose jurisdiction he extended and modified, leaving it the right which it seems to have always possessed of trying the crimes of murder, mayhem, and treason. He made it in addition a kind of conservative senate and a court of appeal. Specially commissioned to oversee the city, the education of children, and the private life of citizens, to moderate luxury, to keep up the obligation to labor, the Areopagus became by degrees a tribunal of judgment on morals, whose power rested chiefly on public opinion. It would be difficult to define nicely what its authority was. Before the assembly of the people it demanded, and often obtained, the revision or repeal of laws, of judgments and even of simple decrees; but it would seem that this was done not by virtue of any recognized right. The creation of ten tribunals of *heliasts*, withdrew from its jurisdiction the cognizance of the greater part of ordinary crimes, and it is permissible to suppose that the repression of sacrilege and crimes against the state was at last its only prerogative. Like all the Athenian magistracies, the Areopagus was abolished by the democratic reforms of Clisthenes, Ephialtes, and Pericles. Beginning with 459, the censorship of morals which was its principal source of power was taken away from it by Ephialtes, in spite of the protests of the aristocracy. Thenceforth the Areopagus existed as an institution venerated by all but playing no active or useful part in the state.—The members of the Areopagus (their number was not limited) were chosen from among the ex-archons. They were appointed for life, after a solemn examination. Presided over by the second archon they passed judgment in the night with ceremonies intended to impress the imagination. Their decisions were originally without appeal, but by virtue of a privilege which we find to have existed in Rome also, the accused could escape the sentence hanging over him by voluntary exile. M. Block.

ARGENTINE CONFEDERATION. The Argentine Republic, in South America, is bounded, on the north and the east by Bolivia, Brazil, Uruguay, Paraguay and Montevideo; on the southwest by the Atlantic ocean, on the south by Patagonia, and on the west by Chili. Its area inclusive of the disputed portion of the Gran Chaco is 841,000 square miles. According to the census published by the government of Buenos Ayres, in 1872, the Argentine Republic had 1,877,490 inhabitants, including the population of the national dependencies of Chaco, Misiones Pampa and Patagonia. In the republic proper, there are 1,743,355 inhabitants, of whom 897,780 are males and 845,572 females. These figures represent the civilized population. The number of savages or half breeds is about 100,000; but other authorities make it 300,000. The capitals of the fourteen provinces into which the confederation is divided contain in the aggregate 300,000 inhabitants, or about one-fourth of the whole population of the country. In the province of Buenos Ayres, one-half of the population of cities is composed of foreigners. In the fourteen provinces there are 610,432 inhabitants of cities, 1,114,160 inhabitants of rural districts, and 12,330 inhabitants of river islands.—The mixture of races is not so great in the Argentine Confederation as in other parts of Spanish America. But the difference in habits and intellectual culture between inhabitants of cities and those of the rural districts, has created between the two classes an antagonism which, on account of the crimes and acts of violence it has caused, is second to none of the most lamentable race-antipathies recorded in history.—During the war for independence, from 1810 to 1819, all the provinces composing the vice-royalty of La Plata were, in a measure, united. While hostilities lasted, they recognized willingly enough the supremacy of Buenos Ayres which, proud of its wealth, the intellectual superiority and the high standard of culture of its inhabitants, assumed the title of the Athens of the south. Buenos Ayres conducted the war for independence, furnished arms, money, soldiers and generals to Chili and Peru, and opposed a barrier to the invasions of Brazil, by the establishment of the state of Uruguay. The whole political drama of the Argentine Republic which, at first, seems to present, during the last fifty years, only a personal conflict, turns mainly upon the antagonism between Buenos Ayres and the provinces. Commerce and industry, and intercourse with Europe, are monopolized by Buenos Ayres; the other states of the confederation are purely agricultural countries where the primitive mode of living of the early colonists, and even the Indian life of the *Guachos* shepherds or nomads still exist. The alternate success of the two factions accounts for the changes in its political constitutions. Buenos Ayres imposes on the other states a uniform constitution, European codes, a regular government, civilization and its accessories, all of which do not appear equally reasonable to the rural population accustomed, as they are, to an almost savage independence. The latter naturally find allies among the lower classes in Buenos Ayres and other cities; while the notabilities and the educated, who govern Buenos Ayres according to European ideas, are supported by the rich, country land owners. It is therefore the difference between Europe and America, cosmopolitan civilization and local independence, which excites the conflict between the *Blancos*

and the *Colorados*, between the moderates and the progressionists, the unionists and the federalists. Federalism is among Latin nations, and more especially among the Latinized states of South America, the form taken by the tendency called, according to circumstances, anarchy or liberty, and which, in times of triumph, leads to sanguinary dictatorships, as was that of Rosas.—This general observation which sums up the history of fifty years of apparent political confusion, relieves us of the necessity of entering into details of the revolutions of La Plata. It is sufficient for us here to point out the unifying or federal character of the four constitutions which there succeeded one another.—Independence having been proclaimed, a federal constitution, modeled on that of the United States, was tried. Subsequently, between 1820 and 1827, an effort was made to effect a union of the several states. The union party, between 1820 and 1830, surrounded by an almost barbarous population, endeavored to realize all the political liberty, social reforms, and economic progress, which now constitute the programme of the most enlightened portion of the liberal European party. But the constitution of 1826, was opposed by the military chiefs, whom that instrument was intended to reduce to subordination; by the clergy, who thought their property and influence were endangered by it; and also by the inhabitants of the rural districts, the *Guachos*, who feared interference with their old way of living.—The conventions which intervened in 1829, 1830, and 1831, after the overthrow of the unionist constitution of Dec. 24, 1826, reorganized the Argentine Republic on the basis of a federation which conceded to the provinces complete political independence in their internal affairs, and left them at liberty to manage their own financial affairs. The provinces guaranteed to one another full liberty in commerce and navigation. The conduct of foreign affairs was delegated to the captain general of Buenos Ayres. He was also intrusted with the conduct of the military affairs of the provinces. Rosas was clothed with these powers from 1829 to 1852.—Rosas maintained himself in authority twenty-four years, by causing the whole national power to be vested in him by a legislature which granted everything he desired. A popular organization, *La Mazorca*, assisted the dictator by ridding him of his adversaries. His endless quarrels with France and England, and his struggle with Montevideo are well known.—The constitution, adopted in 1852 after the fall of Rosas, gave a wide range to the executive power, but it also gave the country a true share in the management of its affairs. Nothing of essential importance was changed in the internal organization of the provinces The congress, composed of a chamber of fifty representatives, and of a senate of twenty-eight members appointed by the provincial chambers of representatives, was invested with the right to take a part in the making of all laws relative to the finances, and, if need be, to take the initiative in the making of such laws. The congress was also authorized to ratify diplomatic treaties and conventions.—From a purely political point of view, the provisions of the constitution of 1852 met with little practical opposition; but, from a financial and and economical point of view the case was very different. The provinces would have been very glad to have a share in the customs duties at Buenos Ayres. On the other hand, Buenos Ayres which, under Rosas, defrayed its expenses with customs duties, was opposed to this. The utmost that Buenos Ayres would do, was after having taken from the proceeds of the customs what it needed, to relinquish the surplus to the confederation. In 1853, a conflict of interests separated Buenos Ayres from the thirteen other provinces, a separation which was continued throughout the presidency of the statesman who had placed himself at the head of the movement against Rosas. During all this time the two divisions of the Argentine Republic kept up a war of customs duties, which inured to the benefit of Rosario, a port situated on the river La Plata. Finally, in 1859, after a short struggle the two parts of the confederation concluded a peace at San José de Florez, on June 10, and Jan. 6, 1860, they signed an act of union —In the same year, the constitution was revised. The executive power is vested in a president elected for six years by the legislature. There is a vice-president who presides over the senate. The president, with the consent of the senate, appoints the cabinet ministers. The members of the chamber of representatives are required to comply with certain conditions as to age, residence, and property. Each province in the confederation has its own legislature and governor, who bears the title of captain general. Political rights are everywhere made to depend on property qualifications or the exercise of a profession. Foreigners may become naturalized after a residence of two years in the country.—The federal capital is really Buenos Ayres; but from time to time its right to be the seat of government is contested. A law passed on Oct. 8, 1862, by the federal congress with the concurrence of the local government of Buenos Ayres, authorized the federal office-holders to reside at Buenos Ayres for five years. This limitation having expired on Oct. 8, 1862, a motion was made in the senate to have the seat of government remain in Buenos Ayres, which was to become federal property. The autonomists proposed, in imitation of the United States, to convert some unimportant territory into a federal district, and to make Rosario the capital. This last proposition was favorably received by the chamber of representatives, but rejected by the senate, but it was not decided to retain the capital at Buenos Ayres. A middle course was adopted. The federal minister of the interior restored to the governor of the province of Buenos Ayres the exercise of local jurisdiction with which the central power had been vested for five years only. In this way the national government is satisfied with the right of

simple residence at Buenos Ayres. The proposal to transfer the capital to Rosario was renewed, without success, in 1872.—The civil law is the same as in Spain. In commercial matters, the Bilbao ordinance still governs. The legal interests of the poor are committed to special advocates.—Before the constitution of 1860, the Catholic religion was the state religion, but it is now only the dominant religion. All foreigners are free to worship according to the dictates of their own conscience. Public education is committed to the care of a superior commission. Primary instruction, exclusively in the hands of the clergy, is in a very low state. Higher instruction is given in two colleges which are subsidized by the state. The degrees necessary to practice the professions of medicine, of law, and of the ministry, are conferred after an examination by a board of physicians, a commission composed of magistrates, and a committee of canons appointed by the bishops.—In civil and criminal matters, there are two degrees of jurisdiction and a supreme court.—The army is composed of 6,861 men, of whom 2,090 belong to the infantry, 2,861 to the cavalry, and 712 to the artillery, the national guard of cities not included. The staff of this small army is not so numerous as in the other Spanish republics. The navy is composed of a few small vessels, one of which mounts twelve guns.[1]—The resources of the state are derived mainly from customs duties. Other duties, such as stamp duties, taxes on residences and professions, do not amount to one-tenth of the receipts. The revenue receipts seem to vary between 18,000,000 and 20,000,000 dollars. The expenditure exceeds 25,000,000 dollars, and the deficit is made up by a national loan.—The national debt is rather large: it is divided into the home debt, foreign debt and the deferred debt. The total debt of the state of Buenos Ayres proper is about 10,653,000 dollars, and of the Argentine Confederation 12,000,000 dollars. The interest on this debt varies from four to nine per cent. There is, besides, a paper money debt of nearly 400,000,000 dollars. Twenty-five of these dollars or *piasters* in paper are equivalent to one *piaster* or *peso* in coin.—In 1871 the national debt was thus divided: the British loan of 1824 at six per cent. amounted to 20,764,000 francs; the British loan at three per cent. was 25,000,000; the foreign debt, 5,000,000 francs; another British loan, 56,000,000 francs; the sum due to Brazil, 6,600,000 francs; and a loan negotiated in London in 1871, at six per cent., with a sinking fund of two per cent., amounting to 150,000,000 francs. The foreign debt, therefore, amounted to 269,850,000 francs, the old home debt reached 183,500,000 francs, while the home debt, contracted since 1871, amounted to 30,000,000 francs.—A large part of the Argentine Confederation is yet uninhabited. This country is furrowed by a magnificent system of rivers, navigable for a long distance, which renders travel

[1] The following statistics relative to the Argentine Confederation are from the Statesman's Manual for 1881. The estimated sources of revenue and branches of expenditure for the year 1879 were as follows:

Sources of Revenue.		Branches of Expenditure.	
	Pesos fuerto.		Pesos fuerto.
Import duties	11,000,000	Interior	2,014,793
Export duties	2,500,000	Foreign affairs	105,480
Warehouse duties	350,000	Finance	912,943
Stamps	750,000	Public debt	7,979,612
Telegraphs	50,000	Army	4,493,065
Postoffice	300,0 0	Navy	616,972
Andine railway	70,000	Justice	1,188,748
Tucuman railway	70,000	Total expenditure	17,311,613
Gualeguay railway	10,000		£3,462,322
Miscellaneous receipts	1,789,120		
Total revenue	16,889,120		
	£3,377,824		

The budget for 1880 estimated the revenue at 18,762,061 pesos, or £3,752,412, and the expenditure at 18,381,718 pesos, or £3,676,343. The interest on the public debt was calculated at 8,429,057 pesos, or £1,685,811, being 450,000 pesos, or £90,000 more than in 1879. The other principal items in the expenditure were estimated as follows: Internal administration, 3,452,000 pesos; department of justice, 1,326,000 pesos; war, 4,416,000 pesos; marine, 650,000 pesos. The customs duties on imports and exports were expected to yield, the first 13,000,000 pesos, and the latter 2,500,0 0 pesos. The probable railway receipts were set down at 650,000 pesos, and the receipts from the postal and telegraphic services at 450,00 pesos, in the budget for the year 1880.—More than one-half of the total expenditure of the confederation is for the interest of the public debt, home and foreign. The internal liabilities were stated to amount to 64,855,000 pesos, or £12,971,000, at the end of 1878. The foreign debt, at the same date, amounted to £8,497,200; it was entirely raised in England. The foreign debt consists of three loans, negotiated in 1824, in 1868 and in 1871. Of the first there was outstanding, in 1879, the amount of £1,501,300, of the second £1,653,600, and of the third £5,142,300.—The greater part of the foreign loan of 1868, to the amount of £1,950,000, was issued by Messrs Baring Brothers, London, at the price of 72¼ for 100. It is to be repaid in twenty-one years. The most important of these foreign loans, that of 1871, amounting originally to £6,122,400, was granted by congress for the construction of railways and other public works. It was issued in London at the price of 88½, under promise to be redeemed by a sinking fund of 2½ per cent. before the end of 1892.—Besides the liabilities here enumerated, there was a floating debt in treasury bills, and comprising also loans made to the national government by the provincial bank, to the amount of 13,200,000 pesos, or £2,640,000, at the end of 1877.—The above statement of the revenue, expenditure and debt of the Argentine Confederation refers to the national or general government, called upon to defray the expenses of the army and navy, of the foreign department, and to meet other obligations imposed upon it by the constitution. Each of the fourteen provinces, or states, of the confederation has a revenue of its own which is derived by the imposition of local taxes. Buenos Ayres, the most important state of the confederation, requires annually above £1,000,000 to meet the expenses of its government, law courts, chambers, militia, country schools, and other public institutions. The liabilities of all the states are internal, with the exception of Buenos Ayres, which contracted a foreign loan of £1,034,700 in June, 1870, in England. The loan, issued at 88, with interest of 6 per cent., was to be redeemed at par in 33 years.—ARMY AND NAVY. The army of the confederation, now in course of reorganization, consisted, at the end of 1876, of 6,183 men, comprising 2,612 infantry, 3,189 cavalry, and 409 artillery. There were besides a militia and national guard, numbering 19,867 men. The army was commanded at the same date by 3 generals, 138 colonels, 140 majors, and 674 other officers, being a total of 955 commissioned officers, or one to every 7

and intercourse very easy. Its animal, vegetable, and mineral wealth is immense. The present government has done much to favor immigration, but the condition of its finances does not allow it to keep all its promises. However, although the immigrants can count, as in all other countries, only upon their own resources, the tide of immigration continues unabated. According to the last census there are in the Argentine Confederation 211,994 foreigners, of whom 151,241 are in the province of Buenos Ayres; of the latter 43,663 are Americans from the United States, 71,442 are Italians, 34,060 Spaniards, 32,383 French, 10,709 English, 5,860 Swiss, 4,997 Germans, 1,966 Portuguese, 832 Austrians, and 5,860 natives of other countries In the city of Buenos Ayres there are 88,126 foreigners, of whom 41,957 are Italians, 13,998 Spaniards, 13,402 French, 12,139 Germans, 542 Austrians, and 603 Americans.—The confederation being wholly an agricultural country, it imports from Europe nearly all the wrought and manufactured goods consumed in the republic. The English have established an important bank in Buenos Ayres. Their exports to the Argentine Confederation amounted in value, in 1863, to 33,300,000 francs, and in 1870 to 57,000,000 francs. The existing lines of railways are also in their hands. In 1864 a new company was formed with a capital of 1,600,000 pounds sterling, to open a railroad between Rosario and Cordova, the capital of the province of the same name. Besides the grant of the line, the company, with a view to colonization, also secured a grant on both sides of their line of 900,000 English acres

men, rank and file.—The navy of the confederation consisted, at the end of the year 1876, of 26 steamers, as follows:

STEAMERS.	Number.	Guns.	Horse-power.	Tonnage.
Ironclads	2	12	1,500	3,400
Gunboats	6	16	1,950	2,400
Torpedoes	3	.....	440	700
Brigs	12	50	3 020	1,700
Transports	3	.....	600	300
Total	26	78	7,510	18,500

The navy was commanded, at the end of 1876, by two admirals, and 74 other officers, and manned by 2,900 sailors and marines.—The increase of population in recent years has been due chiefly to immigration. In each of the six years from 1871 to 1876 the immigration and emigration were as follows:

YEARS.	Immigrants.	Emigrants.
1871	20,928	10,686
1872	37,037	9,153
1873	76,-32	18.236
1874	68,277	21 340
1875	42 066	21,5:8
1876	30.965	13,487

The immigrants of 1877 numbered 28,708, and those of 1878 numbered 35,876. The great majority of the immigrants are natives of Italy and Spain.—TRADE AND INDUSTRY. The imports into the confederation consist chiefly of manufactured cotton and woolen goods, machinery, coal and iron, while the exports are made up to the amount of more than one-half by wool and tallow. The foreign trade is chiefly with Great Britain.—The commercial intercourse between the Argentine Confederation and the United Kingdom is shown in the subjoined tabular statement, which gives the total value of the exports of the confederation to Great Britain and Ireland, and of the imports of British and Irish produce and manufactures into the confederation in each of the five years from 1875 to 1879:

YEARS.	Exports from the Argentine Confederation to Great Britain.	Imports of British home produce into the Argentine Confederation.
1875	£1,359,783	£2,386,002
1876	1,664,029	1,543 532
1877	1,699,376	2,092,100
1878	1,099,938	2,317,638
1879	828,365	2,063,254

The three staple articles of Argentine exports to the United Kingdom are skins, tallow and untanned hides. The value of the skins, mainly sheep, amounted to £145,245, of the tallow £110,042, and of the hides to £88,476, in 1879. The imports of British produce into the Argentine Confederation consist chiefly of cotton and woolen manufactures, and of iron. The value of the British cotton manufactures imported in the year 1879 was £770,020, that of woolens £298,890, and that of iron, wrought and unwrought, £282,480. A network of railways, constructed in part at the expense of the state, has been in progress for several years. The following statement gives the length, in English miles, together with the proprietorship, of the various lines open for traffic, at the end of 1878:

RAILWAYS.	Proprietors.	Length. Eng. miles.
Western Railway: Buenos Ayres to Chivilcoy and Bragado	Provincial Gov'm't of Buenos Ayres	187
Northern Railway: Buenos Ayres to Tigre	English company	18
Buenos Ayres and Ensenada Railway: Buenos Ayres to Ensenada, with branch to Great Southern Railway	English company	37
Central Argentine Railw'y: Rosario to Cordova	English company	246
Great Southern Railway: Buenos Ayres to Las Flores and Azul	English company	270
Primer Entre Riano Railway: Gualeguay to Puerto Ruiz	National governm't.	6
Andine Railway: Ville Maria to Rio Cuarto	National governm't.	158
Tucuman Railway: Cordova to Tucuman	National governm't.	341
East Argentine Railway: Concordia to Monte Caseros	English company	96
Buenos Ayres to Campana	English company	50
Total		1,409

There were besides, at the end of 1878, railways of a total length of 1,568 miles sanctioned by the government, including an international line from Buenos Ayres to Chili, 894 miles in length.—The total cost of construction of the lines open for traffic at the end of 1878, was £10,874,633, being an average cost of £7,700 per mile.—At the end of June, 1879, there were 4,820 miles of telegraph lines in operation, 3,346 miles belonging to the state, and 1,474 miles to private companies. The total length of telegraph wires at the same date was 9,830 miles. The number of telegraphic dispatches was 214,714 in the year 1878.—The postoffice, in the year 1878, carried 2,166,678 parcels and packets, and 5,045,573 letters.

of land.—France likewise carries on a pretty extensive trade with the country. Its imports into the states crossed by the Rio de la Plata amounted to 26,000,000 francs in 1863 and in 1870, and its exports from these states reached the figure of 31,000,000 francs in 1863, and 61,000,000 in 1870. These exports consisted almost entirely of skins, peltries, wool, and other animal products.—In 1871 there were 985 kilometres of railway in operation, 453 kilometres in process of construction, and 3,625 kilometres granted or projected. There were 2,379 miles of telegraph lines, besides 3,895 in process of construction. — BIBLIOGRAPHY: Nuñez, *An Account Historical, Political and Statistical of the Provinces of La Plata*, London, 1825; Woodbin-Parish, *Buenos Ayres and the Province of the Rio de la Plata*, London, 1839; King, *Twenty-four Years in the Argentine Republic*, London, 1846; Mackinnon, *Steam Warfare in the Paraná*, 2 vols., London, 1848; Mansfield, *Paraguay, Brazil, and the Plate*, Camb. 1856; Page, *Report on the Exploration and Survey of the River La Plata and Tributaries*, Washington, 1856; Andree, *Buenos Ayres und die Argentin Provinzen*, Leipsig, 1856; Balcarce, *Buenos Ayres*, Par., 1857; Mannequin, *Les Provinces Argentines et Buenos Ayres*, Paris, 1856; de Moussy, *Description géographique et statistique de la Confederation Argentine*, vols. 1–3 Paris, 1861–4; Burmeister, *Reise durch die La Plata Staaten*, 2 vols., Halle, 1861; Dominquez, *Historia Argentina*, Buenos Ayres, 1861; Beck-Bernard, *La République Argentine*, Lausanne, 1867; Martin de Moussy, *Rapport sur quelques produits Argentins*, Paris, 1867; *Tschudi Reisenburch Südamerika*, 5 vols., Liepsig, 1869.

LOUIS GOTTARD.

ARISTOCRACY. I. THE ORIGIN AND GROWTH OF ARISTOCRACY. The word aristocracy, taken in its etymological sense, means *government by the best.* Taken in this sense, all would agree that aristocracy ought to govern. If ignorance and passion did not cloud the judgment of men, they would call the most capable and most virtuous to rule in nations. This is no doubt the reason why writers of antiquity saw in aristocracy the most perfect of governments.—At present, the word aristocracy has a far more varied meaning. It is now applied to every kind of superiority, and particularly to that of birth. It is necessary, therefore, to extricate from it the different ideas which are bound up in this one word and to see how aristocracy originates and grows. It is the duty of modern publicists to distinguish natural aristocracy from that born of convention and of law.—To say that there is a natural aristocracy, is merely to affirm that there are inequalities resulting from nature itself. Not all the members of a savage tribe have the same degree of physical strength, adroitness, courage or intelligence. There are some who show a marked superiority in warlike leadership and government. Besides these innate gifts, age and experience count for much. The old men form what may be called the council of the tribe. Time consecrates these distinctions as is shown by the word senate (*seniores*), which attests the respect and importance accorded by civilized nations to men who have had a long and distinguished career. In personal merit and experience we have an aristocracy ready formed against which no theoretical objection of any value can be raised. Men have always and will always agree to grant an exceptional share of influence to the talent which serves and the wisdom which instructs and guides them, by visible marks of consideration, such as rewards and honors.—Parallel with the source of original inequalities which is connected with the organization of each one of us, and with the use which we make of our will, there is another inequality which civilization should not abolish; we mean property, and particularly inherited property. Property even if not transmissible, would still create great differences in the relations of man to man. Just as there are educated and ignorant men, there are rich and poor men, in every nation acquainted with the division of labor and the exchange of wealth. Accordingly, those who can tolerate no species of aristocracy are forced to dream of an equal partition of property among all. But how much the hereditary transmission of landed and personal property adds to this inequality! The wealth accumulated by the father during an entire life of labor and success goes to his children to whom it is frequently but a beginning, and the means of new acquisitions. On this account, we find a purely personal aristocracy by the side of an aristocracy of family.—Is this all? Is property the only institution developed by society? It is not. There is another, growing from day to day—the state. Political society passed through two inevitable phases, before the state was definitely constituted, although government was never entirely absent, even in nascent societies. The first phase continued while the shock and conflict of opposing and more or less anarchic wills was going on. The second witnessed the distribution of power among a certain number of chiefs. This condition approximated to feudalism. It was only later that power was concentrated, and that the state rose in its majesty and force above the divergent wills of individuals who had to be subjected to the empire of law. The aristocratic principle did not perish through this new development of the state. It now became finally fully established, and borrowed from the law the authority which it before asked only from the power of custom. The state finding an aristocracy already in existence approved and organized it, and undertook to add new elements to it. It united great families together, it called them to its councils from all parts of the territory over which its empire extended, it secured to them by wise provisions the possession of their property and titles. It can not be said that aristocracy is in this case artificial.—When an individual has rendered eminent service to his country, the state is merely the organ of public grati-

tude in the granting to him of certain advantages. In the same way, it is but the interpreter and instrument of a natural and general sentiment in the extending of a part or all of these advantages to his family. Although we may discuss the justice, we can not the value of recognizing in the son the merits of the father. Let us remember, moreover, that this sentiment has its origin in the family itself. Is not a family proud of the merits and fame of its head, or of one of its own members who sheds lustre on its name? Are not children proud of their father as the father is of his children? This sentiment is so natural that it extends to shame as well as to glory. A single guilty person possesses the lamentable possibility of dishonoring a whole family. Thus honor becomes a treasure; whosoever increases it is exalted to the skies; whosoever brings a taint upon it robs the family of its respectability and is execrated accordingly. This pride of family which exists in all ranks of society, where it becomes the mainspring of a host of virtues and the most powerful preventive of shameful acts, is greatest in prominent families. It is the support of honor and may extend to the most absolute abnegation or the sublime; but it may also assume the character of barbarism. In these spontaneous feelings, we must recognize that selfish personality is not everything; we must see in them a solidarity which, commencing with the family, extends to the whole nation, when it assumes the character of patriotism. It is in the name of this feeling of solidarity that men have come to believe in privileged races in which are transmitted the most brilliant mental and spiritual gifts, and even a physical organization, which is considered finer and stronger than others. We can foresee the abuses and the exaggerations to which this prejudice may lead. Is the solidarity on which it rests less natural, less fundamental for that? Is it not a fact physiological, moral and social, that human qualities are hereditary? Every religion has sought and given an explanation of this fact. Solidarity in the fall and redemption of man, the community of merit, and prayer, taught by Christianity, would not receive so ready an adhesion if they did not have a basis somewhere in nature. —Among the historical sources of aristocracy there is one which occupies an important place in the destinies of the race—conquest. There are few countries which have not presented the spectacle of at least two races, one superimposed on the other, such in antiquity as the Spartans on the Lacedemonians, not to mention the Indians and Egyptians, or the races of the other portions of the ancient east which was traversed by so many invading armies, and overthrown by so many successive revolutions. Such also were the Franks, the successors of the Romans in a portion of Gaul. Such were the Normans who imposed their yoke on the Anglo-Saxons. Conquest extends and strengthens the aristocracy already existing among the victors: the seizure and partition of conquered lands which become hereditary in the principal families give it permanency. Its numbers are increased by the accession of those who have played a brilliant part in the war of conquest and by whose services the country was won. It is very easy to see that an aristocracy thus founded on violence, will not hesitate to perpetuate itself by claiming unjust privileges. It is natural that force should be guilty of abuse, and these abuses are far reaching when there is no counterpoise to them. This conquering and warlike aristocracy is able to render service to a country, but it is evident that this service is dearly paid for. What would such an aristocracy not do to secure a monopoly of wealth and honor? It will to reach this end employ the laws the making of which it reserves exclusively to itself, not less than arbitrary power and force. It will establish a jealous line of demarcation between itself and the rest of the population. Hence the struggles between the aristocracy and the people. In Rome while the patricians were in possession of the priesthood, the religious rites, the auguries, the offices and most of the public property, they impoverished the people by violence, fraud and usury. To issue from this condition and free themselves from servitude, the plebeians demanded admission into the religious community and participation in its sacred rites. It is well known how lively and stubborn the resistance of the patricians was, but they were forced to yield. There remained for the plebeians the acquisition of citizenship, liberty, and the guarantee of liberty, that is, the right of property. The Romans were above all an agricultural people; their law did two things: it ordained the partition of the conquered lands and fixed limits to the extent of possession; but it was violated or eluded. History may be consulted for the recital of the long and energetic struggle which the plebeians maintained in order to shake off this crushing yoke. The office of tribune afforded them the means of regular political action. Little by little, they won admission to the highest grades of military command, to all the magistracies and finally to that of pontiff. This struggle may serve in a certain degree as a type. But there have been analogous cases. The aristocracy of France, even when scarcely more than a nobility, renewed a part of this exclusiveness toward the masses. It would agree to pay no other tax to the country than that of blood, which the people also paid while they had at the same time to defray all the expenses of the state. These are a specimen of the abuses brought about by an aristocracy, and especially by one having its origin in conquest —Let us sum up what we have to say on the origin of aristocracy. Considered in its principle, it is natural. It arises from individual differences and social circumstances. When it thus arises, it can not be considered altogether artificial, for the social state is the natural condition of man. Property and inequality of condition are necessities of the social state recognized by the law. Aristocracy is a result of these necessities, since it manifests itself as soon as

superiority makes itself felt. Not only does it exist in countries governed aristocratically, but no people can get on without it. It has as a guarantee of its continuance, the respect which will always attend every kind of superiority, and the power of family spirit We shall not attempt to justify in detail this aristocratic element which is recognized by nations most imbued with the princi les of equality. To dispute its legitimacy, we should have to descend to an absolute equality of condition which yet would not prevent nature from distributing its gifts very unequally. The doctrine of an absolute equality of condition needs no refutation. This leveling equality such as the communists conceive it, is unjust in itself. It puts industry and idleness, foresight and thoughtlessness, virtue and vice, on the same footing; and leads to the most complete stagnation, by taking from individual effort all prospect of advancement, from capital the concentration which makes it fruitful of benefits, from men all possible leisure and all refined culture. But man is so constructed that there is but a step from use to abuse, and from evil to good. There is no institution which does not take advantage of its necessity to society to become exclusive and tyrannical.—Such vice and suffering result from aristocracy that many persons not knowing the providential and salutary principle of its corruption and excess, have condemned the principle of aristocracy itself. The iniquities of an artificial and violent aristocracy have made men hostile to a just and natural aristocracy. To acquaint these levelers of the necessity of the aristocratic element, we have offered the preceding reflections on its source. It is to them, and to the too exclusive partisans of the political preponderance of aristocracies that we offer the following considerations, deeply convinced as we are of the principle, that no political society and no government can thrive except through a mingling of the various elements, any one of which would become fatally oppressive through exclusive domination. —II. THE OBJECT OF ARISTOCRACY, ITS MERITS AND ITS FAULTS. Every political society has a twofold object, its own preservation and development. Its institutions answer to this end and accomplish it each in its own way. Aristocracy, therefore, represents in society more especially solidarity and tradition, while democracy represents essentially personal merit and the spirit of innovation. Even when aristocracy plays a conservative part, it is impossible to refuse it due homage. Nations do not live from hand to mouth, and the present has need of enlightenment from all the glorious reflexes of the past. Pascal compared humanity to a single man learning continually. Aristocracy is the ballast of a ship, the play of the winds and waves. It represents perpetuity in government. Without it, the hereditary rights of families possessed neither of great fame nor wealth would soon be unprotected, for that which in the possession of the rich and powerful would be destroyed would not be suffered in the feebler and poorer. Ancient families, both in home and foreign affairs, are like the imposing figure of national power and glory. A writer of the sixteenth century, Jean Bodin, in his *République*, paints them in this energetic manner: "The condition of the republic is more firm and stable being fixed upon good houses, upon great immovable pillars as it were, which could not support the weight of a great structure if small and slender unless they were greater in number." But, we may ask, is this conservative part the only one which the aristocracy has to play? It is not. And here we have one of the most essential elements of the question, one which it is as dangerous as it is frequent to ignore Under pain of abdication, it is necessary that the aristocracy become an instrument of progress, and above all that it oppose no insuperable obstacles to progress. At Rome, where the aristocracy yielded only foot by foot before more than legitimate plebeian demands, it was able to live only by concessions which did not save it from finally falling under the crushing weight of the Cæsars. In England where it is so favorable to social progress, it appears with considerable éclat; it remains popular and full of life. It is in this sense and on these conditions that an aristocracy which understands its duties may be considered as an indispensable agent in civilization. It aids in every improvement. It is not merely the personification of the feeling of patriotism, but it represents it with a delicate and courageous pride. It encourages arts and letters. Without haughtiness toward inferiors, it bestows a patronage on all who labor and wish to elevate themselves, which does not humiliate. To this it adds care for the suffering. Haughty only toward the power which is ready to trample morality, justice and law under foot, it shows itself, with respect to the masses of men, more penetrated with the feeling of duty than with pride of privilege.—This is the ideal. We need not add that no aristocracy has ever come up to it and many are scandalously remote from it. Those whose memory has been preserved to us by history present generally a mixture of the virtues and vices which the aristocratic spirit engenders successively or at once in varied proportions, according as the aristocracies in question performed their task well or ill.—This is approximately a fair picture of their qualities and defects, when aristocracies play a preponderant or at least a prominent part in the state. We can not deny to aristocracies not altogether degenerated, a masculine energy, at times sombre and harsh, as at Rome and in the republic of Venice. They afford the best examples of the dignity and independence to be expected from individuals who, subjected to the rude trials of public life, have nothing to ask of any one.—They commend themselves no less in times of advanced civilization, by their habits of elegance and taste than by military courage. The most striking traits of an aristocracy, in a political sense, are sequence and depth of design. The Roman senate, the

governments of Venice and England furnish evident proofs of this. Aristocracy creates a political class devoted by occupation from youth to the study and the art of government. It is this which made it possible for a man like Pitt to be prime minister at the age of twenty-three. Many faults of an aristocracy border closely upon its good qualities; others are the opposite and mark the decay of the body itself, such as the spirit of servility under absolute monarchs. The principal faults wh ch history finds in it are the pride of a narrow caste, the disdain of all labor except that of war, contempt for humanity which it treats as the plaything of its pleasures or as the tool of its ambition. What history is there which does not tell of, what theatre which does not show us the insolence and debauchery of the heir of a great house, and the impertinent frivolity of courtiers? Even in the bosom of aristocratic families, harshness toward woman, despotism toward children, the systematic sacrifice of the younger members of the family to the idea of primogenitureship, are traits frequently noted and to which attention has been often called. The action of customs and laws, the influence of a religion which favors sentiments of humility and charity, must tend without doubt to diminish among individuals those faults of the aristocratic spirit. But they reappear very soon again when aristocracy is left without a counterpoise. It is, therefore, indispensable to confine it within proper limits, and this applies with equal justice to all other political elements. Left to its inclinations, it is more exempt from excess than an absolute monarchy or a pure democracy. As has been shown by Aristotle and after him by Montesquieu, it tends to become an oligarchy. Under this form, it hesitates at no abuse of power and gives government a basis more and more narrow and egotistical.—One of the most important problems of modern times will be to reconcile that part of aristocracy which is found in all society with the inevitable and just progress of democracy, which will not, even in the interest of its own continuance, descend to absolute leveling. We must see how aristocracy can adapt itself to this situation. Let us follow it then under the different forms of government and see its action under a monarchy, an exclusive aristocracy and a democracy.—III. ARISTOCRACY UNDER A MONARCH, IN A PURELY ARISTOCRATIC GOVERNMENT, AND IN A DEMOCRACY—PROBABLE FUTURE OF ARISTOCRACY IN PURELY DEMOCRATIC STATES. There is no form of royalty, unless it be a despotism pure and simple subjecting everything to the crushing level of a uniform tyranny, which does not like to surround itself with great families. There are two reasons for this. The first is that it is natural for royalty to seek counsel and support from those whose rank brings them nearest the throne. The second consists in a certain sameness of origin and nature of royalty and aristocracy. What is a dynasty ordinarily but an aristocratic family which has reached supreme power, either by the success of arms or by rich and powerful marriage alliances, which have extended its domains and established its authority over that of its former peers? Who can fail to see also that the idea of royalty and aristocracy are the same? Both rest on the idea of inheritance. It matters little that among publicists there are some who recognize in this principle of inheritance a veritable divine right, while others see in it a purely social institution, formed less in the interest of those who enjoy it than in the interest of all. The hereditary principle which retains the same families around the same throne, becomes no less the permanent trait of royalty than of nobility. Aristocracy appears therefore in so-called limited monarchies as an intermediate and moderating body between the king and the people. When monarchy is absolute or tends to become so, it has nothing more at heart than the abasement of the aristocracy. This the monarchy did in France. It was not satisfied there with lowering the aristocracy (and let us note this well) as a feudal power; it ruined it politically by the systematic nurture of excessive centralization which crushed out all opposition and left nothing but functionaries in existence. Thus the political power of the aristocracy grew weaker and weaker until nothing remained but a haughty and brilliant nobility, vain of their titles, frivolous and brave, still occupying a number of high offices, devoted to the prince but devoid of all influence on the course of public affairs and powerless among the people. This is a picture of the French nobility under Louis XIV. and Louis XV. We know what a bitter complaint was wrung from Saint Simon by this debasement and what helpless plans were made to regenerate this fallen aristocracy which had ceased to have any point of contact with the nation. Not content with waiting in the antechambers of a minister or a courtesan, it put itself, in the person of its most illustrious representatives, at the feet of the banker Law. It is, therefore, for the general interest that aristocracy should maintain an important political position in monarchies. Otherwise royalty would fail of support, and the people be without a guide. The tendency of monarchy would be to arbitrary power, and of the people to agitation. There would be a wide field for revolution and a narrow one for liberty.—A purely aristocratic government puts an aristocracy to the difficult test of all political powers which have no checks or balances outside themselves. Moreover aristocratic government does not necessarily always appear under the same form. It exists in England side by side on the one hand with monarchy whose object seems to be to preside over its destiny while occupying the lofty place which individual ambition would struggle to attain if it could, and on the other with the popular element which it governs, but which in our day hotly contests the mastery with it. If we suppose the aristocracy standing alone, a republic is the natural form of the aristocracy. Rome exiled its kings and became an aristocratic

republic. Many of the Italian republics of the middle ages assumed the same form. Is it not too evident that if the republic had been maintained in England, it would not have been to the advantage of democracy? How can we help saying as much of the league in France, notwithstanding the support it met with among the people? Could the triumph of the Guises as well as that of the Protestant leaders, have had any other result than the success of a pure aristocracy? Would that pure aristocracy have proclaimed a republic? Would it have come to terms with royalty reduced to a subordinate position? That is the secret of history, one of the enigmas the solution of which we know not. The author of the "Spirit of Laws" has laid down the rules of aristocratic government. He has given to monarchy honor as its principle, to democracy virtue, and to aristocracy moderation. The somewhat subtle reasons which he assigns for this may be reduced to the following: that the nobles must be self-repressive and not turn against the people the laws of which they are the depositories and the organ. Montesquieu draws the pictures of a kind of ideal aristocratic government, which has been realized only in very few cases and at rare periods. He insists greatly on absence of pride and splendor, and on the modesty and simplicity which nobles ought to exhibit. The two principal sources of disorder should be banished from government. "extreme inequality between the governing and the governed, and the same inequality among those who govern" Montesquieu therefore blames the nobles for exempting themselves from taxes and imposing burdens upon the people. He approves taxing the principal personages of the state as well as others and even more. He fears extreme wealth among the aristocracy not less than extreme poverty. Everything which tends to equality in the aristocratic class seems good to him. "The law," he says, "ought to deprive the nobles of the right of primogeniture so that by the continual partition of property fortunes may ever tend to equality. None of the means employed to perpetuate the greatness of families should be permitted." In giving utterance to these ideas he seems to have had in mind the government of Venice which carried out these principles. He accorded extensive and even exorbitant privileges to the aristocracy in a monarchy, privileges which he refused it in a purely aristocratic state. This is not inconsistency but precaution. In a monarchic government the aristocracy is limited, in an aristocratic one it is not, and should submit itself to rules calculated to maintain its power without rendering it odious. This is why Montesquieu approves, in principle, institutions like those of the ephors at Lacedemonia and state inquisitors in Venice. "The best aristocracy," he says, "is that in which the part of the people who have no share in power is so small and poor that the party in power has no interest in oppressing it. Thus when Antipater established a rule in Athens that those who had not property to the amount of 2,000 drachmas should be excluded from the right of suffrage, he formed the best possible aristocracy, because this property qualification was so small that it excluded but very few people and none who had any consideration in the city. Aristocratic families ought therefore to be as far as possible of the people. The nearer an aristocracy approaches democracy, the more perfect it is, and it is less perfect as it approximates to monarchy. The most imperfect of all is where the part of the people which obeys is in civil slavery to those who command, as the aristocracy of Poland where the peasants are slaves of the nobles."—It seems indeed, although he does not mention it, that Montesquieu had the English aristocracy in view when he spoke of those who do not lose connection with the great body of the people. It is not that it realizes the ideal of the simplicity and equality dreamt of by the author of the "Spirit of Laws," who recalls the lessons of philosophers and the political writers of antiquity. In England, fortunes are immense and the right of primogeniture is established. The privileges accorded the aristocracy have caused it to strike root in the clergy, the army, the navy and the colonies. But it has never separated its interests from those of the nation By its attachment to country life it fulfills its duty as the patron of the agricultural population. It has thus avoided the sad example of the French nobility who desert their landed estates to lead an idle life in the cities. It has not thought commerce beneath it. It has taken the lead in the economic progress of the country. When we seek for the causes of the success of this great aristocracy which has thriven in presence of the ruins heaped up by revolutions in other countries, we can, I think, reduce them to the following: In the first place, local habits (that of the mingling in every-day life of great and small, rich and poor for instance) have established among the people bonds of respect and gratitude which unite them to the aristocracy. The result is to make the interests of all one. In the second place, the fortunate circumstance which has divided the British aristocracy into two camps saves them from stagnation and corruption, by introducing among them the necessary principle of competition. If there had been only whigs, the aristocracy would have been inclined to excess, to innovation which runs the risk of degenerating into revolution. If there had been only tories, their conservative tendencies would have subjected them to the no smaller inconvenience of maintaining an aristocracy in a state of stagnation and resistance. England has had the singular fortune of possessing parties more impassioned than any other but with a profound respect for the fundamental principles of the constitution. Consequently no political body since the great revolution which has settled its destinies once and forever, has been less exposed to the alternations of languor and violent crises which elsewhere have injured the political constitution of the country.

In the third place, and the circumstance is decisive, this aristocracy has continued ready to earn the fortunes to be won in manufacturing industry and commerce, as well as the rewards of scientific and literary labor. The father of Sir Robert Peel was a cotton spinner. Macaulay, the great historian, who received the title of lord, is an instance of this intelligent liberality which brings into the ranks of the aristocracy all the social forces capable of adding to its strength and brilliancy. It has been remarked that the English aristocracy which does not hide the plebeian origin of some of its members and knows how to recruit its thinned ranks from labor as well as from the army, places birth so little in the front rank of the advantages it seeks, that the English language has no equivalent for the French words *mésalliance* and *parvenu*. This explains how a man like Fox, of a more aristocratic origin than Pitt, should have been able to remain all his life the chief representative of popular interests. This explains, too, how the tories have finished by showing themselves almost as progressive as the whigs by the sacrifice of the rotten boroughs and of the protectionist corn laws. It is certainly proper to condemn the too frequent Machiavellian policy of the aristocratic government of England with regard to foreign nations. And it must be acknowledged also that this aristocratic government has more than once shown itself harsh and corrupt at home, intolerant and oppressive to minorities. But how can we refuse our admiration to an aristocracy which has known how to correct abuses and which corrects them every day; which has conferred political equality on Ireland, emancipated the Catholics; which has given civil and political rights to the Jews, sacrificed the prohibitive system, broadened the electoral basis, proclaimed parliamentary reform, and which we doubt not will raise up against its younger sons the formidable competition of the commoners? To give the example of every kind of agricultural progress and to favor it among others by all the means of publicity and association, to watch over the material and moral wants of the laboring classes, to be occupied in remedying the unhealthiness of workmen's dwellings, to establish schools for the indigent, to tax itself heavily for the poor; to have a part in everything done for the advancement of science and the development of credit, is a noble rôle, a grand spectacle—a spectacle the more imposing and a rôle the more splendid in that the aristocracy is not seconded by the state and that it accomplishes by unceasing individual efforts more and better things than are accomplished by governmental mechanism elsewhere. We can not be astonished after this that since the fifteenth century we do not find in the history of England anything like a serious revolt of the lower against the upper classes. The aristocracy accomplished in silence the revolution which in France was so noisily accomplished on the night of the 21st of August, 1789. It gave up the tributes, the humiliating services and the privileged jurisdiction of the feudal system. To-day it has no surer ally than the agricultural classes.—Is the democracy, which in many countries is becoming more and more important, to exclude the aristocratic element, such as we have defined it, from society and a share in public affairs? To put such a question is to answer it. If democracy condemns privileges securing the monopoly of government to a certain class unjustly favored by the laws, it can not, without injury to itself, reject the natural aristocracy born of enlightenment, services performed, and all kinds of superiority recognized and sanctioned by society. How can the political utility of the aristocratic element in a democracy be denied? Has democracy no need of tradition or restraint? The division of legislative power into two chambers even in the most democratic nations is destined in a great measure to contribute to this element. Men specially distinguished by experience and age are sent to one of these—men who have rendered brilliant services to the state, men of large possessions and known family. For if it is neither indispensable nor desirable that birth should be an absolute title to respect, it necessarily attracts the attention of men. This has been witnessed even under the recent democratic republic in France. To be the son or brother of a celebrated member of the convention became a species of republican nobility. The title of count was not bestowed on him, but the man was made a deputy or a councilor of state simply because of his name.—Let us not rebel against these facts; they are rooted in human nature. It is no more indifferent to the public that a person is of such or such a family, than it is to foreigners that a man is born in such or such a country.—That which is condemned and without appeal by modern thought is the proud pretension that there are certain races created to govern, while the rest must forever obey. The prejudice of race exists neither in presence of the Christian religion, which sees in all men brothers, nor in that of philosophy and the progress of thought. The pretense of the aristocratic element to become exclusive would meet with an invincible obstacle in this sentiment of equality which has descended down among the masses, and a formidable rival in the accumulations of industry and wealth. Aristocracy may go into mourning for its ancient privileges. It is scarcely to be believed that duchies will be created again for the purpose of making dukes or marquisates for marquises. The éclat of these titles which formerly rested on solid realities will disappear with the illustrious families of another age which still serve as decorations to the present; but if the top of the tree is to be severed from it, let us hope that it will not be entirely beaten down. The weighty causes which form in every society, in proportion as it is more developed, an aristocratic element, exist in democracy with this additional circumstance, that where all unjust inequality and illegal oppression have disappeared, it is necessary that superiority of every kind

should assert itself. A democracy which does not take account of any kind of superiority, or even which does not take into account all kinds, can not escape continual and wretched agitation It will consume itself and surely fall a victim to chance and transient despotisms, with intervals of anarchy. HENRI BAUDRILLART.

ARISTOCRATIC AND DEMOCRATIC IDEAS. The politics of democracy considers the equality of men the fundamental law of nature, the supreme law of the state. The politics of aristocracy, on the contrary, finds the basis of all political order in the natural differences between men. An equality of rights is, therefore, the fundamental principle of democracy; a preference for the nobler, that of aristocracy. Democracy hates this preference as a most damnable privilege, and aristocracy despises that equality as low vulgarity. The democrat says: "Equal rights to all citizens; to all citizens an equal share in the government; no privileges." The aristocrat says: "To the better citizen higher rights; not to the common crowd, but to the more select, belongs the preference in government."—There is evidently a fraction of truth in both these views, but in neither the whole truth. They both fall into error, because they keep constantly striving in blind one-sidedness after their acknowledged half-truth, and do not see the other owing to their precipitateness. Equality of rights, of course, finds a very good foundation in the common nature of men. But if this alone is kept in view, and no regard paid to the equally evident differences between men, then the state is an impossibility, inasmuch as it is unthinkable without some visible distinction made between the rulers and the ruled. When no difference is admitted there can be no political order, for to order means first to discriminate or distinguish. The reproaches so often brought against democrats, that they drag what is noble down into the dust, and through their leveling processes finally place power in the hands of the lowest mob, are justified to a certain extent, because of this exaggeration of a principle correct in itself. — Conversely, the aristocratic view can justly appeal to human history, since history emphasizes the differences between men. History, too, shows plainly the differences which move, separate, unite and distinguish them from one another. Logic can not raise any objection to the principle: the better deserve the preference in public life.—But since aristocrats follow this fragment of truth blindly, they forget the universal, human principle which naturally binds the nobler to the common. They do not reflect that the state is, to begin with, the community of all, and not a society of the better. They thus disengage themselves from human, popular connection; and while they look down with contempt upon the low crowd which they alienate from themselves, they do not perceive that they are losing the ground from under their feet, and that their superiority, in consequence, becomes an empty privilege and fiction. Their vain and haughty overestimate of self leads to an ignominious fall, while the ridicule of the offended and despised multitude pursues them in that fall. Just as the error of both views lies in the one-sidedness with which each, clinging to its fragment of truth, severs it from the other indispensable fragment, so the whole truth lies in the union of both these fragments. We have to connect the natural equality with the historical inequality of rights, and while leaving to both ideas, as far as they are true, what belongs to them, we must avoid the errors and exaggerations into which narrow-minded democrats and aristocrats fall.—II. Democracy says that the second law, a consequence of equality of rights, is this: "The will of the majority of citizens is the will of the people. The minority must submit to the majority." Aristocracy asserts in turn: "The better minority is not to be governed by the worse majority. Not numbers, but morality is decisive. In a well ordered state it is not a question of quantity, but of quality."—Here again the danger lies in one-sidedness. The majority of the people is, under any circumstances, a power in the state worthy of careful consideration. The masses are the natural basis of the whole state; they constitute the greatest physical power and generally the greatest intellectual power in the state. He is no statesman who regards the masses as mere matter placed in his hands for him to play with at his pleasure. This error is dangerous, especially in our time, when even the lower masses have awakened to the consciousness that they are men, and that at least in this respect they are the equals of their rulers. But neither is he fit to rule who listens only to the wishes of the masses and serves the will of the majority, even when the majority desire for themselves what is bad and destructive, or when they, in slothful calm and heedlessness, oppose necessary reforms.—Numbers, that is to say, the majority, are really decisive only on the supposition of equality. When the majority and minority are on an equal footing, and the latter possesses no evident superiority over the former, then only the visible superiority, that of the greater number on the side of the majority, is calculated to incline the scales in its favor. It is, therefore, a quite natural law, which, from time immemorial, has been acknowledged by all nations which have understood the meaning of law, that every assembly formed by several persons of the same position, such as a council, a chamber, a municipal body, a corporation, expresses, as a rule, its collective will through the will of the majority of its members present. — But numbers, in other words this majority, are not decisive where a dissimilarity in the factors is presupposed. When a minority occupies a higher position in public life than the majority, then the former and not the latter should turn the balance. The different successive grades in public and judicial administration are an application of this rule. The

higher courts are everywhere in a minority compared with the more numerous lower ones; and still the higher courts decide (of course by a majority within their own body, because the members stand all on the same level) and not the opinion of all the lower courts, even when unanimous.—III. The contrast re-appears again in the *valuation* of the majority. The principle of a majority, as such, demands that *that* only be recognized as the majority, and consequently as the collective will, for which more than half the voting members have declared themselves. The absent can not by right come into consideration because they do not vote. This form of voting meets with an internal difficulty only when the number of votes is even and divides into two equal parts. The scales are therefore in equilibrium. If out of 100 votes there are 50 ayes and 50 nays, no party has the preponderance. Where this can not be remedied by the supposition that there being no majority, there is consequently no decision at all, then the president's vote is estimated at a higher value, so that the 50 votes with that of the president will weigh more than the other 50. The inconvenience of a tie is also avoided by granting the president no vote unless there is a tie, when he has the casting vote. In both cases the vote of the president is valued differently from that of a simple member; and the unequal value of a vote prevents the mathematical balance in voting. With the last method, however, it can happen that the vote of the president may be of less value than that of an ordinary member. In elections, the casting of lots is also resorted to in case of a tie, and the decision made by blind chance. Deciding by a relative majority is so opposed to principle that it may be used, at most, only in the case of indifferent questions, for the sake of expedition; for the relative majority is in reality often the minority, and there is no reason for giving among equal members the preference to a few over the majority. The same favoritism of the minority results from the admission of a larger than a simple majority, as for instance two-thirds, or three-fourths, because if seven out of twelve votes do not form a majority the five in opposition decide. This departure from the rule can be approved only when important interests of the minority give them increased weight, as for instance when their interest is such as to warrant their having a certain number of votes.—IV. It is further a democratic idea that "public offices and dignities should be open to all." The aristocratic idea, on the contrary, is: "The rude and ignorant man is to be kept far from office, and access to the same is to be given only to distinguished men." The utmost consequences of the first one-sided principle are visible in the ancient democracy of Athens, where most offices were given by lot, which, although a blind method, presupposed an equal ability in all citizens, and discriminating election was rejected on principle as an aristocratic institution. The extreme application of the second method tends to the exclusion of all the lower classes of the people from office, and makes office a privilege limited to the noble classes as the only ones capable of governing. Hereditary offices are the aristocratic counterpart to the offices by lot of the democracy. Modern law endeavors by uniting these opposite principles to deprive them of their one-sidedness, and has adopted the fruitful truth: "The road to office is open to all, but only the man who distinguishes himself above others reaches the goal." Equality is the basis, distinction is the development.—V. Frequent change of persons intrusted with public power is a democratic, permanence in place and office an aristocratic principle. Change favors the equal participation of all in public affairs, and hinders the creation of an authority placed above the people. On the other hand, permanence in office strengthens the authority of those in power and secures a hierarchy in the official aristocracy. For this reason we find short terms of office and frequent elections in all democratic states. It is clear that the exaggeration of this tendency weakens official authority which is essential in every state, and afflicts the people with a periodical election fever. But where aristocracy has a thorough, although one-sided training, all change ceases, and offices are conferred for long periods or for life, as in many aristocratic states of the middle ages, or even according to hereditary principles, on certain aristocratic families, as in the German empire. The modern states, especially monarchies, seek to unite impartially the advantages of the two opposing principles, and to avoid their defects. Where it is a question of the representation of popular interests and opinions, as in the constitution of the legislative body, the system of election at certain intervals is followed. But where it becomes a matter of filling positions of power, measures are taken to insure the firm authority of these, and also to secure the position of the official against changing opinions, without, however, having recourse to the extreme of hereditary office.—VI. Respect for evident authority is peculiarly natural to the aristocratic mind. Long established authority is all the less doubted and all the more willingly obeyed, when people are accustomed to it from youth. On this account the aristocracy pays special respect to tradition, and seeks to preserve it from generation to generation. It has a preference for noble races and inherited distinction, clings to the right of inheritance whenever practicable. It is right in all this and perverts the right only through exaggeration, by opposing with stubborn enmity newly budding life, and claiming for the vanquished and dead, rights which belong only to the living. In contrast with this, democrats lay especial emphasis on popular liberty, and demand free movement for the masses. Not tradition but the national will of the time is the lauded fountain of right at which they drink. They do not deny the power of tradition, but they will not be hindered by it in their path toward the desired end. Wherever

tradition stands as a barrier in their way, they break through it without hesitation. Democratic opinion is easily deceived by taking the reasonable will of the people and the capricious or passionate whim of the crowd as the same thing, and to judge as right what is pleasing to the latter without considering that before all, right *is*, exists, and has not to be made; that it must be recognized and respected, not established at will. It also confounds freedom of the people with the domination of the people, and thinks the first is secured and realized most easily by adopting and exercising the latter. But in a healthy civil and political organism, authority and freedom, repose and movement, right of inheritance and progress, tradition and law, exist not isolated from, but connected with, each other.—VII. The splendor of authority and the dignity of its formal appearance are also characteristic traits of aristocracy; democratic opinion sets little value on this, and even almost fears that the equality of citizens will be put in jeopardy by the choice robes of their dignitaries; and universal freedom endangered by the solemn pomp of public authority. Used in moderation (and the immoderate ceases to be beautiful) a noble form of outward appearance serves to show forth the dignity of the state and increase respect for it. The difference in the two theories is well illustrated in public buildings. The public utility of such buildings which is the thing first, and sometimes exclusively considered by the democracy, is of course not to be lightly thought of, and is in every case, practically, the chief consideration. But beauty and ornament, which are generally the work of an aristocracy—as artistic gifts and distinction are by nature aristocratic—lend public buildings also an ideal value and have an elevating and ennobling influence on the minds of the people generally. In this respect the Athenians, in other regards extravagantly democratic, were highly aristocratic. As aristocratic natures have a fine understanding for dignity of form in general, so also they have a lively sense of personal honor. The rising of aristocrats from the masses has always been accompanied by an increase in their feeling of honor. A nobility can better afford to surrender power than honor. When this feeling of honor, however, degenerates into an insolent overestimate of self and a contempt of the lower classes, it goes beyond its bounds; but in a healthy state the feeling of honor is a great moral power. The democratic mind places all value in the general human and national honor, and disregards or even hates any higher degree of honor. This general feeling of honor is indeed the most important, and a people in whom the feeling of human dignity is active, has reached, indeed, a high degree of civilization. It is also the natural foundation of all higher honor which springs forth like a blossom from the stem. The democratic envy which strives to pull down everything which struggles upward deserves to be punished with contempt. But the democratic desire for a recognition of the honor of man, is well founded in the divine order of things. If man is created in the image of God, then man as such has a just claim to the recognition and protection of his honor. Here, too, the popular democratic doctrine of honor appears as the foundation; but the special growth of higher honor, as an aristocratic development. J. C. BLUNTSCHLI.

ARITHMETIC, Political. Three different meanings are attached to this word, which was more used during the last century, than in our day, and which is rarely found in contemporary political economy. Some use it in a rather vague way, applying it to reflections upon social economy in general, or more especially to researches on population, agriculture, etc.; others employ it as a synonym for the science of statistics, calling to its aid political economy, to explain the causes and significance of the facts established by figures; to others still, it means simply the calculations and processes, arithmetical or algebraic, by the aid of which, from these facts, inductions and conclusions are formed which have not been directly established, but which are admitted by way of analogy, proportionality or probability.—Arthur Young published under this title a work in which there are scarcely any figures, and which treats of the causes which, in his time, had made agriculture flourish in Great Britain, and of the causes which stood in the way of the advance of that great industry in other lands. His French translator, Freville, compiled from a work of Arbuthnot, also translated from the English, a volume, under the same title, upon the utility of large farms, and another volume without the name of the author, likewise translated from the English, treating of the condition of agriculture in the British Islands. The term political arithmetic was therefore used by Young and his translator in the first sense.—It is in the last sense, however, that it is used by J. B. Say, who has devoted a chapter to it in his *Cours*, (part 9, chap. 3.) It is in this last sense that it should be used in order to avoid confusion in the terminology of economical science.—M. Moreau de Jonnès in his *Eléments de statistique*, made political arithmetic, understood in the sense of J. B. Say, one of the two methods of statistics. He terms it the method of induction in contradistinction to the method of exposition which he recommends by way of preference, and which consists in registering all the numerical data, that constitute the elements of a given subject, in grouping, combining and even reducing them, or, to speak more correctly, in co-ordinating without altering them.—When Vauban, at the commencement of the 18th century, estimated the agricultural products and the revenue of France, upon the basis of the investigations which he had made in a small number of localities; when Lavoisier, in 1790, calculated from the number of plows the extent of land under cultivation, and the amount of production and consumption in France; when Lagrange esti-

mated the consumption of food by the whole population on the basis of that of a soldier, by supposing that one-fifth of the inhabitants were under ten years of age, and that two children and one woman consumed only as much as one man; when Necker, not venturing to undertake a general census, in 1784, calculated the number of inhabitants from the number of births, by adopting the ratio of one birth to every 25 inhabitants; when Chaptal, in 1818, gave the extent of arable lands, of vineyards, meadows and forests of the whole of France, at a seventh of the surveyed territory, and starting from the hypothesis that the other six-sevenths were identical in extent, with the first, as well in natural quality as in the uses made of them. Vauban, Lavoisier, Lagrange, Necker and Chaptal were workers in political arithmetic. When Arthur Young hit upon the idea of cutting up the map of France, estimating the parts and drawing conclusions from the notes he had been able to make upon certain localities, he pushed this method to the limits of possibility. "When one studies," says M. Moreau de Jonnès "the results which Vauban and Lavoisier have obtained by these strange processes, we are astonished to find in them all the characteristics of truth, and we are tempted to believe that there are men of genius who are endowed with the prescience of numbers and whose penetrating minds reach their object even following a vicious method. We can not refuse this preëminence to Necker, who was guided by the example of two distinguished statisticians, Messance and Montyon, and who surrounded himself with all the data necessary to eliminate error."—We can easily see to what errors these calculations applied to the facts established by statistics might lead, and understand by the use to which they have sometimes been put, the discredit into which the works of certain statisticians, quite unworthy of the name, have fallen. It would be very wrong to confound with such men those who collect facts with intelligence, perseverance and honesty; who correct one method by the other; who use the processes of induction and the rule of three only with the greatest circumspection; and reason solely upon facts or figures drawn from a good source; who draw conclusions only from the particular to the general, taking local or even accidental facts and applying them to a whole country or an entire epoch.—A writer who respects himself should have nothing to do with political arithmetic, unless he has no other means of calculation, and in this case itself, it is his duty to be sure of the solidity and exactness of the bases upon which he grounds his reasoning. This, several writers or publicists, of our day, who have discussed facts relative to poverty or other delicate questions of social economy, seem to have forgotten.—There is a branch of arithmetic which has been remarkably developed, and which to-day constitutes a science apart. We mean the calculus of probabilities, that is to say the application of calculation to questions of insurance, of life annuities. JOSEPH GARNIER.

ARIZONA, a territory of the United States, originally part of the territory of New Mexico, was organized by act of Feb. 24, 1863. Its present territory consists of parts of the Mexican cession and the Gadsden purchase (see ANNEXATIONS, IV., V.). The southeastern part of its former territory, below the parallel of 37°, now belongs to Nevada. (See TERRITORIES.) A. J.

ARKANSAS, a state of the American Union, formed from the Louisiana purchase (see ANNEXATIONS, I.; LOUISIANA). It was separated from Missouri as Arkansaw territory by act of March 2, 1819. No enabling act was passed, but a popular convention, Jan. 4, 1836, claiming "the right of admission into the Union, consistent with the federal constitution, and by virtue of the treaty of cession by France," formed a state constitution (see TERRITORIES), and under this Arkansas, after much opposition, was admitted by act of June 15, 1836. The boundaries of the state were fixed by the constitution as follows: "Beginning in the middle of the Mississippi river at the parallel of 36° 30′ north latitude; thence west to the St. Francis river; thence up the St. Francis river to the parallel of 36° north latitude; thence west with the Missouri boundary line, and south with the Indian territory boundary, the Red river, and the Mexican (Texas) boundary to Louisiana; thence with the Louisiana boundary to the Mississippi and up the Mississippi to the place of beginning."—The constitution fixed the capital at Little Rock. The governor was to hold office for four years. The powers of the legislature as to slavery were similar to those of Alabama. The state was made suable in its own courts, but this privilege was abolished by amendment, Feb. 12, 1859.—In politics the state was steadily democratic in both presidential and state elections until the close of the rebellion. A whig opposition was maintained until 1856. In 1849, in a scarcely contested election, the vote for governor was 3,290 democratic, and 3,228 whig; but in all other years the whig vote was generally about thirty per cent. of the total vote. After 1856 the American party, or know-nothings, and the constitutional union party, took the place of the whigs with about the same proportion of the total vote.—In 1861 the state at first showed no disposition to secede, preferring "co-operation" (see BORDER STATES, SECESSION). In state convention, March 18, a conditional ordinance of secession, to be submitted to popular vote, was defeated by a vote of 39 to 35. Instead of it an ordinance was unanimously passed submitting to the people, at an election to be held on the first Monday of August, a choice between secession and co-operation. The convention was to be re-convened and its action governed by the result of the election. The proclamation of president Lincoln, April 15, (see REBELLION) and a demand for a quota of troops from Arkansas to enforce it, caused the re-assembling of the convention, which passed an ordinance of secession, May 6, by a vote of 69 to 1. It purported to re-

peal, abrogate, and set aside all laws and ordinances whereby the state had become a member of the Union, to dissolve the union existing between Arkansas and the other states, to resume to Arkansas the powers delegated to the federal government, to absolve her citizens from all allegiance to the United States, and to re instate Arkansas in the rights and sovereignty of a free and independent state. May 18, the state was admitted as one of the confederate states.—The people of the section of the state north of the Arkansas river seem to have been unionists from the beginning, for arrests of suspected persons by the confederate and state authorities in that part of the state became general toward the end of 1861. In September, 1863, Little Rock was captured by the federal army, and steps were immediately taken to reorganize the state government. By special orders from president Lincoln an election was called for March 28, 1864, but in the meantime a state convention had formed a new constitution which abolished slavery and repudiated the right of secession and the rebel debt, but restricted the right of suffrage to white male citizens. The constitution was ratified and state officers chosen, March 14. In September the confederate forces regained about two-thirds of the state and reorganized their legislature, but within a month they had again lost the state, this time forever. The "loyal" state government retained control of the state until its functions were suspended by the act of March 2, 1867 (see RECONSTRUCTION). Under the provisions of this act a state convention met Jan. 7, 1868, and adopted a new constitution which acknowledged paramount allegiance to be due to the United States, denied the right of secession, made suffrage universal (excepting persons under disabilities by the 14th amendment), and repudiated the rebel debt. This constitution was ratified March 13, 1868, and the state was re-admitted June 22. The state passed at once under republican control, and the disfranchised classes kept up an intermittent disturbance of the public peace for some years. In 1870 a section of the dominant party, commonly known as "brindletails," became dissatisfied with the republican administration and joined the democrats in assailing it and impeaching the governor for bribery and corruption. In 1872 the republican governor ordered the registration law of 1871 to be disregarded and the law of 1868 to be followed, thus again disfranchising the persons whose disabilities had been removed since 1868. The legislature, in January, 1873, canvassed the votes thus cast and declared Baxter, the regular republican candidate, elected by 3,111 majority; but the democrats claimed a majority of 1,598 for Joseph Brooks, the brindletail candidate, indorsed by the democrats. Brooks, after several suits in different courts, obtained judgment of *ouster* against Baxter in a circuit court, and seized the public buildings by an armed force, April 15, 1874. Civil war followed until the legislature met, May 13, and called for federal interposition. This was at once given, and the Brooks forces were disbanded. The principal result of the disturbance was the calling of a state convention for July 14, 1874. It formed a new constitution, which was ratified by popular vote. In addition to the provisions above given of the previous constitution, it took away all patronage from the governor and reduced his term of office to two years; prohibited him from suspending the privilege of the writ of *habeas corpus*, and from proclaiming martial law; and abolished all registration laws. The state has since been democratic.—The name of the state is taken from that of its principal river, an Indian word which has no known meaning, but has no connection with the name of Kansas. Its pronunciation was declared to be *Arkansaw* by a resolution of the state senate in 1881. The state is popularly known as *The Bear State*, from the supporters of its coat of arms.—GOVERNORS: Jas. S. Conway (1836–40), Archibald Yell (1840–44), Thos. S. Drew (1844–8), John S. Roane (1848–52), Elias S. Conway (1852–60), Henry M. Rector (1860–64), Isaac Murphy (1864–8), C. H. Smith (military governor under general Ord, March, 1867–July, 1868), Powell Clayton (July, 1868–January, 1873), Elisha Baxter (1873–7; superseded by new constitution, November, 1874), A. H. Garland (1875–7), William R. Miller (1877–83).—See Poore's *Federal and State Constitutions; Tribune Almanac*, 1838–81: Appleton's *Annual Cyclopædia*, 1861–80; and authorities cited under SECESSION and REBELLION. No history of Arkansas has been published. On the question of its admission as a state, see TERRITORIES; 1 Benton's *Thirty Years' View*, 627; 12, 13 Benton's *Debates of Congress*. The act of March 2, 1819, is in 3 *Stat. at Large*, 493; the act of June 15, 1836, 5 *Stat. at Large*, 50.

ALEXANDER JOHNSTON.

ARMISTICE. In the course of a war, it frequently happens that hostilities are suspended for a time. At the close of an engagement it is agreed, between the belligerent parties, to stop operations, for a short period, in order to bury the dead. The commanders of contending armies may wish to hold a conference, to have a parley, or to enter into an arrangement for the surrender of a besieged place. There may also be other reasons for a suspension of hostilities, at a given time or place. These suspensions are ordinarily of short duration, and, therefore, are called simply suspensions of arms, especially when they are only temporary, and hostilities may be resumed without any previous notice. But there are circumstances in which suspensions of arms are prolonged, as, for instance, when both parties feel that an effort should be made for the restoration of peace. A protracted cessation of hostilities, mutually agreed on by the belligerents, is called an armistice.—The term truce which seems to have fallen out of use in diplomatic language, can properly be applied only to a general armistice of long duration.—When the hope of restor-

ing peace makes it advisable that an armistice should be sought for, and the belligerents wish to enter into negotiations to that end, it is customary to begin with an agreement that hostilities shall be suspended at all points, sometimes without previous stipulation as to what shall be the duration of the armistice.—Although an armistice is only a military convention, it is obligatory, not merely on armies but on nations themselves, in the same way as international treaties are binding. Hence, the breaking of an armistice has always been considered one of the gravest violations of the law of nations. A suspension of arms should, therefore, be concluded in the name of the sovereign, and by persons having power to bind the country. It is generally assumed that the commander-in chief of an army receives with his commission, the power to make any agreement of a military character. He is authorized to appoint, from among his officers, the commissioners and plenipotentiaries charged with the duty of concluding a military contract, reserving to himself the right to ratify it. This authority is not even restricted to the person of the commander-in-chief. The commander of a detached or an isolated corps, who is not in direct or immediate communication with his superior officers, may properly agree to a particular armistice, so far as it concerns the corps or the detachment under his command. When there is question of a general armistice, it is usually understood that such an armistice is a convention more political than military in its nature; and even a commander in-chief should not agree to the terms of such a convention, if he be not specially authorized to do so by his government, and if there be not a previous understanding to that effect between the rulers of the belligerent nations.—There are instances of armistices having been concluded directly between one government and another, through the medium of their representatives or ministers; but in most cases, even when the suspension is general, of long duration, and agreed upon by the governments of the belligerent parties, the military authority is charged with the drawing up of the terms of the armistice, and with the care of its execution.—The duration of an armistice must be agreed upon in the terms of the armistice itself, and this must be done with the utmost precision, that a renewal of hostilities may not be feared while one party is under the impression that the armistice has not expired. Even when the duration of an armistice is long or uncertain, it is customary not to resume military operations until after due notice has been given, declaring the armistice at an end. On the occasion of a memorable armistice concluded in 1813, at Plesswitz, in Silesia, between the French army on the one side, and the Russian and Prussian armies on the other, the following provision was inserted in the text of the agreement: "The armistice shall last until July 20th, inclusive, and six days more, during which to give notice of its termination. Hence, hostilities shall not be renewed until six days after the armistice shall have been declared at an end, at the headquarters of the respective armies." Subsequently the armistice having been prolonged, the following clause was added: "The armistice shall be prolonged until the 10th of August. Neither of the contending parties shall declare the armistice at an end before that time. If, at the expiration of that time, the armistice shall be declared at an end by either of the interested parties, then six days' notice thereof, shall be given. Therefore, hostilities shall not be renewed until six days after the armistice shall have been declared at an end." —The declaration of the expiration of an armistice is all the more indispensable when the duration of the armistice has not been previously fixed. —An armistice is binding from the day it is concluded; but military commanders, charged with its execution, are responsible for its observance only from the day they are notified of the armistice. Hence, an armistice should be promulgated, and governments are responsible for the damage caused by too tardy a notification of the fact of its existence.—During an armistice, armies ordinarily maintain their respective positions, and can not rightfully commit any hostile act Hence, besiegers can not prosecute their offensive operations, nor the besieged throw up new works of defense, repair their breaches, etc. But there is nothing to prevent each of the belligerent parties from availing itself of the suspension of arms, to do, within its own borders, anything to improve its position, such as to levy troops, provide supplies, etc. Neither party is bound to maintain a strict *statu quo*, save within the limits embraced in the armistice, and as to matters relating to the armistice.—It depends on the terms of the armistice whether the citizens of hostile states may freely trade with one another, whether passports are necessary, and who may issue them. Many other things depend upon the terms of the armistice. Thus, the re-victualing of a fortress during an armistice may be sometimes allowed, for instance when the position is of little importance, or its capture is certain within a short time: but the re-victualing of a fortress should be denied when its capture might decide the fate of the war. It is evident that it is better to decline an armistice than grant an advantage for which there could be no equivalent.—The whole law of armistices may be reduced to one principle: provide for as many contingencies as possible. ROYER COLLARD.

ARMIES, Standing. The first half of the 19th century will be forever memorable in the history of mankind as the most productive period in industrial wonders. The results which we have succeeded in obtaining from steam, from atmospheric pressure, from electricity, and other natural forces are, in certain respects, so wonderful, that had they been predicted a century ago, such a prediction would have been regarded as an extravagant illusion.—Who, for instance, in 1750, could have believed that we should find in

the expansive force of steam a power of such utility as compared with which all human and animal strength would scarcely admit of comparison; and that this force when applied to great ships would impel them against the most rapid currents, and across the whole width of the Atlantic in eight days; that when applied to our railroads, we would be able to travel at the rate of from 45 to 60 miles an hour; that our cities and dwellings would be brilliantly illuminated with a gas extracted from coal; that an engineer would search in the bowels of the earth, at a depth of 1,700 feet beneath the soil of Paris for an inexhaustible fountain of pure water, which he would cause to spout to a height of 60 feet above that same soil; that an artist would be able to compel rays of light to work for him, that is to say, to fix permanently the image of objects, with an exactness and faithfulness that neither the pencil nor the brush will ever be able to equal; that we would succeed, at last, by means of the electric telegraph, in subduing an invisible, intangible agent, of a nature entirely unknown to us, to such an extent as to compel it at will to transmit words at the distance of hundreds and thousands of miles? Assuredly, if these wonders and many others could have been predicted a hundred years ago, their prediction would have been overwhelmed with ridicule—Nevertheless, whatever power these unlooked-for evidences of progress may have added to our productive agents, to our comfort and civilization, our social existence remains imperfect, or improves but very slowly; politics, so far from following in the wake of industrial progress, actually seems to retrograde; the conditions of its amelioration appear so uncertain, or are so generally ignored, that after decades of commotion and of revolution, France, for instance, is still in search of a form of government which will be able, without the imposition of too heavy taxes, to fairly guarantee its freedom and protection.—It is here that human intelligence has to contend not only against forces which bend to its service from the moment their secrets are discovered, but against passion, against old prejudices propped up by vanity, against interests founded on ignorance and injustice. These obstacles, however, are not insurmountable; and although they may be able to retard the progress of political or economic order, they can not stop that progress, for the truths of this order, as they become better known, derive very great support from all interests suffering unjustly, while time inevitably weakens everything founded on error or iniquity.—The political reform of the greatest consequence and the one most earnestly demanded by the requirements of the age will consist, if not entirely doing away with, at least in greatly lessening the standing armies maintained by the nations of Europe. We venture to assert that this reform will take effect in the near future, however opposed by the ambition of certain classes, and the pusillanimity of others. It seems to us impossible that Europe, industrious and civilized Europe, can for any length of time persist in that strange policy, which, spite of the evident wishes of its citizens to avoid all international warfare, and notwithstanding the effective peace of thirty years which preceded the revolutionary crisis of 1848, has compelled them to maintain both land and sea armaments more extensive and more ruinous than they had ever been before.—It is now some time since enlightened men of the United States, of England, of Germany, and of France exerted themselves to give practical effect to the idea of extirpating this cause of ruin and misery which, everywhere diametrically opposed to industrial pursuits, renders almost null the most brilliant and most fruitful discoveries for the bettering the condition of the masses. The idea of the Abbé de Saint Pierre, considered chimerical by many, that of substituting arbitration for brute force in great international questions, obtained in England such a number of supporters as to induce Mr. Cobden, the famous leader of the free trade party, to believe it possible to successfully bring the subject before the house of commons. In a session of parliament he made a motion tending to commit the English government to the policy advocated by the Abbé de St. Pierre; and this motion, notwithstanding its somewhat unusual and eccentric nature, was supported by seventy-nine votes. If one reflects upon the determination that the English have ever evinced in the matter of reforms, of which they have once felt the propriety or usefulness; if we will but call to mind what obstacles, apparently insurmountable, have been overcome by the agitators of the abolition of slavery, the changes effected in the system of promotion, in the old laws of navigation, etc., we can not but hope that a new idea which in its very incipiency obtained 79 adherents in the national parliament, is destined to triumph in a future not far off; and if the English government some day joins sides and co-operates with the advocates of this measure, and furthers their salutary wishes with that immense influence which it exerts in Europe and the world over, the system of great standing armies will indeed be near its dissolution.—It will most probably be in France that this great reform will meet with the greatest opposition. The French people are as a class imbued with what is called "the military spirit," which is nothing else than a spirit of silly vanity, with a touch of aversion for useful labor. It appears as if the French were to make good the prediction of Montesquieu: "The military of France will be its ruin." However, the French working classes begin to understand that this military spirit is one of the causes which have most impeded the amelioration of their condition. They are still, indeed, imbued with a large amount of national vanity. The words: "preëminence, supremacy of France," still sway their minds a great deal too much, and they are only too easily governed by the notion that it becomes

them to dictate the destinies of other nations; but they no longer admit the right of maintaining at their expense, in times of peace, of from 400,000 to 500,000 men. This agency of ruin now finds its only supports in those directly interested in its continued existence, and in the exaggerated fears of an influential but relatively small portion of the population. Even in France then we may look for the growth and spread of the principle which seeks to deliver the nations of Europe from the greatest part of the burden imposed upon them by their standing armies. Now one of the most efficacious methods of accelerating the progress of this principle, is to keep constantly before the public eye a statement of the enormous sacrifices required for the maintenance of large armies. —Among the number of economists who have busied themselves with the nature and formation of forces necessary for purposes of national defense and to the maintenance of state government, Adam Smith is, as far as we know, the only one who considered a standing army preferable to a national militia force. According to him the civilization of a country could not be perpetuated or preserved long without a standing army. This opinion he dwells upon at length in the first chapter of the 5th book of his "Wealth of Nations," but his statements indicate that he based his opinions on a social condition of affairs which has long ceased to prevail among the states of Europe. We can judge of this from the following extract: "When a civilized nation depends for its defense upon a militia, it is at all times exposed to be conquered by any barbarous nation which happens to be in its neighborhood. The frequent conquests of all the civilized countries in Asia by the Tartars, sufficiently demonstrates the natural superiority which the militia of a barbarous has over that of a civilized nation. A well regulated standing army is superior to every militia. Such an army, as it can best be maintained by an opulent and civilized nation, can alone defend such a nation against the invasion of a poor and barbarous neighbor. It is only by means of a standing army, therefore, that the civilization of any country can be perpetuated, or even preserved for any considerable time."—J. B. Say thinks, that far from protecting national independence, a great military establishment is that which compromises it the most, by reason of the aggressive tendencies which it incites among those who have the control of it. "England," he says, "would not have interfered with the intrigues of all Europe, if she had not been possessed of great fleets which she could send out in all directions; and Napoleon, if he had not had at his command the bravest and the best drilled troops of the world, would have directed his ambition toward ameliorating the affairs of France." In this way, the very existence of large armaments incite to war; and war always brings about, in the end, cruel retaliation on those who provoked it. "The ambassadors of Louis XIV.," adds J. B. Say, "at the congress of Gertruydenberg were obliged to be silent spectators at the deliberations concerning their master's fate." England, in its war with America, was compelled to surrender its sovereignty over the colonies, and, later on, it was her insular position alone that saved her from threatened invasion. Bonaparte, with a better army than that of any other nation, suffered a more signal defeat than all others. Everywhere the more formidable the army, the more inevitably has it been the cause of war and all its attendant evils. There is not one that has ever saved its country from invasion. J. B. Say further considers whether, in the present condition of Europe, militia forces would be sufficient to preserve the independence of the individual states, and relying upon the opinion of experienced military men, such as Guibert, Lieutenant General Tarayre and others, he decides the question in the affirmative; only, he thinks that for the military corps which require an intricate course of instruction, as the engineers, the artillery and the cavalry, which could not be formed at a moment's notice, permanent provision must be made, but only to such an extent as a purely defensive system may demand. He shows how the maintenance of large naval forces, usually justified on the grounds of protecting and extending commerce, is ruinous to nations, and how little, in reality, they contribute to the extension of commerce. The fact of England's great commerce proves nothing in favor of the excessive increase of its marine service, for its commerce would be quite as great without this appendage. "Is it with sword in hand," asks Say, "that business is successfully transacted? The reason that England can sell her wares as well in the Archipelago, as in the East, and in America, both north and south, is because she understands how to manufacture those things which the consumers of those various countries require, and can make them cheap. Her cannon has nothing to do with it." (J. B. Say, *Cours Complet*, vol. ii. pp. 280–297.). The maritime commerce of the United States is next to that of England the most extensive, and will probably soon equal and even surpass it, and yet the naval power of that great republic is one of the least important. As regards the naval service of France, we can not do better than quote from the excellent remarks on the subject by Mons. Bastiat: "Is a powerful naval service not necessary, it is asked, in order to open up to our commerce new foreign markets? Truly the measures of government in respect to commerce are singular! It begins by flattering it, impeding it, restraining it, and that at enormous expense; then, if any small portion of it has escaped its vigilance, at once government is seized with a tender solicitude for the petty articles which have successfully eluded the meshes of the custom house. We wish to protect our merchants, it is said, and for that reason we exact another 150 millions from the people, in

order to cover the seas with armed vessels. But, in the first place, ninety-nine hundreths of the commerce of France is with countries where our flag-ships have never yet, and never will be seen. Have we naval stations in England, or in the United States, in Belgium, in Spain, in the Zollverein, or in Russia? And so we are taxed more in francs than we will ever possibly gain in centimes from the trade of those places.—Moreover, what is it that establishes new channels of commerce? One thing alone, viz.: cheapness. Send where you will goods which cost five or six cents more than like goods of English or Scotch manufacture, neither your ships nor your cannon will effect a sale of them for you. Send thither products five or six cents cheaper, and you will have no need of either cannon or ships to enable you to dispose of them. Is it not a fact, that Switzerland, with not even a brigantine, unless it be on its lakes, has driven from Gibraltar itself certain qualities of English goods, and this spite of the guard ever at its gates? If then cheapness be the sure protector of commerce, in what manner is it that our government sets about to take advantage of it? In the first place, it raises, by its tariff, the price of raw material, of all the instruments of labor, of all articles of consumption; and in the next place, under the pretext of sending out vessels in search of new channels of commerce, it overburdens us with taxes. It is stupidity, the grossest stupidity; and the time is not far off when it will be said of us: The French people of the 19th century had strange systems of commerce, but they ought at least to have refrained from believing themselves to have already reached the epoch of universal knowledge. A very able German author, Mr. Rotteck, published, in 1816, an important work entitled, "Standing Armies and National Militia." He proves, from the history of all wars, from those of the most ancient peoples down to the termination of the wars of 1815, that standing armies, or paid troops, under the sole control of their officers, and knowing no duty but toward them, have never served except to destroy the liberty of nations, and that the liberty and independence of subject peoples has been regained only by its citizen soldiery. "When France had to defend its liberty against the allied sovereigns," he says, "it was the citizen soldiery, mere raw recruits, who effected the triumph of the revolution, and later it was the militia of the Germans, that restored the independence of their fatherland." Mr. Rotteck in that work lays special stress on the mischievous influence of a standing army upon the morals of a people, particularly as it weakens among all classes of citizens the feeling of responsibility, by habituating them to rely upon others for the defense of their dearest interests, and tends but to relax those bonds of solidarity which would otherwise exist.—"A nation," says Mr. Rotteck, "which surrenders the defense of its liberties to any special class, becomes cowardly and incapable of opposing the most unjust aggression."—The same thought has been elaborated by an eminent French author. "What innumerable pretexts for war do you not cultivate by the creation of an army of which each member has a career to work out, and in which war is the primary, the only means of success! And the existence of an army of this nature is rendered the more serious, as it is almost impossible to change its tendency, inasmuch as it is not to be expected that men will willingly remain stationary in a profession once embraced as the business of life. * * * Let us add that if such an army by its natural bent is ever ready to compromise our safety, it compromises that safety still more by the extreme weakness to which it reduces us. While it increases our dangers, it at the same time paralyzes the greatest part of our national strength. It dwarfs the nation; it reduces it, in a certain sense, to the size of the army. France, in relation to her enemies, is no longer a people of 30 millions; she is a power of three hundred thousand men. All her strength is inventoried in the roll call of her troops. Beyond this, one sees but a sparse population, inactive, feeble in proportion as the army is strong; and, as they believe themselves, exempt from the necessity of self-defense. * * * * * Is such an army the best guarantee of our liberties? In order to determine this question, it is sufficient to consider what there is in common between the interests of liberty and the interests of the army as established by the law of enlistment. That law, as we have said, makes a profession of the military service. Are the interests of that profession compatible with those of liberty? Is it possible that the army should prosper, and at the same time that liberty should flourish? The profession of arms flourishes in times of war, liberty in times of peace. The army flourishes by the tribute it exacts, and liberty by labor. The greatest interest of liberty is to curtail power, while to extend it is of the greatest importance to the army. One of the chief interests of the army is to yield nothing to the spirit of reform, because, were this desire for reformation to prevail, it might extend even to the army itself. * * * * * It is evident that as regards liberty and the profession of arms there exists no conditions of mutual welfare, that the very reverse is the case, and that members of the army, professional soldiers, as such, far from having the interests of liberty to defend, have but the interests of despotism to maintain. It might be true, undoubtedly, that an army such as ours would not lend itself to the maintenance of despotism; but this is rather a disposition we could wish it to have, than one we can do it the honor of attributing to its nature "—It has been frequently urged that militia or a national guard would never acquire that disposition and those habits of discipline which constitute the strength of standing armies; but this assertion, which has some foundation, perhaps, in the case of the militia of those states which have

for a long time past maintained great standing armies, and the militia of which, consequently, is almost reduced to a service of parade, is not at all applicable to the militia which constitute the sole defensive force of their country. The militia of Switzerland have often enough proved that they could sustain the fight against the best troops, and as much can be said of those of the United States. There is nothing that appears to us more instructive and more fit to shake the prejudices prevailing on the subject with which we are engaged than the testimony which we are about to adduce. It is taken from the message addressed to the congress of the Union in December, 1848, by president Polk:—"One of the most important results of the war into which we were recently forced with a neighboring nation, is the demonstration it has afforded of the military strength of our country. Before the late war with Mexico, European and other foreign powers entertained imperfect and erroneous views of our physical strength as a nation, and of our ability to prosecute war, and especially a war waged out of our own country. They saw that our standing army on the peace establishment did not exceed 10,000 men. Accustomed themselves to maintain in peace large standing armies for the protection of thrones against their own subjects, as well as against foreign enemies, they had not conceived that it was possible for a nation without such an army, well disciplined and of long service, to wage war successfully. They held in low repute our militia, and were far from regarding them as an effective force, unless it might be for temporary defensive operations when invaded on our own soil. The events of the late war with Mexico have not only undeceived them, but have removed erroneous impressions which prevailed to some extent even among a portion of our own countrymen. That war has demonstrated, that upon the breaking out of hostilities not anticipated, and for which no previous preparation had been made, a volunteer army of citizen-soldiers equal to veteran troops, and in numbers equal to any emergency, can in a short period be brought into the field. Unlike what would have occurred in any other country, we were under no necessity of resorting to drafts or conscriptions. On the contrary, such was the number of volunteers who patriotically tendered their services, that the chief difficulty was in making selections and determining who should be disappointed and compelled to remain at home. Our citizen-soldiers are unlike those drawn from the population of any other country. They are composed indiscriminately of all professions and pursuits: of farmers, lawyers physicians, merchants, manufacturers, mechanics, and laborers; and this, not only among the officers but the private soldiers in the ranks. Our citizen-soldiers are unlike those of any other country in other respects. They are armed, and have been accustomed from their youth up to handle and use fire-arms; and a large proportion of them, especially in the western and more newly-settled states, are expert marksmen. They are men who have a reputation to maintain at home by their good conduct in the field. They are intelligent, and there is an individuality of character which is found in the ranks of no other army. In battle, each private man, as well as every officer, fights not only for his country, but for glory and distinction among his fellow-citizens, when he shall return to civil life."

AMBROISE CLÉMENT.

ARMY. The word army denotes the entire body of armed men put on foot and supported by a nation for the defense of its interests or the furtherance of its ambition, greed, or other passion. The term is also applied to any portion of the entire body mustered for special service. Politically considered, the army is a safeguard and should be animated with patriotism, from a military standpoint, it is a machine, and should be so constructed in all its cogs and wheels as to execute efficiently the various military manœuvres; to accomplish which it needs strength, agility, and mobility in all its parts. Whether taken in the sense of a corps manœuvering before the enemy, or in the meaning of the entire military forces of the country, the army comprises all species of arms, as well those of a particular branch, as the infantry, horses, besides combatants such as cavalry; or men, horses and material, as in the case of the artillery and of the engineer corps. It draws after it as a consequence, and as essential to its existence, the creation of great and costly establishments, and also, from a moral point of view, the isolation of a portion of the nation, whose life is subjected to an exceptional regimen. —I. HISTORY. Who does not recall the immense armies of Sesostris and Xerxes, and does not wonder how they were composed and supported? The former question is the more easily answered.— —The armies of Sesostris, the most famous of which numbered 600,000 foot soldiers and 27,000 chariots, and which overran and conquered Asia, had not the character of permanency. As soon as a war was ended, they were at once disbanded. But the recruiting of these armies was easy, warriors constituting a privileged caste in Egypt. It is said that punishment in the armies of ancient Egypt was inflicted rather on the personal honor and reputation than on the body of the delinquent, a proof of generous ideas among the people and of a wise military organization.—As much can not be said of the Persians under Xerxes. They were at that time degenerated as compared to what they had been during the reign of Cyrus; and yet the Persians were conquered by the Greeks, owing rather to their bad equipment and to the blunders of several of their chiefs, than to any lack of courage.—Although at the outset the king of Persia commanded 1,000,000 men, he did not give battle with very many soldiers. At Platea, he confronted his united enemies with only 350,000 men, and with still fewer on other fields of battle. This is an instance of the fate of large armies.

Far from their native land, they melt away by thousands and thousands. The history of all times shows his.—The use of chariots of war, of which Sesostris had so many, and which were to be found among the Persians, shows the nature of the country in which these people fought. It was essentially a flat country. From Asia westward, the use of chariots gradually diminished. They were seldom seen among the Greeks and never among the Romans.—Greece, divided up among small tribes, never put large armies on foot. In their intestine struggles, these tribes fought with handfuls of men. In their greatest battle, that of Leuctra, they numbered but 14,500 soldiers on one side, and 26,000 on the other. In their foreign wars, the same numerical weakness is observed. Against Syracuse Athens sent 6,300 men. Agesilaus accomplished his Asiatic expedition with 8,300 men, and Alexander the Great, when in command of the whole Grecian force, led against Darius only 35,000 men. The Greeks had but little cavalry. Their infantry consisted of a solid phalanx. The phalanx consisted of hoplites or heavy-armed men, in columns sixteen deep; four columns constituted a tetrarchy, or company of sixty-four men, the essential basis of this tactical formation. The tetrarchies and higher fractions of the army were ranged side by side, almost without any space between them, rendering the phalanx a heavy, compact and unwieldy body. This serious disadvantage was made up for by the individual quality of the Grecian soldiers, for the Greek foot soldiers, heavily or lightly armed (these latter employed in skirmishing about the phalanx), were robust, valiant, and enthusiastically patriotic.—The Roman armies acquired an importance different in more than one respect from that of the Greek armies. The Roman empire, as established by them, was both vaster and more durable than the improvised empire of Alexander. —In Rome every citizen owed military service, and at the beginning of a war the fittest for battle were chosen, just as in Greece; only instead of being subject to draft from twenty to sixty years of age, as at Athens and Sparta, it was only from seventeen to forty-six that a person was liable to be drafted, and between these limits sixteen years were to be spent in actual service, if a foot soldier, ten years only if a mounted one. One of the principles of the military constitution of Rome, was that the cavalry of the state should be recruited solely from the patrician class, who ranked inferior only to the senators. As long as this custom prevailed, the cavalry of the Roman armies were only mediocre, and it was necessary, from the beginning of the Punic wars, to have recourse to auxiliary foreign cavalry; to that cavalry, of which the Numidians, the Iberians and the Gauls furnished the best recruits.—The Roman legion possessed an offensive power which tallied wonderfully well with the ambition of the people from which it sprung. Instead of being ranged in one deep line, like the phalanx, it was formed into three spaced lines. On this chess-board the occupied squares were equal to the empty ones, so that in bringing the second line on a line with the first, there was obtained, when needed, what is known as a full formation, meanwhile preserving as its normal formation detached and movable lines, each ten files deep. These three lines comprised the legionaries, properly so called, which consisted of the *hastati* in the front line; *principes* in the middle, and *triarii* in the rear. These latter (*triarii*) constituted a reserve, and did not number more than 600, half the number of each of the two other lines. Besides the soldiers of the rank, there was, as in Greece, a body of light armed men who opened the battle as skirmishers. These latter were equal in numbers to the *hastati*, that is to say, 1,200 strong. This made 4,200 foot soldiers to the legion, the mean strength of this corps at different periods of its organization. A distinctive feature of Roman army organization is that the cavalry constituted an integral part of the legion, and varying from a tenth to a twentieth of its whole strength.—The consuls commanded the armies. A consular army consisted of two Roman legions, supported by two allied legions, and the fact that there were two consuls tells what was the ordinary composition of a levy: four national legions and four foreign legions. Thus each consul had under his command 16,800 foot soldiers and 1,800 cavalry. Even still later, at the time of the proconsuls, a Roman army seldom exceeded 25,000 men. One of the largest Roman armies was that which fought at Cannæ, one which numbered 80,000 men, and yet was vanquished by Hannibal.—As the consuls were elected for only one year, the command of the Roman armies was frequently changed. Notwithstanding this disadvantage, the Roman armies were eminently successful, except when confronted with genius, as they sometimes were. This fact is owing particularly to the personal valor of the Roman soldier, hardened by exercise from his youth, inured to hardship, battle and privation. The member of a legion carried, in addition to his arms, a sack containing two weeks' rations of wheat, and a stake for the purpose of strengthening the camp inclosure. Even thus burdened, he was able to make long marches.—Let us add, that, in spite of the inflexibility of Roman policy, the legion which had so well served it underwent a transformation, a reaction from one of the revolutions which agitated the forum. Marius, the head of the popular party, admitted as soldiers of the rank, or legionaries, even the proletarians; while up to his time, the possession of a certain income was a condition precedent to the enjoyment of that privilege. The consequence of this admission was to put an end to the hierarchy which existed in the legion. The *hastati*, *principes* and *triarii* were thus fused into one, and armed in the same way. Then the legions were divided into ten cohorts ranged in three lines. The light cavalry while it lost some part of its mobility, continued to have two principal lines, and a third line as a reserve. No better disposition could have been made of these

lines when ranged in order of battle. Cæsar's legion was the cohort legion, and it achieved as great results as the primitive legion.—Even under Cæsar, and to a greater extent under the empire, the conquered provinces contributed to recruit the legions, while the ranks of the army, as well as the offices of the Roman governme t, were invaded by the conquered. But this is not the main cause of the deterioration in the imperial armies; this deterioration was caused rather by the effeminacy which affected all classes of society. The old weapons were found too heavy, the well-known straight sword was abandoned; the soldier no longer carried his stake and luggage. Light arms, such as the bow and arrow, were preferred; and instead of coming into close contact when fighting, the habit was formed of fighting at a distance, and with machines which increased beyond measure, rather than with soldiers. Thus the way was paved for the triumph of those rude barbarians who invaded the country.—The cohort of this period gradually changed; it sometimes fought entirely apart, and became a mixed corps of infantry and cavalry. The last legion, that mentioned by Vegetius, with its 6,100 foot soldiers formed into two lines only, comprised all descriptions of foot; in the front rank, heavy armed; in the second, mailed archers; then two ranks of light armed foot soldiers; one rank of cross-bowmen, around a machine for throwing projectiles, and last the *triarii*. It soon became necessary to abandon this confused arrangement, and to return to the system of isolated cohorts. The discipline, as well as the organization of the army declined. It suffices to recall the exactions and the mutinies of the prætorian cohorts, in order to get an idea of the disorder which prevailed in the Roman armies, removing the last prop of the empire.—The armies of the barbarians, if the name of army may be applied to the crowd of combatants, accompanied by their wives and children, who invaded the Roman empire, was composed almost exclusively of infantry. Once settled in the countries which they had conquered or which had been ceded to them, these barbarians adopted the military customs of the former owners of the land, that is of the Romans, as did the Visigoths; or else, like the Franks, they preserved the principles of their own barbarian organization, modified by the necessity of holding the conquered people in check. The Franks, before the enemy, retained the deep rank, as may be inferred from the account of the chronicler writing of the victory of Tours, won by Charles Martel, over the Saracens,—that his success was owing to his heavy battalions. They thus massed when on the offensive, and scattered when acting on the defensive, occupying isolated, but important positions.—In the feudal army, the lords themselves came at the summons of the king to fight by his side. Their vassals accompanied them and took part in the battle as a second line. Beside these two lines of horsemen, the one of lords, the other of their villeins, the armies of this period comprised infantry, also, but no one was disposed to assume its command, or to have anything to do with it, since for the rich and the powerful the mounted service had many more attractions. This state of affairs was aggravated by reason of the vanity which bred, in the lords, a thorough contempt for the foot soldier, whose powerlessness and want of skill at the moment of danger, were, later, the occasion of so much regret to them. The infantry, consigned to the rear rank, consisted, in feudal times, of only poorly armed peasants, fit only to commence the battle, as skirmishers, and at its close to be employed as pillagers of the enemy's camp. While the infantry was thus dwindling, the cavalry acquired an exaggerated prominence. It constituted a disproportionately large part of the army, and it alone bore the weight of the war; it was the besieging force, attacked posts and intrenchments, to accomplish which it had to dismount. If it had been light cavalry, it would not have been so bad; but it was heavy cavalry, weighed down with iron mail, for the noble cavalry would not fight in any other way; the right of wearing armor being one of the privileges of their rank. Hence, when dismounted, even after throwing off some of their military accessories, they experienced great difficulty in going over a small piece of ground, and were obliged to divide themselves into several bodies. This cavalry of nobles soon formed a corporation of honor, the order of knighthood, to which admission could be had only by proving nobility of birth, courage and good reputation. Among the cavaliers, the most powerful carried *banners*, and the effective strength of armies was reckoned only by *banners*, that is to say by groups of about 30 cavaliers, a fact which shows how little was thought of infantry. The 30 cavaliers belonging to a banner were divided into 5 parts, each part consisting of a knight and his suite.—In this way was brought about the strange anomaly of effecting all the operations of war, even those requiring active and unimpeded motion, with men weighed down with iron armor, necessarily slow and heavy in their movements.—The crusades, in which chivalry played so important a part, changed to some extent, this condition of affairs. Far from the mother country, the recruiting of armies became difficult, and the leaders, to insure the safety of their cause, were obliged to turn their attention to the foot soldiers who followed them, to equip them better and to direct them. From this time the foot soldier showed the importance and lasting character of his part. While the infantry was thus reviving in the east, another circumstance was bringing it into prominence in France. The kings of France entered into covenants with the cities, granting them by degrees municipal government. Each commune levied for its own defense a corps composed nearly always of infantry, and it was not long before this *communal militia*, always on foot, and subject to the same leader, excelled the feudal militia. The use of gunpowder doing away with

the use of mail armor, was a circumstance equally favorable to the development of the infantry.—Besides this *communal militia*, at the disposal of the king in case of war, there were at this time bands of mercenaries, who, recruited principally from Brabant and from Germany, fought at the sole expense of the sovereign, a scourge alike to friend and foe. The *grandes compagnies* of which Du Guesclin had the merit of ridding France, were these very adventurers, whose existence lasted until the 17th century.—The disadvantages incident to the employment of mercenary troops, induced Charles V., and after him Charles VII., of France to attempt the creation of a national and standing army. Taxation, reduced to a permanent system, crowned this effort with success under the latter of these monarchs, the creator of the *francs archers*, (1448). These new foot soldiers, were recruited at the expense of the parishes, and except when mustered for the purpose of drill, each one of them remained in the parish that had equipped him and held itself responsible for him. This isolation effectually prevented the development of any military ardor among these foot soldiers, and as a consequence the *francs archers* had a short existence. Quite otherwise was it with those companies of cavalry, each composed of 100 *lances fournies* (500 men), for these companies, first organized in 1445, continued to exist down to the French revolution. These organizations of Charles VII., were copied by the other powers. Louis XI. did away with the *francs archers*, replacing them by 10,000 adventurers and 6,000 Swiss. These recent conquerors of Charles the Bold, who, armed with pikes, fought in large, square battalions, enjoyed a great reputation, and all the other powers endeavored to imitate their infantry. At the camp of Pont-de-l'Arche (1480) they were the instructors of the French soldiers, whom they taught to manœuvre with precision and in silence.—Charles VIII. introduced German infantry into France, *landsknechte*, of whom his father had already had several companies in his service. When Charles set out on his expedition to Naples, he took with him 30,000 men and 140 cannon; of these 18,000 were infantry, nearly all Swiss or *landsknechte*. Louis XII. organized a few companies of light horse, afterward amalgamated with the cavalry companies of *lances fournies*, and, when about to march against Genoa, recruited 2,000 Greek horsemen, called *stradiots*. The necessity of thus enrolling foreign troops, shows that the French infantry was still backward, while, on the other hand, the French cavalry had gained and continued to enjoy the best of reputations. Louis XII., with the view of improving the French infantry, induced several distinguished chevaliers to assume the command. The most famous of these, Bayard, was not willing to place himself at the head of more than 500 men, a proof at once both of his modesty and of the necessity he recognized of giving to this service very particular attention. Francis I. endeavored to devise the means to establish in France a good and solid infantry. In 1534, he organized 7 legions of 6,400 men each, and each legion was composed of men of the same province. Had this institution lasted, the French would have had a standing army of 45,000 infantry, no inconsiderable force for those times. The system of legions having been abandoned, the French armies now only numbered a few small and detached companies of infantry, called *bandes* or bands. These *bandes*, of from 500 to 600 men each, commanded by a captain, fought generally, ranged in squares, the pikemen in the centre, the *arquebusiers* on the outside. Thus the soldiers equipped with fire-arms, served as light armed soldiers. It was the tendency of the times to render fire-arms, those arms which place the weak upon an equality with the strong, more easily handled and of more general use; a tendency which proved that these arms were destined to prevail in the future. In this respect, the artillery had already made great progress, evidenced by Charles VIII. being able to carry 140 pieces of cannon with him in his Neapolitan expedition, and evidenced also by the effects of the French guns at Marignan.—Fire-arms thus became lighter, and greatly increased in number. For the culverin of the Swiss, was substituted the arquebuse; and the musket, the precursor of the gun, was on the eve of introduction. The adoption of portable fire-arms increased in the ratio of about one-fifth under Francis I., to two-thirds at the close of the wars of religion, and to four-fifths under Louis XIII. At that time armies were not large. The duke of Anjou, at Moncontour, had only 16,000 infantry, 8,000 cavalry, and 15 cannon, the largest force of that period, excepting only the army of 26,000 men with which the duke of Alba, in the name and to the advantage of Philip II. invaded and conquered Portugal. The *bandes* acquired importance in proportion as the infantry superseded the cavalry, and as fire-arms increased. It was not long before several of these *bandes* were united under one chief, for the purpose of simplifying their government, and of giving a united impulse to their action. Three or four of these *bandes* constituted a regiment; the commander of a regiment taking the title of colonel. The use of these two terms is found beyond dispute, under Charles IX. about 1561.—The companies of light cavalry were not united into regiments until 74 years later. What characterizes the cavalry from the time of Francis I. is that the cavalry of noblemen diminished in number, disappeared little by little, and that men at arms, who succeeded the knights, soon found that their followers attained to the same level as themselves. From this time the formation in line was abandoned, and squadrons, of at least eight ranks deep, were formed. This reform originated with the Germans, and was copied from the armies of Charles V. by Francis I. These new squadrons, called squadrons of *reîtres*, from the German word *reiter*, meaning a knight or rider, fought in successive ranks, the rank

which charged and fired retreating to the rear. The awkwardness of a cavalry too many deep, was soon perceived, and the number of ranks was immediately reduced from 8 to 6, and even to 5. In order to reduce their ranks, the infantry, too, abandoned the square formation. This was inevitable, as artillery would produce the greatest destruction on compact bodies.—Under Henry IV., and Maurice of Nassau, army organization improved. The latter introduced regularity, discipline, encampments, and compulsory agricultural work on the part of the soldier. The former won his crown by his exploits, exhibited skill in tactics, and to the courage of a valiant knight added the prudence of a commander. He was one of the first to show modern nations all the advantage to be drawn from a reserve corps. In command of but an insignificant army during the civil wars, he mustered for the execution of his designs against the house of Austria (1610), which his death alone prevented, an army of 32,000 infantry, 5,000 cavalry, and 33 cannon, a formidable army, augmented by his numerous allies to the number of 65,000 foot and 25,000 horse; and during this expedition he still left a reserve of 60,000 soldiers in France; for his economical administration had enabled him to endow his country with a total army of 100,000 men. At that time these numbers were regarded as extraordinary, but the size of armies has constantly increased since then. Louis XIII. had five armies on foot at one time, amounting in all to 100,000 men. Louis XIV., on a peace footing, never had less than 125,000, and during war mustered as many as 400,000 soldiers.—These formidable armaments led to the abandonment of the pike and the adoption of the gun with sword bayonet, to the organization of special troops of artillery, to the establishment of an honest and strict command, of which the state gradually assumed a more complete direction and control, and led also to the introduction of a national system of recruiting by drafting from the militia. Although the *grand roi* had in his service foreign troops, yet these were always the exception. As much can not be averred of Gustavus Adolphus, king of Sweden. This monarch reigning over a nation of 3,000,000 souls, and of warlike instincts too, was obliged to enroll in his armies a large number of foreigners. From every country he took into his armies fugitive prisoners. He directed officers to levy regiments, according them at the same time the command of those regiments in advance. His armies were noted for sobriety, obedience and discipline, to such an extent, that the German peasants did not seek to molest any isolated Swedish soldiers. His armies at no time exceeded 70,000 men, assisted by only 30,000 allies. Gustavus Adolphus was one of the first to make use of artillery for purposes of offensive warfare, to divide his infantry into small bodies in a manner at once more rational and more convenient for firing, to require his cavalry to fight when trotting, and only to fire when at close quarters. Frederick II., of Prussia, continued and completed these progressive measures. The infantry performed its manœuvres and fired with a precision that has not since been surpassed; the cavalry charged galloping and with side arms; mounted artillery was introduced, and these three arms of the service manœuvred as one body, forming a new combination on which are based the military tactics of to-day. The Prussian army, with 70,000 men at first, soon developed into an army of 120,000 and even of 200,000 soldiers, a prodigious number for a country of 6,000,000 people. It contained a large number of foreigners whom the severity of the discipline retained willingly or by compulsion in its service. Desertion, nevertheless, kept undermining it, and it is astonishing that Prussia, even while entertaining the desire of remaining faithful to the traditions of the great Frederick, should have preserved even up to the time of the disasters of 1806, the mixture of national and foreign soldiers.—With the commencement of the French revolution the aspect of French armies changed. The fusion of the national guard with the army, the levies *en masse* of 1793—the draft extending indiscriminately to all citizens between the ages of 20 and 25 years—supplied France with a million of soldiers, divided up into fourteen armies. These improvised soldiers lacked instruction and could not manœuvre as the recruits of Frederick. In the first battles, at Jemmapes and at Valmy, they were deployed in great bands as skirmishers, and their daring, making amends for their want of experience, enabled them to gain a victory. In forced marches they did not encamp, but bivouacked; then they marched upon the enemy, and attacked it wherever they found it, without having recourse to temporary works of fortification. The other powers were compelled to follow the example of France and to muster large armies likewise. In regulating and consolidating the military organizations of the revolution, Napoleon I. established those immense armaments on a permanent basis. The armies became so large that it was found indispensable to divide them up into army corps, many of which numbered as many men as the entire armies of Turenne. The *grande armée* which accomplished the brilliant campaign of Austerlitz, comprised seven army corps: its total effective strength amounted to 186,000 men, of whom 38,000 were cavalry; and 340 pieces of artillery accompanied it. Napoleon set out in 1812 with 625,000 men, of whom more than 16,000 were officers. In 1814, the allied powers placed in the field against France an army of 900,000 men. From that time until 1870, Europe never saw such prodigious armies. The system of large standing armies having prevailed, the greater part of the nations of Europe were unwillingly compelled to maintain more soldiers than they otherwise would have done; a condition of affairs which still cripples many of those nations, and may even eventually drag them into bankruptcy. These costly armies have, however, often rendered as

effective service in the maintenance of civil order, as when engaged in foreign wars.—II. General Principles of Organization. The army of a nation should be so organized at home as easily to prepare for any war that may occur. Its numerical strength also should be proportioned to the population of the country. The proportion that prevailed formerly, on the principle of *si vis pacem, para bellum*, was, one soldier to every one hundred inhabitants. This was, in fact, about the proportion, on a peace footing, in the armies of France, of the Germanic confederation, and of some other nations, a mean between that of England, with a very small army, and that of other powers in the north, with their larger armies. Preparation for possible wars requires that a fraction of the army be available for mustering either in camps for instruction or in places of rendezvous, other than their usual garrisons. This fraction should amount to at least one-tenth of the entire effective force. To satisfy these two conditions would not be enough. An army organized at home, in the manner just described, becomes too feeble from the moment that war breaks out; for if there are one or two-tenths under instruction and preparing for war who can immediately enter the field, the remaining eight-tenths are indispensable, or almost so, for the maintenance of order. Hence the necessity of being able rapidly to increase the effective strength of the army: this is what is called passing from a peace footing to a war footing. This transition should be managed skillfully in order that it may be effected without violence, and this condition is all the more important since it is necessary to at least double the effective force. This object is attained by the maintenance of what the French call *cadres*, a permanent and legal organization of superior and inferior officers, corporals, and privates, among whom it is sufficient to place young soldiers, in order that these latter may readily acquire the military spirit and skill. This possibility of rapid increase facilitates the putting on foot of entire armies and leading them into the country of the enemy.—All armies are divided into combatants and non-combatants. And first of the combatants.—All combatants can not be united into a single group. They are too numerous, and too different in nature to permit this. By reason of their stature, or on account of aptitude or choice, some will fight on foot, others on horseback, and still others with the machines of war. Thus the first division of an army is the following: infantry, cavalry, and artillery. To provide quarters for these three, and to enable them to overcome the difficulties in their way, a fourth class, an engineer corps, is necessary. This fourth arm serves on foot and manœuvres like the infantry, but it is divided up into small fractions. Napoleon I., as it is stated in his memoirs, required the following proportions between the several arms: the infantry being represented by 1, the cavalry to be 1-5, the artillery 1-8, the engineer corps 1-40, and the train 1-30. Except as regards the cavalry, the diminishing importance of which seems to have been presaged by certain wars, these proportions are still retained. How should an army be constructed? It should be divided into manœuvring units and tactic units, that is, into divisions and battalions or squadrons. It is by divisions that manœuvring is performed in camps. It is by battalions and squadrons that drilling and fighting in detail are done. The battalion or squadron, commanded directly by an officer without bearers of orders, should not, when drawn up in line of battle, extend beyond the range of the human voice, for it is indispensable that the officer in command, stationed at one wing, may be heard at the other wing. There should be also administrative units: the regiment, comprising several battalions or squadrons, and the company, which is a fraction of the battalion. The company should be such that its head, the captain, may be able to follow carefully the character, the instruction, and the service of every man in it, that is to say, it should have from 100 to 150 men. These administrative units are intended to centralize expenses, and to facilitate both purchases and the auditing of accounts. The existence of these units, and the graded division which results therefrom, would not be sufficient, unless among the heads of these units and below them, there was a properly organized hierarchy.—The division is divided into brigades, which comprise two or three regiments; below the general of division, there are, therefore, brigade generals, and colonels of regiments. A regiment may include from three to five battalions or squadrons; a colonel has, therefore, under him the several officers of the battalions or squadrons. The battalion which should not exceed 800 men, 1,000 at most, comprises from six to eight companies, and the chief of a battalion commands from six to eight captains. The captain requires assistance, for he must lead in battle and administer his company: he has a lieutenant and a second lieutenant, two under paymasters, and four sergeants, each having the command of one of the four sections of the company; two corporals, assist each sergeant of a section. From corporal to general of division, there are ten grades; and one of the fundamental principles of army organization is that these grades be within the reach of all, that a volunteer private may rise to the rank of general. Notwithstanding this principle, such success will always remain very rare; and, in any case, the man who finally reaches the topmost round of the ladder especially in times of peace, will be pretty well advanced in years. It is important that the army should have colonels and generals in the vigor of life, under fifty years of age.—The army should be distributed over a country in proportion to the resources of the different portions of that country. But are the troops to remain stationary at a point, or should they be moved from time to time, to be succeeded in their former quarters by other troops? To continue them in one place is to weld them into one body,

and to familiarize them with their chiefs who are well fitted to lead them to war. To move them about, is to isolate them more from the other troops and from the same officers, and to prevent them from acquiring fixed habits. They are thus maintained better in that condition of semi-unconcern favorable to the development of soldierly qualities.—NON-COMBATANTS. These are as indispensable to an army as are supporting forces to the artillery, or as servants to a numerous family. Those who place their lives in jeopardy for their country, should do so cheerfully, certain of accomplishing a duty, of performing an honored act, and of obtaining, in case of death, proper burial for themselves, and assistance for their families; should be certain of medical care, if they return wounded or sick, and of rest and food, if they return to the camp with nothing more than fatigue. To permit these non-combatants, surgeons, nurses, bakers, to remain without organization, would be a grievous error. They should therefore be organized in a military way. They will thus be subjected to the same discipline as combatants. Under a military organization they are susceptible of a greater degree of mobility, and in spite of the inconveniences occasioned by the presence of wagons, they are better able to follow the troops and participate in the events of war, each within his sphere. The accessories comprise not only the belongings of each arm, such as the train of artillery, and of engineers, military wagons, pontoon bridges, ambulances, etc., but also what may be called the personal and speaking material of the army, *e. g.* interpreters, printing presses, lithographic, photographic and telegraphic apparatus. In a word, all the wants which advanced civilization has called into existence or can satisfy, should be felt and satisfied in the army, that miniature of the nation, whenever those wants become military wants.—III. USUAL MODES OF RECRUITING. By recruiting is understood the aggregate of the means, or the system by which young men are led to leave their homes to serve their country in the field.—Recruiting is to an army what food is to the human body: if the food is not healthy, the body decays; if the system of recruiting is bad, the efficiency of the army is impaired.—Enrollment in the ranks of the army, in the case of natives, may be either voluntary or compulsory. Voluntary enlistment is the result of love of country, or made in consideration of the advantages, immediate or remote, which the military service offers. Voluntary enlistment may be made with or without bounty.—Voluntary enlistment with bounty attached thereto, prevailed during the thirty years' war during the reigns of Louis XIV., Louis XV. and Louis XVI, that is to say, from the time of Gustavus Adolphus to the French revolution, and was, indeed, about the only means used for obtaining recruits. Applied in a great country where the condition of the people is generally prosperous, this system of recruiting degenerates into one of force or fraud, and brings into the service only the dregs of the population. Carried on without good faith, it alienates the enlisted, who never become free again, notwithstanding their contract, and produces desertion.—Voluntary enlistment without bounty is scarcely seen except in free countries. It reveals generally a decided vocation for military life, although trouble or spite, or even the mere desire of wearing a brilliant uniform, is sometimes powerful enough to induce a young man to enlist.—At all events, voluntary enlistment has always been an inadequate means of recruiting large armies. Louis XIV, by this mode of recruiting, did not obtain annually more than 20,000 men, and were it not for his garrison regiments, his attempts at a militia, and his foreign regiments, it would have been impossible for him to have completed his army. The famous voluntary enlistments in Paris in 1792, about which so much has been said, produced a total of 5,000 soldiers. The restoration which, forced to promise the abolition of conscription, had, at least provisionally, to resort to voluntary enlistment as the principal source of recruiting its armies, was obliged to give up the attempt. In fact from 1815 to 1848 this mode of recruiting never supplied France with more than 10,000 soldiers in ordinary years, and with not more than 28,000 in those years when war was imminent, as in 1831.—And yet writers, statesmen, even those of our own day, have extolled the exclusive employment of volunteers in the formation of standing armies. In our opinion this is a utopian idea. The army of a large country can never be fed in this way, unless its numbers greatly decrease. To be thus fed, there would have to be more of the military spirit prevalent in the country than ever existed, and more of the patriotic instinct than our modern industrial society seems capable of possessing.—As to compulsory recruiting, it is easy to conceive how its forms may vary. Let us examine the forms which have most frequently obtained.—There is, in the first place, recruiting from a particular caste. In countries where there was a military caste, the requisite number of soldiers was supplied from this source. This was effected by compulsory enlistment from the body of that caste; and when the country was threatened, all the males of the caste, of an age and in a condition to bear arms, were obliged to take the field. Ancient Egypt offers an illustration of this state of affairs. In that country the military caste hierarchically followed the priestly caste, possessed a third of the territorial wealth, and, besides, received pay during the continuance of the war. India, also, had its military caste. The Roman knights, too, at least during the first years of the republic, constituted a sort of military caste, and in the middle ages the obligation of service in war was imposed in exchange for a fief, an obligation which became at once hereditary and brought about a like state of things. To-day, especially since the modification of the military boundaries of Austria, scarcely any ves-

tiges of this mode of recruiting are to be found in the countries of Europe.—In the second place, we must mention recruiting by arbitrary selection, as, for example, from among the young men between the ages of eighteen and twenty-five. In this case parents see their children at the mercy of the magistrate, who represents the state; and if this magistrate is a man lacking in honesty, or of a whimsical disposition, he will be the instrument of great abuse and acts of injustice. It would be impossible in these days to revive this mode of recruiting, so essentially opposed to the principles of civil equality. It existed among the Romans, the tribunes choosing for their legions the citizens who appeared the most robust, but then the enlistment was only for a time, and the legion was disbanded at the close of the war which had called it into service. It existed in Prussia, where, under Frederick the Great, military service was for life, each regiment having a district assigned to it from which, under the arbitrary control of a superior officer detailed for the express purpose, and with instructions to select the strongest and the largest men, it was recruited. The system existed for a short time in France, under Napoleon I., in 1813, for the formation of regiments to serve as guards of honor, of which each horseman of good family was appointed by the prefect of his department, by virtue of his office. In Russia the system survived till about 1870.—Recruiting by arbitrary selection, instead of being applied to individuals, as we have just represented it, may take place in a collective manner; as, for instance, when a battalion or a regiment of militia, or of national guards, after having served at home, as it usually does, is afterward sent abroad, either in whole or in part, to swell the ranks of an army in the field.—In exceptional cases, recourse may be had to what is called the levy *en masse*. If an entire nation is summoned to arms, every one capable of handling a pike or a gun should come forward. Only when a nation's independence is at stake, should this method be resorted to, since it exhausts the population of the country. And even in cases of most imminent danger, government should defer as long as possible resort to such an extreme measure. France had recourse to this mode once, in 1793, and the convention did not hesitate to decree the *permanent* levy (so long as the enemy should continue to desecrate its soil) of all Frenchmen unmarried, or widowers without children, *no matter what their age*. We may imagine the disturbance of all the relations of life of the French people, produced by this much too radical measure, especially after the requisition of 300,000 men, from 18 to 40 years of age, which took place in the month of February of the same year. Germany, in 1813, and France again in 1870, had recourse to the levy *en masse*.—Another mode that requires mentioning, is the system of general, gradual recruiting. We understand by this a system of recruiting which makes every citizen, as long as adult and able-bodied, subject to military duty; but in different categories which remove him farther and farther from a chance of being obliged to take the field as he advances in years. The advantage of this system is, that it requires every one, without distinction of birth or fortune, to undergo military service equally and to fulfill his duties to his country. The disadvantage of the system is that it retains a citizen for too long a time, if not as a member of the regular army, at least of the *landwehr*, and in this way, to a certain extent, interferes with individual liberty and the spirit of industry which it produces.—Partial recruiting by lot has been, up to the present, the most general mode of recruiting. This mode is least detrimental in its effects on the population of the country, since it takes from it only a limited number of young men, and leaves at liberty those on whom the lot has not fallen. These are two real advantages. Drafting by lot, besides, if well conducted, establishes a rule of justice, very conducive to the maintenance of harmony among families, especially in the country, where the people are averse to give their children to the state as to give it their money.—Recruiting by military pupils supplies but a small contingent to the armies in the countries in which it is in use. Pupils maintained at government expense, may be educated with a view to a military career, and willingly or by compulsion made to enter the service, as is the case in Russia, where sons of soldiers are brought up as soldiers by the state. The famous corps of janissaries, organized in Turkey toward the close of the fifteenth century, and which lasted until 1826, was constantly recruited in this way. The children brought up to become janissaries were not even of Turkish origin; they were young Christian captives instructed in the Mussulman faith, and thus naturalized The sultan, who established this corps, thought that their origin would make the members of this body most devoted to the sovereign, but all he obtained was men devoted to themselves, capricious, exacting, making and unmaking emperors, and by their dissensions bringing Turkey to the verge of ruin. —From 1781 to 1789 *national schools*, intended to bring up children from the provinces, in such a way as to give them a taste for the military career, were established in France; but when the pupils left them they were allowed some time before entering the army. To utilize the pupils of these national schools during the time of their education, they were employed in the maintenance of the public highways.—Thus far, whether treating of volunteer or compulsory recruiting, we have considered only the employment of native soldiers. It is in like manner possible to levy and to muster foreign soldiers. Two systems of recruiting foreign soldiers may be considered under this head. First, by purchase. Buying slaves and making soldiers of them is a simple enough means of recruiting. This mode of recruiting could be employed only in exceptional circumstances, or in countries still in a barbarous state.

After the battle of Cannæ, Rome bought and equipped 8,000 slaves. The famous mamelukes of Egypt were originally slaves bought of the Mongols by certain Egyptian sultans. To-day the *black guard* of the emperor of Morocco is recruited, partially, at least, in this manner, for the sovereign claims, for this purpose and, as entry duty, several of the negroes whom each caravan brings from the Soudan. Troops thus recruited may be devoted to their sovereign, but it requires tact to prevent them from acting like the janissaries. The second may be called the *hiring system*. Instead of buying a man, his services are hired for a fixed time. This is the old system of employing mercenaries, so much in vogue at the beginning of the modern era, during the thirty years' war, and the seven years' war, and which lasted until the commencement of the nineteenth century. It is a system which, happily, has become obsolete. If, instead of hiring the services of men individually, they are engaged as a body collectively, it is then said to be recruiting by *capitulation*, a species of contract for troops. The contracts of *capitulation* of the Swiss with France are well known. The consideration of the contract of *capitulation* for troops, consisted of a bounty, fixed wages, and certain privileges and guarantees. At present, contracts of *capitulation* for troops are prohibited by Swiss law.—IV. GENERAL CONSIDERATIONS. The army should set an example of honor and devotion to the country. It is by maintaining a sentiment of honor, pure and unsullied in the service, that the army furnishes the best proof of its patriotism; for through the army this sentiment will be kept up among the people, and will contribute to the greatness of the nation. Devotion to one's country is not practically so powerful an incentive as a sense of honor; it is frequently apparently absent, and yet it should be ever present, in peace as in war, in defeat as in success, in adversity as well as in prosperity. The devotion which springs from duty and is a source of self-denial, often exposes the soldier to severe trials, and it is no doubt with the view of mitigating the severity of these trials, of disguising them as it were, that the higher officers of the army, as a general rule, manifest so much kindness and indulgent friendship toward young officers. In order to uphold the sentiment of honor and of self-devotion, to obtain a military spirit useful in every great nation and in keeping with its political, literary, commercial and industrial spirit, it is essential that military service should be required of all, and that all should be placed on an equal footing in rendering military service, as they are placed on an equal footing in the matter of taxation.—As civilization advances, military laws become less severe. The proof of this is found in the code of military law promulgated in France in 1857, and in the German military code of 1872; but indulgence should not be carried any further. These codes no longer permit the punishment of a deserter with the ball and chain, or irons. They allow extenuating circumstances to be pleaded in behalf of soldiers under accusation. If repressive measures in the case of the soldier have become less severe, the treatment of the enemy has become less rude. Thus, during the Prussian war, the French returned wounded prisoners, and about 1870 an agreement between several of the powers *neutralized* their hospitals and ambulances in time of war. War, while keeping pace with the humanitarian progress of civilization, and allowing the army to exist under better conditions, should be carried on with rapidity and decision; and from the moment the voice of the country has declared war, it should break forth vigorously, and submit the enemy to the will which he, in the first instance, refused to submit to. It is by shortening war that its horrors are mitigated. —Army policy should be looked at from two standpoints, that of the government toward the army, and that of the army toward the government and the country —From the former standpoint it has been often said that the army constituting almost exclusively an instrument of governmental authority, absolute government had greater need of relying upon it, and for this reason caressed it and overwhelmed it with favors. This opinion seems exaggerated, since republics too have granted favors to the army. What may be reasonably asserted is that a wise government should treat the army well, as constituting an essential and vital part of the nation, and as an indispensable agent for the maintenance of public order. Government ought, in an especial manner, to be moved to kind and just treatment of it, as some equivalent for blood spilt, fatigues undergone, and that exceptional system of discipline to which the army is at all times necessarily subjected.—The exceptional system of army discipline consists in this, that the individuals who compose the army do not enjoy, so long as they belong to it, the plenitude of rights conferred by the fundamental law of their country on its citizens. These rights include, besides equality in civil matters and in the matter of taxation, the full liberty of every man so far as his person, his time, his opinions and the right to give expression to them are concerned.—In the army in which the orders of a superior must be obeyed and executed instantly and in the best way possible, complete equality, and especially personal freedom of action can not possibly exist; were it otherwise, instead of striking and striking like one man, because governed by a single will, that of the general-in-chief, the army would scatter its strength and operate in a disjointed manner. It suffices to point out these disadvantages in order to show that the exercise of the right of individuality would, from a military point of view, be detrimental to the continued existence of that social machine called an army. Hence, the exceptional army discipline, the preservation of which discipline interests society in the aggregate, and the necessity of which has been in all

ages universally recognized. As a consequence of this discipline, the army does not generally possess political rights; it can neither petition, hold deliberative meetings, nor meet without order; it has its own peculiar laws, more expeditious and severe than those of the common law courts, to take cognizance of crimes and misdemeanors. Individuals composing the army are cut off from all family pleasures, or at least can not marry without permission. On the other hand, the government provides for the health of the soldier by allowing him the conveniences compatible with his condition in life, by paying him wages in proportion to his wants, allowing him a chance for advancement; by guaranteeing to the officer the continued possession of the grade he has reached; by assuring to all soldiers a retreat for their old age, which, without luxury, at least guarantees them from want; and lastly, by honoring the service of its members, and by a jealous care that the death of the soldier on the field of battle shall be for his family a glorious souvenir, and not an occasion of spoliation.—The army can neither meet for deliberative purposes, nor meet without an order. Submission, obedience, self-denial, result from that moral obligation inherent in its essence. Hence the army has no political part to play. But does one abdicate his citizenship when under arms? He does not; his rights of citizenship are only suspended. Hence the limits are rather difficult to fix, especially in times of revolution. The army should have an interest in the affairs of the country, but no part in the direction of them unless consulted. Far from anticipating or embarrassing the general opinion of the country, the army should ever show deference toward, and confidence in, public sentiment, when manifested legally and calmly. It should consider itself the right arm of the country, and assume as its special missions those in which there are dangers to be incurred or relief to be brought. (For U. S. army, see UNITED STATES.) DE LA BARRE DUPARCQ.

ARTHUR, Chester A., president of the United States 1881–5, was born in Franklin county, Vt., Oct. 5, 1830, was graduated at Union in 1849, was admitted to the bar in 1851 in New York city, was quartermaster general of the state of New York during the rebellion, and was collector of the port of New York 1871–8, when he was removed by president Hayes. In 1880 he was nominated for the vice-presidency by the republican party and was elected. Sept. 20, 1881, he became president after the death of president Garfield. (See GARFIELD, JAMES A.) A. J.

ARTISANS. An artisan is a tradesman who works at one of the mechanical arts, as a carpenter, a locksmith, or a shoemaker. The artisan is sometimes confounded with the workingman, because both labor with their hands. They differ however in this, that the artisan works on his own account and solely at his own risk, while the workingman works for another for a fixed amount of wages. In this respect the artisan more resembles the capitalist: he is a small capitalist.—In ordinary thought and language, we may make of artisans a separate class, midway, in a certain sense, between the laboring class and the capitalist-employers. But from a politico-economical point of view, this distinction is of little use, the more so because it is so difficult to establish the line of demarcation. In their quality of capitalists, artisans are subject, just as the manufacturer or the capitalist in general, to the laws which regulate the profits of capital. We should remark, however, that their profit generally is, or appears to be, larger in proportion to their capital, because they add to it the product of their personal labor, without clearly distinguishing these two sources of revenue. They combine, so to speak, the profit of the employer and the wages of the workman. CHARLES COQUELIN.

ARYAN RACES. Among the nations which have possessed the earth, the Aryan races occupy the first rank. They were, in earlier times, comprehended under the name of the Indo-Germanic; sometimes under that of the Iranian races, while, still earlier, they were called the Japhetic. The name Indo Germanic, however, is inappropriate, partly because it designates a particular country because it designates in part a particular nation; because it has been adopted partly from geographical, partly from ethnographical considerations, and hence, denotes, in either case, not all that is to be comprehended under it, but only a part. Again, the name Iranian has only a narrow geographical meaning. Aryan, however, is the name by which, in ancient times, these races called themselves. It serves, at the same time, to designate their character. We find it among the old Hindoos whose three highest castes were called *arya*. Only the lowest, darkest caste, the Sudras, did not belong to the Aryan tribe. The highest castes were *venerable* in comparison to the latter; and this is the meaning of the word in Sanskrit. The highest caste of the Brahmins were Aryans of the highest type, (ârja, not simply ârja as the Vaisyas were called). The ancient Medes were, in like manner, called Aryans, and we have it on the authority of Herodotus, that the Persians were called Artaians, a word derived from the former. The noblest among the Hellenes were known as having preserved the traces of their Aryan origin, *οἱ ἄριστοι*. Tacitus mentions a tribe as belonging to the Germanic people, who retained the same name —the Arii; and in like manner too in that of the Arimanni, whose meaning is said to be "free men," we again find traces of the same word. *Venerable*, in the east, and *free* in Europe: such are the Aryans. Wherever we meet, in the Aryan language, the root of this word, it signifies the noble and the free.—The philological researches of the present century have demonstrated the close affinity and close relationship alike of the

Sanskrit, Zend, Parsee, of the Greek, Latin, the Germanic, and Lithuanic languages. They have thus again disclosed the affinity, long forgotten, of nations which have spoken, and still speak, these languages. The Scandinavians of the north and the Hindoos along the Ganges, who through thousands of years, have lived a great distance from one another, are now recognized as brethren and cousins. Language furnishes, at the same time, incontrovertible proof of the superior intelligence of these peoples. The Aryan languages are the most flexible in form and the richest in thought of all languages spoken by man. Their literatures are superior, in science and art, to those of all other races.—We find, in the history of the world, but one family of nations, which, to a certain extent, can stand comparison with the Aryan race, the Semitic. All the rest are far inferior to it. The Aryan and Semitic languages are separated by a broad distinction. The difference between Aryans and Shemites is certainly much greater than the difference noticeable among the Aryans themselves. Yet, there is a tradition, among these two peoples, of their common origin. They belong, in a certain sense, together, like two stems having a common root, like two families, which, though separated, trace their origin to a common ancestor. They both consider themselves not the sons of the earth, but the offspring of the heavens, the sun, and the light (the sons of God). They are thus distinguished from the inferior races who, according to their own, though obscure and false ideas, have sprung from the earth, or from the animal kingdom. It is not impossible that the beginnings of the belief in both the affinity and the differences found among these races are traceable in the account given of the origin of man in the cosmology of Moses. If the idea of the origin of the superior race (the sons of God) seems to be personified in Adam, it is not improbable that in his two sons, Cain and Abel, we may find the first typical illustration of the origin of the two races which, in after times, separated in hostility. Cain is described as the first born, the man, the lord, the tiller of the soil, as the proud, daring warrior; while Abel, as the second born, is characterized as a pious, mild, and devout herdsman. It is impossible to make the distinction between the primitive, pure-minded disposition of the Aryans and of the Shemites clearer in a few words. In like manner, the other races such as the Hellenes and Germans have represented the ances tors of their different tribes as the sons of their common progenitor. If this idea be true, the fratricide which Cain committed in killing Abel is placed in a new light. It is very likely that the Shemites justly reproached the more violent Aryans who were their superiors, with being the first people who were the cause of warfare among the sons of God, a warfare the result of religious dissension. For this reason the Shemites called down upon the Aryans the curse of war, *i. e.* fratricide —which was to follow them on their onward march through ages. But, however this may be, we do not propose to force this idea upon any one; and besides it might, though unjustly, be used to disparage the character of the Aryan races. It is a fact that, from a very early day, the fortunes of the Aryans and the Shemites, as well as their ideas and languages, took a different turn. They both are conscious of being the creatures of God. But the Aryans are characterized by greater self-assertion, and by their placing greater reliance in the resources of the human mind. The Shemites show greater trust in, as well as a more absolute dependence on, God. This distinction is clearly manifest in the history of the world. All higher scientific achievements are the work of Aryan minds. The Aryans are religious by nature, but their creative power is shown in philosophy, rather than in religion. On the other hand, the most important religious revelations have come through Semitic races. Moses, Mahomet, and the mother of Christ were Shemites. It was from them that the ruling nations of the earth received their religion; but these nations themselves belong to the Aryan stock, and are the authors of science and of the legal and practical institutions of the world. The older religious systems of the Aryan races are all the results of profound meditation on the nature of God and the world; while the religion of the Hebrews, and in a still greater degree the creed of Islam, are manifestations of the religious sentiment. Christianity even, as the religion of love, did not take rise as a dogmatic system. Brahmanism, Buddhism and the creed of Zoroaster, on the other hand, are philosophical theories. On the religious belief of the Greeks and Romans, and of the Germanic nations, speculative views of nature and the mind, and the imaginative faculties at work among the sages and prophets of these peoples, exerted a very great and controlling influence. And even, when the Hellenic people and the Romans had embraced Christianity as it came from Palestine, that philosophical tendency of the Aryan mind again became manifest in this, that it transformed the religion of love into dogmatic tenets, and developed it into a system of thought. The strong sense of individuality which distinguishes the Aryans sometimes turns into defiance and haughtiness; and it is a very remarkable fact and one which re-appears among the Hindoos, the Hellenes and the Germanic nations, that their great heroes even dared to battle with the gods. The victory over one of the gods, that is, over a personal manifestation, in time, of the divine principle which was no longer suited to the age, was, among the Hindoos, considered the highest proof of true heroism which man could give, and as establishing his claim to kingship. Homer has, in a series of pictures, represented the struggles between the heroes of his people and the gods. The Germanic heroes among the warriors of their race, who are killed in battle, enter Valhalla, and there prepare themselves for the world's battle (the last of all)

when they, together with the shining gods of heaven, are engaged in fierce contest with the dark spirits of nature. What Gobineau so justly remarks, while pointing out this distinguishing feature in the character of the Aryan race: that the inferior races should look up to the Aryan heroes, as though they were the gods themselves, and willingly submit to them, is a fact which is not surprising, when we observe that the latter, in their character as warriors, considered themselves the equals of the gods. Yet, more important than these characteristics of a daring and heroic leader in war, is another intellectual peculiarity of the Aryan race. It is, above all, a peculiarity of this race, that their intellectual heroes dare to struggle with the gods, and to push forward in this contest, to the ultimate cause of things. These people have, from the beginning, dared to search, with a greater freedom, for the ideals of human thought, the relation of man to nature and the divine. They were, from the beginning, happy as they gloried in the thought of struggling with the highest problems which present themselves to the human mind for solution. The blind submission to traditional authority on questions of science is, as is shown by the history of the world, an entirely un-Aryan characteristic. I do not mean the childish and blind hatred of all authority, though rightful; a sentiment which resists the authority of parents, the wise, of those in office, of the government, history and divine revelation. From this irrational dread of all authority, the truly Aryan is entirely free. People of a different stock, when, having suffered too long from an oppressive authority, they are suddenly relieved from it, are more liable to fall an easy victim to this erroneous sentiment. Liberated slaves, not men born and reared in a state of freedom, are hurled into this moral abyss. Whoever has learned to cope with the formidable difficulties peculiar to every sort of scientific research which is bent on going to the very depth of a problem; whoever is an adept in pure thought and knows how to conform to its irrefragable logic, is not easily led into such extremes. Indeed, the authority whose supremacy we all have to acknowledge whenever a conflict arises, is, to the man of scientific training, in all things peculiar to his calling, the power of logic; and in his search after knowledge he does not allow even the faith to hamper him, to which, in feeling, he may be devotedly attached. And this free spirit of inquiry is certainly a characteristic peculiar to the Aryan race. It is an established fact in the history of the world, that it was above all the Aryan races who labored for the advancement of science. With their scientific achievements, those of other races bear no comparison, not even those of their primitive kinsmen, the Semitic people who resemble them more closely. It is a very remarkable fact that the ancient Hindoos (forming part of the Aryan race) had classified mankind according to scientific principles. The attempt of the Chinese to imitate this classification, shows, by the manner in which they substituted mere erudition for methodical science, the marked contrast between the two races. According to the ideas of the Hindoos, the Brahmins form the highest class (the promoters of science and religion alike), the religious philosophers. According to the Hindoo law, only the Aryans are permitted to read the sacred books (the Vedas) because they are the only ones who were supposed to enjoy the dignity of free men, while the darker Sudras, who were supposed not to understand these books, are denied that privilege. When we consider the intellectual heroism, and the incessant search after truth which distinguish the Aryan races, and among them the Germans in particular; and when we further consider that it was, in the first instance, not the Aryan race, superior in intellectual endowments and individuality (but the Semitic, so much inferior in all respects) to whom God revealed himself, the question arises: What is the cause? What does it mean? Short-sighted and timid people have often since contented themselves with the answer, that God was better pleased with the constitution of the Semitic than of the Aryan mind. How often have these people condemned the efforts of bold scientific thinkers as arrogant and futile, and attempted to fasten the shackles, which the authority of the Church provided for it, more firmly upon the spirit of inquiry, throughout the world! This intellectual malady was not without its evil influence on the state. How many an effort to oppress the intellect of nations and how many an instance in which men of liberal mind were persecuted, were, in the light of this sentiment, held to be entirely rational and justifiable! By these means, the development of mankind was, for a long time, retarded in a great many countries; the best tendencies toward human progress were weakened; and the course of science was, on account of the spirit of opposition and contradiction, by which human nature is controlled, forced into dangerous by-ways and marked by the spirit of destruction and negation. And yet, how little satisfaction do we find in the curious answer above referred to! If it were true that God loved the Aryans less than the Shemites, why is it then that he has endowed them with superior intelligence, with reasoning powers more acute? That this is a fact, the language and literature of the Aryan races demonstrate most conclusively. And if He should place the Semitic above the first born Aryan races, because the former looked upon Him as their Lord and Master with greater trust, how comes it that He has given the supreme power on earth to the Aryan rather than to the Semitic races? One of the greatest and most liberal thinkers among the Germans (Lessing) has tried to give in his essay, "The Education of Mankind," an answer to this question, which is more luminous and significant, and which we are tempted to repeat here, though slightly changed in form. A father has two sons.

The first born is the superior both in intellect and daring. He is more violent and self-reliant than his younger brother who is milder and more attached to his father and his family. The former no sooner becomes aware of his powers than he rushes out into the world, while the latter stays at home. Now can it be said to be unkind in the father, if he is interested and directly engages in the education of the younger son first, while he is confident that the older one will make his way through life, and be less likely to find his way back to his father; and for this reason, contents himself with having the mind of the latter educated partly by the traditions of his home, partly by the experience and fortunes of life. He knows him and his ability thoroughly, and the powers of nature and the world, which are likely to put a check to too much daring, and guard against the extravagance and the extremes of the actions of men. Is it, then, absolutely inconceivable that, in the history of the world, we should find similar cases? that God should, in the first place, manifest himself, by divine revelation, to the Semitic races, the Jews and Arabians in particular, suiting these revelations to their character and degree of development, and should thus enable them materially to influence the intellectual and moral growth of the other races, while He should impose upon the Aryan races the task of building up the methodical knowledge of science, and be confident of their ability to work out this higher problem, in the ripeness of their powers? Yet, should this be one of the grand designs of God as manifested in the history of the world (which so clear a thinker as Lessing believed it to be, and which the events of history so far seem to prove it to be) how foolish and atrocious are the attempts, both of clerical and political parties, to check this search and struggle for the attainment of ultimate truth, on the part of the noblest and wisest of human intellects!—The affinity of the several Aryan races is shown, not only by their speech but by their ideas of law and government as well. The science of jurisprudence is indeed still far behind philological science, in the knowledge of this connection. It was the science of philology that led the way in the discovery of this truth, and encouraged jurisprudence to follow in its wake. The difference in the laws of the Aryan races, great as it may seem to us, is no greater than that of their speech. But, as one common primitive language has been successfully traced in all the great variety of our modern languages, it is possible, in like manner, to discover, in the variety of laws of the Aryan races, the original unity which embraced the primitive ideas of these races on jurisprudence and the policy of the state. This original unity seems to have been stamped upon these races by the Creator; while the great diversity in the development of the primitive ideas common to all, and the difference in their general development, are the work of human history.—The whole Aryan race has at all times shown a strong sense of the honor and dignity of human nature, and this is the source of the after-development of their various laws. The sense of honor attaching to the human person was the primary idea (which is also shared by the Semitic races), the principle of *liberty* peculiar to the Aryans only, is the development of that idea as worked out by the latter; and it became an object of human thought and aspiration, for the first time, in Europe. In the east "Aryas" still means the *venerable*, and among the Germans the "Arimans" are the *free men*.—In war the standard of honor is raised, and it is this superior sense of honor which characterizes the noble knighthood whom we find among all the Aryan nations. The knights of the Hindoos are not inferior, in their high sense of honor, to the Germanic and Romanic knights of the middle ages. In the laws of Manu, viii. 89, it is said: "The princes who, anxious for the victories of war, do battle against one another with the greatest fortitude, without turning backward, go straight to heaven. 90: A warrior is never allowed, in battle, to use treacherous weapons on his enemy; no arrows with barbs, nor such as are poisonous. 91: He shall not beat an enemy who is on foot, while he is mounted on the wagon; nor a man effeminated; nor him who begs for mercy; nor him whose horse is slain; nor him who is sitting; nor him who is taken a prisoner. 92: Nor him whose weapons are broken; nor him who is oppressed with sorrow; nor him who is seriously wounded; nor the coward and the fugitive."—A people with ideas such as these, certainly had a delicate sense of honor, and we readily perceive how closely related to it the sentiment of personal liberty is, which took its rise chiefly among European peoples of Aryan blood. How different is the character of the negro! The negro bows in the dust before his master, covers his head with ashes, and even puts his master's foot upon it. Such base feeling was at all times detestable to the Aryan people. But in other nations, too, superior to the negroes, as for instance those of the Mongolian race, the Aryan sense of honor seems to be entirely wanting. They submit willingly to those in power, but, treacherous by nature, they never fail to take revenge whenever an opportunity offers. This distinction in the character of the different races is also noticeable in Europe. It was for a long time a matter of doubt whether the Slavonic people were part of the Aryan race. But it finally became quite evident that in these people also (especially among the higher classes) an Aryan element is to be found, though strongly mixed with un-Aryan blood, which preponderates in the lower classes. The ordinary Russian, therefore, has little sense of personal honor, and in the higher classes even, this sense is wanting more frequently than among the Germanic or Latin races. Among the Poles, however, this Aryan trait seems to be (especially among the nobility) much stronger.—Bright as this side of the character of the Aryan races, their sense of honor, of human dignity,

and of liberty, may be, the dark side is not wanting: and it stands in bold contrast with the other. The Aryans have, in the course of history, frequently shown themselves arrogant and selfish, the natural effect of this sentiment running to an extreme. In this manner, they have been very often tempted to consider themselves better than the rest of mankind, to treat them with contempt, and, as far as lay in their power, to reduce them to subjection. In the ancient castes of the Hindoos, this dark side of the character of the Aryan races is shown in a conspicuous way. But we find it also in European history, and we again discover it in America in the treatment of the negroes by the whites.—However, the true mission of the Aryan nations is quite different: it consists in educating the nations and those classes morally and intellectually inferior to them, up to the *standard of humanity and honor*. And of this we find in history many a noble example. The Hellenes and Romans have, on the whole, thus influenced the nations of the world who came within the range of their superior intelligence, by civilizing and ennobling them. Another illustrious example we find in the history of the French people. The Celtic people, and among them the upper classes in particular, may, like the Slaves, share in the blood of the Aryans, but they undoubtedly have, in a very great degree, that of inferior races as well. For this reason they, as Celts, have never succeeded in establishing a permanent and independent form of government. Cæsar, who knew the Celtic people well, describes the masses of them as being in a very low condition, despised and plundered by both the priesthood and the knightly nobility. In the middle ages, too, the large rural classes (*villeins*) were characterized by the contempt in which they were held by others. And yet it will certainly be admitted now, that a very strong sense of honor and love of glory controls the whole French nation, from the highest to the very lowest class. The lowest Frenchman even is very sensitive on all matters touching the honor of his nation, and acts manfully when his feelings on this subject are aroused. This high standard of a whole nation is due to an educating process, which, as an essential factor of history, runs through centuries. The Romanic and Germanic elements in the population of France, together with Romanic and Germanic ideas, have gradually supplied what was wanting in the primitive character of the Celts; and both great rulers and great thinkers have, by action and thought, awakened and preserved among all classes a new and higher sense of nationality. This is but an instance of what the Aryan nations have to do throughout the world and for all mankind.—Woman also, among the Aryans, enjoys the benefit of this superior standard of human dignity and honor. Indeed, the position of woman among the Aryan nations (especially in the east) was in many respects characterized by oppression. Yet, all the nations of Aryan stock cherish (as is shown by their legendary lore and their songs) an ideal of female honor which is far above the low, sensuous feeling with which so many non-Aryan nations look upon her sex. In Sanskrit a woman is called *patni*, the associate of the governing father, the mistress of the house. One of the consequences of this is, that the nations of Aryan stock were at all times in favor of monogamy. "*One* husband and *one* wife," is a principle thoroughly Aryan. Indeed, an honorable position for woman is inconceivable in a general state of polygamy. It is true, certain Aryan nations allowed, under certain circumstances and occasionally under certain conditions, individuals to have two and even more wives. We find this to be the case among the Hindoos, who let a man in case his first wife bore him no children, take another; and also among the Germanic people, who, from political reasons, suffered their princes to connect themselves with several families by way of marriage. Yet, among these nations, as among the Hellenic and Roman, monogamy is still the rule while polygamy forms the exception. The fact that a few Aryan tribes disregarded this primitive rule, is largely due to the influence of people who were members of a different stock. The Semitic race even held less refined sentiments on this point, while the people of the Mongolian and African races were still less scrupulous. —The matrimonial relation is based on the family. A noble view of the former naturally leads to a noble view of the latter. For this reason, the Aryan races showed, from the beginning, a great interest in, and a true conception of, all family relations. It is remarkable that the words father, mother, son, daughter, brother and sister are traceable in all Aryan languages: a certain proof that the ideas which they suggest of the organic relation of the different members of the family were the common property of this body of nations. Everywhere the father is respected as the head of the family and the lord of the household. In him we find the power of the family concentrated, and it is he who directs and shapes its economy. But this power is far from being absolute; it is never like that of the master over his slave; on the contrary, it is always associated with certain duties, and those which are due to the members of the family are not forgotten. Yet, one objection may easily be raised here, in view of the provisions of the Roman law, which is substantially of Aryan origin. It is true, the Roman law considers the husband's power over his wife (*manus*) and the power of the father over his children (*patria potestas*) as absolute; and its legal effect was similar to that resulting from the power of the master over his slaves. But this objection loses its force when two things are considered: first, that the customs and social life of Rome were, in point of fact, better than the law and the theories of the jurists; secondly, that throughout the whole range of the Roman law, there was, besides the Aryan elements which constituted its principal feature, a Semitic element unmistakably embodying the principle of divine absolutism, and which we again find

cropping out in the forms of the Roman law.—The Aryan races, considering the family as an organic whole, clearly recognized in it a principle of continuity, connecting one generation with another, and, as a natural consequence, certain family rights and privileges. This is one of the most essential conditions of civilization. If we surrender the laws of inheritance, we are given over to barbarism. The knowledge of the fact that not only the blood of the ancestor, but also the results of his labor and provident care are to be transmitted to future generations, is one of the strongest spurs to his activity and providence. If man does not provide beyond the present day, his life is of but little value; and all human progress would surely be impeded, if all should (in all things which go to sustain life and add to its pleasures) have to commence with sunrise and stop at sunset, only to commence over again the next day in the same manner. It is this very character of the law establishing a rule of inheritance, which promotes the development of civilization, by transmitting all achievements which are lasting in their effects, as a priceless heritage from one generation to another.—The case is not different as regards the idea of property, and land ownership in particular. A sort of ownership in chattels is indeed to be found almost universally, though among certain nations the forms in which it appears are not very well defined, and lack the positive sanction of law. But as regards the right of property in land, it was very difficult for mankind to conceive it and to introduce it as a legal institution. The Semitic race attributed all ownership in land, not to man, but to God. The first attempt to recognize this right in man was made by the Aryans, but not for the first time in Europe, but in Asia, as is shown by the primitive laws of the Hindoos. It was they who first attempted to assert an ownership in the soil and to parcel it out, and who by this means tried to secure for man and his family a permanent home. On this fact, however, all improvements in the way of agriculture, all the higher forms of civilization, and the permanent condition of all legal institutions depend.—When we pass from private law to public law, the peculiar character and the superior position of the Aryan races are even more conspicuous. It may well be said. The Aryan nations are in a special manner the political nations. All higher forms of human government and polity originated with the Aryans; and it is for this reason that they secured the vast political power by means of which they have become the rulers of almost the entire globe.—A glance at the map (Berghaus has endeavored to give us an idea of this in his ethnographical atlas) will make manifest the universal sway of the Aryan races, which in some parts has already taken the shape of undisputed supremacy, while in others this supremacy is fast becoming a fact. Europe, the foremost of the great divisions of our globe, is throughout occupied by Aryan states. It is true, we can find nowhere a purely Aryan nation. Throughout Europe, the forces of history have removed the ancient landmarks which divided the different peoples and in a great degree produced an admixture of their elements. Different inferior races had inhabited Europe, before the Hellenic people entered into history, and before Rome was known among the nations. Subsequently the Celts and Slaves spread among these people, and still later among these the Germans, like a higher ethnological stratum over an inferior one. But, after all, the ruling element in all Romanic and Germanic states is of Aryan origin. The English (Norman, Saxon) race formed by an intermixture of these two nations (the Romanic and Germanic) which has taken the lead in spreading the rule of the Aryan race throughout the world, shows, at the present day, traces of its Aryan origin. Although the Slaves may have less of Aryan blood, than the rest of the European peoples, they still belong to that family of nations, and are under the educating influence of the more civilized Germanic and Romanic peoples. In Europe, both the Finnish and Basque elements, however, though they may be complete strangers to the Aryan stock (which certainly can not be said of the Magyars who, in the course of history, have taken in a good deal of the Aryan character) occupy no independent station and are of no special importance.—That great division of our globe, moreover, which seems to be destined to succeed Europe, whenever she may be tired of rule in the supremacy of the world, and to regenerate mankind, America, is, of course, not yet settled as completely by the Aryan race; but it is at the present time completely controlled and governed by it. All the lands on the seacoast are occupied by Aryan colonists, by Romanic and Germanic people; the aborigines are ever falling back before the advance of the superior white race and are continually being diminished in number; or they submit wholly to the rule of the whites. And as far as the African race is concerned, it may be said, that, as a whole, they never seem to rise above a state of voluntary servitude.—The ancient country of Asia, however, the primitive seat of all the nations of Aryan stock, has lost its supremacy, and is gradually coming under the government and control of both Europe and America. In the south, the English and the Dutch have established their dominion; in the north we find the Russians; in the west the French; while in the east, the Americans have made their first attempt to assert their influence. But there is still an ancient Asiatic branch of the Aryan stock in that country, which has again sought a more intimate relation with the European Aryans. This relation is continually gaining in strength, and is certainly calculated to help the spread of the Aryan supremacy in Asia too. To this branch of the Aryan stock belong the Hindoos in India, the Parsees in Persia, the Afghans, Kurds, Armenians, the Circassians, etc.—Among all the rest, Africa (the most inferior and backward in civilization) is the only country to which the Aryans

have yet paid little attention. The important northern coasts of Africa are, at the present day, more under the influence of the Semitic than of the Aryan race. It is a fact, however, that they were early exposed to the influences of the culture which started from European Rome; and France has again made a recent effort to transmit to that part of the globe the fruits of Aryan civilization. And besides this, some of the most important points along the coasts of Africa (to the north, south and east) are settled by Europeans; and by this means a firm basis is secured for the extensive spread of Aryan civilization, whose tendency is to encompass the whole world.—This universal supremacy of the Aryan nations will be fully secured in the end by their undoubted superiority on the seas.—The whole of Polynesia is in their possession. All coasts, the sea, all rivers, all harbors are dependent on them. All means of transportation are in their hands.—This supremacy is but evidence of the superior political intelligence and capacity of the Aryan nations. We indeed find political institutions among inferior nations too. But the government of these nations is vastly inferior as compared with the political institutions and governments of the Aryan races. And wherever they show traces of a higher character, we can, in the majority of cases, show these to have been due to the influence of men of Aryan blood. The Semitic race, primitively related to the Aryans, seems to be the one race which wrought out and followed a principle of polity of its own. But, in point of fact, there is a distinct difference between the Semitic and the Aryan idea of government and its polity; and no doubt the idea of the Aryans on this point is the wider in its range and the nobler in form, as shown by its outward development and realization among mankind. The Semitic races are thoroughly *theocratic* in sentiment. And theocracy has continued to be their ideal even when they, by the force of circumstances and the ruling powers, were compelled to submit to a different form of government. In Europe even, where the theocratic system was at no time looked upon with favor, we find a small number of ingenious men—representatives of the Semitic race—who, when they assume the character of political leaders, very frequently show themselves the advocates of a government under the immediate and absolute direction of divine authority. The political ideal of the Aryans, on the other hand, is evidently that system of government which is organized in accordance with the true and permanent instincts of human nature, and is controlled by the powers of reason in man.—The distinction we have traced here in the political ideals of the different races receives additional support by a further fact of history. It was not until the Aryans succeeded in the attempt, that the essential distinction between a clerical body (the church) and the body politic (the state) between religion and politics, was clearly apprehended, and the separation of the state and church was effected; on which more than on all else the more refined and civilized sentiments of humanity depend. This is the best proof that the Aryan nations have a clear conception of the true nature and organization of the state.—Proceeding from these general considerations to details, we succeed in tracing out the primitive ideas controlling the public laws of the Aryans. Among all the people of Aryan stock, in their earlier days, we find a body of freemen as the basis of their polity, and forming the principal part of the nation. It is, in a certain sense, the general rule regulating the primitive and elementary forms of human life. It participates in the making and administering of the public laws, and in the public affairs of the nation. In this body of free men the honor and the liberties of the people have their origin and support. What we, in our days, term the rights of citizenship, is but the modern expression of what, in ancient times, was embraced in the honor and liberties of this race. How different is the fact with the people belonging to an inferior race, who have not the slightest conception of this idea, and among whom the masses are either oppressed like slaves, or live in a wild state of nature! With them a slavish submission, or a continual warfare of all against all, is the rule.—However, the Aryan races do not stop short of this idea of popular freedom, which, as sanctioned by the state, is political in its nature. As they have a particular regard for the honor and dignity of man, it is quite natural that they should measure and value men by this standard, and, in consequence of this, be apt to perceive and establish distinctions among men. The principle of absolute equality among men, is a non-Aryan idea; the Aryan people hold to and consider certain distinctions, because given to closer examination. We consequently find among all the Aryan nations certain strong distinctions among the population which are fully recognized by these nations. Among the Hindoos these distinctions have become fixed with great rigor in the form of an immutable system of castes. Among other Aryan nations, especially among the European, these distinctions have retained their fluctuating character. They have entered into the moving process of history, and change with the change of the times. The mummy-like castes of the Hindoos have, in Europe, taken the shape of estates, as wrought out by the traditions of history; and European history is essentially determined by the history of these estates. Whoever has not learned to regard these distinctions in the population and the mutations to which they have been subject, in course of time, will never gain a clear insight into the history of European states.—The divisions of the people into estates is shown in the oldest myths of the Aryans, while we may discover, at the same time, a clear distinction, on this point, between the religious views and the political views of the people. The religious views lay the greatest stress on the relation of man to God, and hence on the equality of men before God. They hold, in the first place,

all men to be the children of the one Lord (brethren) and as such to be equal one to another. This point of view is certainly, as far as religion and its revelations are concerned, the most important and essential. But the state can not absolutely base itself on this principle of equality. As it is the business of the state to regulate human relations and conditions, it must pay due regard also to the differences between men, which exist side by side with that equality. To order or regulate, after all, means nothing but to perceive and protect the true relations of all differences. As the state is the regulating principle and power among men, it naturally presupposes distinctions among them.—This remarkable contrast between religious and political views is shown even in the most ancient legends concerning the origin of man. While the Semitic people, in their legend of the creation of Adam, forcibly point out the unity and equality of the human race (being entirely under the influence of the religious sentiment) the Hindoos and the Germanic people (the two extremes in the series of Aryan nations) indicate, in their versions of the creation, the distinction which obtains among the different races and classes.—It is true, that, according to the Hindoo view, the divine principle (Brahma) generated all men, but in different grades, after the manner in which in the creation of the higher class the superior forces of nature were at work, while in the lower classes inferior agencies were engaged. Thus Brahma, according to the ancient myth of the Hindoos, generated the men of a higher grade by causing them to issue from his mouth. They are the living word of God. Then he causes the tribe of warriors to spring from his arm. They represent the strength and power of God. After the warriors came the Aryans proper (the Vaisyas) the offspring of the loins; in which process we may perceive an attempt to imitate the natural process of generation. Last of all, came the caste of the serfs (the Sudras) from the feet of God. In like manner, though reversed in order, the process of man's creation is represented in the Germanic legend of the Edda, in which the Creator begins with the serfs and ascending to the free men generates, as the highest class, the nobility. The idea represented in all these legends is substantially this: that human laws and systems of government are all based on this distinction establishing the different classes. And, indeed, change as these distinctions may in detail, it always remains true that no high system of government is conceivable without paying some regard to certain differences within the vast extent of a populous state.—The Aryan nations are consequently distinguished, from the very first, by their organizing ability in which we are bound to recognize the chief power at work in the building up of governments and states. The most important factor in this work is the principle of leadership. All the nations we know of, had, in one form or another, in the beginnings of their history, chiefs whom the rest of their tribe obeyed. But, while some nations worshiped their leaders as gods or demi-gods, and others believed that their chiefs acted mainly under divine inspiration; while others, again, without thinking of God, trembled before the despotic power of their masters, and some submitted, for the time being, to the greater prowess of their leaders, the Aryans recognized in their leaders *human beings*, and the relation of the people to their chiefs as a moral one. Originally, all Aryan nations, in all probability, started out with the idea of the family as an organic institution. This was quite natural for humanity still in its childhood. As the father is the head of the family and the household, the oldest (patriarch) is, in like manner, the head of the gentes and the tribe; and the head of greater bodies which embrace several families, is, in the same way, considered the father of his community and the country they occupy In language we have the evidence of this primitive Aryan idea of the state. The Hindoos called their chiefs viçpati (vici pater) the *father* of the community; and we find the same word in Europe in the Lithuanic, wies-pati, which signifies a gentleman, a ruler of the country. In the same manner we find in the Teutonic word kuning—king—(from kun, clan), a reference to the primitive rule of the gentes. This, however, signifies a great deal. The entire power of the government is thus defined by conceptions which are the natural offspring of the human mind; it is subject to their subtle influence, and a certain sense of piety gives color to the relation between the powers that govern and those who are governed. The paternal chieftain has indeed great privileges and superior authority, but not without also having certain duties toward the members of the same family; he is united with them in the one organic body, a family on a larger scale.—Yet this is simply the first germ, the beginning of development. When a people have become conscious of the wide range of their tribal connections, then the ideas of the family and the state part company. The growing state breaks through the close form of the family, and rises, in its superior character, above the family. The Mongolian people, though widespread and large in numbers, and inhabiting kingdoms whose territory is immense, are still content with the idea of a patriarchal government. But the Aryan races have all discarded this idea. Their thoughts of the state have gone beyond the childlike notions they may have had in the beginning, and their institutions have assumed more imposing proportions, a wider range. When history with her mighty and opposing forces lights upon the vast range of human relations, then the narrow principle of paternal rule will lose its former hold, and the states which are now trembling with political commotion will be beyond the control of the pious influences which a patriarchal system may set to work.—And now, the terms, too, which designate the head of the people (the ruling power) are fraught with a higher meaning. They embody new ideas. In

the Aryan languages, there are chiefly two words, in addition to that mentioned, corresponding to *king*, both of which well characterize the idea which the people had formed of kingship. The old kingly name of the Hindoos is *rag*, the same word which we find again in Europe—among the Romans as *rex*, among the Gael as *righ*, among the Goths as *reiks*, to which also the German word, *richter*, is closely related. The root, *rag*, means a pure, brilliant light, but also the right; and hence we may say that light and right suggested to them the ideas of government; that they considered their kings as the propagators of light and the defenders of right: an idea which, therefore, was not projected (as the advocates of darkness and absolute power claim) from the crater of the French revolution, to spread its burning flames throughout the world, but forms part of the primitive stock of ideas which have been handed down to us through the ages by the undying agencies of tradition. The king of the Aryan people, first in his royal station, is a lover of light, as he is the fountainhead and defender of right—he is a king within the law. He recognizes the rights of others and protects those rights, while possessed of and exercising the highest prerogative.—There is still another word which is taken from military life. *Kshatra* in the Zend means king, and, in the Hindoo vedas, *Xatra* signifies power, strength; *xatrija* the warrior. With these words the Greek κράτος, κρείων, and the designation of the different forms of government, democracy and aristocracy agree. And related in sense are also the Roman *imperium* and *imperator*. These serve to designate the kingly power essential in, as well as increased by, war. Might and right are alike essential to the kingship. Judgeship and military rule are the two principal functions of the ancient kings. In this they are superior to the ancient *vispati*.—With these Aryan ideas, the history of the Aryan people is in perfect harmony. It is true, that in certain periods of their history, and under the influence of foreign elements, they, too, were subjected to the rule of absolute power, but they did not remain under it permanently. They have, at all times, either directly or indirectly, established a government controlled by law whereby the prerogatives of kingship, too, were defined and essentially qualified. It is not the system of absolute government, but that of a constitutional government which is in keeping with the character of the Aryan people. And for this reason the Aryan people are so much superior to the large body of people who are ruled by a despotic power; and their kings (the civilized leaders of free nations) are far above those miserable despots who simply look down upon their subjects as upon a wretched body of uncivilized slaves.—Not only the head of the body politic, but also the rest of its constituent elements are regulated by the Aryans according to human experience and reason. They less expect, than the Semitic race, the principle of governmental polity and organization to be conveyed to them by divine inspiration, a sentiment which naturally leads to an absolute or modified rule of the priesthood; but they devote their best thought and reasoning powers to the apprehending of the true nature and province of the state, and by this means try to discover the rules which should govern their common conduct as a people. In an inferior stage, when the human mind is yet unable to comprehend the principle of organic growth, the idea of number appears to it the systematizing principle which it employs in perfecting an organization. When we read, in the laws of Manu, (vii. 115, 121), that ten towns constitute a district, ten districts a province, ten provinces a state, we are at once reminded of the fact that, in Europe, the Germanic nations follow out the same idea in their primitive constitutions which we find among their Aryan cousins in India. —Another Aryan trait is the tendency of these peoples toward perfection. We may trace this tendency throughout the whole history of the Aryan race, and it is the motive principle of their politics. For this very reason they are *the* political people. The famous saying of Aristotle, that man is a political animal, appears in its true light only when applied to the character of the Aryan people. While other bodies of people place the highest value on the quiet enjoyment of the fruits of life, and dread first of all the idea of being disturbed in their quiet, it is the tendency of the man of Aryan stock to improve and refine the conditions of human society. He favors the progress of civilization. His efforts are directed toward developing and exalting the state. There is no danger great enough to drive him back, there is no sacrifice so dear that he is not willing to make it for the accomplishment of his object. It is to this struggling and onward spirit of the Aryan race (trying to overcome the opposing forces of nature and history) that all the higher civilization of mankind is, in great part, due. Religious ideas and sentiments alone have not been able to bring about the results of civilization; it is only because aided by political ideas and sentiments that mankind was able to make those splendid achievements which, through the long ages of history, have enriched and ennobled humanity. If we take away this political tendency from the history of nations, Europe would again relapse into that dull state of implicit faith which, for ages, has been the lot of the people of Asia. — Of course, this political tendency has been chiefly active in the minds of the European Aryans, and has, for the first time, developed its full energy among them. But, that the Hindoos and Persians have also been largely endowed with this faculty is a fact amply proven by their labors in science and their attempts at political organization. The Hindoo system of castes would be impossible, were it not for the fact that it secured the possibility of an advance from a lower to a higher rank (which is indeed denied during this life to those who are

associated in one caste) in the regenerated life of the hereafter; and that it gives promise of this advance in the life hereafter, as the reward for the willing discharge of all duties on earth. The dread of losing, for thousands of years to come, the chance of improving their condition, keeps the Hindoos of the lower castes tied down to a strict observance of the dividing lines between the different castes and of their religious ceremonial. —Finally, it is quite evident that, if the Aryans are, by way of preference, to be considered the political nations, and if all political civilization has proceeded from them, the science of the state is a tree of Aryan knowledge. And such is indeed the fact. With the political literature of the Hellenic people, and that of the Romans, as well as that of the Romanic and Germanic people, the literature of no other nation can be compared. And as the Romanic and Germanic nations are, in the present system of the world, taking the lead in the political life of nations, they are likewise taking the lead in the advancement of political science.—To express, in a few words, what we have considered on a larger scale, in the foregoing pages, we may say: The Aryan mind, more richly endowed from the very beginning, and destined to develop its independent individuality in the highest degree, is also destined to enlighten mankind with its ideas and principles of government and law. It is to assume and hold the rule of the world which is already in the hands of the Aryan people, with a spirit friendly to all that is true and noble in humanity; and to do this, it is charged with the duty of spreading the refining influence of its superior civilization among the rest of mankind. History has imposed this task upon the people of the Aryan race, and the duty being theirs, they have also the right to fulfill it.

MAX. EBERHARDT, *Tr.* J. C. BLUNTSCHLI.

ASIA. Asia is reputed to be the cradle of the human race. Certain it is, that it is the region whose history goes farthest back into the past; and this is true whether we make history begin with the traditions of the Bible or accept the millions of years of which the Chinese annals boast. —Asia is, after America, the largest of the five divisions of the globe. This immense region includes such countries as Siberia and Kamtschatka, where the cold of winter reaches the greatest intensity, as well as countries in which spices, cocoa-nuts, tea, and all the products of the torrid zone flourish. But it is not our task to give the geography of Asia. Let us rather glance at the political organization of the states within its boundaries.—Asia has always been considered *par excellence* the home of despotism: but if a despot be an absolute master who enjoys and abuses an authority without limit or control, we scarcely find such despots anywhere in the advanced states of Asia. Religion, manners, ancient customs, prejudices, put obstacles in the way of despotism which are often more of a check to it than written provisions. From the former, tyranny can not free itself except by exposing itself to destruction through its own violence. The monarchs of Asia have been taken for tyrants before whom everything bends or breaks. It is usual to approach them in a very suppliant manner. A rajah of India, however, has power neither to levy taxes on a Brahmin, even if dying of hunger himself, nor to make a merchant of a laborer, nor to infringe in the least on a code which passes for revelation, and which governs in civil and religious matters. The emperor of China, a sovereign reputed omnipotent, can not choose a lieutenant governor of a province outside the list of candidates trained by the learned men of the empire. If he neglects to fast on the day of an eclipse, and recognize publicly the faults of his ministry, a hundred thousand pamphlets will recall him to the observance of ancient usage. Let any one read the too little known journal of van Braam Houckeest, and he will see what a net-work of moral bonds involves the existence of him whom his subjects call the son of heaven.—There are many nations in Asia whose governments might be compared to those of the feudal empires of the middle ages; such, for example, are the Afghans, the Beloochees, the Mongols, the Calmucks, the Mantchoos, many Turkish peoples, and several nations of the Caucasus; but especially Japan, whose *daïmios* are true feudatories of the emperor, or were, at least, before the reforms effected about 1870.—The Bedouin Arabs, the Kurds, and several small peoples of the Caucasus region and of Syria, are entirely free. Small nomad nations and several Arab tribes have a pastoral or patriarchal government, hereditary for the most part in certain families. Others are governed by a council of old men, and form a kind of republic, such as the town and territory of Antsoug, in the region of the Caucasus.—The empire of the Wahabites afforded quite recently an instance of a singular mixture of monarchy, aristocracy and democracy. Thibet, Bootan, and a part of Arabia, are governed theocratically, this last by the imams of Sana, of Muscat, and by the sherif of Mecca, a dependent of the porte whom he almost never obeys; Thibet and Bootan by absolute but elective pontiffs, who have the titles of *Dalai-Lama*, *Boghdo-Lama* and *Dharma-Lama*, and are considered as an emanation of the divinity itself.—In general, it may be said that Asia presents almost every form of government from a republic to a theocracy, in which the sovereignty is attributed to God himself or, more correctly, to a person considered as a real incarnation of the divinity.—Asia may be divided into nine great regions. Ottoman Asia, which comprises Asia Minor, Armenia and Kurdistan, Mesopotamia, Irak-Araby, Syria, and a part of Arabia; Arabia, subdivided into several states, of which Yemen and Muscat are now the most important; the Persian region, subdivided into three kingdoms: Persia, properly speaking Kabyl and Herat, and comprising also the confederation of the Beloochees; Turkestan,

comprising Bokhara, Khiva, Khokan, and the Kirghizs countries; India, subdivided into several states, of which the Anglo-Indian empire, the kingdom of Scindia, Nepaul and Lahore are the principal, (to this region belong small territories possessed by France and Portugal); India beyond the Ganges, of which the principal states are Burmah, with the kingdoms of Siam and Anam; the Chinese empire, which embraces China, Thibet, Bootan, Corea, Mongolia, Eastern Turkestan (Little Bokhara), and the country of the Mantchoos; Japan, which is divided into Japan proper, and that portion of territory called by geographers the *Government of Matsmai;* Asiatic Russia, which comprises Siberia, and the southern slope of the Caucasus

MAURICE BLOCK.

ASSEMBLY (IN U. S. HISTORY), the name generally given to the legislative department of the governments of the different states. It is now in all the states composed of two bodies, which act as a check upon each other; in Pennsylvania, 1776-90, and in Vermont, 1777-1836, there was but one house, called the house of representatives. In all the states, the upper house is called the senate, and in most of them the lower is called the house of representatives; in Maryland, Virginia and West Virginia, the lower house is called the house of delegates; in a few states (see below) it is called the assembly, and in North Carolina, until 1868, it was called the house of commons. The two bodies, the senate and the house of representatives (or delegates), are together called the legislative assembly in Oregon; the general court in Massachusetts and New Hampshire; the legislature in Kansas, Maine, Michigan, Minnesota, Nebraska and Texas; and the general assembly in Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia The lower house is itself called the assembly in California, Florida, Nevada, New York, and Wisconsin, and the general assembly in New Jersey; and in these states the two bodies are together called the legislature. The states have usually held steadily to the original names given to their legislative bodies, except that in New Jersey the name of the upper house was changed from legislative council to senate in 1844 (see COUNCIL), and that Mississippi in 1832, and Florida in 1868, changed the collective name from general assembly to legislature. As a collective title (in 1881), therefore, general assembly is used in twenty-three states; legislature by twelve states; general court by two states, and legislative assembly by one state; but in all the states, legislature is very often used as equivalent to the official title.—The legislative functions of the American assemblies are exercised upon such subjects as pertain exclusively to the interests of their particular states, but are checked and controlled, 1, by the limitations which the people at large have imposed in the constitution of the United States; 2, by the limitations which the people of each state have imposed in the state constitutions (see CONSTITUTIONS, STATE); 3, by the veto of the governor (see VETO); and 4, by a very few general principles, such as the invalidity of irrepealable legislation, and the right of property to protection, which the courts have established. In other respects the various assemblies have complete legislative powers, and are very tenacious of their rights and privileges; but all the latter state constitutions show a strong disposition on the part of the people to increase the limitations upon the legislative power by prohibiting special legislation, the grant of special privileges to corporations, or money to sectarian institutions, etc., (see CALIFORNIA, ILLINOIS, NEW JERSEY; CONSTITUTIONS, STATE). Their political importance, however, has been fully maintained by their right to choose United States senators (see CONGRESS), by their right to pass upon amendments to the constitution, and by their power, which is often and unjustifiably exercised in all the states and by all parties, so to district the state as to affect seriously the state's representation in the lower house of congress (see GERRYMANDER). In addition to this, the opponents of the growth of federal power have unsuccessfully endeavored to establish the right of a state legislature to declare void an act of congress (see NULLIFICATION, KENTUCKY RESOLUTIONS), and to instruct the United States senators of the state how to vote upon bills pending in congress (see INSTRUCTION, RIGHT OF).—In all the assemblies the machinery of legislation is very much the same, following closely the provisions of Jefferson's "Manual." Each house has its own officers, rules and *esprit de corps*, and as the two houses generally differ in the times of election of the members, or in the extent of their constituencies, they are often under control of opposite parties and commonly furnish a fairly efficient check upon improvident or evil legislation. Where this check fails, the veto power of the governor, or, in the last resort, the power of the people, exerted in the election of new members or by amending the state constitution, has usually been sufficient. (For the direct action of the federal upon the state governments, see INSURRECTION, II.)—See Poore's *Federal and State Constitutions;* Cooley's *Constitutional Limitations;* Story's *Commentaries*, § 1252; Jefferson's *Manual*, and authorities cited under articles above referred to.

ALEXANDER JOHNSTON.

ASSESSMENTS, Political. This is a general term used to designate the pecuniary contributions levied by congressional, state and municipal political committees, upon the office-holders and candidates belonging to their several parties, for the stated purpose of defraying the expenses of the political canvass conducted by them respectively. The assessment embraces in each

case the office-holders and candidates within the field of such canvass. With office-holders it usually takes the form of a request for a specific sum, amounting to a certain percentage of the salary of the contributor. In the case of candidates the practice is not yet systematized except in the larger cities, and not completely except in New York. There it becomes a contribution, the amount of which varies with the closeness of the election, the salary of the prospective office, and the circumstances of the candidate. The amount of this assessment, however, is not fixed by the candidate as if it were a purely voluntary contribution, but is determined by a political committee, to which the candidate is often compelled to give security for its payment, as a prerequisite to obtaining the nomination. An action has been brought against a judge in New York, to recover a portion of the assessment thus levied upon him as a candidate, and it is a matter of common belief that, in the autumn of 1880, a judicial candidate mortgaged his prospective salary to secure the payment of an assessment of $17,000.—The beginning and growth of political assessments are involved in great obscurity, the only data for the history of the practice being preserved in the memory of men who have levied assessments, or who have paid them. Obviously, however, it is an outgrowth of the "spoils" system, which conceives political office to be a species of valuable property, belonging with its profits to the party in power, and out of which has grown the later conception, that as an occupant of an office holds it not in trust, but in fee of his party, he may have in it a right of individual property, and consequently, a tenure of office which is irrespective of his efficiency or his behavior. The first specific instance of an assessment which has been found, is in the testimony taken in the Swartwout investigation to be found in the report of a house committee of the twenty-fifth congress. During that investigation a former deputy collector of New York testified as follows. "I have frequently been called on to contribute to political objects while I was deputy collector, as an officer of the custom house. The amount was from $20 to $100. The tax was *pro rata* according to salary. It bore a proportion of from one to six per cent. I believe nearly all the officers of the custom house in doors and out, and the clerks were similarly taxed, and generally paid what they were assessed. It was assessed by the general committee of the Tammany hall party, and for the support of the Tammany hall party. If the individual did not pay the amount he was taxed with, the collector would remark, 'You will be reported to the general committee,' and everybody well understood proscription would follow. The collector of the general committee has an alphabetical book containing the names of persons taxed, and the amount each individual is requested to pay."—The next instance was in 1842 or 43, and was levied from Washington upon the employés of the New York postoffice. Ten dollars were demanded from each clerk, and twenty dollars from each carrier, both classes being also required to subscribe for the *Madisonian*, the organ of president Tyler, and for a copy of his portrait. From that time until the present, despite the occasional endeavors of far-seeing officers to check it, (Gen. Dix, for instance, while postmaster in New York, ordered the collectors out of the postoffice) the practice of political assessments seems to have developed without serious interruption. From information obtained from the older men in the great public offices, it appears that since then, pecuniary "contributions" have been solicited in every presidential campaign. It appeared from the Covode investigation that the democratic party of that day collected its campaign funds from office-holders and contractors, and an abortive endeavor was made in the interior department, at about the same time, to compel the patent solicitors to contribute to the funds of that party and to render to it political allegiance.—In 1866 the republican party established its congressional committee for the special purpose of watching its interests in congressional elections, and the present practice of addressing to all persons whose names appear in the official register of the United States a request for the "voluntary contribution" of a sum which is specified, appears to have originated with this committee, although the present practice may have reached its completed form gradually. The existing system will be best described by a statement of what was done in 1880. On April 19, the republican congressional committee addressed to all persons (except the heads of executive offices) drawing a salary from the national government, a letter containing these words: "Under the circumstances in which the country finds itself placed, the committee believes that you will esteem it both a privilege and a pleasure to make to its fund a contribution, which, it is hoped, may not be less than ——. The committee is authorized to state that such voluntary contribution from persons employed in the service of the United States will not be objected to in any official quarter." The blank was filled by writing in a sum which was equal to two per cent. of the salary of the person thus solicited for a "voluntary contribution." On Oct. 14th, the committee addressed to the same persons a second appeal: "to promptly contribute to its funds an additional one per cent. of your salary." There are no means of ascertaining what number of persons thus addressed actually contributed, nor what was the total amount received, and probably not more than one or two persons know the precise sum realized; but there is the highest authority for stating that it was at least $100,000. In addition to this assessment, the federal office-holders were further assessed by the republican state committees in their respective states. This assessment varied in different states, but it was larger and more rigidly collected in Pennsylvania and New York than elsewhere. In New York it amounted to a second three per cent. of the

office-holder's salary, and no effort was spared to extort the whole amount. Repeated letters were sent to delinquents requesting more or less imperatively the payment of the contribution, and finally a list of such delinquents in each office or department with the amounts "due" from each, was sent to its chief, with a request to attend to the matter. Of three of these letters the following are copies:

STATE OF NEW YORK,
REPUBLICAN STATE COMMITTEE,
FIFTH AVENUE HOTEL.
NEW YORK, Sept. 13, 1880.

SIR: Under instructions from this committee on the 26th of August last a circular was mailed to you with the expectation that you would respond before Sept. 3rd.—The republican state committee respectfully invite your immediate attention to this matter, and hope to hear from you without further delay. Very respectfully, T. C. PLATT,
Chairman of Executive Committee.

STATE OF NEW YORK,
REPUBLICAN STATE COMMITTEE,
FIFTH AVENUE HOTEL.
NEW YORK, Sept. 28, 1880.

SIR: This committee instructs me to call your attention to the circular sent you Aug. 27th, asking you to contribute $15 (in two monthly payments, the first one before Sept. 3rd) toward the necessary expenses of the presidential campaign in New York State, and to say that, as you have not yet paid the first installment, it is important that the whole sum asked be paid before Oct. 3rd, in one payment.—Checks or postal orders should be made payable to the order of Yours, very respectfully,
JOHN N. KNAPP,
Treasurer.

FIFTH AVENUE HOTEL,
NEW YORK, Oct. 27, 1880

MY DEAR SIR: Below you will find a schedule of your subordinates who have several times been asked to contribute the sums set opposite their respective names toward the expenses of the campaign in this state.—You will find opposite each name the amount yet due. The total unpaid at this date and due from the employés of your office, therefore appears to be $—. Your immediate attention to this matter is very important By order of the executive committee. HENRY A. GLIDDEN, Secretary.

No one employed by the national government in New York seems to have been omitted from the lists of this committee. Three per cent. of a weekly stipend of $2 was requested from an office boy in a rural postoffice, and one of the most insolent letters was received by a custom house messenger whose salary is $500 per annum. As in the case of the congressional committee, the exact amount raised can not be computed, but it is best estimated at between $90,000 and $125,000. No accounts are kept or rendered; the receipts and expenditures are in the hands of a small executive committee, whose accounts are presumed to be audited by the character of its members.—The system of political assessments in the city of New York, as the end toward which the practice elsewhere is tending, deserves special notice. In that city in 1880 the members of the police force were assessed, and the proceeds divided between the parties; the firemen and even the school teachers have been requested for "voluntary contributions" and in all the other departments, without exception, the salaried employés of the city government are called upon to assist in keeping the party, under which they hold, in power, by means of "voluntary contributions." The assessment of candidates is so complete as to amount to a fixed price upon a nomination for every elective office. A judgeship costs about $15,000; the district attorneyship the same; a nomination for coroner, $2,000; for a nomination to congress the price is about $4,000, though this is more variable than any of the other assessments; an aldermanic nomination is worth $1,500, and that for the assembly from $600 to $1,500. While these prices fluctuate, they represent the average cost of the nominations named. The amount realized from these assessments, as in the previous cases, can not be exactly estimated, but the amount raised by Tammany hall, which is the most complete political organization, may be fixed very nearly at $125,000. As in the previous cases also, this amount is collected and expended by a small executive committee, who keep no accounts and who are responsible only to each other. A certain amount of corruption in the handling of the funds would, under such circumstances, seem to be inevitable, and the fact that a considerable number of persons, without property and without occupation, find a means of livelihood in the pursuit of "politics," demonstrates the truth of that supposition.—The main motive for the payment of assessments is the fear of losing office and means of livelihood through the success of the opposite party. But it is also true, that many office-holders contribute because they fear that their refusal will be punished by removal by their own party.. Great stress is laid by most politicians upon the statement that the contributions of office-holders are all "voluntary." A United States senator of the largest experience in levying assessments, has assured this writer that he never knew an office-holder to be dismissed or to lose his place in consequence of refusal to pay his assessment. It is probably, nevertheless, the fact that many persons have been so punished, and the slightest intercourse with the holders of minor offices shows that the fear of this punishment is the sole inducement for many contributions; numbers of cases might be cited to show that the payment of this assessment has been made only at a sacrifice and that it has worked actual hardship. The terms in which the request for "voluntary contributions" are made, as in the letters above, are certainly calculated to convey the impression that refusal will be punished, and it is unquestionable that many office-holders suppose themselves to have no other volition in the matter than that of choosing between paying and losing their places.—The effect of the practice of political assessments has already been, in New York, as it must ultimately be elsewhere, to directly increase the salaries of the persons subjected to them. Mr. John Kelly, of Tammany hall, for instance, defended the payment of exorbitant salaries to the city aldermen before a legislative committee in 1880, on the ground that it was

necessary to enable them to meet the large political demands that were made upon them. The remote effect of the practice, by causing the sum of the salaries of public servants to be regarded as a fund to which there is easy and secret access, is to increase the unnecessary expenses of elections and to encourage the corrupt use of money in influencing their results, and, by seeming to provide that the expenses of one party shall be paid out of the public treasury, and that the means of support of government employés shall depend upon the issue of an election, to introduce into contests between parties an exasperation and rancor which is properly foreign to them.—Many of those by whom the practice is carried on regret it, and very few defend it, except on the ground that it is necessary. It is not said to be wise or to be just, but simply a necessity which can be obviated only through a compact between parties. There have been two other remedies proposed: first, the absolute prohibition of assessments; second, reform of the existing systems of civil service. The first of these remedies was attempted in an executive order made by president Hayes at the beginning of his administration, which prohibited the participation of office-holders in politics and forbade political assessments, but this order was soon allowed to become a dead letter. Bills have also been introduced into congress with the same object; most of them make the levying of assessments a misdemeanor; but, with the exception of a bill introduced in 1881, and entitled "a bill to prevent extortion from persons in the public service, and bribery and coercion by such persons," all of them by proposing to prohibit all contributions, repeat the mistake made by president Hayes in his order, in seeming to restrict the individual liberty of the office-holder. The radical remedy for political assessments is a reformed system of civil service, which by substituting fitness, ascertained by competitive examinations for political services, as the basis for appointments, shall secure to all citizens an equal right to be admitted to the public service; and which by providing that all persons shall be appointed to the business positions in the service, not for four years or for any other definite period, but for such time as they shall be found by their superiors to be efficient and well behaved, shall secure the same permanency of tenure in the public services of the United States which exist in private business and in the civil service of other civilized countries. Under a system so reformed there will be no special sense of obligation to any political organization for procuring appointments, and no consequent readiness to discharge it by pecuniary contributions or by political services. Under such a system also, the office-holder will feel as in private life, that his income depends upon his efficiency and his conduct, not on the results of an election; he will have no stronger motive for making political contributions to one party or the other than any good citizen; and if he does make it, it will be on the footing of his other expenditures, and in fact voluntary, and not under actual or fancied duress. Until such a reform is made, all government employés will be compelled to consider the members of the political party opposed to that under which they hold, as persons who are engaged in an endeavor to deprive them of their means of subsistence, and they will pay political assessments to an amount and with an eagerness which has convinced thoughtful men of both parties, even in the present dimensions of the practice, that it is, together with the "spoils" system, out of which it has grown, a mighty and unpalliated evil. FREDERICK W. WHITRIDGE.

ASSIGNATS. Every one knows what the assignats were during the French revolution. We shall limit ourselves here to a brief review of the historical facts relating to them. As to the economical questions connected with this subject, they will be amply treated of under the term. PAPER MONEY. When the French revolution broke out in 1789, the state succumbed under the weight of its debts. The total, which would seem light enough to-day, surpassed, by far, all the resources the state then possessed. The reforms effected by the constituent assembly, reforms salutary in themselves, far from decreasing the burthen immediately, tended rather to increase it. Such was especially the effect of the laws, which, while abolishing the sale of offices, accorded indemnities to former incumbents. The ordinary resources were, therefore, far from meeting the demands upon them. It was necessary to have resort to extraordinary means to provide for them. —It was then thought to make use of the immense estates formerly possessed by the clergy, and which a recent decree had added to the public domain. The sale of these estates was ordered, and the communes were intrusted with the task of selling them in their respective districts. But the sales could not be effected quickly, because of the scarcity of capital; and the fear of a counter-revolution, which might restore their property to the clergy, considerably diminished the number of purchasers. And as the need was pressing, it was decreed to issue immediately paper money, representing the value of this property, which the communes were to be obliged to receive as payment in all the sales which they might make. By reason of this last provision the bills issued were first called *municipal paper*, but this name was soon changed to that of *assignats*, which they afterward retained.—The first issue, decreed April 1, 1790, was for 400,000,000 francs.—It is evident that at first the assignats were nothing but an assignment of national property which served as security for them. They were apparently intended to be received only in payment for these estates from those who had acquired them. On this basis, they would have preserved a pretty stable value, in spite of the depreciation of the security, but they would have had but a small circulation; they would have found no

other purchasers than those who had the real intention of buying some of the land offered for sale. The greatness and urgency of the need, probably also the scarcity of coin, an ordinary result of political agitation, caused a decree to be made that the assignats should circulate as money, and they consequently had compulsory circulation. From this time these bills assumed the character of paper money and partook of its variations in value.—The issues were successively increased afterward in proportion to the increase of the wants of the state. In September, 1792, they were 2,700,000,000 francs, a year later they went as high as 5,000,000,000. The convention tried, for a certain time, to reduce their amount. and a forced loan to which it had recourse, having procured it extraordinary resources, it called into the treasury and burned 840,000,000 francs. But this system of reduction was not long-lived. The issues of assignats soon began again, and they were larger in proportion as the assignats became more and more depreciated in value. At the commencement of 1794, the issue again exceeded 5,000,000,000. Another 1,000,000,000 was issued in the month of June following. The issues became then so rapid, that in March, 1795, they attained 8,000,000,000, and reached the sum of more than 20,000,000,000 in the same year. At the commencement of 1796, when the assignats were finally abandoned and replaced partly by territorial *mandats*, the sum total put in circulation up to that period was not less than 45,000,000,000 francs. Therefore, in the month of February of that same year, the engraved plates were broken by order of the government.—We can well understand that the state had not really received more than a small part of the sum represented by this enormous amount of paper. The assignats which had never been received in public for their face value, depreciated from day to day, in proportion as the institution was abused. As early as the month of August, 1793, they were accepted for only a sixth part of their value. Vainly did the convention try to keep them in circulation by violent and despotic means, such as the proscription of coin, fixing a maximum price of goods, and imposing, under severe penalties, the obligation on all private citizens, to take the assignats at a fixed rate. All these measures and others, more violent still, were powerless to arrest the depreciation which kept on increasing. For a moment their value rose, when, in 1793 a part of the bills were called in, but it fell again soon after to such an extent that in March, 1795, they represented only the ninth part of their nominal value, and this was not the limit of their depreciation.—More than once the government, although it struggled with all its strength against this depreciation, was obliged to recognize and sanction it. The most significant fact in this connection was that which happened in 1795. In the new forced loan to which it had recourse in that year, the assignats were received only for a hundredth part of their nominal value. At this point it would seem that the use of paper, thus degraded even by those who issued it, would have been abandoned; and yet at this very juncture, there were issues still more numerous than those which preceded. Thus the assignats fell to a half a hundredth part of their value, and soon after became entirely worthless.—The history of the assignats is as significant as it is sad; but it is necessary to treat it in conjunction with other facts of the same nature, in order to draw the legitimate consequences which flow from it, with proper force. (See BANKS; BANKRUPTCY, NATIONAL, PAPER MONEY.) CHARLES COQUELIN.

ASSOCIATION AND ASSOCIATIONS. Association, in the politico-economical sense, consists either in a union of efforts tending to the same end, or in a community of goods, interests, or of consumption. Its determining causes are found either in the sentiments of affection or benevolence, or merely in personal interest —The questions pertaining to association have been considered in the works of the principal economists from a rather narrow point of view; most of them have confined themselves to pointing out the advantages it affords for the execution of great works of public utility; they have given but little attention to the examination of the numerous cases in which it has already been applied, nor have they endeavored to discover under what conditions it can be used to advantage.—On the other hand, other classes of publicists, and especially those belonging to the different socialistic schools, have discovered in association the dominant question of our time; it seemed to them that all social misery could be remedied by association and all social difficulties solved by it. They seem convinced that there are yet undiscovered new forms, new modes of association destined to change completely the organization of modern society, and the progress of mankind. —I. Among nations advanced in civilization, association has a multitude of various applications and appears under different forms which we shall briefly enumerate.—1. *The Family.* Dictated by the most powerful instincts of our nature, the intimate association of father, mother and children is as old as humanity itself; its conditions may be modified in certain respects according to the belief, morals and institutions of each people; but we find it everywhere manifesting the most invariable example of unity of effort and community of interest. — 2. *The Commune.* The simple fact of a greater or less number of families residing in one place, renders it necessary for them to put together a part of their means to satisfy their wants. All can understand that if they acted separately they could not construct nor maintain properly objects intended for use by all, such as roads, churches, bridges, etc.; that they could not themselves prove with the requisite authenticity births, marriages and deaths, nor effectually provide protection against all attacks upon person and property. They must therefore

inevitably intrust these different services to town-councils or corporations, invested with the authority and supplied with the material means necessary to accomplish them. These are the causes which led to the establishment of municipalities. —In proportion as population increases, as industry and civilization develop, as wealth increases and as learning is diffused, communes become more important, cities are formed and grow, collective wants increase in number and urgency, and municipalities are led to extend the circle of their powers accordingly. They provide for religious service, interments, public feasts and ceremonies, and for the paving, cleaning and lighting of the streets, they see to it that the buildings or works of individuals do not interfere with traffic and are not injurious to health and safety. They draw up and enforce regulations as well for this latter purpose as for the maintenance of good order and tranquillity in the city. They provide and distribute the water necessary for drinking and domestic uses; they found, or concur in founding or in supporting hospitals and other charitable institutions, colleges, schools, libraries, museums, theatres, parks, etc.; lastly, they determine and collect the local contributions necessary to defray the expense of all these services. Thus we see that the *commune*, as its very name implies, associates and unites a multitude of interests and consumptions, and this *de facto communism*, as has already been remarked by the renowned administrator, Horace Say, becomes more inevitable, more exacting, and more extended in proportion as the density of population increases.—3. Other collective interests, of the same nature as the preceding, associate together the *communes* of the same district, or the same province; in France, for instance, the communes of each department are associated together for the building and maintenance of highways, departmental routes, and certain prisons; for the care of foundlings and the indigent insane; for the necessary expenses of certain judicial or public services, etc.—4. The powers with which the government of each nation is invested also establish between provinces, communes and families, associations of force and communities of interest for a great many important objects: first, for the defense of person and property, whether against the aggression of foreign nations, or against the violence or fraud to which they might be exposed at home; also, for the foundation, support, or enjoyment of national property, such as forests, streams, rivers, highways, canals, light-houses, harbors, etc.; and also for certain services, for the performance of which sufficient guarantees could not be given, without the concurrence or control of public authority, such as the carrying of the mail, the coining of money, the general management of forests and streams, the regulation of weights and measures; finally, for other services, of which the administration of some states assumes the direction, such as those of religious worship and education.—5. *Religious Associations.* Among Catholics there are a great many associations founded on religious belief; they generally practice community of labor and of consumption, and frequently, community of goods.—6 *Private Charitable Associations.* In addition to the public charitable institutions, that is, those founded or controlled by local administration and governments, there is a multitude of others founded and governed by voluntary associations of individuals which put into a common fund to be used for charitable purposes the money contributed or collected by their members, whose personal services they also make use of in different ways —7. There are numerous other philanthropic associations formed for the advancement or propagation of science, for the progress of the arts and of industry, for reforming habitual drunkards, etc., the members of which mutually contribute, besides their personal services, material resources.—8. *Insurance Societies.* The aim and result of these associations is to lighten the losses occasioned by certain specified accidents, such as fires, shipwrecks, etc., by sharing them in common. When the number of associates is very large, the assessment levied upon each is hardly felt, and nevertheless it suffices to save the one insured, upon whom the calamity falls, from the ruin or reduction of fortune which it would otherwise cause. At the same time, insurance gives to all the benefit of security against the accidents in question.—9 *Savings Associations.* This class comprises the *tontine* or life insurance, and societies for mutual aid among workmen. The money accumulated by these establishments is intended for use in time of sickness or other misfortunes, and, like the insurances of which we have just spoken, serves to lighten the consequences of the misfortune to the individuals or families stricken by it, and to increase the security of the other associates —10. *Agricultural, Manufacturing and Commercial Associations.* After the associations just enumerated, these associations are the most important because of their number, and of the aggregate of interests which they put in common. All those who concur in the same productive operation, by furnishing either land, capital or labor, by this concurrence alone unite their productive services and their interests, no matter how the share of remuneration belonging to each of them is determined. From this point of view, association would embrace almost all kinds of labor. However, those only are ordinarily regarded as *associates*, in the sense of *partners*, in industrial enterprises, who are expressly entitled by previous agreement to share in the chances of the profit or loss which these enterprises may offer; but even reckoning among the number of these industrial associations only those based upon this sharing of profit and loss, they nevertheless control a very large proportion of the entire production. In agriculture, they embrace all farms cultivated on the metayer system, in the cultivation of which the owner and the farmer share the risk. In manufacturing indus-

tries, there are few enterprises of any importance that have not a certain number of associates. In great enterprises such as mines, iron works, railroads, canals, banks, navigation, etc., whose capital is usually divided into shares, the associates are counted by hundreds and thousands. —II. Our intention in briefly enumerating, as we have just done, the nature and object of the different existing associations, has not been to explain each of them, and to point out its respective advantages and inconveniences, or to discover the modifications which it might profitably receive. Our desire here has been to give a general idea of the different kinds of associations that may be formed, and the extent of their operations. Surely, never before have associations embraced such a diversity of labor and interests; and we do not think it would be any exaggeration to affirm that in England and France, for instance, the number of persons who combine their efforts and their capital for a common end, the community of interests and consumption and the importance of the resources of all kinds devoted to the various species of associations, are to-day at least ten times greater than they were a century ago.—But this prodigious increase of common interests, although we have but to open our eyes to see it, seems to have escaped general attention, for in our own days more than at any other time declamation has everywhere been loud on the alleged increase of the isolation of interests and of individualism, and on the necessity of substituting for this state of things *association*, that is, apparently, associations new and entirely different from those with which we are acquainted. Some socialistic reformers have, in fact, ventured to formulate new modes of association; but their formulas have exhibited such false judgments of men and things, such folly and extravagance, that the most prudent socialists, without ceasing to recommend *association* as the panacea for all our ills, now abstain from specifying precisely the use they would wish to make of it.—These vague tendencies toward new forms of association, in which, by some unaccountable illusion of the imagination, they hope to find an inexhaustible source of abundance and prosperity, are, however, of late years directed to an appreciable object, to the method of remunerating workmen in industrial enterprises. The socialists seem to believe that if workmen, instead of receiving wages, determined beforehand and independent of the final results of the enterprise, had a share in these results, their condition would be improved.—They say that wages fall below what is requisite to supply the workman's wants, only because the system of wage-hire puts the workingman at the mercy of the contractor or the capitalist; that it is absurd to suppose that the workingman is at liberty to argue about the price of his labor, when hunger forces him to accept whatever is offered. They say too, that association in the profits of enterprises would interest the workman in its success, and would stimulate the development of his useful faculties, would hasten the perfecting of the processes of labor, and would put an end to the antagonism between employers and workmen, which causes strikes, suspensions of work, collisions, etc. In a word, they think the interest of the working classes requires all those who desire to improve the condition of these classes to labor for the realization of the principle· *the suppression of wages, by association.*—These ideas had at one time sufficient power in France to cause the national assembly to assist in founding certain associations of workmen and employers, or of workmen alone, by devoting to that object, under the title of a loan, sums amounting to three million francs. In spite of the ill success of the experiments made, with the assistance of this *loan*, the opinions which led to them are still widespread, and as they tend, in our opinion, to urge men into evil ways, and to turn their attention from useful and practical reforms, to make them follow after a chimera, we do not believe we can do anything better than endeavor to lay bare the error and delusion of these opinions.—The various services necessary in all productive operations are united together by the care of the capitalist-employer. When he disposes of the productive resources of others, he usually agrees with them beforehand upon the price he is to pay for their use; he pays rent to the land owner or house-owner, interest to those who loan him capital, and wages to the workmen whom he employs. When public authority does not interfere in regulating these transactions, these three kinds of remuneration, rent, interest and wages, are all freely discussed and agreed to on both sides, and it is not true that the urgency of his wants leaves the workman less liberty in this respect than the man who employs him; the employer's need of the workman's services is at least as urgent as the continued payment of the workman's wages to him; the employer who is without workmen loses not only the price of his personal services, but also the interest on all the capital engaged in his business; he loses, besides, his patronage and his market, which last fact alone would suffice to render his need of the workman's labor, perhaps, more imperiously urgent than the wants of the workman himself. This is proved by strikes; for, although these suspensions of labor, continued sometimes for several months by the will of the workmen, are prejudicial to all and never beneficial to any, yet the injury recoils upon employers and not unfrequently causes their ruin. It is certain, therefore, that the urgency of the want on both sides is at least equal, and that the liberty of the workman, in fixing the wages for which he will work, is no more constrained by his position than that of his employer.—But this is not all; in order that the capitalist-employer should be disposed to take advantage of the position of the workman, to compel him to accept insufficient wages, he must have an interest in doing it, and to have an interest in doing it, he must be able to

appropriate to himself the amount of the reduction in the workman's wages; but this is not the case. If we except monopolies, in all branches of labor in which there is competition, the capitalist-employer can no more profit by the lowering of workmen's wages than he can sell his products, if of the same quality as those of his competitors, at a higher price than they: with perfectly free competition, it is impossible for a reduction to occur in the *cost price* of products, and consequently in wages, without its being followed by a corresponding reduction in the selling price of these same products; this is a universal fact so constant, and so plainly evident to all, that nothing can give rise to a doubt concerning it. It can not be supposed that the capitalist-employers enjoy the benefit of a lowering of wages; it is clear that they have no share in this benefit, which goes entirely to the consumers.—There can be but two causes of a permanent lowering of wages; it must be occasioned either by an inopportune increase in the number of workmen, or a decrease in the demand for labor. Now these two causes which depend upon the general movement of the population, revenue, and consumption, are absolutely independent of the will of the capitalist-employer When the supply of labor is *less* than the demand, he is forced by competition to raise the wages of his workmen, and when, on the contrary, the supply is *greater* than the demand, competition compels him to lower these wages; for if he were to keep them up, as the cost price of his products would be higher than that of his competitors, he could not sell his products, and would speedily fail.—So true is it that capitalist-employers are not benefited by the lowering of wages, that we invariably find that their business is most prosperous when wages are high; nor is this difficult to explain, for the wages paid in any branch of industry never increase but when the demand for its products increases, and the capitalist-employer naturally profits by this increase as well as his workmen; if there is, on the contrary, a falling off in the demand sufficient to cause a noticeable reduction in labor and wages, the capitalist-employer inevitably suffers a corresponding reduction, in the returns he receives for his capital and personal industry.—Finally, it is so radically impossible to raise wages above the rate determined by the relation of the supply and demand of labor, that it could not be done, even if all the capitalist-employers should combine to attempt it. In fact, to raise wages would be to decrease consumption, for all consumers combined have together but a certain amount of resources, and to make them pay more for products, would evidently be equivalent to reducing the amount of products which these resources could buy; this would be to diminish production, or the amount of labor; so that the wages of some can not be arbitrarily raised without taking away the wages of others, by depriving them of their share of labor.—These are mathematical truths against which it would be vain to contend. It will indeed be said that they are severe and inexorable, that economists in stating them, prove their insensibility, and—as they have been reproached with doing—that they substitute *a figure for the heart.* This puerile kind of declamation can work no change in the nature of things, nor alter the fact that there is a more profound, more manly and more real feeling of humanity and benevolence toward the suffering classes in the laborious researches of science which seek to ascertain the only real means of improving their lot, than in all the cheap affectation of zeal in the cause of those classes, an affectation which has to this day done nothing but encourage among them illusions always followed by disappointment.—But, is it true that the position of the laboring classes would be improved by their general association in the enterprises in which they are employed, by changing the mode of remuneration and substituting, in the place of wages, a share in the final profits of the business? We do not think so.—Many are apt to exaggerate the magnitude of the profits which capitalist-employers may realize, because they direct their attention principally to enterprises unjustly favored by regulations restricting competition, or by legal monopolies, or enterprises which are placed in exceptional circumstances. The truth is, that, in most branches of industry, competition does not allow the profits to exceed what is strictly necessary to pay for the use of the capital engaged and the personal industry of the capitalist-employers. If we will but notice within the sphere of our own observation, the position of the farmers, manufacturers, mechanics, and merchants, we will readily perceive that for one head of an industrial enterprise that succeeds and makes a fortune, there are ten who scarcely do more than realize the amount of profit indispensable to the continuance and to the maintenance of their business, and at least one who fails and is ruined. This condition of things, which has long been that of most of the agricultural, manufacturing and commercial enterprises of France, is hardly calculated to justify the opinion which sees in the sharing of workmen in the chances of industrial enterprises a means of considerably increasing their remuneration.—We must ever bear in mind that the services of heads of industrial enterprises suppose knowledge, talent and special qualities and faculties more or less indispensable to the successful management of an enterprise, and which by no means fall to the common lot of all men. Under the present system, those who possess these faculties and employ them in establishing or conducting a business, generally receive in the shape of profits only a remuneration proportioned to the importance of their services, and in keeping with the state of supply and demand relatively to this kind of service: would it be otherwise if workmen shared the profits of the business? Certainly not. If these associations were optional, (and to render them obligatory would be going farther than even Louis Blanc),

the men possessed of the qualities of a good capitalist-employer would remain only as long as the advantages they received were equal to those they could obtain outside the association, and as long as this equality was assured to them, either by the amount of their share in the value produced, or in some other way; all that could be expected of them would be that, in consideration of the participation of the workmen in the chances of loss, they would exact for their services not quite so large a share of the profits, and this concession would be exactly compensated for by the risks which the associated workmen would assume. These associated workmen would therefore be obliged to give from the profits of their common labor, for the services of the agents who would supply the place of the capitalist-employer, a share proportioned to the value of these services, that is to say, equivalent to what they now generally receive; thus there would remain for the workmen to divide only a sum equal to the amount of their actual wages. If they should attempt, on the contrary, to reduce the remuneration to be paid to the agent or manager whom they employ below its proper rate, they could not obtain the services of a capable manager, their association would be unable to sustain the competition of the well-conducted enterprises which would continue to employ workmen for wages, and they would, of their own accord, soon give up association to return to their former manner of working.—In every productive industry, success depends entirely upon the action of the man who superintends the work, buys the raw material, sells the products; in a word, who fills the post of capitalist-employer. When all the chances of loss and gain fall upon this agent alone, all his useful, available faculties are actively stimulated and strive for success with all the energy which they can command; and we may rest assured that, under these conditions, his management will be as efficient as possible. But this efficiency can not but become more uncertain in proportion as the interest of the manager is lessened, and as he is less exclusively responsible for the results of the business, and in proportion as others are called to share the risks with him. It is, therefore, very likely that, if it were possible to associate workmen in the chances of industrial enterprises by making them sharers in their losses or gains, and thus lessening the interest of capitalist-employers or managers, this association would lessen the chances of success, and render losses more frequent. The increased interest which the workmen would have in the success of the business could not compensate for the interest which would be lacking in the action of the manager, for they could not interfere in the management of the business without renouncing unity of management, the loss of which would surely precipitate the ruin of the enterprise; their zeal could therefore only be applied to matters of detail, and it is doubtful whether, even in these, it would advantageously replace the active surveillance of a capitalist-employer under the present system.—We feel authorized to conclude from what precedes that, if workmen, instead of being paid a certain predetermined remuneration, were associated in the chances of industrial enterprises, the total amount of the remuneration they would thus receive would not net them a greater income than they now receive in the form of wages. Under like conditions, the revenue of the workmen would only be more variable and more uncertain, and they would need more foresight than they ordinarily exhibit, to save the surplus of prosperous years to make up for the deficit of unsuccessful ones Is it not evident that the present system, by procuring them at least the same amount of income, and distributing it to them in a surer and more equal manner, is more advantageous to them?—Another truth, moreover, which controls all these considerations, is that with freedom of labor and of business dealings, the remuneration of workmen and of their employers is just what it should be, whatever the manner of determining it. Whether this remuneration come to the former in the shape of wages determined beforehand, and to the latter in the form of resulting profit, or whether it is based for all upon the resulting profits, their general and permanent relations will suffer no change; the capitalist-employers or managers will always deduct, under one form or the other, the share which the state of the supply and demand of their services allows them, and the workmen will never receive more than the share similarly determined by the supply and demand of their labor. Under a free government, these natural laws alone determine the just value of each kind of service, and any new combination of free associations would be as powerless permanently to modify this value as to change the level of the ocean.—We are, therefore, firmly convinced that all researches looking to the discovery of new processes of voluntary association, capable of improving the condition of the laboring classes, are absolutely vain, and that to be successful, the efforts of those who are interested in the cause of the workingmen must take another course. In France, for instance, these efforts might be usefully applied to influencing public opinion in favor of a simpler and cheaper system of administration, and one less calculated to excite covetousness and ambition, less compromising to public security than the one to which that country has been subjected for many years. They might be effectually employed also in inclining public opinion to suppression of all opposing legal obstacles in promoting the prosperity of certain particular interests, and the freedom of labor and business. The reforms which a change of public opinion could obtain would serve to render productive forces more fruitful, and to increase the demand for labor and for workmen.—III. To complete the task which we have undertaken, we have still to assign the limits or general conditions beyond which association can not be

practiced for the greater benefit of all.—Association, notwithstanding the grandeur of its results, can never obtain the marvelous power which some have attributed to it. Men have made use of this means of increasing their prosperity ever since the world began, and it is undoubtedly true that its most effectual combinations have already been discovered and put in practice: they are the family, the commune, the state, the great enterprises of public works, etc.; and if there still remain any methods of association which have not been discovered or applied, which during forty or fifty centuries have escaped the incessant search of personal interest, we may be sure that they would not offer any very certain or very important advantages. Be this as it may, we would approve of granting entire liberty to the attempts of new associations, so long as they result in no disorder or prejudice to general interests; but we could wish, at the same time, that there were less inclination to indulge in dreams of this kind than generally exists to-day.—The advantages and saving to be realized from living in common, from *community of consumption*, in particular, have been greatly exaggerated. It is true that if a limited number of individuals, twenty or thirty for instance, agree to combine their resources and share in common their expenses for food, lodging, clothing, furniture, fuel, washing, etc., they will be able to economize very largely in these expenses; but, because this economy is practicable for a limited number of persons, on condition of a more or less rigorous discipline, of a similarity of habits more or less irksome to each, and of a regulated management, we must not conclude that the saving would be still greater as the community became more numerous; for this conclusion would be contradicted by facts. We will furnish the reader the means of judging of this for himself, by citing two conclusive examples.—Standing armies afford occasion for the greatest *community of consumption* to be found anywhere, and if it be true that the economy which results from this community is greater, in proportion as there are more persons combined to share in it, the individual expense for each soldier taken separately should furnish the strongest proof of this truth. Now, according to the French budget of 1849, the cost of supplying 320,000 soldiers (not including officers) with food, fuel, clothing, bedding, etc., is estimated at 136,000,000 francs, or 424 francs per man; and still this expense does not include the cost of administration and surveillance, which are always indispensable and necessarily very considerable in every large community of this kind. We should, therefore, add to the amount stated, the pay of the officers, and the cost of military administration; this, according to the same budget, would increase the amount to 262,000,000 francs for a force of 338,000 men, including officers, which makes the expense for each man 775 francs. It is evident that the economy obtained by this community of consumption is not very wonderful; assuredly, the greater part of these soldiers, especially those from the country districts, did not spend at home for the objects of consumption we have mentioned, more than 775 francs, nor even more than 424 francs each; for the average consumption in France, according to the largest valuation made of the total annual products, would not exceed from 300 to 350 francs for each individual.—We will take as our second example the consumption of the individuals received into and cared for by the hospitals and *hospices* of Paris.—The ordinary expense of these establishments shows the average cost of one bed occupied throughout the year to be.

For the hospitals taken together.....656 fr. 37 c.
For the *hospices* and *maisons de retraite*.....406 fr. 21 c.
For endowed *hospices*.....528 fr. 35 c.

And we must note that these figures do not include one single centime for interest on the very large amount of capital employed in the establishments in question, so that, we would come very near the truth if we were to place the real expense of each individual entertained in these establishments, at from 800 to 1,000 francs.—So, for the soldiers and the indigent received into hospitals, (two classes of persons whose wants surely are not more expensive or better supplied, on an average, than those of the individuals of all other classes taken together), community of consumption has no other result than to increase this consumption in the one case to double and in the other to treble that of the average individual consumption of the entire population.—This shows what the *magical* power of association amounts to in this regard.—These results, which so ill conform to the exaggerated notions of the advantages of community of consumption, can, however, be very readily explained. In proportion as these communities increase, their administration becomes complicated, intermediary agencies are multiplied, the necessities of surveillance and control require personal services more and more numerous, the cost of which is necessarily added to the cost of consumption proper. On the other hand, the chiefs and employés of the administration act as public officers generally do, that is to say, the special points of interest to them about their mission are almost without exception, the position and personal advantages which it confers upon them; so that we can hardly expect of them, so far as good management and economy are concerned, anything more than is strictly necessary to relieve them of responsibility. Now, when the object of their management interests the general public, or a considerable portion of the population, this responsibility is not of a kind to require any great effort at improvement, when we consider that the general control of the administration can be exercised only by delegates, who have no direct or very special interest in discovering its defects, and that this interest is, besides, weakened by the thought that the ill consequence of these defects or abuses is hardly felt by each one separately, on account of the great number interested. The very complicated nature of the

administration itself offers, moreover, almost insurmountable obstacles to the exercise of an effectual control. By increasing the means of surveillance and auditing, and, in consequence, the expense, theft, waste, and the more evident abuses can be restrained; but that incessantly watchful attention, with its care for every moment and application to every detail, which are necessary in the management of every business in order to discover the simplest and most efficacious means of practicing all possible economy, can be prompted by personal interest alone; a government can never obtain them This is one of the chief causes which will always prevent community of consumption from being as great a source of economy in large bodies as when practiced in families.—Small communities, administered by their own members and under the eyes of all the associates, may, nevertheless, save considerably by this system, because by it the same dwelling, the same fire, the same light serves, at the same time, for a great many persons, because by purchasing their supplies of all kinds in larger quantities and of the same quality, they obtain them on better terms. But these advantages have long been known, and still (except in religious associations, which are determined by motives other than temporal interests) people seem little disposed to make use of them. We hardly ever see several families uniting to live in common; the reason is, that in order to obtain the advantages of this system, it is indispensably necessary for the members to submit to uniform rules, to subordinate to them their wills, their individual tastes and their personal convenience, and because each one prefers the preservation of his liberty to the economy thus realized. Now, this obstacle to community of consumption will last as long as men prefer liberty to constraint; it is not probable, therefore, that this method of association will ever be very extensively adopted, unless men are involuntarily compelled to submit to it.—We have yet to assign the conditions, without which association when applied to labor ceases to work for the general good.—There is in political economy no better established truth than that of freedom of labor which asserts *competition* to be the indispensable condition of the improvement of industry, of the increase of wealth, of goods, and of its equitable division. Still, competition has many enemies among publicists; but it is likely that many of them are merely misled by a prejudice against the word *competition*, for most of them would not want to be regarded as enemies of freedom of labor. Besides, when under another form, liberty or competition seems to be generally approved, for no one undertakes openly before the public the defense of *monopoly*, which, ostensibly at least, is condemned by all, and finds defenders only on condition that it conceal its name. Now we can not reject monopoly without admitting liberty, and consequently competition.—In any case, all who think free labor preferable to monopoly will probably admit the following proposition without hesitation:—*Association ceases to be advantageous, when, applied to works capable of being surrendered to competition, it renders, or tends to render, competition impossible.*—This proposition supposes that the suppression of competition, and consequently the establishment of monopoly, may result from association, and it remains for us to prove that this is really possible. We will first briefly recall the reasons why competition is preferable to monopoly.—By the freedom of labor, all capabilities of individuals, which are infinite in variety, receive the application most advantageous for all, inasmuch as each one, prompted by personal interest, endeavors to make the best use of his faculties; and, under a system of liberty, this best use is precisely that which renders the most service to all, since in the general exchange of services no one obtains more than the equivalent of what he has given. The effect of this system, therefore, generally is not only to apply each particular faculty to the labor for which it is best suited, and in which it can work most successfully, but also to maintain in all pursuits an active emulation, and a constant disposition to make improvements and inventions calculated to render labor more fruitful. Competition does not allow any capitalist-employer to remain behind in this movement, for if he allows himself to be passed by his rivals, his services will be dispensed with at once. The general result of these energetic and incessant efforts is *a rapid increase in the number and importance of the services which we mutually render one another*, that is to say, in our general well-being.—Monopoly deprives the majority of men of the choice of the kind of labor in which they shall engage; and those for whom the employments which it offers are reserved, can not change the task assigned them by managers. Individual initiative is thus in great part suppressed, on the other hand, the tendency toward progress is null or nearly so, because the efforts for improvement have no longer the stimulant of competition, nor even that of personal interest, monopoly having done away with these efforts, in order to secure the disposal of its products. Under this system, therefore, there are no longer any innovations, improvements or inventions, but those conceived or approved of by the managers of monopolies; and experience has superabundantly proven that monopoly is as sterile in this respect as liberty is fruitful. Under the system of liberty, each one's remuneration is the equivalent of the services which he has rendered to others; it is therefore proportioned to the service rendered; and this is perfectly just. Under the monopoly system, the profit is proportioned to the extent and urgency of the wants which the monopoly supplies, and to the obstacles which it puts in the way of people seeking to supply their wants elsewhere; monopoly profits are proportioned, therefore, to the degree of oppression which the monopoly exercises. In short, the general results of monopoly are *to retard or suppress*

progress, to reduce the number and importance of our means of prosperity, to secure an iniquitous division of these means, and to paralyze or enfeeble the useful faculties.—We may now say, there is no doubt but that association may lead, and in fact does lead to monopolies more or less absolute. All great concentration of industrial enterprises is a step toward this result, the realization of which is more or less probable according to the nature of the work which they suppose. In France, for example, those working in mines and foundries are more likely than those in most other branches of production to lend themselves to the founding of monopolies by way of association; the reason of this is that the heavy-bearing veins of mineral are thinly scattered through that country, and too far apart for the products of the miners' work to come into competition; so that the miners working in each mine, who are never very numerous, could by associating themselves together easily suppress all competition, if not at all the points which their products can reach, at least throughout the whole extent of the market wherein most of the sales are effected.—We conclude, therefore, that association can contribute to the bettering of man's condition only to a certain extent, and that when it passes beyond the limit we have assigned it, when it amounts to monopoly, its results, far from being beneficial, are injurious. AMBROISE CLÉMENT.

ASYLUM, Right of. By the word asylum we here mean the place where a man has taken refuge from his enemies, or where he, when pursued by the legal authority of his government, or by justice, finds absolute inviolability.—Among the ancients, there were places of refuge consecrated as such by religion, but they were not always respected as such. Pausanias was immured in the temple of Minerva, and Antipater sent his troops to tear Demosthenes away from the statue of Neptune. In the middle ages, the church opened many places of refuge in the dependencies in which it exercised an absolute jurisdiction, and in which violation was less frequent than in pagan temples. It is not of this kind of asylum we wish here to treat, but of the protection sought by refugees on foreign soil, and which is based on the inviolability of sovereign nations.—The history of ancient nations, and even that of modern Europe, does not suffice to give us the elementary principles of the doctrine of the right of asylum which general use has confirmed. No doubt, men pursued at home have in all ages succeeded in sheltering themselves abroad; but the world has only too often witnessed the employment of force to constrain weak states to deliver up the refugees who sought an asylum in them, and sometimes even force follows these unfortunates to their place of asylum.—It is not less true that these acts of violence have always been severely censured by public opinion, and held to be in every respect contrary to the true principles of justice and morality. In proportion, therefore, as civilization has advanced, and international intercourse become more regular, the principles of national independence have been better understood and consequently better followed. A number of rules has been established, and these rules are, it may be said, never violated.—Every state may deny to strangers generally, permission to enter its territory, and especially to fugitives from justice. Nevertheless, from considerations of humanity, they admit fugitives readily enough, and especially political refugees, who are permitted to come into the country and remain in it, on certain conditions. The revolutions of states often drive men from home, and it would be cruel not to receive them. If they endure their exile with dignity and composure, and do not seek by conspiracy to regain their lost cause, they receive hospitality and even help from foreign nations when they need it. But measures are sometimes taken against them. They are deprived of arms if they have any. They have assigned to them certain quarters, the limits of which they are not allowed to quit; they are retained forcibly where they are, or they are expelled when they abuse the protection of the government and compromise its international relations.—When asylum is sought by a person pursued for offenses punishable by law, it is rarely that it is accorded him when he has been guilty of crimes revolting to general morality and affecting person or property. If men pursued or condemned for crime take refuge on foreign soil, it is the usage to deliver them up to the country claiming them, to be dealt with according to law. There is a great number of treaties between European nations on this subject (see EXTRADITION). Strictly speaking and saving a very few exceptions, it is only political refugees who find an asylum on foreign territory, where they are looked upon as inviolable and only submitted to the precautionary measures mentioned above. Although he grants them a generous hospitality, the sovereign who accords protection to political refugees has duties of his own to perform toward the nations which proscribe them, and although he protects the refugees, he can not and should not leave them the means and the possibility of acting against the government of a people to which he is friendly. In this regard, France, among European nations, has distinguished herself for wise conduct and good laws. She has generously received all the refugees whom revolution in different parts of Europe has thrown within her limits. Spaniards, Italians, Poles, and many others, have found an asylum in France and received assistance from the public treasury, which even natives themselves could not hope for; but they have been subjected to police regulations of an exceptional nature.—France, on the other hand, has made foreign nations see to it that French refugees be deprived of the power of injuring their own country. We need scarcely recall the celebrated note addressed by the duke

of Montebello to the Helvetic federal council in 1836, and the blockade of Switzerland by the armies of France. The Swiss government submitted, the secret societies were dissolved, and a large number of refugees from all nations were expelled the country. The conduct of other European nations, except in a very small number of cases, has been regulated by the same principles. The right of asylum is, therefore, to-day, a public right sanctioned by general custom.—It is well to add here that asylum is often claimed by refugees, not only on the territory itself of a foreign power but on board the vessels belonging to that power, and even on merchant ships bearing its flag. In these cases, rules, with a few distinctions similar to those already mentioned, are followed. Whenever refuge is sought on board a vessel of the navy, the commander, who is the legal representative of his government, may refuse or grant the asylum according to circumstances. He will refuse to receive actual criminals, but will receive political refugees or men pursued on account of their religion. The same course is recommended to captains of merchant vessels. The commanders, both of navy and merchant ships, may expel either those who have come on board without their permission, or those who compromise the tranquillity of the ship by their conduct. If the getting on board of a refugee has taken place on the high seas, commanders are responsible only to their own government. As to the government of the country to which the refugee belongs, it can make a requisition for him only through the proper diplomatic channel.—The case is not altogether the same when the embarkation is made in a port or in the maritime territory subject to the country from which the refugee has escaped. When the commander of a naval vessel has granted asylum to a refugee, it is likewise only through diplomatic channels that requisition for him can be made, for the reason that the ships of the state enjoy complete exterritoriality. But merchant ships are not thus privileged. The local authorities have the right to go on board such ships, search for and arrest a refugee. Generally this is done in a courteous manner, by a previous announcement of the visit, and by giving notice to the consul of the nation to which the vessel belongs in such way as to premit his intervention. — In history there are cases of persons taking refuge in the residence of ambassadors or foreign ministers. These cases have given rise to serious discussions among nations. In our time, embassies, legations, or consulates are scarcely anything more than a place where the fellow-countrymen of the diplomatic agent may take refuge in time of war or insurrection. In this way they make known their nationality, and take, literally, shelter under the flag of their country. (See EXTRADITION.) ROYER COLLARD.

ATELIERS NATIONAUX. An *atelier* means in French, a place where workmen or artists, such as masons, carpenters, painters, sculptors, etc., work under a common direction. The same term is applied sometimes to a collection of workingmen. An *atelier* can be established in the open air; nevertheless the place of labor for ship-carpenters, stone-cutters, for instance, whose work is almost always performed in the open air, is more generally called in French a *chantier*, that is, a yard.—We have nothing to say here of *ateliers* or French workshops in general, in so far as they are subject to the ordinary law. Since the law of March 17, 1791, which abolished the old régime of corporations in France, there have been no special regulations in that country for private workshops. The regulations which limit the hours of labor for children in factories, do not concern us now. We have here some observations to make on certain public *ateliers*, organized by the French government with a view of aiding unemployed workmen, and which have been designated by the name of *ateliers nationaux*.—This last expression recalls nothing to-day but the organized movement of workmen which took place after the revolution of 1848, and which became so threatening to the public peace. Nevertheless it was not the first attempt of this kind made. In ancient times *ateliers* of charity, so called, had been established in France, with the object now of furnishing employment to unoccupied workmen especially during dull seasons, and now to put an end to mendicancy, by employing the indigent in various kinds of labor appropriate to their age and sex.—The establishment of *ateliers* of charity in France goes back to rather a remote period. An edict of 1545 ordered the employment of able-bodied mendicants in public works. Ordinances of the 13th of April, 1685, of the 10th of February, 1699, and of Aug. 6, 1709, regulated the conduct of these *ateliers*. Louis XVI. extended this mode of assistance to the whole kingdom; he caused public works to be opened in every province during the dull season, and encouraged them by immunities and exemptions —In 1790, the beginning of the public troubles having caused a great number of private establishments to be closed, and left many laborers without work, vast public *ateliers* in the environs of the capital were opened. Besides, a capital of 30,000 francs was placed at the disposal of each of the departments, to give employment to the people everywhere according to the plan adopted for Paris. It was a very small amount in view of the object proposed, and apparently this sum of 30,000 francs was merely a sort of premium offered to encourage the departmental authorities who should enter on the path indicated by the legislature of the country. The law of July 12-22, 1791, regulated, by precise directions and strict orders, work in the public *ateliers* as well as the wages of the workmen. In addition, the organization of *ateliers* of charity was brought into the vast plan proposed to the constituent assembly for the suppression of mendicancy.—It does not appear that these plans, executed in an imperfect manner, it is true,

attained their object at that time. In spite of the opening of public *ateliers*, the misery of the poor and the enforced idleness of the workmen went on increasing. Still the convention did not hesitate to adopt the same method of public aid which fitted but too well into its general plan. It had often promised to come to the relief of every form of human misery, and the organization of public *ateliers* was one of the principal means which it proposed to adopt to make good its promises. But it was with these measures as with so many others announced by this stormy assembly; the time of putting them into execution did not come.—Later, the law of the 24th Vendemiaire, year XII., gave a more regular and constant organization to *ateliers* of charity. The question was then, as it had been formerly, how to succeed in remedying enforced idleness and how to suppress mendicancy. Without entering into the details of this law, which was precise and foreseeing enough in its provisions, it suffices us to say that it did not attain the object which it proposed to itself any better than those which preceded it. Perhaps it might have been concluded, from this experience, that this method of public assistance is not so rational or efficacious as was supposed; but it appears so natural to want to obtain labor for those who need it, and compel those to labor who refuse to labor through misconduct or idleness, and so natural for men to flatter themselves that they can realize at small cost this double advantage, that they could not renounce the employment of the same means again.—Recourse was had to it again in 1830, as in all critical periods; but the greatest as well as the most unsuccessful trial made in this direction was that which took place in 1848, in the establishment of the *ateliers nationaux*.—The disturbance produced by the revolution of February having curtailed credit, diminished the demand for labor and thrown a large number of laborers into the street, the thought immediately occurred to men, as it had before, to organize public workshops in order to give employment to workmen during the stoppage of private establishments; and, in organizing these *ateliers* on a vaster scale, a more ambitious name was given them. At this period the ideas of certain socialist schools were spread generally among the people, who received them favorably. Various systems were current, having in view to substitute in a general way, for private establishments, public *ateliers* organized under the control of the state, and to which the name of *ateliers nationaux* was given in advance. Then, in order to aid laborers without work, it was resolved to employ them temporarily at the expense of the state. The *ateliers* which were established with this intent, naturally received in advance the name of *ateliers nationaux*. People seemed to consider them as a first attempt at applying the socialistic systems then in favor. And it is thus that real *ateliers* of assistance, very similar in substance to those that had been organized in 1790, 1830, and at so many previous periods, received a designation altogether new, which general usage in France has sanctioned.—Not that in the minds of those who established the *ateliers nationaux* in 1848, there was really an attempt at realizing socialistic utopias. Those who took part in that work have defended themselves against having had such a thought, and we have no right to ascribe it to them in spite of themselves. It is certain, however, that the ideas which were current at that time, and even the ambitious name adopted, gave to the *ateliers* of assistance established in 1848 a special character and a new importance, very much greater than they had at any previous time. The organization of these *ateliers* produced most lamentable results, well fitted to disgust men forever with any attempt of the kind. They became a place of refuge not only for workmen reduced to involuntary idleness, but also for those who refused to labor of their own accord, through a spirit of turbulence or of idleness, and who found it convenient to obtain, at the expense of the state, a harmful leisure, too often devoted to fomenting civil commotion. It is thus that while completing the disorganization of private *ateliers*, they contributed, in no small degree, to extend the evils of enforced idleness, which they seemed destined to cure. At the same time they became a standing menace to the public peace.—It is proper to add that, in 1848, less discretion and reserve were used than at other times in the admission of men to employment on account of the state. None of the precautions recommended, for example, by the law of the 24th Vendemiaire, year XII., were then observed. All who presented themselves were admitted, almost without distinction and without choice, especially in the first period; and it was only when the number admitted had attained colossal proportions that this course had to be abandoned. It was a corollary to this idea, almost officially admitted at that time, that the state owed labor to all who needed it. Moreover, either through negligence, want of care, or the real difficulty of the circumstances, poor provision, we might say none at all, was made for the effective employment of the men whom the state was supposed to put to labor for its own advantage. Both tools and work were wanting. During several months an enormous number of workmen were seen, estimated by some at 110,000 or 120,000 men, and whose number has never been exactly known now occupied in simply stirring the earth without any object, but more frequently in doing nothing at all, or in devising ways among themselves to direct tumultuous movements on the public square. This whole mass of humanity was seen hovering over the boundaries of Paris like a cloud, threatening general destruction. This was perhaps the most cruel and terrible of the embarrassments of this unsettled time.—We shall leave to others the task of treating the questions of principle involved in this important subject. It is enough for us to have presented a short resumé of the facts. However we can not conclude without remarking how

dangerous in itself is the method of assistance which consists in establishing public works to give employment to unoccupied workmen, and with what difficulty it answers the object proposed. It is not so easy as some think for a government to create at once extraordinary works in time of crisis and dearth of employment. A commercial crisis which influences in so unfortunate a manner the credit of private men, and which often forces them to restrict or suspend their work, influences in a manner no less disastrous public credit and the finances.—It is besides in the very nature of things, that works improvised in this manner, especially in times of agitation and trouble, should be always badly organized and badly conducted. Therefore, even when unfortunately, critical times appear, when honest workmen are forced to stop work, if the government is in a condition to dispose of any extraordinary funds to aid them, perhaps it is better to devote it to a wise distribution of assistance to them at their homes than in works ill conceived, the least inconvenience of which is always to devour in useless outlay a good part of the means in hand. CHARLES COQUELIN.

ATTAINDER, Bill of. (See BILL OF RIGHTS.)

ATTORNEYS GENERAL. (See ADMINISTRATION.)

AUSTRALIA. (See OCEANICA.)

AUSTRIA-HUNGARY. The point of departure or germ of this empire was the margraviate of *Marchia Austriaca*, founded in 779 by Charlemagne, for the defense of Germany against the attacks of the Hungarians. The territory increased, and this fief was elevated to the rank of a duchy in 1156. On this occasion the name of Austria appeared for the first time in an official document.—It was only in 1282 that this country was acquired by the house of Hapsburg, which, as it occupied for five or six centuries the throne of the "Roman emperors of the Germanic race," had the opportunity to annex to its dominions, one after another, a large number of fiefs, and even states, both German and other. This is not the place for a history of these annexations, but it will not be useless to give at least the dates of a few of them.—Styria was acquired at the same time with the duchy; later (1453), the archduchy of Austria. Carinthia was united to the crown in 1335; Tyrol, in 1363; Trieste, in 1382. In 1438 duke Albert V., of lower Austria, succeeded his father-in-law as king of Hungary and Bohemia, which comprised at that time Croatia, Moravia, Silesia and Lusatia. It is true that after the extinction of this branch of the house of Hapsburg, Bohemia and Hungary were separated temporarily from Austria, but from 1525 the archduke Ferdinand I. became, partly by inheritance and partly by election, king of Hungary and Bohemia.—We may pass over some acquisitions which the house of Hapsburg has not retained, as for example, Spain and Belgium, and recall that in 1740, at the extinction of the male line, the territory of the states of the crown was in extent not far from what it is to-day. The line of Hapsburg-Lorraine likewise extended the limits of the empire. With the exception of some countries of minor importance, such as Bukowina, it was Italy and Poland that furnished the elements of this later aggrandizement. Thus, in 1804, when Francis II. laid down the crown of the Roman or Germanic emperors, to assume the title of emperor of Austria, his states embraced a territory of 689,869 square kilometres.—We shall not enumerate the vicissitudes through which Austria passed since this epoch, which is memorable on so many accounts, nor recall events of not less importance this generation has witnessed. We shall limit ourselves to the statement that, since 1867, the Austro Hungarian empire is made up of two portions divided in part, at least, by the little river Leitha, which falls into the Danube. One part of the empire is often called Cisleithania and the other Transleithania.—The following table gives the area and population of 1870, or rather of Dec. 31, 1869, for Cisleithania:

COUNTRIES OF THE CROWN.	Population in 1870.	Square Kilometres
Lower Austria	1,954,251	19,287
Upper Austria	731,579	11,998
Salzburg	151,410	7,166
Styria	1,131,309	22,457
Carinthia	336 400	10,375
Carniola	463,273	9,989
Maritime Territory	582,079	7,9 9
Tyrol	8,8.907	29,331
Bohemia	5,106,069	59,963
Moravia	1,997,897	22,233
Silesia	511,581	5,148
Galicia	5,418,016	78,508
Bukowina	511,964	10,453
Dalmatia	442,796	12,795
Total	20,217,531	300,232
Comprising the army	20,394,980	

—For Transleithania, or the lands of the crown of St. Stephen, the population at the date last named, and the area in square kilometres, respectively, were as follows:

COUNTRIES OF THE CROWN.	Population in 1870.	Square Kilometres.
Hungary	11,117,623	214,543
Transylvania	2.101,727	54,955
Military Borders	1,200,371	29 848
Croatia and Slavonia	997,606	22,982
Total	15,417,327	322,328
Comprising the army	15,509,455	
Total of Austria-Hungary	35,643.858	622,560

—The previous census returns give for 1818, 29,813,580; 1830, 34,503,824; 1846, 37,443.035; 1851, 36,398,620; 1857, 37,754,856 inhabitants. These figures embrace the Lombardo-Venetian populations (a little more than 2,000,000). There was no census between 1857 and 1870. The census of 1870 gives the following data regarding

the various bodies of Christians and non-Christians in Austria and Hungary:

SECTS.	Austrian.	Hungarian.
Roman Catholic	16,395,675	7,558,558
Greek	2,342,168	1,599,928
Armenian	3,146	5,138
Protestant Lutherans	252,?27	1,113,508
Protestant Reformed	111,935	2,031,243
Unitarians	248	54,822
Other Christians	4,1?2	2,734
Jews	822,220	553,641
Non-Christians	870	223

—NATIONALITIES. One of the peculiar characteristics of the Austro-Hungarian monarchy is the diversity of races and tribes by which the country is peopled. The countries now composing the Austro-Hungarian empire were sometimes acquired through violence; but the greater part of them came of their own accord, seeking protection. The people inhabiting them were impelled by necessity. Moreover, what is now called the "spirit of nationality" was not yet awakened, or it existed only under the barbarous form of hatred of the stranger; and all who were not born on the same spot were looked upon as strangers. Hatred of the stranger was overcome by fear of the Turk. More recently the sentiment of nationality has sprung up. Every little tribe now holds itself obliged to preserve and transmit its own peculiar dialect, which no stranger ever thinks it worth while to learn. It must be said that in all this there is much that is artificial, but since the sentiment exists, it must be taken into account; and for this reason we give the following figures of the year 1857, with proper additions to bring them up to the total of 1870.—The population of Cisleithania, leaving out the army, is made up of the following nationalities: Germans, 7,230,000; northern Slaves, 9,822,000; southern Slaves, 1,734,000; Italians, Roumanians, etc., 815,600; Magyars, 18,000; others, 742,400; total, 20,362,000.—In Transleithania there are of Germans, 1,810,000; northern Slaves, 2,220,000; southern Slaves, 2,441,000; Roumanians, etc., 2,649,900; Magyars, 5,413,000; others, 612,000; total, 15,148,000. The 9,180,000 Germans (army included) are not subdivided. The northern Slaves are made up of 6,730,000 Czechs (Bohemians) Moravians and Slovaks, 2,380,000 Poles and 3,104,000 Ruthenians. The southern Slaves are 1,260,000, Slovenes 1,424,000, Croats 1,520,000, and 26,000 Bulgarians. To sum up, it is well to state that in Bohemia, there are 2,000,000 Germans to 3,200,000 Bohemians; in Moravia, 530,000 Germans and 1,480,000 Bohemians; in Styria, 707,000 Germans and 410,000 Slovenians; in Carinthia, 240,000 Germans and 109,000 Slaves; in Carniola, 32,000 Germans and 450,000 Slaves. It is worthy of note that the influence of the different nationalities is generally upheld by the feudalists and ultramontanes. The parties of the past always vote together.—POLITICAL CONSTITUTION. Austria has passed through many vicissitudes since 1804, and it is to be feared that the compromise of 1867 will not be the final political system of the Danubian empire. Up to 1848 the government was constitutional in Hungary, and absolute in the other domains of the crown. This last phrase describes the hereditary lands of the imperial family, in contradistinction to the German states, where previous to 1804 it merely exercised the rights of suzerainty, which at last became only nominal. Each of the crown lands had a diet of its own, but the provincial assemblies had only a consultative voice in their own local affairs. Bohemia formed no exception to this rule. Since 1627 its diet had lost the right of initiative, and the king had reserved to himself and his heirs the right of law-making, the *jus legis ferendæ*. Hungary, alone, preserved its autonomy. Before 1848 the Hungarian diet was divided into two chambers.—The chamber of magnates was composed of the 11 barons of the kingdom, who occupied the chief offices of state, of the Catholic and Greek bishops, the *obergespans* (chiefs) of counties, of one representative of Croatia and all the Hungarian princes, counts and barons. The second chamber comprised county deputies, those from Croatia, from the royal towns, from chapters, certain priors and provosts of monasteries, mandatories of absent magnates, and of magnate's widows.—The chamber of magnates was presided over by the chief justice (*judex curiæ*), and the popular assembly, by a delegate of the emperor or the vice-*palatin*. The deputies were elected for 3 years. The initiative in law-making belonged to the sovereign as well as the lower house, and not to the chamber of magnates, who might, however, reject bills that originated in the other house. The diet voted the taxes and the military contingent.—In this way Hungary enjoyed rights unknown to the other territories of the crown. It is not to be wondered at that the court of Vienna was restive under this state of things. But, instead of raising the other countries to the level of Hungary, it preferred for a long time to diminish the influence of the Hungarian diet. Support in this struggle, sometimes masked and sometimes open, was found in the antipathy of the races, oppressed by the Magyars.—It was in self-defense against the central government, and in the case of some chiefs, perhaps, from their own ambitious aims, that in 1847, a separate Hungarian ministry was demanded, in order to have nothing in common with Austria but the person of the sovereign, an arrangement called *personal union*. The events of 1848 obtained for them the adhesion of the emperor, Ferdinand I. (Ferdinand V. as king of Hungary); and nine ministers under the presidency of count Batthyany, (Kossuth was minister of finances), were charged with the direction of affairs.—Under the impulse of this first success and influenced by the moral pressure of the revolution of 1848, the diet adopted a series of liberal measures. The non-noble classes were made electors, and liberty of the press was proclaimed; but it was so regulated that dangerous discontent was the result. The following is an analysis of the

electoral law of 1848, which was amended in 1872 in a conservative sense, by the extension, for instance, of the term of members of the diet from 3 to 5 years, and the addition of a property qualification.—Those who formerly had the right to vote, retained it. That right is besides granted to all male inhabitants twenty years of age, not adjudged guilty of crime, and satisfying the following conditions: ownership of a house in the towns, or of land worth 300 florins, and in the country a certain small amount of property; being the head of a work-shop, factory, or other industrial or commercial establishment; or having a sure income of at least 100 florins. It is also granted to doctors, lawyers, professors, engineers, artists, members of the Hungarian academy, druggists, clergymen, and teachers, no matter what the amount of their income; finally, to all citizens of towns, even if they do not satisfy the above conditions.—Every voter aged 24 and knowing how to speak the Hungarian language, is eligible to the diet. The lower house of the diet is composed of 337 deputies, of which 60 are from the communes or cities, 17 from Croatia, 15 from the military frontier. Transylvania was declared incorporated with Hungary. The insurrection in Hungary was seconded by revolts in other parts of Austria, and which reached as far as Vienna itself. The emperor, Ferdinand, was obliged at first to yield to the storm. But he abdicated Dec. 2, 1848. His brother did not accept the crown, which passed directly to his nephew, Francis Joseph, the present emperor. The government did not wish to yield to a state of things imposed on it by violence. This is not a matter of surprise. A signature to a document obtained from even a private person by force, would be cancelled by any court; and can it be asked that consent given when the revolt was at its height, should be considered valid by those who gave it? The new emperor did not ratify the concessions made by his uncle. The war, therefore, was violent, and Hungary profiting by its momentary victory, declared the house of Hapsburg deposed, April 14, 1849. This was a mistake. While showing that the emperor was not wrong in attributing dissimulation to Kossuth, then president of the republic of Hungary, all the acts of 1848 were annulled, and after victory, the emperor was able to avail himself of a new right, that of conquest.—And this right of conquest, a right unfortunately recognized by the international law of Europe, was appealed to. It was appealed to not only as against Hungary, but in some regards also as against all the other states of the crown. In 1848 the government had been obliged to confer important privileges and real power on the diets of these states; but as soon as the Austrian armies had put down the revolution a reaction set in, and not only were the diets reduced to their former position in 1850, but the ancient privileges of Hungary were done away with, and the country was united to the rest of Austria. It was prince Schwarzenberg who undertook to fuse into one these naturally antipathetic countries. If the work had been begun three or four centuries ago, we might, perhaps, have found the measures initiated by Austria under Schwarzenberg and Bach great and admirable. Centralization might have accomplished real good; the country might have been pacified; unity of language, manners and of nationality might have been established. The magnitude of the result would have caused the methods employed to be overlooked.—But times have changed, national feelings have grown more intense and vivid. Passive resistance on the part of Hungary was sufficient to force the government to yield. It is proper to add that Hungary was sustained in her resistance by liberal opinion in other states of the crown, and notably by the Germans. For this period of unification or centralization came to an end in the following manner. The government being in want of money convoked the consulting parliament of the time, but although composed of men chosen with care and mainly Germans, that parliament was hostile to it. After ten years of absolutism a constitutional régime was inaugurated anew in 1860.—The essential parts of the document establishing that régime are as follows: "Wishing to reconcile the differences hitherto existing in our kingdoms and the countries composing them, and to bring about the regular co-operation of our subjects in legislative and administrative acts, we have thought proper, on the basis of the pragmatic sanction, and in virtue of our sovereignty, to decree and ordain the following fundamental law of the state, perpetual and irrevocable, during our own rule as well as that of our legal heirs.—I. The right of changing or rescinding laws will be exercised by us and our successors only in concert with the diets legally assembled, and especially of the council of the empire, to which the diets will send the number of deputies fixed by us.—II. All subjects of legislation which concern the rights, obligations and interests common to all our kingdoms and lands, notably legislation on the finances and public credit, the customs and commercial affairs, as well banks of issue, postal, telegraphic and railroad regulations and the organization of military service, will be discussed in future in and by a council of the empire and decided with its constitutional concurrence.—And so the introduction of new imposts and charges, the increase of those now existing, notably the rise in the price of salt, the conclusion of new loans in conformity with our resolution of July 17, 1860, the conversion of actual debts of the state, the change of use and management of state property, can not be decreed except with consent of the council of the empire.—Finally the examination and fixing of the budget of future expenses as well as the examination of the financial accounts and the annual result of the administration of the finances, must be with the assistance of the council of the empire.—III. All other subjects of legislation not mentioned in the preceding article, shall be decided constitutionally in and with the

respective diets, to wit: in our kingdoms and countries belonging to the crown of Hungary, in the spirit of their previous constitutions, and in our other lands in the spirit of their provincial constitutions and conformably to them.—Since for a great number of years there has existed for other countries except Hungary a common legislation and administration on subjects not exclusively within the jurisdiction of the council of the empire, we reserve for ourselves the regulation of these subjects with the constitutional concurrence of the council of the empire, and by calling to our aid councillors belonging to said countries."—This document, emanating from the Goluchowski ministry, was far from satisfying public opinion. It was opposed by the Hungarians because its tendency was too much toward centralization, and by the Germans for not being liberal enough. The Slaves would have accepted it willingly because it had strong federal tendencies, and federalism is the only system which can transfer power into their hands. The ministry of Schmerling was formed Dec. 13, 1860, and Feb. 26, 1861, the government issued a new legal document which developed that of October in a liberal sense. The constitution established by the February document (*diploma*) and its additions was this: The Austrian parliament (*Reichsrath*) shall be composed of two houses, a house of lords or peers, and a house of representatives or deputies. The house of lords shall be composed of three classes of persons having seats: 1st, by right of birth, princes of the imperial house and heads of great families on whom the emperor has conferred the dignity of hereditary peerage; 2nd, by virtue of their offices, archbishops and bishops having the rank of princes; 3rd, in consequence of appointment for life, persons who by their merits or services have a claim on the gratitude of the state. The house of representatives shall be composed of 343 members, of whom 203 are from the different German and Slavic provinces, 85 from Hungary, 9 from Croatia, 26 from Transylvania, 20 from Venetia. The representatives were elected by the provincial diets from among their own members.—The council of the empire was to act as a council restricted or special to the German, Slave and Italian provinces, when the representatives of these provinces deliberated on their own special interests. But when there were questions of the general interests of the monarchy, the council of the empire was to be completed by the addition of representatives from Hungary and the other countries beyond the Leitha. The questions for the deliberation of the council of the empire thus completed were general laws, and especially those touching military service, the budget of the empire, general imports, the public debt and public credit, banks, customs, commerce, postal arrangements, railroads, and telegraphs. The public debt was placed under the direct control of the council of the empire.—The right of initiative in legislation still belongs as well to the government as to the two houses. The laws had to be passed by both houses and approved by the emperor. The sessions were annual, convoked, adjourned and dissolved by imperial decree. The emperor appointed presidents and vice-presidents from among the members of each house. The sessions were public, and could be secret only on motion of the president or ten members, approved by the house. Decisions were made by an absolute majority of the members present. A change, however, in the fundamental laws, required a two-thirds majority.—The *diploma* or fundamental law of February was accepted by Cisleithania only. Hungary held aloof in the name of its historic rights. More than one publicist supposed that the Hungarians had themselves broken the continuity of this right in 1848–9, but in practical politics less attention is paid to the subtleties of jurists than to possibilities. Surrounded as she was with difficulties, in 1866, it was of the first importance for Austria to come to terms with Hungary. Since Schmerling was not inclined to radical concessions, Belcredi was intrusted with the direction of affairs in July, 1865. The constitution was *suspended* Sept. 20, of the same year, with the formal declaration on the part of the emperor that he would submit, before arriving at a decision, the result of the deliberations of the said oriental countries (Hungary) to the legal representatives of the other kingdoms and countries, in order to learn and weigh their opinions, which are not of less importance.—The Belcredi ministry did not succeed. We need not recount the details of his negotiations with the parties interested. It was Count von Beust, prime minister from Feb. 7, 1867, until November, 1871, who succeeded in effecting the compromise, (*Ausgleich*). It was signed by the emperor Feb. 17, and confirmed in the course of a year by parliament. The Austro-Hungarian constitution, therefore, of which we are now to give an account, dates from 1867.—Each half of the empire has full and complete autonomy in all matters not expressly declared common to both. The following are declared common: Foreign affairs and the army, as well as the financial management pertaining to both branches of the service. The common ministry is composed of three ministers, one of whom, the minister of finance, disposes only of the direct receipt of the customs, which is common revenue; the rest of the expenses is covered by the quota of Hungary on one part, which contributes 30 per cent., and Austria on the other, which contributes 70. This arrangement to be valid for ten years, was concluded Sept. 25, 1867, by the delegates of both countries.—The details settling the relations between Austria and Hungary, are found in the organic laws voted by the Hungarian diet on the one part, and the Austrian parliament on the other. It is needless to add that the provisions of both laws are identical. That passed at Vienna bears the date of Dec. 21, 1867 (*Reichsgesetzblatt*, Dec. 22, 1867, No. 146). We here make mention only of the most salient

points. Common affairs are (§ 1): *a.* Foreign affairs embracing diplomatic and consular representation, and provisions regulating the same. Treaties must be approved by the parliament and the Hungarian diet. *b.* The army and navy, exclusive of recruitment, the army contingent, the duration of military service, the disposition of troops in the country (places of garrison), the maintenance and civil rights of the military. *c.* The budget of common expenses shall be regulated (by the territorial parliament) on common principles, (§ 2): 1st, commercial affairs and the customs; 2nd, indirect taxes affecting certain industrial products; 3rd, monetary affairs; 4th, railroads in which both countries are interested; 5th, military organization. (The laws are first agreed upon, then passed and promulgated separately in each half of the empire). — Common expenses are regulated by a convention between the two parts of the empire, sanctioned by the emperor. If the two delegations do not agree on the amount, the emperor has the right to fix it, but not for longer than one year, (§ 3).—The common ministry is responsible. No minister can at the same time be a member of the common and of a territorial ministry, (§ 5).— Common affairs are regulated by parliamentary *delegations*, (§§ 6 and 13). Each parliament chooses 60 members every year, 20 of whom are from the upper house, (§ 7). The 40 members of the second chamber are to be selected in such manner that each kingdom or country shall be represented as follows: Number of members: Bohemia, 10; Galicia, 7; upper Austria, 3; lower Austria, 2; Salzburg, 1; Styria, 2; Carinthia, 1; Carniola, 1; Bukowina, 1; Moravia, 4; Silesia, 1; Tyrol, 2; Vorarlberg, 1; Istria, 1; Gorizia, 1; Trieste, 1, (§§ 8 and 10). The propositions of the government are presented separately to each delegation by the common ministry. Each delegation has the right of initiative, (§ 14). The delegations deliberate separately; they communicate with each other in writing, and when necessary, meet in equal numbers to vote in common, but not to deliberate, (§§ 15, 30, 31). The common ministers have a right to seats and to a hearing, (§ 28). They may be impeached, (§§ 16, 18). —What especially distinguishes the Austro-Hungarian compromise is, that it was not concluded between the emperor and the Hungarian diet only. The Cisleithanian parliament took part in the treaty at the express demand of Hungary. All the details of its execution were arranged by the delegations which sat in July, August and September, 1867; and it was after deliberating with the parliament of Cisleithania, that the new constitution was established (that of 1861 had been granted). This constitution of 1867 is composed of several laws of Dec. 21, two laws of Dec. 24, and one law on ministerial responsibility of July 25, 1867.— The first law of Dec. 21, 1867, modifies "with the consent of both houses of parliament," the *fundamental law* (constitution) of Feb. 26, 1861. The composition of the upper house is unchanged. The house of representatives must be made up of 203 members, thus distributed among the different kingdoms and countries: Bohemia, 54; Dalmatia, 5; Galicia and Cracow, 38; upper Austria (Linz), 10; lower Austria (Vienna), 18, Salzburg, 3; Styria, 13; Carinthia, 5; Carniola, 6; Bukowina, 5; Moravia, 22; Silesia, 6; Tyrol, 10; Vorarlberg, 2; Istria, 2; Gorizia and Gradiska, 2; Trieste and environs, 2 (§ 6). The diets choose from among their own members representatives to parliament, being careful to apportion them among the districts, towns, corporations (universities, chambers of commerce) according to the special laws of each country. No change in the distribution or grouping of members can take place except by virtue of law *passed by the reichstag* at the instance of the diet wishing the change. Should a diet refuse to send, or be prevented from sending representatives to the *reichstag* the emperor may order direct elections by the districts, towns and corporations as was done in Bohemia in 1871.—Officials elected to parliament do not need leave of absence from their posts, (§ 8).—The emperor appoints the president and vice-president of the upper house each year. The house of representatives elects presiding officers from among its own members, (§ 9). Parliament is convoked every year by the emperor, as far as possible in winter (§ 10). The powers of parliament extend over the following matters: 1, The examination and approval of treaties of commerce or those which impose a charge or effect a change in territorial divisions; 2, recruitment and the military service; 3, budgets, imposts and kindred matters; 4, monetary questions, the issue of paper, customs, postoffices, railroads, navigation and other means of communication; 5, credit, banks, industrial privileges, weights and measures, property in trade marks and models; 6, medical matters, epidemics and epizoötics; 7, laws on naturalization, aliens, passports and the census; 8, religion, rights of reunion and association, the press, literary property; 9, the organization of schools; 10, civil, penal and commercial laws, in so far as the drafting of them has not been specially reserved to the diets; 11, general principles for the organization of the judiciary; 12, organic laws; 13, laws concerning the relations of the different countries of Austria to one another; 14, laws on matters common to both parts of the empire, (§ 11).—All legislative matters not specially enumerated here are reserved to the diets, (§ 12). All laws are proposed by the government, (§ 13); therefore, individual initiative in the proposing of laws does not exist. The consent of both houses and the imperial sanction are requisite to give a law force, (§ 13). When the two houses are unable to agree on the amount of a sum of money in the discussion of a financial question, or the number of men to be levied on the occasion of the discussion of the military contingent, the smaller figure is to be taken as the sum or the number agreed on, (§ 13). A quorum consists of 40 members in the upper and 100 in the lower house. A change in organic or consti-

tutional laws can be effected only by two-thirds of the members present, (§ 15). It is needless to reproduce here the regulations to be found in all constitutions concerning the liberty of members of both houses and analogous matters.—A second fundamental law of Dec. 21, relates "to the general rights of citizens." It defines civil and political rights, assures to each citizen equality before the law, liberty of the person, safety of property, freedom of worship in all recognized religions, (art. 15). Article 16 ingeniously enough permits believers in an unrecognized religion to hold worship in their houses "provided it be not contrary to law or morals." Education is free. All races have the same right to the protection of the state, (art. 19). It is the same with language.—A third law, of Dec. 21, institutes a court with jurisdiction in cases of conflict between different countries or administrations. A fourth law of the same date regulates the administration of justice. The judges are named for life by the emperor, (art. 5). "It is not for tribunals to pass on the validity of laws regularly promulgated, but they may discuss the legality of an administrative regulation," (art. 7). Publicity, (art. 16). Jury, (art. 11). A fifth law of the same date relates to the executive power. The person of the emperor is sacred; the ministers are responsible, but the emperor appoints them. He commands the armies, concludes treaties, coins money, and takes an oath "to observe faithfully the fundamental laws of the kingdoms and lands represented in the *reichstag* and to govern according to law."—The provincial diets in the German and Slave countries are composed of archbishops, bishops, rectors of the universities, representatives of the great landed proprietors, (in Tyrol of noble land owners, in Dalmatia of the heaviest tax payers), the delegates of towns and burgs of chambers of commerce and manufacturing industries, and country deputies. In Trieste the municipal body takes the place of the diet.—The country members alone are chosen indirectly (by electors each one of whom is selected by 500 inhabitants); other members are chosen directly by the voters. Voters must be Austrian citizens of age and in possession of all civil rights. A candidate to be eligible must be thirty years of age, at least. In addition, both voters and candidates must have property qualifications varying as follows in different countries: In Bohemia, Moravia and Silesia the great landed proprietors must pay 250 florins direct taxes, in lower Austria 200 florins, in Tyrol 50 florins, elsewhere (even in Dalmatia) 100 florins.—In the towns and rural districts all citizens enjoying the rights of municipal election are voters; and in towns of such size that the voters in them may be divided into three bodies, classing them as tax payers according to the amount they pay, into three classes· (1, the most heavily taxed; 2, the less heavily taxed; 3, little taxed) members of the first two bodies, and of the third who pay at least 10 florins direct taxes (at Vienna and Brünn 20 florins, at Gratz 15 florins). The presidents of diets who have in Bohemia the title of *Oberstlandmarschall*, in Galicia and lower Austria that of *Landmarschall*, in other places that of *Landeshauptmann*, as well as the vice-presidents, are named for six years by the emperor. The representatives are elected for six years also. The diets meet at the summons of the emperor and generally once a year. In the intervals between sessions there is an acting committee (*Landesausschuss*) composed of a president and from four to eight members elected by the diet.—In Hungary the diet is composed of two houses, that of the magnates and that of the representatives The first is made up of the archbishops, bishops, barons of the empire, the guardians of the crown, the *Obergespans* (chiefs of counties) and the other princes, counts and barons who assist there personally; their number is not limited. The house of representatives comprises the deputies of the chapters, monasteries and convents, the delegates of prelates and absent magnates, (that is, of those who are not sitting in the upper house), and 333 deputies of counties, free districts and towns. With the members from Croatia and Transylvania, which with Hungary form the "crown of St. Stephen," there are 446 in all.—To vote in Hungary, it is necessary to be at least 20 years old; to be eligible, to be at least 24 and to know the Hungarian language. Besides, it is requisite to own real estate worth 300 florins, an industrial establishment, or to have some kind of revenue amounting to 100 florins at least. Doctors, lawyers, engineers, professors, teachers, members of the academy, clergymen (*les capacités*) are exempt from the property qualifications. Deputies are elected for three years. The diet meets usually once a year at Buda-Pesth. The president and vice-president of the upper house are appointed by the emperor; those of the lower house are elected by the members of the chamber —Croatia and Slavonia on one hand and Transylvania on the other, have diets organized in a similar manner, but slightly different from that of Hungary. The Croatian diet is presided over by the *Banus* (governor).—The diets of the different states of the crown deliberate upon all legislative and other affairs special to the countries in which they are held. Their sessions are public and the deputies are paid.—These diets have powers similar to those of the *reichsrath*, but these powers are limited on the one hand by extent of territory and on the other by rights *reserved exclusively to the reichsrath*. But below the diets there are still consultative bodies whose action is restricted to a subdivision of one of the states of the crown. These councils are also elective bodies; only if the diets are called on to complete the work of the *reichsrath*, the district assemblies are only intended to aid the administrative authorities.—In Hungary, however, the powers of the district assemblies are more extended, and correspond in powers and composition to the diet at Pesth. They have members by hereditary right, members ex-officio, and elected members. These

assemblies are represented during a part of the year by a committee presided over by a count or *Obergespan*, and it is by these bodies, which are not merely consultative, that the country is administered.—The political organization of Austria-Hungary of which we have been able to give here but the principal traits, is described in a general manner by the word *dualism*. In this way there are more intimate relations between the two countries than if there had been simply what is called a *personal union*. The party of the extreme left in the Hungarian diet demand, whenever an opportunity offers, that the two countries shall be connected only by the person of the sovereign; but the great majority of the Hungarian nation understand that they have too many interests in common with Austria not to desire to draw closer the ancient ties which bind Hungary to the Austrian empire. *Dualism* presents difficulties enough to be overcome. There is no need of increasing them. —Moreover difficulties abound in the interior of Cisleithania. The Slaves are not inclined to recognize the constitution of 1867. They would like to replace *dualism* by a federation of states, which would weaken the Austrian empire still more. These tendencies are all the more surprising because, if realized in practice, the Slaves, aided by the ultramontanes and the feudalists, would always have the majority in parliament. Foreign publicists friendly to Austria and wishing to see her strong and prosperous do not sympathize with federalist tendencies. They do not see any advantage to humanity in the preservation of the autonomy and language of small nationalities, especially when these small nationalities have neither a history nor literature.—However, one of the most remarkable of these nationalities and one which has a history closely bound up, it is true, with that of Austria, the Bohemians or Czechs, sulk and refuse to send representatives to the *reichsrath*. They demand a position similar to that of Hungary. They made a solemn declaration of this in 1868 and renewed it in 1871, when the ministry of Hohenwarth had gone far in their favor. Their claims at the time were about to be granted, when count von Beust with count Andrassy, prime minister of Hungary, succeeded in defeating them. If the successors of Hohenwarth are not federalists they are none the less disposed to make every concession to the different nationalities compatible with the unity of the empire.—We would consider as an evil the introduction of federalism in Austria, when Galatia, Croatia and other countries equally demand autonomy. Up to the present time there is no example of a confederation which has not been stained by blood in civil war. Greece did not escape it, and if we speak only of modern times neither Switzerland, the United States, nor the German confederation has escaped this fate. Why should such a fate be made to await Austria where the horrors of war would be increased in violence by the hatred of race?—ADMINISTRATION. The provincial administration of Cisleithania, or the western part of the empire, differs from that of the countries of the Hungarian crown. The largest countries (Bohemia, upper and lower Austria, Moravia, Styria, Dalmatia) are lieutenancies (*Statthaltereien*). The smaller states (Salzburg, Carinthia, Carniola, Silesia, Bukowina) are governed by *provincial authorities*, (*Landesbehörden*). In Galicia there is a governor general, to whom the provincial authorities of Lemberg and Cracow are subordinate. —The authority of the lieutenants or provincial authorities was fixed by the laws of Sept. 14, 1852, and Jan. 10, 1853, as well as by various subsequent legal decisions. They are analogous to those conferred on prefects in France, with some differences the natural result of the different circumstances of the two countries. Thus the chiefs of provincial administrations represent the government within their respective jurisdictions. They render decisions in cases which the emperor has not reserved to himself, nor assigned to his ministers; they carry on the administration of affairs in conformity with the laws; they are representatives of the province in certain defined cases. They are also chiefs of the police department.—The provinces or countries of the crown are subdivided either into districts or into departments composed of several districts. There are, therefore, countries where two intermediaries stand between the commune and the minister, and others where there are three.—The communal organization was regulated in the German-Slave countries by the law of March 17, 1849, and in ten of the greater cities by special municipal statutes. In each commune, a distinction is made between the members by right (*Gemeindeburger*) and members in fact (*Germeindeangehörige*) on the one hand, and foreigners on the other. The commune is represented by a municipal council elected for three years. The members by right are voters, and among the members in fact are clergymen, public functionaries, officers, doctors of Austrian schools, professors and public teachers. All voters thirty years of age are eligible to office except members of the active army and communal officials.—In populous communes voters are divided into three bodies according to the amount of taxes they pay. In small communes they form a single body.—The municipal council (*Gemeinderath*) elects from its own members a directory committee, which has to be confirmed by the government. In many of the towns, this committee forms a municipal authority known as the *magistracy*. The burgomaster is president of the municipal council and chief of the directory committee. He represents the commune, carries out the decisions of the council, governs the police, and exercises, at the same time, the administrative functions in the interests of the state which have been confided to him by the laws.—These provisions of the law of 1849 were confirmed and partly modified by the law of March 5, 1862, which established the general principles of communal legislation for the German-Slave countries, by intrusting each diet with the execution of the laws, and with

adding to them such supplementary provisions as it should consider necessary. The following are a few articles of the law of 1862: The whole territory except the imperial palaces must be divided among the different communal *circumscriptions*. Certain great estates may, by permission, be constituted apart by assuming all the burthens and fulfilling all the duties of a commune. Every citizen must belong to some municipal community. The communal authority may grant or refuse the right of citizenship, but the right of sojourn belongs without authorization to every person of good moral character having means of support either through his fortune or his labor.—The commune has powers or rights which belong to it and others which were delegated to it. The powers pro er to the communes are those which by their nature pertain to the municipal domain, such as the administration of municipal property, the security of persons and property, the establishment and maintenance of highways, the freedom of passage over roads and waterways, the adulteration of food, fairs and markets, and particularly to weights and measures, sanitary, industrial and moral police, public charity, primary and special education, the arbitration of cases, and the supervision of auctions of personal property.—Delegated powers are determined by the various laws which established them; they confer on the municipal authorities the administrative powers necessary for the transaction of municipal affairs In Austria as elsewhere it is these authorities who act between the administration and the commune —To be a municipal voter it is necessary to have the right of citizenship in a commune, not to have lost one's civil rights, not to have been condemned for crime or certain misdemeanors, and to be twenty-four years old. Property qualifications may be established in a certain measure by particular diets.—The sessions of the municipal body are public. The chief of the executive committee (the burgomaster) or a number of members may demand the closing of the doors in certain cases, but never while the budget or municipal accounts are under discussion. The treasurer's accounts must be exhibited to all who ask for them.—When the communal expenses exceed the communal income, the deficit may be covered by a proportionate addition to the direct or indirect taxes or by the imposition of some other tax according to the will of the commune. Such additional taxes must be authorized by law. The government, however, has the right to oversee the action of the communes. It may dissolve municipal bodies through provincial authority, but on condition of ordering new elections within six weeks.—The district and department councils may be charged with seeing that the communes preserve their property and institutions intact, with confirming certain important decisions of the communes in financial matters, with authorizing the increase of taxation within the limits of the law; finally, with taking cognizance of municipal affairs or with annulling such decisions as may be referred to them. Large towns with a special charter are exempt from this species of tutelage. The councils of the district or department are formed from the following elements. large proprietors, manufacturers, or merchants most heavily taxed, of the city and rural population. They are placed under the authority of the diets whose confirmation of certain of their important acts is necessary to the validity of such acts.—Hungary is divided into 46 counties (*comitats*) subdivided into districts, besides which there are five free districts. —It has been said that the chiefs of counties (*Obergespans*), are named by the emperor. The archbishops of Gran and Erlau, however, hold this position *de jure*. The heads of certain families of magnates have the same position by hereditary right. These functionaries are assisted by two vice-*gespans* and several other officials elected for three years by the county council. Their powers are analogous to those of other intermediary administrations in other parts of the empire with somewhat more of the right of initiative. In the districts a judge and deputy judge represent administrative authority. The free towns are administered by their magistrates and are directly subject to the lieutenant.—Croatia is a lieutenancy presided over by the *Banus* and is divided into seven counties.—In Transylvania the chief administrative authority which still directs the administration of justice is called the *Gubernium*. The country is divided into counties where the Hungarian population predominates, and into seats (*stühle*) where the Germans (called Saxons) are in the majority. The *obergespans* are appointed by the sovereign at the recommendation of the *Gubernium;* and the vice-*gespans* and judges are elected for two years and confirmed by the government. The titles of the local authorities in this region, as well as in most others which form a part of Austria, are almost as varied as the languages of the people who inhabit it.—ADMINISTRATION OF JUSTICE. The administration of justice is differently organized in different parts of Austria. For the German-Slave group, there is a supreme court of third resort at Vienna. It has jurisdiction in all civil and criminal cases, and decides controversies between subordinate courts and tribunals and the administrative authority The courts of second resort are the court of appeal at Vienna, Graz, Trieste, Insbruck, Prague, Brünn, Lemberg, Cracow and Zara. The courts of first resort are those composed of several judges and of tribunals having but one judge. The jurisdiction of these tribunals with but one judge is not so extensive as that of the courts with several judges. The courts have a double jurisdiction. They are judges in the first place of all civil and criminal matters not specially assigned by the laws to another jurisdiction, and then they, in one or two tribunals, likewise take cognizance of all affairs beyond the jurisdiction of the tribunals with but one judge. They are not, therefore, courts of appeal. The most important judicial affairs of the district have been reserved to them.

Thus, in criminal matters, the tribunals with but one judge are scarcely more than police justices, while crimes and misdemeanors are tried by the courts. Political crimes and misdemeanors, however, can only be judged by a court sitting in the chief town where the lieutenant or governor resides.—The procedure is oral and public, even in civil affairs, since the law relating to judicial power of Dec. 21, 1867. The organization of the public ministry and the bar bears a great resemblance to that of France; it is regulated by the laws or decrees of Jan. 20, 1852, Aug. 16, 1849, and May 31, 1855.—In Hungary the supreme court is formed of the chamber of septemvirs who with the royal council form the royal *curia* presided over by the *judex curiæ* (minister of justice). The council of septemvirs is the highest court in all civil and criminal matters. The royal council is the court of appeal in the case of all decisions of inferior tribunals brought before it, and it acts as a court of first resort in the construction of laws or in determining what the law is; also in criminal cases in which capital punishment or a punishment involving infamy may be inflicted. —The inferior tribunals are, on the one hand, those of the counties, and under them the tribunals of district judges, and, on the other, the tribunals of the towns and the free districts, each one of these districts having a judge from whose decision an appeal may be made to the district court.—An analogous judicial organization obtains in Croatia, Slavonia and Transylvania. Besides the courts above described Austria has special courts, such as the court of the grand marshal (*Oberstlhofmarschallamt*), where matters are adjudged which concern members of the imperial family, princes and foreign envoys with their personnel; the military, naval and mercantile courts, the courts of experts who settle the disputes of fairs and markets, and of arbiters in commercial affairs; bank, industrial and other similar tribunals —FINANCES. The finances of Austria seem to be pursued by a malignant fate. It very frequently happens that she is asked for means to carry on gigantic wars against superior forces. This brings the country to the verge of ruin, and when after an interval of repose, her condition improves, some unexpected event comes to destroy the fruits of her statesmen's efforts, and throw the country anew into financial difficulties for another period of indefinite duration.—The treasury has thus far been sustained by enlarged revenues due partly to the increase of taxes but still more to increase in wealth. However, circumstances have not yet permitted Austria to make up its deficit, and its financial troubles seem so inveterate that their cure may almost be despaired of. Certain it is that the financial compromise of 1867 does not seem to have acted as a sovereign remedy.—The space at our command does not permit us to give exhaustive information on the finances of Austria at previous epochs. The figures given below are from entirely reliable sources. We take them from official documents, and would remark that previous to 1860, the florin was worth 12 centimes more, the new coins having been slightly reduced in consequence of the treaty of the 24th of January, 1857, in order to bring them nearer in accord with the different monetary systems which Germany then had. The actual silver florin is worth two-thirds of a thaler, (two marks of the German currency introduced in 1871). The following figures give only the net revenue: In 1781 the receipts of the state were 69,100,000 florins, its expenses 68,300,000. During the last years of the eighteenth century the revenue varied between 65,000,000 and 80,000,000, but the necessities of the war against the French republic carried the expenses beyond 118,000,000, 121,000,000 and even 157,000,000. The greatest deficit of this epoch was that of 1796 when it went beyond 96,000,000.—But the time of trial was not come to an end with the century. A new and more formidable athlete appeared upon the scene,—Napoleon. In the struggle against the emperor of the French a revenue of 142,000,000 to 147,000,000 was obtained by extraordinary efforts, but the expenses of the country increased in a still greater proportion. They reached the sum of 368,000,000 in 1810, causing a deficit of 226,500,000 in a single year. —At length the great captain who had held all Europe so long in check, was conquered. It was again possible to take breath and wait for better times. The proverbial prosperity of Austria reappeared anew, and, from 1820 to 1832, the income rose from 126,000,000 to 140,000,000. Twelve years later 150,000,000 was reached, but the equilibrium of the budget was not yet attained, because the expenses followed the same law of progression. —1848 and 1849 were disastrous years. The revenues were only 106,000,000, while the expenses reached 109,000,000 in 1848 and 268,000,000 in 1849. It was necessary to readjust the finances, to impose new taxes and raise the rate of taxation generally. By degrees the receipts were brought up to 333,000,000 florins in 1857, but war broke out and 388,000,000 were spent. In 1860 the net receipts were 318,000,000, and the gross expenses 523,000,000.—Dating from 1861 great efforts were made to decrease the deficit, but the net revenue of the whole empire did not exceed 253,000,000 in 1861, 285,000,000 in 1862, 292,000,000 in 1863, 290,000,000 in 1864, 286,000,000 in 1865, with deficits in the corresponding years, of 127,000,000, 86,000,000, 84,000,000, 85,000,000 and 104,000,000. We shall say nothing about 1866, whose financial showing was influenced by the war. In 1867 the budget was ordered (the constitution being still suspended) by imperial decree of Dec. 26, 1866. It amounted for the whole empire to 407,297,000 receipts, and 433,896,000 expenses. The régime created by the compromise of 1867 established three distinct budgets which have been in use since 1868: 1, the common budget; 2, the budget of Cisleithania; 3, the budget of Transleithania —The *common budget* destined to meet common expenses is very simple, having but one common source

of income, the net product of the customs. The remainder has to be made up in two distinct parts, one of 70 per cent. from the Cisleithanian, the other of 30 per cent. from the Transleithanian budget. The following is the budget of 1872:

ORDINARY AND EXTRAORDINARY EXPENSES.

Ministry of foreign affairs	2,329,100
Ministry of war, the army	95,165,007
Ministry of war, the navy	11,254,690
Ministry of finance	1,794,606
Court of accounts	104,095
	110,647,498
Receipts (of which 12,000,000 customs are net)	17,208,883
Balance to be distributed	93,438,615

Of this the 70 per cent. furnished from Cisleithania amounts to 65,407,315, and the 30 per cent. from Transleithania, 28,031,300 florins. The Germans complain of having been unjustly treated in the compromise. They have two grounds of complaint: 1st, that the estimate of the burdens laid on each part was based on the receipts of the six years from 1860 to 1865 inclusive. Now at Vienna, it is said that the arrears of direct taxes were for the respective years, 7, 7, 7, 6, 8, 11 per cent., while beyond the Leitha they were 28, 40, 19, 32, 38, 30 per cent. 2nd, the Hungarians contribute 30 per cent. and demand as much influence as men who contribute 70 per cent. Rights here are superior to duties, which means a privilege. The common budget is voted by the delegations. All moneys must be used for the purposes for which they were appropriated. The Austrian budget is voted by both houses of the *reichsrath*. The common ministry has nothing to say as to the figures of this budget. The following are the figures:

YEARS.	Total receipts.	Total expenses.
1868	281,245,907	320,230,526
1869	296,264,176	299,326,671
1870	317,065,821	320,674,136
1871	333,949,907	345,676,940
1872	327,270,000	348,650,000

We do not distinguish here between ordinary and extraordinary receipts or expenses.—Each country of the crown has its *special* budget. The districts and the communes have theirs. In 1868 the total of the *special* budgets of the states of the crown were 17,930,196 florins. The total of district and communal expenses is not known. —Transleithanian budget. In 1869 the total revenue was valued at 172,780.806 florins, and the expenses at 185,508,305; in 1871, revenue 159,136,536, and 197,126,520 expenses. For 1871 the principal receipts were: direct taxes, 57,578,000 florins, of which the land tax formed about 35,000,000; the tax on houses, 6,000,000; taxes on industries, 8,000,000; income tax, 6,500,000; indirect taxes, 69,202,000, of which the tax on spirits formed 6,000,000; on wine, almost 2,000,000; on beer, 1,200,000; on meat, 1,500,000; on sugar, 1,000,000; on salt, 11,500,000; on tobacco, 23,000,000; on lotteries, 2,750,000; on stamps, 4,000,000; court fees, 7,000,000; public domains, 24,564,000; postal service, 3,500,000; telegraphs, 750,000, and from various sources at least 5,000,000. —Among the expenses we may mention one-half of the civil list, 3,650,000; cabinet of the king, 61,229; civil administration, about 89,000,000 (the expenses of the army and navy are in the common budget); cost of collection, 51,000,000; the public debt, 32,723,200, excluding the interest of the loan of 1871.—Croatia and Slavonia, as well as the counties and communes, have their budgets each.—All religions recognized by the state are protected in the exercise of their worship and in the administration of affairs therewith connected, their schools and their charitable institutions, so far as they transgress no law of the country. — The Catholic bishops are appointed by the pope at the suggestion of the emperor. There are at present in Austria 13 archbishops and 52 bishops of the Latin rite; 2 archbishops and 7 bishops of the Greek rite, and 1 Catholic archbishop of the Armenian rite. In 1861 there were 16,960 parishes and chapels, administered by 32,362 secular priests; in addition to whom there were 9,784 men in 720 monasteries and 5,198 women in 298. —The non-united Greek church has for chief the patriarch of Carlovitz. He has 10 suffragan bishops. The patriarch is elected by the *national congress* composed of bishops and 75 deputies, priests and laymen. This congress can not meet without the authorization of the sovereign. It decides upon all important questions relative to worship and religious instruction. In Hungary, where its powers are more extensive, there are also synodal assemblies in which are elected the seven Hungarian bishops of this rite. The other Greek bishops of Transylvania, Dalmatia and Bukowina are nominated by the emperor, or king, as he is called on the other side of the Leitha. This church has 3,600 parishes, 3,800 priests, and 40 convents with 238 religious inmates.—By an imperial decision of April 8, 1861, the Protestant church was freed from the restrictions which it had to complain of up to that time, and the Lutherans and members of the reformed church have been admitted to all the rights of citizens. These churches have maintained a Presbyterian and synodal organization similar to that of most other countries. These synods, and notably the general synod, one which meets at Vienna, regulate everything concerning religious matters.—The pastors are elected by the faithful of each church, but they have to be confirmed by the superior ecclesiastical council (*oberkirchenrath*). The election of deans and superintendents is confirmed by the emperor. The superior council, composed of pastors and laymen, is nominated by the emperor. In Hungary the organization of Protestant churches, based upon the law of 1791, differs little from that which we have just indicated.—In the whole empire there were, in 1872, 914 Lutheran parishes with 1,210

pastors, and 2,058 reformed parishes (chiefly in Hungary), with 2,278 pastors.—The other churches recognized in Austria are the Unitarians, who live mostly in Transylvania in 107 parishes, and the Jews, whose rabbis are elected by the congregation and by the administrative authorities.—The different religions aided by the state cost it a sum of only 2,000,000 or 3,000,000 of florins in both parts of the empire. It is needless to add that the churches have incomes of their own either from property or the contributions of their members. The property of religious establishments in Cisleithania was estimated at 73,842,456 florins in 1869. Of this, only 8,500,000 were in real estate. The remainder was in different forms of property. Their income amounted to 3,429,372 florins, and the expenses to 4,616,306 florins. Total of their debt, 1,667,241 florins.—PUBLIC EDUCATION. Education is primary (elementary), secondary, superior, and professional or special.—The primary schools are subdivided into inferior, superior and city schools (*Bürgerschulen*). The law requires that there should be at least one primary inferior school (*Trivialschule*) in each rural or town district, and that wherever practicable the sexes should be taught separately. The higher primary schools (*Hauptschulen*) carry primary instruction somewhat farther and are situated only in the towns. The city schools are established in the larger cities and the elements of the exact sciences are taught in them.—Education is compulsory for children from six to twelve years of age. As far as the mixture of nationalities permits, the mother tongue of the children is employed in the schools.—Special courses of study are established for the training of teachers in certain higher primary schools. Teachers are appointed and installed by the administration.—The expenses of primary education are borne by the state, the commune, or are provided for by bequests and the tuition fees of children of well-to-do parents.—In 1868 the Cisleithanian countries had 15,054 ordinary and higher primary schools, with 1,691,349 pupils and 13,391 male and female teachers. The Transleithanian countries had, in 1864, 16,164 schools, with 1,161,494 pupils and 28,000 teachers of both sexes The number of schools is greater in Hungary on account of the mixture of religions and nationalities. Each religion and each nationality voluntarily establishes a separate school. Only four-fifths of the children go to school. In 1865-6 the number of young soldiers able to read and write was, in lower Austria, 83¼ per cent.; in Silesia, 69½; in Bohemia, 60½; in Moravia, 45¾; in Tyrol, 36½; in Hungary, 25½; in Croatia, 15; in Transylvania, 8¾; in Galicia, 4½; in Carniola, 3½; in Dalmatia, 1½.—The intermediate schools (*Mittelschulen*) are divided into gymnasia and schools of the exact science (*Realschulen*). In the gymnasia, which are almost entirely supported and supervised by the state, there are eight classes. The ancient languages are taught in them, and students prepared in them for the universities. There are in Austria 94 gymnasia, with more than 30,000 students, and 26 scientific schools with 3,500 pupils. This is the total number of schools, excluding the 130 communal colleges (*Unter-Realschulen*).—Higher instruction is given in the universities, the polytechnic schools and certain special schools.—There are 7 universities in Austria-Hungary. Those of Vienna, Prague, Pesth and Cracow have four faculties, (theology, law, medicine, philosophy). Those of Lemberg, Graz and Insbruck have not that of medicine. The Austrian universities have more than 600 professors and 9,000 students. Since 1848, they have an organization similar to that of the German universities.—The seven Austrian polytechnic schools (Vienna, Prague, Graz, Brünn, Cracow, Lemberg and Buda), are intended to give technological instruction based on a profound study of mathematics. The Prague school is supported by Bohemia, that of Graz by Styria alone, that of Buda by Hungary, the others by the whole empire. To be admitted to these schools as an ordinary student, it is necessary to have gone successfully through a gymnasium or scientific school. Students may elect their course of study themselves. They may ask to be examined on subjects which they have studied and require a certificate showing the result of the examination These schools have more than 225 professors and 3,000 students.—The special or professional schools reckoned among the higher institutions of learning are the two faculties of theology (outside the university) and the 120 seminaries supported by the bishops or religious houses (3,500 students), and some similar institutions for ministers of other creeds.—In addition to this there are 5 administration academies, 7 schools of surgery, 16 secondary schools of agriculture (500 students), 3 schools of forestry (100 students), an agricultural institute (147 students), one academy of forestry, several schools of mines, veterinary schools, 60 industrial and commercial schools (3,500 students), the mercantile academies of Vienna, Prague and Pesth (private institutions), 70 art schools, military and naval schools and others.—PUBLIC CHARITY. Public charity is within the authority of the commune, and the state steps in only when local resources are insufficient. The dispensation of public charity is confided to the poor board (*Armeninstitut*) created in the last century and established in almost all the provinces. The poor board is composed in each parish of the pastor presiding over a number of "fathers of the poor" (*Armenväter*) and one responsible agent named by the pastor in accord with the municipality.—The principal sources of income for these institutions are the voluntary offerings of the people, bequests, gifts and legacies, a certain part of the tax on sales, and fines. The assistance given is either temporary or permanent (*Pfründe*). There is a large number of refuges or houses of retreat, of hospitals, civil (330) and military (159), of insane asylums (49), of lying-in hospitals (40), of foundling hospitals (33):

these last were founded by the emperor Joseph II. Physicians, surgeons and midwives are paid from the local treasury for treating the poor.—The whole number of physicians in Austria-Hungary is about 6,000; of surgeons, 5,400; of druggists, 2,300.—The system of public charity in Austria comprises, in addition, work houses, divided into two classes: voluntary, in which the labor of able-bodied persons, wishing to earn their living but unable to find employment, is lightly paid for; involuntary, where vagabonds and trampers seeking to avoid work, are confined; these institutions are supported by the provinces.—There is in Austria a great number of savings banks, regulated by the decree of Sept. 26, 1846, and established by the communes or by companies. The statistics of Cisleithania furnish the following figures: Number of depositors Jan. 1, 1866, 694,421, on Dec. 31, 824,830; total of deposits at both periods, 196,800,000 and 247,700,000 florins. — AGRICULTURE, INDUSTRY AND COMMERCE. Austria-Hungary may be considered more particularly an agricultural country. More than two-thirds of the population are employed in tilling the soil; it is only in Bohemia that the number of agriculturists falls below one-half. In lower Austria and Moravia the proportion is a little more than 50 per cent. The value of immovable property is estimated at 10,500 millions of florins and that of its product at more than 2 milliards of florins.—The productive land is nearly 87 per cent. (86.9) of the whole area of the empire. Of this, 36 per cent. is arable and 33 per cent. under forests. Cereals are among the chief products of the country and reach in wheat 50,000,000 *metzen* (a German measure equal to 1.6775 of a bushel); wheat and rye mixed, 15,000,000; rye, 65,000,000; barley, 50,000,000; oats, 100 000,000; Indian corn, 44,000,000; buckwheat and millet, 10,000,000; 500,000 quintals of rice. Hungary, Bohemia, Moravia, Galicia and upper Austria produce sufficient grain to supply the lack of it in other provinces and to export it in considerable quantities.—Among other products of the soil are. potatoes, 120,000 000 *metzen;* beans and pease, 5,000.000 *metzen;* cabbage, 60,000,000 quintals; beets, 20,000,000 quintals; hemp and flax, 3,000,000 quintals; hops (in Bohemia), 40,000 quintals, tobacco, 1,000,000 quintals; olive oil, 100,000 quintals. Wine deserves separate mention, for, next to France, Austria produces it in the greatest quantity. The vintage is estimated according to the year at from 330,000,000 to 440,000,000 *eimers* (1 *eimer* about 15 gallons). The forests, which yield annually 30,000,000 *klafters* of wood, are an important element of prosperity, especially in a country so rich in minerals. —Cattle thrive well on the broad meadows and vast pasture lands of the Eastern empire (*Oesterreich*). According to the census of Dec. 31, 1869, there were in Cisleithania 1,389,623 horses, 43,070 asses and mules, 7,425,212 horned cattle, 5,026,398 sheep, 979,104 goats, 2,551,473 hogs. In Hungary there were 2,095,000 horses, 5,026,398 horned cattle, 11,288,000 sheep, 431,000 goats, 4,505,000 hogs.—Mining is a rich source of wealth to Austria, and employs directly and indirectly more than 120,000 workmen. The quantities of metal produced are in round numbers:

METAL	Austria	Hungary
	Livres of 500 grammes	
Gold	53	3,200
Silver	30,000	52,350
Mercury	4,000	606
Cast iron	4,000,000	2,100,000
Copper	10,000	40,000
Lead	100,000	40,005
Nickel and Cobalt	100	.....
Tin	500	.....
Zinc	85,000	4,000
Antimony	1,500	850
Arsenic	4,000	.....
Sulphur	36,000	200
Graphite	150,000	.....
Salt	4,500,000	2,000,000
Coal	90,000,000	12,500,000

—The manufacturing industries embrace all branches of labor. They are sufficiently advanced not to fear foreign competition, and in certain districts they are able to compete successfully with their rivals in the international markets. Manufacturers employ a large number of persons of both sexes, who, with children and other members of the family, amount to about 8,000,000 souls. The value of manufactured articles exceeds 1,600 millions of florins. Bohemia occupies the first rank among the manufacturing portions of the Austrian empire. Next comes lower Austria, with Vienna as its capital; Moravia, Silesia, and others follow.—Among the metallurgic industries that of iron is the most important. It supports 350,000 persons (workmen with their families), and produces a value of 80,000,000 florins. Its principal seats are in Styria, Carinthia, Carniola, upper Austria, Bohemia and Moravia.—There are the following ceramic establishments: 4,300 tile factories, 45 crockery ware and 15 porcelain factories, producing a value of 20,000,000 florins. The glass works, of which those of Bohemia are so famous, produce a value of 18,000,000 florins. Chemical products amount to 20,000,000 florins. The distilleries, of which there are 103 000, produce 60,000,000 gallons. The breweries, 3,300 in number, produce 12,600,000 gallons. The tanneries employ 150,000 workmen who prepare an amount of leather worth 80,000,000 of francs, not enough for home demand.—The products of Austrian textile industries have been noticed favorably at the recent exhibitions, and continue to improve. While in 1831 113,000 quintals of cotton were equal to the demand of the mills, 586,000 were needed in 1850, 880,000 in 1861, and above 900,000 in 1870. At present there are 158 spinning mills with 1,700,000 spindles. Cotton weaving is established everywhere in Bohemia, in the north of Moravia, in lower Austria and Silesia. The cotton industries give employment to 400,000 persons, who produce a value of 100,000,000 florins, which is sufficient to supply

the demand of the country, and to leave a surplus for exportation.— Hemp, linen and wool have been woven in Austria from time immemorial. In the eastern provinces this work is done yet mainly by hand. In the west flax is spun in 33 establishments with 200,000 spindles; besides, 600,000 spindles are used for carded flax, and 30,000 for combed flax. The total value of the linen industry is estimated at 150,000,000 florins and the woolen at 130,000,000.—Silk employs 100,000 persons, the value of the produce is 25,000,000 florins, leaving a small surplus for exportation.—The progress of Austrian industry can not but be stimulated by the freedom of labor (the suppression of corporations) decreed Dec. 20, 1859. At present every person who is of age may engage in almost any industry. But a few remain, for the exercise of which training or a special permission (a concession) is necessary. Such are the following: Printing, reading rooms, common carriers, house building, the making and sale of arms and ammunition, manufacture of fire works, inn keeping, hawking and slaughtering of animals. Although the previous restrictions connected with the system of guilds have been suppressed, a certain organization for benevolent objects is retained among members of the same profession. The best proof of the advance of Austrian industry is found in the increased number of stationary steam engines. Cisleithania had of these in 1852, 534, with 7,110 horse-power, in 1863, 2325, with 35,837 horse-power. Transleithania had in 1852, 79 engines with 1,175 horse-power, and 480 engines with 8,134 in 1863. —The commerce of Austria is of considerable importance and constantly increasing. — There are no restrictions on internal commerce.—The coasting trade is reserved to the Austrian flag. About 66,000 arrivals and departures are noted yearly. The mean capacity of vessels employed is 32 tons.—The empire is divided into two tariff-districts with reference to foreign commerce. One is the whole empire except Dalmatia, the other is Dalmatia. Since 1851 Austria has abandoned the prohibitive for the protectionist system. Duties on imports are graduated according to the degree of protection which it is thought should be granted to different industries. The export duties are few, and are levied exclusively on raw materials.—The merchant marine of Austria numbered, in 1871, 7,843 ships with 375,000 tons capacity and manned by 28,000 sailors. Transportation in the interior is facilitated by 7,055 kilometres of navigable rivers, and 112,500 kilometres of highways, and (1870) 6,553 kilometres of railroads in Cisleithania, and 3,628 in Hungary. Since 1850 Austria has formed a part of the German postal and telegraphic union. The mail carried, in 1830, 18,600,000 letters; in 1860, 105,600,000: in 1870, 144,000,000 in Cisleithania and 32,000,000 in Transleithania; 76,000,000 newspapers, besides 4,000,000 and 7,000,000 letters with samples, 111,000,000 stamped packages, 29,000,000 administrative letters.—The length of telegraphic lines in 1861 in the empire was 12,215 kilometres, and 586,500 dispatches were sent. In 1871, 2,690,000 dispatches were sent in Cisleithania, where the length of the lines was 17,256 kilometres, (527 stations), and 1,356,000 in Transleithania, where the lines are 10,156 kilometres in length (487 stations).[1]

MAURICE BLOCK.

[1] The budget estimates for the "common affairs of the empire," were as follows for the year 1880:

Sources of Direct Revenue.	Florins.
Ministry of foreign affairs	4,159,490
Ministry of war { Army	123,653,060
Ministry of war { Navy	8,709,780
Ministry of finance	889,550
Board of control	125,500
Total	137,537,380

Branches of Expenditure.	Florins.
Ministry of foreign affairs	4,159,490
Ministry of war { Army	129,312,420
Ministry of war { Marine	
Ministry of finance	1,889,557
Board of control	125,570
Total	135,486,960

—The principal sources of revenue were given as follows in the financial estimates for the year 1880:

	Florins.
Direct taxes	91,860,000
Customs duties	28,232,500
Salt monopoly	19,396,000
Tobacco monopoly	59 070,000
Stamps	17,300,000
Judicial fees	31,900,000
State lottery	20,200,000
Excise (Verzehrungsteuer)	59,937,000
State domains and railways	5,642,941
Post and telegraph	3,263,000
Miscellaneous receipts	45,967,503
Total	382,768,944

—The principal branches of expenditure were given as follows in the budget estimates for the year 1880:

	Florins.
Imperial household	4,650,000
Imperial cabinet chancery	69,492
Reichsrath	725,165
Council of ministers	880,620
Ministry of the interior	16,924,469
Ministry of national defense	8,368,087
Ministry of public education and worship	16,010,583
Ministry of agriculture	10,291,480
Ministry of finance	84,780,698
Ministry of justice	20,392,97
Ministry of commerce	23,630 746
Board of control	153,000
Interest on public debt	112,935,074
Pensions and grants	38,880,888
Cisleithanian portion of the common expenditure of the empire, including war and foreign affairs	73,130,642
Total	411,823,914

—The following table gives the total amount of the public debt of Austria, including the debt of the whole empire, but exclusive of the special debt of Hungary on the 1st of July, 1879:

	Florins.
Consolidated debt, bearing interest	2,781,668,095
Consolidated debt, without interest	122,569,953
Floating debt	82,167,342
Annuities	905,238
Total	2,987,310,628

The following table gives the area and total number of

AUTHORITY. Wherever society exists there is a struggle between authority and liberty. The fundamental laws of a body are nothing but treaties of peace between these two principles or forces. In political society such laws are called a constitution. In religious societies they are called a creed. Authority seems so necessary to all society, and liberty so necessary to human nature, that we find the reflex of authority even in philosophy where it would seem there ought to be unbounded freedom, and a demand for liberty even in the family, which is the narrowest kind of society and the only one in which absolute power would seem legitimate.—The history of human society, from whatever point of view considered, is the history of authority and liberty. These two principles being intended to limit each other, but unequally according to the degree of civilization, there is always a boundary line between them varying with social conditions, which neither of them should pass; and political events are nothing but the wanderings of liberty or authority beyond this necessary limit. When authority steps beyond this line, humanity is oppressed and suffers: when liberty, society is endangered. It is natural that, in the first case, public spirit should reassert liberty with emphasis, and in the second, re-establish authority on a firm basis. The constant reaction of opinion against success, which is more or less immediate and rapid, is the cause of the mobility of society. This law of the development of humanity has been observed and accepted only very lately. And it was only when it was observed and accepted that men, understanding the impossibility of preventing revolutions, tried to replace violent by pacific or legal revolutions, through the revision of constitutions. Ancient nations which had tradition as a foundation and immobility as their rule, believed in an absolute limit between authority and liberty. Authority according to this doctrine derived its force and its rights from itself. It was essentially the right, and if it made concessions to liberty, these concessions were mere acts of grace and consequently revocable. Modern nations, on the contrary, are their own masters, that is, social interests being now the source of the right, no member of society can have rights as against society. Authority is simply a trust from the nation, limited in duration and extent by the interests of the nation. Now society which is always in need of direction, has all the more need of it the less enlightened it is. In proportion as it becomes enlightened and civilized it receives all the liberty it can enjoy without danger to itself. Authority then retreats step by step, not as a master who yields to force, or who makes a gift from pure kindness, but as a delegate who resigns his office, hands in his account and confines himself within the limits of his new powers. In one word, the source of political right or sovereignty which amounts to the same thing, is changed. It resided in authority, now it resides in the people. Authority is now only a power delegated by the governed. The sovereignty of the ancient régime, inherent in the person of the monarch, and possessed by virtue of divine right, continued legitimate with all the plenitude of its powers, even in opposition to the unanimous will of the people. Modern sovereignty, essentially power delegated, is legitimate only within the limits of the grant.—It is very clear that, from the moment sovereignty belongs to the people, who delegate only its exercise, the extent of the trust, as well as the trust itself, depends on the popular will. But it is asked what the people ought to wish in their own interests, which in this instance is their only rule. Should they desire to confer an absolute trust, a large trust or a very limited one? The doctrine of absolute trust has its partisans. This is like a piece of metaphysical jugglery which first makes a pompous award of sovereignty to the people, and immediately deprives them of it under pretext of a trust, which they have created, thus leaving themselves more bare and naked than before. Royalty by divine right, even the most absolute in character, being founded on tradition, is bound, through respect for its own principle, to uphold all other tradition. In this way royalty is both based upon and limited by tradition. Thus it was that under the ancient régime, the kings of France were unable to shake the Catholic religion, to abolish the nobility, or to do without their parliaments in the passage of laws and the administration of justice. They could not alter the form of the states general, and had no resource against them except not to convoke them. A dictator, on the contrary, representing popular omnipotence can be restrained in the exercise of his sovereignty neither by law nor by tradition. Such a representative of absolute omnipotence can meet with limitation neither in the history, manners, nor laws of a people. It is clear that authority

inhabitants of the various provinces of the empire, according to the official estimates for Dec. 31, 1876:

PROVINCES OF THE EMPIRE	Square miles.	Population.
Lower Austria	7,654	2,143,928
Upper Austria	4,631	746,097
Salzburg	2,767	154,184
Styria	8,670	1,178,067
Carinthia	4,005	338,705
Carniola	3,856	469,996
Coastland	3,084	622,899
Tyrol	11,324	895,653
Bohemia	20,060	5,361,506
Moravia	8,583	2,079,826
Silesia	1,987	558 196
Galicia	30,507	6,000 826
Bukowina	4,035	548,318
Dalmatia	4,940	467,531
Total, German Monarchy	115,903	21,565,435
Hungary	87,043	11,532,810
Croatia and Slavonia	16,773	1,821,918
Transylvania (*Siebenbürgen*)	21,215	2,191,632
Town of Fune	8	18,171
Total, Hungary	125,039	15,564,526
Total, Austria-Hungary	240,942	37,129,967

understood in this way absorbs and destroys liberty. Between such a delegation of power and monarchy by divine right, there is scarcely more than a formal difference; but if there is a difference of degree, it is in favor of monarchy by divine right.—The essence of delegated authority then is in limitation and revocability, for it can not be absolute and irrevocable without being false to its own principle. A liberty which exists only in principle, and is delegated in its entirety, is no liberty at all. It is nothing; it is the emptiest and most deceitful of abstractions. In one word, there is no social condition in which authority and liberty do not exist together, and where authority is not a concession made by liberty. The real political problem consists in fixing the boundary between authority and liberty, in the manner most advantageous to liberty rightly understood. Certain minds are naturally inclined to strengthen authority beyond measure, others liberty. Whenever men cease to stand on the basis of divine right, and admit the dogma of popular sovereignty, the drawing of this line of demarcation is no longer a question of right, but of fact, a matter of skill and temperament — Those who favor an immoderate development of authority adduce three arguments in its behalf: first, that it produces order; second, that it is the parent of progress; third, it does enough for liberty if it governs always in the sense of the majority.—It is true that authority produces order. It is for this very end that it has been established; and it is because authority is necessary to order, and order to liberty that no political society can ever do without authority. But because the proper function of authority is to produce order, it is not to be inferred that, the more authority there is in a state, the more order there is. Order is rather the result of a just equilibrium between authority and liberty; for if a people have not the liberty to which they are entitled, that is to say, the whole sum of liberty which they can enjoy without peril to themselves, they are ill at ease and impatient of the yoke, the result of which is that authority and the foundations of society itself are weakened. All excess is the cause of trouble in politics. Furthermore, authority, in order to be solid, has need not only of material but of moral force. It owes its moral force, in modern states, to the delegation of power by the people. That authority is a delegation of power by the people, is evident to every eye, so long as authority is beneficial in its effects; but authority appears decrepit and an abuse when, by its encroachment, instead of being a cause of order and well-being to the body social, it becomes a danger and a source of suffering. We may conclude that authority produces order only in proportion as it is needed.—The second proposition of the zealous partisans of authority is partly true and partly false. There are kinds of progress which can be realized only through a central authority clothed with the most ample powers. Of the two motives which determine most of the actions of men, *i. e.*, private and public interest, it is natural that the first should act almost exclusively on the minds of individuals, and the second dominate in the councils of the representatives of the body politic. It is not less natural that individuals should take in only the sphere in which their life moves, and remain strangers or indifferent to whatever has no direct relation to their persons. Even if we, instead of considering individuals, suppose limited corporations of the state, such, for example, as cities, is it not evident that the administration of a city would be concerned only for the interests of its own territory? And is it not evident, on the other hand, that there are national enterprises whose success is more important for the prosperity of each individual city than anything they could do themselves within their own territorial limits? No matter how enlightened local administrators may be, they are like travelers at the bottom of a valley whose horizon is necessarily restricted; but the chiefs of a state, like men stationed on the summit of a mountain, take in a wide sweep of country in their view, and judge points of detail better because they know them both in themselves and in their relations. The superiority of their view arises partly from their position, and partly, perhaps, from an increase of capacity due to the importance of the part they play. Man, like every other created thing, is made up of that which is essential to him, *plus* the modifications for good or ill which are added to his essential being by external circumstances. The history of every human life is the record of what has been produced in the man by virtue of that centre of action called the will, together with all the circumstances that have excited, developed, modified or paralyzed that will, or which have restrained or increased its effects. Save some too poorly gifted natures, whom chance has placed in high position, and who, in a certain fashion, are sometimes perverted by the disproportion of their faculties to their missions, it may be said that the capacity of men increases with their responsibility and authority.— And again, on the other hand, liberty has its own power and efficacy which it is impossible to ignore.— In the first place, liberty is a right. Man has a right to liberty only on condition of being capable of enjoying it. It results from this, that whenever a person does not enjoy the sum even of liberty which he is able to use without injury to the liberty of others, justice is violated in him. This right which is absolute should not be sacrificed to the requirements of progress, even if it could be shown that progress is impossible except through the action of authority; but it must be added that justice is never violated with impunity, and that a force intended by nature to act freely decreases, and produces imperfect effects when it is transformed by social convention, and, from being autonomous, as it should be, becomes dependent and subordinate. It is not the violation of right alone which belittles the man, but baseness of mo-

tive as well. A person under command acts from obedience which generally means that he acts through fear, the independent man is inspired by hope. Which is the more powerful of these motives is doubtful to no one. The man governed by others never moves except from some impulse from without; from which it follows that he neither anticipates the impulse, nor goes beyond the point to which it carries him, and that his power is quiescent whenever it is not called into requisition. The free man seeks action as water does its level; for the tendency to repose would be in him a weakness, and, if chronic, a disease. Not only does he execute better, but he seeks and he finds. Material and intellectual force developed by constant exercise, and the habit of relying on himself, make of him an incomparably superior agent in the rare cases when he needs to subordinate his action to the commands of authority. Two equal forces being given and composed of an equal number of forces, the collective force which is directed by a single will produces the more powerful effect; but the collective force of a people composed of forces which are always directed and obedient, is considerably inferior to what the collective force of the same people would be, if the simple forces composing it were developed under the influence of the strengthening breath of liberty. Now the true wealth of nations is the increase of force and the increase of action. Let us admit that unity is absolutely indispensable to certain deeds, but, in this very case, the forces united to form a collective force, are more powerful in proportion as they have been previously accustomed to liberty. Authority and liberty are consequently both parents of progress. Progress can dispense with neither; but still it is liberty which has the higher place —The third proposition, that liberty is disinterested when authority has a popular origin and popular agents, or more simply when it is always exercised according to the wishes of the majority, is a sophism. If the cause of liberty could ever be lost, it would be by reason of this sophism that it would perish. The government of the majority thus understood is the government of number, that is, the substitution of might for right. It seems indeed, at first sight that popular government and the government of majorities are identical; because in no case can the will of the people be expressed by the minority. It is this idea which makes so many enemies for the dogma of popular sovereignty. The error consists in considering only the rights of majorities, and forgetting those of minorities completely. These two rights are very different but equally sacred and equally necessary to liberty and order. It is self-evident that all the members of a minority have the same rights individually as the members of the majority; and that these rights may be assured, it is necessary, by virtue of the laws themselves, and the formulæ established, to regulate their application, that every citizen should be dependent on the law and the law only. This point settled, it is the right of majorities to make the law, and the right of the minorities to form by means of discussion, a new majority to replace a bad law by a good one. If the rights of the minority are respected, the government of majorities ceases to be one of force; for to pretend that the government of majorities is the government of force it would be necessary to maintain that nations are not capable of, and that the human mind was not made for, truth.—We may thus resume the whole discussion: what is authority without any liberty whatever? It is the absolute immobility of the social fabric, an abnormal belittlement of the collective force of society, and the approval of permanent injustice. What is liberty without any authority whatever? It is the absence of society, a state of war, an hypothesis so absurd that it can not present a precise idea to the mind. In all society, therefore, both liberty and authority are needed. Liberty being the right and the interest of the citizens of whom society is composed, it is the object of society. Authority is only its condition. Liberty exists for its own sake. Authority is established in order that liberty may flourish. Since liberty is less dangerous in proportion as the minds of men are enlightened, liberty must advance and authority retreat as enlightenment becomes more general. Authority, in its relations with liberty, is like a wise tutor who never substitutes himself for the will of his pupil; except when that will is powerless or imbecile, who works unceasingly to render his presence unnecessary, and to retire at the precise moment when the child has grown to be a man. There is not and there can not be a fixed limit between liberty and authority; for the true rôle of authority is gradually to prepare the way for liberty.—Authority should always be strong, but it should not be extensive save in countries and among people but slightly civilized. The best proof of the civilization of a people is that they are but little governed, and do not suffer from being so governed. This does not mean being feebly governed, for a feeble power is one which can not fulfill its mission.—Power should not go beyond the limits of its rights, that is, of the necessary; it should also avoid the arbitrary, and always find support in the law. —It is a fundamental error to suppose that the force of authority consists in its extent. On the contrary, it consists in an exact proportion between its extent and its necessity. It may almost be said that authority is the stronger for having, in the highest degree, the faculty of restricting itself at the proper time. Confined within the limits which the civilization of each epoch assigns it, authority is beneficent and necessary. That it should fulfill its mission without fail is of vital importance both to society and liberty. Liberty itself requires that power be strong, for power is its guarantee and hope. It fears only encroachment and arbitrariness.—Arbitrariness to which authority too often aspires is as fatal to it as to liberty, and fatal in the same way. Power as soon as it wanders away from the law, no longer represents the will

of majorities but its abdication. Arbitrariness is in the body politic what the useless would be in the system of the universe. It is looked upon as the height of authority of which it is but the shadow. Between it and authority there is a contradiction, since it is of the nature of authority to produce order. Arbitrariness is the very essence of disorder. Under the appearances of centralization and absolutism, it is in reality but one of the forms of anarchy. It is to authority what privilege is to right, and in the domain of psychology what the liberty of indifference is to true liberty. Everything should be subordinate to law, even force.—The following are a few formulæ in which the whole theory of authority may be expressed. —The conditions of liberty are: 1, the enjoyment of natural rights; 2, the possibility of vindicating the rights of the minority by discussion; 3, the transformation of a majority into a minority whenever the majority on a question have changed views.—Authority then should be: 1, the guardian of natural rights; 2, the guardian of the rights of discussion; 3, the guardian of the rights of transformation.—Consequently it is necessary: 1, that it make everything attainable by legal means, by restricting itself within narrower limits as civilization extends; and 2, that it prevent the employment of illegal means. It should therefore be very strong in so far as it exists.—Conditions of force are: 1, stability; 2, liberty of action within its own sphere; 3, promptness of action; 4, infallibility of action; 5, sure repression, after clear proof before tribunals equally but necessarily independent of opinion and power.

JULES SIMON.

AUTHORS, Rights of. Authors' rights, that is, the right of authors to control the publication of their intellectual or artistic productions, in order to prevent the reproduction of them by others, is of modern growth. The idea that proprietary rights in an original work were to be respected and defended, was not clear to the mind of antiquity. It was only after mechanical methods of multiplying books, etc., had been increased, and especially after the invention of printing, when the danger of unauthorized reproduction became greater, that the need of recognizing these rights was felt.—This protection was first accorded, at the request of interested parties, in the form of privileges, and was originally granted more to benefit publishers than authors, more out of deference to the book trade than out of respect for writers. The earliest known privileges of this kind were granted during the last decade of the fifteenth century to certain Italian and German towns, especially Venice, Milan, Nuremberg, and to the bishop of Bamberg. The emperor Maximilian I. appointed, before the end of the century, a "general superintendent of printing houses in the holy Roman empire," who, with the office of censor of books, combined the authority to grant such privileges. Princes of the empire granted these privileges as well as the emperor. Frankfort and Leipsig became the most important marts in the German book trade. In the first, an imperial commission was appointed to oversee the trade and protect the rights of publishers; in the second, the government of the elector of Saxony performed the same office.—Until the French revolution, practice held firmly to the privilege theory in France, though men had long since penetrated more profoundly into the universally just character of authors' rights. In most of the German states we find them recognized in the first decades of the present century. The German confederation first opened the way for all Germany to a loftier understanding of this question.—Privileges became, by degrees, universal, and were accorded to every one who asked for them. This implied an acknowledgment that the privilege should not be granted at all. Men became conscious that it merely protected a natural right, but were embarrassed in formulating that right. Authors spoke, it is true, of literary property, but even if the word property can be used in that wider sense, according to which everything pertaining to a man is called property, still it was essentially a different right from that of property proper, that is, the control of a person over a material object; and after a closer examination it was seen that nothing was gained by the expression and nothing explained by it. An intellectual production can not be disposed of by a person, as a thing is by its owner. The author does not wish to keep his work exclusively to himself as the owner of an article does who asserts his property in it to the exclusion of the whole world. He wants to publish it, and the very control over this publication is the main interest of his right. But when he publishes it, the right of society to the work also begins.—Besides, it came to be understood that publishers should be relegated to a secondary rank, and that their rights in a work and in its publication should be derived from the author. It was seen that the author could not be lost sight of, even after the transfer of his right to the publisher; and the continuance of his right was measured by the life of the author. In this way arose the understanding of the author's right as such. The recognition of the author in his work, of the creator in his creation, was acknowledged at length as the very essence of this right.—English jurisprudence was the first to recognize this right, which it called copyright; and understood by the term the exclusive right of the author to the reproduction of his works. A law of queen Anne, in 1710, confirmed this right and at the same time limited it to 21 years. Many English jurists were inclined previously to go further and to declare the author's rights perpetual, like that of property. But they were unable to make this view prevail. From 1837 to 1842, this subject was warmly debated in the English parliament. The result was the introduction of a law which extended the term of copyright to 42 years, or longer if the author lived. But the limit as to time remained.—Modern legislation in different countries

is now becoming more uniform on this subject. All protect the author's right as long as the author lives, and recognize the element of personality in this right in contradistinction to the ownership of material things. All extend the protection a little beyond his death. But as soon as the time expires the work becomes common property according to nearly all recent legislative enactments. This twofold provision, first for the author, second for society, answers completely to the character of an intellectual work. The one-sided and exclusive care for the author and legal representatives came into irreconcilable conflict with the rights and interests of the society of intellect. What had once been given by the author himself to his nation and the world, and made the common property of all mankind, should not be withdrawn nor destroyed by his heirs. How would it fare with culture if the heirs of Shakespeare or Goethe, or the heirs of a thinker like Spinoza or Bacon, through monkish or pietistic narrowness, could prevent a new edition of their works? Just as little to be approved is the opposite one-sidedness, which pays no regard to the merits of the author, and at once declares his work a lawful prize for every one. The reconciliation of the two views is to be found in the recognition and limitation of the author's rights.—In Germany authors' rights belong to the few subjects which the confederate legislation has taken up. The decree of 1837 assured their protection for ten years at least. But in 1845 this protection "for literary productions and works of art" was extended to the death of the author and thirty years after. The Prussian law of June 11, 1837, and that of Bavaria April 15, 1840, had preceded the confederation in this direction.—A peculiar difficulty is connected with the limitation of this right by states. The nature of intellectual productions is such that they can not be confined within territorial limits. Literary and artistic communication spans the earth. Productions of the mind are given to the human race. If the author, therefore, is to find real protection, it is not enough that the state in which he lives and where his work appears should protect him, and prevent its subjects from reprinting the same. The literature of a country has no protection if beyond its borders the robber work of republishing can go on undisturbed. During recent years a series of treaties on this subject have been either the subject of negotiation or have been concluded. France and England are especially active in this direction, and to some extent Prussia and Austria. This is another problem to be solved by international law.[1]

J. C. BLUNTSCHLI.

[1] In the United States any citizen of the country, or a resident thereof, being the author of a book, map, chart, etc., may secure a copyright in the same by complying with the requirements of the law. The terms for which the copyright may be obtained is 28 years from the time of recording the title; at the expiration of that period, the author, if living, and his widow, if he be dead, may re-enter for 14 years additional.

AUTOCRAT, one who governs through his own agency. The term is synonymous with sovereign in Russia, and indicates that the chief of the state has a power unlimited and without control, that is, absolute. In the rest of Europe the word autocrat has always had a bad meaning, because opinion has always been liberal enough, even in countries other than constitutional, to be unfavorable to a régime that puts all public power in the hands of one man without imposing on him the least restriction or the slightest control. (See ABSOLUTISM.) M. B.

AUTONOMY. Autonomy is of Greek origin. Literally the word means independent legislation. At one period it was the synonym of sovereignty, but, in time, the sense of the word was restricted. The occasion was the following. Rome had made of Greece a province of the empire. The consul Flaminius, conqueror of the Achaian league, proclaimed the liberty of Greece at the Isthmian games. The Roman senate regulated this simulacrum of liberty by giving autonomy to the Greek cities (*αὐτος*, self, and *νόμος*, law), that is, the right of governing themselves by their own laws and retaining their magistrates, which in reality was nothing but the *municipium*. Citizens of the *municipia* had political rights at Rome, and might fill the military and civil offices of the republic. They belonged, therefore, to two countries, to two cities, a thing altogether contrary to the maxim which Rome applied in the case of her own citizens: *Nunquam duas patrias habebis*, says Cicero (*de legibus* ii. 2). In the internal organization, the *municipia* generally took the great city as their model. They had a senate, comitia, consuls. *Municipal* cities could, of their own will, renounce the benefit of autonomy in favor of the civil law of Rome, and when they had expressed this wish of assimilation, they were purely and simply incorporated into the republic.—In order to define clearly the meaning of the word autonomy which is somewhat vague, it is necessary to distinguish it from sovereignty on the one hand, and self-government on the other —Sovereignty is absolute independence, which the nation alone can attribute to itself. The nation alone, whatever may be the form of its government, possesses the plenitude of power. It can stand as an individual (or as a collective person) vis-a-vis of foreign powers and it is supreme authority to its own citizens.—Autonomy can belong only to a part of a state, or confederation. The characteristic of all autonomous political communities is, that they do not possess independence in foreign affairs, but enjoy a greater or less degree of independence in home matters. Among those who have the most complete autonomy must be counted the states of the German empire, next, the vassal states of Turkey, the Swiss cantons, the states of the North American Union. Some of these can even have semi-official, but not official representation abroad. In spite of great differences, they have this in common, that they have governments

of their own with some of the attributes of sovereignty.—The position of the two Scandinavian kingdoms united under the sceptre of Bernadotte is that of a *personal union* (see PERSONAL UNION). It is the same in the case of Luxemburg and the Netherlands. The two halves of the Austro-Hungarian empire enjoy a large autonomy, almost the same as the German states, but with perceptible differences, not necessary to explain here (see AUSTRIA-HUNGARY, GERMAN EMPIRE). — The British colonies enjoy an internal autonomy which is almost complete, but abroad they are represented by the mother country.—A narrower autonomy is accorded to Finland in Russia, to the states of the Austro-Hungarian crown, to certain British islands in the channel (Jersey, etc.) and to the Basque provinces in Spain. In former times certain French provinces, Scotland and Ireland enjoyed a very marked autonomy.—It can not be said that there are at present in Europe provinces or communities which enjoy autonomy, in the proper sense of the word. We can only attribute to them a greater or less degree of self-government. Autonomy presupposes the right, no matter how restricted, of making laws.—This is not the place to examine the question whether autonomy is desirable in itself or not. Abstract theory must answer that question in the affirmative; but in practice the question is very complex; it is essentially one of facts. We shall only say that no autonomy has been *created* outside of the British colonies. When it exists elsewhere, it is an historical growth, or rather it has maintained itself in spite of hostile influences which still continue to act. In the greater number of cases, perhaps in all, our preference would be for the preservation of such autonomy as has been able to resist these influences.

MAURICE BLOCK.

AYES AND NOES. (See PARLIAMENTARY LAW.)

B

BADEN, a grand duchy situated in the southwest of Germany along the right bank of the Rhine. It has a superficies of 277 geographical square miles, with a population (December, 1875) of 1,507,179. The population, in 1816, was 1,005,898; in 1839, 1,277,403; in 1861, 1,369,291; in 1871, 1,461,428.—Before 1866 the grand duchy was a member of the German confederation; from 1866 to 1870 it was an independent state; since January, 1871, it is a part of the German empire. It has 3 votes in the federal council, and sends 14 deputies to parliament. — In all affairs not controlled by the laws and institutions of the empire, the country is governed by its own constitution, which dates from Aug. 22, 1818, and by its own laws. The constitution lodges the executive power in the grand duke. The legislative power is divided between him and the representatives of the country or the "estates," divided into two chambers. The grand duke attains his majority at 18 years of age. The succession follows in the male line of the house of Zaehring by right of primogeniture.—The upper chamber is composed of princes of the blood, heads of 10 noble families; the Catholic archbishop, the superintendent of the Protestant church, the proprietors of hereditary landed estates worth 500,000 marks, 2 deputies of universities, and 8 members appointed by the grand duke without regard to rank or birth. The deputies of the universities are elected for 4 years, those of the landed nobility for 8. One-half the seats are vacated every 4 years. The appointments made by the grand duke are for 4 years.— The second chamber is composed of 63 deputies. Elections are indirect. All citizens 25 years of age are electors of the first degree, and may be chosen electors of the second degree. All citizens 30 years of age are eligible to the office of deputy. Officials can not be elected in the districts where they serve. The term of each deputy is 4 years. One-half of the chamber is renewed every 2 years.—The grand duke convokes, prorogues and dissolves the diet. In case of dissolution the temporary members of the first chamber must be replaced. The president of the upper chamber is appointed by the grand duke; the second elects its own president.—The diet assists in the framing of laws, and in the discussion of the budget. Its consent is necessary to the contracting of a loan, to sell state domains and to levy taxes. The budget is biennial. Every proposition concerning the finances is first presented to the second chamber. The bill which it has voted can be accepted or rejected only as a whole (*en bloc*) by the upper chamber. In case of rejection, the votes of the two chambers are counted together, the ayes and noes are summed up and the majority makes the law (such a case has not yet occurred).—The chambers have the right of initiative in legislation. The second chamber may impeach the ministers. The chambers may receive petitions. Liberty of speech is guaranteed. Sessions of the chambers are public. In the interval between sessions a permanent committee represents the chambers. In case of urgency, its consent gives power to contract a loan. Its powers, however, are not extensive.— At the head of the administration is the ministry of state or the council of ministers. The ministers are responsible.— There are 4 ministerial departments: 1, of justice and foreign affairs; 2,

of the interior; 3, of commerce; 4, of finance.—For purposes of internal administration the country is divided into 54 bailiwicks (up to 1872 the number was 59). In each bailiwick, a district council (*Bezirksrath*), elected by the representatives of the circuit, assists the bailiff.—The country is divided, besides, into 11 circuits, charged with attending to the common affairs of several bailiwicks. The circuit is represented through deputies, chosen by all electors, *i. e.*, by representatives of the important cities, deputies of bailiwicks elected by the representatives of communes, and the principal land owners. This provincial assembly meets once a year, and decides questions relative to roads, schools, hospitals, asylums, orphan establishments and other common interests. It has the right to vote taxes. The administration of common affairs is intrusted to a permanent committee.—Four commissaries general (*Landesommissäire*), sitting at Carlsruhe, Mannheim, Freiburg and Constance, supervise the administration of the bailiwicks and circuits.—The number of communes is 1,584, of which 113 are cities. Communal administration, like that of the circuit, is founded on self-government. The government exercises supervision through the bailiff. Ordinary administration is in the hands of the burgomaster, and the municipal council elected by the inhabitants. The common council (*Bürgerausschuss*), which is also elected by the inhabitants of the commune, has a certain right of control. In important cases all the inhabitants of a commune are called together in a general communal assembly.—In the administration of justice, there is a supreme court (at Mannheim), six courts of appeal, and in each bailiwick a tribunal of the first resort (*Amtsgericht*). Crimes are tried with the assistance of a jury. Slight offenses are passed on by the mayors. There is a special administrative court, (*Verwaltungsgerichtshof*) for questions of public law or disputes relating to the administration.—The civil code of Baden is based on that of France. In criminal and commercial matters the codes of the German empire are in force. Freedom of worship is recognized. Protestant worship is directed by the superior council of the Protestant church. The archbishop of Freiburg is the head of the Catholic church in Baden. The Protestants have 378 parishes; the Catholics, 660. The superior council of the Israelites is charged with the affairs of the Jewish church. In 1875 there were 517,851 Protestants, 958,907 Catholics, and 26,492 Israelites. The rest of the inhabitants belong to less extensive denominations. Public instruction is under the control of the state. The churches give religious instruction. Primary instruction is obligatory. In 1872 the common schools (*Volksschulen*) were 1,826 in number, with about 200,000 pupils. There are many higher primary schools. The secondary or middle schools are 19 in number, 17 of them give classical instruction mainly, the 2, under the name of *real-gymnasium*, pay more attention to the exact sciences. Eight of the first, which are called lyceums, include all the classes, and have the right of giving certificates of fitness (equivalent to the diploma of bachelor) for the university. The universities are at Heidelberg and at Freiburg: each one has 4 faculties. The theological faculty at Heidelberg is Protestant; at Frieburg, Catholic. The other faculties have not a sectarian character. At Carlsruhe there is a polytechnic school and a school of fine arts. Most of the cities of importance have schools of industry (*Gewerbschulen*), and each circuit has an agricultural school.—Of the inhabitants (1,461,428) there were, in 1871, 712,763 males and 748,665 females, making 295,709 families. The number of strangers was 54,988, of whom 42,003 belonged to other German states and 12,985 to states not German.—There is an annual excess of births over deaths (in 1870, 58,913 births, against 48,024 deaths). The number of marriages in 1870 was 10,607. Among the births, 52,066 (or 88.4 per cent.) were legitimate, and 6,847 (or 11.6 per cent.) illegitimate. The number of still-born was 1,979.—Emigration, directed mainly to the United States, was very considerable about 1850. It continues yet, but on a decreased scale, and without the country feeling it. The excess of births more than makes up for the loss.—The population is undeniably prosperous. Landed property being greatly subdivided in most parts of the country, few great fortunes are met with, but a most general well-being. There are scarcely any beggars. The communes are obliged to maintain the indigent. They are aided by numerous hospitals and almshouses (131) as well as by other endowed institutions. — About 50 per cent. of the population are engaged in agriculture, 35 per cent. in manufactures, 8 per cent. in commerce, and 7 per cent. is divided among the other professions.—The German language is the only one spoken in the country. Fragments of three German tribes are met with: in the north, the Franconian tribe; in the centre and south, the Allemans, whose name has been given by the French to all Germans; and the Swabians in the southeast.—The soil is generally fertile, especially in the valley of the Rhine. It is only the most elevated points of the Black Forest (in the south), and the Odenwald (in the north), which are stubbornly sterile. One-third of the soil is arable, one-third in forests, and one-tenth meadows; vineyards occupy 1.4 per cent. of the country (21,500 hectares); the rest is taken up with pasture, towns, villages, roads, rivers, etc. Besides the ordinary products of agriculture—cereals, vegetables, etc.—tobacco, hemp, chiccory, hops and other plants are cultivated in the lowlands of the Rhine. The vines yield a yearly average of 450,000 hectolitres of wine. There are about 70,000 horses, 600,000 oxen and cows, 170,000 sheep, 350,000 pigs, 60,000 goats, and 90,000 swarms of bees.—The mineral products are inconsiderable, still the country possesses two great salt works which supply its wants, and a multitude of mineral

springs, some of which enjoy a world-wide reputation (Baden-Baden, Rippoldsau, Petersthal).—Manufactures are in a flourishing condition. The number of great industrial establishments is about 400. Textile fabrics of every kind are produced; also paper, machines, tools, leather, chemical products, jewelry, tobacco, etc.; in the valleys of the Black Forest, pendulums, clocks, music-boxes, straw hats, *liqueurs*, (*Kirschwasser*), etc. The clock makers of the Black Forest send the product of their industry abroad. They are found in European countries and even in America.—Commerce is very active. Railroad traffic is very great. Much timber cut in the Black Forest is floated down the rivers. It descends the Rhine to Holland. Navigation on the Rhine is very important as far as Mannheim; it does not go much higher on account of the rapidity of the stream. Mannheim, thus forming the terminus of Rhine navigation, possessing an excellent harbor, becomes an important entrepôt.—The country contains several large banking houses of which the principal are at Mannheim.—The savings banks (to the number of 97) have a capital of 32,000,000 florins. The number of depositors is 107,000.—The postoffice has delivered annually, from 1869 to 1871, about 19,000,000 letters, 12,000,000 newspapers, 3,000.000 packages, and postal orders to the amount of 5,000,000 florins.—The number of telegraphic stations is (1872) 220; the number of dispatches sent is about 800,000 a year.—The greater part of the revenue of the grand duchy of Baden is derived from direct taxes, including in such direct taxes, a land tax, called in the country *Grundsteuer*, and also from an income tax. About one-fourth of the receipts of the grand duchy of Baden comes from the produce of crown lands, forests and mines, and one-sixth from customs and miscellaneous sources. The following is the total of receipts and expenses of the grand duchy of Baden at different times:

YEARS.	Receipts.	Expenses.
	Florins.	Florins.
1830	10,730,000	10,650,000
1840	16,540,000	15,425,000
1850	22,520,000	22,520,000
1860	23,715,000	23,920,000

It is proper to remark that the figures for 1850 and 1860 include the special budget of railroads, which amounted in receipts, as well as expenses, to 5,940,000 florins for 1850, and 6,830,000 florins for 1860.—The budget has undergone profound changes through the entrance of the grand duchy into the German empire. The revenues from customs and indirect taxes (salt, beet-root sugar, stamps and drafts), as well as the post and telegraphs, figure there no longer, but go directly into the coffers of the empire. As an offset, the expense of administering these departments, as well as that of the army and foreign affairs, has disappeared. (See GERMAN EMPIRE.) The ordinary budget voted by the chambers for the year 1872 presents the following figures:

RECEIPTS.

	Florins.
Domains, forests, mines and salt works	4,260,000
Direct contribution [1]	5,220,000
Indirect contribution [2]	2,990,000
Taxes and fines	1,570,000
Contributions of the empire for administration of customs	630,000
Different revenues	1,490,000
Total	16,160,000
Railroads	22,720,000
General total	38,880,000

EXPENSES.

	Florins.
Collection of taxes	4,730,000
Civil list	840,000
Justice	1,940,000
Interior	2,950,000
(Of which 1,060,000 are for public education.)	
Commerce	2,020,000
(Of which 1,800,000 are for roads and water courses, and specially half a million for the Rhine.)	
Finances	1,850,000
(Of which 990,000 are for the debt of the state.)	
Contributions to the empire	2,880,000
Various expenses	90,000
Total	17,300,000
Railroads (of which 16,220,000 are for administration and extension, and 6,000,000 for interest and sinking fund of the railroad debt)	22,720,000
Grand total	40,020,000

The result, a deficit of 1,140,000 florins, was covered by disposable funds.—The extraordinary budget (public works) amounts to 1,400,000 florins a year. For the construction of new railroads and the management of the old, an expense of 24,000,000 florins is estimated for 1872 and 1873. This sum was to be covered by a sinking fund for railroads, and, in case of necessity, by loans.—The receipts for 1877 were 34,188,865 marks, and the expenses about 34,750,123. The land tax and the income tax constitute the greater part of the revenue of the state. Most of the railways belong to the state. Their total receipts in 1877 amounted to 62,022,162 marks, while the outlay reached the sum of 49,383,404 marks.—In 1878 the general debt amounted to 50,881,661 marks, and the railway debt to 277,253,122. A loan of 12,000,000 marks was added to this debt in 1878.—The army of Baden has been united to the Prussian army in consequence of a military convention concluded between the grand duchy and Prussia. Nevertheless, troops recruited in Baden continue to form separate regiments, and are stationed in the grand duchy. They form,

[1] Of this sum, land taxes form 3,240,000 florins; indirect taxes, 1,060,000 florins; tax on capital, on incomes, and on salaries of employés, 650,000 florins.

[2] The tax on wine is 820,000 florins; on beer, 860,000 florins; alcohol, 94,000 florins; on meat, 300,000 florins; registration, 915,000 florins.—*Remark.* The tax on beer and spirits belongs, according to the constitution, to the empire. But the grand duchy of Baden, like the other states of the south, has reserved the right of taxing these articles and of paying therefor into the treasury of the empire a sum proportioned to the population.

together with two Prussian regiments of infantry and one of cavalry, the fourteenth army corps, the commander of which resides in Carlsruhe.—It is needless to add that all the military institutions are governed by the laws of the empire. According to these laws the grand duchy furnishes, in time of peace, one man per hundred, or 14,350 men; in time of war, 48,000 men, to the army of the empire.—The management of the post and telegraph has passed also into the hands of the empire. There are in Baden two chief postal bureaus, at Carlsruhe and Constance, and one telegraphic bureau at Carlsruhe.—Entry duties are collected on account of the imperial treasury; the customs, however, are collected by Baden functionaries for a consideration paid by the empire. DR. F. HARDECK.

BALANCE OF POWER. By this term, in public law, is understood an organization intended to effect among nations forming part of one system, such a distribution and an opposition of forces that no state shall be in a position, either alone or united with others, to impose its own will on any other state or interfere with its independence.—One power can not extend its territory, increase its strength, or largely add to its resources, without giving umbrage to neighboring powers. If its growth assumes alarming proportions, the spur of interest suffices to induce other nations to unite, in order to oppose its impending domination over them. This very simple fact, which has appeared at all times and in all places, was the first germ of the theory of the balance of power. The idea which sprang from it is that of an association of several states against the aggrandizement, grown dangerous, of a single state; but only of a temporary association during actual danger, and while the danger lasts. If we suppose the association more extended; that instead of being a league of certain states against one state, it unites a system of states in a common understanding—more lasting and firm in this, that instead of being temporary it assumes a permanent character and tends not only to defend each one of the states thus united into a system, against the ambition of a single state, but to establish and guarantee among all, such a balance of forces as will maintain them in peace—we have a second form of the same idea, much more advanced than the first, one in which the theory of equilibrium or the balance of power is clearly perceptible.—It would not be correct to say, with Sully, (*Economies royales, ou Mémoires de Sully, collection Petitot*, t. vii. p. 94), that this balance consists in rendering all potentates "nearly equal in power, as to kingdoms, wealth, extent and dominion." That balance tends rather, according to a memoir of count Hauterive, drawn up by the order of the first consul, "to balance the respective rights and duties of a great number of states unequal in power, and in more or less direct relations with each other." (*De l'état de la France, à la fin de l'an* viii. p. 36.) It is, in fact, in the efficacy of the common guarantee in that arrangement, which, in case of necessity, balances each force in the system, by the resultant of all the others; in one word, in the rights upon which the association rests, that the balancing of the inequality of facts is to be found.—We may conceive the idea of equilibrium or balance of power applied to different groups of states, united afterward into one great system, in such a way that each partial equilibrium becomes an element in the general equilibrium; thus, the equilibrium between the ancient states of Italy, between the German states, the equilibrium of the north, that of Europe, of America, of the world. This same idea may have as its object the forces of the most varied nature, which constitute the power of states: hence, military equilibrium; commercial, industrial, financial equilibrium; equilibrium of population, of territory, continental or colonial; maritime equilibrium. But it is territory, above all, that is most generally considered in the theories or practical questions of the balance of power. Indeed, territory, one of the principal instruments of the power of nations, is a physical, material element, susceptible of measurement and limitation, while the other forces are more especially connected with moral causes. We have, therefore, to deal with the territorial equilibrium or balance of power here.—The policy of the balance of power presented itself in its first and most simple form, in the resistance to a power which increased in an alarming manner and threatened other powers with its rule. This happened during three very notable periods in European history: 1, in the period of resistance to the house of Austria which had succeeded by inheritance to the throne of Spain and to the German empire, from Charles V. to Philip IV., in the case of the Spanish branch, and from Charles V. to Ferdinand III., in the case of the German; 2, in the resistance to the house of Bourbon, under Louis XIV.; and 3, in the resistance to Napoleon in the time of the republic and the empire.—It was the policy of resistance to the immoderate increase and the aspirations to domination of the house of Hapsburg, that caused the wars of Francis I. against Charles V., and those which followed, notably the thirty years' war. This period was terminated by the peace of Westphalia in 1648.—The antagonism of the house of Bourbon and the house of Austria in Spain and Germany is well known. The duke de Rohan, in his famous work on *the interests of princes*, dedicated to the duke de Richelieu, and written in 1633, during the species of exile to which the king had sentenced him at Venice, sums up the policy of the time as follows: "We must lay it down as a principle that there are two powers in Christendom which are like the two poles, from which the influences of peace and war come to other states, to wit, the houses of France and Spain. Spain's power having suddenly increased, it has not been able to conceal the design it cherished to rule and to cause the sun of a new monarchy to rise in the west. The

house of France forthwith decided to act as a counterweight. The remaining princes joined one or the other side, as their interests dictated." (Preface to the *Intérêts des princes*, Cologne, 1656). At this period very little was said of the people, and much of princes; men wrote of the interests of princes, of the maxims of princes, and spoke not of rights, but interests. "Princes command the people, and interests command princes," wrote the duke de Rohan, at the head of his book. The policy of the balance of power was then openly a policy of interest; it had not been elevated into a legal theory.—The second period was in like manner filled up with efforts of resistance, to an ambition for aggrandizement which had become menacing to the neighboring states. The danger now no longer lay in the house of Austria, but in the house of France; not Charles V. and his successors but Louis XIV. it was who alarmed Europe. "Francis I. had struggled with difficulty against the house of Austria," says Mignet; "Henry IV. had triumphed over its attacks; Richelieu and Mazarin had humiliated it; it only remained to dispossess it. This Louis XIV. did" (*Négociations relatives à la succession d'Espagne, Introduction*, v. 1, p. liii.) And in fact, at this period it was not the house of Austria that occupied simultaneously the throne of Spain and the imperial throne of Germany, but the house of Bourbon which occupied the thrones of France and Spain. The system of the European balance of power was developed despite this, and strengthened as a principle of conventional international law; and the struggle ended in a new and grand practical realization of this system, at the peace of Utrecht (1713). We must pass over a period of nearly 80 years to meet again in European history a coalition of states of the same character, against the danger of a dominant power which was rising up, and advancing, ostensibly, to a general supremacy over all others. It is true that the first coalition against France (that of 1791) was based on the pretense of interfering with the internal forms of the French government. But when the armies of the republic, in retaliation for the aggression, began to take the offensive, the struggle assumed the character of resistance on the part of different powers to a domination threatening to them all.—Such are the three periods, each epitomized in one of the three names: Charles V., Louis XIV., Napoleon I., during which the policy of the balance of power appeared in its simplest and most energetic form: that of common resistance to threatening domination. It is after these wars, and as a consequence of the treaties of peace which put an end to them, that the second form assumed by the theory of the international balance of power, was produced.—This second form, whose distinctive characteristic is one of agreement, a species of general association of the powers to constitute and guarantee in common a certain condition of territorial possession, regulated conventionally, received, in the positive international law of Europe, three great practical illustrations—the first in the treaties of Westphalia (1648); the second in the treaty of Utrecht (1713); and the last in the treaty of 1815.—But, previous to the first of these practical illustrations we meet with the projects of Henry IV., and of Sully, which have sometimes, too lightly perhaps, been styled utopian. The abasement of the Spanish faction, the close of the wars of religion, the promotion of an association among all the states "who feared or had reason to fear the insatiable avarice of the house of Austria," were a continual source of solicitude to Henry IV.—This solicitude he had entertained ever since 1589. An understanding had been come to at different times by this king with other princes; propositions were agreed upon in 1603, between his delegates and those of the sovereigns of England, Denmark and Sweden; deputies, agents and negotiators, were sent out by him all over Germany from 1608 to 1609, with general instructions. In consequence of steps taken by these agents, a public assembly of 18 or 20 princes, connected by friendship with Henry IV, was convened at Hall, in Swabia. "A confederation of kings, princes and states shall be formed and the confederates agree to call it the most Christian association; the three most numerous creeds in European Christianity shall be chosen and expedients shall be found to enable them to agree and live together in peace; the empire shall be restored to its rights and privileges; the electors shall regain their free suffrage, and two emperors of the same house shall never be elected in immediate succession. Austria shall be restricted, so far as its hereditary dominion in Europe is concerned, to Spain and the neighboring islands; the possessions of which she shall be deprived, shall be distributed according to principles agreed upon, and the limits of the various powers of the Christian association determined by agreement among the confederates." (*Economies royales de Sully, collection Petitot, t.* viii. et ix.) These were the *lofty and magnificent des gns of the king*, as Sully calls them. It is true that this minister to whom Henry IV. confided his projects and intrusted the care of the details of them, as well as the means of executing them, went further than his sovereign in this organization. The projected confederation was to be established universally and perpetually in Europe, under the name of the *Most Christian Republic*. It was to comprise 15 dominions, of which 5 were elective royalties: that of the pope, the emperor and the kings of Poland, Hungary and Bohemia; 6 hereditary royalties: those of France, Spain, England, Denmark, Sweden, and Lombardy, a new kingdom to be established for the duke of Savoy; and finally 4 dominions republican in form. Venice, a second, to be composed of the duchies of Genoa, Florence, Mantua, Parma, Modena, several small sovereign states of Italy, Switzerland considerably increased, and the 17 provinces of Holland Between these dominions there were to be placed "limits so sure and well adjusted that none of

the 15 could undertake to trespass upon them without bringing on itself an attack from the other 14." Sully saw in this arrangement liberty of individual conscience, understood in the sense of the free and public exercise of three kinds of religions only, the Roman, the Protestant and the Reformed; freedom of trade, freedom of navigation, and freedom of the sea. Finally, independently of a number of particular councils, a general council, "composed of a proportional equality of the 15 dominions," was to be the perpetual sovereign arbiter of common interests and on disputed questions. To the picture of this general republic, the minister of Henry IV. added this last characteristic: "that always at peace with Christians, it should ever be at war with infidels, and maintain a continual struggle against them, in order to recover what they had usurped in Europe, and to go beyond this if fortunate progress should afford the opportunity" (*Œconomies royales*).—The plans of Henry IV. anticipated a theory of political equilibrium under the form of an association of states, with a distribution of territory, agreed upon in common, in a system of counterweights and general interests, and sanctioned by the guarantee of all the powers. Carried to its utmost limits this theory verged upon plans of general and perpetual peace, brought forward later by abbe St. Pierre under the title of the *Project of perpetual peace, formerly proposed by Henry the Great;* afterward by J. J. Rousseau, under the name of a *project of perpetual peace by abbe St. Pierre;* later still by Bentham, and by other writers. It has assumed at present a more expanded form, in the minds of many.—The transition from the projects thus prepared by Henry IV. and by Sully, to the treaty of Westphalia, is not without logical connection. What is found in this treaty is, at bottom, a partial realization of those ideas of Henry IV. which were more closely connected with the general necessities of that time; a compromise and guaranty of equality, in Germany, for the exercise of the three religions which had struggled so long against one another; a more certain determination of the rights of the states of the empire, especially in their relations with the emperor; a diminution of the power of Austria, in the Spanish and in the German houses; a recognition by this last power of the republics of Holland and Switzerland, both long since founded and strengthened by being freed from its domination; certain arrangements, and territorial concessions in Italy, principally in favor of the duke of Savoy; even the idea of henceforth preventing wars and putting an end to future differences by means of amicable compromises. But the ruling fact was a preliminary discussion by the plenipotentiaries of the principal European powers, covering a great number of international questions, the first example of a congress or diplomatic council which had the character of an agreement determining, by precise stipulations, certain bonds of existence and common co-ordination among the states and Europe; an engagement which made every private question, touching the maintenance of these stipulations, a question for all, and which, in this way, introduced, for the first time, conditions of political equilibrium by means of a conventional system organized by treaties and founded on the principle of a species of permanent association of the states.—Consequently the treaty of Westphalia has been justly considered as the foundation of positive international law in Europe, and this treaty has been taken as the point of departure of this law. It is to be remarked that, from the same epoch are dated regular continuous diplomatic relations, and the use of legations or permanent embassies from one power to another.—Nevertheless this first provision for a certain territorial and political balance had not the extent and character of unity which is essential to such a system. On the one hand, several European powers did not agree to it; Russia had not yet entered the general current of affairs. Prussia was of too little importance at that time to figure in affairs otherwise than in a secondary and passive capacity. England held aloof. The pope protested. The sultan was not included in the Christian group. Besides, the arrangement was not effected by a single and general treaty, but by several separate treaties. the treaty between Spain and Holland entered into Jan. 30, 1648, at Münster, which forms no diplomatic part of what is called the treaty of Westphalia, although it is an important prelude to it; the treaty between Sweden, the emperor, and the states of the empire, Oct. 24, 1648, at Osnabrück, being the first part of the treaty of Westphalia; finally, a treaty between France, the emperor and the states of the empire, Oct. 24, 1648, at Münster, being the second part of the treaty of Westphalia. This peace was not even general. France and Spain continued in a state of war until the peace of the Pyrenees, (Nov. 7, 1659,) which was thus a complement to the treaties of Westphalia. The former brought peace to Germany and the north, the latter to the south.—The second practical illustration of the system of the conventional balance of power was that of the treaties of Utrecht. The course of political events and especially the question of succession to the Spanish throne, made vacant by the extinction of the Spanish-Austrian dynasty, had deranged the equilibrium created by the treaties of Westphalia and necessitated a new arrangement of power and territory. But the emperor Joseph I., having died, (April 17, 1711), and having left as his successor to the empire, his brother, the archduke Charles, the rival of Philip of Anjou, the fear of seeing the power of Charles V. reappear, by the union of the crown of Spain and the possessions of the house of Austria and the empire of Germany, was of much greater importance to Europe than the elevation of a younger branch of the house of Bourbon, at a time when France had just been so considerably weakened. Between these two

dangers the policy of the balance of power had no room for hesitation. It sufficed for it to take precautions to prevent the future union of the crowns of France and Spain, to reduce these two powers, by strengthening, through a distribution of territory taken from them, those states which were especially destined to serve as a counterpoise to them. Such was the meaning of the various provisions contained in the treaties of Utrecht. The dominant idea in men's minds was the establishment of a new balance of the powers. This idea has been developed and consolidated in international practice since the time of the treaties of Westphalia. That this idea was uppermost in the political thought of the time appears clearly from the correspondence of the English minister, lord Bolingbroke, in the preparatory conferences, as well as from the reciprocal acts of renunciation made by the king of Spain and the princes of France, in which they mutually abdicated their eventual rights to the crown of the other country (see Bolingbroke, *Letters and Correspondence, and les Renonciations du roi d' Espagne, du duc d'Orléans et du duc de Berry, in* Dumont).—Nevertheless, the peace of Utrecht was not yet presented under the sanction of a general treaty between the powers. It was made up of two series of different treaties: those of Louis XIV. with Great Britain, with the states general of Holland, with Portugal, with Prussia, with Savoy, signed the same day, April 11, 1713, at Utrecht; and those of the king of Spain, Philip V., with the same powers, the conclusion of which only took place later and at different periods. The common bond existed especially in the stipulations of England, who signed the principal treaty of peace with Louis XIV., and with Philip V., and took under her guarantee the particular engagements made with the other powers. The emperor continued the war; he made peace with France by the treaties of Rastadt and Baden, in 1714; and several years later, with the king of Spain. The differences between the treaties of Westphalia and those of Utrecht, both in the personnel of the contracting parties, and in the object of the stipulations, are noteworthy. France and Sweden were at the head of the allied states, at the time of the peace of Westphalia; England stood aloof. At the peace of Utrecht, Sweden figured no longer, it was England that lead in the negotiations, and it was under the preponderant guarantee of this power, now placed on a level with France and Austria in the balance of Europe, that the new equilibrium was established. Louis XIV. recognized in it the hereditary right of the dynasty of Nassau; Frederick, of Prussia, appeared in it with his new title of king; Victor-Amédée, the duke of Savoy, received by it the kingdom of Sicily, which he was obliged 7 years later to exchange for Sardinia, and took the title of king, which Henry IV. had wished to bestow on one of his ancestors. There was no longer a question as to the interests of the three religions (admitted to a footing of equality by law in Germany) and to those of the states of the German empire in their relations with the emperor. But, under the policy of Louis XIV., France had lost the position of protectress of these two interests; this rôle passed over to Prussia, which, in the future, was destined to hold the house of Austria in check in the affairs of Germany. Finally, Great Britain obtained important colonial possessions, and hastened to conclude, under favor of the influence which she had acquired in the negotiations, treaties of commerce and navigation with several powers. Territorial equilibrium was now the object of concern, and maritime and commercial domination, which was soon to appear, was not perceived.—The last application of equilibrium regulated by common consent between the powers, and at the same time the most absolute, the most general application made of it up to the present day, is that of the treaties of 1814 and 1815. Without entering into an examination of the events which took place from the peace of Utrecht up to that epoch, let us remark, simply, that Russia had had her Peter the Great, as Prussia her Frederick, and that the equilibrium of Europe had to be established between five great powers: France, Great Britain, Austria, Prussia and Russia, with the addition of second rate powers, to which Spain, Sweden and Holland had descended, (Italy at that time was a geographical expression).—The arrangements of 1814 and 1815 result from three series of principal acts: 1. The treaties of Paris, of the 30th of May, 1814, four identical treaties, a consequence of the victory of the allied powers and the first restoration, concluded by separate acts, between the king of France, Louis XVIII., and each one of the four great powers, Austria, Russia, Great Britain and Prussia, stipulating for themselves and for their allies. Article 32, of these treaties, referred the complementary arrangements to a general congress of all the powers, which was to open at Vienna within two months.—2. The final act of the Congress of Vienna of June 9, 1815, whose last resolutions had been precipitated by the news of the return of Napoleon to France, and by the events of the hundred days, with all the treaties, conventions, declarations, rules and other particular acts, were joined as annexes to this final act.—3. The treaty of Paris of Nov. 20, 1815, a result of the new victory of the allied powers and of the second restoration, four identical treaties, more rigorous toward France than the preceding, concluded also between king Louis XVIII. and each one of the allied powers—Great Britain, Austria, Prussia and Russia—which stipulated for themselves and their allies.—Of all these documents that which remains with a leading and constitutive character for the states of Europe is the final act of the congress of Vienna; the treaties of Paris of 1814 had determined its basis; those of Paris of 1815 had modified its dispositions relative to the new reductions of territory imposed on France; but the principal regulation is in the act of the congress. This act is

much more complete than those which had already twice settled the great territorial arrangements of Europe: as to the personnel of the contracting parties, with the exception of the Ottoman empire, all the European powers, even those of the second order, were represented. Nevertheless, the deliberations and the general resolutions were intrusted to a committee composed of the five great powers, and three secondary powers —Spain, Portugal and Sweden. As to the form of the contract, the final act of the congress was a general and common act signed by all the powers, and consequently imposing reciprocal obligations on all of them in regard to all of the others, a great difference as compared with the form of distinct, though analogous or identical treaties signed separately by the different powers, as was done at the peace of Westphalia and Utrecht.—Lastly, as to the extent and nature of its provisions, the final act embraces all Europe: the systems of Westphalia and Utrecht were destroyed. It created a new territorial system, not only for some states, but for all. It is the greatest collection of arrangements relative to the regulation of limits, of boundaries and territories, which has ever been made by treaty. Independently of territorial questions, the final act of the congress of Vienna regulates, for certain countries, questions of organization or internal constitution, the most notable example of which is that of the *Germanic confederation;* and under the title of *general provisions*, it brought into conventional public law certain general principles, regulating the free navigation of rivers, the abolition of the slave trade, and even a regulation concerning the rank of diplomatic agents, a delicate question, which more than once had caused serious difficulties.—But if the treaties of 1814 and 1815 can be justly considered as closing, in these external conflicts, the period of the French revolution, of which they are in this regard the conclusion, they have still left in existence important causes of dissolution in the work of international arrangement which they endeavored to accomplish. More occupied with the equilibrium of material forces and the restoration of dynasties than with the sovereignty of nations, the plenipotentiaries of the congress of Vienna measured the territory of countries and numbered their inhabitants without taking into sufficient account the affinities or the natural repulsions of their peoples; they regulated, even with a view to pacification, internal questions which pertain exclusively to the sovereignty of each people. The triple partition of Poland executed in violation of, and in the name of the principles of the balance of power, though attacked in the congress, was none the less sanctioned in the final distribution of European territory, an injustice which was further increased by the union of the Polish provinces as an integral part of the Russian empire in 1832, and by the absorption of Cracow into the Austrian empire in 1846.—The effects of these vices of organization were not slow in making themselves felt, and modern diplomacy, approaching nearer to the sound ideas of international law, had to admit several consequences issuing from these manifestations and accustom itself to accord a larger place to the principle of national sovereignty. Thus, the Bourbons no longer reign in France; events that have taken place in Italy from 1859 to 1870 have removed other families restored in 1815, and overturned the temporal power of the pope; Belgium has separated from Holland; Austria has lost her Italian provinces; and Savoy has been reunited to France; the Swiss cantons have increased their cohesion, by giving more power to the central government; Germany has established its unity and has appropriated to itself, by conquest, Alsace and a part of Lorraine. Other changes destined to react on Europe, are developing in the east, which was not comprised, it is true, in the arrangements of 1815. France possesses Algeria; Greece is freed from Turkey; Egypt, but especially Roumania and Servia, have conquered an independent position.—Still it is not less exact to say that the treaties of Westphalia and Utrecht and the congress of Vienna determine the present territorial condition of Europe. Since the peace of 1648 politics has placed more and more under the protection of the principles of balance of power, its negotiations relative to disputes, the losses and acquisitions of territory; and when, to-day, questions of the same order are raised, they are based on these great international acts; for it is in their stipulations, completed by less important treaties attached to them, that we must look for the principal titles to property or possession of the different powers.—We have just seen how the theory of balance of power was established *de facto* in the positive law of nations. What is to be thought of these principles, if they are separated from the motive of political interest, and judged exclusively from the point of view of the just and the unjust?—In spite of the hesitation and differences on this subject, it may be said that up to the treaties of 1815, juridical writers generally appeared little inclined to erect the theory of balance of power into a law. Grotius, in his treatise on "The Rights of War and Peace," written before the peace of Westphalia, refutes the opinion of those who pretend that, according to the law of nations, it is permitted to take up arms to weaken a prince or a state whose power is increasing day by day, lest if it were allowed to increase too much, it would enable such a state to injure others if an opportunity offered. He admits, however, that this consideration may enter as a determining motive in the resolution to make war, provided there be a just cause for taking up arms. Pufendorf, in his work on "The Law of Nature and of Nations," published before the treaties of Utrecht, also thinks that the fear caused by the aggrandizement of a neighboring state is not a legitimate reason for war, unless there is a moral certainty of evil designs formed against some other power. *Le supplément à l' examen de conscience sur les devoirs de*

la royuaté, written by Fénelon for the duke of Bourgoyne, contains a chapter still more explicit, concerning the condition of the balance of power, but whose chief purpose is to illustrate the danger of a universal monarchy. Bynkershoek, in his *Quæstionum juris publici, libri duo*, which he published in 1747, opposes, energetically, the system by which princes divide among themselves the kingdoms and wealth of other sovereigns, basing themselves on reasons of state, which he defines with the poet, *monstrum, horrendum, informe, ingens, cui lumen ademptum*. Vattel, who wrote eleven years later (1758), after having examined the question from the same point of view as his predecessors, Grotius and Pufendorf, solves it in the same sense, and devotes several paragraphs to what he calls "this famous idea of political balance, or the balance of power" He condemns the arrangements which would consist in producing this balance by an almost even distribution of force, it being impossible to effect such a distribution without injustice and violence; but, in his opinion, it is proper to have recourse, according to circumstances, to confederations, amicable interventions, or defensive alliances.— After the treaties of 1814 and 1815, the system of equilibrium having attained the greatest extension it ever had as a practical theory and a conventional right, no publicist of any note could write, after that period, about the whole of international law, without devoting special attention to this system. The most common tendency was to treat the question as one of positive law, and in this regard it is necessary to recognize certain obligatory consequences which the regular clauses of a treaty may produce between the contracting parties. But from the point of view of pure science, most modern writers have maintained the former traditions and refused to see the character of a rational and general right in the political principles of the balance of power. Martens lays down as a principle the right of each state to increase its territory by legitimate means. Nevertheless, he admits that other states have the natural right to watch over the maintenance of an equilibrium among themselves, and to oppose, even by arms, either aggrandizement, or a weakening of power incompatible with this equilibrium. Pinheiro Ferreira, in annotating this passage, attributes the differences of opinion on the question of the balance of power to the circumstance that each writer had in view a different means of aggrandizement. This publicist does not see in the facts which give place to these extensions a question of the balance of power, but a question of justice or of injustice in the means of aggrandizement, a question of the independence and sovereignty of each state.— Schmalz, while declaring himself a partisan of the system of equilibrium, by no means rests on legal reasons.—Klüber considers the system of equilibrium as not founded on the law of nations, unless it is established by public convention, and he wished that this equivocal word should be banished from the language as well of politics as of international law.—Wheaton sees no limit to the right of a state to aggrandize itself by all innocent and legitimate means, except that of the corresponding and equal right of other states, which flows from the right of self-preservation. When the aggrandizement must cause direct injury to the rights of other states, the limit is certain and precise; but if it is merely a question of fear as to eventual danger, it is a question of equilibrium and intervention which Wheaton considers as belonging rather to political science than to public law. Nevertheless, he inclines to the belief that grave and serious fears may, in rare cases, give birth to this right, while he rejects, in the case of America, the theories of European powers in this matter.— According to Heffter, political equilibrium means that a single nation can not depart from the principles of justice in international law, without exposing itself to the opposition, not only of the threatened states, but also of all the states which form a part of the same political system. From this results a sort of moral equilibrium, engendering a great security in the observance of rules of justice among nations; but a material equilibrium of the relative forces of different nations among themselves, is an impossibility.—These doubts as to the right of maintaining equilibrium, the differences of opinion on this question among statesmen and publicists also, exist because the question is a pre-eminently complex one. It is connected, on one side, with the material necessities of the organization of nations, and on the other, it involves the questions of the just and unjust.—The first essential condition of the existence of nations or states, such at least as they have been conceived up to the present, is the right of external sovereignty or independence, that is to say, the right by virtue of which a state, existing of itself, recognizes no power on earth superior to itself The exercise of the right of independence of each power can not, therefore, be maintained except by the voluntary carrying out, on its part, of the precepts of justice But if, in a conflict between two states, they do not put the same estimate on abstract principles, or if they do not fear to sacrifice justice to their interests or their passions, assuming before God all the responsibility of their acts, they are not subject to any other law in the world than that of force, to no other judgment than that resulting from the fate of arms. Such is the inflexible consequence which logic draws from the principle of the independence of states: the abstract sentiment of rational legal right is certainly very much shocked at this, but, to avoid the endless calamities of war, in the absence of any other solution, it must needs be considered as positive law, as a mere procedure, and the result it brings must be given the authority of a judicial settlement.— Another consequence of the right of independence is the obligation of each state to respect the internal sovereignty of other nations, and, consequently, to admit their internal constitution without dispute. Whatever may be the vices of organ-

ization of the public powers in the state, and even if, either by reason of a backward civilization, or for any other cause, these public powers are not really the sincere expression of the internal sovereignty of the state, they must, nevertheless, externally, so long as they are the constituted powers, be considered as representing legitimately the state in its relations with other nations. The sentiment of rational legal right may be wounded by this, but, unless a nation isolates itself from other nations or pretends to exercise over them the right of sovereignty, it is absolutely necessary, in the relations it maintains with these nations, to take them as they are, with their different modes of government. This *de facto* recognition of established governments, (all questions of privilege being reserved), is one of the proper characteristics, and one of the first obligations of diplomacy. It results from this, that owing to the constitutional vices of states, at different times, and also by virtue of the international principle of the independence of these states, positive law has been obliged to admit, as sufficiently justified externally, means of aggrandizement little conformable to rational legal right, such as successions, reversions, testaments, marriages, sales, personal cessions, unions imposed by conventional arrangements, accessions obtained by fraud, etc., means which are summed up in this: violation of the internal sovereignty of the state by the public powers, which alone can be the expression of external sovereignty.—It is easy to conceive that in presence of the necessity of having recourse to war to decide questions of legal right, nations attach the greatest importance to maintaining a balance of forces among the different states, lest the strongest should not always be found the most just. It is this organization, intended to produce a balance of power among nations, with a view to guard the independence of each, that constitutes what is called political equilibrium, or the balance of power.—The interest of all nations that there should be a balance of power, once demonstrated, can a nation be justly restricted in its freedom of extension, in order to reach the realization of this balance? This is the question of right. Let us examine the different cases that may present themselves.—A state becomes more powerful by the development of its faculties and its internal resources, because it believes in enlightenment, in science, in industry and population. Can it be said that other states have the right to set a limit to this internal increase, and oppose, even by force in the name of a balance of power, the passing of this limit? Certainly not. It is for each people to follow this impulse, to profit by the example given, to endeavor to make like progress. The desire of equilibrium may be a cause here of emulation, but it can never be a legitimate cause of hindrance.—Do things change, if it is a question not of development of internal power, but of external growth? Let us suppose that this extension has taken place by means entirely legitimate; for example, by appropriation, by the colonization of a territory belonging to no one; by a free and regular cession of territory, the right of individuals and the sovereignty of each people having been respected; by a union of two nations, the consequence of their collective will: by what right do other states oppose it? It is possible that their interest, that their feelings of rivalry or jealousy may be offended; but these feelings no more in this than in the preceding case justify the right of opposition. It is for the people who fear lest these legitimate external advances made by other powers should place them in a condition of comparative inferiority of strength, to draw from their desire of equilibrium an impulsion to a similar progress, that will strengthen them in turn. The desire of equilibrium may be here also a cause of emulation, but can not degenerate into a right of hindrance.—If, on the contrary, we deal with the question of external aggrandizement effected by means contrary to the idea of justice, as well as the usage of international law, no doubt that all states have the right to oppose such aggrandizements by force, the moment they judge it proper or useful for them to do so, because they have an undeniable right to take part against a violation of law.—The consideration of equilibrium may furnish them with a determining motive for opposition, while reasons of justice may justify this opposition; the one constitutes the interest, the other legitimacy. Both, instead of being in antagonism, here work to the same end: the repression of international injustice.—Thus, if the extension results from legitimate means, the reason of the law will not permit opposition even in the interests of equilibrium; and if the aggrandizement is produced by unjust means, the right of setting up an obstacle to it exists in an absolute manner, the maintenance of equilibrium not being in this case the foundation of the right, but simply a plausible reason for its exercise.—Still a third more delicate hypothesis may be conceived. Let us suppose an aggrandizement resulting from one of those means, which, admitted by the necessities of positive right, are still not conformable to the rational idea of legal right; for instance, if it is a question of war or conquest. The motive of the war may be legitimate or illegitimate. No state and no nation, if it wishes to remain neutral, has the right to judge whether the demands of the belligerent states are well or ill founded, for this would be to arrogate a right of sovereignty over them. And yet does it follow that these states, because they have remained neutral, are obliged to respect the results of the war, whatever may be the consequences which it brings? We do not think so. War is only an imperfect means of settling disputes, a means contrary to rational justice, accepted as positive justice merely in default of another mode of solution. We are then outside of real law, and the opposition of nations, whose interest in equilibrium is injured by aggrandizements of this kind, may offer obstacles to its disturbance. We can not

say that these aggrandizements are just, according to rational law, and we can not say that they are unjust according to positive law, but this law does not admit them, except in so far as considerations of equilibrium justify them. It would be the same if it were a question of extension in consequence of inheritance, marriages, sales, personal cessions or other means of reunion, in consequence of which the internal sovereignty of nations would have been disregarded. These modes of addition being illegitimate from the point of view of rational law, the nations which would have to fear the consequences of them have the right to oppose them. And although according to time and place they might be received as positive law, this last law in accepting them nevertheless imposes a limit to them: that of political equilibrium. We shall consider then, in these different cases, the law of equilibrium as constituting customary international law, justified by the imperfect condition of public institutions, and intended to limit the modes of aggrandizement or the development of external power which usage admits, although they are not conformable to the abstract truths of rational law. Positive international law, sanctioning the defective means of aggrandizement or of development, sanctions the corrective also.—To sum up, from the political point of view, the realization of a balance between the powers is a chief interest in presence of the principle of the independence of nations; from the point of view of justice, we can not find in this *motive* of utility, the right of maintaining the balance of power by opposing the legitimate, internal or external, progress of other nations. A balance of power may be justly produced: 1, by all the pacific means resulting from internal or external progress; 2, by all the means of constraint employed against the aggrandizement of other nations accomplished by ways contrary to justice and international law; 3, finally, by all means of constraint even against aggrandizements admitted in other cases, by the positive law of nations, if, from the point of view of rational right, they are really unjust.—It remains for us to say something of the binding force of a formal and general convention, concurred in by the states which form one same system, and establishing between these states a certain arrangement intended to produce equilibrium. Certainly the agreement of powers discussing and treating together amicably to solve difficulties that have arisen between them, and decide, in concert, on a territorial arrangement placed under the common guarantee, is an eminently good and useful thing; most certainly, respect for plighted faith, a fulfillment of contracts regularly made, are among the strictest moral necessities in international relations. But we must not forget that between states, as well as individuals, agreements can not accomplish everything. Without entering here into a complete examination of the validity of an international stipulation, we may remark that one of the consequences of the principle of the inalienable sovereignty of nations, externally as well as internally, is that every engagement attacking the right of sovereignty is radically null and void. It results from this that the convention entered into between a certain number of powers concerning a territorial distribution and a political equilibrium to be established under their common guarantee, can raise no obstacle in rational law, to increase, or additions, to the federative associations, to the union or division of territory or population, to changes of internal government, which may take place later, by the legitimate exercise of the right of national sovereignty, whatever modifications these events may cause in the primitive state of distribution. It is in this way that a certain number of deviations from the arrangements of 1814 and 1815 had to be recognized by the European powers, as we have noted above.—Those great arrangements, concluded ordinarily at the close of general wars, constitute a compromise of existing difficulties; they determine, relatively to all previous cases comprised in the transaction, the actual rights of parties, which are to form a point of departure and are to be respected as such; they embody in the written law the natural right of opposition to illegitimate extension, and put it under the sanction of the respect due to an international engagement; but they can not control future events, prevent the arising of new causes and bind the future to the *statu quo* which they have created. The contracting powers which have guaranteed a constitution, a federated system, a certain condition of property and territorial possessions, are authorized by that fact alone, by the law of nations, to defend the state of things which they have guaranteed, against every attack coming from outside, from third powers; but they can not transform external defense into internal oppression, nor draw from conventions any right to commit violence or hamper the sovereignty of any power in affairs which depend upon the free exercise of this sovereignty.—The principle of the balance of material forces between states necessitated by the circumstance that international conflicts are finally determined by or under the influence of these forces, is a principle useful for maintaining the independence of nations. And it is useful also as a political principle, if it signifies that no state should aspire to dominate others; that all should be moderate in their desire for increase; that they should not make bad use of their good fortune and their victories in war; that the spirit of conciliation, conventional arrangement and peace in common shall be diffused among them. But it may be easily perverted if, by deviating from the limits of right, it serves as a pretext and an instrument of every kind of jealousy and political greed; if it is directed to invasion in common, to partition of foreign territory, agreed upon between several; to the subjection of the weak; to the league of the strong; to opposition to the legitimate acts

of the various national sovereignties; and to repression of the essential rights which belong to each nation. EUGÈNE ORTOLAN.

BALANCE OF TRADE, in commerce, the term commonly used to express the difference between the value of the exports from, and imports into a country; the balance used to be said to be favorable when the value of the exports exceeded that of the imports, and unfavorable when the value of the imports exceeded that of the exports. And in many countries this was long believed to be the case, and to a late period they were annually congratulated by their finance ministers on the excess of exports over the imports.—The attainment of a favorable balance was formerly regarded as an object of the greatest importance. The precious metals, in consequence of their being used as money, were long considered as the only real wealth that could be possessed either by individuals or nations. And as countries without mines could not obtain supplies of these metals except in exchange for exported products, it was concluded, that if the value of the commodities exported exceeded that of those imported, the balance would have to be paid by the importation of an equivalent amount of the precious metals; and conversely. A very large proportion of the restraints imposed on the freedom of commerce during the last three centuries grew out of this notion. The importance of having a favorable balance being universally admitted, every effort was made to attain it; and nothing seemed so effectual for this purpose as the devising of schemes to facilitate exportation, and to hinder the importation of almost all products, except gold and silver, that were not intended for future exportation. But the gradual though slow growth of sounder opinions with respect to the nature and functions of money, showed the futility of a system of policy having such objects in view. It is now conceded on all hands that gold and silver are nothing but commodities; and that it is in no respect necessary to interfere either to encourage their importation or to prevent their exportation. In Great Britain they may be freely exported and imported, whether in the shape of coin or in that of bullion. The truth is, however, that the theory of the balance of trade was not erroneous merely from the false notions which its advocates entertained with respect to money, but proceeded on radically mistaken views as to the nature of commerce. The mode in which the balance was usually estimated was, indeed, completely fallacious. But had it been correctly ascertained, it would have been found, in opposition to the common opinion, that the imports into commercial countries must, speaking generally, exceed the exports; and that a balance, whether on the one side or the other, is but rarely cancelled by a bullion payment.—I. The proper business of the wholesale merchant consists in carrying the various products of the different countries of the world from the places where their value is least to those where it is greatest, or, which is the same thing, in distributing them according to the effective demand. It is clear, however, that there could be no motive to export any species of produce, unless that which it was intended to import in its stead were of greater value. When an English merchant commissions a quantity of Polish wheat, he calculates on its selling for so much more than its price in Poland, as will be sufficient to pay the expense of freight, insurance, etc, and to yield, besides, the common and ordinary rate of profit on the capital employed. If the wheat did not sell for this much, its importation would obviously be a loss to the importer. It is plain, then, that no merchant ever did or ever will export, but in the view of importing something more valuable in return. And so far from an excess of exports over imports being any criterion of an advantageous commerce, it is directly the reverse; and the truth is, notwithstanding all that has been said and written to the contrary, that unless the value of the imports exceeded that of the exports, foreign trade could not be carried on. Were this not the case—that is, were the value of the exports always greater than the value of the imports—merchants would lose on every transaction with foreigners, and the trade with them would be speedily abandoned.—In England the rates at which all articles of export and import are officially valued were fixed so far back as 1696. But the very great alteration that has since taken place, not only in the value of money, but also in the cost of by far the greater number of the commodities of that and other countries, long ago rendered the official valuation of no use whatever, either as a means of learning the values or the quantities of the exports or imports. In so far, however, as respects the former, this defect was unintentionally remedied in 1798, when the "convoy duty," being an ad valorem tax laid on the exports, furnished the means of ascertaining their amount. And the importance of the information so obtained was such, that, whether articles of export have or have not been charged with duties, exporters have since been made to declare, in every case, the *real* value of the articles which they export.—It has been alleged, and apparently with some probability, that merchants have not unfrequently been in the habit of exaggerating the value of articles entitled to drawbacks on exportation. But the extension and improvement of the warehousing system, and the diminution of the number of drawbacks, have materially lessened whatever fraud or inaccuracy may have arisen from this source. So long, indeed, as the greater number of articles were charged with an ad valorem duty of 10s. per cent. on exportation, it may be presumed that their value was rather under than overrated. But since the repeal of that duty (5 and 6 Vict. c. 47, s. 40), their declared value is believed to come very near the truth; at least, sufficiently so for all practical purposes.—But until very recently no authentic information was obtained in regard to the value of the imports

In 1848, however, the board of customs having approved a plan suggested by Mr. Messenger, inspector general of imports and exports, for ascertaining the value of the former, it was submitted by them to the treasury. And its advantages having been fully appreciated by Mr. James Wilson, M. P., then secretary to their lordships, it was carried into effect in 1854. It is needless to enter into any minute details with respect to the mode of computing the values of the imports. It is sufficient to state that it is effected by ascertaining the current prices of imported articles from price-currents, mercantile circulars, etc., and from these deducing the aggregate value of each. It would be idle to suppose that results derived from a process of this sort should be altogether exact; but the errors it involves are of no great moment, and for statistical purposes it may be reckoned quite correct and most valuable.—We venture to say that, though we have no means of comparing the real values of the imports with those of the exports, we have no doubt that the former very considerably exceed the latter. It can hardly, indeed, be otherwise. The value of an exported commodity is estimated at the moment of its being sent abroad, and *before* its cost is increased by the expense of transporting it to the place of its destination; whereas the value of the commodity imported in its stead is estimated *after* it has arrived at its destination, and, consequently, after its cost has been enhanced by the expense of freight, insurance, importers' profits, etc.

	1863	1864.	1865.	1866.
Value of imports.	£. 248,919,020	£. 274,952,172	£. 271,072,285	£. 295,204,553
Value of exports.	196,902,409	212,619,614	218,831,576	238,805,909
Excess of imports.	52,016,611	62,332,558	52,240,709	56,398,653

—To measure, therefore, the advantage of commerce by the excess of the exports over the imports is a proceeding false alike in fact and principle. The value of the imports, in all but anomalous and extremely rare instances, invariably exceeds that of the exports. And it is plain that this excess, whatever it may be, forms the only fund whence the expenses and profits of the merchants can be derived. The larger, consequently, it becomes, the more will it be for their advantage. —In the United States the value of the imports, as ascertained by the custom-house returns, has usually exceeded the value of the exports. And, although the English politicians were in the habit of considering the excess of the former as a certain proof of a disadvantageous commerce, "it is nevertheless true," says Mr. Pitkin, "that the real gain of the United States has *been nearly in proportion as their imports have exceeded their exports.*" (*Commerce of the United States*, 2nd edit. p. 280.) The excess of American imports has in part been occasioned by the Americans generally exporting their own surplus produce, and, consequently, receiving from foreigners not only an equivalent for their exports, but also for the cost of conveying them to the foreign market. "In 1811," says the author just quoted, "flour sold in America for *nine dollars and a half* per barrel, and in Spain for *fifteen dollars*. The value of the cargo of a vessel carrying 5,000 barrels of flour would, therefore, be estimated at the period of its exportation at $47,500; but as this flour would sell, when carried to Spain, for $75,000, the American merchant would be entitled to draw on his agent in Spain for $27,500 more than the flour cost in America; or than the sum for which he could have drawn had the flour been exported in a vessel belonging to a Spanish merchant. But the transaction would not end here. The $75,000 would be vested in some species of Spanish or other European goods fit for the American market; and the freight, insurance, etc., on account of the return cargo, would probably increase its value to $100,000; so that, in all, the American merchant might have imported goods worth $52,500 more than the flour originally sent to Spain." It is as impossible to deny that such a transaction as this is advantageous, as it is to deny that its advantage consists entirely in the excess of the value of the goods imported over the value of those exported. And it is equally clear that America might have had the real balance of payments in her favor, though such transactions as the above had been multiplied to any conceivable extent.—II. In the second place, when a balance is due from one country to another, it is but seldom that it is paid by remitting bullion from the debtor to the creditor country. If the sum due by the British merchants to those of Holland be greater than the sum due by the latter to them, the balance of payments will be against Britain; but this balance will not, and indeed can not, be discharged by an exportation of bullion, *unless bullion be, at the time, the cheapest exportable commodity;* or, which is the same thing, *unless it may be more advantageously exported than anything else.* To illustrate this principle, let us suppose that the balance of debt, or the excess of the value of the bills drawn by the merchants of Amsterdam on London, over those drawn by the merchants of London on Amsterdam, amounts to £100,000: it is the business of the London merchants to find out the means of discharging this debt with the least expense; and it is plain, that if they find that any less sum, as £96,000, £97,000, or £99,900 will purchase and send to Holland as much cloth, cotton, hardware, colonial produce, or any other commodity, as will sell in Amsterdam for £100,000, no gold or silver will be exported. The laws which regulate the trade in bullion are not in any degree different from those which regulate the trade in other commodities. It is exported only when its exportation is advantageous, or when it is more valuable abroad than at home. It would, in fact, be quite as reasonable to expect that water should flow from a low to a high level, as it is to expect that bullion should

leave a country where its value is great, to go to one where it is low! It is never sent abroad to destroy, but always to find its level. The balance of payments might be 10 or 100,000,000, against a particular country, without causing the exportation of a single ounce of bullion. Common sense tells us that no merchant will remit £100 worth of bullion to discharge a debt in a foreign country, if it be possible to invest any smaller sum in any species of merchandise which would sell abroad for £100 exclusive of expenses. The merchant who deals in the precious metals is as much under the influence of *self interest* as he who deals in coffee or indigo; and what merchant would attempt to extinguish a debt by exporting coffee which cost £100, if he could effect his object by sending abroad indigo which cost only £99?—The argument about the balance of payments is one of those that contradict and confute themselves. Had the apparent excess of exports over imports, as indicated by the British custom-house books for the hundred years down to 1853, been always paid in bullion, as the supporters of the old theory contend is the case, there should at this moment be some 500,000,000 or 600,000,000 of bullion in the country, instead of 80,000,000 or 100,000,000, which it is supposed at most to amount to! Nor is this all. If the theory of the balance were good for anything—if it had not been a mere idle delusion—it follows, as every country in the world has had its favorable balance, that they must have been paid by an annual importation of bullion from the mines corresponding to their aggregate amount. But it is certain that the entire produce of the mines, great as it is, though it were increased in a *fivefold* proportion, would be insufficient for this purpose! This *reductio ad absurdum* is decisive of the degree of credit that should be attached to conclusions respecting the flourishing state of the commerce of any country drawn from the excess of the exports over the imports!—Not only, therefore, is the theory with respect to the balance of trade erroneous, but the very reverse of that theory is true. In the *first* place, the value of the commodities imported by every country which carries on an advantageous commerce (and no other will be prosecuted for any considerable period) invariably exceeds the value of those which she exports. Unless such were the case, there would plainly be no fund whence the merchants and others engaged in foreign trade could derive either a profit on their capital, or a return for their outlay and trouble; and in the *second* place, whether the balance of debt be for or against a country, that balance will neither be paid nor received in bullion, unless it be at the time the commodity by the exportation or importation of which the account may be most profitably settled. Whatever the partisans of the doctrine as to the balance may say about money being a preferable product, or *merchandise par excellence*, it is certain it will never appear in the list of exports and imports while there is anything else with which to carry on trade, or cancel debts, that will yield a larger profit, or occasion a less expense to the debtors.—It is difficult to estimate the mischief which the absurd notions relative to the balance of trade have occasioned in almost every commercial country. It is principally to the prevalence of prejudices to which they have given rise, that the restrictions on the trade between Great Britain and France are to be ascribed. The great or rather the only argument insisted upon by those who prevailed on the legislature, in the reign of William and Mary, to declare the trade with France a *nuisance*, was founded on the statement that the value of the imports from that kingdom considerably exceeded the value of the commodities exported to it. The balance was regarded as a *tribute* paid by England to France, and it was sagaciously asked, what had England done, that she should be obliged to pay so much money to her natural enemy? It never occurred to those who so loudly abused the French trade, that no merchant would import any commodity from France, unless it brought a higher price in England than the commodity exported to pay it; and that the profit of the merchant, or the national gain, would be in exact proportion to this excess of price. The very reason assigned by these persons for prohibiting the trade affords the best attainable proof of its having been a lucrative one; nor can there be any doubt that an unrestricted freedom of intercourse between the two countries would be of the greatest service to both.

J. R. M'Culloch and Hugh G. Reid.

BALLOT, from the Greek *βάλλειν*, to cast or throw, a method of voting designed to secure secrecy, as distinguished from the open or *viva voce* vote. The ballot is as old as the fifth century, B.C., when it was used in Athens, and we know not how much older. The Greek *dicasts*, or judges, voted by ballot in giving their verdicts, using either sea-shells, or beans, or balls of metal, or stone, colored black for condemnation, or white for acquittal. In the Athenian assemblies, the common voting was by show of hands, but in all cases of privilege the voting was secret, and this was practiced even in the senate in cases of ostracism.—In Rome the people in their assemblies (*comitia*) voted at first by open response, but the custom of voting at elections by tablets, with the names of the candidates written on them, came into vogue B.C. 139, by the *lex Gabinia tabellaria*. The votes were thrown into a chest, watched by *rogatores* or inspectors, who collected the tablets and gave them to the *diribitores*, who classified and counted the votes, and then handed them over to the *custodes*, who finally checked them off by points marked on a tablet. In the *comitia tributa*, when the people voted upon laws after discussion, the assembly was called by a *plebiscitum*, and the vote taken by tribes. In elections, if two candidates had the same number of ballots, the decision was made between them by drawing lots.—In Great Britain, which has the honor of originating trial by jury, voting by ballot never

became established at elections until 1872. It was suggested in political tracts two centuries before, and secret voting was actually employed in the parliament of Scotland in cases of ostracism. In corporate bodies, both private and municipal, election by ballot has long prevailed. In deliberative and legislative bodies, the reason for the ballot is not apparent, as it is in popular elections. The voting should be open in parliamentary bodies, to enforce responsibility, and bring the acts of their representatives before each constituency in the clearest manner. In popular elections, on the other hand, where the voter represents no delegated powers but is supposed to vote his own will, the secret ballot is a guarantee of personal independence.—The first prominent agitation of the ballot in England came about in the struggle for parliamentary reform, the purification of elections, and the extension of the suffrage, in the first quarter of the present century. O'Connell brought in a bill for secret voting in 1830, and the first draft of Lord John Russell's reform bill provided for the ballot, though it was left out later. This method of voting was supported in parliament by the historians Grote and Macaulay, and made steady progress, in spite of the ridicule of Sydney Smith and other literary wits, likening the ballot-box to a mouse-trap for catching the votes of Englishmen. Finally, a select committee, with Lord Hartington as chairman, reported in 1870 that corruption, treating and intimidation by priests and landlords, prevailed at elections in England and Ireland, and that voting by ballot would tend to promote peaceful and fair elections, and protect voters from undue influence, provided secrecy were made inviolable by the methods adopted. The ballot was introduced first at Manchester in 1869 as a test, and the voting was found more expeditious than the old *viva voce* system. In 1872 Mr. Foster's ballot act (35 and 36 Vict. c. 33) made the ballot compulsory in all parliamentary and municipal elections, except for the universities. This act requires the names of all the candidates to be printed on white paper, and the voter must fill up with a cross, X, the blank on the right hand opposite the name he votes for. The register of voters shows when an elector has received a ballot from one of the officers of election, and each ballot is marked with a number, corresponding to the counterfoil of the paper, which remains with the officer. This counterfoil is also marked with the voter's number on the register, so that the vote may be identified, if the poll should be scrutinized or challenged. The voter folds the ballot so as to conceal his mark, but to show the stamp to the officer, and it is dropped in a box which is locked and sealed. The elections are held at schoolrooms or other public places, and a separate compartment must be provided for every 150 electors. A returning officer counts the ballots, and transmits them, sealed, to the clerk of the crown in chancery; who destroys them at the end of one year. There have been two general parliamentary elections under the ballot act of 1872, and though it has not put an end to bribery or intimidation, they have been diminished, and the steady effect of the secret ballot is observed to be gradually to get rid of undue influence, and the more disreputable methods of canvassing that prevailed under the *viva voce* system. In Australia, and other British colonies, the ballot generally prevails.—In France, the secret vote used to be employed in deliberative voting in the chamber of deputies, but its use is now confined to elections by the people. The voting is superintended by a returning officer, four supervisors without salary, and a secretary. Every voter must present a card previously obtained at the registry office, to secure his identity. This the returning officer punches, and the vote is recorded by a "bulletin" printed with a candidate's name. The number of votes given is compared with the register, and ballots are rejected which are illegible, blank, containing the name of the voter, or erroneously filled up.—In Germany the secret ballot is in use in all elections for the *reichstag;* registered voters only can vote, and ballots must be on white paper, and folded by the elector, and dropped into a closed box.—In Italy candidates for the chamber of deputies are elected by ballot in public halls, to which only registered or qualified voters are admitted. A stamped piece of blank paper (the official is blue) is issued, on which the voter writes the name of his candidate and hands the folded paper to the presiding officer, who puts it in the box. The same officer oversees the public counting of the votes. It is stated that the ballot has greatly diminished the influence of the clerical power in Italian politics, and canvassing and bribery seldom occur.—Spain, Belgium, Switzerland and Austria have the ballot, and in Hungary it is compulsory in the election of municipal councils, while it was abolished in parliamentary elections in 1874.—In the United States, voting by ballot dates from early colonial times, and was made obligatory by the constitutions of New Jersey, Pennsylvania, North Carolina and other states, adopted in 1776. In New York *viva voce* voting prevailed until 1778, when provision was made for electing a governor and lieutenant governor by ballot, and in 1787 this was extended to the legislature.—The system of open voting which long prevailed in some of the southern states, has given place to the ballot throughout the Union, with the single exception of the state of Kentucky. In this state the constitution provides that the people shall vote *viva voce*, though this is controlled as regards congressional elections by the act of congress (Revised Statutes, section 27), which requires all votes for representatives in congress to be by written or printed ballot.—The constitutions of all the states provide that all elections shall be by ballot, with the above exception. In Alabama, Florida, Indiana, Kansas, Kentucky, Louisiana, Nevada, North Carolina, Pennsylvania, Tennes-

see and Texas, there is a constitutional provision requiring the legislature to vote *viva voce*. In other states it is left to the legislature to regulate its own method of suffrage. Arkansas and Colorado have a constitutional requirement that at every election the ballots shall be numbered in the order in which they are received, and the number recorded by the election officers, on the list of voters opposite the name of the voter who presents the ballot. The election officers are to be sworn not to inquire or disclose how any elector shall have voted. Similar safeguards against "repeating," or fraudulent voting, are provided by law in many states where there is no constitutional provision on the subject. Too many of the states, however, are without efficient registration laws, and a neglect to provide proper legal safeguards for free and honest suffrage is one of the most serious evils which threaten the safety and permanence of republican institutions. All kinds of frauds and deceptions are practiced or attempted with the ballot, such as: 1, counterfeiting the real ballot, and substituting some insidious change of name of an important candidate; 2, heading printed ballots with the name and device of one party, and printing under it the names of the candidates of the opposite party; 3, "stuffing" the ballot box, or voting two or more ballot papers folded so as to appear as one; 4, using "tissue ballots," or votes printed on thin tissue paper so as to conceal a large number of surplus or fraudulent votes, smuggled into the boxes without detection; 5, "repeating," or voting by the same man at several different polls; 6, "personation," or another kind of double voting, by the same man using a different name, at the same poll.—As a safeguard against some of these practices, many ingenious methods have been proposed and experimented upon. A mechanical ballot box, with automatic devices preventing any voter from casting more than one ballot, or at least preventing the count of more than one to each voter, has been invented. This box gives an alarm as each vote is received, secures strict secrecy to the voter, counts and files each ballot on a wire in the box, beyond the reach of any hand, and shows the aggregate vote, with which the official vote must agree. It is claimed to be equally efficient against false counting, tabulating, or returning, as against fraudulent voting.—Ballot boxes have been used of many different materials, from the primitive hat or cigar box, to the voting urn, glass ballot box, and the elaborate mechanical repositories of votes above referred to. Frauds upon the ballot box should be ranked among the worst of crimes against republican government. The secrecy and the sacredness of the ballot should be maintained at whatever cost. The more free the people, the more carefully will the secret ballot be guarded, as the best guarantee of personal independence.

A. R. SPOFFORD.

BANK CONTROVERSIES (IN U. S. HISTORY). The constitution (article 1, section 8) enumerates among the powers of congress: "1. To lay and collect taxes, duties, excises and imposts, to pay the debts and provide for the common defense and general welfare of the United States; * * * * * * * * *.—18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof."—From these two paragraphs broad constructionists have inferred the power of congress to charter a national bank, or any other corporation of national extent, which strict constructionists have denied.—I. 1781–91. Under the confederation, Robert Morris, superintendent of finance, had drawn up the plan of the first national bank, which was chartered by congress, Dec. 31, 1781, for ten years, under the name of *The Bank of North America*, with a capital of $400,000, afterward increased to $2,000,000. The general doubt of the power of congress to create a corporation cast a cloud upon the bank's title to existence, and it was chartered by the state of Pennsylvania in 1783. In 1785 a change of parties in the state legislature brought about a repeal of the charter, and in 1787, after another party change, the charter was renewed.—II. 1791–1811. In January, 1791, a bill to incorporate *The Bank of the United States* passed the senate without division, and the house, Feb. 8, by a vote of 39 to 20. Its capital was to be $10,000,000, of which $2,000,000 was to be subscribed by the United States; its charter was to continue for twenty years; its bills were made receivable in all payments to the United States; and it had the power to establish branch banks, the headquarters remaining at Philadelphia. Immediately upon the passage of the bill a strong pressure was brought to bear upon president Washington to induce him to veto it, and he therefore called for the written opinions of his cabinet upon the constitutionality of the proposed bank. The opinions submitted by Jefferson and Hamilton are most interesting, as they map out with great exactness the opposite views of the federal government's powers which were to control party conflict for the succeeding three-quarters of a century.—Jefferson's opinion, which was first given, begins with the following text: "I consider the foundation of the constitution as laid on this ground, that 'all powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states or to the people,' (XII amendment). To take a single step beyond the boundaries thus specially drawn around the powers of congress, is to take possession of a boundless field of power, no longer susceptible of any definition."—After showing that there was no power to establish a national bank under the special powers to lay taxes, to pay the debt of the United States, to borrow money, and to regulate commerce, he

proceeds to consider "the general phrases, which are the two following. 1. 'To lay taxes to provide for the general welfare of the United States;' that is to say, 'to lay taxes *for the purpose* of providing for the general welfare.' For the laying of taxes is the *power*, and the general welfare the *purpose* for which the power is to be exercised. Congress are not to lay taxes, *ad libitum, for any purpose they please;* but only *to pay the debts, or provide for the welfare of the Union.* In like manner, they are not *to do anything they please*, to provide for the general welfare, but only to *lay taxes* for that purpose. To consider the latter phrase, not as describing the purpose of the first, but as giving a distinct and independent power to do any act they please which might be for the good of the Union, would render all the preceding and subsequent enumerations of power completely useless. It would reduce the whole instrument to a single phrase; that of instituting a congress with power to do whatever would be for the good of the United States; and as they would be the sole judges of the good or evil, it would be also a power to do whatever evil they pleased. * * * * * * Certainly no such universal power was meant to be given them. It was intended to lace them up straitly within the enumerated powers, and those without which, as means, these powers could not be carried into effect. * * * * * * 2. The second general phrase is 'to make all laws *necessary* and proper for carrying into execution the enumerated powers.' But they can all be carried into execution without a bank. A bank, therefore, is not necessary, and, consequently, not authorized by this phrase. It has been much urged that a bank will give great facility or convenience in the collection of taxes. Suppose this were true: yet the constitution allows only the means which are 'necessary,' not those which are merely 'convenient' for effecting the enumerated powers. If such a latitude of construction be allowed to this phrase, as to give any non-enumerated power, it will go to every one; for there is no one which ingenuity may not torture into a *convenience in some way or other, to some one* of so long a list of enumerated powers. It would swallow up all the delegated powers, and reduce the whole to one phrase, as before observed." (Italics as in original.)—Jefferson's opinion that the paying of debts and providing for the general welfare is not a *power* but a *purpose*, is fully argued and accepted by Story as quoted below, and by the supreme court in the *Passenger Cases* (in 7 *Howard*, below); but a colon, which the original has not (see CONSTITUTION), is often, but unjustifiably, inserted between the power and the purpose, so as to give the latter the appearance of a separate power. The second part of his opinion has been ruled against by the supreme court in the case of *McCulloch* vs. *Maryland* (in 4 *Wheaton*, below). (See also CONGRESS, POWERS OF, II.)—Hamilton's opinion, though very much longer, may be clearly given in his own summary: "1. That the power of the government, as to the objects intrusted to its management, is, in its nature, sovereign. 2. That the right of erecting corporations is one inherent in, and inseparable from, the idea of sovereign power. 3. That the position that the government of the United States can exercise no power but such as is delegated to it by its constitution, does not militate against this principle. 4. That the word *necessary*, in the general clause, can have no *restrictive* operation, derogating from the force of this principle; indeed, that the degree in which a measure is or is not necessary can not be a *test* of *constitutional* right, but of expediency only. 5. That the power to erect corporations is not to be considered as an independent and substantive power, but as an incidental and auxiliary one; and was, therefore, more properly left to implication than expressly granted. 6. That the principle in question does not extend the power of the government beyond the prescribed limits, because it only affirms a power to incorporate for purposes *within the sphere of the specified powers.* And lastly, that the right to exercise such a power, in certain cases, is unequivocally granted in the most positive and comprehensive terms. To all which it only remains to be added that such a power has actually been exercised in two very eminent instances, namely, in the erection of two governments; one northwest of the river Ohio, and the other southwest; the last independent of any antecedent compact," (see ORDINANCE OF 1787, TERRITORIES).—It will be perceived that the essence of Hamilton's opinion, which is entirely lacking in Jefferson's, but which the courts have since very steadily accepted, is the *sovereignty* of the federal government within its specified bounds—the principle that, when a people have found it necessary to create a sovereignty even for specified purposes, a further and interior limitation upon the sovereignty within its own sphere must be express to be valid (see UNITED STATES).—Hamilton's opinion prevailed with the president, and the bill was signed and became law. The bank, thus chartered, went at once into active and successful operation. It had occasion to bring suits in federal and state courts, and was always recognized as a legally incorporated body. March 23, 1804, an act was passed without a division to allow it to establish branches in the territories, and, having been signed by Jefferson himself, now president, became law; and Feb. 24, 1807, an act to punish forgery of the bank's notes was similarly passed. The charter was to expire in 1811. In 1809 the bank applied for a recharter, and its application was warmly indorsed by Gallatin, secretary of the treasury. In 1810 a bill for a recharter was introduced, met with some opposition on the grounds laid down by Jefferson, and went over to the next session. In the next session the bank's application was renewed and finally defeated, Jan. 24, 1811. In the house the vote to postpone the bill indefinitely was 65 to

64; in the senate a motion to strike out the enacting clause of the bill was only carried by the casting vote of the vice-president, Clinton. The bank then, after an unsuccessful effort to obtain a charter from the state of Pennsylvania, wound up its affairs and went out of existence. The government had previously, in 1802, sold out its 2,200 shares of stock to the Barings, of London, at a premium of 57 per cent.—III. 1816–36. The war of 1812, which almost immediately followed the failure to recharter the bank, was principally supported by loans and the issue of treasury notes. Party spirit was enlisted against the loans, and the federalist newspapers in New England denounced them so warmly that government agents in that section of the country were compelled to advertise that the names of subscribers to the loans would be kept secret. This opposition, together with the downfall of the import trade, the consequent decrease in revenue, the constant drain of specie from the country in payment for smuggled goods, and the want of any convertible currency to take its place, not only increased the public debt from a total of $45,209,737.90 in 1812, to a total of $127,334,933.74 in 1816, but decreased the national credit so far that the treasury negotiated the last loans of the war at a discount of 40 per cent. In January, 1814, upon a petition from New York, a project for a new national bank was introduced in the house, but, as the dominant party still held it unconstitutional, it was dropped without action. In October, 1814, the plan was revived, backed this time by the recommendation of the secretary of the treasury, Dallas, and the influence of the administration. Dallas' plan obliged the bank to lend the government $30,000,000, but gave it power to suspend specie payments. It was met by another plan, introduced by Calhoun, of South Carolina, which neither obliged the bank to loan money to the government, nor allowed it to suspend. The federalists, by favoring Calhoun's plan, defeated Dallas', and then, by combining with the Dallas men, they defeated both plans. The senate, Dec. 9, 1814, then passed a bill for a bank on Dallas' plan, which was defeated in the house by the casting vote of the speaker. A compromise plan then passed both houses, Calhoun's two principles being retained, and was vetoed, Jan. 30, 1815, by the president. The veto message "waived the question of the bill's constitutionality," as having been already passed upon approvingly by the legislative, executive and judiciary, with the general concurrence of the people; but objected to the plan of this bill on the score of convenience, as not being calculated to aid the government or the people in their embarrassments. In February, 1815, after the arrival of the news of peace, the senate again passed a bank bill on Dallas' plan, which was lost in the house by a single vote. April 10, 1816, the act to establish *The Bank of the United States* became law. It followed Hamilton's plan closely. The charter was to run twenty years; the capital was to be $35,000,000, one-fifth in cash, the rest in United States 6 per cent. stocks; the government was to have the appointment of five of the twenty-five directors; and the bank was to have the custody of the public funds (see DEPOSITS, REMOVAL OF). The stock was at once subscribed; the principal office was opened at Philadelphia; and branches were soon established at Boston, New York, Baltimore, Portsmouth, Providence, Washington, Richmond, Charleston, Savannah, New Orleans, Cincinnati, and other cities.—Within three years, the mismanagement, speculations and frauds of the president and directors of the bank brought the institution to the verge of bankruptcy and helped to derange the whole business of the country. The efforts of a new president were successful in saving the bank, but only by a curtailment and recall of loans to other banks, which aided in bringing on the general stringency of 1818–21, and roused strong feeling against the bank. State legislatures began to arraign it as unconstitutionally chartered. The legislatures of Maryland and Ohio, in 1818, levied taxes upon the branch banks in their states, with the intention of forcing them to close; and, though the supreme court (see *McCulloch* vs. *Maryland*, in 4 *Wheaton*, below) decided in favor of the bank's constitutionality, and against a state's right to tax it, Ohio took the amount of her tax, $100,000, from the vaults of the branch bank at Chillicothe by force, in defiance of an injunction from the federal circuit court. The directors at once brought suit in the federal courts against the agents of the levy for trespass, and the state in 1820 withdrew the use of its jails for the custody of prisoners in such suits, at the same time reducing its tax to $10,000 a year, and refunding the over amount of $90,000. Returning prosperity changed the current of feeling, and Ohio withdrew from her position.—Until 1829 the bank of the United States seems to have had no connection whatever with national politics. In the presidential elections of 1824 and 1828 we find no allusions to it. It was simply a very successful business enterprise, now numbering twenty-five branches, under the general control of the directors of the parent bank and their president, Nicholas Biddle. In Jackson's letters of March, 1829, there are some traces of an under-current of dislike for the bank and its directors, as "minions of Clay." No symptoms appear, however, of any possibility of collision between the bank and the administration until June, 1829, when the Jackson managers of the state of New Hampshire, Isaac Hill and Levi Woodbury, began to urge president Biddle to remove the president of the branch bank at Portsmouth, N. H., and to appoint a Jackson man in his place. Biddle refused on the ground that the incumbent was a man "of first-rate character and abilities," and not appointed for political reasons; and in October he finally, and so emphatically "as to leave no possibility of misconception,"

declared to the secretary of the treasury that neither the bank nor its branches "acknowledged the slightest responsibility of any description whatsoever to the secretary of the treasury touching the political opinions and conduct of their officers, that being a subject on which they never consult, and have no desire to know, the views of any administration" Here the matter rested until the meeting of congress, when, in his message of Dec. 8, 1829, the president for the first time personally entered the field by making the following reference to the bank "The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles and such deep pecuniary interests, I feel that I can not, in justice to the parties interested, too soon present it to the deliberate consideration of the legislature and the people. Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow-citizens; and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency."—The message also suggested the substitution of a bank which should be a part of, and under the direct control of, the treasury. (See INDEPENDENT TREASURY.) In the house this part of the message was referred to the committee of ways and means, which reported strongly in favor of the bank and against the president; and when resolutions against the constitutionality and expediency of the bank, and against rechartering it, were introduced, they were at once laid on the table by a vote of 89 to 66. It was thus evident that the president's party was not ready to support him in assailing the bank, and no further steps were taken against it, with the exception of articles in administration newspapers, until Dec. 7, 1830, when the message with a slight but evident increase of warmth, renewed the suggestions above given. In the senate Benton, of Missouri, in February, 1831, attacked the bank from a point of view outside of its constitutionality, denouncing it as the possessor of needless and expensive privileges for which no return was ever made, and of irresponsible and dangerous power over local banks and the business interests of the country. Even with this attack no open struggle had yet begun, though the bank and its friends everywhere were being rapidly drawn into unofficial newspaper and pamphlet hostilities with the administration. In his message of Dec. 4, 1831, the president hinted broadly that, having several times called the attention of congress to his views about the bank, he now left the matter to the people. The reference was evidently to the presidential election of 1832, for which political arrangements were already making.—Up to this time Jackson seems to have been willing to avoid open war upon the bank until his other enemies should be disposed of, (see JACKSON, ANDREW); but the suggestion conveyed in the message of 1831 was sufficient alone to drive the bank "into politics." Since the president intended to "appeal to the people," the bank felt compelled to imitate him; and from this time the conflict became flagrant. The national republican convention, Dec. 12, 1831, (see NOMINATING CONVENTIONS), approved the bank as a great and beneficent institution maintaining a sound, ample and healthy state of the currency, summoned the people to defend it in its peril by rejecting Jackson at the ensuing election; and nominated as its own candidates Henry Clay and John Sergeant, both pronounced bank men, and the latter a director in 1834. The legislature of Pennsylvania, a Jackson state, had unanimously resolved in favor of the bank, and the Clay managers seem to have decided to force the fighting, in order, if possible, to deprive Jackson of Pennsylvania's large vote by compelling him to attack Philadelphia's chief institution. Clay's own private correspondence shows his belief that, all the circumstances considered, the bank would "act very unwisely if it did not apply" for a new charter at this session. The application was accordingly made, Jan. 9, 1832, by senator Dallas, of Pennsylvania, on behalf of the bank. The charge was often made that the bank really endeavored to *buy* its charter; and its loans to congressmen, mostly of the opposition to it, are stated by the report of a senate committee in 1834, as $322,199 to 59 congressmen in 1831, $478,069 to 54 congressmen in 1832, and $374,766 to 58 congressmen in 1833. A majority in both houses was in favor of the charter, but in the house the speaker was against it, and this circumstance controlled the operations of the opposition, guided by Benton. Vague and general charges of corruption were brought against the management of the bank, and the speaker so constituted the committee of investigation that, though the charges were disproved, the majority report brought the bank in guilty. Having thus obtained a basis for an "appeal to the people," the opposition allowed the bill to recharter the bank to come to a vote, and it passed the senate June 11, 1832, 28 to 20, and the house July 3, 109 to 76. July 10, it was vetoed in a message of great ability, which was mainly devoted to proving the bank, as then constituted, to be an unnecessary, useless, expensive, un-American monopoly, always hostile to the interests of the people and possibly dangerous to the government as well. An attempt to pass the bill over the veto failed.—Time has shown that the application for a recharter at this session was a false step, and that the bank's only course was to wait patiently until a two-thirds majority in congress could be obtained, pass the bill for the charter, if necessary, over the veto, and end the battle by one blow. For the bank only one victory was needed; the charter, once obtained, was secure. By impatience it succeeded only in implicating its quarrel with the presidential election, which resulted not only in the president's triumphant re-election, but also in the choice of a house of representatives, to meet in 1833, which was pledged to support the pres-

dent against all his opponents, even against the bank.—The president now had the move, and he made it. A premonition of his purpose was given in his message of Dec. 4, 1832, in which he announced a belief, which he had warmly taken up, that the bank was insolvent, and advised an investigation into its affairs and the sale of the government stock in it. This congress, however, the same which had recently passed the bill for a bank charter, was still opposed to the president, and the house voted that the deposits might safely be left in the bank. Before the meeting of the new congress, elected in 1832, the president had removed the deposits of public moneys from the bank (see DEPOSITS, REMOVAL OF), and his action was sustained by the new house. In the senate the bank still had a majority which, standing alone, could only enjoy the poor satisfaction of censuring the president (see CENSURES, I.). For want of any other custodian of the public funds (see INDEPENDENT TREASURY) they had been deposited in selected state banks, commonly called "pet banks." April 4, 1834, the house finally voted (1) that the bank ought not to be rechartered, 134 to 82; (2) that the deposits ought not to be restored, 118 to 103; (3) that they should be left in the state banks, 117 to 105; and (4) that the affairs of the bank should be investigated, 175 to 42. The investigation was begun; but the bank objected to its methods as partisan and unfair, and put so many impediments in the way of it that it resulted in nothing. It was very evident, however, that the president was master of the situation, and the bank finally obtained a charter from Pennsylvania. Within two years the senate was opposed to the bank, and thereafter the democratic party was committed against any such institution.—IV. 1837–45. For over twenty years gold and silver, as a currency, had been practically unknown in the United States. Whatever may have been the evils connected with the free grant of the use of the public funds to a private corporation, the bank of the United States had at least provided a currency acceptable everywhere. What was to take its place? Benton's engrossing desire was to bring his party back to its original devotion to "hard money," gold and silver, but to this there was one insuperable obstacle: the state banks which were now the only available receptacle for the public funds, which had thrown the whole weight of their influence for the government and against the bank, and which it was necessary to support, possessed the power of issuing notes to a more unlimited and dangerous extent than the bank of the United States. If the sub-treasury system (see INDEPENDENT TREASURY) could have been introduced in 1835, when congress reduced the ratio of gold and silver to 16:1, there would have been no further need to lean upon the state banks, and the "hard money" system might have been forced through without the dreadful spasm with which the laws of nature compelled its adoption in 1837-9. But for many months the state banks were allowed to engage in a race for the production of fictitious wealth which deluged the country with paper money, raised the nominal value of all property far beyond the real value, and increased the sales of public lands from $5,000,000 in 1834 to $24,800,000 in 1836. July 11, 1836, the secretary of the treasury, by the president's order, and against the known wish of congress, issued the so-called *specie circular*, which directed the land offices to reject paper money and receive only specie in payment for public lands. At the following session congress did indeed pass a bill directing the reception of notes of specie-paying banks, but so late in the session that the president was able to dispose of it by a "pocket veto" (see VETO). The swelling tide of paper money was thus turned back from the west upon the east, and early in May a suspension of specie payments, beginning in New York, began the panic of 1837, which, after a year's general suffering, violently substituted reality in business for fiction.—The democratic party had by this time thoroughly learned the folly of the state bank, or "pet bank," system. The pet banks had gladly received the public revenues, but, when called upon to refund them for distribution among the states (see INTERNAL IMPROVEMENTS, UNITED STATES), they had promptly responded by suspending specie payments. Van Buren, the new president, therefore held manfully to the democratic idea of a "divorce of bank and state," refused to countenance any governmental interference with the panic, and throughout his entire administration pressed vigorously the sub-treasury system, which was finally successful, after two failures, by the law of July 4, 1840 (see INDEPENDENT TREASURY). This was considered by the whigs, and by the government's rejected allies, the state banks, as an attack upon all banks. A subsidiary panic in 1839 lent force to their arguments, and when Harrison was chosen president in 1840, a majority of the congress elected to meet in 1841 was also whig, pledged to revive the past glories of a national bank and abolish the sub-treasury. But the majority was delusive; the whigs had again and again during the campaign denied to the voters that the bank question was at issue, and had declared that the only issue to be decided by the election was the curtailment of the executive power (see WHIG PARTY); Harrison himself had at least once pronounced against a national bank; and Tyler, the vice-president elect, had been unmistakably known to the leaders of the convention, which nominated him, as a confirmed opponent of such an institution.—President Harrison called congress together in extra session for May 31, 1841. His early death (see HARRISON, WM. H.) raised to the presidency a man who was obnoxious to Clay, the whig leader, not more for his unreliability in the whig faith than for his accidental elevation to a rank above his merits, and for his known desire to compass his election in 1844 to the position which Clay regarded as his own by every law of politics. Tyler, though personally averse to any extra ses-

sion of congress, decided to follow out Harrison's action, and congress assembled at the appointed time. In his message the president avowed his belief that congress had the power to charter a national bank, but reserved the right to veto any plan which should contain unconstitutional or unwise provisions The whig leaders, however, and particularly those under Clay's influence, were more disposed to force Tyler to serve in the ranks than to recognize him as commander-in-chief. At the beginning of the session, on Clay's motion, the secretary of the treasury furnished a plan for a national bank, and a bill drawn up on his recommendations, "to incorporate the subscribers to the fiscal bank of the United States," passed both houses, Aug. 6, by a vote of 26 to 23 in the senate, and 123 to 98 in the house. The word "fiscal" was placed in the title by way of implication that there was some difference between this and the former bank of the United States, though it is difficult to see any great difference; Tyler had even wished that it should be called fiscal institute, or fiscal corporation. Aug. 9, the house passed a senate bill to repeal the sub-treasury law, and the repeal was signed by the president, Aug. 13. The passage of this bill just at the time when the president was considering the bank bill, was very significant and unexpectedly momentous. The debates alone seem to show that it was intended to force the president to sign the bank bill by leaving him without a sub-treasury; its actual result was, by leaving the president master of the treasury, unchecked by the limitations of any law, to enable him to dictate terms to his party. Aug. 16, the president vetoed the bill on the ground that the permission given in it to establish branch banks in the different states was dangerous and unjust to the states; but the veto also contained an intimation, which may be construed as a call upon the whigs to surrender with good quarter, that the president would be willing to sign a bank bill which should not be open to constitutional objections. By this time the distinctive Clay portion of the whig members of congress were in a white heat of exasperation against the president. They justly considered him a mediocre man, shifty in belief and practice, and only settled in a determination to make himself head either of the whig party or of a new third party of his own. They were with difficulty persuaded to restrain public exhibitions of their resentment while a new bill, to avoid the objections of the veto, was prepared and hurried through the house with indecent haste, Aug. 23, and the senate, Sept. 3 but their incautious private expressions, and particularly an angry letter of Botts, of Virginia, gave to Tyler an excuse, of which he availed himself Sept. 9, to veto this bill also. It is impossible to read the full details of Tyler's defeat of this last bill, as given in the authorities cited below, and acquit him of double dealing; the only excuse to be made for him is that his mind was too much beclouded by his presidential aspirations to be able to estimate his own conduct impartially. His last veto, however, ended the list of attempts to grant to a private corporation the custody and emoluments of the national revenue. (See INDEPENDENT TREASURY, WHIG PARTY.) The present national banking system, begun by act of Feb. 25, 1863, is without this plainly evil feature of the original national banks, is in general terms only an extension of the excellent New York state banking system of 1838 to the country at large, and therefore has nothing to do with the subject of this article. (See BANKING IN THE U. S.)—I. See 3 Hildreth's *United States*, 405; 1 Sparks' *Gouverneur Morris*, 235, and 3: 437; the ordinance incorporating the bank of North America is in 1 *Stat. at Large*, (Bioren and Duane's edition), 672. II. See 4 Hildreth's *United States*, 256 foll., and 6 211, 230, 1 von Holst's *United States*, 104; 1 Benton's *Debates of Congress;* 4 Jefferson's *Works* (edit. 1829), 306, 523; 1 Hamilton's *Works*, 138 foll., Story's *Commentaries*, § 903; Tiffany's *Constitutional Law*, § 337; 4 *Wheat.* 316; 7 *How.* 283; *The Federalist*, xxxviii, xliv (both by Madison), 4 Elliot's *Debates*, 217, 265; for the Acts of Feb. 25 and March 2, 1791, see 1 *Stat. at Large*, 191, 196; for the Acts of March 23, 1804, and Feb. 24, 1807, see 2 *Stat at Large*, 274, 423. III. See 6 Hildreth's *United States*, 463 foll.; 1 von Holst's *United States*, 383; 5 Benton's *Debates of Congress;* 1 *Statesman's Manual*, 323; A. J. Dallas' *Writings*, 236 foll.; 2 Calhoun's *Works*, 155; 3 Parton's *Life of Jackson*, 187, 272 foll.; *Private Correspondence of Henry Clay*, 322 foll.; Mackenzie's *Life and Times of Van Buren*, 133 foll.; Holland's *Life of Van Buren*, 294; 2 *Statesman's Manual*, 863; Hunt's *Life of Livingston*, 370; 2 Sedgwick's *Political Writings of Leggett;* 3 Webster's *Works*, 391, 416; 1 Benton's *Thirty Years' View;* 11 Benton's *Debates of Congress;* the Act of April 10, 1816, is in 3 *Stat. at Large*, 266; the Acts to wind up the affairs of the bank are in 5 *Stat at Large*, 8–297. IV. See Sumner's *History of American Currency*, 160–163; 2 von Holst's *United States*, 406; 61 Niles' *Weekly Register;* 10, 11 Adams' *Memoirs of John Quincy Adams;* 2 Clay's *Speeches;* 2 Benton's *Thirty Years' View;* 14 Benton's *Debates of Congress;* 2 *Statesman's Manual*, 1345–1359. ALEXANDER JOHNSTON.

BANKING (IN THE UNITED STATES) Previous to the revolutionary war paper money was issued to a greater or less extent by each one of the thirteen colonies. The first issue was by Massachusetts in 1690, to aid in fitting out the expedition against Canada. Similar issues had been made by New Hampshire, Rhode Island, Connecticut, New York and New Jersey, previous to the year 1711. South Carolina began to emit bills in 1712, Pennsylvania in 1723, Maryland in 1734, Delaware in 1739, Virginia in 1755, and Georgia in 1760. Originally the issues were authorized to meet the necessities of the colonial treasuries. In Massachusetts, in 1715, as a remedy for the prevailing embarrassment of trade, a land

bank was proposed with the right to issue circulating notes secured by land. John Colman, a merchant of Boston, urgently advocated its establishment. The land bank was forbidden by the province council, unless authorized by the general assembly. There was a large party, however, in favor of paper money in some form. The plan for the land bank was defeated, but the issue of paper money by the treasury was authorized to the extent of £50,000, to be loaned on good mortgages in sums of not more than £500, nor less than £50, to one person. The rate of interest was 5 per cent., payable with one-fifth of the principal, annually. The bills were in form the same as those previously issued for the benefit of the treasury. This round sum or aggregate of £50,000, to be so loaned, was styled a bank, and was the first of the so-called loan banks, which were afterward authorized by nearly, if not quite, all of the colonies. In 1733 an issue of bills to the amount of £110,000 was made by the merchants of Boston, which were to be redeemed at the end of 10 years, in silver, at the rate of 19 shillings per ounce. In 1739, the commercial and financial embarrassment still continuing, another land bank was started in Massachusetts. John Colman was one of the corporators. The stock of the land bank was to be £150,000. No one was permitted to subscribe more than £2,000, nor less than £100. The subscribers were to pay down lawful money at the rate of 40 shillings for every £1,000 subscribed, and for the remainder were to pledge security in lands to the satisfaction of the directors. They were to pay 3 per cent. interest per annum, either in bills of the bank or in produce and manufactures, at prices regulated by the directors. Circulating notes equal to the capital were to be issued, payable in 20 years in produce or manufactures, and 5 per cent. of the capital was to be paid annually in the notes, produce or articles manufactured. The "manufactures, being the produce of this province," were enumerated as follows:[1] "Hemp, flax, cordage, bar iron, cast iron, linens, sheep's wools, copper, tanned leather, flax seed, beeswax, bayberry wax, sail cloth or canvas, nails, tallow, lumber or cord wood, or logwood from New Spain." This scheme was strenuously opposed by Governor Belcher, but in spite of all opposition £49,250 of its notes were struck off, of which the treasurer of the company issued £35,582, and £4,067 were employed by the directors in trade. —A specie bank was also formed in 1739 by Edward Hutchinson and others, which issued bills to the amount of £120,000, redeemable in 15 years in silver, at 20 shillings per ounce, or gold pro rata. The payment of these notes was guaranteed by wealthy and responsible merchants. These notes and those of a similar issue in 1733 were largely hoarded and did not pass generally into circulation.—In 1740 parliament passed a bill to extend the act of 1720, known as the bubble act, to the American colonies, with the intention of breaking up all companies formed for the purpose of issuing paper money Under this act both the land bank and the specie bank were forced to liquidate their affairs, though not without some resistance on the part of the former. The governors of Massachusetts rendered themselves very obnoxious to the people by their determined opposition to these banks and to paper money generally,[2] and governor Belcher was recalled to England on account of misrepresentations of the paper money advocates, but was subsequently appointed governor of New Jersey.—The paper money of the colonies, whether issued by them or by the loan banks, depreciated almost without exception as the amounts in circulation increased. The bills as originally emitted were intended to be equal to coin, but when depreciation advanced to such an extent as to appal the authorities, a new set of bills would be issued, with new assurances that they would be kept equal to coin. In these new bills the old bills would be redeemable at their depreciated value. Sometimes this second set of bills, having also depreciated, was replaced by a third set in the same way. These various sets were designated tenors; the terms old tenor, middle tenor, new tenor, new tenor 1st, new tenor 2nd, being used to distinguish them. To give all the details of the depreciation of this currency in each of the colonies would require much space, but the best authorities agree that it underwent in all cases a constant diminution in value, inflicting loss and misery upon all classes of citizens. Pelatiah Webster says of this paper and the continental currency: "We have suffered more from this cause than from any other cause or calamity It has killed more men, pervaded and corrupted the choicest interests of our country more, and done more injustice than even the arms and artifices of our enemies." The following table[3] gives the price of £100 in coin in the currencies of the several colonies in the year 1748:

New England	£1,100
New York	£ 190
New Jersey	£180 to 190
Pennsylvania	£ 180
Maryland	£ 200
North Carolina	£1,000
South Carolina	£ 750
Virginia	£120 to 125

—The emission of bills by the colonies and the banks was not regarded with favor by the mother country, and the provincial governors were as a general thing opposed to these issues. They were consequently frequently embroiled with their legislatures. Felt, in his "Massachusetts Currency," gives examples of this controversy. Governor Belcher, in 1740, issued the following proclamation· "Whereas, a scheme for emitting bills

[1] An Historical Account of Massachusetts Currency, by Joseph B. Felt, Boston, 1839, p. 103.

[2] The History of Massachusetts Bay, by Lieut. Governor Hutchinson, vol. 2, p. 396, Boston, 1767.

[3] A Short History of Paper Money and Banking in the United States, by Wm. M. Gouge, Phila., 1833, p 10.

or notes by John Colman, Esq , and others, was laid before the general court in their session held the 5th of December, 1739, and by a report of a committee appointed by said court, was represented, if carried on, to have a great tendency to endamage his majesty's good subjects as to their properties; and whereas, application has been very lately made to me and his majesty's council, by a great number of men of the most considerable estates and business, praying that some proper method may be taken to prevent the inhabitants of this province being imposed upon by the said scheme; and it being very apparent that these bills or notes promise nothing of any determinate value, and can not have any general, certain or established credit; wherefore, I have thought fit, by and with the advice of his majesty's council, to issue this proclamation, hereby giving notice and warning to all his majesty's good subjects of the danger they are in, and cautioning them against receiving or passing the said notes, as tending to defraud men of their substance and to disturb the peace and good order of the people, and to give great interruption and bring much confusion into their trade and business."—Subsequently, on Nov. 6, of the same year, being assured that part of the military corps encouraged the circulation of the land bank paper, he published the following: "I hereby warn all commissioned officers in the militia from signing or giving any countenance to the passing of the said notes of hand, directly or indirectly. And as I apprehend that if these should obtain a currency, it will reflect great dishonor on his majesty's government here, and be very detrimental to the public interests of this province and people, I do hereby declare my firm resolution, that if after this publick notice given, any of the military officers of this province persist in being any way concerned in or giving any encouragement whatsoever to the passing of the said notes of hand, and full proof be made thereof to my satisfaction, I will immediately dismiss them from their said offices " These proclamations had but little effect.—A gentleman writing to a correspondent in London, under date of Feb. 27, 1741, says: "Whole troops, nay almost whole regiments either resigned or told their colonels, who examined them, that they would resign rather than not encourage the bills." Later in the same year governor Belcher writes to Thomas Hutchinson: "You say it would be much better if some other way than by application to parliament could be found to suppress it (land bank). I assure you, the concerned openly declare they defy any act of parliament to be able to do it. They are grown so brassy and hardy as to be now combining in a body to raise a rebellion, and the day set for their coming to this town is at the election, and their treasurer, I am told, is in the bottom of the design, and I doubt it not. I have this day sent the sheriff and his officers to apprehend some of the heads of the conspirators."—These continued disputes, which largely curtailed the use of an expedient which the colonists considered necessary to their prosperity, together with the action of parliament in restricting the issue of paper money, embittered the minds of the colonists against England, and had undoubtedly much to do with the final outbreak. The bubble act, which laid an interdict on all banking associations having no legal charter within the dominions of the king, was passed by parliament in 1720. In 1740 another enactment was made, extending the provisions of the act of 1720 to the American colonies, where it had been disregarded. Banking in those days consisted merely in the privilege of issuing circulating notes, and this act restricted all private enterprises of this kind. On June 25, 1751, parliament enacted a law forbidding paper money of the colonies to be passed, except for current expenses of the government each year, or in case of invasion by the enemy. It seems also that these exceptional cases where paper money was permitted, were to be under control of the crown, as Mr. Bollan, the agent in London of the province of Massachusetts, writes that he opposed the bill on the ground that it might open the way for the unconstitutional exercise of the king's authority in the colonies in other matters. Legal tender paper money was prohibited by this act of parliament, and in 1763 such issues were declared void; but subsequently, in 1773, they were allowed to be received as legal tender at the treasuries of the several colonies —The second continental congress was convened in 1775, and, in order to raise funds, having no power to institute taxation, naturally turned toward the expedient of an emission of paper money on the credit of the Union, but in the redemption of which each colony was to bear a part.—The first issue was made in June, 1775. For a year these issues continued equal to gold; in two years they had depreciated to 2 for 1; in three years to 4 for 1; in nine months more their relative value was 10 for 1; in September, 1779, it was 20 for 1. Congress now determined that the total issues should not exceed $200,000,000, and renewed the declaration that this currency should be redeemed in full, and went to some labor to prove that the states had the ability to do so. In March, 1780, these issues had so depreciated that their value as compared with specie was as 40 to 1 Congress now required the whole to be brought in for redemption at its market value in coin, and also authorized the emission of new notes bearing interest at 5 per cent., and payable 6 years from from date in silver and gold. These were to be exchanged in the proportion of 1 dollar of the new for 20 dollars of the old emission. During the year 1780 the notes of the old issue sank first to 75 to 1, then ceased to circulate in the states north of the Potomac. In Virginia and North Carolina they passed for a year longer, and finally depreciated to 1,000 to 1, and then ceased to circulate.—According to Thomas Jefferson but 200 millions of the first emission was issued, which was the amount authorized by resolution of congress; but other authorities state the

amount much higher. Joseph Nourse, register of the treasury in 1828, places it at $241,552,780. The amount as given in the treasury statement of 1843 was $242,100,176. The aggregate loss to the people of the country from this currency was estimated by secretary Woodbury at $196,000,000.—During the war paper money, distinct from the continental currency, was also issued by several of the states. The amount thus issued has been placed at $209,000,000, which is probably too high. It is, however, difficult to obtain exact information in reference to these emissions.—At the close of the war the minds of all classes were imbued with a wholesome antipathy to paper money, and as a consequence when the federal constitution was under consideration, the power to emit bills which in the original draft was given to the United States was stricken out. Moreover, the original draft having contained a qualified permission to the states to issue paper money, an amendment was inserted which took away from the states all power to coin money, emit bills of credit, or make anything but gold or silver coin a tender in payment of debts. It has been held that the lack of power on the part of a state to coin money, taken in connection with the prohibition of the emission of bills, prevents the issue of paper money by banks chartered by the state, as well as such issue by the state itself. This view was held by Daniel Webster, in his speech on the bank of the United States, on the 25th and 28th of May, 1832, and his arguments are quoted with commendation by Mr. Justice Story, in his commentaries on the constitution, as follows: "It will be hereafter seen that this (the power to coin money) is an exclusive power in congress, the states being expressly prohibited from coining money. And it has been said by an eminent statesman that it is difficult to maintain, on the face of the constitution itself, and independent of long-continued practice, the doctrine that the states, not being at liberty to coin money, can authorize the circulation of bank paper as currency at all. His reasoning deserves grave consideration, and is to the following effect: The states can not coin money. Can they, then, coin that which becomes the actual and almost universal substitute for money? Is not the right of issuing paper intended for circulation in the place and as the representative of metallic currency, derived merely from the power of coining and regulating the metallic currency? Could congress, if it did not possess the power of coining money and regulating the value of foreign coins, create a bank with the power to circulate bills? It would be difficult to make it out. Where, then, do the states, to whom all control over the metallic currency is altogether prohibited, obtain this power? It is true that in other countries private bankers, having no legal authority over the coin, issue notes for circulation. But this they do always with the consent of the government, express or implied; and government restrains and regulates all their operations at its pleasure. It would be a startling proposition in any other part of the world, that the prerogative of coining money held by the government was liable to be defeated, counteracted or impeded by another prerogative, held in other hands, of authorizing a paper circulation. It is further to be observed that the states can not issue bills of credit; not that they can not make them a legal tender, but that they can not issue them at all. This is a clear indication of the intent of the constitution to restrain the states as well from establishing a paper circulation as from interfering with the metallic circulation. Banks have been created by states with no capital whatever, their notes being put in circulation simply on the credit of the state. What are the issues of such banks but bills of credit issued by the state?" Mr. Justice Story says: "This opinion was not peculiar to Mr. Webster; it was maintained also by Hon. Samuel Dexter, one of the ablest statesmen and lawyers who have adorned the annals of the country."—Nearly 30 years after, chief justice Chase, when secretary of the treasury, in his report to congress, of Dec. 9, 1861, said: "It has well been questioned by the most eminent statesmen, whether a currency of bank notes, issued by local institutions under state laws, is not, in fact, prohibited by the national constitution. Such emissions certainly fall within the spirit, if not within the letter of the constitutional prohibition of the emission of bills of credit by the states, and of the making by them of anything except gold and silver coin, a legal tender in payment of debts."—BANK OF NORTH AMERICA. The bank of North America, the first organized bank in the United States, had its origin in a meeting of citizens of Philadelphia, on June 17, 1780, the purpose being to devise means for furnishing supplies for the army, then in a state of great destitution. It was then resolved to open a "security subscription to the amount of £300,000, Pennsylvania currency, real money," Thomas Paine subscribing $500 and Robert Morris £200 to the fund. The system of the bank was devised by Robert Morris, then superintendent of finance, early in 1781, and was approved by congress, which, on Dec. 31, following, gave the bank a perpetual charter, with a capital of $10,000,000. Of this amount, however, but $85,000 was paid in by individuals. The government subscribed $250,000, of which but $50,000 was ever paid. The bank opened for business on Jan. 7, 1782, and within a period of six months thereafter had loaned $400,000 to the government.—The state of Pennsylvania in 1782 also granted it a perpetual charter, which was subsequently repealed and again renewed, the renewal, however, limiting the term to 14 years, and the capital to $2,000,000. After successive renewals, it was converted into a national bank on Dec. 3, 1864, with its original title, and with a capital of $1,000,000.—The Massachusetts bank in the city of Boston, and the bank of New York in the city of New York, which were the only

other banks in operation at the time of the charter of the bank of the United States, were both converted into national banks in 1865, and these 3 banks are now transacting an active and successful business.—BANK OF THE UNITED STATES. Alexander Hamilton, secretary of the treasury, in his report to congress on Dec. 13, 1790, recommended the establishment of a bank of the United States, and opposed the issue of paper money by the government. The amount of the bank's stock was fixed at 10 millions, one-fourth of all private and corporate subscriptions to be in coin, and three-fourths in U. S. 6 per cent. stocks. Two millions were to be subscribed by the government, to be returned in 10 annual installments. The board of directors was to consist of 25 persons, all citizens of the United States, who were to serve without compensation; and the circulating notes of the bank were made receivable in payment of all dues to the United States.—The act of incorporation passed the house of representatives by a vote of 39 to 19, those favoring the bill being mainly from northern, and those opposing it from southern states. Among the friends of the bill were Alexander Hamilton, secretary of the treasury, and Henry Knox, secretary of war; while the list of its opponents included James Madison, Thomas Jefferson, secretary of state, and Edmund Randolph, attorney general. The opposition to the bank was based upon the alleged general inutility of banking systems, and the want of power in congress to grant the charter. The bill, however, became a law on Feb. 25, 1791, and the bank at once went into operation, and was immediately successful. Between the years 1796 and 1802 the government disposed of its $2,000,000 of stock at a profit of $1,137,152.29, equal to 57 per cent. on the original investment. —The bank was required to make weekly reports to the secretary of the treasury, but the following, for Jan. 24, 1811, is one of the only two balanced statements found of record:[1]

RESOURCES.

Loans and discounts	$14,578,294
United States six per cent. stock	2,750,000
Other United States indebtedness	57,046
Due from other banks	894,145
Real estate	500,653
Notes of other banks on hand	393,341
Specie	5,009,567
Total	$24,183,046

LIABILITIES.

Capital stock	$10,000,000
Undivided surplus	509,678
Circulating notes outstanding	5,037,125
Individual deposits	5,9 0,423
United States deposits	1,929,999
Due to other banks	634,348
Unpaid drafts outstanding	171,473
Total	$24,183,046

—The charter of the bank expired March 4, 1811, but, prior to this, efforts were made for its renewal, favored by Albert Gallatin, then secretary of the treasury, and by Crawford and Pickering in the senate, and opposed by Mr. Clay. The bill was defeated in the senate on Feb. 20, 1811, by the casting vote of the vice-president, George Clinton, and subsequently failed in the house by a minority of one vote.—During the war with Great Britain which soon followed, the state banks, in whose interests the recharter had been opposed, failed to meet the exigencies of the government, and in September, 1814, nearly all of them south of New England suspended specie payments. Following this their issues expanded rapidly, and floods of unchartered currency were also poured out, of all denominations, from 6 cents upward.[2] The result was a great depreciation in the value of the currency, ranging from 20 to 25 per cent. at the close of the war, the failure of many of the banks, and corresponding distress among the people. The root of the evil lay in the attempt of the government to carry on a great war through the aid of state corporations, over which it could exercise no control. In 1814 there was nearly 9 millions of dollars of government funds in the suspended banks, and the loans of the government, in 1815, amounted to more than 35 millions; while 6 per cent. stocks issued by the government were sold at rates of discount varying from 5 to 15 per cent.—The effect of this experience was to revolutionize opinions in congress, and on Jan. 20, 1815, in accordance with a previous recommendation of Mr. Dallas, then secretary of the treasury, a bill was passed reorganizing the bank of the United States. The bill was vetoed by president Madison on Jan. 30, following, on the ground that the proposed bank did not appear calculated to accomplish the purposes for which it was designed.—SECOND BANK OF THE UNITED STATES. The plan proposed by secretary Dallas was again presented to congress, and, without material change, was approved by president Madison on April 10, 1816. The charter was limited to 20 years, and the capital to 35 millions, 7 millions to be subscribed by the government, payable in coin or in U. S. 5 per cent. stocks. Other subscriptions were payable, one-fourth in coin and the remainder in coin or government stocks. The directors were to be resident citizens of the United States, and to serve without compensation, five of them to be appointed by the president. The bank was to be made a public depository, and to aid the government, free of charge therefor, in negotiating its loans. It was empowered to establish branches, and to issue circulating notes receivable in all payments to the United States. No other bank outside of the District of Columbia was to be established by congress during the continuance of this charter, and in consideration of the grants therein, the bank was to pay to the United States $1,500,000, in three installments. — The bank commenced doing business on Jan. 7, 1817, at

[1] American State Papers—Finance, vol. 2, pp. 352 and 470.

[2] Finance Report, vol. 12, page 59.

nearly the worst stage of the monetary troubles resulting from the late war, and at the verge of the financial crisis which culminated in 1819–20. It consequently met with many difficulties and embarrassments, and on Feb. 9, 1819, a resolution was moved in the house, looking to a repeal of its charter, but which failed of adoption. At this period of its existence, by its efforts to restore the soundness of the currency through large importations of specie, the bank was on the brink of failure.—From 1820 to 1835 the country was prosperous, the bank recovered from its embarrassments, and its stock rose steadily in value. Long before 1828 the bank had lived down all opposition; and it was therefore a surprise to all parties when general Jackson, in his first message, in December, 1829, took ground against a renewal of its charter, when it should expire in 1836. The agitation thus awakened grew in intensity, until it culminated, on July 16, 1832, in the veto by president Jackson, of a bill rechartering the bank. The interval of about six years between the commencement of Jackson's warfare upon the bank and the expiration of its charter is memorable for the violence and persistence of the struggle between the administration and its supporters, and the bank and its friends, both in and out of congress.—The most important event of the struggle was the removal of the government deposits from the bank of the United States to various state banks. The order for this removal was issued in 1833, by Mr. Taney, who was made secretary of the treasury for this purpose, his predecessor, Mr. Duane, having declined to issue it. When congress re-assembled in December, 1833, resolutions on the subject were adopted in both houses; those of the senate censuring the president and secretary of the treasury for usurpation of powers, while in the house it was declared that the bank ought not to be rechartered, that the public deposits ought not to be restored to it, that the state banks should be continued as depositories, and that congress should further regulate the subject by law.—Among the early results which followed the removal of the deposits was the expansion of their issues by the state depositories, and the wild and general inflation of the currency by a multitude of other banks, old and new; the aggregate of circulating notes, exclusive of those of the bank of the United States, increasing from 61 millions in 1830 to 149 millions in 1837. In 1830 the currency of the country had been characterized by the finance committee of the senate as being more sound and uniform than that possessed by any other country; and yet within seven years after this all the banks then in operation, including the great bank of the United States, which had then been rechartered by the state of Pennsylvania, went into suspension. The bank, when denied a renewal of its charter by congress, did not close up its affairs, but applied for and obtained a charter from the state of Pennsylvania, Feb. 18, 1836, just 13 days before the expiration of its charter from the government. This was substantially a renewal for 30 years of the old charter, and under the old corporate name, but with a change as to the amount and terms of the bonus to be paid for it to the state. This bonus, had the bank remained solvent and in existence long enough, would probably not have fallen short of 5 millions of dollars. Col. Benton characterized the Pennsylvania charter of the bank as indicating, by every circumstance of its enactment, corruption and bribery in the members who passed it, and an attempt to bribe the people through the bonus to be distributed among them.[1]—The history of the bank subsequent to the crisis of 1837 was a disastrous one. It suspended payments as frequently as other state banks, and finally succumbed to difficulties which prudent management should have enabled it to overcome. It made three several assignments in 1841, to secure various liabilities, the last and final assignment being on Sept. 4, of that year. The 7 millions of stock held by the United States previous to the institution becoming a state bank was paid back in full, and the government realized a very handsome profit upon its investment, as will appear by the following statement, derived from the treasury records:[2]

Bonus paid by the bank to the United States.		$ 1,500,000.00
Dividends received from the bank		7,118,416.29
Proceeds of stock sold, and other moneys received from the bank		9,424,750.78
Total		$18,043,167 07
Subscription to capital stock, paid in U. S. 5 per cent. bonds	$7,000,000	
Interest paid by United States on same	4,950,000	
		11,950,000.00
Profit on investment		$ 6,093,167.07

—Nicholas Biddle was president of the bank from January, 1823, to March, 1839. At the time of his resignation the shares were selling at 111, having in 1837 sold at 137; but in 1843, after the failure of the bank, its shares were quoted at 1¾ per cent. The circulating notes of the bank, together with the deposits, were paid in full, principal and interest; but the whole capital of 28 millions was lost to the shareholders.—Massachusetts. The success of the bank of North America in Pennsylvania, induced the organization of the Massachusetts bank, which received its charter from the state of Massachusetts on Feb. 7, 1784, with a capital of $300,000. It existed 80 years as a state bank, and became a national bank in 1864. The Union bank was the next one, chartered in 1792, with a capital of $1,200,000, of which $400,000 was subscribed by the state. In 1795 the Nantucket and Merrimac banks were established. Up to 1799 but one more bank was chartered. In that year a law was enacted prohibiting the establish-

[1] Benton's Thirty Years in the United States Senate, vol. 2, p. 24.

[2] Report of the Comptroller of the Currency, 1876, p. 13.

ment of unincorporated associations. In 1803, an act requiring semi-annual returns to be made by the banks to the governor and council was passed, and in 1805 an amendment required these returns to be sworn to. In 1805 16 banks banks were in operation. From 1805 to 1811 but one bank was chartered. Two more were chartered in 1811. In all the charters granted after 1793, provision was made for a state subscription, and in 1812 the state held about $1,000,000 out of the $8,000,000 of stock of the banks of the state. Nearly all the banks were rechartered in 1811. In 1812 the state first imposed a tax on bank capital. In 1813 the system of compelling the redemption at par in Boston of the notes of the New England banks, by assorting and returning the notes to the place of issue, was inaugurated by the New England bank, organized that year. This was the beginning of what was afterward known as the Suffolk bank system, but it was not fully developed until 1825. There was at first some opposition, but the Suffolk system was finally successfully established, and continued down to the establishment of the national system. The Massachusetts banks did not suspend in 1814, owing largely to the fact that a law of the state imposed a penalty of two per cent. a month for non-payment of their notes. The first comprehensive law regulating the banking business was passed in 1829. In 1837 there had been organized 134 chartered banks — of these, 32 failed in the financial panic of that year. The loss was about 30 per cent. of their entire indebtedness. From 1793 to 1836 only 10 banks had failed. A result of the crisis of 1837 was the adoption of a system of official examinations. A free banking act was passed in 1851, similar in its provisions to that of New York state, but only 7 banks were organized under it, the previously existing chartered banks occupying the field. In October, 1865, all but one of the state banks, with the exception of four which discontinued business, had been converted into national banks. — NEW YORK. The first bank in the state of New York commenced business in 1784, under the name of the bank of New York. Its articles of association were drawn by Alexander Hamilton. It was the first bank chartered by the state legislature, and received its charter on March 21, 1791. It was organized with a capital of $900,000 in shares of $500 each. The state afterward subscribed for 100 shares, making the capital $950,000. In 1832 $50,000 additional was subscribed by the state. May 1, 1852, it was reorganized as a free bank under the general laws of the state, with a capital of $2,000,000. It became a national bank with a capital of $3,000,000 on Jan. 6, 1865. Up to June 11, 1812, the date of the declaration of war with Great Britain, 19 banks were chartered by the legislature — 7 of these, the bank of New York, Merchants, Mechanics, Union and City bank, of New York city, the New York State of Albany, and the bank of Utica, are now national banks, and the Manhattan company and bank of America are the leading state banks. Twenty-four more banks were chartered between 1812 and the date of the passage of the safety fund act, in 1829. During[1] the period from 1791 to 1812, political feeling between the federalists and the republicans was bitter, and the obtaining of the charters of the banks organized during this time was, in many cases, the occasion of much party strife and intrigue. Governor Tompkins, in the year 1813, who was subsequently twice elected vice-president of the United States, prorogued the legislature, assigning as one reason for his action the attempt to use corrupt means to secure a bank charter.[2] These charters were in the nature of special privileges, granted to particular persons, and all others were specially restrained by law from participating in the business of banking. The restraining act of 1804 was passed to prevent private banking institutions from continuing their business, for the purpose of leaving a clear field to the chartered corporations. This act prohibited any person, under a penalty of a thousand dollars, from subscribing to or becoming a member of any association for the purpose of receiving deposits, or from doing any business which incorporated banks by their acts of incorporation were permitted to do. This was followed by the more stringent act of 1818, which provided that no person, association of persons, or body corporate, except such bodies corporate as were expressly authorized by law, should keep any office for the purpose of receiving deposits, or discounting notes or bills, or for issuing any evidence of debt to be loaned or put in circulation as money; which statutes were not repealed until 1837, a year before the passage of the free banking act. The safety fund system was authorized on recommendation of governor Van Buren, by act of April 2, 1829. The main feature of this system was the requirement that each bank operating under it, should pay annually to the treasurer of the state a sum equal to ½ of 1 per cent. of its capital stock, the payments to be continued until each bank had paid in 3 per cent. of its capital. This common fund was to be used to pay the notes and other debts of any bank belonging to the system which might become insolvent. In practice the amount required to be contributed was found to be inadequate. Eleven banks belonging to the system failed, and the whole of the fund at that time was but little more than 5 per cent. of their debts. The whole sum contributed down to 1848 was little more than 75 per cent. of the debts of these insolvent institutions. The deficiency was made up by the issue of 6 per cent. stock by the state, the latter to be reimbursed by future payments of the banks. In 1842 the act was amended so that the common fund became responsible for the payment of the circulating notes only of banks fail-

[1] Hildreth's History of the U. S., vol. 5, pp. 548-50.

[2] Hammond's Political History of New York, vol. 1, p. 309, Buffalo, 1850.

ing thereafter This system was also a monopoly, as it did not provide for new banks These, as before, had to be specially chartered The occasion of it was that the charters of 40 banks previously organized were about to expire, and these 40 banks came in under the new system. Three commissioners were appointed, one by the governor and senate, one by the banks in southern New York, and one by the banks elsewhere in the state, to inspect the banks and report to the legislature. Many abuses consequent on a desire to obtain bank stock arose, and after some changes in the manner of appointing commissioners had been made, the office was abolished in 1843, and the power of examining the banks was conferred on the comptroller of the state.—The free banking system was authorized April 13, 1838. All restrictions confining the privilege of banking to certain classes were swept away. Any number of persons were authorized to form banking associations, upon the terms and conditions and subject to the liabilities of the act. As originally passed, the law provided for the issue of circulation by the state to these associations, upon the deposit of stocks of the state of New York, of the United States, of other states equal to a 5 per cent. stock, or of bonds and mortgages on improved and productive real estate, worth, exclusive of buildings thereon, double the amount secured by the mortgage, and bearing interest at not less than 6 per cent. The amount of circulation issued was to be equal to the amount of the deposit. From 1838 to 1843, 29 of these banks failed, and the securities deposited were sufficient to pay 74 per cent. only of their outstanding circulation. The losses occurred only in the case of those banks which had the stocks of other states than New York. The act was therefore amended so as to exclude all state stocks except those of New York, and they were required to be kept equal to a 5 per cent. stock. An amendment in 1848 required the stocks deposited to bear 6 per cent, and bonds and mortgages 7 per cent., and that the latter should be on productive property, and for an amount not exceeding two-fifths of the value of the land covered by them. In 1849 the law was again amended so as to require one-half of the securities to consist of New York stocks, and not more than half of stocks of the United States, the securities in all instances to be, or to be made, equal to a 6 per cent. stock, to be taken at an amount not above par, and at not more than their market value.— In 1840 a law was passed requiring the banks of the state to redeem their notes at an agency of the bank, either in New York city, Albany, or Troy, at ¼ of 1 per cent. discount The discount was reduced, in 1851, to ⅛ of 1 per cent. The discount was in practice divided between the redemption agent and the bank whose notes were redeemed, and banks which did not provide means to redeem their notes were forced to close. The constitution of the state, of 1846, provided that the legislature should have no power to grant special charters for banking purposes, but that corporations or associations might be formed under general laws. The constitution also provided that, after 1850, the stockholders of banks issuing circulating notes, should be responsible to the amount of their shares for all debts and liabilities of any kind, and in case of insolvency, bill holders should be preferred to all other creditors.— The banks were under the supervision of a commissioner, appointed under the safety fund act, until 1843. In that year they were required to report to the state comptroller, but in 1851 the present office of bank superintendent was created.

OHIO. The first institution in the state of Ohio, in the nature of a bank, was chartered under the name of the Miami exporting company, in 1803, 5 months after the admission of the state into the Union. It was chartered for 40 years, with a nominal capital of $500,000, divided into shares of $100 each, the subscription for the same payable 5 dollars in cash, and remainder in produce or merchandise. Although in form a trading company, it issued bills and redeemed them in notes of other banks. It was finally compelled to close its affairs. The first regular bank was chartered in 1808, with a capital of $500,000. It was located at Marietta. During the same year another bank was established at Chillicothe, then the capital of the state, with a capital of $100,000. From 1809 to 1816 4 banks were chartered. In 1816 6 other banks were chartered by one act. This act required, among other provisions, that each new bank and every old bank rechartered should annually set apart out of its profits, for the use of the state, such sum as would, at the expiration of its charter, amount to one twenty-fifth part of its whole capital. In 1825 this provision was amended, so that in lieu thereof the state was to receive 2 per cent. on dividends previously declared, and 4 per cent. on subsequent dividends. The rate of interest to be taken by banks was limited to 6 per cent. Legislation in Ohio relating to banking was evidently shaped with the purpose of enabling the state to participate in whatever profits might accrue from the exercise of the privilege within its borders. From 1816 to 1832 charters were granted to 11 banks, and in 1833 and 1834 2 other banks were chartered. Branches of the bank of the United States, established at Chillicothe and Cincinnati, were subjected to a tax of $50,000 each if they continued business after September, 1819. Upon an attempt being made by the auditor of the state to collect the tax, the United States supreme court again decided that the state had not the right. In 1845 a state bank with branches was authorized, on the safety fund principle. For creating the fund an amount equal to 10 per cent. of the circulation of each of the branches was to be paid to a board of control, to be invested in stocks of the state or United States, or in bonds and mortgages on unincumbered real estate of at

least twice the value of the amount secured thereby. Each branch was entitled to receive the interest on the stocks and bonds in which its portion of the safety fund was invested. In case of failure of any branch, its own stocks and bonds were first to be used to redeem its circulation before any portion of the safety fund could be so applied. The state was divided into 12 districts, and a portion of the capital of the state bank was allotted to each. Sixty-three branches in all were authorized, with charters continuing to 1866, and 5 other banks, previously chartered, were authorized on certain conditions to avail themselves of the privileges of this act. The issue of circulation was under the supervision of a board of control, consisting of one member from each branch. The act of Feb. 24, 1845, creating the state bank and branches, also authorized an independent bank system, requiring United States or state stocks equal to the full amount of the issues to be deposited with the state treasurer.—In March, 1851, the legislature passed an act authorizing free banking, the circulation to be secured by a pledge of bonds of the United States and state of Ohio. A new constitution was adopted in June, 1851, prohibiting the organization of additional banks, without the approval of the people at the general election succeeding the passage of the law chartering the same. In 1852 a tax law was passed, which, through a forced construction, levied upon banks twice, and in some instances three times, the rate imposed on any other property. Most of the banks organized under the act of 1851 were ultimately forced to go into liquidation by the oppressive taxation. In April, 1856, an act similar in its provisions to that of 1845 was passed, incorporating the state bank of Ohio and other banks, the charters to continue until May, 1877. The act contained a personal liability clause, and prohibited the general assembly from imposing any greater tax on capital employed in banking than is or may be imposed upon the property of individuals. In 1856, 36 of the banks which had been organized in the state had failed, their notes being entirely worthless, while 18 others were in process of liquidation, their notes being quoted at 50 to 75 cents on the dollar. In 1863 there were 56 banks organized upon three different plans, viz., 7 independent banks with a capital of $350,000, 13 free banks with an aggregate capital of $1,270,000, and the state bank of Ohio with 36 branches, with an aggregate capital of $4,054,000 and $7,246,000 circulation. The total capital of all the banks in the state in that year was $5,674 000; circulation, $9,057,837; specie, $3,023,285.—INDIANA. The state of Indiana was admitted into the Union in 1816, and in 1820 2 banks had been established. In 1834 the state bank of Indiana was incorporated, with 10 branches, the branches being mutually liable for each other's debts. Each share was to be liable to an annual tax of 12½ cents, and when any general system of taxation should be authorized by the state, the shares were to be liable as other capital. The tax on them was, however, in no event to exceed 1 per cent. The capital was mostly borrowed from abroad, through the credit of the state, which took $1,000,000 of the stock, and also loaned its credit to individual stockholders to the extent of one-half of their subscriptions, taking real estate at one-half its improved value as security. Although this bank commenced business during the very critical condition of financial affairs which culminated in the panic of 1837, it was the only enterprise started by the state which was successful. The bank paid dividends averaging from 12 to 14 per cent. annually, and in 1854, on the expiration of its charter, when it went into final liquidation, it returned to its stockholders nearly double their original investment. The state realized fully 3½ millions in profits from the 1 million invested. In 1841 the branches were authorized, on payment of 1 per cent., to issue not more than $5,000,000 in notes of denominations of less than five dollars. The banks of Indiana suspended specie payments in 1838, and resumed in 1841. In November, 1851, a new constitution went into effect in the state, which prohibited the organization of banks except under a general law. In 1852 such general law was passed, providing for the deposit of United States and state stocks with the auditor as security for circulation. In October, 1854, there were 84 of these banks. The oppressive tax laws of Ohio drove much banking capital to Indiana. In 1856, of 94 of the free banks 51 had suspended, and their notes were selling in Cincinnati at from 25 to 75 per cent. discount.—When the charter of the state bank expired in 1854, a new bank with a capital of $6,000,000 was authorized by the legislature. This bank was carefully and skillfully managed, and did not suspend in the crisis of 1857.—ILLINOIS. The first bank in the state of Illinois was established under its territorial government, in 1813, at Shawneetown, and three years thereafter was incorporated, with a capital of $300,000, for a term of 20 years. In 1835 its charter was extended to January, 1857, and its capital increased to $1,400,000, the additional capital being subscribed by the state, which issued its bonds for that purpose. It subsequently failed, having $46,909 of unavailable funds on deposit belonging to the government. The state bank of Illinois was chartered in 1821, with a capital of $500,000, the state constitution of 1818 having prohibited any other new organizations. This bank was owned by the state, and its circulating notes were receivable for taxes and for all debts due to the state or the bank, and $300,000 of circulation was directed to be issued and loaned on mortgages, in sums not exceeding $1,000 to any one individual, upon notes for one year at 6 per cent. interest. The notes of the bank were soon thereafter quoted at 75 cents on the dollar, then at 50 cents, finally at 25 cents, when they ceased to circulate altogether. In February, 1835, a new bank

was incorporated with a capital of $500,000, which was subsequently increased to $2,000,000, owned and controlled by the state. It was soon after compelled to suspend specie payments, and in 1843 acts were passed, placing the state bank and the bank at Shawneetown in liquidation. The stock of these banks subscribed for by individuals was lost, as well as $900,000 belonging to depositors and bill holders. The state took possession of its bonds amounting to $3,050,000, and they were canceled and burned in the presence of the legislature in the capitol square at Springfield — In the year 1843 a general banking law, similar in its provisions to the free banking law of Indiana, was passed.—In 1861 the circulation was $12,300,000, secured largely by bonds of the state of Missouri, and the bonds of the southern states, which subsequently became much depreciated. — The constitution of 1870 prohibits the creation of a state bank, and requires all acts authorizing corporations with banking powers to be submitted to the people. It also requires that banks in operation shall make under oath, and publish, full and accurate quarterly reports of their affairs, but no law was ever passed carrying into effect this constitutional provision.— Secretary Crawford, Albert Gallatin and others made estimates of the capital, circulation and specie held by the banks in the United States,[1] from 1784 to 1830, and from these estimates the following table has been compiled, showing the amounts of these items at various dates within that period:

YEARS.	Number of Banks.	Capital.	Circulation.	Specie.
		Millions.	Millions.	Millions
1784	3	2.1	2.0	10.0
1792	16	17.1	11 5	18.0
1794	17	18 0	11.6	21.5
1797	25	19.2	10.0	16 0
1800	28	21.3	10.5	17.5
1804	59	39 5	14.0	17.5
1811	89	52.7	28 1	15.4
1816	246	89.8	68.0	19.0
1820	308	137.2	44.9	19.8
1829	330	145.2	61.3	22.1

—Banking associations, especially in the southern and western portions of the country, were established under charters granted by state legislatures, the shares of which were held wholly or in part by the states themselves, and in character similar to those in the states already referred to. The banks operating under special charter were in high favor, the amount of currency issued greatly exceeding, in some cases in the proportion of 3 to 1, the amount of their nominal capital. Charters of this class were naturally regarded as of great value, and the parties seeking such concessions from the legislatures were exceedingly numerous. —In 1813 a bill authorizing the establishment of some 25 banks, with a proposed capital amounting in all to 9 millions, passed the legislature of Pennsylvania, but was annulled by the veto of governor Snyder. The following year, however, a bill of similar character was successfully passed over the repeated veto of the governor of that state, authorizing 41 banks to commence business, with an aggregate nominal capital of 17 millions, while it required only one-fifth of such capital to be paid in. Thirty-seven of these went into operation. The capital of a large number of them was merely nominal, being represented by stockholders' notes for the amount of their respective shares. As might have been expected, the lifetime of such institutions was exceedingly brief; 15 of those in Pennsylvania became insolvent within four years after their establishment. In other cases the banks whose charters had been authorized by the New England and southern states were disposed of to non-residents, who organized such associations with but little real capital, and the currency of these banks was almost certain not to be circulated at home, but among the citizens of remote states, who suffered great loss from such issues. As late as 1854 the circulation of the northwestern states consisted largely of the notes of two or three Georgia banks, which circulated upon the personal credit of western shareholders, and without any regard to the management of the issuing banks.—Observing the results in the state of New York, which had followed the passage of the free banking law, a number of other states, chiefly in the east and west, after the year 1850, adopted similar systems of banking.— The free banking acts of the states of Massachusetts and Louisiana required an ample reserve to be kept on hand, and contained other restrictions, which were subsequently incorporated in the national bank act.—Charters for banks were still granted in most of the states which adopted the free banking system, and the former were more profitable and generally preferred, so that but few organizations comparatively were perfected under the latter system. The free banking acts which were passed by the legislatures of the western and southern states, almost without exception, omitted the most important provisions contained in the laws of the three states already referred to. No provision was made for the redemption of the circulation at any common centre; the security required was not sufficient; the notes were issued in excess of the cash capital, the shareholders were not made personally liable, and a majority of both directors and shareholders were often non-residents. These organizations were frequently associations without capital, located at places not easily accessible, and owned by non-residents who, taking advantage of such laws, converted state bonds into currency and drew the interest on the bonds without transacting much if any business at the place of issue. The governor of Indiana, in his message for 1853, says: "The speculator comes to Indianapolis with a bundle of bank notes in one hand and the stock in the other, in 24 hours he is on his way to some distant point

[1] Report of the Comptroller of the Currency, 1876, pp. 39-42

of the Union to circulate what he denominates a legal currency, authorized by the legislature of Indiana. He has nominally located his bank in some remote part of the state, difficult of access, where he knows no banking facilities are required, and intends that his notes shall go into the hands of persons who will have no means of demanding their redemption."—The governor of Michigan, in his message for the same year, says: "At present we are giving charters to the issues of banks about which we actually know nothing, in whose management we have no participation, and are thus literally paying a large tribute for what generally in the end proves to be a great curse." Governor Ford, in a message to the legislature of New Jersey, in referring to the same subject, says: "In many cases our banks, although ostensibly located in New Jersey, have their whole business operations conducted by brokers in other states. The facility with which they may be organized and located, without reference to the wants of the community or the business of the place, is destructive to all the legitimate ends of banking."—The adoption of the free banking system under such laws was not favorable to its extension in other states, and only a small portion of the circulation outstanding was issued upon bonds deposited with state officers for the purpose of securing the same. Specie payments were suspended in 1814, in 1837 and in 1857. The notes of the banks, with the exception of those located in the large commercial cities, were during the whole period at a discount for coin. The notes of the New England states, which were redeemed at the Suffolk bank, were worth ⅛ per cent. less than coin in New York, and many New York state notes, issued previous to the passage of the free bank act, were at a discount of ½ to ¾ of 1 per cent., while the notes of the banks in other states which were only redeemed at the counters of the issuing banks, were all at rates of discount varying from ¾ to 5 per cent, and at times at much higher rates. The losses to billholders were estimated to be not less than 5 per cent., annually, upon the whole amount of circulation outstanding. The losses upon exchange, between different portions of the country, were still greater than the losses arising from the insolvency of the banks, and the number of counterfeit and worthless bank notes in circulation is estimated to have been more than 6,500.— The sketches given of the banks organized in the states of New York and Massachusetts, and in three of the older western states, exhibit the general outlines of the bank legislation of the country previous to 1863. They present in a favorable light the operations of the charter system, the safety fund, and the free banking system in two of the most prosperous states of the union, while they expose many, but by no means the worst, imperfections of those systems as they existed in some of the other states during the period when circulation was issued by state authorities.—Congress, by a resolution in 1832, directed the secretary of the treasury to procure and publish as full returns as possible of the resources and liabilities of the state banks. In many states no reports were required for banks chartered under their laws; in others, infrequent ones only were required; and in those which made reports there was an entire absence of uniformity as to the dates upon which their condition was stated. No reliable information could, therefore, be given at any given date of the circulation, the specie, the deposits, or of their resources and liabilities generally; and the returns were in many instances based upon statistics which were made from reports that in themselves were unsatisfactory. From these returns the following table has been prepared, giving the principal items contained in the returns of the state banks at the dates named:

YEARS.	No. of Banks.	Capital.	Loans.	Individual Deposits.	Circulation.	Specie.
1835	704	$231,250,337	$365,163,834	$ 83,081,365	$103,692,495	$43,937,625
1837	788	290,772,091	525,115,702	127,397,185	149,185,890	37,915,340
1838	829	317,636,778	485,631,687	84,091,184	116,138,910	35,184,112
1840	901	358,442,692	462,896,523	75,696,857	106,968,572	33,1 5,155
1845	707	206,045,969	288,617,131	58,020,646	89,608,711	44,241,242
1850	824	217,317,211	364,204,078	109,586,585	131,366,526	45,379 345
1855	1,307	332,177,288	576,144,758	190,400,842	186,952,223	53,944,546
1857	1,416	370,834,686	684,456,887	230,351,352	214,778,822	58,340,838
1858	1,422	394,622,799	583,165,242	185,932,049	155,208,344	74,412,832
1860	1,562	421,880,095	691,945,580	253,802,129	207,102,477	83,594,537

All banks organized under state laws, and all private bankers, have been required, for some years past, to make returns to the treasury department of their capital and deposits, for purposes of taxation, and from these returns the following table has been compiled, showing the number of the state banks and trust companies, of the savings banks with and without capital, and of the private bankers of the whole country, together with their average capital and deposits for the six months ending May 31, 1880:

GEOGRAPHICAL DIVISIONS.	State Banks and Trust Companies			Private Bankers.			Savings Banks with capital			Savings Banks without capital.	
	No.	Capital.	Deposits	No.	Capital	Deposits.	No.	Capital	Deposits.	No.	Deposits.
		Millions.	Millions		Millions.	Millions.		Millions.	Millions.		Millions.
New England States..	40	6.86	16.47	74	5 16	3.74	----	----------	----------	422	368.76
Middle States	234	38.98	154.89	885	40.01	71.54	6	0.53	3.19	175	386 00
Southern States.....	241	26.69	38.51	252	4.81	13.54	3	0.34	0.57	2	0 88
Western States and Territories	481	41.44	108.91	1,591	26.14	93.85	20	3.17	30.85	30	27.39
United States	996	113.97	318.78	2,802	76.12	182.67	29	4.04	34.61	629	783 03

—National Banks. A financial writer in the *Analectic Magazine*, Philadelphia, for 1815, at which time the bank currency was in its worst state proposed that the public funds should serve, in the absence of specie, as the basis, support and limit of a paper currency.[1]—Albert Gallatin also, in his celebrated essay in 1831, suggested the issue of circulating notes secured by government bonds. At that date the debt of the government was in process of rapid reduction, and was entirely paid within the next four years He proposed that existing bank notes be taxed out of existence, and suggested a resort to mortgages on real estate for want of public stock, which plan, however, he found liable to the objection that the accommodations which the banks could, in that case, afford to individuals might be too much curtailed; and he concludes that "if these objections can be removed, the plan proposed would give to the banking system of the United States a solidity, and inspire a confidence, which it can not otherwise possess."—The bank of England was organized in the year 1694, upon a capital of £1,200,000 which had been loaned to the government, and the capital of that bank since that date has not differed materially from the permanent advance to the government; and three-fourths of the stock of the bank of the United States, in 1790, was authorized to be paid in United States stock, bearing 6 per cent interest. In 1844 notes of the value of 14,000,000 pounds sterling were authorized to be issued by the bank of England, on government securities; additional issues to vary with the amount of coin or bullion on deposit.—The free banking system of the state of New York, as has been seen, was authorized six years previous, in 1838, and was the first system of banking which required securities to be deposited for bank issues. Secretary Chase, in his report for December, 1861, recommended the gradual issue of national bank notes, secured by the pledge of United States bonds, similar to the system then in operation in New York, in preference to the issue of United States notes, 50 millions of which had already been issued.—The advantages claimed by the establishment of the banking system were. "A currency of uniform security and value, protection from losses in discounts and exchanges, increased facilities to the government in obtaining loans, a diminution in the rate of interest or a participation by the people in the profits of circulation, an avoidance of the perils of a great money monopoly, and a distribution of the bonds of the nation to the leading monetary associations of the country, thus identifying their interests with those of the government."—A bill was prepared in accordance with his views during that month, and printed for the use of the committee of ways and means, but it was not reported, and a notice to print extra copies in July was laid on the table; and on the 8th of July following, Mr. Stevens, the chairman of the committee of ways and means, submitted the bill with an adverse report. The immediate necessities of the government compelled the issue of legal tender notes instead of the issue of national bank notes as recommended by the secretary, and the consideration of the bank act was deferred.—A general suspension of specie payments took place on Dec. 28, 1861, and two months thereafter the act of Feb. 25, 1862, was passed, authorizing the issue of 150 millions of legal tender notes, which amount was afterward increased 150 millions by the acts of July 11, 1862, and March 3, 1863, the latter date being but a few days subsequent to the passage of the first national bank act.—On Jan. 30, 1864, when the whole amount of national bank notes outstanding was but $3,700,000, nearly the whole amount of legal tender notes authorized, $449,338,902, had been issued, which was the highest amount outstanding at any one time.—In his report for 1862 secretary Chase again earnestly advocated the passage of the national bank bill. He presented at considerable length the arguments for and against the system, and urgently renewed his previous recommendation for its passage. One of the advantages which he said would arise from its passage was "that the United States bonds would be required for banking purposes, a steady market would be established, and their negotiation greatly facilitated, a uniformity of price for the bonds would be maintained at a rate above funds of equal credit, but not available to banking associations. It is not easy to appreciate the full benefits of such conditions to a government obliged to borrow;" it will "reconcile as far as practicable the interests of existing institutions with those of the whole people, and will supply a firm anchor-

[1] Address of Comptroller Knox before the Merchants' Association of Boston; Banker's Magazine, vol. 15, p. 545.

age to the union of the states." The bill is said to have had the sanction of every member of the administration. President Lincoln earnestly advocated its passage in his annual message in 1862, and in 1863 he said: "The enactment by congress of a national banking law has proved a valuable support of the public credit, and the general legislation in relation to loans has fully answered the expectations of its favorers. Some amendments may be required to perfect existing laws, but no change in their principles or general scope is believed to be needed."—About 14 months after, the national bank bill was printed for the use of the committee of ways and means; it was introduced into the senate by senator Sherman and referred to the finance committee, from which it was reported by him on Feb. 2, 1863, with amendments Ten days later it passed that body by a vote of 23 to 21, and on the 20th of the same month it also passed the house of representatives by a vote of 78 to 64.—The bill encountered earnest opposition, and the secretary, in a letter to a friend at about that date, said that "a majority of both the house and senate finance committees were incredulous or hostile."—Senator Collamer, in his speech in the senate, Feb. 11, 1863, said: "It will be found that the people will not break up their present system of banking, interwoven as it is with all their transactions, bound up as their business life is with it, to establish banks under this bill, and they will never buy United States stocks for this purpose." One of his reasons for opposing the bill was that the schools of some of the New England states were supported by the tax fund collected from the existing state banks. Senator Harris of New York, who afterward voted for the bill, proposed an amendment, authorizing the state banks to receive circulation under state charters, and said: "The banks in the state of New York can, I believe, be induced, without surrendering their charters as state banking associations, to take out circulation under the provisions of this bill, but I do not suppose that a single banking institution in the state of New York would ever be induced to surrender the privileges it derives under the state law, and become an association organized under the provisions of this act." Three senators only from the middle states voted in its favor. The two senators from Vermont, one from Connecticut, and seven from the middle states, voted against it. In the passage of the act in the house, some of the most eminent of the representatives from New England and New York, now distinguished members of the senate, voted against it.—The bill was thoroughly revised, discussed, and repassed a little more than a year afterward, June 3, 1864; all of the senators from New England then voting in its favor, and all of the senators from the middle states who were present, except those from Pennsylvania and Delaware, and all but three from the western states. The vote was 30 in favor and 9 against the bill. In the house it received the votes generally of the republican members. The vote was 78 to 63. The bill was afterward passed, upon a report of a conference committee of both houses in reference to certain amendments upon which there had been a disagreement.—The constitution of the United States provides that no state shall emit bills of credit, but it was decided by the supreme court in 1836, in Briscoe vs. The Bank, when there were 713 state banks in operation, with 281 millions of capital and 140 millions of circulation, 36 of which banks held 41 millions of public deposits and only 16 millions of other deposits, that a private corporation authorized by the state, which was the principal stockholder, could issue circulating notes which the state itself could not issue, and make them receivable for public dues. In 1861 the number of state banks had increased to 1,601, with a capital of 429 millions, and more than 10,000 different kinds of notes were in circulation, issued by the authority of 34 different states, under more than 40 different statutes. The right to issue such notes had obtained a firm foothold, and nothing but a great war could have brought about a revolution in this respect. The circulation of the banks was 202 millions, distributed as follows: [1]

In 6 eastern states	$45,000,000
In 5 middle states	53,000,000
In 11 southern states	74,000,000
In 8 western states	30,000,000

There was, as has been seen, determined opposition to the interference with the right of state banks to issue circulating notes. But circumstances favored the substitution of the new issues in place of the old, which had become largely discredited, and which might have been classified as follows:

Stock secured banks	$36,000,000
Chartered	90,000,000
Western banks discredited	22,000,000
Southern banks discredited	54,000,000
Total	$202,000,000

The charters of the state banks of Ohio and Indiana, and of other banks, were about to expire, so that fully one-half of the bank issues of the country were either discredited or depended upon legislation for continuance.—The act of Feb 25, 1863, and the subsequent act of June 3, 1864, which superseded the former, provided for the establishment of a national bank bureau in the treasury department, the chief officer of which is the comptroller of the currency, and authorized the issue of 300 millions of national bank notes to associations organized in compliance with law, and composed of any number of persons, not less than five. Circulation was authorized to be issued at a rate equal to 90 per cent. of the current market value, but not exceeding 90 per cent. upon the par value of United States bonds deposited. The notes are guaranteed by the government, and if the avails of the bonds deposited as security for circulation

[1] Report of Comptroller of Currency, 1876, p. 92.

are not sufficient for the reimbursement of the government, it is entitled to the first lien upon all the assets of the bank. The law provides that they shall be received by the government in payment of all taxes and other dues, except duties on imports, and payable for all debts or demands owing by the government, except interest on the public debt and in the redemption of national bank notes; and that each bank shall "take and receive at par, for any debt or liability to it, any and all notes or bills issued by any lawfully organized national banking association."—The effect of the passage of the act was to create a demand for the 6 per cent. bonds, which soon thereafter advanced from a discount of 7 per cent to a premium in the market. There was a delay in printing the notes, and no issues were made until Dec. 21, 1863. The act authorized the conversion of state banks; but the new system was not favored by them, and such conversions were not numerous until the passage of the act of March 3, 1865, which provided that every banking association shall pay a tax of 10 per cent. on the notes of any person or state bank used for circulation or paid out by them. The constitutionality of this act was subsequently affirmed by the supreme court. The comptroller, in his report for December, 1865, says that there were 731 conversions during that year, and that of the 1,601 national banks then organized, 922 were conversions from state banks. Nearly all banks in the New England states, and many in other states, became national associations, and during the following year nearly the whole 300 millions of circulation authorized ($298,588,419) had been issued.—There was at this time more than 1,275 millions of temporary obligations of the government outstanding, 830 millions of which were in treasury notes, bearing interest at 7 30 per cent. [1] The banks soon thereafter held 440 millions of government securities, and the system was of immense service in funding this floating debt during the three years which followed the close of the war. The act of July 12, 1870, increased the authorized issue of national bank notes to 354 millions, and the largest amount outstanding at any one time was on Dec. 1, 1874, when it reached $352,394,346. The act of June 20, 1874, authorized any national bank desiring to increase its circulation, to deposit lawful money with the treasurer in sums of not less than $9,000, and to withdraw a proportionate amount of bonds held as security for its circulating notes, and under this act the circulation decreased in volume more than 30 millions during the next three years. The act of Jan. 14, 1875, repealed all previous laws restricting the aggregate amount of circulation, and since that date all banks have had the right to increase and decrease their circulation at their pleasure, subject to the restrictions of the act. The same act required the secretary of the treasury to retire legal tender notes to an amount equal to 80 per cent. of the national bank notes thereafter issued. This provision was repealed on May 31, 1878, but not until $35,318,984 of legal tender notes had been cancelled, which reduced the amount of legal tender notes from 382 millions to $346,681,016, which is the amount now outstanding. The effect of the passage of the act was to reduce the volume, both of the legal tender and bank notes, and until May 20, 1881, the amount outstanding of the latter at any one time, was not equal to the 354 millions authorized by the act of 1870.—One of the most important requirements of the act is that the capital stock of every association shall be fully paid in. The organization of banks without capital, or with stock notes, was one of the great abuses of previous banking systems. At least one-half of the authorized capital stock must be paid in before a national bank can commence business, and the remainder in installments of not less than one-fifth monthly thereafter. The minimum capital of any bank is $50,000, and such bank may be organized only in places having less than 6,000 inhabitants. In larger places the capital must not be less than $100,000, and in cities whose population is 50,000, the capital must not be less than $200,000. The proportion of capital to liabilities is much greater in this country than elsewhere, which is undoubtedly owing to the fact that the national bank act requires that the full amount of authorized capital shall be actually paid in. In England, as a rule, only a part of the capital is paid in; but in the limited banks the stockholders are individually liable for the full amount of their subscriptions, the stockholders of other corporations, not limited, being each liable for all the debts of the corporation.—Tables of the comptroller in his report for 1878, compiled from the London *Economist*, give the capital, surplus and liabilities of 3,417 banks in the United Kingdom, including the bank of England. The ratio of capital to liabilities of the 3,417 banks in the United Kingdom was 16.78 per cent., and the ratio of capital and surplus to liabilities was 23.07 per cent.; while the corresponding ratios of the national banks were 40.88 and 54.73, the ratios of the latter banks being in each instance more than double those of the United Kingdom.—The whole number of shares of national bank stock in 1876 was 6,505,930, and of shareholders 208,486.—It is not probable that the capital stock of any other class of corporations is so widely distributed among people of moderate means. The average amount of stock then held by each shareholder was about $2,400. In the eastern states it was about $2,100, and in the western states about $4,800, and more than half the whole number of shareholders held each but $1,000 or less of such stock, while 767 persons only held as much as $50,000 each. It was distributed among residents in every state of the Union, in 11 countries or provinces of this continent, and in 25 countries of Europe, Asia and Africa.—The banks are prohibited from loaning money upon real estate or upon the security of the shares of their own capital stock, or on the

[1] Report of Comptroller of Currency, 1878, p. 33.

security of their own circulating notes or of legal tender notes, and from making accommodation loans to any person, company, corporation or firm, to an amount exceeding one-tenth part of their capital. They are also prohibited from borrowing money upon their own circulating notes, or becoming in any way liable to an amount exceeding their capital stock actually paid in, except on account of their circulating notes, their deposits and bills of exchange drawn against money actually on deposit, and liabilities to stockholders for reserve profits. Thus they are required to be lenders and not borrowers of money. They are restricted in the rate of interest which they may take to the rate allowed by the laws of the state in which they are located, and the penalty for charging a usurious rate of interest, as determined by the supreme court, is a forfeiture of the interest agreed to be paid, or, if actually paid, twice the amount may be recovered back by the person paying it.—The total amount of loans of national banks on Oct. 2, 1879, was $875,013.107. The number of pieces of paper discounted was 808,269. The number of notes and bills of $100 each, or less, was 251,345, or nearly one-third of the whole; the number of less than $500 each was 547,385, or considerably more than two-thirds of the whole, while the number of bills of less than $1,000 each was 642,765, more than three-fourths of the whole number. The amount of discounts in the New England states was considerably more than those of the western and southern states; but the number of loans in New England was only about one-half the number in the south and west. The banks in New York city held 2,970 pieces of paper, in Boston 2,258, in Philadelphia 809, and in Chicago 322, of $10,000 each and over; and the number of loans of this class held by these four cities was more than half of the total number held by all the national banks in the United States. The average amount of each discount was $1,082.59. The average amount in New York city was $3,962.13; in Boston, $3,083; for the 228 banks of the principal cities it was $2,930.90, and the average for the remaining banks, 1,820 in number, was $685.85.—If the average time of all the discounted notes was 60 days, and the banks held continuously the same amount, the number of discounts made during the year would be nearly 5 millions, and the total discounts more than 5,000 millions, which would be equal to a discount of $700 annually for each voter, or $500 for each family in the country.—The comptroller is authorized to cause an examination of the banks at any time, and such examinations are to be made at least as often as once a year. Reports showing the detailed condition of the banks may also be called for, for any past date, and must be returned not less than five times during each year.—In Jan., 1864, there were 139 banks in operation, with a capital of 14 millions; in 1865, 638 banks, with a capital of 135 millions; in 1867, 1,648 banks, with a capital of 420 millions.—The following table exhibits the number, resources and liabilities of the national banks for eleven years at nearly corresponding dates, and upon May 6, 1881:

RESOURCES AND LIABILITIES.	Oct. 8, 1870.	Oct. 2, 1871.	Oct 3, 1872.	Sept 12, 1873.	Oct. 2, 1874.	Oct. 1, 1875.	Oct. 2, 1876.	Oct. 1, 1877.	Oct. 1, 1878.	Oct. 2, 1879.	Oct. 1, 1880.	May 6, 1881.
	1,615 Banks.	1,767 Banks.	1,919 Banks.	1,976 Banks.	2,004 Banks.	2 087 Banks.	2,089 Banks.	2,080 Banks.	2,053 Banks.	2,048 Banks.	2,090 Banks.	2,102 Banks.
RESOURCES	Millions.	Millions.	Millions.	Millions.	Millions.	Millions.	Millions.	Millions.	Millions.	Millions	Millions.	Millions.
Loans	715.9	831.6	877.2	944.2	954.4	984.7	931.3	891.9	834.0	878.5	1,041 0	1,093 7
Bonds for circulation	340.9	364.5	382.0	388.3	383.3	370 3	337.2	336 8	347.6	357.3	357.8	352 7
Other U. S. bonds	87.7	45 8	27.6	23 6	28.0	28.1	47.8	45.0	94.7	71 2	43 6	59 4
Stocks, bonds, etc	24.6	24 5	23.5	23 7	27.8	33 5	34.4	34 5	36.9	39.7	48.9	52 9
Due from banks	109 4	143.2	128.2	149.5	134.8	144.7	146.9	129.9	138.9	167.3	213 5	208 2
Real estate	27 5	30.1	32 3	34.7	38.1	42.4	43.1	45.2	46 7	47.8	48.0	47.8
Specie	18.5	13 2	10.2	19.9	21.2	8.1	21.4	22.7	30 7	42.2	109 3	122.6
Legal-tender notes	79.3	107.0	102.1	92.4	80.0	76.5	84 2	66.9	64.4	69 2	56 6	62 5
Nat'l bank notes	12 5	14.3	15.8	16.1	18.5	18.5	15 9	15.6	16.9	16 7	18.2	25 1
C. H. exchanges	79.1	115.2	125.0	100.3	109 7	87.9	100.0	74 5	82 4	113.0	121 1	196.6
U. S. cert. of deposit	.....	.....	6 7	20.6	42.8	48.8	29.2	33.4	32.7	26 8	7.7	8.0
Due from U.S. Treas	.....	.....	.....	.....	20 3	19 6	16.7	16.0	16.5	17.0	17.1	18.5
Other resources	66.3	41.2	25.2	17.3	18.3	19.1	19.1	28.7	24.9	22.1	23.0	22.3
Totals	1,510.7	1,730.6	1,755.8	1,830.6	1,877.2	1,882.2	1,827.2	1,741.1	1,767.3	1,868 8	2,105.8	2,270.3
LIABILITIES.												
Capital stock	430.4	458.3	479.6	491.0	493.8	504 8	499.8	479.5	466 2	454.1	457.6	459 0
Surplus fund	94.1	101.1	110.3	120.3	129.0	134.4	132 2	122.8	116.9	114.8	120.5	124.4
Undivided profits	38.6	42.0	46.6	54 5	51 5	53.0	46.4	44.5	44 9	41.3	46.1	54 9
Circulation	293 9	317.4	335.1	340.3	334 2	319.1	292 2	291.9	301.9	313.8	317.3	309 7
Due to depositors	515 2	641.4	628.9	640.0	683.8	679.4	666.2	630.4	668.4	736 9	888.2	1,040 0
Due to banks	130 1	171.9	143.8	173.0	175.8	179.7	179.8	161.6	165.1	201.2	267.6	272.0
Other liabilities	8 4	8.5	11.5	11.5	9.1	11.8	10.6	10.4	7.9	6.7	8.5	10 3
Totals	1,510.7	1,730.6	1,755.8	1,830.6	1,877.2	1,882.2	1,827.4	1,741.1	1,767.3	1,868.8	2,105.8	2,270.3

—Banks are required to pay 1 per cent. tax upon their circulation annually, and ½ of 1 per cent. upon their average deposits and upon capital not invested in United States bonds. The total amount of this tax collected to July 1, 1880, was, on circulation, $45,941,161; on deposits,

$47,703,404; on capital, $6,716,903; making an aggregate of $100,361.469. Taxes are also imposed by authority of the state within which the association is located. The table below gives the national and state taxation for the years specified therein:

YEARS.	Capital Stock.	United States Taxes.	State Taxes.	Total	United States.	State.	Total.
					Per ct.	Per ct.	Per ct.
1874	$493,751,679	$7,256,082	$9,620,326	$16,876,409	1.5	2 0	3 5
1875	503,687,911	7,317,581	10 058,122	17,375,653	1.5	2 0	3 5
1876	501,788,079	7.076.087	9.701,732	16.777,819	1.4	2.0	3 4
1877	485,250,694	6,902,573	8,829,304	15,731,877	1.4	1.9	3.3
1878	471,064,238	6,727,232	8,056,533	14,783,765	1 4	1.7	3 1
1879	456,968,504	7,016,131	7,603,232	14,619,363	1.5	1.7	3 2

—The average amount of taxes paid during the past twelve years has been 16 millions, or considerably more than 4 per cent. upon the amount of circulation issued. The ratio of taxation, state and national, in the New England states, in 1879, was 2.7 per cent.; in the middle states, 3.6; southern states, 2.7; western states, 3.6. The rate of taxation in New York was 5 5; in Boston, 2.6; Philadelphia, 2 8; Baltimore, 2.5; Cincinnati, 4.3, Chicago, 5 8.—The law requires that each association shall, before the declaration of any dividend, carry to its surplus fund one-tenth part of its semi-annual net profits, until the same shall amount to 20 per cent. of its capital stock. It also prohibits associations from withdrawing, either in the form of dividends or otherwise, any portion of their capital, and requires that losses and bad debts shall be deducted from net profits before any dividend shall be declared. If a bank suffers a loss greater than its accumulated earnings, there are but two courses open to it, so far as dividends are concerned The first is to pass the dividend, and the other to pay an illegal dividend from the capital stock, which latter course would subject the bank to being declared insolvent and placed in the hands of a receiver. The capital and surplus together form the working fund of the bank, and the banks which make the largest dividends in proportion to their capital are those which have accumulated a large surplus. The amount of the surplus in 1865 was 17 millions; in 1870. 90 millions; in 1875, 131 millions; and on March 11, 1881, it was 122 millions of dollars. The ratio of dividends to capital, and to capital and surplus, for each of the last six years, has been as follows :

GEOGRAPHICAL DIVISIONS.	Dividends to Capital.							Dividends to Capital and Surplus.						
	1875.	1876.	1877.	1878.	1879.	1880.	Av'ge	1875.	1876	1877.	1878.	1879.	1880.	Av'ge.
	Per ct.	Per ct.	Per ct.	Per ct.	Per ct.	Per ct.	Per ct	Per ct.	Per ct.	Per ct.	Per ct	Per ct	Per ct	Per ct.
New England	9 6	8 4	7 6	6 8	6.4	6.8	7 6	7.6	6 7	6 0	5 6	5 2	5 6	6 1
Middle States	9.8	9 8	8 5	7 9	7.9	8 4	8 8	7 6	7 7	6 6	6 1	6 1	6 4	6 8
Southern States	8 7	8 8	8 3	7.3	7 0	7 8	8 0	7.7	7 6	7 1	6 2	6 0	6 7	6 9
Western States	10 7	10.3	2 2	9 6	9.4	9 5	10.3	8 6	8 1	9 6	7 7	7.5	7 5	8 2
United States	9.9	9 4	8 9	7 8	7.6	8.0	8.6	7.8	7 5	7 1	6 2	6.1	6 4	6 9

During the past five years the average number of banks semi-annually passing dividends on account of losses was 279. The average amount of capital of these banks was $42,266,244, or nearly one-tenth of the total capital of all the banks. The aggregate losses which were charged off by the national banks in operation during the past five years, before declaring dividends, was more than 100 millions of dollars, about 20 per cent. of which it is estimated has been since recovered.—There are no means of definitely ascertaining the losses sustained through the failures of banks operating under the systems of the several states, prior to the establishment of the national banks. The losses under those systems, both to note holders, to whom there can be no loss from national banks, and to the general creditors and shareholders, is known to be large.—In "Elliot's Funding System" it is stated that in 1841, the total capital of the state banks being then $317,642,692, and the circulation outstanding $121,665,198, 55 banks failed, with an aggregate capital of $67,036,265, and a circulation of $23,577,752; and in nearly every instance the entire capital of the banks which failed was lost. The comptroller of the currency, in his report for 1879, gives a table by states, showing losses amounting to $32,616,661 sustained by creditors of 210 state and savings banks and private bankers, during the three years ending Jan. 1, 1879.—Since the establishment of the national banking system, 86 national banks have become insolvent and have been placed in the hands of receivers, who are appointed by the comptroller, and are required to report to him their transactions. The total amount of claims proved by the creditors of these banks is $25,966,602, of dividends paid thereon, $18,100,818. The estimated losses to creditors from the failures of national banks, during the 18 years since the passage of the original national banking act of 1863, have not ex-

ceeded $6,240,000, and the average annual loss has therefore been about $346,000.—Of the 86 failures of national banks, 6 were those of banks located in New York city, having a capital of $2,700,000. The amount of claims proved by the creditors of these banks was $5,585,049. Four of them paid dividends amounting to 100 per cent., and the average dividends of the 6 were 98 per cent. of the claims proved against them. Twenty-one of these insolvent banks have paid their creditors in full, and 40 have paid more than 75 per cent. The average expense of settling the affairs of the banks in the hands of receivers has been about 7 per cent. of the total amount of cash collected.—The individual liability of shareholders of insolvent banks has been enforced in 53 instances, and about $2,700,000 has been collected from this source. The law provides that the shareholders of every national bank shall be held individually responsible, *equally and ratably, and not one for another*, for all contracts, debts and engagements of the association, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.—The supreme court of the United States has decided "that in the process to be pursued to fix the amount of the separate liability of each of the shareholders, it is necessary to ascertain (1) the whole amount of the par value of all the stock held by the shareholders; (2) the amount of the deficit to be paid after exhausting all the assets of the bank; (3) then to apply the rule that each shareholder shall contribute such sum as will bear the same proportion to the whole amount of the deficit as his stock bears to the whole amount of the capital stock of the bank at its par value." The limit of the shareholder's liability is, however, the par value of his stock, and the insolvency of one stockholder does not in any way affect the liability of another.—The percentage of circulating notes unredeemed of 15 national banks which failed previous to 1870 is 0.75 per cent. of the amount issued. The total circulation issued to 23 national banks, which include the 15 banks already mentioned, that failed previous to 1870, was $3,196,693, and the proportion of notes remaining unredeemed is 1.43 per cent. of the amount issued.—It is estimated that the ultimate loss to the people from the destruction of these notes, or from failure to present them for redemption, will be from 1 to 1½ per cent. This amount of loss will be a gain to the government, and not to the banks, and will, if this estimate is correct, amount to from 3½ millions to about 5 millions during each period of 20 years.—No notes of a less denomination than five dollars have been issued to the banks since the date of resumption of specie payments, as provided by law, and the amount of ones and twos since that date has been reduced $5,033,185. The increase of legal tender notes of these denominations since that date has been $3,518,060. The following table gives the amount of each denomination of these notes that were outstanding on April 1, 1881:

DENOMINATIONS.	National Bank Notes.	Legal Tender Notes.	Aggregates.
Ones	$ 1,811,494	$22,049,948	$ 23,861,442
Twos	873,068	21,76 ,746	22,633,814
Fives	99,434,370	68,596,604	168,030,974
Tens	116,250,470	76 923,823	193,174,303
Twenties	77,521,560	72,515,025	15),036,585
Fifties and over	50,047,625	84,834,860	134,882,485
Totals	$345,938,587	$346,681,016	$692,619,603

—The laws governing the national banks, as has been seen, contain numerous restrictions. They also prescribe many and severe penalties for their violation. The only privilege they have over other banks is the right to issue circulating notes. —The profits of a well conducted bank are not derived mainly from circulation, but from the use of deposits; and national banks at the present time are not organized so much on account of the profits upon circulation, as for the reason that these institutions have established a character which is of value to them in the accumulation of deposits.—The amount of interest received by the national banks from the United States bonds held as security for their circulation, and on which circulation has been actually issued, is much less than is generally supposed. On 10 per cent. of the bonds on deposit with the United States treasurer to secure circulation the banks receive interest, without other privileges, in the same manner as any other holder of United States bonds. Thus while the bonds held to secure circulation by the banks in operation on Aug. 1, 1881, amounted to 358 millions of dollars, the total amount of bank notes issued on these bonds was 321 millions only. On the difference of 37 millions of dollars the banks have no special privilege over any other bondholder.—There are national bank notes outstanding in excess of the 321 millions mentioned, but such notes are those of insolvent banks and of those retiring circulation, and are not secured by bonds, but are provided for by a deposit of an equal amount of legal tender notes, in the United States treasury, where they are redeemed and canceled when presented.—Of the bonds securing the notes of the banks in operation, 92 millions consist of 4 per cents., 32 millions of 4½ per cents., 229 millions of 3½ per cents, converted from 5 and 6 per cents, 3½ millions of Pacific railroad 6s., and the remainder, amounting to 5½ millions of called 5 per cent. bonds, upon which interest will cease on the 1st day of October, 1881. The 4 per cent. bonds are now selling at a premium of about 16 per cent., and at this rate do not net the holders 3½ per cent. It is therefore fair to say that for future years the national banks will not as a rule receive as much as 3½ per cent. in interest upon the United States bonds held as security for their circulating notes outstanding.—The banks are required to pay a tax of 1 per cent. on circulation, to keep on hand with the treasurer an amount of lawful money equal to 5 per cent. of such circulation,

and to pay the expense of redeeming the same as it is presented.—The following table shows the profit on an investment in bonds to secure circulation, when the bonds bear interest at 4, 3½ and 3 per cent., and the rates for bank loans are as specified:

	5 per cent.	6 per cent.	7 per cent.	8 per cent.	9 per cent.	10 per cent	11 per cent
4 per cent. bonds at 15 per cent. premium	1.54	1.25	.95	66	.36	.07	.23
3½ per cent. bonds at 2 per cent. premium	1.69	1.53	1.36	1 20	1 03	.87	.70
3 per cent. bonds	1 29	1 14	1.00	.85	.71	.56	.41

—The profit is greatest when the bank rate of interest is least, for the reason that the bank receives 10 per cent. less in circulation than it deposits in bonds. If a bank has a capital of $100,000, it receives $90,000 only in circulating notes. If the bonds are 3½ per cents and the commercial rate of interest 10 per cent., there is a loss of 6½ per cent. on the margin. If the commercial rate is 6 per cent., then the loss is 2½ per cent., instead of 6½ as in the previous case. — In the computation on which the foregoing table of profits is based, the amount of the 5 per cent. reserve which banks are required to keep on their circulation has been deducted from the loanable circulation. But this reserve on circulation is also allowed to form part of the reserve on deposits. If it is not deducted from the loanable circulation, the profits of the bank from this source are somewhat increased.—The premium on the bonds will disappear if they are held until paid by the United States. The bank holding such bonds until maturity will consequently lose the premium. In the case of the 4 per cent. bonds, the loss of 16 per cent. will be distributed over 26 years, making a loss of a little over ½ of 1 per cent. per annum, to be deducted from the profits in the table. The 3½ per cent. bonds, continued in the place of the 6s, being redeemable at the option of the government, the banks holding them are liable to lose the 1 per cent premium at any time. If a 3 per cent. bond be issued, a bank taking it at par and holding it till maturity would experience no loss; but if at any time prior to maturity the bank should desire to liquidate its affairs, a loss would arise if the 3 per cents. should then be worth less than par.— The national banks in 16 of the principal cities are required to keep a reserve of 25 per cent upon deposits, half of which, except in the case of New York city banks, which are required to hold all their reserve in lawful money, may be on deposit with other national banks in the city of New York.—The banks outside of these cities are required to hold a reserve of 15 per cent upon deposits, three-fifths of which may consist of balances with their correspondents in the reserve cities. The following table exhibits the amount of net deposits, together with the amount and classification of reserve, held by the national banks at the dates mentioned:

DATES.	Number of Banks.	Net Deposits.	Specie.	Other Lawful Money	Reserve Agents.	Redemption Fund.	Ratios.
		Millions.	Millions.	Millions	Millions.	Millions.	Per cent.
October 1, 1875	2,087	734 1	8 1	125.2	85 6	16 2	32 0
October 2, 1876	2,089	706.6	21.3	113.4	87 4	14 6	33 5
October 1, 1877	2,080	669.1	22.8	100 2	73 3	14 5	31 5
October 1, 1878	2,053	678.8	30.7	97 0	85 1	15 3	33.6
October 2, 1879	2,048	768.9	42.2	95.9	107.0	15 8	33.9
October 1, 1880	2,090	968.0	108.2	64.3	134.6	15 9	33 4
May 6, 1881	2,102	1,049.2	121 4	70.6	128 0	15 6	32.0

From this table it will be seen that the amount of reserve held largely exceeded the amount required.—It is estimated by the best authorities that the joint stock banks in England and Scotland do not hold exceeding five per cent. of their liabilities in ready money; the remainder of their reserves being largely invested in English consols, or deposited in the bank of England. — The amount of cash reserves held by the national banks in this country is usually more than 12 per cent. of their liabilities. The banks held on Oct. 1, 1875, more than 133 millions of lawful money, of which only about 8 millions was in specie, the remaining 117 millions being in legal tender notes; and on Jan. 1, 1879, the date of the resumption of specie payments, the banks held nearly 100 millions of legal tender notes The average value of the legal tender paper dollar on July 1 of each year from 1864 to 1878, and on Jan. 1, 1879, which was the date of the resumption of specie payments, will be seen in the following table:

1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	1873	1874.	1875	1876.	1877.	1878.	1879.
cts.	cts.	cts.	cts.	cts.	cts.	cts.	cts.	cts.	cts.	cts.	cts.	cts.	cts.	cts.	cts.
38.7	70.4	66.0	71.7	70.1	73.5	85.6	89.0	87.5	86.4	91.0	86.2	89.2	94.5	99.4	100.0

On Oct 1, 1880, the amount of specie, consisting of $102,851,032 of gold coin and $6,495,477 of silver coin, was more than 109 millions, and the amount of legal tender notes 64 millions. The amount of specie held on May 6, 1881, was 122 millions, and of legal tender notes 70 millions. This large increase of specie is owing to the gold production of the mines, which, since the date of resumption, is estimated to have been $72,000,000, and to the excess of imports of gold over exports, which, in the same period, has been $150,241,747. The following table exhibits the total amount of paper currency, and the estimated amounts of gold and silver coin in the country on Nov. 1, 1880, together with the amount of each then in the treasury of the United States, in the national banks, in the state banks, and in the hands of the people at that date:

	Gold.	Silver.	Paper.	Total.
In the treasury	$133,679,349	$77,977,149	$ 26,846,826	$238,503,324
In national banks	102,851,032	6,495,477	86,439,925	195,786,434
In state banks	17,102,130	.....	42 901,474	60,003,604
Elsewhere	200,379,519	73,798,701	534,326,898	808,505,118
Totals	$454,012,030	$158,271,327	$690,515,123	$1,302,798,480

—From the date of resumption to that of the table, the gold in the treasury had increased $20,976,007, in the banks $73,976,149, while the paper currency has decreased $50,768,829, and in the banks $37,008,585. The increase of gold in the hands of the people had been more than 80 millions, and of paper currency more than 108 millions, since that date.—The amount of silver coin was but 6 millions, which would be largely increased if the number of standard silver dollars to be issued were limited in amount, and the number of small legal tender notes outstanding diminished.— During the next two years the legal limit of the existence of a considerable number of the national banks will expire, and congress will be asked to extend their existence for a second period of 20 years. In the absence of prohibitory legislation by congress, many of these banks will probably go into liquidation, and reorganize again under the same system.—If at any time the national bank system should be discontinued, it is probable that the provision imposing a tax of 10 per cent. upon state bank notes would be repealed. These notes would then again be issued under laws now existing, or under new laws enacted for that purpose. These various state issues would not all be secured or redeemed at any one point, and the loss and exchange upon such notes would again be a burden to the business interests of the country: the cost of exchange between the various commercial points of the country, at the rate of ½ of 1 per cent., being estimated at not less than 20 millions annually. If the government, as has been proposed, should issue the entire paper currency, now amounting to nearly 700 millions, it should maintain a coin reserve equal to that of the bank of England or the bank of France, which is not less in either case than one-third of its issue. Interest upon this reserve at 3½ per cent. would exceed 8 millions, and if to this is added the expense of the issue and redemption of the notes, the total amount would considerably exceed the profit upon the circulation of the national banks now outstanding. The preference of the people for paper money instead of coin is exhibited in the last table, and there is danger that if the government, under authority of future legislation, should assume the right to the exclusive issue of the circulating notes, it might extend such issues beyond the bounds of prudence, and again involve the country in a new suspension of specie payments.

YEARS.	National Banks.			State Banks, Private Bankers, etc.			Savings Banks with Capital.			Savings Banks without Capital		Total.		
	No.	Capital.	Deposits	No.	Capital.	Deposits	No.	Capital.	Deposits	No.	Deposits	No.	Capital	Deposits
		Millions.	Millions.		Millions.	Millions		Millions	Millions.		Millions.		Millions	Millions
1876	2,091	500 4	713.5	3,803	214.0	480.0	26	5.0	37.2	691	844.6	6,611	719.4	2,075 3
1877	2,078	481.0	768.2	3,799	218.6	470.5	26	4.9	38.2	676	843 2	6,579	704 5	2,120 1
1878	2,056	470.4	677.2	3,709	202 2	413.3	23	3.2	26 2	668	803.3	6,456	675.8	1,920.0
1879	2,048	455.3	718 4	3,589	197 0	397.0	29	4.2	36.1	644	747.1	6,360	656 5	1,893.5
1880	2,076	455.9	900.8	3,798	190.1	501.5	29	4.0	34.6	629	783.0	6.532	650.0	2,219.9

—The above table exhibits for corresponding dates in each of the last five years, the aggregate amount of capital and deposits of national banks, state banks and savings banks of the United States.—Included among the state banks in the total for 1880 there are 2,802 private bankers, employing a capital of $26,120,000, and having deposits amounting to $182,670,000. JOHN JAY KNOX.

BANK NOTES. We do not propose here to examine the part which bank notes play in the circulation of wealth, nor to inquire how far and in what cases they deserve the name of paper money which is sometimes given to them. We purpose only to show what constitutes a bank note, and how it may be recognized.—A bank note is made payable to the bearer, whoever he

may be; it is also payable at sight or on presentation, no time being set when it shall fall due.—Such are the two requisites of a bank note which essentially distinguish it from all other classes of commercial paper. All other paper falls due at a fixed date stated on its face, and can be transferred only by indorsement, so that the actual bearer is always required to show the signature of the transferer. A bank note may pass from one hand to another without indorsement, and is made payable any day.—It has been contended, however, that a bank note should bear on its face something more. Emile Vincans, a distinguished French lawyer, says that a note made payable to the bearer and at sight, requires something else to make it a bank note. It would not, he says, be entitled to this designation, if it were issued by a private house or a simple merchant. There is some truth in this statement.—It is certain that the bank note, viewed in its material conditions, has no other distinctive character than that which we have described; but it is none the less true that the bank note derives part of its power, and consequently part of its virtue, as a circulating medium, from the character of the establishment whence it is issued. If it were issued by a private citizen, it would hardly be accepted by the public; it could not be made to pass for ready money, and it would always be returned to the office whence it was issued, to be converted into specie. It would then but poorly answer the purpose intended by it. The attempt has been made in some countries, especially in Scotland, where the issuance of so-called bank notes is optional with everybody; and it has proved that an operation of this nature is not safe for individuals or private business firms, however wealthy they may be. It is not safe even for corporations organized on a small scale. In England, by virtue of a clause introduced in the charter of the bank of London, in 1708, the issue of bank notes was forbidden to companies composed of more than six partners. The consequence was that small companies which engaged in these operations were exposed to frequent disasters. But this does not affect the character of a bank note the essential requisites of which, that it be payable to the bearer and at sight, always remain the same. — We may inquire whether it is a great advantage to a banking house to possess the exclusive power to issue notes of this kind, and whether this exclusive right is an important privilege of the bank. There can be no doubt about this. No other form of obligation presents the same advantages to the company which issues it. Notes made payable to the bearer and at sight, are the only ones which can circulate everywhere without any drawback or disadvantage, and which, therefore, can remain in circulation for an indefinite time, answering the same purpose as specie. The exclusive right to issue notes payable to the bearer and at sight, is therefore equivalent to the exclusive right to raise a public loan, by substituting notes for coin in the circulation. CHARLES COQUELIN.

BANKRUPTCY. The constitution of the United States gives power to congress to establish uniform laws on the subject of bankruptcies throughout the United States. When the constitution was adopted, the English law divided the general subject into two parts, insolvency and bankruptcy; which were administered by different courts, and to some extent upon different principles. The insolvent law was applied to persons who were imprisoned for debt, and who asked for a discharge from prison upon a surrender of all their property; the bankrupt law was applied only to traders, and always upon the suit of their creditors against them—never upon the application of the debtors. Not only the person but the debt was discharged. In respect to surrender of property and its division among the creditors, the two systems were alike. It was strenuously insisted in congress, in 1840, that the word "bankruptcies" in the constitution was to be understood in a technical sense, and that the legislature had no power to provide a system of bankruptcy for persons who were not traders, nor to permit debtors to begin the proceedings by their own voluntary petition. This opinion has not prevailed, either in congress or in the courts. It is now fully established that the grant of power is broad enough to permit congress to provide for the settlement of the affairs of all insolvent debtors. At the same time a statute of bankruptcy practically is part of the commercial law, and is hardly needed in purely agricultural communities.—The power of congress over this subject has been exercised but three times, in 1802, 1840 and 1867. The two former acts were short lived, the last was in operation eleven years, and since its repeal many of the merchants of the country have discovered that it was highly useful and they are trying to procure the enactment of a new one. —If we may judge by the practice of commercial nations, a bankrupt law is almost a necessity for them.—The great leading ideas of all such laws are two: to divide the property of an insolvent debtor equally among his creditors, and to discharge the insolvent from his debts. The former of these provisions is universally admitted to be both just and expedient, but there is not a very obvious justice in the latter, and it rests upon expediency alone. To take from a creditor a part of a debt which is his property, without full remuneration, can only be defended upon grounds of a public nature, and upon the theory that if an insolvent debtor is to remain under the load of his obligations, his creditors are likely to obtain little or nothing from him, while, if he is freed, the community will have the benefit of his renewed industry and enterprise. To reconcile, as far as may be, these conflicting interests, it is usually provided that a fraudulent debtor shall not receive his discharge, the renewed industry of such a person not being considered valuable; and also, that the creditors should be consulted, and that a considerable part of them should consent to his discharge. In France the law adds, by way of discouragement

to bankruptcy and the reckless trading which causes it, and of inducement to a subsequent payment when possible, that a discharged bankrupt, however honest he may have been, and however nearly unanimous may have been the consent of his creditors to his release, shall be under certain civil disabilities, implying a sort of disgrace, until he shall have paid all his old debts, with interest. His creditors have no legal claim against him, but the public authorities institute this moral sanction. Something of this kind is now proposed in England in a modified form, and limited to magistrates and members of parliament becoming bankrupt.—If it be granted that a careful and judicious bankrupt law is useful in commercial countries, such a law can be provided only by congress. The courts of the several states give precedence to their own citizens who, as creditors, attach or seize the property of an insolvent debtor, over an assignee or trustee for all creditors equally, including their own citizens, who claim under a decree in bankruptcy made in another state, and this whether the seizure is made before or after the date of the decree. So long as this selfish policy prevails, and there is no reason to expect its speedy disappearance, no state law can effect an equal division to creditors of the property of a bankrupt, if any part of it happens to be found out of the limits of that state.—Again, no state has power, under the constitution of the United States, to discharge a debt due to the citizen of another state or country, unless the creditor chooses to come in and prove his debt in the bankrupt court. For these reasons the states can not pass effectual laws upon the subject of bankruptcies —That congress will be urged, and at some time persuaded to pass another bankrupt law, is as certain as that the number of undischarged debtors in the several commercial states will increase with the lapse of time. The pressure of this class, many of whom are worthy and estimable persons, broken by misfortune, induced the passage of the statutes which have been passed. But it will be much wiser in congress to frame such a law carefully and deliberately with a view to permanence, before the pressure becomes extreme. Such action has lately been advocated by large and influential bodies of merchants, and a committee of the senate has been appointed to consider the subject. What should be the provisions of such a law?—It has been found that the creditors of a bankrupt can not afford to follow up the proceedings in court, or, at any rate, that they will not. They do not wish, as they say, "to throw good money after bad." If they do not, there is great danger that the assets will be wasted in litigation, in fees, and in various ways. In the latest English law a mode of settlement called liquidation can be used by the creditors, and the estate is supposed to be wound up as they may wish; but it is found that the debtor can obtain proxies and votes with great ease, and virtually control his own winding up. This has led to vast abuses, and will, probably, be very much modified. So under our late statutes, as amended in 1874, the creditors could vote for a composition, and here it was found that the debtor could contrive to obtain votes for almost any composition. A bankrupt law, therefore, should be provided with some machinery which will act without being put in motion by the creditors. In a scheme for a statute lately presented to congress, it is proposed that a salaried officer, like a bank, or insurance commissioner, should be appointed in each circuit, whose sole duty it shall be to provide the supervision over the speedy and economical settlement of bankrupt estates, which the creditors can not be relied upon to furnish.—Another practical difficulty in the working of these laws arises from the selfishness of creditors. In every important bankruptcy, there are some creditors who are determined to attain an advantage over the others, and they will resort to threats and promises and all other means to attain their object. Thus, if the question is of consenting to a composition or to a discharge, these men will insist on being paid for doing what the other creditors are willing to do. In the scheme of a law, above mentioned, a creditor who takes such an advantage is held criminally responsible. This is new; and it is supposed that one or two convictions of creditors, under such a law, would have quite an influence in discouraging this disgraceful practice. The waste and dissipation of assets which was complained of in some quarters, and not without justice, when the act of 1867 was in operation, could best be checked by paying all officers, such as registers in bankruptcy, by salary instead of by fees. The expenses could be reimbursed to the United States by definite payments, as for instance, a fee upon beginning a proceeding and by a specific tax upon the assets.—In the United States the federal courts are not familiar to the great body of lawyers and of clients. Their jurisdiction is limited, and their ways are not fully understood. It is highly important that their administration in bankruptcy should be rendered familiar and easy, and to this end it is proposed that the registers in bankruptcy should have considerable judicial powers, subject to appeal, and should be required to hold frequent sessions, at convenient times and places, for the accommodation of suitors.—The vexed question of the discharge of debtors remains to be considered. Most laws, as I have said, provide for a control of this matter by the creditors. It has, however, been found that certain creditors, the most avaricious and the least scrupulous, will take advantage of any power which may be given them over the debtor's discharge by exacting terms from him, either of present payment or of promises for the future. The English statutes, of late years, have declared all such promises to be void, and it is seriously doubted whether it is expedient to give creditors any arbitrary power in the matter. The latest proposition to congress contained the suggestion that every bankrupt who can not be proved to have committed a fraud or wrong upon his creditors, should have a free discharge,

but the creditors might vote that the assignee, as their representative, rather than the creditors individually, should undertake the duty of opposing the discharge of a fraudulent debtor.—It might be wise to impose some disabilities upon discharged debtors until they should pay their debts, as in France; or to refuse a discharge to those who could be proved to have traded recklessly and wantonly after a knowledge of their insolvency; or to fix a minimum of dividend without the payment of which there should be no discharge. So far as we have been able to gather the opinions of persons interested in the question in this country, it is in favor of a liberal policy in the discharge of debtors who have been honest in their dealings.—The mode of discharge by payment of a composition, accepted by a considerable proportion of creditors, and thereby made binding upon the minority, has been already referred to. It has the great advantages to creditors, of speed and certainty, and to debtors of restoring them, promptly, to the control of their affairs. It is the only mode of discharge practiced in France. It needs, however, to be very carefully guarded, in order that the apathy of some creditors, or the rapacity of others, may not produce great inequality and injustice. It is necessary, therefore, to provide for a thorough examination into the affairs of the bankrupt, in order to see that his offer is large enough, and for a very careful supervision by the court, to see that all creditors are treated alike, and that a composition offered shall be promptly and faithfully carried out. No mere promises of payment should be accepted without full security for their performance.

JOHN LOWELL.

BANKRUPTCY, National. The private individual who borrows money, generally for productive purposes, is not always in a position to discharge his obligations to his creditors. Unforeseen circumstances may have interfered with his business operations; imprudence and bad faith may have diverted the loan from its rightful destination, and prevented the subsequent restoration of the capital he owed to the lender. What wonder is it then, that states which borrow nearly always for unproductive purposes, or even with destructive objects in view, have so often been placed in such a condition that it was impossible for them to meet their liabilities? The state has this poor advantage over the private citizen: no action at law lies against it, especially when its refusal to pay becomes general, and extends to all its obligations. In former times the state had, besides, the privilege of robbing its creditors without seeming to do so. To accomplish this, all it had to do was to debase the coinage Shortly after the first Punic war, the government of Rome reduced the *as* from twelve ounces of copper, which it contained, to two ounces only. With the sixth part of the sum which the government really owed, it thus paid the debts incurred during the war. This kind of legerdemain has been frequently practiced since the beginning of the Christian era. We can hardly mention a country that has not resorted to this sort of trickery at one time or another. It is still, to this day, a mode of liquidation or redemption which obtains in eastern countries. Sometimes governments made use of artifice in the matter. They debased the coinage, not by the manifest and tangible reduction of its weight, but by misrepresentation on its face. Sometimes, for instance, the government paid in silver crowns with a copper alloy of 40 per cent., a loan which had been contracted on the basis of crowns with an alloy of only 10 per cent. For some time this ruse prevented the inexperienced from detecting the fraud.—The adulteration of the currency had the serious drawback of causing an endless series of dishonest acts by the inhabitants of the country. The adulterated money being used to settle private accounts, the national treasury was not the only defrauder; every creditor was robbed by his debtor. It was almost a step for the better when governments took the resolution to repudiate their debts more openly and heartlessly. They had the lamentable effrontery to carry this resolution into effect in the middle ages, and up to the eighteenth century. They borrowed as much as possible from the Lombards and the Jews, the great bankers and money lenders of that period, and then drove them out of the country as criminals, and confiscated their property. The compulsory conversion of the Jews to Christianity sometimes exempted them from expulsion. Their conversion, of course, saved their souls, but it saved neither the outstanding debts due to them nor their hoarded treasure. When the Lombards and the Jews had made room for native Christians in the financial marts, the national treasury met the claims of its creditors by periodical "blood-lettings," or forced levies on the property of the citizens. The most honest and upright ministers of the French monarchy, such men as Sully and Colbert, were not the least violent in the measures taken by them to reduce or cancel the indebtedness of the government; to pay its creditors in *lettres de cachet* by seizing their property and by sending them to work in the galleys The regency was inaugurated by the revival of the so-called chamber of justice, whose province it was to cause contractors, purveyors and other persons to disgorge the money they had received or were to receive from the national treasury. The restoration of this tribunal by the duke of Noailles, was preceded by the establishment of the *visa*-bureau, or auditor's office, whose "examination" of accounts reduced the floating debt from 600,000,000 francs to 250,000,000. It had been preceded, likewise, by the pretended monetary reform which debased, by one-fifth, the intrinsic value of the silver coin of the realm. Thus were different kinds of national bankruptcy introduced. Recourse was had to the same measures after the disastrous results of John

Law's enterprise Subsequently the celebrated abbé Terrai, minister of finance, a man in every respect worthy the reign of Louis XV., proclaimed to the world the necessity and the legitimateness of a nation's going into bankruptcy at least once in every century. Before him, Richelieu had urged the expediency of a decennial re-examination of claims upon the national treasury. These claims, certainly, were not always genuine. Sometimes they were not very authentic, and emanated from suspicious sources; at other times they were burdened with exorbitant usurious interest. But, we may ask, was the lender here more guilty than the borrower? These shameful transactions could produce upon the public credit only one effect, namely, that of raising the premium charged for risk, which the lender then added to the price of money. The states which, like Great Britain and the United Provinces where the principles of liberty and equity prevailed, put an end to these perfidious practices, were the only ones that enjoyed good credit.— But these bankruptcies, under the ancient régime, affected directly only a rather limited number of persons. They affected the contractors, large and small, to whom the treasury was indebted, the parties to whom these contractors had transferred the treasury's promises to pay, and other evidences of national indebtedness, together with the capitalists who had consented to make direct advances to the national treasury. In order that the bankruptcy of the treasury might become a really national calamity, and affect all citizens to a greater or less extent, a wider circulation of government paper was necessary, and it was necessary, above all, to discover a means of borrowing from the people generally without their consent. Paper money furnished this means. Modern history affords us several instances of this kind of public bankruptcy. There is the case of France, Austria, Spain, Mexico, and *some* of the states of the American Union. That of France and of Austria was the consequence of the events which followed the great French revolution. In both those countries the national bankruptcy affected the fundholders—the direct, voluntary creditors of the government, and also the holders of paper money—the indirect, involuntary creditors of the government.—In France, the nation's bankruptcy grew out of the excessive issue of assignats. When, at last, the law of the 29th Messidor, year IV., did away with the compulsory circulation of the assignats, that is to say, with their circulation itself, since nobody accepted them voluntarily, the amount issued had reached the almost incredible figure of 45,578,810,040 livres—about $8,432,079,857. We can easily divine what was the value of this mass of waste-paper. The extent to which the assignats had depreciated was officially fixed by the law of the 5th Messidor, year V., proposed by the *Conseil des Anciens* "to devise rules to govern in the case of business transactions entered into while the depreciation of the currency lasted" According to the tabulated statement of the value of the assignats, drawn up for that purpose, and which, be it remarked, rather extenuated than exaggerated their falling off in value, it appears that when the assignats were done away with at the beginning of the year 1796, 24 livres in specie brought from 5,000 to 7,000 livres in paper money The law which authorized the issue of the *mandats*, of which 2,400,000,000 livres were issued between March and September, 1796, fixed their value at 30 times that of the assignats. In other words, 1,000 livres of the *mandats* represented 30,000 livres of the assignats, while the same thousand livres of *mandats*, as soon as they appeared in open market, were worth only from 100 to 120 livres in metallic money! This general bankruptcy was soon followed by another, less extensive in its character, and which involved the holders of government securities. It was called the *Liquidation Ramel*, after the cabinet minister who was the author of the law of the 24th Frimaire, year VI. This law provided that all perpetual and life annuities owed by the state, as well as all other state debts, old and new, should be redeemed to the extent of two-thirds, in vouchers payable to the bearer, with the superscription: *Dette publique mobilisée.* As these vouchers, from the moment they were issued, lost from 70 to 80 per cent. of their value, it soon became impossible to keep them in circulation at all; and hence fundholders, pensioners, contractors and other creditors of the state lost two-thirds of their claims. Nor was the remaining third paid them. It was called the "consolidated debt," and bore 5 per cent. interest. This last third, known as the consolidated third, was the origin of the national debt of France.—While France, recovered from the violent shocks caused by the revolution, was placing her own finances on a sound basis, the wars of the empire and the immense sacrifices which they entailed on all Europe, produced the greatest disturbance in the financial condition of other states. In England, where the sacrifices had attained fabulous proportions, these losses were borne with comparative ease, thanks to the inexhaustible resources of the country, and to its solid, well-established credit at home and abroad. It was otherwise in Austria, whose national wealth was not so fully developed, and whose finances were in an embarrassed state, even before the outbreak of the wars of the empire. When Joseph II ascended the throne the national debt amounted to 283,000,000 florins, and there were upward of 7,500,000 in *bankozettel*, or bank notes of a low denomination, in circulation. The war with Turkey swelled the debt to 372,000,000 florins, while the paper money circulation (*circulation fiduciaire*) rose to 28,000,000. The enormous expenses and the crushing reverses which attended the wars with Napoleon were Austria's total financial ruin, and obliged the government to have recourse to every possible expedient to raise money. At the begin-

ning of the year 1811 the actual national debt had reached over 700,000,000 florins, and the paper money in circulation was largely in excess of 1,000,000,000 florins. This had so shrunk in value that 1,500 florins in paper were given in exchange for 1 florin in silver. After the peace of Vienna, which deprived the state of its finest provinces, Austria was less than ever in a condition to pay its debts. On Feb. 20, 1811, the imperial decree was issued to legalize, so to speak, *de facto* bankruptcy. The decree reduced the paper money (1,060,000,000 florins) and the baser coin (330,000,000 florins) to one fifth of their nominal value, and also lowered by one-half the interest on the consolidated debt. The paper money was withdrawn from circulation, and new vouchers were issued in its place (at the rate of 1 to 5 florins in *bankozettel*, bank notes,) the issue of which was never to exceed, in the aggregate, one-fifth of the *bankozettel* withdrawn from circulation. But this limit was soon exceeded in consequence of the wars of the years 1812 to 1815. In 1816 the amount issued had risen again to 639,000,000, while the paper money had depreciated to 28 or 29 per cent. of its nominal value. One hundred florins in *bankozettel*, replaced in 1811 by 20 florins in vouchers, were, therefore, worth in 1816 only 5 or 6 florins in specie. Advantage was taken of the creation of the national bank to bring order out of this state of chaos. The bank was authorized gradually to call in the paper money, and to substitute for it its own notes, convertible on presentation into specie. It was provided that 250 florins in paper money should be equivalent to 100 florins in specie. The holders of the evidences of the public debt were paid at the same rate.—Is it necessary to call attention to the prodigious losses which such a catastrophe involved, and from which no class, we may say no individual, was exempt? There are writers who have striven to extenuate the gravity of national bankruptcy, and almost to give it the sanction of law. They argue that as the declaration of the fact of insolvency comes only as a consequence of the state's want of credit during a long period of time, and after a gradual depreciation of paper money, the loss in the end is really less heavy than it seems to be. The holder of the government paper at the fatal moment of the national bankruptcy, acquired it at a price quite as low as, perhaps even lower than the rate at which the insolvent treasury now holds it. Partial loss has long since been suffered by those through whose hands this paper has successively passed, while its holders, at the time of the bankruptcy, lose little or nothing. Even admitting this to be a fact, does it in any way extenuate the perfidy of bankruptcy in itself? Take the case of a merchant who fails with liabilities of a million. His financial condition or his bad faith has been suspected for two months, say, by his creditors; and they have sold his paper without indorsement, at a loss, let us suppose, of 50 per cent. Is his bankruptcy to be condemned any the less in law or morals, because, in this way, the loss of a million of which he has defrauded others is distributed among his original creditors and the buyers of his paper at a discount? The declaration of insolvency on the part of the state is not the only thing to be blamed and regretted; quite as deplorable and blamable is the loss caused by the gradual depreciation which precedes national bankruptcy itself.—Fortunately the terrible evils which we have just mentioned are hardly possible in our day. Revolutions are less frightful and wars less protracted in our generation, than they were during the exceptional period from 1798 to 1816. Now, national resources are, as a rule, better developed, national finances are better managed, taxation and credit are better able to meet even exceptional demands. At the present time public opinion has more power to prevent unwise and ruinous outlays on the part of states. Barefaced national bankruptcy is left to such countries as Peru, Venezuela and Mexico. Still, cases of national bankruptcy, sometimes protracted in duration, occasionally occur in Europe. With the present system of public debts, when the principal is not paid and the interest alone represents to the capitalist the money he has loaned, the failure to pay accrued interest is an act of bankruptcy. When, for example, Spain refuses to pay the interest, or pays only a ridiculously small interest to a part of her creditors; or when Austria discharges in depreciated paper money the debts contracted on a metallic basis, they, in fact, repudiate the whole or a portion of the principal debt. The destruction of the debtor's credit is, and always will be, the first and inevitable consequence of such dishonesty. It is with the state as with the private individual: dishonest management is the costliest management. Hence, open or covert bankruptcy, be it total or only partial, is an abominable piece of speculation, and a wicked act as well. It is so in a higher degree in public affairs than in private transactions. With good laws, one might in some cases give credit even to a dishonest man. The law and the courts of justice will enable him to triumph over the bad faith of the latter. But it is not so in the case of the state. For the very reason that states have the power to be bad creditors, their desire to be honest should be above suspicion. Otherwise there could hardly be any national credit.

J. E. Horn.

BANKS. When through the indefatigable industry of the North American settler, a new town springs up amid the forests of the northwest, a bank is immediately established side by side with the church and the printing office, it may be in a grocer's store, who carries on the business of the banker and his own at the same time. The reason of this is, that the wants which the bank or banker supplies are among the most imperative wherever trade is active or tends to become so, even in a small degree. The bank is, in the circulation of capital, what the railroad is in the circulation of

men and things, and what the newspaper is in the circulation of news and ideas. Like the railway and the newspaper, the bank does not create what it causes to circulate; but it not unfrequently happens that only it can render such circulation possible. It always accelerates and develops the circulation of capital. We might therefore define a bank · An office for the circulation of capital in the form either of accumulated labor (money of all kinds) or of labor yet to be done (credit). This definition embraces the whole series of services which can be reasonably asked of banks, or which have been asked of them at different times. These services are many and varied. They have not been the same in nature and extent at all periods of history. But every country whose industrial and commercial organization did not remain rudimentary has sought and obtained the services of banks. The origin of the banking business is of very remote antiquity.—Recent research, especially that of Mr. Koutorga, has shown the important part played by the *trapezites* (*οἱ τραπεζῖται*) in Athens when trade began to develop and personal property to assume some importance In the fourth century before Christ, their sphere of action was so large that it was thought necessary to divide and specialize their operations. There were money changers who carried on the business of changing the different kinds of local and foreign money, money lenders engaged in the making of advances to borrowers, and bankers properly so called whose operations were much more extensive, of a higher character and approximated more closely to banking operations in modern times. The *trapezites* took the money of individuals either for safe keeping only, to effect payments, or to turn it to account in commercial, industrial or maritime enterprises. They were in constant relation with foreign places, and effected transfers of capital either in specie or by a *clearing* operation. They came to the assistance of the state when it was in financial want. Their trade did not occupy the highest place in public esteem, but it was lucrative. Pazion, the banker, immortalized in one of Demosthenes' orations, was able to lease his banking house in consideration of an annual rent of a talent, or about $1,200. The bank, however, was not always an individual enterprise. Recourse was had to the association of capital and to the formation of banking companies.—The *argentarii* of the Romans corresponded to the *trapezites* of the Greeks. With the increasing extension of the limits of the empire and its relations with almost all of the then known world, the business of money changing could not but acquire a greater importance than it possessed among the Athenian bankers. But the *trapezites* of the Greeks had predecessors as well as imitators. Banking operations can not have been unknown to the nations which preceded the Greeks in the way of commerce and especially to the Phœnicians. When exchange proper took the place of barter in a country, when the exchange of services was operated only by the intervention of money, the want of an intermediary to facilitate the indirect exchanges was soon felt; and once the want was felt, institutions were established and men came forward to satisfy it. Money was weighed in ancient times It was also indispensable that its quality or value should be proven; and what more natural and practical than that recourse should be had to persons who had made a business of weighing and testing it, and who performed both these operations with accuracy and celerity, to establish its weight and value? It is very probable that goldsmiths were in ancient times, as in England in the middle ages, the first bankers.—Let us now suppose that a vender A is in need of a kind of money different from that which the purchaser of his wares has just counted out to him on the goldsmith-banker's table; that, at the same moment, a vender B, accompanied by his buyer, presents himself before the same table and receives the very kind of money which the vender A is in search of, and that B wants the money which A is anxious to get rid of. The exchange of the two kinds of money will be immediately effected by the remunerated intermediation of the banker. But such a meeting of supply and demand can not always be calculated on. The vender A will therefore leave his money with the banker to effect the exchange as soon as the kind of money sought is brought to his table. From this, to the practice of bankers keeping a certain quantity of different kinds of money always on hand to effect changes of money for their clients, in case of need, directly and indirectly, there was but a step. At another time, perhaps the vender A or B having no immediate use for the money just counted out to him at the banker's, leaves it there for the moment, either because he thinks it safer with the banker than in his own house, or because he expects, later, to take in its stead the kind of money he may need, or because he wishes the banker to turn it to account in the meantime. If the money received by A or B is intended to pay a debt due to C, a resident of the locality itself or of some other place, it may still be left in the banker's hands that he may effect the payment; and if the creditor C, in turn, be D's debtor, and D E's and E F's, each of these creditors, who is at the same time a debtor, may instruct the banker to satisfy his own individual creditor, and none of them need touch the money. Thus, thanks to the intervention of the banker, the same sum of money may, without even changing hands, settle a whole series of debts. The banker, seeing that all the payments intended for his clients are made at his counter, does not hesitate to advance to them, in case of need, the amount of a deposit he may receive shortly or only after an indeterminate period. On the other hand, the banker, to profitably employ the sums deposited with him or which he holds in reserve, advances money even to others than his clients, on such security as he considers sufficient.—Thus, the whole series of bank operations—money changing, deposits, clear-

ings, advances, loans, etc.—springs logically and naturally from the modest beginnings of this one man's business, to whom buyer and seller address themselves to have their money weighed and assayed. The mechanism of these operations once known, it was not necessary that every banker should perform them all. One might have a preference for one branch and another for another of the banking business. It is conceivable, too, that at a given time or place one branch might be of much more importance than others. Where, for instance, metallic pieces used as money were subject to frequent alteration, and, therefore, could not be accepted by any one in any quantity until after a minute examination of them, the weighing and assaying of them played a very important part. On the other hand, that part was very unimportant, when confidence in the honesty of the coinage became general and was well founded; for such confidence did away with all the obstacles in the path of monetary circulation. The business of money changing had a wide field in the cities in which great fairs were held, to which great numbers of strangers flocked; but when more perfect instruments and modes of circulation diminished the direct employment of metallic money in large transactions, the business of money changing lost much of its importance. The absence of safety may have been the first motive which determined the capitalist to deposit his money with the banker, who had special means of watching and guarding it not possessed by others; and this making of deposits continued, but for different reasons, after the credit system was more developed. Circumstances sometimes introduced a new branch of the business. Thus knights, going to the crusades, borrowed money by pledging their jewels and silver ware for its repayment. Bankers soon generalized this mode of borrowing, and loaning on pledges occupied a large place in banking operations during the second half of the middle ages.—Italy had a great share in reviving banking operations Violent measures, and the theological hatred of all trade in money, had almost wiped out even the memory of banking. The modification of lay barbarism and the removal of ecclesiastical pressure, no less than the imperious wants of commerce, restored the banking house to Italy. It was not long before Italy supplied the chief commercial cities and nations with bankers. The Lombards, and their competitors and compatriots the Cahorsians, instructed Europe again in banking from the thirteenth to the fifteenth centuries. They were the money lenders to governments in financial need. The Italian bankers were one day loaded with favors, hunted and robbed the next; and this in England as well as in France, in Germany, and even in Italy. But they found their business a very profitable one; for they were a very serviceable class of men. Not only did they restore the institution of banking to Europe, they assured its growth by assigning an important place to credit which was destined soon to be the preponderating one in banking. Whether it be true or not that the bill of exchange and the bill payable to order were not unknown to antiquity, or that they were invented by the persecuted Jews in the middle ages, certain it is that it was the Lombards who regularized and generalized the employment of these powerful and ingenious instruments of credit.—Simultaneously, an innovation took place which was destined to exercise in the future a very great influence on the progress of banking: it was the creation of public banks. This simultaneousness was not accidental. From the time that the banker ceased to be simply a dealer in money, taking the word in its most material sense; from the time that fiduciary capital (credit) became the principal part of his business, the influence of *ass ciation* could not fail to be felt as a necessity of the situation, and to get the advantage over isolated individuals. Public banks were destined inevitably to take the lead of simple bankers, because the former had greater material resources and more numerous relations, inspired more confidence on account of the joint guarantee of men of good commercial standing, and offered more security because moral persons endowed, so to speak, with immortality. Private bankers, however numerous, rich and powerful they might become, from that time took the second rank; they were satellites revolving around the public banks. Private bankers were supported by, and supported public banks. But public banks differed from private bankers whom they partly superseded, only in the extent of their business and the perfection of their organization; the essential principle of banking operations remained almost the same. This principle, as the reader may have already noticed, is that a banker can be and should be only an *intermediary*. Whether he exchanges for two merchants the money they mutually offer and ask; whether, by loaning to B a deposit made by A, he causes it to yield a profit; whether, by some strokes of the pen (clearings), he settles for his clients a whole series of accounts—whether he discharges C's debt in a distant city, and pays to D the claim, or letter of credit, he has on the same city; whether he advances to the state the funds intrusted to him by private parties: in all these cases a banker only facilitates between two or more persons, transactions the direct realization of which would have cost them trouble, time and money. The usefulness of this intermediary service is manifest; it sums up the whole part played by the banker. It was his business to facilitate the movement of capital, no matter through what channels; this was the mission of both banks and bankers.—It seems certain that Italy, the country in which the institution of bankers was first restored, was also the cradle of public banks. Cibrario, an Italian economist, justly esteemed, speaks of a privilege of banks of exchange, "with the obligation to open eight banks," which the municipality of Genoa granted, in 1150, to Wil-

liam Veto, Oberto Torre and others; but he failed to mention the source of this information which would be valuable if it were less vague, and its authenticity beyond a doubt. The honor of having possessed the first public bank is generally conceded to Venice. Our information as to the date of its creation is contradictory. Some writers place it in the middle of the twelfth century, and others fix it at the beginning of the fifteenth. In any case, this last date can be only that of a reorganization of the original establishment. It seems certain that the bank of Venice was in operation as early as the first half of the fourteenth century. Therefore, it was anterior to the bank which, according to some writers, was founded in 1349, at Barcelona. There are no data concerning this Spanish establishment, the origin of which, it seems, was due to the guild of drapers. A bank of deposits, founded by the commune, was added to the former bank, or superseded it, in 1401. Much more certain is the foundation, in 1407, of the bank of Genoa, the *Casa di San Giorgio*. It ceased to operate only in 1740, when, after having been pillaged by the Austrians, it was forced to go into liquidation. Two centuries after the foundation of the bank of Genoa came the bank of Amsterdam; it was founded in 1609, and replaced, after 1814, by the Netherland bank. Ten years later a public bank was established at Hamburg, on the model of the bank of Amsterdam. It is still in operation, with its modest primitive organism, as a bank of clearings. The city of Nuremberg in 1621, and the city of Rotterdam in 1635, followed the example of the great Hanseatic city. In 1657 Sweden established a bank, which, it is said, was the first to issue notes payable to the bearer and at sight. Other writers attribute the introduction of such notes to the bank of Genoa.—The immediate determining cause of the creation of these banks was not the same everywhere. The two following causes have been more particularly assigned: a national bank is sometimes called into existence by a government in the interest of its financial operations; sometimes commercial interests create it in order to paralyze the effect of certain fiscal manipulations. In the first category may be counted the bank of Venice. It appears to have been organized in consequence of the fusion and consolidation of three debts contracted by the reigning dukes during the twelfth and thirteenth centuries. The debt thus consolidated became the capital stock and assets of the establishment. The government debtors were thus transformed into the creditors or depositaries of the bank. The only cause for the creation also of the bank of Genoa and the bank of Stockholm, was a loan made, or to be made, to the government with its foundation capital. On the other hand, the bank of Amsterdam was created in the interest of commerce to protect it against daily embarrassments and losses consequent upon the alteration of money by the governments of the time. The founders and shareholders of the bank of Amsterdam deposited in the vaults of the bank a quantity of specie or bullion proportioned to the extent of their business. All their payments were made in money of the bank (invariable), and by means of transfers (clearings) in the books of the establishment. The bank of Hamburg was based on the same principle. Faithful to its origin, by confining itself to operations of deposit and clearing, and carefully abstaining from all dealings with the national administration, it was able to survive the most formidable storms. The bank of Amsterdam, less stable, prepared the way for its own downfall, when it was induced to loan its funds to the East India company.—The severest trials ever experienced by the bank of England, founded in 1694, are likewise due to its accommodations to the government, accommodations sometimes voluntary, sometimes compulsory. The bank of England is the most important financial establishment in the world. It is the first institution in which, from the very beginning, the issue of money with no intrinsic value was a chief element in the mechanism of the bank. Wisely organized, ably administered, functioning successfully, the bank of England has become the model, more or less faithfully imitated, of all the great institutions of credit which have since been established, both in the new world and the old. It is true that its first and grandest imitation on the continent came to a disastrous end; but this disaster had been rendered inevitable by the perversion of the organic principle of institutions of credit, and the exaggeration beyond measure of the application of that principle.—Public and private credit had disappeared in France when the Scotchman, John Law, proposed to the regent the establishment of a public bank. Fifty years of war, and 20 years of defeat, the incapacity of the Chamillards and the Desmarests, the prodigality of the court, and the rapacity of the farmers of the revenue, had reduced the treasury and the country to the most terrible straits. The bank for loans, established by Colbert and restored by his successors, was scarcely able to borrow anything to meet the daily and most imperative wants of the public service, at 8 or 10 per cent. of interest. The sad pictures which the Fénelons, the Vaubans and the Boisguilberts, trembling with suppressed emotion, drew of these times, tell of the misery of the people. Under such circumstances, how could the government refuse to listen to this compatriot of William Patterson, the founder of the bank of England, when he offered to increase public and private fortunes by means of an institution of credit? The concession he asked was granted him (May 2 and May 20, 1716,) for the space of twenty years; Law was director of the bank, the regent consented to be its protector; it began its operations in the month of June, 1716. Its capital was £6,000,000, divided into 1,200 shares of £5,000; the bank was authorized to issue notes payable at sight and to the bearer, to discount

commercial paper, to receive deposits, to make payments and collections, to draw on the directors of the mint in the rural districts, and upon foreign banks; it was forbidden to engage in commercial operations, to make advances, or to engage in insurance or commission; it could not "under any pretext or in any manner" borrow money on interest. All accounts were to be paid in *écus de banque* of five *livres;* thus were the unpleasant effects of frequent monetary changes avoided; a rigid and constant surveillance, to be exercised by government commissioners, was intended to assure the public of prudent and honest management —The success of the bank was slow at first, but afterward brilliant. The public, from scoffing incredulity as to the seductive promises of the Scotchman, which it manifested at first, came gradually to acknowledge the great advantages of bank money, whose fixity enabled them to undertake long term operations, and enter into relations with foreign nations. The rate of discount was reduced to 6 per cent., and soon to even 5 and 4 per cent. per annum, whereas but a short time before 2½ per cent. per month was paid. The jealous care with which the bank held itself ever in readiness to meet its engagements; the favor of the government, which required its tax-collectors to make their returns in bank notes; everything contributed to strengthen the credit of the bank, and to enable it to render signal service to agriculture, industry and commerce. Public credit was benefited by this general improvement of the economic condition of the country; the stockholders, receiving large dividends before they had paid more than a fourth of the subscribed capital, had every reason to congratulate themselves. But this very success was destined to cause the ruin of the bank; it gave John Law courage and power to put into execution the vast projects he had long been revolving in his mind, to attempt the application of hazardous theories hitherto impatiently held in check. The bank became what Law had originally intended it to be, a mere wheel of his *système.* We can here neither give an exposition of, nor pass judgment on, this fantastic conception. Suffice it to say, that the *Compagnie d'Occident,* in which the system was personified, aimed at nothing less than monopolizing the foreign commerce, and the management of the finances of France, and becoming the great dispenser of labor, credit and wealth. An immoderate issue of fiduciary titles, that is, having no intrinsic worth, whose nominal value excessive agiotage endeavored to inflate, was to supply the funds for these vast enterprises, the plans of which were furnished to greedy speculators by the company. The result was one which inevitably follows upon such a course: the structure built upon the sand fell to pieces with a terrible crash, burying in its ruins all the fortunes which had not been saved in time. The bank, which had long abandoned all limitation and restraint, and whose presses had rivaled those of the company in the issue of worthless paper, was fatally involved in the company's ruin. Four years of honest and intelligent management had established and consolidated the credit of the bank; one year of recklessness sufficed to utterly ruin it. It disappeared, together with its founder, after having put into circulation more than 2,000 million of notes, which could not be invested in any way.—Still, Law's bank merely hastened its ruin in allowing itself to be drawn into the vortex of the *Compagnie d'Occident.* In reality its fate was sealed from the day that it became a royal bank, (Dec. 4, 1718), by passing from the hands of its private founders into the hands of the government; from that date it ceased to be a credit establishment, for which the bank note is one of the instruments of action; it became a veritable paper-money manufactory, approving of every means of casting its products upon the market. This danger is inherent in the issue of money without intrinsic value from the moment it is intrusted to an irresponsible power which, prompted by caprice, may dispense itself from redeeming its bank notes on presentation; the danger was particularly great with the theories professed by John Law. In the opinion of this celebrated Scotchman, the bank note was not an instrument of circulation, it was money, since it performed the service of money. In other words, confounding currency and real money, money and capital, John Law, with that inflexibility of logic which characterizes makers of systems, reached this deceptive sophism. To manufacture bank notes is to manufacture money, that is, to create wealth; only short-sighted routine can not see this. It would impede, through timid and misplaced prudence, operations which would serve to enrich all. Law bowed to the existing prejudice, so long as this condescension was indispensable to the very establishment of his bank. When several years of success had increased his presumption and strengthened the faith of the public in his ability, he cast off this condescension, as the superfluous ballast of the aeronaut, and boldly undertook the flight to which he had so long and ardently aspired. In proportion as he rose in the air, and as the ground disappeared from his sight, Law lost his head more and more; the increasing depreciation of the bank note was for him but the effect of the ill-will of intriguers, seconded by the folly of the vulgar. He grew obstinate and angry, advised bold and desperate measures, proscribed metallic money, flooded the country with bills, he merely succeeded in rendering the inevitable ruin of his work disastrous to the last degree.—More than half a century elapsed before the country, terrified by the disastrous fate of the *système,* dared again think of creating an establishment of credit. A decree of March 24, 1776, granted the privilege of doing it, to Mr. Besnard, who wished "to establish in the capital a discount bank, whose operations shall tend to lower the interest on money." Its charter in fact forbade the bank to go beyond the rate of 4 per cent. discount per annum. Besides discounting it was authorized to deal in gold

and silver, and *se charger en recette et en dépense des deniers, caisses et payements des particuliers.* All borrowing on interest, the forwarding of merchandise, maritime enterprises, insurance or commerce of any sort whatever, was forbidden it. The capital of the company was fixed at 15 million livres, two-thirds of which were to be converted into an advance to the government; this clause was very strongly disapproved of by the public, and the bank was not finally established until a decree of Sept. 22, 1776, had released it from this dangerous requirement. The government, however, returned to the charge more than once, especially during the war of American independence. The bank had at one time to increase its capital, at another to ask that its notes should be endowed with compulsory circulation. In spite of the embarrassments which these involuntary arrangements with the government caused, the bank succeeded in rendering real service to the business world, and establishing itself strongly enough to withstand the first assaults of the revolutionary tempest; a decree of the convention (Aug. 4, 1793,) finally suppressed it, after a slow and painful agony had already deprived it of its strength. However short and painful its existence, the bank had nevertheless restored the use of credit in France. Scarcely was calm restored when other establishments of credit arose, which led to the foundation of the bank of France. Numerous and important establishments of the same kind were also founded in the other continental countries, for the epoch between the downfall of the system and the great revolution had been almost as barren throughout the whole continent of Europe as in France itself.

—In giving a sketch of the history of banks we pointed out the operations included within the circle of their activity. These still form a great part of the operations of banks both public and private. Nevertheless, the direct exchange of different kinds of money which was one of the first and most important operations of the bankers of ancient times and of the middle ages, is no longer practiced by public banks; the private bankers, too, leave this to a small number of houses of the second rank, which make it their specialty to a greater or lesser extent. The reason of this is, that the direct exchange of different kinds of metallic, money or of money having no intrinsic value is only required by travelers, and for small shipments of money outside of trade operations. On the other hand, the London merchant who has to make a payment at Vienna in Austrian money, or the merchant of Odessa who wishes to exchange the money he has just received from Paris for money which will pass at Berlin, whither he is going, will not ask the banker for Austrian florins or Prussian thalers, either in coin or paper; it will be infinitely more convenient for the one to purchase bills of exchange on Vienna, and the other letters of credit to his correspondent in Berlin. The importance of this branch of banking operations, which has long been known and practiced, is being continually increased in our times by the rapid development of international and *interlocal* commerce; we say interlocal as well as international, because these payments by means of letters of exchange, and similar instruments of credit, are made between one locality and another in the same country, as well as between two different countries.—This is, moreover, merely a greater extension of the system of clearings which, as we have seen, was practiced by the *trapezites* of Athens, and the Roman *argentarii*. Instead of being effected between the clients of the same bank, or merchants of the same town, clearings are effected between two different localities, or two different nations. The application of this comparison ceases, of course, when the amounts of the debts are unequal. When the merchants of Paris owe 1,000,000 francs in London, and the English merchants owe an equal sum in Paris, the exchange of these debts is easily effected through the Paris and London bankers; the two accounts will be settled simultaneously without the intervention of any money. But if Paris owes 1,200,000 francs in London, and has a credit of only 1,000,000 francs, the difference must be paid in specie. Still the bank may find in the *arbitration of exchange* the means of avoiding this primitive and onerous mode of payment. Suppose Paris has 600,000 francs due it at Brussels, and owes there only 500,000 francs, the difference of 100,000 francs in favor of Paris in Brussels, will be forwarded direct to London there to pay the French indebtedness of an equal sum. The accounts of Paris with London on the one hand, and with Brussels on the other, will thus both be paid without any direct payment, simply by banking operations. It is plain that these transfers or clearings may be effected not only between three, but between any number of places and countries, and afford an opportunity for a number of most varied and complicated combinations. But the ablest combinations can not always obviate the necessity of payments in specie; at one time the total amount of the different credits of a country or city does not equal the amount of its debts; at another time its debts are such as to require more or less immediate payments, (unforeseen purchases of wheat, etc.), while its credits are payable only on long time; or there may be other reasons which render the perfect balancing of its accounts impossible Commerce in the precious metals, to which recourse must be had to supply the necessary complement in specie, will, therefore, long preserve an important place in banking operations.—The general advantages of this intervention of the banker are manifest. It saves commerce the costly and hazardous transportation of the precious metals; it increases the facility and rapidity of transactions; it allows of an incalculable saving in the employment of specie. The bank finds in this intervention, over and above its commission, an abundant source of profit, especially by combinations of exchange and arbitrage. But whatever may be the extent of operations of this kind, they are nothing when compared to the far

greater importance of operations of credit properly so called. Discount is their most faithful expression; hence it tends to monopolize the activity of public banks. In a business of 6,557 million francs, done by the bank of France in 1861, no less than 5,329 millions were discounts. To discount is to buy credits; they are bought either to sell them again, as is the common custom with private bankers, or to hold them until they mature, as public banks should do. We can scarcely imagine a brisk state of trade in our day without discount; discount alone renders possible that uninterrupted activity of production, circulation and consumption which constitutes the prosperity of our time. We shall now define, in a few words, the nature and end of discount: it is to-day the corner-stone of banking operations.—The cloth manufacturer has just sold 50,000 francs' worth of cloth to a merchant tailor. The making and sale of the clothes to be made from this cloth, will require at least three months; the draper will be able to pay the cost of this cloth after he has disposed of his merchandise; this he binds himself to do in writing. But the manufacturer can not wait; unless he gets the money for his merchandise, he will not be able to procure a fresh supply of raw material, nor pay his workmen; his manufacturing establishment must lie idle for a time. What is he to do? He sells to the banker, with his own guarantee in case of non-payment, the draper's note; the banker pays him the amount of the note less the interest on the money from the time of discounting to the maturing of the note. Sometimes this note will not come to be discounted until it has served to pay several debts; the cloth manufacturer may make use of the draper's note to pay his own indebtedness to the wool-merchant, who may use it to pay the sheep raiser, and so on until it comes into the hands of some indorser who needs to have it cashed. The more a note has been used, that is, the more numerous the indorsements are, the solvency of the indorsers being presumed, the greater security it offers to the discounter, who gives his money, in the belief that the maker, and in case of need the indorser, of the note will be willing and able to pay it when it matures. The value of the signatures must therefore be examined carefully; the discounter would run the risk of losing his money, if he were to be too easy, and discounted notes whose maker and indorser have not the will or the means to pay. Thus, public banks, not being in a position to know the solvency and honesty of all the commercial signatures which might be presented at their discount window, require a third signature of a house which they know. This obliges small merchants to have recourse to a private banker to furnish this third signature: he discounts the note, to rediscount it at the bank; in other words, he buys the credit to sell it at a profit, disposing of it at a smaller deduction for interest than he imposed on the party from whom he took the bill. This severity which renders discounting more difficult and more costly for mediocre and small merchants, is made a subject of complaint by them; but it is hardly possible for the great central banks to act otherwise. The multiplicity of small banks could alone render the advantages of direct discount possible to every solvent and honest man.—Apart from the personal guarantees of the maker and indorser, commercial paper is to a certain extent its own guarantee; it is based on something real. The cloth which the draper bought will be resold in the form of clothes, and the cost of the cloth, advanced by the discounter, can certainly be paid back. But the note presented for discounting may also be based upon a hazardous transaction, the returns from which are less certain; it may even rest upon no serious transaction at all, and be but an accommodation note made for the purpose of procuring on credit, by means of discounting, a certain amount of money. The making of accommodation notes was carried to its furthest limit previous to 1857, especially in London and northern Germany, and contributed to aggravate the crisis of that year. The bank, which, either through carelessness or a desire to do business at any price, would discount great numbers of these accommodation notes, or notes growing out of venturesome transactions, would expose itself to great risks, without rendering any important service to the general interest. The more it is to be desired that facility of discount should benefit honest and serious transactions, the more should we regret to see the resources of credit turned from their purpose to favor any speculations, or projects whose lack of solidity is not perhaps their greatest defect.—Does this mean, as routine rigorism pretends, that discounting is the only form under which public banks should distribute commercial credit? This is not our opinion. The mechanic or the clerk, who wishes to start in business for himself, may need an advance, just as well as the manufacturer or merchant, who wishes to continue his business, after he has sold on credit a part of his products or merchandise; the advance made to the mechanic or clerk, on nothing but his note, is for them and from the point of view of the general interest, just as fruitful as the advance made to the manufacturer or merchant by way of discount. It may also happen that the cloth manufacturer, after selling 50,000 francs' worth of merchandise, needs 100,000 francs to enlarge his business, or to profit by an excellent opportunity of purchasing raw material. In a word, there are a great many cases in which a credit based upon future operations, and not upon operations already over, render very effectual service to individuals and to the business community. Entire classes of manufacturers and merchants, and certainly not the least important, can, by this means alone, share in the advantages of the credit which the public banks are supposed to distribute to all. And, in fact, to the *cash credit*, so largely granted

by the Scotch banks and their numerous branches, must be accorded a fair share of the benefits which these institutions render their country. The great continental banks do not ordinarily grant *open credits* except to those who make large demands for discount. They give as much *open credit* as they can to those who are rich, and as little as possible to those who are not. But are they free to do otherwise? Open credit, which is entirely personal, can not, in fact, be given but by local banks, which know or can know their clients thoroughly. Such, for instance, are the popular banks, or banks-of-advance (*Volks*, or *Vorschuss-Banken*) which have recently become very numerous in Germany.—It is also the upper classes—financiers, and those engaged in large commercial operations—who, in the present state of things, profit almost exclusively by the other forms of credit given by the public banks; we refer specially to advances on government securities. These advances, which are ordinarily made for a short time, afford the bank a good investment for capital momentarily idle; the merchant or the manufacturer may, in an unforeseen emergency, avoid, in this way, the losses attendant on hasty and expens ve sales. It is none the less true that, as a general thing, these advances are oftener made to aid financial speculation than legitimate commerce. It is perfectly clear, likewise, that, whatever their object may be, they do not properly constitute credit transactions, unless *monts de piété* are also to be reckoned among the establishments of credit, which, for our part, we would hardly allow. Credit and pawning exclude each other, for one implies confidence, the other the very reverse. In making advances on bullion, stocks, or public and other securities, the bank makes of itself a financial pawn shop. We do not deny that this service may be of very great utility; but it does not come within the province of the bank. Another reason which still more strongly dissuades from these advances, or at least counsels their restriction within very narrow limits, is the supreme duty of every bank to have its assets in such a condition that they may be easily and promptly realized on.—By accounts current the bank becomes the cashier of its clients. The greater the number of these clients, the more time and money are saved by the intervention of the bank, especially by its diminishing the amount of money used in consequence of payments made by transfers on its books. This constant influx and efflux of deposits and payments to be made for a large number of houses, always leave considerable sums at the disposal of the bank. With its knowledge of the customs of the place, of the nature and condition of the business of its depositors, the bank will know exactly what class of deposits and what amount of capital must be kept at the immediate disposal of their owners at each moment throughout the year, and what amount of capital it may dispose of for a longer or shorter period of time: this latter amount it will make use of in discounting and making advances and loans. How signal, therefore, is the service which the system of accounts current renders the business world! It concentrates and fuses together sums more or less important which, scattered in small portions through the country, would remain for the time being, unproductive in the different business houses; the bank, by uniting them, makes of them capital, which will supply the demand of the market, and increase labor, which will, in a word, form one of the principal means of operation in the credit system.—Thus, the tendency of the system of accounts current is to keep even the smallest amount of capital from remaining unemployed for an instant. But banks have also to draw into the channels of trade all capital. Small merchants, farmers or manufacturers realize every year profits to the amount of some hundreds of dollars, for which they have no use in their business; a property owner takes advantage of a good opportunity to sell his house and wishes to await a good chance of re-investing the money realized. In all these cases, and other similar ones, banks attract these amounts to themselves and restore them to circulation.—In Great Britain (in Scotland especially) and in America, the system of deposits has obtained a great development; every one endeavors to keep on hand as little idle money as possible; the smallest sums are deposited in bank, where they together form large sums, and serve to increase business activity. This is the principal reason of the facility with which capital can be obtained in England, and the comparative cheapness of money there. On the continent, and especially in France, the system of deposits is still in its infancy. The amount of capital which is thus kept out of circulation, to the great prejudice of its owners and of the business community, is almost incalculable. Considerations of greater safety or convenience may indeed determine this or that holder of money to deposit it in bank; but these are isolated cases. In order that the bank may act in a general, powerful and continuous manner, in order that it may attract to itself all idle capital, and be able to put it into circulation again, deposits must be rendered as easy and attractive as possible. easy, by putting the bank which receives the deposits within everybody's reach, by a system of local banks; attractive, by the direct advantage which the depositor receives from it, which can consist in nothing else than the inducement of interest. It must be borne in mind that the industrial and commercial movement of great cities leaves but little capital idle; it is in the country that those innumerable small sums of money are to be found, which it would be well to convert into capital.—We have said that the bank is and should be merely the intermediary between the supply and the demand of capital. But it fills this office only partly, so long as it confines itself to acting the rôle of a broker and investor for others, so far as the patent supply, that is, the

direct supply of capital is concerned, of the capital which is offered in the general market as any other merchandise is offered. The bank, in such case, does on a larger scale, it is true, just what the Athenian *trapezite* did. Is this all that the bank should do? Certainly not; the modern bank, in order to enlarge its sphere of action, and the better to fulfill the rôle of intermediary, can and must aim at something higher; it should bring face to face with *demand* not only the real and direct supply, the *soliciting supply*, but also the virtual or latent supply, the possible supply, for instance, of the one thousand francs which the French peasant hides away until the day when he may be able to buy with it a small piece of land. Then the bank should not limit itself to furnishing investments for capital seeking investment (real supply), or which might seek investment (virtual supply); its intermediation should provoke the creation of the supply of capital, by giving life to dead sums of money, by drawing them into circulation, and causing all money to become capital The system of deposits, when largely developed, is called upon to work these wonders. It undoubtedly has its inconveniences. In attracting money by the inducement of a higher or lower rate of interest, the bank may come to have an *embarras de richesses*, and may have, at times, more capital to supply than there is a demand for. This inconvenience reaches its climax in that strange clause which obliges the state bank of St. Petersburg to receive on interest all deposits brought to it—a clause evidently based on an utter misconception of the very essence of institutions of credit. On the other hand, a bank exposes itself and its patrons to great danger, when, in order to do business and to do a large business, it attracts deposits by the bait of too high a rate of interest. Being obliged to make a profit by obtaining a higher rate than it pays, it will be tempted to invest its deposits in hazardous enterprises, in which the borrower does not stop to consider the price he pays for the use of money. What must be the result? On the happening of the least perturbation in the economic situation, a great many deposits will be demanded, and the bank, unable to call them in promptly enough, will find it impossible to satisfy its creditors. This has happened frequently in the United States, and this imprudence of American banks has contributed, far more than the pretended excess of their issues of bank bills, to the embarrassment which they have so often experienced and caused. These mistakes do not, however, prove anything against the principle of deposits itself. A bank that is wisely administered will always be able, by timely varying the rate of interest which it pays and which it receives, as well as by the choice of its investments, so to arrange it that it will not be embarrassed either by the too great supply or by the withdrawal of deposits. Besides, how can it meet the uninterrupted want of new capital unless it aid in the formation of that capital, and hasten its entry into circulation?—The banks of issue rather evade than solve this problem by the aid of their notes. Discounting is the ordinary way in which the bank note enters into circulation. To discount is, as we already know, to buy credits. The capitalist A, or the banker B, who has $50,000 at his disposal, purchases with this money C's credit, because C can not await the maturing of the bill of exchange, signed by his debtor D. If the bank confined itself within the same limits as A or B, it would not be able to discount more than the amount of its own capital and the sums received from accounts current and deposits. In order to do more than this, it does not pay for the credit which it buys; it merely gives its notes. It is as if it transformed into money the title which represents it. Suppose that D, instead of giving C one single draft for $1,000, had given him five of his own notes for $100 each, and ten for $50; or suppose that C substitutes his own personal notes of $50 and $100 for D's draft, and that the good credit which C or D. enjoys causes his notes to be accepted throughout the business community, in this case C will use them in making all his purchases, and in paying all his debts; he will have no need of selling the credit. What C was not able to do the bank does, by discounting the draft for $1.000: it becomes D's creditor in the place of C, but it constitutes itself the debtor, in the place of D (and of C, who indorsed the draft), in relation to those whom C will pay with the product of his sale made to D. Here, again, the bank fills the office of an intermediary: it borrows of the public, who accept its notes, to lend to C (the bank debtor to the public for the amount of its notes); it becomes D's creditor by putting itself in his place, and debtor to those who will accept its notes for D's draft. The money of the bank will be more readily accepted than D's draft, first because its notes of small denomination afford greater facility for circulation and in every-day trade; likewise because being bank notes payable at sight and to the bearer, immediate payment of them *may be* demanded, though, in reality, scarcely one of these notes will be redeemed before the maturing of D's draft, for which they were substituted; finally, and above all, because the solvency of the bank seems surer to every one than that of any private individual, no matter who, because this solvency is based on and guaranteed by the collective solvency of all the debtors whose discounted paper it holds, and of all the creditors who have indorsed this paper.—The confidence a bank deserves and will obtain depends upon its management. When it discounts with discretion and prudence, when it is assured of always being paid by the debtors for whom it has substituted itself in the eyes of the *public*, it will be looked upon as good. Its notes will circulate without trouble: the discounted paper which it holds being sure, the bank notes, which are only money representing that paper, will appear equally sure. If, on the contrary, it be sus-

pected that there is carelessness in the management of the bank, and a willingness to do business at any cost and to buy (to discount) doubtful credits, there will be hesitation to accept its notes; they will flow back to its counters for payment, that is, to be exchanged for specie. This is all elementary. But if credits, which are only doubtful, render the bank a suspected debtor, what credit does it deserve when it places its money in irrecoverable credits, such, for instance, as loans made to a state which will not or can not repay? Transactions of this kind necessarily make the bank the very worst of debtors; its notes, henceforth, deserve no credit at all. It is manifest, in like manner, that to wish to make this credit compulsory, that is to say, to compel the acceptance of its notes, is the most signal violence, based on the grossest misconception of the very nature of the bank note. C can not satisfy his debtors with D's draft, because they are not sufficiently informed or assured of D's solvency; and can they be compelled to accept the notes of a debtor (the bank) recognized and openly proclaimed insolvent? A bill of exchange can not circulate because the time of its maturity is remote, and because every one can not judge of the value of the signature to it; and can you substitute for it, by discounting, paper with no date of maturity and signed by a bankrupt? Better a thousand times, both in law and logic, give compulsory circulation to, or make legal tender of, all bills of exchange up to the time of maturity! —From what we have already said of the nature and primary object of bank notes, it is manifest how little foundation there is for the theory which would make the issue of bank notes a privilege of the state, a right belonging to it alone, and which it might delegate at will. Why should not the bank also be as free as any one else to sign obligations, and give them to any who will accept them? As long as the confidence of people and the good will of those who receive them alone determine the acceptance or non-acceptance of the bank notes, what has the state to do with these transactions between debtors and creditors? It is useless to protect the creditor against the debtor, the public against the bank; suffice it for the state that it do not protect the insolvent debtor, the debtor in bad faith, against his creditor. As long as the bank is bound to honor its obligations just as any other debtor, and redeems its notes in specie upon presentation, the public will be able to determine its solidity, and consequently measure its credit. An excessive issue of notes will cause these notes to flow back into the bank and thus correct itself. Moreover, the history of the bank of England from 1797 to 1821, of the bank of France in 1848, and of the bank of Austria for a series of years, proves clearly enough that a more or less absolute monopoly of the issue of bank notes, and a more or less rigorous surveillance on the part of the state, do not offer the public more effectual guarantees than free banking affords them against the disastrous consequences of a shaking of public confidence. The better to secure the easy circulation of its notes, the bank may, in its charter or in its practice, impose upon itself certain conditions and limitations calculated to strengthen the confidence of the public, by proving to them that the bank is always in a condition to honor its signature; these measures of safety will relate to the proportion to be preserved between the actual capital of the bank and the demands that may be made upon it at any time, to the proportion between the amount of its issues and the amount of specie in its vaults, or it may relate to the limitation of the time of the maturity of the paper which it discounts, or to other points which study or experience may suggest. The law has only to watch over the execution of the contracts made by the bank; in doing this, it will have done all it can do, to give to the circulation of its paper all reasonable facility and security.—It can not, however, be denied that, in practice, a multiplicity of different kinds of bank notes would have more than one inconvenience. These inconveniences must be felt the more, in proportion as the bank note obtains a more extended circulation, that is to say, as it penetrates into places in which there are no means of judging of the solvency of the debtor (the bank), and the degree of confidence its notes deserve. Besides, at a time when men are endeavoring to facilitate exchange by the simplification and unification of coin money, a diversity of kinds of bank notes would perhaps be a step backward. But it is hardly an established fact, that the issue of bank notes is an essential attribute, an indispensable wheel in the mechanism of banks. In proportion as these institutions shall develop the system of accounts current and of deposits, and the use of checks, the want of bank notes must necessarily diminish. Do we not find evident proof of this in the stability maintained by the bank of England for the past forty years, despite the doubling and trebling of the amount of general business; and in the operations of the London *Clearing House*, where, with some odd thousands of pounds, credit transactions amounting to more than a hundred times the amount are transacted every day; as well as in the fact that the Irish and Scotch banks, which were limited as to the amount of their issue by the laws of 1844 and 1845, still remain within that limit? We can to-day look forward to the time when, in countries advanced in civilization and commerce, the bank note will be merely a more convenient mode of exchange than coin money, and will have ceased to be regarded as an instrument of credit, whose distribution is intrusted to the banks, or, rather, in the distribution of which the banks are to serve as intermediaries. Whether the office of supplying this want of circulation be intrusted to one establishment or many, is but a secondary question. If entire liberty be otherwise allowed to the spirit of initiative and of association in banking operations, banks will be

able to render the business community all the benefits which it has a right to expect from them. But this is a goal from which we are yet very far removed.—Let us now examine, from a political standpoint, the relations of governments to banks. We must state, in the first place, that close relations exist in almost all great states between the government and the principal bank or the banks of the country, and we are rather inclined to consider as necessary a fact which steadily repeats itself. But we can not admit that whatever exists is necessary. History tells us that the relations between states and banks were entered into, almost everywhere, in consequence of special events which obliged governments to procure money as soon as possible, and that money was obtained through the agency of the bank. Unfortunately, in such cases, governments did not trouble themselves concerning the ulterior effects of this step. Resulting inconveniences did not fail to appear. They were inevitable. One of these inconveniences was compulsory circulation or the legal tender character of the notes of the bank, and, as a frequent consequence, the issue of paper money, the value of which was so variable (see PAPER MONEY). When the calamity, the cause of the loan, had ceased, it would have been well for them if governments had at least striven to return to a normal condition of the currency, to pay their indebtedness to the bank, and to resume specie payments. But as a return to such a normal condition is difficult, things were generally allowed to take their course. A habit is formed, and the existence of the evil is hardly noticed.—It is not necessary to say that the banks on the one hand, and commerce and industry on the other, suffered in consequence of the relations established between the state and the banks. The history of the banks of Venice, Stockholm, Berlin, Amsterdam, Vienna, Lisbon, and St. Petersburg, and that of England, bears witness to these inconveniences.—Nor do we know whether the other relation between the state and the bank, which consists in charging the latter with the collection of the taxes, is very useful to a country. It is not certain that a reduction of the cost of collection of the taxes is thus obtained; competent men have questioned it. But if there is economy in thus collecting the taxes, should it be purchased at any price? Too close relations between the state and the bank would result in the accumulation, in one single reservoir, of the whole metallic stock of the country, and the least crisis would be felt there more severely than elsewhere. We should not bring together things which should remain separate. In any case care should be taken to avoid entangling political and economic questions, the financial interests of the state and the interests of commerce. This is perhaps one of the strongest reasons in favor of the liberty, and, above all, of the multiplicity of banks.

J. E. HORN.

BANKS, Functions of. In the consideration of the functions of banks and of bankers it will be necessary to assume that the money in use, where the bank is located, is good money and not bad, because all the transactions of banks are stated in terms of money. In the United States the name by which money is designated is *dollar;* in Great Britain, *sovereign;* in France, *franc;* in other countries, other names are used. Each name is the legal definition of a coin containing a certain quantity of gold or silver. It is the metal that gives value; the stamp certifies the weight and purity. Until it is admitted that such coins, and such coins only, are good money, the true function of the bank and of the banker can not be fully comprehended.—The substitution of what is called inconvertible paper money, the "greenback," for instance; that is to say, the substitution of the deferred promise of a thing for the thing itself, under a statute which forces its acceptance as a legal tender, not only works a fraud upon the people of the country in which such a statute is in force, but it also vitiates all reasoning in regard to money and banks, and perverts the moral sense so as to forbid a clear conception of what is right and just.—True money must contain its own value in its own substance, and that metal will constitute the best kind of money which retains its value under the most uniform conditions through long generations. The two precious metals, gold and silver, have met these conditions; sometimes varying in their ratio to each other, but either one constituting a more unvarying standard by which to measure the transactions of men than any other substance that has ever been used to serve the purpose of money.—The great commerce of the world, to which no act of legal tender is or can be applied, is conducted on a gold basis, and the final settlement of the sum due in money on the balance of account is made by a payment of gold coin or its equivalent. This practice would not have become established unless it had been proved by the long experience of the great commercial nations that gold possessed greater stability in its value than silver.—On the other hand, in all transactions with some countries, China for instance, in which country there is no act of legal tender and no paper money, silver passes by weight and best serves the purpose of money.—If there were no acts of legal tender in any country and if all contracts were subject to being enforced by the payment in coins of gold or silver according to the kind designated in the specific contract, the metal which proved to be best fitted to the conditions and circumstances of each country would be adopted by it, while the great commerce of the world would remain upon a gold basis, as it now is.—This statement is made in order to clear the subject of banks and banking from the obscurity that may be caused if the quality of true money is not first defined.—Banks must exist and must perform their work even when the money by which their transactions are measured is false or bad. For instance,

when an inconvertible government note has been made "lawful money" under an act that can only find legal justification as a measure of war, banks must still exist and work under the disadvantage of such a fluctuating and false standard of value. —What, then, is the function of a bank, and how does it work?—In general terms, it may be stated that a bank lends and borrows titles to capital measured in terms of money. If the money be good, that is, unvarying in its value, during the term of the loan, the risk of the bank will be in ratio to the solvency of its creditors only, and the rate of interest will be in ratio to the abundance or scarcity of the capital in the titles to which it deals. If the money be bad, that is, varying in its value according to the caprice of legislators or the decisions of executive officers of the government, another element of risk will enter into every transaction, and the rate of interest on loans will of necessity be higher in order that it may cover this element of hazard.—No borrower wants to borrow money except as an instrument with which to buy the thing he actually needs, and no borrower pays interest upon money. The transaction is stated in terms of money and, in very rare cases, actual money is used, but the thing borrowed is the thing bought and the interest is paid for its service.—What banks deal in are titles, measured and stated in terms of money, to capital of all kinds, such as gold, silver, copper, lead, iron, cotton, corn, potatoes, etc., etc.—1. A bank lends its own capital or a title to a part of its own capital; such capital consisting of the coin that has been paid in by its stockholders.—2. A bank receives from its depositors capital in the form of coined money, or a title to capital in the form of a note, check or draft payable in coin on demand.—3. A bank lends such part of the capital or title to capital deposited with it, as the conditions of business will permit, to the applicants for loans whom its directors consider safe to trust.—In the vast majority of transactions no money passes, no money is lent and no money is borrowed. Only a title passes which may be converted into money, but as a rule the money itself remains in the vault of the bank, or in the place of deposit where the bank has put it for safe keeping.—Let us consider an example of the first class. A bank lends a part of its own capital. In this case it is a national bank, and its managers desire to issue bank notes; such notes serving the general purpose of money more conveniently than the coin itself, being themselves promises to pay coin. The bank subscribes for a certain amount of bonds of the United States and pays for them with a part of its coin, which coin constitutes the capital loaned, saved, subscribed and paid in by its stockholders. Upon this loan the government pays interest. These bonds are then deposited with the government as security for the payment of bank notes that the bank may issue if payment in coin is demanded.—These notes being secured by the bonds and being payable in coin by the bank, for which purpose a bank always keeps a reserve in coin on hand, are a good and convenient substitute for money, and for that reason borrowers desire to become possessed of them. The borrower has sold a quantity of merchandise on credit for which the buyer has given a note due at a certain future date. This note is a title to, or promise of money, but payment is deferred. It will not serve the purpose of money as it is not divisible, it is not due on demand, and few persons know whether or not it will be paid. Its owner desires bank notes for use in the purchase of other merchandise to add to his stock in trade. He takes this note, or title to money deferred, to the bank, and, after a discount or deduction of interest, the bank exchanges its notes or titles to money payable on demand for this note or title to money deferred. The interest deducted constitutes the profit of the bank. The whole transaction has consisted in an exchange of titles to money, but no money has been used. Each has rendered a service to the other. The borrower has obtained notes that he can spend, and the bank has been paid interest for the use of its credit. This transaction constitutes the function of a bank organized with a department for the issue of circulating notes.—The second class of transactions consists in a bank receiving deposits, either of money or of titles to money, in the form of checks, drafts or bills of exchange payable in money on demand —A merchant having sold produce for cash, has received, in payment therefor, either bank notes or checks on banks in settlement for the same. These he gathers together and deposits in his own bank. The sum of these deposits, named in dollars, is passed to his credit on the books of the bank, and the bank is liable to have the actual coin demanded, but no money has been used, nothing but a title to money.—As the sum of all these deposits of many merchants and manufacturers is never wanted at one time, the bank is now ready to enter upon transactions of the third class, that is, to lend a title to a part of the capital of its depositors.—Another note, being a deferred title to money promised to be paid at a future date, is presented for discount, and the sum of the net proceeds is passed to the credit of the borrower, to be drawn upon by check as he may wish to use it in his daily transactions. In this, again, the transaction consists in an exchange of titles; one is a title to money deferred, the other a title to money on demand.—Merchandise or commodities on the way from producer to consumer require time for conversion and consumption. During that period of time trust or credit is given by one man to another, and a deferred title to the value of this merchandise takes the form of a note, draft or bill, in which the value of the merchandise is measured in dollars or other coin; that is to say, in true money. These notes, drafts or bills are of limited use, because the credit of the promisors is known to but few. It is the business of bank directors to keep themselves informed and to exchange bank promises to pay money for these deferred promises of persons or firms. Hence it

follows that banks are most potent instrumentalities for enabling merchants or dealers to buy the products of farmers and manufacturers. They are as necessary to the quick movement of commodities as railroads, steamboats, carts or wagons. —The conduct of the business of banks and bankers demands probity, integrity, foresight, and all other qualities that make a true man. All their profits depend upon the services they may render to the community. Hence it ensues that there is no better standard by which to gauge the intelligence and character of the people of any section, state or nation than by their use of banks. The place to choose for the establishment of a branch of industry or business is the one in which banks are numerous and well sustained, and the place to be avoided is the one where banks are subject to jealousy and suspicion. Men who can not trust their banks or bankers are not themselves fit to be trusted by bank or banker.—The function of a bank is, therefore, to borrow and lend titles to property measured in money, and to keep in reserve a sufficient amount of actual money to meet the occasional demand for coin that may be made upon it. Their use is the measure of the trust reposed in, and deserved by, the merchants and tradesmen by whom they are sustained.

EDWARD ATKINSON.

BANKS OF ISSUE are those banks engaged in the transfer of credit by means of the issue of bank notes, *i. e.*, by means of promissory notes of the bank which are payable at sight to the bearer. No questions connected with the money economy of modern times have been more hotly discussed than those in reference to banks of issue. The most extravagant charges have been made against them, and equally extravagant claims made in their behalf. One party sees in them the agency which, above all others, excites and promotes over-speculation, causes commercial crises and aggravates all the ills of our modern industrial economy. Another party regards them as the magicians under whose wands trade and industry are called into life, the healthy growth of credit is favored, palaces and warehouses are made to appear, and national prosperity is created and sustained. Without taking sides with either party, for the present, we propose to introduce our discussion by an investigation into the origin and historical development of banks of issue; for only in this way can we hope to arrive at clear and distinct views of the nature and function of such banks, and to put ourselves in a position to answer satisfactorily the various questions which will come up concerning them. —I. HISTORICAL DEVELOPMENT OF THE BANKS OF ISSUE. Modern banks may be divided into two general classes: those which are occupied mainly with dealing in money—money banks, and those which are occupied mainly with dealing in credit—credit banks The money bank was the original form of a bank, and that from which the credit bank was gradually developed. It is worth while to trace out this development for it throws a flood of light upon the nature of the bank of issue and its relation to other credit institutions.—We must distinguish between *active* and *passive* accounts in the history of banking. *Active* accounts are those in which the bank is a creditor; *passive*, those in which it is a debtor. During the middle ages, owing to the imperfect coinage, to counterfeiting, to clipping, and to the inability of the public to test the purity of the coins, it was absolutely necessary that there should be some opportunity to exchange the coins and test their value. This opportunity the professional money-changers gave. Their profits consisted in a deduction when they took the coins and a charge when they were taken away. It was a fee or commission for changing money. The business was carried on in the first place with their own capital which for this purpose was invested in coins or the precious metals. This circumstance, and the natural desire of making their capital as lucrative as possible, led them to lend out, on short time, whatever part of their money supply they were not using in their business. Thus arose the first kind of credit transactions as an *active* transaction of the old money bank, *i. e.*, a transaction in which the bank was creditor. These operations, on account of the necessities of their money changing business, had to be conducted according to the same principles which modern banks have had to observe in all their active operations, on account of their rapidly increasing passive transactions. These principles were, security of the loans and constant and immediate control of all advances. These have remained down to the present day a controlling administrative principle of all banks of deposit and of issue. The very first loans of the money changers had to comply with the requisites. The first line of business was pawnbroking, *i. e.*, short loans on pledges of various sorts, such as jewels, coins, precious metals in bars, etc., etc., which persons did not wish to sell. The insecurity of law led to a second branch of business, *dealing in bills*, which from the very first at times took the form of discounting. Pawnbroking and bill-broking were, then, the original forms of the active transactions of all banks.—The course of industry favored simultaneously the gradual decline of the mere money changing business, and the growth of the loan business. For the improvement in coinage, and the adoption of a proper coinage policy, gradually lessened the necessity for the money changer, while the development of productive credit, the growing security of law, the increasing division of labor, rendered more and more necessary the money lender. In this circumstance we find the explanation of the transition from the old money banks to the credit operations of modern banks.—This loan business could and can be carried on with the capital stock of the bank. And yet, with the low rate of interest prevailing in the discount business, a rate of profit equaling that in

other lines of business could hardly be expected. As soon, therefore, as the capital no longer yielded a suitable rate of profit in the money changing business, this very circumstance paved the way for a new development toward which other influences were also working. The bank began to take up money with the intention of loaning it again, *i. e.*, to the active transactions of the bank are now added passive transactions, whose enormous development has made possible the equally enormous development in modern times of the active transactions. The first and simplest passive operations, (*i. e.*, those in which the bank was debtor), arose independently, but were soon connected with the money changing and money loaning business. In the earliest period of this development the term passive transaction could only be applied according to the usage of double entry, in which, by the fiction of a business personality distinct from the head of the house, not only the debts but also the capital stock of the bank, and, further, not only these two but also the property deposited for safekeeping, are entered among the liabilities. The beginning of this passive business was, namely, the acceptance of precious metals in coins or bars as a *real* deposit, (in legal language *depositum*), or in bank language as a deposit for safekeeping. The bank was merely a depositary with the ordinary obligations, not a creditor; it had no right, therefore, to loan out the sum intrusted to it.—In course of time it became customary among these brokers and banks not to allow the deposits to lie dead at the depositories until the depositors withdrew them, but to make the payments of the depositors in the same bank to each other by a simple transfer in the accounts. In this way the actual movement of money was saved in many cases, and a simple, safe and convenient mode of payment found in the transfer of accounts. The profit of the bank (to which in the case of public institutions the term giro-bank, or circulation-bank, was applied, *i. e.*, one in which deposits circulated from account to account,) consisted of commissions, which were charged partly for the safekeeping and partly for making payments for transferring accounts. This profit corresponded exactly to the profit in money changing, and was not interest, as in real credit transactions —From this time the subsequent development was very different in the case of the money brokers and the giro-banks. The real giro-bank holds fast to the actual deposit and the transfer of the actual deposits, loans no part of the money received, has consequently the total amount of all deposits on hand, and, in addition, generally a capital stock as guarantee. It is, therefore, in a condition, as long as embezzlement or robbery does not occur, to pay out at any time all its deposits at once. This absolute security of the deposits forms in the eyes of the friends of the giro-bank the great advantage of such banks over credit banks, and particularly over the modern bank of deposit and bank of issue. The giro-bank is the model to which many persons would like to see all banks reduced.—Among the money brokers and goldsmiths, who took deposits for safekeeping and also for transferring accounts, the banking business developed in a different way. Those deposits became "deposits for use," the real deposits (*depositа*) became loans regularly for short, definite periods, sometimes to be repaid on demand. With this step the old money bank became the modern credit bank. When the deposits had once become loans, then the modern banks of deposit, check banks and banks of issue were inevitably evolved from the old banking system. *The change of the deposit to a loan constituted an epoch in the history of banking.* With the justification of this step is granted the justification of the whole modern system of banking. The subsequent phases of the development of the latter, the various influences which have been at work from the earliest period until the present, the ceasing to charge a fee for safekeeping, the payment of the services of the bank by letting it have capital without interest, the ever-increasing participation of the depositors in the profits of the bank, for example in the form of free collections on the part of the bank for its customers, and, later, in the form of interest on deposits; these and other points we need not pursue for our present purpose. These points explain the history of the growth of the banking system, and the peculiar forms which various kinds of banks and various branches of banking business have assumed at various times, and, in this connection, are full of interest. But for the main question as to the justification of the credit banking system, and of the particular form which we have under discussion, viz., the bank of issue, they are not important. The whole question here turns on the justification of that first decisive step, the change of the depositaries to debtors. Let us see whether there were any circumstances which justified this change.—The deposits for safekeeping were all expected to be held in reserve at the money changer's or at the giro-bank. Experience soon showed that a balance constantly remained although the depositors could draw out all their deposits at any time. For even if each drew out all his money in the course of the year, as some did many times over, yet all did not do it at once. One drew out while another was just paying in. In the giro business many payments were made between the customers of the bank without affecting the total deposits. The average amount, the movement, the times of drain and influx, the lowest point to which the balance sank, could all be easily ascertained by experience. Now, the part which was never used lay fallow, was unproductive for the individual as well as for the whole. It could, therefore, be dispensed with in the real deposit business, and was consequently available for other purposes. It could, therefore, be loaned out in the same way and for the same reasons as that portion of the capital stock of the money changer which from time to time was not needed

in the broking business. Only, in one case as the other, there had to be an assurance that the sum could be easily and quickly made available in case of unusual demands on the part of depositors The investment of the superfluous capital in short loans and advances on pledges afforded this security, and thus the change of the deposit to a loan was justified. This transformation could of course take place only under legal forms and with the full consent of both parties. The mutual advantage of both parties and the development of industry produced this understanding in one place at an early period, in another at a later. And thus the money-depository or giro-bank became the modern bank of deposit, and this last is the type of all other modern banks, and particularly of the banks of issue. Any objection against the bank of issue on account of its essential nature (and many such objections have been made even in the last few years), is also an objection to the bank of deposit. —Now, of course, no one can deny the possibility of a temporary suspension of payments on the part of such a bank, inasmuch as the money which may be demanded is not all at once in the coffers of the bank. But it is a sufficient security if the probability of such a necessity can be reduced to a minimum by a proper conduct of the bank business, by a proper investment of the superfluous capital, and by a capital stock large enough to guarantee against ultimate losses. Experience shows that such a security can be assured. Modern banks promise to pay the debt which they incur when they accept a deposit. Experience shows that they can do this and still loan out a large part of their deposits; and thus their business is justified independently of the enormous advantages which accrue to trade and industry from rendering available a large amount of capital, which would otherwise lie dead and useless. But the justification of the deposit business carries with it the justification of the exactly similar business of issuing bank notes. The polemic against the bank note, which is not based dollar for dollar upon a cash reserve, applies just as forcibly to the deposit not so based.—The business of issuing bank notes is nothing but a variety of the modern deposit business, and has been evolved in the same way from the old *depositum*. It makes no difference in the nature of the *depositum* or in the nature of the giro-bank, so far as the last is a place for the safekeeping of deposits, whether for the money deposited a certificate for the whole amount of every individual deposit or for portions of the same in round sums be given. Nor can it change the character of the old deposit banks, even if these certificates, given to individuals, can be further indorsed or furnished with blank indorsement, or even issued to the bearer. The so-called *recepisse* of the Amsterdam giro bank were such deposit certificates These certificates were the bank notes of the old money banks. And the demand that bank notes shall be secured by a full cash reserve, dollar for dollar, is nothing else than a demand that the modern bank note shall be reduced to the old deposit certificate. For what is the difference between these two forms of bank notes? Exactly the same as between the modern deposit and the old deposit, *i.e* , as between a loan and a deposit for safekeeping. The deposit certificates are receipts of the bank for money deposited and kept in its coffers. The bank notes are bonds of the bank in which the bank acknowledges itself debtor for the given sum, and promises to pay it on demand to the presenter of the note. In our present system of bank notes, as little as in the modern deposit business, does the bank promise to keep cash on hand for the amount of its notes, but by a proper conduct of business it is able to keep its promise to redeem on demand. That is sufficient. Why talk in this connection of deception, of fictitious money, of the creation of imaginary capital, as do the opponents of the banks of issue? We might make the same objection to the deposit system of modern times, indeed to every use of credit, and with just as little reason.—The subsequent development of the banks of issue and deposit banks upon the new basis has led to no essential change, but to a mere expansion of their business. The banks gradually began to borrow more and more for the purpose of loaning again, until their principal business consisted in the handling of others' capital, and the capital stock of the bank lost all significance except as a guarantee for the proper conduct of the business of the bank. Wherever the banking system has been allowed by the government to develop itself naturally, the deposit business, as the original and simplest, has been the most important branch; the issuing of notes has been simply a complement of the former. They are but two forms of essentially the same business, that of contracting debts, and the one or the other has been employed according to the varying demands of trade and industry. The conduct of the passive transactions of the bank in both forms must be regulated by essentially the same principles The oft repeated demand for a separation of these two branches of business is inconsistent with the organic development of the whole credit banking system, and, where complied with, leads to the abandonment of the peculiar advantages which grow out of a proper combination of both systems of operations.—II. The Bank Note and its Economical Function The bank note must be clearly distinguished from both metallic and paper money. Money is a standard of value and a medium of exchange. But the pure bank note is only a medium of exchange, not a standard of value, and does not therefore discharge the money function. Paper money is inconvertible, and a legal tender, bank notes are convertible, and not a legal tender. But aside from the convertibility, bank notes are distinguished from paper money in their mode of issue, and consequently in their mode of reflux. Bank notes are regularly issued as loans, paper

money as payment; the former, therefore, temporarily, the latter, permanently. In place of the bank note there remains a claim, by whose conversion the corresponding debt of the bank can be called in or protected by a cash reserve; in place of the paper money the state has merely a receipt; it can get rid of its money only by special transactions. The notes flow back to the place of issue gradually and regularly in the ordinary course of trade in the payment of the advances made by the bank, provided the bank capital has been properly invested in short loans. The different manner in which notes and paper money get into the channels of trade reveals further advantages for the former and disposes of a whole series of objections which in the case of the latter might seem well founded. An issue of notes is necessarily preceded by a demand for loans, and even if a bank has partly created this demand by carelessly advancing loans upon insufficient security, yet the danger is not great, particularly under a system of free banking. For the notes which exceed the momentary demand for such means of payment immediately flow back to the coffers of the bank for redemption, particularly under a system of competing banks The excessive issue of bank notes is, therefore, except in certain rare cases, impossible. The banks can not increase their issues at pleasure. The course of bank circulation under a well-developed system of banks of issue depends upon the changing wants of trade, and the latter upon the variations in price of commodities. These variations in price, according to Tooke's detailed investigations, *precede* the corresponding variations in bank circulation, and can not, therefore, have been caused by them. It is, consequently, wrong to attribute to banks of issue the fault of causing over-speculation and commercial crises. With this view of the subject a whole series of objections is effectually disposed of, which grew out of a false identification of paper money and bank notes, and out of attributing to the latter the qualities of the former.—Bank notes are not only not money, but they are essentially like all other substitutes for money which fulfill the function of money as a medium of exchange. The bank note is only one member in the organism of credit institutions together with checks, drafts, notes, book credits, clearing houses, etc., a number whose relative importance with the development of the credit economy grows on the whole less and less, although at certain times, viz., at the turning point in commercial crises, it acquires again a greater importance. The consequence of this conception of the bank note is a correcter view of public legislation in reference to banks of issue. The unfair favoritism toward these banks on the one hand, or the limitation of them on the other, the artificial regulation, so often characterized as a natural necessity, thus appears erroneous and often enough injurious. The whole development of the credit economy suffers under it. So far are bank notes from being the most important form of credit, that the whole development of the modern credit system shows a constantly increasing tendency to substitute for bank notes some other form of credit. This tendency shows itself either in an absolute decrease in the quantity of bank notes in circulation, or more often by a relatively more rapid increase in the quantity of other substitutes for money.—III. System of Securing the Notes. From the history of the origin and growth of the bank of issue, and from a proper conception of the function of the bank note in industrial economy, may easily be deduced the proper system of securing bank notes. By this last term we understand that regulation of the resources of the bank or that investment of the bank capital (*i.e.*, of both the capital stock and the capital which has been collected by the issue of notes), which will insure the constant and immediate redeemability of the notes in coin. What are the principles, then, which underlie a proper system of security?—Three systems of securing the notes have been proposed and defended: 1, the basing of the note circulation, dollar for dollar, on a cash reserve; 2, the investment of the capital in securities not easily convertible, particularly in real estate or mortgages on the same, and in stocks or bonds; 3, the so-called banking security. Practically a compromise between one or more of these systems has been generally adopted as the basis for legislation, proceeding on the assumption that one portion of the notes might be secured by the second system, while another portion might be based on the third system.—As to the first system, we refer the reader to what has been said above. Such a demand simply means the rejection of all that is peculiar in modern banking. For, if the bank note is to be nothing but that ancient deposit certificate, the deposit which has become a loan (at least the deposits payable on demand, *i.e.*, the great mass of the deposits), must again become *deposita*, that is, real deposits for safekeeping. Those who demand a complete cash security confuse possibility and actual reality. All the notes can, of course, flow in at once for redemption, but, as a matter of fact, they do not. And under the banking system of security they find their economically proper and practically more important redemption, in their regular reflux, as payment of credit given them in a cash redemption.—Basing the notes on real estate and mortgage security, as in the second system, has been warmly recommended, especially from financial considerations and in the interest of agriculture. But this proposition must be rejected for the same reasons as the similar one of basing the notes on stocks and bonds, viz., that resources in such form are not readily convertible into cash. We must grant, however, that that portion of the notes which, according to one of the compromises mentioned above, need not necessarily be secured by the banking system, might be made available for mortgage loans, if it were not that it is finan-

cial necessity which ordinarily leads to such compromises, and which, therefore, requires that the sum mentioned shall be secured by government bonds. The payment for the monopoly of circulation which occurs here and there (as in Austria) through such a loan to the government, might be better arranged by allowing the state a share in bank profits.—The third system of securing the notes, the banking security, we consider the only rational, scientific and satisfactory one. It consists of a proper combination (changing according to circumstances) of a cash reserve and of securities which are easily and readily convertible into cash. Such securities are found most readily in the discount and lombard business, particularly in the former. The discount business insures, further, the regular reflux of the notes to the bank, and in this way offers an opportunity for the most thorough control of the issue of notes. The discounted bills and the claims on pledges form, therefore, the chief security of the notes, compared with which the cash reserve is of secondary importance. A great heresy in the face of popular sentiment, which is fond of calling all notes "unsecured" which are not based on a cash reserve—an exceedingly materialistic view in the age of that most spiritual of all economical elements, credit.—The cash reserve acquires its importance in view of the irregular reflux of notes to the bank for the purposes of redemption. This reflux can be controlled even in exceptional periods by properly regulating the loans of the banks, provided the banks of issue have developed under normal conditions. Its approximate amount can be told beforehand by observations in the banking business, because the question turns here on periodical movements. For critical times the strength of the reflux may also be estimated, with a little attention, by observing the transactions in the money market, in commerce, and in general production. Of course, such observations must be made by experts, conscientiously undertaken and thoroughly carried out by every banking institution. The relative and absolute amount of the cash reserve must be determined by these observations, and the necessary increase or allowable decrease be effected by the regulation of the discount and lombard business. After what we have said, we need lose no words over the attempt to fix, once for all, in an arithmetical ratio, the relation of the cash reserve to the note circulation. (See VI) —The chief point in the banking security lies in the element of the easy convertibility of all resources of the bank which do not consist of cash on hand. This is demanded by the nature of the notes as obligations payable on demand. In this way the objection of those who demand a full cash reserve for notes payable at sight is met, so far as it corresponds to actual relations. the irregular reflux can assume unusual dimensions, but under these circumstances can not be out of proportion to the time and place. The easy convertibility of the loans forms the real assurance against the dangers which do undeniably lie in note circulation. —For these reasons, real estate, mortgages, direct claims on the state, great quantities of public securities, on long time, form no proper security for the notes. For even if they afford a safe security, which is often enough questionable, (particularly in the case of the first two in critical periods), yet they are difficult to convert into cash, even individually, not to say in large quantities. Mortgage credit must be taken on long time, owing to the nature of agriculture and of investments in building. In this consideration, and not in an arbitrary monopoly of banking for the advantage of commercial credit, (as the agricultural interests maintain), is to be found the reason of preferring discounts to mortgages on real estate. Other securities, such as running accounts, book credits, ordinary obligations, good bonds, *i. e.*, such as vary but little in value in exchange, preference bonds, etc., may be accepted in limited quantities, but ought to be considered inferior to discounts and lombard claims. Shares in industrial undertakings, and speculations of all sorts on 'change ought to be excluded. (See VI)—IV. Function of the Bank Note in Commercial Crises. The discount business is a necessary presupposition of the modern development of trade and industry. A commodity, in the process of its manufacture, must pass through many different hands before it finally reaches the consumer. As the commodity is ultimately paid for by the consumer, the various intermediate agents find difficulty in paying for the commodity as they receive it. Under these circumstance one of two things is necessary. Each of these agents must carry on the business with a greater amount of capital, (in other words, a portion of the capital becomes unproductive), or they must run the risk of letting trade and production come to a standstill at times for want of payment. A help for this condition of affairs is found in the draft of the seller upon the buyer for the selling price and for the time that will probably elapse until payment can be made, and in the acceptance of the draft by the buyer. The seller now has this discounted and thus receives his necessary capital in the form of money or of a substitute for money, such as book credit or bank notes. The modern credit bank has evidently a very important relation to this discount business. Individual merchants could not carry on this business in the regular way and on a large scale necessary for the demands of trade and industry. Particular institutions appear which make it their function to collect the surplus capital in the community and apply it in this discount business. These institutions are called banks of deposit. The whole credit economy has become a highly organized and yet, because constructed on rational principles, a very accurate mechanism. But at times some of the wheels in this mechanism give out. In critical periods we see that, after all, we have not a material mechanism but an organism, whose vital principle is credit, confidence, the spiritual element

par excellence in the credit economy. Let confidence disappear, the soul departs, the organism is dead. At such times the bank note shows its importance as a "primary" means of credit.—The whole credit economy is based on confidence. The confidence of one man conditions that of another. Let mistrust appear, and it spreads rapidly in all directions, destroys the credit of those who deserve confidence, and together with many guilty parties who have abused credit it overthrows many more innocent parties who have only used it. In this lies the danger of all commercial and credit crises. The crisis generally begins, however, in some one branch of industry. The mistrust extends to all the business relations, and particularly to all forms of credit payment usual in that branch. Now, the kind of credit payment which can command most confidence at such a period acquires an unusual importance in the failure of all other ordinary means of credit payment. The bank note commands this confidence because it circulates in other quarters, and because the security of the notes need not be affected even by a great industrial crisis, if the bank has been properly conducted. We may, therefore, designate the bank note as a suitable and important substitute to fill up the temporary chasm made in the credit economy by too great mistrust. Where it is lacking, or confidence is not felt in it, the only resource is specie. Historically the crises have been most severe where the bank note did not exist. Of course, great care must be taken at such a time in issuing notes that credit be given only to solvent houses after the turn in the crisis and not for the sake of keeping up the prices and furthering speculation. At such times the advantages of large banks appear most clearly, as the notes of such banks possess most confidence.—The banks must exercise unusual vigilance in their discounts during crises; for a proper regulation of the discounts affords the best security for the notes. A proper policy in reference to discounts is of most importance in times when the rate of interest is rising, and a scarcity of money begins to be felt; toward the end of speculative periods, when speculation feels the ground giving way beneath it, and uses its short respite for all sorts of extravagances; when exchanges become unfavorable; when specie ceases to come in and begins to be exported; in a word, when all the signs indicate the approaching storm. The discount capital of the banks forms, then, a large part of all the funds in trade and industry available for short loans in mercantile business. The operations with it, therefore, are of wide-reaching influence at the time when the pressure upon the banks for discounts is increasing. In three ways can the bank counteract this pressure and thus favor the necessary reaction in the money market, and revolution in the rate of exchange, while it secures at the same time its own position. It may refuse to make certain loans, to accept certain notes, may limit the maximum credit of certain houses—not a very desirable means, and never thoroughly impartial and safe. Or, it may shorten the maturity of all notes and loans, which is more equal in its effects. Or, it may raise the rate of discount, either on all loans, or somewhat differently for notes and lombards, and for the shorter or longer maturity of the notes. The last method deserves the preference; it best secures the bank, affects merchants more equally, and furthers in the most efficient way, the necessary reaction in the money market, in the rate of exchange, in the prices of commodities and the course of securities. This method, which is a logical necessity of the nature of the credit bank, is condemned only by the short-sightedness of practical business men. For the condition of extensive active transactions on the part of the bank is an extensive passive business; but the latter is diminished by the withdrawal of the deposits and the reflux of the notes, or, at least, the bank has such a change in its passive business to fear, and must regulate its active business accordingly, *i. e.*, lessen the loans by making them more difficult.—V. Relation of the State to the Bank Note. In what precedes we have presented the natural development of the system of banks of issue, or rather, the tendency of its natural development; for, as a matter of fact, this tendency has never been fully realized, because the state has interfered with it everywhere. It is probable, that if there had been no interference, and no artificial regulation, the system of banking would have been changed from the old money banks to the modern credit banks, at the same time with the general change in industry and commerce characteristic of modern times, and that the deposits would have remained the chief branch of the banking business, and that the bank note would have come into use as an incidental means of assisting the deposit business. But it would have been wonderful if the banking business, in its early history, had escaped regulation on the part of the government at a time when all other branches of business were subjected to a most minute supervision. And, indeed, we find that the paternal care of the government was extended to banks in general, and banks of issue in particular, to an unusual extent. Every civilized government undertook in some way the direct control of the issue of notes; England, France, Austria, Russia, Prussia, all the small German states, Norway and Sweden, Italy and Switzerland, committed themselves to a distinct policy in reference to banks of issue. After the interference was an actual fact, the attempt was made to justify it on various grounds. On the one hand, the right to control the issue of notes was deduced from the coinage prerogative. On the other, the necessity of controlling such issue was based on the essential difference between bank notes and other credit circulating media.—Let us examine how far theoretical considerations can justify such interference. As we have already said, according to our view, the bank note is not money, not even paper

money, and is not essentially different from other credit circulating media. All the reasons advanced, therefore, in favor of interference on the part of the state, based upon the false identification of bank notes and money, and upon the essential difference between bank notes and other credit means of payment, are of no force. But there are certain inferences from our views of the nature and function of the bank note, which justify a proper positive relation of the state to the bank note and its organs of issue.—In order that the bank note shall remain a bank note, no conjunction of circumstances should be allowed to assimilate it to money or paper money. Everything depends upon this one thing: the acceptance of the bank note must remain completely voluntary. Only under such circumstances is the bank note like other credit means of payment. All the objections which have not been answered by the foregoing discussion are concentrated in this one point. All the peculiarities of the bank note which call for a positive interference of the state, turn upon this one feature. The state, consequently, must see to it that the acceptance of the note is really voluntary, and should limit its interference to the performance of this function.—Now the acceptance of the note may become to a certain degree compulsory, although the note may not be made a legal tender or irredeemable. Thus the bank note may have passed into such widespread circulation that it must be accepted for want of any other circulating medium. Or, it may exist in small denominations which can hardly be refused by the poorer and more uneducated classes, particularly as payment for wages. Or, it may be that the individual can not easily present it for redemption on account of his distance from the place of redemption. Now, under such circumstances the state should hold fast to three points: 1, It must not make the notes a legal tender, or by its own action artificially favor the note circulation; 2, it must forbid the issuing of notes below a certain denomination; 3, it must see to it that the convertibility of the note is a reality, and is not made illusory by certain unfair practices.—Tried by the first principle, the legal tender quality of the bank of England note and of similar notes is to be condemned. Nor will it do to answer this objection by saying that the legal tender quality enables a bank note to perform more easily the peculiar function in commercial crises, which we have ascribed to it above; for English experience before 1844, and continental experience before and after, show clearly, that it is not the legal tender quality that adapts a bank note for that function. And theoretical considerations lead to the same result. Any other possible advantages are outweighed by the inconsistency of the policy with the general principles of banking, or, if this be a too doctrinaire objection, by the very practical consideration that the transition from the legal tender bank note to the legal tender paper money is easier and more alluring.—In other cases the state favors the bank note as a means of payment by receiving it, for instance, in payment of taxes. This favor is generally accorded to the large centralized banks, and affords what might be called a tax security of the notes. This must also be condemned. For the public, knowing it can pay the notes as taxes, receives them more readily and thus give them a wider circulation, while at the same time neglecting to examine as closely as it otherwise would, the condition of the banks. The banks, relying on the ready acceptance of their notes, and their more irregular reflux for redemption, are less careful of their banking security. The government in critical periods, when it must have the specie, can get it only by endangering the existence of the banks whose condition it has made insecure by its mistaken policy of favoritism; and the state, in case of ultimate failure of the banks, can hardly escape the fair charge of being accessory with the banks to the distress in trade and industry which must ensue. Giving the holders of the notes a priority over the other creditors of the bank has also a tendency to unduly favor the issue of notes. And, negatively, the government must not favor the note circulation by allowing the banks to conceal their condition, but must insist on periodical publications of the exact state of the banks' resources and liabilities.—It is necessary to insist upon the second point mentioned above, because there is a difference not only of kind but of degree between bank notes of large and small denominations. The latter are very similar to paper money in their qualities. They supplant money to a greater degree than large bank notes. They circulate in spheres where other substitutes for money do not come at all. They pass into the hands of laborers and artisans who never have any great amount of money on hand at once. It hardly pays to present them for redemption, and thus they stray away from their place of issue so far that they can not be presented for redemption without sacrificing a large per cent. of their value. The fundamental conditions, then, of their remaining true bank notes are wanting, and they become to all intents and purposes paper money.—By the third point we do not mean that the state is to undertake to insure that every bank shall be constantly in a condition to redeem its notes, but simply to see to it that a bank does not practically escape its obligations of redemption under various pretexts. If a bank is no longer able to redeem its notes, let it pass into bankruptcy at once. But banks often manage to keep from redeeming their notes while they are perfectly solvent. The banking history of the United States affords very good examples of such conduct. The banks often made it so tedious to get money for the notes (as, for instance, by appointing a certain inconvenient hour of the day, by slowly counting out the coins one after another, etc.), that the note holders were deterred from presenting them for redemption. In this connection abuses of four kinds may arise, in reference, namely: to place, time, coins, and

manner of redemption. In a system of local banks, the banks ought to be compelled to redeem their notes wherever they are likely to circulate in large quantities at convenient times and in proper coins, *i. e.*, the coin money of the realm, and in a manner convenient for the note holders. All these points ought to be features of every general banking law, and are not inconsistent with a system of free banking.—VI. RELATION OF THE STATE TO THE CONTROL OF THE BUSINESS OF BANKS OF ISSUE. Our investigations so far lead us to the conclusion that there are no economical reasons why the state should take any different relation toward the establishment of the banks of issue than that which it occupies toward the establishment of other credit banks. The so-called free banking system may prevail in the case of banks of issue as in the case of other banks. From this point of view any regulative interference of the state in the business of the banks is to be condemned. But the case is very different if the state claims the monopoly of issuing notes, or insists that every bank before issuing notes must secure special permission for that purpose. For the logical consequence of such a claim is further interference, leading ultimately to more or less direct control of the banking business. The contrast here lies between a free banking system with a formal bank law not at all inconsistent with such a system, and governmental control of banking with regulative legislation. In the last the system of securing the notes, the amount of circulation, and the amount and mode of investment of the capital stock of the banks, are all prescribed. As typical forms of such laws with manifold but unimportant modifications in detail, we select the German or continental, the English system of Peel's law, and the North American system.—The first system rests upon the principle of the banking security, *i. e.*, the notes are based upon a cash reserve, and loans of various sorts easily convertible, and a capital stock as a guarantee fund. The government has in many cases made further provisions fixing the absolute and relative amount of note circulation in relation to the capital stock, nearly always determining the minimum cash reserve, and often regulating the loan and discount business. These all have the defect of attempting to fix mathematically the ratio between the capital stock and the various active transactions of the bank, which is naturally impossible and frequently very injurious. The bank itself is often led to depend upon the law instead of its own careful conduct of business. The idea that fixing the maximum of note circulation is a wise step depends upon the false view that banks can expand their circulation at pleasure. The provisions requiring that the circulation shall bear a constant relation to the capital stock has but little in its favor, while the fact that it hampers the healthy development of banking constitutes a serious objection. Still more arbitrary is the provision occurring in most laws that the cash reserve shall be equal to one-third the note circulation. The only excuse to be made for such a provision, is that it is intended to fix the minimum. But even in this sense it may be injurious under some circumstances. In any case there ought to be a similar provision in reference to deposits, or else the banks will make the one-third reserve for the notes serve as reserve for both notes and deposits. The capital stock of the bank, according to most of the laws, must be invested, like the deposits and loans, through notes, in securities which are easily convertible. It is decidedly best that the capital stock be restricted to this banking investment. The bank should not invest its capital in stocks and bonds which are exposed to great variations in value. Still more questionable is the policy of immobilizing the capital, *i. e.*, investing it in a loan to the state on long time, (as in the case of the Austrian bank) or in untransferable bonds (as in the case of the French bank). Of course such an investment need not endanger the convertibility of the notes, as this depends immediately upon the investment of the note capital, *i. e.*, the capital received in return for notes. But in such a case the capital stock loses all significance as a subsidiary means of securing this convertibility, and is of no more assistance for such a purpose than if it did not exist. It is of importance only in the case of ultimate insolvency of the bank. Of course such a provision grew out of the monopoly policy and financial necessity. But it would be better, as has been said above, to have the bank allow the state a portion of its profits and invest its capital in the proper banking method.—The bank of England is historically a realization of the so-called "currency theory" of Lord Overstone. This currency theory rested upon the false views of the nature of the bank note which we have discussed above. It identifies bank notes and money and posits an essential difference between bank notes and other credit substitutes for money, and demands that a bank note circulation shall vary exactly as a specie circulation would in its place Peel's act does not aim to secure the convertibility of the note, nor even to limit the amount of the note circulation, but to regulate the latter artificially so that it shall increase and decrease in exact keeping with the increase and decrease in the cash reserve of the bank of England. This attempt sprung from false theoretical views, from a complete mistaking of the importance of deposit business and its functions in the influx and efflux of the precious metals, as well as from a misunderstanding of the causes, effects and phenomena accompanying an exportation or importation of specie. Peel's act did not succeed in its attempt, nor was the practical object attained of avoiding commercial crises in the future. On the contrary, the act has repeatedly aggravated the crises, injured the efficiency of the bank, and has been several times suspended by the English ministry.—Its system of securing the notes is as follows: A minimum amount was taken, below which, according to experience, the note circulation of the country had never fallen. Such an

amount of notes, it was assumed, was secure even without a cash reserve, on account of which it was chosen as the maximum amount of unsecured notes. Every further note had to be secured by a full cash reserve, pound for pound.—As a matter of fact, the bank of England holds in general to the banking system of security. The only point is that the provisions as to the cash reserve are different in the case of the English system from those of the continental. And all points of difference are, in our opinion, to the disadvantage of the English system.—The North American system secures the notes by fixing their amount at a high percentage of the capital stock of the bank, immobilizing this capital, and giving the note holders a priority right to it. The security of the notes as such is left to the banks, with the exception of prescribing a minimum cash reserve, and is ordinarily the usual banking security. The state does not aim to secure the instant convertibility of the note, but in case of bankruptcy its ultimate redemption. In this feature, and in the immobility of the capital stock, lie two great defects of the American system. The fiscal tendency of the whole system is apparent in its every feature.—It will thus be seen that the continental system, although hampered by many arbitrary restrictions, is, on the whole, the most natural, because it adheres, in principle, at least, to the banking security. A vigorous bank administration would undoubtedly feel itself cramped in many respects by its provisions. And yet, it keeps in view, on the whole, the points which under a free banking system every bank would have to observe. It adapts itself more easily to the wants of trade than the English or American systems; and experience certainly does not condemn it in comparison with the others. And if we assign to the state the office of controlling the banking business there is no reason why a different basis should be sought than that which underlies the continental system. As a matter of fact, both the English and American systems approach the continental more nearly in practice than in theory, for both maintain in practice the banking security which they reject in theory. The continental system, we must conclude, is best for all kinds of banks of issue, as well for a great monopoly bank like that of England, as for a system of local banks like that of America or Germany.—VII. Relation of the State to the Establishment of Banks of Issue. Although a system of free banking may be demanded on theoretical grounds for banks of issue as well as for others, yet there may be practical considerations which justify an interference on the part of the state, for instance, if one kind of banks of issue possesses advantages for trade and industry over other kinds and needs governmental aid in establishing itself The question here turns on the respective advantages of a centralized and of a local system of banks of issue. The contest over this point has been as warm and as one-sided as over any other point connected with this whole subject. The abuse of credit has often been noticed, and then in theory and practice some one kind of credit institution made the scapegoat of all such abuses. But experience has by this time pretty well demonstrated that an abuse of credit is possible everywhere and under every form, that no kind of banks can hinder it, no credit banks and no particular form of banks of issue necessarily favors or prevents it more than any other, and that the respective advantages of the various systems have been greatly over-estimated by their supporters. In fact, the arguments in favor of a centralized system can be nearly all matched by arguments equally as strong in favor of local banks, while all the defects of the latter have their counterparts in the former. The question is pre-eminently a practical one, and can hardly be decided upon theoretical grounds. The objection to local banks, that in competing with each other they will succeed in issuing an excessive quantity of bank notes, has been answered already. The position of a great monopoly bank is connected with some dangers because its great resources enable it to persist in a false policy for a longer period, and thus it may favor the feverish speculation preceding a crisis to too great an extent. But in return for that, after the crisis has come, such a bank can do much more toward alleviating its effect than local banks could.—One great advantage of local banks is, that by these the business of issue is developed in more intimate connection with the other banking business, and can become, as it ought to be, a mere complement of the deposit business. The reflux of the notes is more regular and powerful, and, in so far, the notes are better secured; while, on the other hand, as they must secure both deposits and notes, the latter are ordinarily based on a relatively smaller cash reserve than those of a great central bank.—The comparison between a system of local banks and a great central bank with many branch banks, must end similarly. Each has its advantages and disadvantages, and other influences than banking considerations must finally give the decision. The local banks, besides the advantage mentioned above, can adapt themselves better to local demands. But the central bank with branches can afford a greater extension of the remittance business. If there is less self-dependence in the great bank, there is a more effectual control through the publicity which all its acts possess. If there is greater danger of its becoming involved in the financial difficulties of the government, of its bank notes becoming paper money, there is less danger of the government's going over to a pure paper money system, which is generally far worse. Besides that, American history shows clearly enough that a system of local banks affords no security against abuse for financial purposes. If in the great bank the reflux of notes is weaker, there is a greater cash reserve. If there is occasional partiality in discounting, there is in general greater safety in

the loans, less danger of being ruined by local swindles, etc., etc. One point, however, must be kept in mind, which, in general, will give the decision in favor of free local banks of issue. Modern trade and industry by their own natural development tend to give us all the advantages of these great central banks, without any of the disadvantages which come from monopoly banks. And it is probable that great banks would have appeared in London, Paris, Berlin and Vienna able to confer all the advantages afforded by the state banks in those places, with almost none of their defects.—VIII PRINCIPLES OF LEGISLATION IN REFERENCE TO BANKS OF ISSUE. It follows from the previous considerations that the relation of the state to banks of issue need not consist in a regulative interference. The application of general legal principles to the system of banks of issue, and a general banking law in which there need be only a few particular provisions for banks of issue, are sufficient. We enumerate here some of the principles which should underlie general bank legislation.—1. The establishment of banks of issue may be free as well as that of other credit banks.—2. The provisions as to the capital stock of banks of issue and the amount of liability of the stockholders may be the same as in other banks.—3. A regulative control of the business of the bank ought not to be attempted by the state, as it can never be really carried out. The amount of the capital stock and its investment, the amount of the cash reserve, its yearly increase, the distribution of the profits, the establishment of branches, the extension of the business, the conditions as to the acceptance and amount of deposits, the kinds of bank notes and their total amount, the security of its liabilities, etc., etc., ought to be left entirely to the bank.—4. The care of the state must extend, however, to two, possibly three, points. It must insist on the strictest publicity of the transactions of the bank, so that the public can judge at any time of the bank's solvency; it must fix the lowest denomination of note and provide proper means to force every bank either to convert its notes on demand or go into bankruptcy; and it may exercise a formal control so long as it does not interfere with the principles of free banking.—5. The principle of publicity demands the preparation and publication of regular reports as to the condition of the bank, and the law ought to be framed with the utmost care so that the banks may not be able to evade its provisions. —6. The strictest personal responsibility, on the part of directors, etc., for the full execution of the law, ought to be part of all banking legislation. Provision ought to be made for a compulsory examination of the books by the proper authorities and the publication of the results from time to time.—In a word, the action of the state is in general to limit itself to making possible a strict and immediate control of the banks by public opinion. The state guarantees the publicity of all bank affairs; the public must really watch the banks and hold them to their duty.—LITERATURE. The literature of the question is simply enormous. All the ordinary text books on political economy discuss the subject in one or more of its phases. The various encyclopædias contain articles of more or less value. Worthy of particular mention in this connection is the article on *Zettelbankwesen*, in Bluntschli and Brater's *Staatswörterbuch*, by Adolph Wagner, of which the present article is essentially an abridgment, and the discussions under various heads in Macleod's dictionary of political economy, and M'Culloch's commercial dictionary. The periodical literature of the last 80 years, in French, German and English, is full of the discussion. The various reports of the English and French governments and banks are also full of valuable matter. The writings of Gilbert, Wilson and lord Overstone, Wolowski and Horn, Schäffle, Rau, Wirth, Wagner, Carey, Walker (Amasa and Francis), Gibbon, and Price, contain many interesting discussions of the topic. Of formal works on the subject we mention the following, in which the reader will find references to all that is valuable on the question in any language: Tooke and Newmarch, *History of Prices*, London, 1838-1857; Fullerton's *Regulation of the Currencies*, London, 1845; Walker's *Money*, New York, 1878; Walker's *Money, Trade, and Industry*, New York, 1879; Macleod's *Theory and Practice of Banking*, London, 1875; Gibbons' *Banks of New York*, New York, 1859; Wolowski's *Quest. des Banques*, Paris, 1864; Horn's *Liberté des Banques*, Paris, 1867; Geyer's *Theorie und Praxis d. Zettelbankwesens*, 1867; Tellkampf's *Princip. d. Geld und Bankwesens*, Berlin, 1867; A. Wagner's *Zettelbankpolitik*, Freiburg, 1873. The last contains a very full account of banks of issue and an exhaustive discussion of all points, theoretical and practical, relating to them.

E. J. JAMES.

BANKS, Advantages of Savings. Saving does not create capital; it collects the small elements and parcels of it, which, when accumulated, gradually swell to values large enough to be employed with fruit.—Savings banks are institutions of credit, founded to inspire, facilitate, favor and encourage savings. The savings bank receives the smallest savings of the poor; it preserves and guarantees them; it shelters them from the temptations of the hour and from disastrous risks; it throws them into circulation; and out of the sterile sums, which they were while they remained at the bottom of a box or drawer, makes of them sums productive of interest which serves, month by month and year by year, to swell the amount of a little account current. Lastly, the bank pays back all or part of the deposit, according to the wish of the person who deposited it, and upon his simple demand.—Savings banks are altogether a modern invention. Inspired by the purest philanthropy, instituted with enthusiasm and generosity by men of the most respectable

character, administered with disinterestedness and rare ability, sustained in their benevolent action by the unanimity of public opinion, aided by the indefatigable co-operation of a host of intelligent propagators, and the ever faithful support of the widest publicity, the savings banks in most parts of Europe have grandly accomplished their mission, such at least as it was conceived by the thought which inspired it, a thought exclusively charitable and moral. Surely after considering all these benefits, the economist will not refuse to recognize the great and noble services which the savings banks have rendered since their first foundation. He takes pleasure in praising them; but he reserves to himself entire liberty in examining and judging in what concerns the legislation, organization and progress of these establishments, whose reach would perhaps have been wider and whose results would have been still happier, if the charity which produced them had been found more intimately united to the science which would have given them liberty as a basis.—Very few raise any objections against the institution of savings banks in itself: but there are a few who do. Their objections are so weak and trivial that they do not deserve a serious refutation. Independently of the very worthy sentiment which first produced the savings banks, and which is a good in itself; aside from the very moral habit of saving, a habit which savings banks have largely extended and developed; they have two important economic results, which seem to us henceforth beyond all discussion: one affects the personal and direct interest of the depositor; the other, which is less apparent, is to the general advantage of society.—1. The foresight which, according to the expression of J. B. Say, sacrifices actual satisfactions, in order to insure security in the future, is not only a moral quality; necessity imperatively demands it. Labor, which is possible in strength and health, becomes impossible in old age and sickness, not to speak of crises, times of enforced idleness, and the thousand accidents which trouble and disturb even the most favored lives. A prudent man has strength enough to practice privation when he can, and prefers to a passing satisfaction the permanent satisfaction of assuring himself the means of subsistence during the evil days and fatal period of old age. He moreover increases his productive power by having some capital to rely upon, the revenue from which, whatever it may be, increases his daily earnings. Possessed of greater freedom, he is less anxious to offer his labor to others, and more easily discusses the conditions of its sale.—2. The advantage to society is two-fold. There are fewer unfortunates left to the care of society, in which the proportion of poor people exceeds that of the rich. Then—and it is a great service rendered by the savings banks, which certainly have prompted and favored in many minds the desire to save—these banks utilize a capital, which without their continuous action would remain absolutely unproductive. Very small savings are not invested until they have increased to a certain amount, which varies greatly with individuals, times and places.—Close observation and investigation in many places, and the very nature of things prove to us, besides, the reality of the fact that savings, small, very small, when we consider the amount saved by each individual, assume in the aggregate proportions of enormous importance, as is shown by the official reports of the savings bank. Society is therefore indebted to savings banks for the enjoyment of a considerable amount of capital, which, without them, would be, like the stone which Horace advises avaricious men to substitute for their treasures, hidden in an absurd barrenness. LOUIS LECLERC.

BANKS, History and Management of Savings, institutions established without capital by philanthropists, where the economies of the poorer classes are received and invested, so as to return a profit and be payable on demand or at short notice.—They are managed by trustees without salary, who have no interest in the profits of the business, which are credited or paid to the depositors at stated intervals, and when credited, become new capital which is re-invested and earns interest the same as a fresh deposit, and this operation goes on as often as dividends are declared and are allowed to remain uncollected.—Savings institutions are essentially the banks of the poor, where they can safely place their temporary surplus and feel that their deposits will be returned with whatever additions they can be made to earn consistent with that safety. The proceeds of labor converted into capital by depositors in this way, are made to produce a revenue without impairing the original sum, and go on increasing, while the owner is engaged in the production of other surplus, which he can convert into capital with similar results. Such accumulations earned by individuals tend to distribute property among the masses of the people, to the extinction of pauperism, to produce comfort and happiness, to encourage education, and to the general enlightenment of the individual and the community where they exist; besides, the cares which accompany their possession sharpen the mental faculties, and incline to enlarge the moral perception of the owner. So manifest had this become late in the last and early in the present century, that efforts were then made to encourage habits of economy and thrift among those who had never enjoyed their fruits and knew nothing of the benefits of saving for themselves.—The first publication in England on the subject of savings banks is attributed to Jeremy Bentham, in whose plans for the management of paupers he included a system of "frugality banks."—Among those who first interested themselves, practically, was Mrs. Priscilla Wakefield, the superintendent of a "friendly society for the benefit of women and children," which, in 1801, combined with it a bank for savings for their benefit.—In 1810 the Rev. Henry Duncan

established at Ruthwell, in Scotland, a "parish savings and friendly society," which more nearly resembled a modern savings bank than anything which had been previously established. It was brought to the public attention by a publication of its system, and the details were received with so much favor that in 1817, when the first act of parliament was passed which established the system under government control, 78 private societies, which received and invested the savings of the laboring poor, were in operation in England, Ireland and Wales.—In 1805 savings banks were first opened in Switzerland, at Zurich.—The first institution in France was opened in Paris in 1818. Since then they have extended into nearly every European state.—The philanthropic spirit was displayed in the colonial history of this country, and found expression in efforts to fix by law the price of articles of necessity, and the wages of mechanics and laborers; but experience demonstrated that such regulations were detrimental to the interests of the people they designed to serve; afterward lotteries with charitable designs were legalized, and charitable societies for the protection and support of members who might be in need of assistance, by reason of sickness or accident, and for the relief of destitute widows and orphans of deceased members.—In 1803 a petition was presented to the legislature of the state of New York, praying that sundry persons might be incorporated into a society, with power to build workshops and purchase materials for the employment of the poor.—The present political society of Tammany or Columbian order in the city of New York, was incorporated in 1805, as a charitable institution, for the purpose of affording relief to the indigent and distressed members of the association, their widows and orphans, and *others* who may be found proper objects of its charity. —Many benevolent and charitable societies were incorporated in the New England and middle states in the next decade, some of them fulfilled the designs of their founders to a limited extent, but all failed to accomplish anything for the permanent well being of those they intended to benefit: instead of helping the beneficiaries so that at some time in the future they would take care of themselves, they ministered to present wants only, which were ever recurring and were never fully satisfied; with every succeeding dispensation the receivers became more dependent, finally lost their own self-respect, and were really becoming paupers; the disease had been aggravated by improper remedies. Experience demonstrated that, in most cases, temporary relief resulted in entire dependence, and the number of poor instead of decreasing was stimulated to increase; it was learned, that as soon as it was known in a community that anything could be had without labor, that soup, fuel, clothing or shelter could be had without cost, that moment the moral standard of the neighborhood was lowered, and when the way of supply was made plain by individuals, societies or the state, all further efforts on the part of recipients to earn their own living were abandoned, not only for the part gratuitously offered, but all honest work was given up, and ingenious schemes were resorted to in order to obtain the greatest amount possible; time and labor were wasted, which if they had been directed by honest efforts would, in most cases, have comfortably supported the degraded persons and their families.—Having learned this plain lesson taught by experience, a class of philanthropists resorted to the system to *help others to provide for themselves*, by teaching the poor to acquire habits of thrift in laying aside some part of their earnings in a time of prosperity, to provide for future wants in the days of adversity or old age —The ideas which inspired the founders of the first savings bank incorporated in the United States, the one at Boston, in 1816, are well expressed in their announcement of intention to apply to the legislature of Massachusetts for an act of incorporation. They say: "It is not by the alms of the wealthy that the good of the lower class can be generally promoted. By such donations encouragement is far oftener given to idleness and hypocrisy than aid to suffering worth. He is the most effective benefactor to the poor, who encourages them in habits of industry, sobriety and frugality."—This, the Boston provident savings institution, was incorporated Dec. 13, 1816, thus giving to the United States the honor of first sanctioning by law these most useful institutions.—The Philadelphia savings fund society had gone into voluntary operation in the same year, but was not incorporated until Feb. 25, 1819. The savings bank of Baltimore was incorporated in December, 1818; the Salem (Mass.) bank in the same year; the bank for savings in New York, March 26, 1819, and in the same year also, the society for savings, Hartford, Conn., savings bank of Newport, R. I., and Providence institution for savings, R. I.—All of these institutions are still in existence, and the latest annual reports show them to be in a flourishing and prosperous condition, the results of honesty and common sense in their management which have characterized them from the beginning.—The method of operating savings banks is not the same in all the states where they exist. In some they take the form of a society, with power to add to their membership, and with perpetual succession, a certain number of members are yearly chosen by ballot to act as managers, these managers elect their own officers, make rules and by-laws, and alter or rescind them at pleasure.—In others the corporators are a limited number, and are themselves trustees with power to fill vacancies, and are responsible for the management to state authority, to which they report at regular intervals, which reports are published. In some they do business under special charters, in others under general laws to which every institution in the state conforms; this last system is growing in favor as supervision is simplified, so that superintendents or commissioners familiar with the one law, can easily determine if investments have

been made in prohibited securities or generally in too great amounts on permissible ones.—The laws in the six New England states in relation to savings banks are very similar, although in some banks the managers are more conservative in their practice than in others. All invest to some extent in United States bonds, in bonds and mortgages on real estate, in national or state bank stocks, state, county, city, town or village bonds, loans on personal security, in railroad bonds, and some in railroad stocks.—Most of the banks are operated under special charters, but in some of the states general laws have been enacted, to which savings banks *may* conform if they so elect.—The general law of Massachusetts is similar in many of its wisest provisions to that of New York, but as the old chartered institutions of the former state are not required to conform to it, its full benefits are not realized. All banks pay a tax on the average amount of their deposits to the treasurer of the state in which they are located. In Massachusetts this tax is ½ of 1 per cent. per annum, payable semi-annually.—Banks in all these states loan on bond and mortgage on property located in nearly every state in the Union. They may invest in, or loan on, one-quarter of the capital stock of any one bank (state or national), provided the sum is not more than 10 per cent. of their deposits, nor more than $100,000, but they may deposit in addition on call in such bank, 20 per cent. of the amount deposited in the savings bank, so that in case of the failure of the state or national bank the savings bank would become liable as a stockholder for its debts over and above the amount of capital stock owned by it, and would be obliged also to take its chances with all other creditors in recovering the amount on deposit in the failed bank. To illustrate the effect on a savings bank of the failure of a national bank in Massachusetts, let us take a savings bank having $1,000,000 due its depositors, which has invested and deposited the sums permitted by law, viz.:

Say 10 per cent. of deposits invested in stock	$100,000
" liability equal thereto	100,000
" 20 per cent. of its deposits placed with the bank	200,000
Would make the amount involved	$400,000

Or 40 per cent of its assets. This seems a dangerous section in the law, and the risk is not diminished, if, as is often the fact, any number of trustees in a savings bank are at the same time directors and stockholders in the national bank.—The amount of savings bank deposits at present invested in, and loaned on bank stocks, and on deposit in national and state banks, is 14 per cent. in the New England states.—Town and village bonds are not usually desirable securities, for the reason that they are required under state laws to be issued in a prescribed manner, and if all the forms have not been complied with, and the burdens bear too heavily on the issuing towns or villages, the interest usually ceases, and the principal remains unpaid at maturity.—In the case of a village in Maine, which issued its bonds in aid of a railroad, (the usual reason for such issues), when the burden on the taxpayers became heavy, the selectmen concluded to leave their creditors in the lurch, and arranged the property in the town so that it would be valueless for even a combination of their creditors to take it. They then repudiated the interest on their bonds, and when the holders offered to take 50 per cent. of their dues, they still declined to pay, thinking to settle for less if they kept them waiting long enough.—The effect is, that nearly every city and town bond in the state sells at a reduced price, most of them below par, and savings banks are the largest sufferers by the decline.—The court of appeals in the state of New York, the court of last resort there, has just decided in the case of Cagwin *vs.* The Town of Hancock, that the town was not liable on certain bonds and coupons, issued in aid of the New York & Oswego Midland R. R. Co., because the tax-payers of the town, representing more than half of the property, had not consented to their issue, and that they were null and void in whatever hands they might be found, although the plaintiff insisted, which was not contested, that he was a *bona fide* holder for value, and that the affidavit of the assessors that a majority of taxpayers, representing the major part of the property, had consented, which was conclusive evidence that the requisite consent had been obtained, and that such affidavit attached to the consent was recorded in the county clerk's office, and was a decision in the nature of a judgment. The court held that the affidavit of the assessors was not conclusive evidence and might be disproved, as it was. Under this decision no savings bank can safely hold town bonds in that state, unless it attends the town meeting at the time the vote is taken, knows every voter by name and the assessed value of his property, and can produce evidence that a full majority voted in favor of bonding. Even with this knowledge, it should also know that the meeting was properly called and due notice given according to law.—Loans on personal security to the extent of one-third the amount held by savings banks may be made in the New England states with two sureties, *i. e.*, they may discount indorsed notes, not, according to the custom of banks of discount, those having two or three months to run, but they may loan on notes running one year. It is only necessary to mention this form of investment, comment is needless; the practice is unsound and should be discarded. Loans on bond and mortgage have always been thought the best kind of security for trustees and executors. We have inherited this notion from our old world ancestors, and the idea suited the fathers in this country because, in earlier times, land was the most abundant thing of value to offer for the less abundant commodity money, which was a necessity, though to a less extent. Banks were per-

mitted to issue notes to be used as money based on mortgages on land. A land bank was organized in 1740 at Boston. Each stockholder made over to the directors an estate in land for which he received its equivalent in bank bills which passed as money, the provisions for the payment of interest and a certain part of the principal per annum were very stringent, and yet the bank came to grief, its mortgage securities being insufficient to realize enough to pay its debts. Widows and children were large sufferers, and twenty-eight years after its organization, and many years after its failure, creditors were still clamoring for their just dues from the few remaining stockholders who were solvent. With such examples on their historical records, New England savings banks have loaned large sums on bond and mortgage belonging to other widows and children, not only to people in their own states, but in all parts of the United States, with similar results. The truth about mortgage loans is, that the value of land in this country is as changeable as that of most other security. When it is said that land security can not run away, which is thought to be unanswerable, it is not to say overmuch, for the land may remain and still become unsalable or worthless for the purpose of realizing the loans on it years after creditors have ceased from troubling; and even when good for the loans, foreclosures may be delayed and auctioneers driven away as they have been, although the interest money was not paid for more than one term.—To be good security for savings banks, mortgage loans should be taken on productive property, in the vicinity of the bank making it, at not more than 40 per cent. of its cash value, and receipted tax bills should be produced once a year, as well as certificates from proper authorities that no assessments remain unpaid. These mortgages should be made payable within one year, after which the bank should have the option of calling in the principal or any part of it. Not more than 20 per cent. of the bank's assets should be loaned in this way, and it should stipulate that both principal and interest should be paid in coin of the United States of the standard of weight and fineness fixed by law at the time the loan was contracted.—Had similar conditions been made by savings banks in this country, many would have been saved from the disaster and ruin which came to them between 1876 and 1879 and which may yet come to others in the future. Railroad stocks, which by their nature never become payable and may never pay a dividend, which are liens, only after five or more mortgages, are eminently unfit for investments such as we are considering. Railroad bonds secured by a first mortgage to a small amount per mile, wholly within the state in which the bank is located, which have paid the stock of dividends for at least three successive years previous to their purchase, may be considered proper investments for savings banks; but the purchase of bonds issued by a railroad for its equipment, or to raise money to build or extend a road, because trustees know the men engaged in the enterprise and have confidence in their ability or integrity, is a mistake and should be prohibited. The prospects of the road may be first class, but, in this era of railroad building and managing, combinations and consolidations are too frequent, by which the small road with good prospects may become an insignificant feeder to a great system of roads, with a revenue insufficient to pay its fixed charges. In some instances sums large in amount are received, or allowed to accumulate on deposit. $40,000 in one bank and $34,000 in another are moneys of capitalists not of savings depositors. It should not be forgotten that these are benevolent and not charitable institutions, organized to assist those who are unable to take proper care of their own, who through poverty have no secure place, or whose savings are too small to be used singly to advantage. As a rule, owners of sums larger than $2,000 should be directed elsewhere for investment, and not put needless burdens on trustees who work without fee or reward, because it is easier to do it, than to look about for themselves when pasturage elsewhere is scanty, and government bonds pay but 3 to 3½ per cent. They are the ones, who, in a time of panic, when prices are depressed and money scarce, ask eagerly for their large deposits to buy the very securities which savings banks are obliged to sell at a loss to pay their deposits with. If the receipt of deposits from a single person is limited to $150 or $200 in any six months, and no interest is paid on aggregates above $2,000, it would have the effect to keep out capitalists and reserve the banks for their proper customers.—Bank Buildings. Extravagant amounts spent for palatial buildings to be used simply for banking offices, or even if a part of the bank is rented, has an ill effect on its depositors and the community. It is not only unwise and unjust to expend deposits or surplus in this way, but the example taught is unqualifiedly bad. When depositors see the costly buildings, and on entering are startled at the sumptuous furnishings, no lesson of economy or thrift is taught them, even if the portrait of Franklin larger than life is posted in a conspicuous place, with the motto "Save your pennies." They learn rather that trustees who build such banking houses are not the proper custodians of their savings, and if they are wise they will go elsewhere than to a bank that has cost $600,000, or even $500,000, several of which exist in the empire state, for although they may be unable to cipher it out, they know there must be a great loss of interest, and it could with truth be told them, that 10 per cent. per annum is not too much to estimate for interest, taxes and repairs, and if the building cost $500,000, $50,000 must come off their dividends annually, and if the deposits are $10,000,000, it is equal to one-half of 1 per cent. on each depositor's credit in the bank.—Salaries. This is an item well worthy of notice. With the exception

of the executive officer, who devotes the principal part of his time to the interests of the institution and has charge of the internal management, no trustee should receive a salary or fees. Neither the secretary nor treasurer, who with the president jointly, should have charge of the bank's securities, should be a trustee, the influence of one salaried man in the board is enough; when the question of compensation to under officers or clerks is under consideration, it should be settled on its merits, and not with the bias that one must always feel for another of the same guild. The qualifications of a trustee should be integrity and capacity; honesty and common sense will enable any board to discharge its duties in a way that will place it above just reproach. Trustees should be selected from a class of men who have "made their way," soberly and honestly in the face of competition; these men know the value of money and how to use it economically. Great bankers are not required. Speculators should be kept out, for it is the principal sum that must be guarded, large profits are not to be sought. — Directors and stockholders in banks of discount in which any part of a savings bank's available or uninvested funds are kept, should not be trustees of the savings bank, as their interests are opposed to their trusts, and they are interested pecuniarily in having the sums deposited as large, and the interest paid for their use as small as possible, and when the trustee is called upon to vote, the director's interest comes up, so that he should not be required to submit to the temptation; his eligibility for one of the offices should be abolished. Directors of a corporation have been known to vote as trustees to loan the money of their savings bank in order to buoy up their sinking concerns, which resulted in the ultimate failure of the savings bank without saving the corporation. Trustees should never forget that the funds they manage belong to others, who have put them in their charge to be invested, so that the principal sum, at least so far as human foresight can determine, will be secure: trustees have no moral right, even if they are within the law, to take risks which as business men using their own capital they could afford to do. If errors are to be committed let them be on the side of security.—Investments worth more than par are very desirable on account of their salable value in case of need, but the premium paid should never be counted among the assets, but be regarded as a bonus paid for the guarantee that the bonds are good for their face at maturity, which is all that can be received, and that the interest will be regularly paid.—EXPENSE OF MANAGEMENT. This should be reduced to the minimum of safety. Large salaries, expensive bank buildings, incidentals, like coal, gas, janitor's wages, expensive stationery and the extravagant use of it, swell the expense account to 1 or more per cent. in some banks outside of New England, while there, notwithstanding the payment of large taxes, the average in most cases is not much above ¼ of 1 per cent.; this amount, or, in large cities ½ of 1 per cent., is the most that needs to be expended.—The business of savings banks should be confined to legitimate functions, that is, receiving, investing, and paying again, proper deposits, under suitable regulations. Accounts of business people, small traders and others, who require interest on monthly balances, draw checks at sight without the production of the bank book, who deposit notes and drafts for collection, should be refused; buying and selling domestic and foreign exchange should be prohibited; all belong to banks of discount which are liable to general taxation, from which savings banks, as benevolent institutions, are in great part relieved. New England savings banks are properly taxed by their states because they are permitted so wide a range of investments, and receive a higher rate of interest than in New York for example, where they are more restricted in investments and are mostly untaxed.—The practice of paying a premium on deposits arises from a desire to get new customers and increase the aggregate amount. Notices are posted in many institutions, that deposits made on the 10th day of January or July will commence to draw interest from the 1st day of those months. This is unfair to those whose money is in the bank on the first day, as it must earn dividends both for them, and the sharper customer who is making 10 days' interest for himself elsewhere, but who can, by making a deposit on the last day, claim a dividend for the days already passed, and so make his capital earn two dividends, although it was employed in but one place. The custom also tends to induce slothful habits and laxity in business, as there is nothing to be gained by promptness, for the profit is the same whether one gets to the bank 10 days earlier or later. Large aggregates of money are presented for deposit on the first 10 days of the half year to nearly all the large institutions in New York, although some of the banks refuse to credit them as deposits of the first day.—SURPLUS. The question of surplus to meet loss and depreciation in values, is attracting attention in all the states, although in the banks of some of them this important provision is overlooked, in others, a very small percentage accumulated gradually is considered sufficient.—In New York the general savings bank law forbids the payment of more than 5 per cent.—it may be less—interest per annum, until the surplus, estimating all securities that are worth it at par value, and those of less worth at the market value, amounts to 15 per cent. After this surplus is secured, extra dividends must be declared as often as once in 3 years out of the excess. When this time arrives, all accounts should be classified according to the length of time the money has been in the bank, so that accounts only 6 months old should receive a less proportion than others, the credits of which have been one or more years in possession of the bank, as it is evident that the surplus will have been earned with undisturbed

balances, and that recent accounts will have had no share in making the accumulations. If some such plan is not adopted, the best banks will be overloaded with money 3 or 6 months before extra dividends are declared, by persons determined to get a large interest for their capital, and who have not accepted the more moderate rate while the surplus was accumulating, and who, therefore, have no moral right to participate in extra profits which their capital did not earn.—Some instances of savings bank failures have occurred in this country through the dishonesty of officials, and many losses have been incurred by the rascalities of clerks which they were enabled to accomplish by false entries. Nothing is more detrimental to the welfare of an institution than a slovenly or careless method of keeping accounts. Monthly examinations by trustees should be the inflexible rule, and the balance due depositors in dealers' ledgers should agree with the total deposits as shown by the general ledger, which should be confirmed at least twice a year when all accounts are listed.—In the larger cities where silver is refused, and the banks receive only gold or its equivalent on deposit, those securities should be preferred as investments which by their terms are to be repaid in gold of the present standard of weight and fineness, and in drawing mortgage instruments, clauses should be inserted whereby both principal and interest should be paid in like coin. As only gold or its equivalent is received, if the time should come when depreciated silver has to be returned, depositors will have good cause to complain that their trustees did not manage wisely, and there may be a responsibility fastened on the latter which it will be difficult to get freed from.—Failures among savings banks have generally occurred in the past on account of competition between them to pay large dividends; primarily this was the fault of legislatures in chartering too many institutions. In the city of New York, between the years 1867 and 1870, 20 new savings banks were chartered; 7 were located on one avenue, 5 of them failed before 1876. From 1819, when the first one was chartered by the state, to 1867, a period of 48 years, 22 new banks were established in that city, and nearly all were doing business at the last date. In the four years first named this number was nearly doubled, although it was afterward proved that the public necessities did not require them, as the entire assets of the 20 new banks in 1875 fell short of the deposits in a single bank of the better class in that city.—Savings bank charters in the days of the "ring," were made a means of payment for political services, and places of trust and honor in the banks were often given as rewards of partisan merit. The desire for new banks became an epidemic, and the legislature yielded to the solicitations of interested parties, and granted special charters with little or no reference to the qualifications of the incorporators for taking care of the people's money. They soon demonstrated their incapacity by buying low-priced securities which promised large dividends on the sums invested; they fitted up expensive offices with extravagant furniture, built costly banking houses, paid round salaries, advertised largely agreeing to pay high rates of interest, which promise was kept as long as sufficient deposits could be kept available, but soon there came a chilling frost and nipped those flowers in the bud, states defaulted on their interest, land owners ceased to pay interest on their mortgages, towns repudiated and failed to pay interest on their bonds; depositors heard of these things and asked for their money, then the climax was reached and the receivers stepped in and took possession.—The percentage of loss by depositors, to the total deposits, has been small, still many individual cases of hardship have occurred, but they are not likely to be repeated from the same causes.—Deposits in savings banks are left there by their owners against a time of need, in many cases they remain undisturbed 10 and even 20 years to accumulate interest and increase in amount: the depositors have no voice in the management of their funds nor in the election of trustees; the state, therefore, is bound to exercise a strict supervision over the investments and practices of the latter in order to correct illegalities of every sort.—Sound laws are indispensable as guides, and proper authority should be invested in superintendents and commissioners, which they should not fail to exercise in case of need: much depends on good laws, more on their administration, but most of all on trustees themselves. A careless or foolish board may wreck an institution beyond hope of redemption before the supervising authority can have knowledge of the damage.—The largest and most successful banks now doing business, have been managed by prudent trustees, in a way that excites admiration and profound respect, but they have been conducted in the same way for 30 to 60 years, their present prosperity being attained by early economy and strict attention to right principles. Attempted rivals have come to grief, because they disregarded these requisites; they saw results but did not care to inquire how slowly they were obtained, they plunged into extravagances from the start, they had no idea of savings and lost all in speculating.—The general savings bank law of 1875 with its amendments, in the state of New York, is undoubtedly the best in existence in this country; some modifications, which have been suggested in the course of this article, might still be made. Its best features have been adopted in other states, and it would be for the interest of all if this was general in every state. Its prominent provisions are. All savings banks must conform to the law, old charters are repealed where their provisions conflict with it; the organization of new banks is thus restricted; notice of intention must be published previous to filing the certificate, in the local papers, and all savings banks in the county must be served with a copy. The superintendent is then to ascertain whether the proposed bank is needed, whether there is a pop-

ulation sufficient to promise success, and whether the proposed corporators are men who can command confidence; if not satisfied that the proposed institution will be a public benefit, he is to refuse his consent.—The trustees' meetings are to be held at least monthly, at which the president or one of the vice presidents must be present to form a quorum.—A trustee who fails to attend six consecutive meetings of the board unless he has been previously excused, or who becomes an officer, clerk or employé in any other savings bank, or upon borrowing directly or indirectly any of the funds of the bank, or becomes a surety for any money borrowed or loan made by his bank, vacates his office. Deposits shall be repaid after demand, in such manner and times as trustees shall prescribe, of which notices shall be posted in the banking room and printed in the pass books.—Trustees may limit deposits in amount, refuse to receive them, or return them after deposit, in their discretion. Deposits to the credit of any one individual or corporation shall never exceed $3,000 in the aggregate, unless made prior to the passage of the act, or in pursuance of an order of court.—Deposits made by a minor or a female, are subject to their exclusive control, except creditors, and shall be paid, together with dividends thereon, to the person in whose name the deposit was made. Deposits made by one person, in trust for another, unless written notice of the existence and terms of a legal and valid trust shall have been given to the bank, may, in the event of the death of the trustee, be paid to the person for whom the deposit was made.—Investments may be made *only:* in United States bonds; three-sixty-five District of Columbia bonds, stocks or bonds of the state of New York bearing interest, and of any state which has not for 10 years previously defaulted in the payment of principal or interest on any debt authorized by any of its legislatures. In bonds of any city, county, town or village of this state, issued under state laws, or in any interest bearing obligations of the city in which the bank is situated. In bonds and mortgages on unincumbered real estate, situated in the state, up to 50 per cent. of the value of improved, or 40 per cent. of unimproved or unproductive property; but no loan shall be made except on a report of an investigating committee, which report shall certify to the value of the premises and be filed among the records of the institution; not more than 60 per cent. of the deposits shall be invested in mortgages. In real estate necessary for the bank's business, a portion of the building not required may be rented. The total cost of the buildings and lot must not exceed 50 per cent. of the bank's net surplus. In real estate purchased under foreclosure of mortgages, but such real estate shall be sold within 5 years, unless the time is extended by the superintendent of the bank department on application of the trustees. To meet contingencies, 10 per cent. of deposits may be kept on hand or deposited in state or national banks or trust companies, provided the sum deposited in any one does not exceed 25 per cent. of the paid up capital and surplus of such bank or trust company. In case of insolvency in depositories, savings banks are preferred creditors for the full amount of their lawful deposits in state banks, and in trust companies after a small class of accounts. They may loan on securities they are authorized to purchase, up to 90 per cent. of their market value, and not above their par. Interest is restricted to 5 per cent., until after the surplus is 15 per cent., estimating securities at par value, or, at their market value if it is below par, when, at least once in 3 years, the accumulation beyond is to be divided as an extra dividend. Trustees may classify their depositors, according to the character, amount and duration of their dealings with the bank, and regulate all dividends, so that each shall receive the same ratable proportion as all others of his class.—Loans upon notes, bills of exchange, drafts or any other personal security whatever, are forbidden, as well as buying or selling exchange, gold or silver, or collecting or protesting promissory notes, or time bills of exchange, or to deal or trade in any goods, wares, merchandise or commodities whatever, except as authorized by the terms of the act, and except such personal property as may be necessary in the transaction of the bank's business.—It is unlawful to allow interest on deposits for a longer time than they have been in bank, except 10 days of grace, at commencement of semi-annual interest periods, or 3 days at the beginning or end of any month may be allowed.—No dividends or interest shall be declared or paid except by a vote of the board of trustees duly recorded, and trustees voting for a dividend are made personally liable for the amount voted for unless it has been earned and appears to the credit of the bank on its books of account.—Trustees acting as officers, who give regular and faithful attendance at the bank, may receive such compensation as a majority of the board deem just and reasonable, but such majority shall be exclusive of the trustee to whom compensation is voted.—It is unlawful to pay trustees for their attendance at board meetings.—A committee of trustees must examine the books, vouchers, assets and affairs generally of the savings bank, twice each year, *i. e.*, in January and July, and report to the bank department, on or before the first of February and August in each year, under a penalty of $100 per day, for each day's delay beyond the time; this report must give a list of bonds and mortgages, and location of the mortgaged premises, and of such as have been paid, wholly or in part, or have been foreclosed, since the previous report; the cost, par value and estimated value of all stocks or bonds owned, with a detailed statement of each particular kind; the amount loaned on the pledge of securities, with full details of each kind, and the amount invested in real estate, and cost of same; the amount of cash on hand, and in banks or trust companies, with the names of depositories, and the amount in

each; and any other information the superintendent may require. The report shall also state all the liabilities, the amount due depositors, any debts or claims against the corporation, which are or may be a charge upon its assets. The amount of interest or profits received must also be stated, as well as the amounts credited or paid to depositors, the number of accounts opened and closed during the half year, and the number remaining open at the end. All reports must be verified by the oath of the two principal officers of the institution, and the statement of assets shall be verified by the oath of a majority of the trustees who examined the same. Any willful false swearing regarding reports to the bank department, shall be deemed perjury, and subject to prosecution and punishment prescribed by law.—The superintendent of the bank department is required to make to the legislature, on or before the first of March, in each year, a statement of the condition of each bank that has reported to him, and to compile the whole. This report is afterward printed by the legislature with every detail.—The superintendent is required to visit in person, or by agents, and thoroughly examine each bank once in two years, and oftener, at discretion, and whenever he is satisfied that any one is violating law, or following unsafe practices, or whenever it appears to him to be unsafe or inexpedient for it to continue business, he shall communicate the facts to the attorney general, who shall institute proceedings, which may look to a removal of trustees, to consolidation with another bank, or to such other relief as may be required.—It is unlawful for any bank, banking association or individual banker, to advertise or put forth a sign, as a savings bank, or in any way to solicit deposits as a savings bank, under a penalty of $100 for every day such offense is committed.—The development of savings banks in the New England and old middle states is simply enormous; from one, with a few thousand dollars, in 1816, they have increased to 594, with $824,515,162 of deposits, belonging to 2,416,280 depositors. Institutions of the name do business in nearly all the states, but as they are organized with capital, do a general banking business, and receive the largest sums of capitalists on deposit, they are not considered in this article or as belonging to the system. From the imperfect data attainable, some states not requiring reports to be filed, and there being no uniformity among those which do require it, the table on this page is compiled.—The amount invested in and loaned on United States bonds is shown to be $199,675,922, no inconsiderable part of the public debt, which is a sufficient guarantee that the public faith with its creditors will be maintained unimpaired.—The largest and among the oldest banks in the country, the Bowery savings bank, in the city of New York, chartered 1834, has 89,922 depositors, and $37,435,877 deposits, and total assets of $39 217,977, showing a surplus of $1,782,100, estimating the securities at par value; estimating them at the market value it

SAVINGS BANKS STATISTICS—COMPILED FROM THE LATEST OFFICIAL REPORTS OF 1880.

STATES.	No. of Banks	Number of Depositors	Average to each Depositor	Deposits.	Surplus.	U. S. Bonds, and Loans on Same.	Bonds and Mortgages.	R. R. Stocks, and Bonds and Loans on Same.	Bank Stocks, and Loans on Same.	Total Assets and Liabilities.	Largest Single Depositor.
Maine	55	80,917	$287.44	$ 23,277,675 82	$ 607,620 63	$ 4,185,911 09	$ 5,289,463 28	$2,367,088 72	$ 1,114,473 96	$ 25,845,988 82	No Report.
New Hampshire	67	89,931	313.61	28,204,701 70	1,089,202 04	944,540 00	9,310,576 40	4,078,570 13	1,243,368 72	30,075,206 90	No Report.
Vermont	16	29,148	252.08	7,346,469 00	296,497 61	598,996 37	3,795,298 85	106,763 54	194,730 77	7,681,729 43	About $3,000.00
Massachusetts	164	706,395	308.68	218,047,092 37	4,758,194 88	20,502,529 95	82,431,364 23	7,011,550 72	24,973,271 54	225,823,189 82	No Report.
Rhode Island	39	97,852	458.13	44,755,625 50	1,944,235 68	4,367,897 50	20,040 897 15	2,849,188 50	1,774,923 09	46,736,935 74	$39,418.71
Connecticut	85	218,913	357.71	76,518,570 91	3,2.4,566 00	7,316,223 07	42,791,160 43	2,806,304 03	4,260,984 96	79,943,658 66	31,426.87
Total New England	426	1,218,014	326.83	398,151,055 89	11,950,405 84	37,844,997 98	163,649,319 01	18,719,445 64	33,561,753 04	415,666,769 37	----------
New York	138	933,707	370.70	353,620,657 00	47,099,094 00	137,875,190 00	87,622,376 00	None.	None.	400,944,380 00	40,648.11
New Jersey	33	66,893	252.08	16,862,506 17	827,956 06	5,256,756 80	7,162,852 89	530,350 00	135,730 00	16,669,032 93	20,930.85
Pennsylvania	3	86,912	267.62	23,259,458 39	2,058,584 01	5,872,504 00	4,455,985 00	No Report.	No Report.	25,137,704 63	No Report.
Maryland	8	66,499	336.76	22,394,446.13	No Report.	11,197,224 00	3,200,000 00	832,400 00	No Report.	22,394,449.73	$28,226.00
Ohio (Cleveland Society for Savings)	1	24,255	421.28	10,218,034.83	636,054.41	2,129,250 00	2,931,875 70	No Report.	No Report.	10,854,089.24	7,000.00
Grand Total	594	2,416,280	$341.23	$824,515,162.51	$62,567,044.32	$199,675,922.78	$269,021,908.63	----------	----------	$891,666,421 90	----------

is more than four times as much. $22,671,000 of these assets are invested in United States bonds at par value.—The high place that the savings banks occupy in the states named, can not be over estimated; they are important regulators of the moral health of communities, they prevent crime, discourage pauperism, and lessen the tax-burdens of the people. Wherever a well managed institution exists, the people are industrious and thrifty; every week, on the days that wages are received, the bank is thronged with depositors; but their use should be still better understood, the cumulative nature of interest needs to be explained, and impressed upon the minds of the young and the poor, for many persons go through life without knowing anything of the fact that *their savings may be made to earn money as truly as their labor*. There are many states where savings banks have no existence, which present wide fields for benevolent labor, and which are well worthy the attention of the enlightened and philanthropic economist and statesman.—SAVINGS BANKS IN THE UNITED KINGDOM. Like similar institutions in the United States they have been subjects of special legislation, but since 1863 all are managed under an act passed by parliament in that year. Every savings bank is certified under its provisions, and no other institution can take the title of "Savings Bank certified under the act of 1863." They are managed by boards of local trustees, none of whom are allowed to be depositors. At least two persons are required to be parties to every transaction with depositors; every officer must give good security for the faithful and just execution of his duties; one or more auditors, independent of the board of trustees, must be appointed by them, who shall examine the books and report in writing to the trustees the result of such audit, not less than twice each year; also at the close of each year examine an extracted list of the depositors' balances, and certify to the assets and liabilities of the bank, such extracted list to be open to the inspection of any depositor as regards his own account.—The depositor's pass book must be compared with the ledger on every transaction of repayment, and on its first production at the bank after the annual balance.—The trustees are required to hold meetings at least twice a year, and keep proper minutes of the proceedings; also to make weekly returns to government of business transacted, and render annually such general statement of the funds, etc., as the commissioners for the reduction of the national debt may require. If these regulations are duly complied with, the trustees are free from personal liability.—Savings banks may receive from individual depositors any sum up to £30 in any one year, or £150 in all, which, with interest credited, may run up to £200, when interest shall cease. From charitable societies or penny banks, £100 in one year and £300 in all, or without limit if the government officials give consent. From friendly societies, duly registered, deposits without limit either as to time or amount.—No person is permitted to have more than one savings bank account. Every person on opening an account in a savings bank is obliged to testify in writing that he has no other account, and is not entitled to any benefit from the funds of any savings bank; any violation of this law within the United Kingdom works a forfeiture of his whole deposit or benefit, to the government.—These deposits are all to be placed in the bank of England, or the bank of Ireland, to the credit of the commissioners for the reduction of the national debt, who invest them in government securities, paying the bank £3 per cent. interest on the same.—The trustees of each bank allow their depositors such interest as they think proper, not exceeding £2 15s. per cent.; with the difference they must pay all expense of managing their bank.—To secure depositors whose balances amount to £200 from loss of interest, trustees may invest for depositor's benefit that, and any larger sums in any manner that may be desired, with the approval of the trustees, but at the depositor's risk. By an act of parliament passed at the last session, any depositor in a savings bank, besides having under £200 there, drawing £2 15s. per cent. interest, has the additional privilege of depositing any sum from £10 to £100 in a year or £300 in all, for the purchase of government stock. The bank and the national debt commissioners will effect purchases and sales for investors at the market price of the day, charging them a small commission for each transaction, viz., 9d. for £10; 1s. 3d. for £50; 2s. 3d. for £100, investors to take the risk of fluctuations in market value.—The returns for November, 1878, show that there were 458 banks with £44,255,890 deposits, due to upward of 1,500,000 depositors; the expense of managing averages about $\frac{1}{4}$ of 1 per cent. The surplus in commissioners' hands was about $\frac{1}{8}$ of 1 per cent.—The banks vary in size; nearly half the number have under 1,000 depositors, while several have over 50,000, and one, the National Security savings bank, of Glasgow, has 110,051 depositors, and £3,288,448 due them. The most successful banks are those which are open for business daily at convenient hours, where money is paid on demand without notice; which have branch offices and conduct their business with freedom from unnecessary routine. In Glasgow the bank named has a head office and four branches open daily from 10 to 3, and three evenings a week from 5 or 6 to 8 o'clock. In Manchester there is a head office and three branches; in Liverpool, a head office and two branches; in Edinburgh, a head office and two branches. All these are open during the same hours. In London there are several large banks, also at Exeter, Leeds, Sheffield, etc.—PENNY BANKS are feeders to the ordinary savings banks; their work is elementary and educational. In some towns they are associated to promote harmony of action, the formation of new ones, and for general efficiency. In Glasgow there are 209 such banks with 55,744 depositors, and in

Liverpool 119, with 33,674 depositors; all are conducted on the same principles. Each is an independent institution connected with some school or religious body, and under the management of a small number of trustees, who guarantee the depositors against loss and appoint the officials. They are generally open one or two hours on one evening a week and are conducted almost entirely by volunteers. Any sum from one penny upward is received, and wherever any depositor has saved a pound sterling, that sum is transferred in the depositor's own name to the savings bank. By this process the trustees diminish their responsibility, and their depositors are taught the way to the savings bank. These little banks do an incalculable amount of good in their modest way. In and around Glasgow last year £17,686 were thus transferred, and in Liverpool £5,296. Statistics show that 921 permanent savings bank depositors were trained during the year by the Liverpool penny banks. — The attention of educators has been directed toward the policy of giving some instruction in the principles of thrift in the elementary schools. The results are shown in the annual reports of the Glasgow and Liverpool penny banks already cited, and it is found that, not only are children easily taught, but that parents are induced by their children also to save and open accounts in the banks. — POSTOFFICE SAVINGS BANKS were established by act of parliament in 1861. On Sept. 16 of that year 301 were opened in England and Wales. They were chartered to meet the growing wants of the people for a place of security for their savings, and to give facilities to those who lived in places remote from any trustee savings bank. Losses had occurred, the result of fraud and embezzlement on the part of the officers of the last named institutions, for which trustees could not be held responsible; efforts to reform existing abuses resulted, in the year stated, in the establishment of the new system without arbitrarily interfering with the old. Certain postoffices in the United Kingdom are designated, which at present includes nearly all the money order offices, where the deposits of one shilling or its multiples are received. The law relating to the amount that may be received from one person and its accumulations, is the same as that in force with regard to other savings banks. The depositor receives a passbook in which his deposit is entered, and the postmaster general is notified by the official on the same day, and he acknowledges it to the depositor within 10 days.—The money is invested by the national debt commissioners in the usual way, in government funds. Interest at the rate of £2 10s. per cent. per annum is allowed on amounts of £1 or any multiple, up to the maximum amount allowed to be deposited by one person. The government is responsible for the repayment of all moneys received at designated postoffices, so that depositors are secured against the dishonesty of officials. A depositor may apply for repayment at any postoffice savings bank in the kingdom, and may direct payment to be made to him at that, or any other postoffice bank. His order is forwarded to the postmaster general in London, and after waiting two or three days, he receives a warrant on the designated office, which he presents, together with his passbook, and receives the money.—These banks seem to grow in favor year by year; they are admirably adapted for the rural districts, small towns and villages, but the formality and delay inseparable from postoffice repayments, also the postman's visit with letters, revealing a postoffice account to the household, and often to the neighborhood, make them undesirable for many of the dwellers in large towns and cities. They are preferred in localities where the old savings banks are only open a few hours a week, while the postoffice banks are open every day during business hours. They pay ½ per cent. per annum less interest; but the security is considered better for reasons before stated.—In December, 1878, the number of depositors in the United Kingdom was 1,892,756, of whom 1,773,010 were in England and Wales, 51,107 in Scotland, and 68,639 in Ireland. The balance standing to their credit was £30,411,563, the average balance to each being £16 1s. 4d., and the total amount of interest paid in the year £699,603. The number of deposits was 3,360,636, and the number of withdrawals 1,304,616 —The average daily number of deposits was 10,982, but one day they numbered 24,217, the amount deposited being £80,096.—The success of postoffice savings banks in the United Kingdom, and their introduction in other European countries, have attracted attention in the United States, and the late postmaster general recommended their adoption by the United States government as a means of funding the national debt. If this scheme should be resorted to, the government would be obliged to offer a fixed rate of interest. United States bonds having 25 years to run, are selling in the market at a price that pays the investor but a fraction over 3 per cent. per annum, and if a series should be issued to run an indefinite number of years at the pleasure of the *buyer*, as savings bank deposits do, they could be easily negotiated at par or above it, if they bore 3 per cent. per annum interest. This is the maximum rate that the government needs to pay when it wishes to borrow: now to manage a system of postoffice savings banks, would cost the department at least ¼ of 1 per cent., which deducted from the maximum rate, would leave but 2¾ per cent. for depositors. As the savings banks in the United States pay about 4 per cent., the government could not hope successfully to compete with them at this reduced rate.—The conditions not being the same in this and European countries, is another hindrance to the establishment of postoffice banks: there, public debts increase; here, the people pay off the debt, and if this is continued at the same rate, in the future, that has ruled in the past 15 years, the funded debt will be entirely paid off in about 25 years; therefore it is evident,

that the debt, on which it is proposed to found these institutions, being temporary, the institutions themselves would be short lived.—Looking at the matter from another standpoint, civil service reform would have to make further progress before it would be possible to induce the two million savings bank depositors, or two other millions, to place 824 million dollars into the hands of the postmasters of the country, and the government would require a higher standard of capacity for these officials than mere party loyalty before it could afford the risk of transit for so large a sum. —MILITARY SAVINGS BANKS, and SAVINGS BANKS FOR SEAMEN, have been established in the United Kingdom for the benefit of soldiers and sailors, and as auxiliaries to the general system.—The statistics are not important, and do not show anything of the thrift of these classes; those among them who desire to save usually prefer to go to the ordinary banks.—SAVINGS BANKS IN FRANCE. The first institution was a joint stock society established in Paris under the name of the "*Caisse d' Epargne et de Prévoyance de Paris*" in May, 1818, modeled after the English savings banks. Similar banks were established at Bordeaux and Metz in 1819, at Rouen in 1820, and at Marseilles, Brest, Nantes, Troyes, etc., in 1821. The founders were the managers, and they constituted a close corporation; this method has survived in some savings banks, but it has been generally replaced by an organization in which the administrators are elected by the municipal council and of which the mayor is president.—The personal liability of a joint stock association, became a source of uneasiness to the trustees who were d ing a work of pure benevolence, and the state, by law in 1829, authorized the funds to be paid into the treasury, which in 1837 was amended by ordering them into the government deposit and consignment office, a bank under direct control of parliament. On the 15th of June, 1835, the first organic law was passed in relation to savings banks. An amendment of June 22, 1845, reduced the maximum of each deposit from 3,000 francs to 1,500 francs, or 2,000 francs, including accrued interest. In 1851 a further amendment reduced the maximum to 1,000 francs. This limitation was owing to the fear of difficulty in paying cash in a time of crisis, which owing to injudicious management in 1848 (a time of revolution) has forced nearly all the banks into liquidation. In 1870 they had less trouble, which in Paris was altogether neutralized by adopting a measure which had been used with success in this country in 1857: this was to pay a percentage only of deposits on the first application, and require an interval of time for each successive payment, except in cases of extreme necessity on the part of the depositor, when the regulation was modified to the circumstances of each case. This *clause de sauvegarde* was embodied in the Sella law for savings banks and adopted by the Italian parliament in 1875. The trustees of savings banks in the United States are allowed by law to require 30 or 60 days' notice of intention to withdraw a deposit, which in a time of crisis they are obliged to take advantage of, and in a panic it usually stops a run on the bank if the institution is in a sound condition. At such times the great majority are influenced to ask for their deposits, only from fear that the early applicants will get all the money and leave them in the lurch. They know by experience, that if an unusual call is met at first by prompt payment in full, it is only a question of a few days when the bank will be compelled to suspend from lack of ready cash, if the demand continues. Their conclusions are right although they may not reason from the proper premises; but it is simply impossible to receive deposits and invest them and return the money on demand.—By the law of April, 1881, deposits with accrued interest may amount to 2,000 francs, but when an account surpasses this sum written notice is to be sent to the depositor, and if, within three months following, the deposit is not reduced, 20 francs of it will be invested in *rentes* for h s account without expense to him. Interest on the surplus will cease from the time written notice is sent. This law also provides that in times of extreme necessity the council of state may authorize the savings banks to make payments in installments as small as 50 francs at intervals of two weeks.—All French savings banks are under state superintendence through its inspector of finance, and the government deposit and consignment office receives and manages the funds and pays 4 per cent. interest to each bank. The savings banks are, in fact, simple administrative agencies, intermediates, between the depositors and the government deposit and consignment office, where the money is received and increased by interest. Each savings bank receives 4 per cent. interest, which it pays to each depositor, less a deduction reserved for expenses, which is from 25 to 50 centimes, except in Paris where it is 75 centimes, *i. e.*, ¼ to ½ of 1 per cent. in the provinces, and ¾ of 1 per cent. in Paris. Out of this amount, reserved for expenses, the best managed banks are enabled to create a surplus fund to meet crises and pay extraordinary expenses. Deposits of one franc and upward are received. The account of a mutual aid society may amount to 8,000 francs, or if the society is registered, the amount of the account may be equal to 1,000 francs for each member.—Sailors on the maritime registry are allowed to deposit at one time the total amount of their pay on being shipped or discharged.—Every depositor may have the whole, or any part of his account converted gratuitously into *rentes*, by his savings bank, and it may be authorized by the depositor to retain the securities and collect the interest.—The funds deposited are payable on demand, certain delays of the treasury excepted.—On making his first deposit each depositor receives a numbered book, in which is entered every transaction with the bank, and which is his voucher against the bank. No depositor can have more than one book, either in the same or different banks. If one violates this

rule his deposits will be returned without interest, and he will be forever excluded from the savings bank — By a law of Aug. 23, 1875, the post-offices and tax offices can be employed as auxiliaries by the savings banks, and be authorized by the minister of finance jointly with the minister of agriculture and commerce, who has the savings banks in his department. A bank which obtains these aids in its district, possesses the advantages of having more agents spread over a larger territory, particularly in the country, and working every day through the postoffices, and in the smaller localities through the tax collectors, thus taking as assistants the receivers and payers of deposits, who do the greater part of the work, and are paid the moderate sum of 10 centimes for each deposit or draft, which is less than the amount reserved for the expense of each transaction by the savings bank, and it transacts its business by means of documents, and without handling coin, or incurring the risk of embezzlement, since the agencies, both postmasters and collectors, receive the deposits for the bank and pass the funds directly to the government deposit office, where the savings bank is duly credited with the proper amount. In the same manner the withdrawals are paid to the depositor, with the money furnished by the same office, and all the transactions with the savings bank are in writing.—The convenience to the depositor is also augmented, and his deposits tend to increase by bringing the savings bank nearer to him. By the law of April, 1881, the postal savings banks received from the government 3½ per cent. interest per annum, and will pay to the depositors 3 per cent. interest, beginning on the 1st and 16th of each month after the day of deposit. The majority of savings banks also have branches of their own; there were, in 1880, 521 banks and 736 branches, with about 3,838,000 depositors, and 1,281,000,000 of francs on deposit, equal to $256,200,000.— School Savings Banks. The first legacy of 10,000 francs, which by his will, Dr. Guinard, who died in 1867, directed should be given in perpetuity, every 5 years, to the one, who should have made the best treatise, or the best invention, to ameliorate the material or intellectual position of the working class in general, without distinction, was in 1872 awarded to M. F. Laurent, professor of civil law in the University of Ghent, for his treatise entitled, *Conférence Sur l'Epargne.* The jury of five distinguished persons, chosen by the king of Belgium, from a list of ten, proposed by the royal academy, says: "that the idea which the treatise develops is so just, so fruitful for the future, and in the places where it has been applied, and notably in Ghent, has given results so remarkable, that it has appeared to re-unite all the conditions which the founder of the prize had in view in really ameliorating the condition of the working class, as to fully merit the suffrages of the jury."—The professor had demonstrated the benefits of the theory by 6 years of work, having commenced in 1866 to apply this new branch of education, by showing the teachers in the public schools, the heads of families, and the pupils, the moral value of the idea, by means of his treatise and by personal visitation. The book was soon published in Flemish, as well as in French, by the government, and 12,000 copies were distributed. In it he shows that adults have inveterate habits of expenditure, and maintains that the best means of causing the spirit of economy to become a habit of the people, is to teach it to their children and require them to practice it; that nothing is easier than to inspire in the young a taste for saving which can be accomplished in the public schools, where the managers and teachers have constant opportunities of enforcing and illustratting the advantages of saving, and where facilities can be easily afforded for carrying out the lessons of economy, by means of penny banks, conducted in the schools. Then he arranged the operations of them, and their relations with the savings bank of the city, in a way which seemed to him the simplest, the safest, and the most educating. His labors were crowned with singular success; out of 15,392 pupils in the city of Ghent, in 1873, 13,032 were depositors in savings banks, and they had to their credit, 462,800 francs, nearly $7.20 each.—The managers testify that the system has produced a marked effect for good on the social and moral life of the working class.—The system extended to hundreds of other towns, and has created great interest throughout Belgium, France, Great Britain, Austria, Hungary, Italy and other countries —In France these school banks had been introduced, up to 1879, into 83 departments out of 86 in the republic. Returns, duly certified, to January, 1878, show that there were in 60 departments, 8,033 school banks with 177,040 depositing pupils, 143,272 of whom had books in the large savings banks. The total deposit of these pupils was 2,964,352 francs.—The plan of operatting these school banks is so simple and inexpensive, that they may be introduced into any school with little trouble. A blank book is provided for the school, ruled with 12 vertical columns for months, which are subdivided into 4 or 5 for weeks, with inter-columns for dollars and cents. At the left hand the pupil's name is written. On two or more large pages the accounts of a good sized school can be kept. Cards to be folded once, to keep the writing clean, are ruled like the register and provided for each depositing scholar, on which his name is written. An appointed hour one day in the week is set apart for instruction and practice in the lesson of thrift. As each scholar's name is called, he comes forward with his deposit of a penny or more, which is received by the attending teacher, the amount entered in the register, then in the scholar's card book, which is returned to him as his voucher. The total amount received each day is footed in the register and deposited in gross in some savings bank, in the name of the school. When any scholar's total deposit amounts to a certain sum, (in France and Belgium it is one franc, in Great Britain a

pound sterling,) it is transferred to his credit in the savings bank and charged to the school account by authority of the teacher, the school register and scholar's card book, each having conforming entries made in them. The card book is retained to enter pennies in and the account runs on as at first.—The scholar receives no interest until he opens his account in the large bank, but the school receives interest on the gross balance to its credit, which pays for stationery, and if anything remains over, it is distributed in rewards, to the most worthy or the most regular depositor among the scholars.—Parents become interested, and not only add extra pennies to their children's deposits, but are induced to try the experiment for themselves, by opening deposits in the savings bank on their own account. Once the habit is begun, it tends to increase as time goes on; and as they note the semi-annual additions of interest credited, which their savings have earned, but which they do not always quite understand, it acts as an additional stimulus, and induces further economies which in the beginning they had not thought possible.—No people, probably, need to be taught thrift more than the poorer class in the United States. On account of the ease with which money is obtained in prosperous times like the present, no nation is more extravagant and prodigal in expenditures. Too many of our wealthy people set bad examples by their luxurious habits, but there is a large class of prudent rich ones, who, though they may censure a servant for using two matches to light a candle when one is sufficient, still give $100 for a benevolent object; they agree with Franklin who said, "whoever tells you that the condition of humanity can be ameliorated by any other means than labor and saving, is your enemy and would corrupt your judgment." Let us therefore, instead of opening soup houses in the days of adversity, establish savings banks in prosperous times, and by the systematic distribution of information in workshops and dwellings, instruct the people, and by establishing penny banks in the schools, teach the children how they may become capitalists, so that when they become men and women they will know how to help themselves and their posterity. —Savings banks in other European countries have increased in number and in influence since 1875 At that date in Switzerland, the depositors were about 1 in 5 of population; in Denmark about 1 in 6; in Sweden and Norway about 1 in 8; in Prussia about 1 in 12; in Austria and Hungary about 1 in 14; and they are conducted with success in Belgium, Holland, Italy, Spain and Portugal and Russia.—In the civilized part of Europe, comprising in 1879 210,000,000 of inhabitants, there were, according to A. de Malarce, 14,000,000 depositors with a sum on deposit of more than 8 milliards of francs, equal to $1,600,000,000.—For fuller details the reader is referred to the following works and essays: *A Practical Treatise on Savings Banks, their Past History and Present Condition*, by Arthur Scratchley, M. A., London, 1860; article, *Caisse D'Epargne*, par Louis Leclerc and Ch. Coquelin, *Dictionnaire de L'Economie Politique*, Paris, 1873; *Conférence sur L'Epargne* par F. Laurent, Bruxelles, 1873; *précédée du rapport du Jury, qui a décerné le prix; Guinard a la Conférence sur l'Epargne; L'Ecole Primaire et la Caisses d' Epargne*, par Arthur LeGrand, Maire de Milly, Paris, 1874; *History of Savings Banks from their Inception in* 1816 *down to* 1874, *with discussions of their Theory, Practice, Workings, Present Condition and Prospective Development*, by Emerson W. Keys, New York, 1876; *The Law relating to Trustees and Postoffice Savings Banks, with notes of Decisions and Awards*, by Urquhart A. Forbes, London, 1878; *Trustee or Certified Savings Banks of the United Kingdom*, by Thomas Banner Newton, Liverpool, 1878, pamphlet, 8vo; *Les Caisses d' Epargne, Scolaires en Hongrie*, par Bernard François Weisz, (*Traduit du Hongrois*), Budapest, 1878; *La Caisse d'Epargne, pour la Ville D'Amsterdam*, Amsterdam, 1878, par E. J. Everwijn Lange, Secretary; *Les Services D'Epargne Populaire, Caisses d'Epargne, Caisses d'Epargne Scolaires, Bureaux d' Epargne des Manufactures et Ateliers*, par A. de Malarce, Paris, 1879, Br. in 8; Lette, *Sparkassenwesen* in Faucher's *Vierteljahrschrift*, 1, p. 54, etc.; Mangoldi, *Die aufgabe, stellung und Einrichtung der Sparkassen;* Constantin Schmid, *Das Sparkassenwesen in Deutschland;* Spyri, *Die Ersparnisskassen der Schweiz;* Horn *Des Caisses d'Epargne en France*, in the *Journal des Economistes*, vol. 41, p. 70, etc.; and the official works, *Rapports sur les Caisses d' Epargne; Casse di risparmio*, in the *Annuano Statistico Italiario*, by Correnti and Maestri, p. 603, etc. (See ACCUMULATION, SAVING.)

JOHN P. TOWNSEND, New York, 1881.

BAR, The, a term applied collectively to all who give professional assistance to others in legal controversies, and are licensed by some competent authority to do so. The term in this sense is variously ascribed to the fact that the space occupied by advocates in a court of justice, is separated by a rail or bar from that which is appropriated to spectators, and to a separation in a like manner of the benchers and readers from the students in inns of court on public occasions.—As soon as a people emerge from barbarism, a body of men who make it their business to expound the law, and assist those who may need assistance in legal matters, is always observed to make its appearance, as one of the requisites of civilization and legal order, and the state confers upon its members special and peculiar privileges by law, and at the same time places them under regulations more or less strict, for the protection of the public and of those who may place their interests in their care. In the earliest accounts we have of judicial investigations, the litigants are brought into court in person, and are permitted to give their own account of the controversy, and the judges, after inquiring further, if the case seems to require it, proceed to give judgment for

the one or the other, according as his story seems most plausible, or best supported by such evidence as is at hand. This places the ignorant and simple at the mercy of the cunning, crafty and designing, and it is easily made the means of perverting justice, and clothing wrong with the forms of law. In the famous description of the shield wrought by Hephæstus for Achilles, the picture of a judicial trial is given, and we perceive, immediately, that the most persuasive voice is expected to succeed, whatever may be the merits, unless perhaps the clamor of partisans, who are active and noisy about the court, shall sway the action of the judges in the other direction. That this would be so is by no means unlikely in any case in which popular sympathy is aroused or popular prejudice strongly excited, or even where money or family influence was able to produce the appearance of strong popular feeling. In Athens there seems to have been no distinct class of men who made advocacy their business, and causes were expected to be managed by some one interested therein; but friends sometimes appeared to support the cause of those who lacked the ability or the eloquence to speak on their own behalf, and sometimes a public prosecutor was appointed for a particular case, as Pericles was called upon by the people to prosecute Cimon, when the latter was accused of having been bribed to abandon the invasion of Macedon.—In Rome, in its early days, the state of things was quite as little conducive to regular and unimpassioned judicial investigations, but gradually patrons assumed the defense of their defendants or clients, and, as Niebuhr describes the obligations and duties springing from that relation, "all clients, however different in rank and consequence, were entitled to paternal protection from the patron; he was bound to relieve their distress, to appear for them in court, to expound the law to them, civil and pontifical. On the other hand, clients were obliged to be heartily dutiful and obedient to their patron, to promote his honor, to pay his mulcts and fines, to aid him, jointly with the members of his house, in bearing burdens for the commonwealth and defraying the charges of public offices, to contribute to the portioning of his daughters, and to ransom him or whoever of his family might fall into the enemy's hands." The obligation to expound the law for his defendants rendered the patron subject to frequent calls, and made the study of the law a necessity, and those patrons who acquired reputation as specially learned and wise were frequently consulted by others also, and became known as *juris consulti*. So extensive was the business of some of them, that students attended them to learn the law from their exposition of it, and followed them into the forum that they might study and imitate their oratory. Some of them, however, were not advocates, but sat at home like oracles delivering opinions to those who called for them, with their students gathered about to listen and learn. The advocates were not compensated for their services unless by voluntary gifts, nor did the patron expect payment from his client otherwise than in the discharge of the reciprocal duties of the client above enumerated; but it was the patron's aim and interest to make his clientage as large as possible, for his importance in the state, his political influence and the gratification of his ambition for high office depended largely upon it. He was, therefore, interested in espousing earnestly the cause of his client, and protecting him to the full extent of his ability. Many jurisconsults delivered opinions freely upon similar considerations, but others took fees, and their services were often employed by advocates in their preparation for important trials. Forensic orators were also sometimes employed by others than their clients, and instances are recorded where their services were engaged by cities and provinces to impeach or prosecute at Rome, the officers who were accused of high crimes. In such cases a gratuity would be expected, and the advocacy of causes thus, at length, became a matter of business, which was sometimes united with the giving of opinions and sometimes not. The advocate was not expected to gather the information, or, as it would now be phrased, look up the evidence for the trial, but this was done by a lower grade of professional agents called procurators. A like distinction between those who prepare the case for trial and those who present it to the court has prevailed in most European states in modern times; and in France, Belgium, Geneva, and some of the German states, the advocates constitute an association or order into which admission can be obtained only by their own consent.—Lawyers, as a distinct class or profession, made their appearance in England soon after the conquest, and as soon as the courts were permanently located at Westminster, practitioners gathered about the place of sitting, and schools for the reception of students sprung up, in which the most eminent and approved practitioners gave instruction. These schools were not always regarded with favor, and in 19th Henry III., that monarch issued a mandate for their suppression by the municipal authorities of London; and this led to, or was followed by, the establishment of inns beyond the jurisdiction. A palace before occupied by Henry Lacy, earl of Lincoln, was taken for this purpose in the early part of the fourteenth century, and has since been known as Lincoln's inn. The temple was also taken for the same purpose soon after, and a little later Gray's inn was established, the name taken for it being that of the proprietors of the soil. In the temple two societies were established, known as inner temple and middle temple, and the four inns of court exist as places for instruction in the law to this day, and each has subordinate and dependent inns known as inns of chancery, where instruction is given preparatory to admission to the inns of court. Each of the inns of court is independent of the others, but their regulations for calling

persons to the bar are substantially the same. The government is in the hands of the benchers, who are selected from the barristers according to seniority. Students are not called to the bar until they have been for 5 years members of one of these societies, unless they are of the degree of master of arts or bachelor of laws of one of the universities, when it may be 3 years; nor until they have passed an approved examination by the society to which they belong. The call makes them barristers, and after 16 years' service a barrister may be called to the degree of sergeant. From the sergeants the attorney general and solicitor general are chosen, and it is customary also to designate certain members as king's (or queen's) counsel; the designation being one of honor rather than of profit. The societies named enjoy the exclusive privilege of calling to the bar, and they may also expel a member for cause, and thereby disbar him. Barristers and sergeants can make no contract for compensation, but the custom is to deliver with the brief a fee proportioned to the importance of the case, and the expected value of the desired service, and also to pay a like fee on any consultation. The lower order of practitioners in England is that of attorneys, who are regularly admitted to practice by the respective courts upon examination. These issue writs, prepare and serve pleadings, do whatever may be necessary to prepare the case for the advocate, and then instruct the advocate by a brief which is to be his guide on the trial. They are not at liberty to appear as advocates in the higher courts, but are represented there by barristers or sergeants. Attorneys are paid according to a fee bill prescribed by law, and they may bring suit for their fees. In chancery the practitioners are called solicitors, corresponding to attorneys in the law courts, and counselors who are the advocates. In the ecclesiastical courts the practitioners are proctors and doctors of the civil law, and in the courts of admiralty they are proctors and counselors. Advocates may practice in different courts, but they are expected to choose the branch of law to which they will give attention, and confine their practice chiefly to the appropriate court or courts.—The profession in Ireland corresponds to that of England, and requires no special notice. The barristers are only admitted after keeping certain terms in the inns of court of London, and at the king's inn at Dublin.—In Scotland the several grades are writers, solicitors and advocates, the latter being licensed by the faculty of advocates.—In the United States the members of the legal profession are attorneys and counselors at law, solicitors and counselors in chancery, and proctors and counselors in admiralty; but the distinction between the two grades has become almost nominal in the states generally, and purely nominal in some. Attorneys may appear as advocates in all the courts, but in a few cases counsel are required to sign pleadings or give certificates of merits. Counsel, when any distinction is made, are merely attorneys who have been for a certain time at the bar. They may not only contract for a compensation for their services, but in the absence of any special contract, the law implies one on which suit will lie. It is never thought discreditable for counsel in America to bring suit for fees which will not be paid without, though reputable counsel seldom do so except in extreme cases. In France, where an advocate may sue for his fees, it is commonly esteemed unprofessional to do so, but the custom is more general to pay in advance than it is in America. Attorneys are licensed to practice in the several courts by the courts themselves, sometimes under rules prescribed by statutes, and sometimes under regulations which the courts prescribe. The rules are exceedingly dissimilar: all that is prescribed in many states is, that an applicant for license shall be a male resident of the proper age, and pass an approved examination, but in other states he must produce evidence of having pursued the study of the law in the office of a practitioner or in a law school for a period of time named, which period ranges from two years to five. A very large proportion of students are educated in the law schools. In some states females, giving evidence of the proper qualification, may be admitted to the bar, and some few have been admitted. The federal courts admit, on motion, those who are practicing attorneys in the highest state court.—In Great Britain advocates as well as the judges must appear in court in wigs and gowns, but this is not required in America. In the supreme court of the United States, however, the judges wear gowns.—It is important now to understand what are the privileges of the members of the bar, and what are the rights and privileges of those who employ them. In general terms it may be said that the conduct of business in the higher courts is exclusively in the hands of the bar, though a party has a right to conduct his own suit in person if he shall see fit to do so, but unless he is familiar with legal forms he would scarcely be safe in venturing to act in person, whatever might be his ability. Judges of courts are also expected to be appointed from among the members of the bar, and in some states this is required by law Prosecuting or district attorneys are also chosen from the same body of men, and so are the officers who perform the duties of master in chancery. In respect to justices and judges of inferior courts no such requirement is made, and in those courts any one may appear as an advocate whom a party sees fit to employ.—It is remarkable that the full privilege of transferring the defense of his case to counsel was formerly restricted in England to civil cases and cases of misdemeanor. On trials for treason and felony the accused was permitted to be heard by counsel on such questions of law as might arise; but it was considered the duty of the judge to be vigilant that no injustice be done to an accused party, and the judge alone could call the attention of the jury to such facts as might be supposed to favor the defense. This

idea that the accused, if innocent, would be protected by the counsel and assistance of the judge was pleasant in theory, but it could seldom have much foundation in fact, and was sometimes a cruel mockery. The prosecution was usually presented by able counsel, and the keenest and most fair-minded judge would be wholly unprepared, except in the simplest cases, to bring out the facts which might rebut the case for the crown. To do this, outside investigations would be required, and these the accused would seldom have the opportunity for making, and the judge never. "I have myself often," said a learned counselor whose practice in the last century was unsurpassed in extent, "seen persons I thought innocent convicted, and the guilty escape, for want of some acute and intelligent counsel to show the bearings of the different circumstances on the conduct and situation of the prisoner." Learned judges gave testimony to the same effect. Yet, although the privilege of full defense by counsel was conceded to persons accused of treason by stat. 7, William III., c. 3, it was not extended to those charged with felonies until 6 and 7 William IV., c. 114. In the United States the privilege is converted into a constitutional right. By the constitution of the United States a person charged with an offense in the federal courts is to have the assistance of counsel in his defense; and the several state constitutions contain similar provisions. If an accused party is unable to procure the assistance of counsel, because of his poverty, it is customary for the courts to designate some member of the bar to aid him; and though it has been decided in one state (Indiana) that counsel can not be compelled to give gratuitous services, it would be looked upon as unprofessional to refuse, and also as discourteous to the court. It is customary, however, for the state to provide some small compensation for counsel thus assigned. In the prosecution or defense of a case counsel are at liberty to do or say whatever might be done or said by their clients, and they are protected in doing so to the same extent that clients themselves would be if personally managing their own cases. The counsel is therefore privileged from prosecution for any defamatory matter that may be contained in his pleadings, and the same privilege protects his arguments in court. If, therefore, the counsel put forward theories or urge conclusions not warranted by the facts, he is not subject to responsibility, either civil or criminal, therefor. The privilege, however, may be said to be conditional: it is not so far absolute as to protect him if he shall wander from the subject in controversy to inflict gratuitous injury by dragging in irrelevant matters, or by defaming persons who have no connection with the controversy. It is expected that counsel shall argue questions of law to the court, and questions of fact to the jury when there is one, but in some cases—particularly in cases of libel—the jury, by constitution or statute, are made judges of the law as well as of the facts, and it is proper to address the argument on the law to them. Some courts have also held that the jury were judges of the law in other criminal cases, but the prevailing doctrine is that they must receive the law from the court. Nevertheless, if the jury disregard the instruction of the court and acquit an accused party, the acquittal is final.—Next to being defended by counsel the most important privilege of the client is that his attorney shall preserve inviolable secrecy in respect to all facts which have been communicated to him for the purpose of obtaining his professional assistance, or which have come to his knowledge in the course of or because of his employment. The necessity that the client should be perfectly confidential with his counsel in order to have the full benefit of his assistance is conceded, and he is, therefore, encouraged by the protection which the law throws over his communications, to disclose fully all the facts known to himself which bear upon or may affect any question on which he needs advice or professional aid. The obligation to observe secrecy is not limited to the pendency of the particular case or controversy, but is perpetual, and the counsel will not be suffered to make disclosure as a witness in other cases, even if he were disposed to do so; the privilege of secrecy being that of the client himself, and not of the counsel. The client himself, however, may waive it, and permit a disclosure. The privilege is limited strictly to communications made with a view to professional assistance: what the party shall say in mere social intercourse, or communicate for any other reason than professional aid, is no more privileged than the ordinary talk between man and man. Communications in writing, the exhibition of title deeds, securities and other papers, are within the protection.—Attorneys and counsel have a lien upon all papers and securities their clients may place in their hands, and upon moneys collected by them, as security for any sum that may be owing to them for professional services and expenses. They probably have at common law no lien upon any judgment that may be recovered by them except to the extent of their own fees that may be included therein, and which have been taxed against the opposite party. As between themselves and their clients their own fees are not measured by the allowances of the fee bill, but, in the absence of special contract, rest upon a *quantum meruit;* the fee bill being the measure only as between the successful and the defeated party to the cause. But in England the attorney recovers according to the fee bill, and may be required to have his bill taxed before payment. Sometimes attorneys take charge of suits on an agreement that if successful they shall have for their services a certain portion of the damages or other thing recovered; but the practice is thought by many to be unprofessional, and is held by some courts to be illegal for champerty. An agreement by an attorney to warrant success in a

suit is contrary to public policy, and void.—An attorney when licensed to practice takes an oath, which is somewhat different in different states, but the most important provisions of which are that he will conduct himself with all due fidelity to the courts in which he may practice and to his clients. He then becomes an officer of the court, and is under obligation to assist the court with his advice whenever called upon, and becomes under a moral obligation to defend the honor and integrity of the court if they shall be unjustly assailed. He also becomes subject to the discipline of the court if he shall be guilty of improper practices, and he may be punished as for contempt of court for disorderly or unbecoming conduct in its presence, for refusal to obey its proper orders, for making wrongful use of its process, for abusing the confidence of his clients, or for dishonesty in his professional employment. In gross cases he will be disbarred, by which is meant that his license to practice will be revoked: and this may be done for any reason that would render him unworthy of general confidence; as for example, if his reputation for truth should become so bad that the community would not believe him under oath, or if he should be convicted of some heinous or degrading offense. The power to disbar an attorney for assaults made upon the judge out of court because of something done by him judicially, or for intemperate criticism of his judicial conduct in the public press, has sometimes been exercised, but the right to do so has as often been questioned, and a prudent judge will leave such abuses to the same remedies that are open to others.—In respect to the institution of suits the attorney must obey the directions of his client, and he will be responsible in damages in case he shall refuse or neglect to do so. When the suit is instituted, however, the attorney must exercise his own judgment, and the client's remedy, if he is dissatisfied, is to dismiss him and put his case into other hands. The employment obliges the attorney to give his client his best endeavors for success; but he never by any implication of law warrants success, and is entitled to compensation even when the client, acting upon his mistaken advice, has lost his cause. But for losses occurring through his fraud or negligence, the client may recover damages; and for gross frauds or other misconduct to the prejudice of the client, the court will sometimes give summary remedy by attachment.—How far the counsel is morally bound to consider the interests and the feelings of others when his client's interests are at stake, is a much mooted question. Lord Brougham, in the defense of queen Caroline, advanced the extraordinary doctrine that, "an advocate in the discharge of his duty knows but one person in all the world, and that person is his client." But advocates equally eminent with himself have rejected such a doctrine as being degrading to the profession, subversive of the very reasons upon which their peculiar privileges exist, and because it would convert a class which are supposed to be ministers of justice, into instruments of injustice, oppression and outrage whenever the necessities of bad cases shall require it. No client has any right to require that any counsel shall in his interest pervert the law, or give a false color to the facts, or abuse witnesses who are apparently fair, or inflict wanton injury on any one: being called to the bar as an aid to the court in administering the law, the first duty of counsel is to assist in seeing justice done, and his services to his client must keep this primary duty in view. That sentiment, however, which is often expressed, that counsel have no moral right to render legal assistance to those whom they may know or believe to be guilty of crimes with which they are charged, has no just or reasonable foundation whatever. For, in the first place, the counsel is not made by the law the judge of his client's guilt, and if he were, he might misjudge upon some preliminary statement, and leave an innocent party to be condemned without a defense. But, in the second place, it is a duty which every one connected with the administration of the law owes to the law, to see that all, even those most guilty, are only condemned according to the law; for only by that course can order be preserved, and the law made an effectual protection to the innocent. The sentiment referred to, pushed to its legitimate conclusion, would justify summary execution without trial in every case where guilt appeared certain; for a trial without defense—especially if defense be refused because of supposed guilt—has little or no significance or value as a judicial investigation. It is, therefore, a part of the obligation the counsel assumes, not less to the law than to his client, to point out and insist upon all the defects, whether of law or of fact, that may exist in the case against him, and to urge an acquittal whenever he can show that the case is not complete. To this extent, to quote the language of Mr. Charles Phillips, "the counsel for the prisoner has no option. The moment he accepts his brief every faculty he possesses becomes his client's property. It is an implied contract between him and the man who trusts him." But further than this he can not rightfully go. It would be improper for him to endeavor to influence the jury by urging upon them his own opinion, and it would be as well unprofessional as dishonest if he were to do this when the opinion he expressed was not that which he held. In cases where only civil rights are involved, counsel has a right to take advantage of legal rules for the benefit of his client, even when in the particular case they seem to operate unjustly. Legal rules are established from reasons of general policy, and because they produce the best results in the great majority of cases, and injury in particular cases is inseparable from any rules of general order. All that can be properly required of counsel in such cases is, to use his best endeavors to bring about voluntary arrangements when equity seems to require it.—The evidence of an attorney's retainer in a case, as between himself

on the one hand and the court and opposite party on the other, is found in the fact of his entering his appearance of record. In general the opposite party is not at liberty to question the fact that the appearance has been entered on a proper employment, and if the appearance is unauthorized, the party is nevertheless bound, though he may move to set it aside on showing the facts. He may also have an action for the recovery of any damages he may have suffered as a consequence of the attorney's unwarrantable act. When the relation has been formed by an actual employment, it is supposed to be based on a degree of confidence in the professional adviser that must subject the client in a very great degree to his influence. As the attorney is an officer of the court it becomes then the duty of the court to see that this confidence is not abused; and any business dealings between client and counsel will be scrutinized with a degree of jealousy, and with some presumption against its fairness. In some cases the courts have set aside gifts that were made by the client pending litigation, and held contracts which were made for a larger compensation than was stipulated for at the outset to be *prima facie* oppressive and void. They have also held void all securities obtained by the counsel for the purpose of protecting him against liability for his own wrongful acts or negligences. So a purchase by the attorney of the claim of the adverse party would give him no interest as against his client, and any contract whereby, directly or indirectly, he would obtain compensation from both parties, would not only be corrupt and void, but might subject him to summary punishment. If an attorney, by means of his employment, acquires knowledge of any defects in his client's title, the disability to take advantage of the fact for his own profit does not terminate with his employment, but is perpetual.—All notices which a party to litigation may have occasion to serve upon the other, must be served upon his attorney, who is supposed to keep him informed of all the proceedings, and also of all collateral facts that may professionally come to his knowledge, so that it is a maxim of law that notice to the attorney is notice to the party himself.—The attorney's employment in a cause continues until judgment is given, and afterward, if his client is the successful party, so far as to authorize him to issue process and receipt the amount when paid. If his client shall discharge him, the discharge does not become complete so far as the opposite party is concerned, until it is made effectual by rule of court and the substitution of another in his place.—The following acts are not within the general authority of an attorney: To submit his client's case to arbitration against his will; to sell or assign a claim placed in his hands for collection; to compromise the claim; to accept in payment anything else but money; to buy in for his client land which he sells on execution or mortgage foreclosure; to file a creditor's bill or other supplementary proceedings to enforce the payment of a judgment when collection is not made by execution; to employ assistance in the case, or to pledge the credit of his client except for the legal expenses and other necessary costs in litigation. If an attorney should make a compromise of a case by consenting to a particular judgment, the client, by showing that it was without his consent, might have it vacated.—An attorney may be a witness in a cause in which he is employed, but reputable attorneys seldom consent to this where their evidence is of much importance, or is disputed, but will withdraw from the case when they discover that their evidence is to be material and allow another to be substituted, that there may be no suspicion that they testify under bias.—The business of attorneys and counselors may be and frequently is conducted by two or more as partners, and under all the rules that govern partnerships in general. But as this is not a commercial partnership, one of the number has *prima facie* no right to give commercial paper in the name of the firm.—There is a bar association of the United States, composed of such members of the bar as see fit to join it, which holds annual meetings, at which an address is delivered by the president and papers read by others, and discussions had on important legal subjects. There are also state bar associations in some states, and also local associations in some cities and counties. These are expected, among other things, to promote good fellowship, and to take steps to rid the profession of members known to be unworthy.

THOMAS M. COOLEY.

BARNBURNERS (IN U. S. HISTORY). (See FREE SOIL PARTY.) The name was given and accepted as indicative of their supposed readiness to resort to radical measures, and its origin is usually assigned to a story, often told by Hunker orators, of a stupid farmer who was persuaded to burn his barn in order to free it from rats. (See NEW YORK.) A. J.

BARRICADE. In its widest sense the word *barricade* means an improvised fortification intended to obstruct the progress of an enemy.—Barricades are most frequently mentioned in connection with revolutionary movements. They were used for revolutionary purposes as early as in the middle ages. History tells us of those that were erected in Paris, in 1588 and 1648. In the nineteenth century they re-appear with distressing frequency. We may call attention, for instance, to the barricades erected in July, 1830, when the throne of the elder branch of the house of Bourbon was subverted, and the crown was placed upon the head of Louis Philippe, the duke of Orleans; also, to those of Sept. 17, 1831, raised on receipt of the news of the disaster at Warsaw. We may likewise recall those of June 5, 1832, on the occasion of the obsequies of general Lamarque; and those of Feb. 11, 1848, in France. The revolution of Feb 24 resulted in the creation of the *ateliers nationaux*, the closing of which

was followed by the mournful days of June, 1848. At the time of the *coup d'état*, Dec. 2, 1851, the barricades erected were very weak and feebly defended. The events of the month of June had demonstrated the utter inadequacy of barricades to resist an attack by well disciplined soldiers.—During the empire no barricades were raised in the streets of Paris; two or three attempts were immediately checked. The empire did not fall through the agency of barricades. When will men understand that violence is generally a bad means to establish durable institutions, that reformation is better than revolution, and that the surest road to amelioration is the road of the law?—It is hardly necessary to say that Paris has had no monopoly of barricades. Brussels had her barricades in September, 1830. Berlin, Vienna and Dresden had theirs in 1848 and 1849. But neither in Germany nor in France has the use of barricades produced aught but a result of short duration.—No reference is here made to barricades erected in open cities with a view to stop the passage of an enemy. It would cause great evils, without any good to the country, to fortify an open or unfortified city, save when it becomes part of a strategic plan. MAURICE BLOCK.

BARTER. (See EXCHANGE.)

BASTILLE. In former times the term *bastille* denoted a fortification *extra muros*, a temporary construction for the siege or the defense of cities. In our day it is applied more particularly to the castle erected in the year 1380, under Charles VI., in the quarter of Paris called Saint-Antoine.—It was at first intended that the bastille should serve as a stronghold of defense against aggressions from without. We need, however, say nothing here of the part it has played in history as a military post. We are now concerned with the bastille only as a state prison. Looked at from this stand-point, the grim old pile furnishes matter for an interesting page in the annals of the French monarchy.—Hugues Aubriot who superintended the construction of the bastille, was the first prisoner to enter its walls; but political considerations had nothing to do with his incarceration. Suspected of heresy, accused, tried and convicted by ecclesiastical authority, he merely passed through the prison he had constructed, and thence to the perpetual confinement to which he had been condemned, behind the bolts in the dungeon of the bishop of Paris. The bastille became a place of confinement for prisoners of state, only when the conflict between royalty and the great vassals of the crown commenced. In 1477 we find there immured such powerful lords as Jacques d'Armagnac, the duke of Nemours. Later, when the circle of those who took an interest in the political life of the nation grew to much larger dimensions, and extended so as to embrace many of the great body of the people, members of the bourgeoisie and persons belonging to the humbler ranks of society were to be met within the walls of the bastille. But up to the middle of the seventeenth century its doors closed only on men of quality and great dignitaries, who have left legendary accounts of their captivity. Those of cardinal Balue are not the least popular if not the most interesting. However, Charles XI., who struck so rude a blow at this prince of the church, made hardly any use of the bastille. He had his own private dungeons and executioner. Among the numerous political conflicts during his reign, Jacques d'Armagnac and Balue are nearly the only ones who underwent the severe penalty of the bastille. Richelieu, who followed up the line of policy pursued by Louis XI., caused many a man of gentle or noble birth to be imprisoned or executed in the bastille. Mazarin, the successor to Richelieu, restored to liberty most of the prisoners detained by order of the cardinal-duke, and, substituting craft for violence in the government of France, he used the bastille with moderation. It was under Louis XIV. that the memorable period of religious and political proscription commenced; and it was also from the beginning of his reign that the cells of the bastille began to be overcrowded with prisoners. Fouquet and the mysterious personage known under the name of the "Man with the Iron Mask," stand out conspicuously from the throng soon to be recruited from the ranks of the dissenters from the bull *Unigenitus*. Jansenists, Protestants, and religious enthusiasts of every kind, filled the dungeons of the royal prison. If the regency of the duke of Orleans checked somewhat the abuse of arbitrary warrants of imprisonment, the practice of sending out *lettres de cachet* soon became a sort of pastime for the mistresses of Louis XV. These *lettres de cachet*, or royal warrants, were frequently issued even under Louis XVI. Turgot and Malesherbes vainly attempted to effect the release of the prisoners, at least those not confined for what were called "state reasons" (*raison d'état*). The weak monarch, surrounded by advisers and courtiers who would yield in nothing to the progressive ideas of the time, sacrificed his ministers and abandoned to the bastille, the melancholy prerogative of royal absolutism. But this absolutism had seen its day. When, on July 14, 1789, the bastille fell under the blows of the Parisian populace and the "French guardsmen," it is said that the court was paralyzed with consternation It seemed to it as if monarchy had received its death stroke. Nor was this fear ungrounded The ruins of the old monarchy were soon mingled with those of the dread fortress which, for so many centuries, had stood the symbol of the omnipotence of kings. MAURICE BLOCK.

BAVARIA. The kingdom of Bavaria is, after Prussia, the most important state in the German empire.—It had its origin in the duchy of Bavaria, the title to which, as a fief, was conferred in 1180 by the emperor Frederick Barbarossa, on Otto Wittelsbach. The descendants of this prince gradually extended the limits of the territory. In 1506 they established the order of primogeni-

ture in the case of succession, and acquired the Palatinate, which entitled them to the rank and powers of electors.—The kingdom as composed at present is the result of events which agitated men's minds at the beginning of this century. The titles to the new provinces of Bavaria were acquired by the treaty of peace signed at Luneville in 1801; by the decision of the states of the empire promulgated on Feb. 25, 1803; the treaty of Presburg in 1805; the act of 1806, which created the confederation of the Rhine; the treaty of Vienna, 1809, and the treaty of Paris, 1814. Eighty-three pieces of territory, reckoned within the states of the empire but comparatively independent, were, by these different acts, annexed to the kingdom created on Jan. 1, 1806. In exchange for these possessions the kingdom ceded the part of the Palatinate situated on the right bank of the Rhine.—Bavaria has 4,863,450 inhabitants (census of 1871), against 3,707,966 in 1818. The population is composed principally of Bavarians, Franconians and Swabians. A majority of the inhabitants, 3,439,000 in number, are Roman Catholics, while the Protestant churches comprise about 1,327,000 persons. There are, besides, about 50,000 Israelites. Most of the inhabitants are employed in agriculture. The farmers are almost twice as numerous as the mechanics and artisans. The mass of the people are in easy circumstances, since only 2 per cent. of the whole population are at the charge of public charities.—The area of Bavaria is 75,863.42 square kilomètres. It is divided into two separate parts. The larger lies in the south of Germany, and principally in the basin of the Danube. Only a few districts are crossed by the river Main, and are thus drained by the Rhine. The valley of the Saale and the Eger slope toward the Elbe. The other part of Bavaria lies on the left bank of the Rhine, and is called the Palatinate (*Bayerische Pfalz*). The soil may be classified thus: 60.7 per cent. utilized by agriculture, 34 per cent. forests, and 5 per cent uncultivated land. Agriculture supports, we may say, 67 per cent. of the whole population.—One-half of the forests of Bavaria belongs to private individuals, 34 per cent. belongs to the national domain, 14 per cent. to the communes, and the residue, or 2 per cent., is apportioned among endowed institutions.—Cereals and potatoes are everywhere the principal agricultural products. In several districts, such as the upper Palatinate, the farmers raise an abundance of flax. Hemp and tobacco are grown in Franconia and the Palatinate. Latterly the cultivation of hops has so gained in importance as to supersede the vineyards in many places. However, large quantities of wine are still produced, the best of which is grown in lower Franconia and the Palatinate.—For administrative purposes the country is divided into 8 circles (*Kreise*), 7 of which, upper Bavaria, lower Bavaria, the upper Palatinate, upper, middle and lower Franconia, together with Swabia, lie on the right bank of the Rhine. We have already mentioned the eighth circle, the Palatinate. These circles are subdivided into administrative districts (*Bezirksaemter*) and judicial circuits. In each circle there are from 4 to 7 courts of first resort, while the number of administrative districts varies from 17 to 25. Each circle, administered by a government (*Regierung*), or committee with governmental powers, has one court of appeal.—The political constitution of Bavaria began with the charter of May 26, 1818, granted by the king, Maximilian—Joseph I. This fundamental act has undergone many changes since that time; and it may here be remarked, to the honor of Bavaria, that these changes have been made in a constitutional manner. The government has respected the law it had imposed on itself.—The principal provisions of the Bavarian constitution are these: The crown is hereditary in the house of Wittelsbach, in the male line according to the law of primogeniture. If the male line becomes extinct, and no treaty for the succession has been concluded with a German family of the royal blood, then the crown goes to the female line. The king is the head of the state. He is invested with all governmental powers, and exercises them in conformity to the constitution, with the assistance of the chambers. His civil list amounts to 2,350,580 florins. The king has, in addition, the free use of the royal castles and other domains of the crown.—The diet (*Landtag*) comprises two chambers: that of the counselors of the empire (*Reichsraethe*) and that of the deputies. The former chamber includes hereditary members, and also life members appointed by the king. But the number of life members must not exceed one-third of the number of hereditary members. The following personages are members of the upper chamber, in virtue of their office or hereditary right: Princes of the royal blood, the four grand dignitaries of the crown, the two archbishops, one of the bishops designated by the king, the president of the superior Protestant consistory, the heads of the families of princes or counts who figured in the states of the empire up to 1806, and who at that period were *mediatized*, and the owners of *majorats*, upon whom the king has conferred this dignity as hereditary.—A new election for all members of the chamber of deputies takes place every 6 years. There is one deputy for every 31,500 inhabitants. There are two degrees of electors. All citizens who have attained the age of majority, and pay direct taxes, are primary electors. There is an elector of the second degree for every 500 inhabitants. The electors of the second degree appoint the deputy. All citizens, from 30 years of age, who have not been convicted of crime or infamous offense, and have not forfeited their political rights, are eligible without distinction or restriction. The diet must be convened at least once every 3 years.—The constitution grants the diet the following rights: 1. No general measure concerning the personal liberty or the property of a citizen can be taken or modified,

except after the matter has been discussed and approved by the chambers. The chambers share with the government the right to propose new laws, but to approve them is the prerogative of the king, who possesses an absolute *veto*.—2. No new tax, no reduction nor increase of a tax, can be introduced without the concurrence of the chambers. The collection of direct taxes must be authorized by the diet, which generally grants the permission for a fiscal period of 2 years. The diet can not grant the permission for a longer time without an abuse of power. The chambers, before passing the budget of the revenues, have of course to examine the budget of state expenditure.—3. The debt is guaranteed by the diet, and can not be increased without its consent. Each chamber appoints a member of its body to watch over the state of the debt —4. The chambers have likewise the right to present petitions, to make propositions, and even remonstrances whenever a provision of the constitution has been violated. The diet has also the power to impeach ministers of the realm and their agents before a high court of justice.—The constitution guarantees personal liberty to every citizen, as well as security for his life and property. Liberty of conscience is recognized. The protection of the state can be refused no one on account of his religion. All creeds are free to worship in private houses, but the liberty of public worship depends upon the authorization of the king, except of course in the case of creeds already recognized. The latter are divided into two classes. The Catholic, Lutheran and Reformed parishes are recognized as corporations or public establishments. The Greeks, Anglicans, Mennonites, Moravian Brothers, and Israelites constitute only private associations. The affairs of the Catholic church are regulated by the concordat of 1817, so far as its provisions do not conflict with the constitution subsequently promulgated. The affairs of the two Protestant forms are governed by a royal edict published with the charter of 1818.—The public law of Bavaria discriminates between three classes of communes: the local communes (*Ortsgemeinden*), the district communes, and the circle communes. According to official statistics there are now in Bavaria about 225 cities or urban communes (17 of which contain each more than 2,000 families), and 7,890 rural communes. These 8,125 municipal communes are divided into 222 cities, 400 boroughs, 11,100 villages, 11,200 hamlets, and 21,500 isolated dwellings. The communes of which a district is composed, taken all together, constitute a district commune; while the communes of one and the same circle, as we have stated, form a circle commune. We may simply add that the more important cities constitute separate districts.—The different classes of communes have each their representatives, freely elected. A syndic (*Gemeindevorsteher*) or mayor, assisted by a municipal committee, is at the head of each rural commune. The towns and boroughs are governed by a committee invested with magisterial powers, which, in important matters, especially when contracts are to be made in the name of the commune, must consult; and by a municipal college or council, the number of whose members varies according to the population in the town. One-half of the committee and one-third of the municipal college are elected every 3 years. The burgomaster presides over these bodies.—The district commune, or the district itself, is represented by a council elected for 3 years, chosen from among the members of the municipal corporations, to whom are added delegates from the ranks of the great landed proprietors. The district council assembles only once a year, but it appoints, from its own members, a standing committee, charged with the duty of preparing the deliberations of the council, of attending to the execution of its decisions, and even taking action in all affairs concerning the district which have not been reserved especially for the action of the council.—The circle commune has for its organ the general council, composed of delegates elected for 6 years by the district councils, the municipal councils of cities with more than 10,000 inhabitants, the great landed proprietors, the parish priests, and, when there is one, by the university. The general council meets every year, but itself is likewise represented by a standing committee in the intervals between the sessions.—In Bavaria it is generally conceded that the best security for the rights of the citizens, and particularly for the liberty of the individual, is found in the principles upon which rests the administration of penal justice. Publicity and oral proceedings in judicature are powerful obstacles to arbitrariness, and foster a spirit of order and equity among the people. A jury passes judgment upon the guilt of a person accused of crime, after a defense to which the widest latitude is granted by the laws.—Every Bavarian citizen must pay taxes and render military service. Recruiting is done by casting lots. All young men who have attained the age of 21 years are liable to military duty. The length of service required is 6 years in the standing army and 5 years in the *landwehr*. Substitutes are no longer allowed.—The burden of taxation is not very heavy in Bavaria. It is certainly less than that borne in many other countries of the same size. About three-fifths of the 60,000,000 florins to which the national expenditure amounts, are derived from taxation The other two-fifths come from the public domain, particularly from forests and royalties. The direct taxes furnish about one-third, and the indirect taxes two-thirds of the total taxation—say one-fifth and two-fifths of the whole revenue of the State.—In the statement of expenses, attention must be called, in the first place, to the interest on the national debt, and to the sinking fund, which, altogether, require the sum of 16,620,300 florins; the sinking fund is $\frac{1}{2}$ per cent. of the principal. Then follow the 6 ministerial depart-

ments into which the civil administration is divided, the maintenance of which costs 6,000,000 florins; the schools of education and of instruction, 1,153,000 florins; religious establishments, 1,600,000; public works, 2,500,000; public safety, 1,300,000, and the army, 11,450,000 florins.—But it would be an error to suppose that the 1,153,000 florins mentioned above, cover the exact amount expended in Bavaria for public education and instruction. This sum is only the state contingent. The greater part of the total expenditure is borne by the circles, the communes, and endowed institutions. The elements of education are taught in the *German schools* which the communes are required to establish and sustain. There are now 7,200 of these primary schools which, generally speaking, are intended exclusively for children of the same religion. Attendance at school is compulsory for children from 6 to 13 years of age. Children must, besides, attend a Sunday school, until they have completed their sixteenth year.—Teachers are trained in 10 primary normal schools, founded and maintained at the expense of the state. A law has fixed the minimum of their salaries at 350 florins, but in many communes the salary amounts to 500 florins.—Affiliated with the *German schools* are the agricultural and the industrial schools, 26 in number, whose special instruction is continued in the schools of exact sciences (*Realschulen*), and in a polytechnic school. The latter is designed to take the place of the three institutions which were formerly in operation under this name in Munich, Augsburg and Nurenberg—we mean a school of arts and manufactures.—Instruction of a secondary class is imparted, in the first grade, at the Latin schools. There are 96 of these Latin schools, but only 72 include the 4 normal classes, the remainder have only 2 or 3 normal classes.—Instruction in the higher branches of literature and science is reserved to the universities of Munich, Würzburg and Erlangen. It is proper here to mention the academy of sciences, founded in 1759.—There are also in Bavaria 10 lyceums, established principally as seminaries for the training of priests. There is likewise a multitude of other special institutions which, for want of space, we can not here enumerate.—For further details we would refer the reader to the following authorities: *Ueber den Zustand des Koenigreichs Bayern*, by Dr. Ig. Rudhart, a semi-official work published in three volumes, from 1825 to 1827; and also to *Bavaria, Landes-und Volkskunde des Koenigreichs Bayern*, etc., which was published under the patronage of the king. In regard to the public and administrative law of the kingdom, all requisite information may be found in the two following works by the author of this article: *Lehrbuch des bayerischen Verfassungrechts*, 14th edition, Munich, 1870; and *Lehrbuch des bayerischen Verwaltungsrechts*, 3d edition, Munich, 1871.—Buchner, *Geschichte von Bayern*, 8 vols., Munich, 1820–51; Zschokke, *Sechs Bücher der Geschichten des bair. Volks*, 2nd ed., 4 vols., Aarau, 1821; Mannert, *Geschichte Bayerns*, 2 vols., Leipsig, 1826; Böttiger, *Geschichte Bayerns*, Erlangen, 1836, Rudhart, *Geschichte der Landstaende in Bayern*, 2nd ed., 2 vols., Munich, 1819; Spruner, *Leitfaden zur Geschichte von B*, 2nd ed., Bamberg, 1853; same author, *Histor. Atlas von B.*, Gotha, 1838; Contzen, *Geschichte B's*, Münster, 1853; Rudhart, *Aelteste Geschichte B's*, Hamburg, 1841; Siegert, *Grundlage zur aeltesten Geschichte des bair. Volksstammes*, Munich, 1854; von Lerchenfeld, *Geschichte Bayerns unter Max Joseph I.*, Munich, 1854; Preyer, *Lehrbuch der baier. Geschichte*, Erlangen, 1864; Heigel und Riezler, *Das Herzogthum B. zur Zeit Heinrich's des Löwen*, Munich, 1867; W. Müller, *Polit. Geschichte der Gegenwart*, Berlin, 1867–74; same author, *Bayern seit* 1870, in '*Unsere Zeit*,' 1874; Quitzmann, *Die aelteste Geschichte der Bayern*, Braunschweig, 1873.[1]

DR. DE POEZL.

[1] As a supplement to the foregoing article we may add the latest statistics which are comprised in the tables that follow:

Revenue and Expenditure for the financial year 1880–81.

REVENUE.

	Marks.
Direct taxes	35,725,510
Indirect	52,882,580
State railways, postal telegraphs, mines, etc.	100,706,574
State forests	24,586,580
Domains	9,059,110
Miscellaneous receipts	1,911,838
Total	224,872,192
In dollars	$57,218,045

EXPENDITURE.

	Marks.
Public debt	46,692,817
Civil list and appanages	5,348,188
Council of state	46,800
Diet	635,710
Ministry of foreign affairs	568,284
Ministry of justice	12,782,326
Ministry of interior	17,757,238
Ministry of finance	3,438,607
Worship and education	19,634,144
Pensions and allowances	7,549,987
Reserve and guarantee fund	3,926,074
Contribution to imperial expenditure	16,329,370
Total	134,709,545
Charges of collection of revenue	90,162,647
Grand total	224,872,192
In dollars	$57,218,045

The Public Debt, comprising the Ordinary and the Railway Debts.

YEARS.	Ordinary Debt.	Railway Debt.	Total.	
	Florins.	Florins.	Florins.	
1855	134,045,964	72,369,700	206,415,664	$ 86,006,525
1859	123,280,680	90,913,134	214,193,814	89,247,420
1862	136,293,375	104,735,559	241,028,934	100,428,720
1867	209,874,601	146,156,600	356,031,201	148,346,335
1870	261,926,754	163,428,800	425,355,554	177,231,480
1872	181,377,265	212,609,300	393,986,565	164,161,070
	Marks.	Marks.	Marks.	
1874	232,399,043	398,345,143	630,744,186	157,686,045
1876	360,162,999	728,426,229	1,088,589,223	272,147,305
1878	351,252,225	816,091,537	1,167,343,762	291,835,940

The public debt results partly from the deficit of former years and partly from the construction of public works, particularly railroads, which latter have cost 650 million marks ($162,500,000), and are the property of the state. In 1879 the expense of railroad management exceeded the receipts by 5,735,789 marks; this deficit had to be covered by other sources during the next financial year.

BELGIUM. *History.* Considered as the creation of the treaties of 1815, modified after the successful insurrection of 1830, Belgium is one of the youngest states of Europe. Considered as a nation, it is one of the most ancient, its origin dating back 2,000 years.—Three or four centuries before the Christian era, and six or seven before the incursion by the Franks, the Belgians—a German or Teutonic race on the right bank of the Rhine—crossed that river and conquered the northern part of Gaul. This extensive country, which the Romans called Belgic Gaul, was divided into Upper and Lower Germania, and First and Second Belgium. Within these historical limits, Belgium comprised Strasburg, Speyer, Worms, Mayence, Coblentz and Andernach; Cologne, Nimègue, and Leyden; Treves, Metz, Verdun, and Toul; Bavai, Tournai, Cambrai, Thérouanne, Boulogne, Arras, Amiens, Beauvais, Soissons, Reims, and Châlons-sur-Marne.—The coasts of Brittany and of other more distant regions were settled by Belgian colonists. Saint Jerome, in the fourth century, traveling in Asia Minor, recognized among the Galatians, to whom the apostle Paul addressed one of his epistles, the language used in the vicinity of Treves. Ireland was peopled by the Menapians, the original inhabitants of Flanders.—The Belgians who, says the historian Florus, fought for liberty, were, according to Cæsar in his Commentaries, the most valiant of the Gauls; a testimony which can not be said to be exaggerated, when we consider what little sympathy exists between the victors and the vanquished. Propertius, a writer almost contemporaneous with Cæsar, says: "It is folly for you to paint your face after the manner of the Belgians. Believe me, there is no true beauty but that of nature, and Belgian colors can only render homely a Roman head." It is true that the emperor Claudius raised the Belgians to the highest dignities, such as those of senator, knight, consul, pretor and general. But this was not without opposition on the part of the people of Rome.—The warlike disposition of the Belgians did not belie itself during the centuries which followed, and up to the time of the empire of Napoleon I. At the battle of Raab, in Hungary, on June 14, 1809, a regiment, the 112th of the line, composed entirely of Belgians, won the distinction of having the cross of the legion of honor fastened to its victorious colors.—In other respects the Belgians, true to the faith of their fathers, have been counted among the most zealous of Catholics. Francis Xavier, writing from India, used to say: "Send me Belgians." The first leaders of the crusades were Belgians. An equestrian statue of Godfrey de Bouillon has stood, since 1848, in one of the public squares in Brussels.—*Territory and Population.* The southern provinces, having been violently separated from the northern provinces of the Netherlands, formed themselves into an independent state under the title of the kingdom of Belgium, and adopted a constitution after free deliberation. This constitution was voted for and promulgated by representatives of the people assembled in a national congress. The first article of the constitution enumerates, in alphabetical order, the great divisions of the kingdom called provinces, in conformity with historical traditions. This enumeration we may complete by the full number of urban and rural communes, the area of the country according to the official land registers, the population according to the census of Dec. 13, 1869.

PROVINCES.	Communes.	Hectares.	Inhabitants.
Antwerp	150	283,173	485,883
Brabant	340	328,296	862,982
Flanders (Western)	250	323,467	660,029
Flanders (Eastern)	294	299,995	829,387
Hainaut	435	372,162	834,319
Liège	334	289,388	584,718
Limburg	206	241,234	198,727
Luxemburg	215	441,776	204,326
Namur	350	366,025	310,965
Totals	2,564	2,945,516	5,021,336

—2,945,516 hectares are equivalent to 11,373 English square miles. On Dec. 31, 1876, the population of the kingdom, by provinces, was as follows:

Antwerp	538,381
Brabant	936,062
Flanders (West)	684,468
Flanders (East)	863,478
Hainaut	956,354
Liège	632 228
Limburg	205 237
Luxemburg	204,201
Namur	315,796
Total	5,336,185

Belgium is the densest inhabited country in Europe. In 1876 its population averaged 469 per square mile.—In 1856 the people were engaged as follows: in agriculture and sylviculture, 1,062,115; exploitation of mines, ores and quarries, 73,292; metallurgic industry and working of metals, 58,657; glass works, pottery, etc., 6,012; flax and hemp industries, 199,779; woolen industries, 22,044; cotton mills, 24,746; setiferous industry, 4,486; leather dressing, skins, carriage works, saddlery, etc., 30,021; articles of food, 45,146; clothing, 252,517; building, 108,418; furniture and ornaments, 16,167; chemical products, printing and various other industries, 25,662; commerce, 156,803; general administration, 15,888; administration of justice, 9,100; religious communities, 22,450; public instruction, 9,005; sanitary service, 5,206; literature, arts, and sciences, 5,862; police force, 36,106; property holders, persons living on their income, pensioners, 50,314; domestics, 86,974. The remaining 2,202,790 inhabitants, or nearly the half of the whole population, include persons without profession or occupation, and also old men, women and children.—The census of 1866 shows that in Belgium the population is remarkably sedentary. On an average in every 1,000 inhabitants of a Belgian com-

mune, 694 were born within its limits, 227 within same province, and 63 in some other province; leaving a remainder of 16 foreigners. The foreign element which, in 1856, was 21 in every 1,000, therefore diminished during the following decade.—In proportion to its population Belgium contains a great number of large cities. It has 4, with a population of more than 100,000 each. Brussels, the capital of the kingdom, had, in December, 1876, 376,965 inhabitants; Antwerp, 150,650; Ghent, 127,653; and Liège, 115,851.—Two distinct languages are spoken in the country: Flemish in the north, in the provinces of the two Flanders, of Antwerp and Limburg, also in the districts of Brussels and Louvain in Brabant. French or Walloon is spoken in the south, including Nivelles and its district in Brabant, the provinces of Hainaut, Namur, Luxemburg and Liège. This contiguity of two races speaking different languages, may be explained by the fact that the first Belgian colonists did not succeed everywhere in their attempt to supplant the native inhabitants. The part of the latter who remained in the country were called Walloons, a corruption of the word Gaul, while Flemish is a Low-German dialect perfected in the thirteenth century. It is somewhat remarkable that the line of demarcation of the two languages is about the same which divides the country into two large valleys: the Escaut in the north and the Meuse in the south. Numerically, four-sevenths of the Belgian population are of Flemish or of German origin, while the remainder are of Walloon or of Gallic extraction. Out of the 35,356 Germans enumerated in the census of 1866, 20,799 inhabited the eastern frontier of the province of Luxemburg, and 10,793 the province of Liège.—The use of either language is optional in Belgium, according to article 23 of the constitution; but the French prevails generally, even among the Flemish inhabitants, notwithstanding their ceaseless opposition to it, which does more credit to their patriotism than to their intelligence. But it is certain that the use of French, as it spreads into the Flemish provinces, will not suppress the primitive language.—*Political and Administrative Organization.* The Belgian constitution of Feb. 7, 1831, gives its sanction to the most liberal principles in matters of public right. It may suffice here to mention the most salient of them.—Art. 6. There exists in the state no discriminati n between classes. All Belgians are equal before the law. Only Belgians are eligible to civil and military offices, save the exceptions which may be established by law to meet particular cases.—Art. 14. Liberty of conscience, liberty of the public practice of religion, and also liberty of speech in all matters, are guaranteed; but crimes or misdemeanors committed under the pretense of the exercise of these rights are punishable.—Art. 17. Education is free; every preventive measure is forbidden; the repression of misdemeanors is to be exercised only by the law.—Public education, given at the expense of the state, is also regulated by law.—Art. 18. The press is free; no censorship shall ever be established over it; no bond of security is required of writers, publishers or printers. —When the author of a writing is known, and domiciled in Belgium, the publisher, printer or distributer can not be prosecuted.—Art. 20. All Belgians have the right of free association, and this right can not be submitted to any preventive measure.—All powers emanate from the nation. They are exercised in the way prescribed by the constitution.—In the enjoyment of these liberties loyally respected by the depositaries of power, Belgium has progressed in every direction. The sovereign, identified with the Belgian character, is beloved by the people, as was the duchess of Parma, governess in the place of her brother, king Philip II. According to Strada, in his *Histoire des guerres des Pays-Bas*, the duchess of Parma used to say that terror is a bad means to win the affections of the Belgians or conciliate them. A law of Dec. 23, 1865, fixed the civil list at 3,300,000 francs, with the use of the royal palaces. The endowment of the king's brother is 200,000 francs —Art. 68 of the constitution, which confers upon the king the right to declare war and to make treaties of peace, provides, besides, that no cession, no exchange, no addition of territory can take place except by virtue of some law.—Three principal enactments determine the public law of Belgium, and the position of the kingdom in relation to foreign powers: 1. The law of Nov. 7, 1831, which authorized the government to sign the treaty called the Treaty of the Twenty-four Articles, concluded on Nov. 15, 1831, between Belgium and the plenipotentiaries of the five great powers assembled in London, but the fundamentals of which the king of the Netherlands accepted only in 1839. 2. The law of April 4, 1839, which authorized the king to conclude and sign the treaties regulating the separation of Belgium and Holland, upon the basis laid down in the London congress, on the 23rd of the preceding January. 3. The law of Feb. 3, 1843, approving the boundaries between Belgium and the Netherlands, definitely fixed by the treaty concluded at the Hague on the fifth of November in the year previous.—In consequence of the constitutional principle already mentioned, that all power emanates from the nation, Belgian citizens are entitled to direct election to the legislative chambers, the communal councils and the provincial councils. The body of electors is composed of all citizens who pay direct taxes, the minimum of which is fixed by law. Formerly, in 1830, the liberal professions were also admitted, without further qualification, as electors to the national congress.—The electoral law relating to the formation of the chambers, was passed March 3, 1831, and modified by several successive amendments. The communal law and the provincial law have each been modified 17 times, and the electoral law 25 times, since their promulgation. According to the terms of article 26 of the constitution, the legislature is composed of a senate and a chamber of

representatives. Since the law of June 2, 1856, the apportionment of the members of the legislative chambers is based upon the general census of the kingdom taken every 10 years. Their number, as determined by the law of May 7, 1866, is 124 for the representatives, which would be at the rate of 1 representative for each 40,000 inhabitants; and 62 senators. The latter hold office during 4 years, and every 2 years a new election takes place for one-half the number of representatives.—The enactments of June 3, 1859, and Feb. 29, 1860, fix the number of provincial and communal judges according to the latest returns of the number of the population.—The number of provincial and commercial councilors was increased according to laws passed in 1872.—The offices established by the organic law of March 30, and April 30, 1836, in the communal administration, were those of burgomaster, aldermen (*échevins*), college of burgomasters and aldermen, and the communal council. In the provincial administration the offices are those of governor, provincial council, standing committee of the provincial council, and *arrondissement* commissioner. The governors and *arrondissement* commissioners, corresponding to prefects and sub-prefects in France, are appointed by the king, as are also the burgomaster and the aldermen or *échevins*, who correspond to the mayors and deputy-mayors in France. The provincial councilors are elected for a term of 4 years, and the communal councilors for 6 years. The burgomasters and the aldermen (*échevins*) are likewise appointed for the term of 6 years. The king's ministers, 7 in number, in the departments of foreign affairs, the judiciary, the interior, public works, war, finance, are the heads of the general administration, each within his own sphere. Assembled in council, they deliberate upon the subjects which the king submits to them, or which any one of them proposes. There are also ministers without portfolio, entitled *ministres d'état*, with or without admission to the council.—*Finance.* Official documents establish the fact that Belgium, during the 15 years of her union with Holland, annually contributed more than 81 million francs to the expenditure of the state. This was one of the principal grievances which brought on the revolution of 1830. After the separation, there was an increase of expenses, instead of the diminution which had been expected. During the period of 27 years, between 1831 and 1857, the average revenue was 127,220,100 francs per annum, while the average expenditure was 127,439,900 francs, showing a deficit of 219,800 francs a year, for which provision was made by the emission of treasury notes.—These deficits greatly increased during the ensuing years, the final accounts furnishing the following figures: Receipts, 155,830,739 francs for 1858; 158,349,646 francs for 1859; and 169,709,218 francs for 1860. Then 209,641,495 francs for 1868, against 223,404,893 francs for the year 1867. A loan of 50 millions is included in the amount for 1867, and a loan of 33 millions in the amount for 1868.—Revenue and expenditure of Belgium, from 1870 to 1879, (the figures for the years 1870 to 1875, both included, are the actual figures, the others are estimated):

YEARS	Revenue	Expenditure.
1870	$35,309,715	$35,295,635
1871	35,624,800	33,872,580
1872	37,782,800	36,684,820
1873	36,344,600	34,789,600
1874	45,928,600	47,283,480
1875	55,742,315	58,444,500
1876	54,548,800	53,952,400
1877	51,758,285	54,288,500
1878	50,809,150	49,288,500
1879	52,066,770	51,921,350
1880	55,742,315	58,444,500

Every year the chambers decree the law of accounts, and vote the budget estimates. All laws relative to the revenue and expenditure of the state, or to the appropriations for the army, must first be passed by the house of representatives, (articles 27 and 115 of the constitution).—Summary, under proper heads, of receipts and expenses, according to the official financial statement for the year 1879:

RECEIPTS.

	Francs
Land taxes	21,903,000
Assessed taxes	15,300,000
Trade licenses	6,000,000
Mines	800,000
Customs	18,200,000
Succession duties	17,320,000
Excise on foreign wines and spirits	3,055,000
Excise on native spirits	15,892,000
Excise on beer and vinegar	10,172,000
Excise on sugar	3,190,000
Registration duties and fines	28,800,000
Domains	2,400,000
Postoffice	5,902,500
Railways and telegraphs	92,000,000
Packet boats between Dover and Ostend	1,050,000
Miscellaneous receipts	23,156,360
Total	265,141,860

EXPENSES.

	Francs
Interest on public debt	74,785,815
Civil list and dotations	4,535 303
Ministry of justice	16,272,349
Ministry of foreign affairs	1,903,535
Ministry of interior	20,371,424
Ministry of public works	81,354.389
Ministry of war	41,063,000
Ministry of finance	15,271,950
Miscellaneous expenditure	4,046,000
Total	259,606,765

Condition of the national debt of Belgium on Jan. 1, 1879:

		Francs
2½ per cent. old debt		219,959,632
4½ "	of 1844	122,847,182
4½ "	of 1853	141,284,900
4½ "	of 1857-60	65,846,400
4½ "	of 1865	58,581,000
4½ "	of 1867-70	77,578,200
4 "	of 1871	56,894,900
3 "	of 1873	283,085,000
4½ "	Railway annuities	495,870,230
Total consolidated debt		1,521,947,444
Floating debt (*Bons du Trésor*)		19,400,000
Total debt		1,541,347,444

—*Military Organization.* The Belgian army consists, on a peace footing, of 42,933 men, officers included, and of 8,791 horses; the war effective is 104,658 men, officers included, and 15,052 horses These numbers comprise the *gendarmerie*, with 1,562 men and 1,114 horses.—The army is recruited by voluntary enlistment and by conscription. In times of peace the service of the volunteers and militia-men lasts 8 years, or from the age of 19 to 26.—Barracks are established in 38 places, for the accommodation of 80,000 men and 10,000 horses.—Sleeping accommodations are provided by a company, and also by cities, which have undertaken, for a compensation, to furnish quarters for the troops.—The military workshops and the school of pyrotechny are located at Antwerp. Liège has a foundry for casting cannon and an establishment for the manufacture of arms.—In 1872 there were 11 strongholds, forts and fortified posts in the kingdom; while the garrisoned towns, or posts not fortified, occupied by the troops, were 20 in number.—There are military bakeries in 18 towns. The ration of provisions during a campaign consists of 75 *décagrammes* of bread, 25 *décagrammes* of meat, 3 *décagrammes* of rice, 16 grammes of salt, 5 *centilitres* of gin, 4 *centilitres* of vinegar. The ration of firewood is 1.375 of a *stère*. Each soldier in camp receives 5 *kilogrammes* of straw for bedding, every fortnight.—The ration of forage, for horses of heavy cavalry and artillery, is 4½ *kilogrammes* of oats, 4 *kilogrammes* of hay, 4 *kilogrammes* of straw. For the horses of light cavalry, 4 *kilogrammes* of oats, 3½ *kilogrammes* of hay, and 4 *kilogrammes* of straw. The military pensions registered in favor of retired soldiers, from 1830 to Jan. 1, 1872, inclusive of pensions transferred by Holland, are in number 13,534, reduced by expiration to 4,084, and amounting to 3,815,162 francs. The pensions to widows amounted to 4,198 francs.—The state navy, formerly reduced to 1 brig and 1 schooner, now comprises 5 steamers. An allowance in the budget has been proposed to build a sixth steamer. In 1878 the commercial marine consisted of 48 vessels, inclusive of 23 steamers.—The civic guard is in Belgium what the national guard was in France. It numbers about 22,000 men. On June, 1, 1879, the effective force was thus distributed: 23,983 infantry, 5,339 cavalry, 6,937 artillery, 1,262 engineers, and 3,069 other troops. —Besides this active civic guard, there are yet 668 battalions of civic guard in reserve, representing an effective force of 200,400 men, with commanders and staffs.—*Public Education.* On Dec. 31, 1869, there were in Belgium 1,522 primary schools for boys, 1,854 for girls, and 2,265 for both sexes, making, together, 5,641 public and private schools. At the same period there were 5,178 male teachers, and 4,350 female teachers. On Dec. 31, 1869, there were 593,379 school children, of whom 290,510 were boys, and 302,869 were girls. 366,572 boys and girls received gratuitous instruction. The subtraction of 593,379, the number of children in attendance at school, from 753,200, the number of children from 7 to 14 years old, would leave a remainder of 159,821 not receiving instruction. But of this number, at least 20,000 children attended the middle schools, the athenæums and colleges, or special institutions such as schools in almshouses, poorhouses, penitentiaries, and reformatories at Ruysselade and Beermen. Other children attended private classes at home or schools in military garrisons. In 1869 there was one school to every 890 inhabitants. The proportional number of pupils to the population, in 1869, was 11.8 to every 100 inhabitants. Of 44,179 militia-men inscribed for the levy of 1869, 16,337 could read, write and cipher; 13,811 could only read and write; 2,626 could only read; 10,943 had no school education whatever; and there were 462 whose degree of proficiency in education was not known. Independently of the primary schools, there were, on Dec. 31, 1869, in asylums and infant schools, 27,219 boys and 33,371 girls, or 60,590 altogether; of whom 37,133 were admitted gratuitously. In midday, evening and Sunday schools for adults, there were 112,787 males and 104,381 females, or 217,168 altogether; of whom 214,213 were admitted gratuitously. Among these 217,168 pupils were included 97,737 children under 15 years of age, a large part of whom attended also the primary or industrial schools. In the industrial and manufactory schools and charity workshops (*ateliers de charité*) there were 1,310 boys and 25,873 girls, or 27,183 children altogether; of whom 18,928 were admitted gratuitously. In the schools connected with hospitals, almshouses, reformatories and prisons, there were 3,713 boys and 1,851 girls, or 6,564 children altogether. Industrial and manufactory schools, charity workshops and schools for apprentices, etc., are found almost exclusively in the provinces of Hainaut and the two Flanders. Most of the children who attend these schools also attend Sunday schools and their number is included in the figures above, which represent the attendance at the Sunday schools. In 1869 the expenses incurred for the ordinary maintenance of the primary schools amounted to 14,500,518 francs. This sum consisted of the following items: Cash balance in hand, 236,155 francs; received from the state, 5,675,036 francs; from the provinces, 1,633,313 francs; from the communes, 5,258,366 francs; from public and private donations, 487,990 francs, and from tuition fees, 1,009,651 francs. From 1867 to 1869, 12,370,910 francs were expended for the construction, purchase, etc., of schoolhouses and residences for teachers. There are two state normal schools, one at Lierre and the other at Nivelles. There are also seven Episcopal normal schools, and five normal sections connected with the middle schools at Bruges, Ghent, Huy, Couvin and Virton, where pupils are trained to become teachers. Female teachers are trained in 15 model schools connected with establishments for the education of young ladies.

These establishments are situated in different provinces. At the royal institute of Messines there is, for the daughters of soldiers, a normal school, including a section for the special training of teachers of infant schools.—The law of June 1, 1850, relative to education in the middle schools, limited the number of athenæums to 10, 2 for Hainaut and 1 for each of the other provinces. The establishments, 50 in number, of the next grade below, are called state middle schools (*écoles moyennes de l'état*), 18 of which belong to the lower class, 25 to the intermediate, and 7 to the higher class. There are, besides, many communal colleges and communal middle schools, almost all of which are subsidized by the public treasury. There are also some private institutions or boarding schools in the different provinces. In 1869 there were 312 prefects of studies, professors, masters and tutors connected with the athenæums; 506 directors, professors, regents, teachers and assistants in the state middle schools; 181 directors, professors, etc., in the communal colleges which received a subsidy from the public treasury; 96 in the subsidized communal middle schools; 33 in the middle schools exclusively communal; 100 in the colleges; and 43 in the middle schools patronized by the state. At the same period there were 3,569 students in the royal athenæums; 8,313 in the 50 middle schools of the state, 1,453 in the subsidized communal colleges, 1,374 in the subsidized communal middle schools; 456 in the middle schools exclusively communal; 1,236 in the colleges; and 723 in the middle schools patronized by the state. The number of scholars in private schools is not known. 691 pupils are admitted to the athenæums gratuitously or on reduced terms; 1,911 to the state middle schools; 341 to the subsidized communal colleges; 158 to the subsidized communal middle schools; 9 to the middle schools exclusively communal; 195 to the colleges; and 77 to the middle schools patronized by the state: total, 3,382. In 1869 the funds of the middle schools amounted to 2,391,451 francs. Of this sum the state furnished 1,051,773 francs; the provinces, 6,800 francs; the communes, 724,298 francs; tuitionary fees, 554,272; bequests, 19,995; and the balance of cash in hand from the accounts of the previous year, 34,312 francs. The normal institution for the training of teachers in the higher middle schools, is divided into two sections: one for the humanities and the other for the sciences. The humanities are taught at Liège, and the sciences at Ghent. There is a normal institution at Bruges and another at Nivelles for the training of teachers in the lower middle schools. There are two schools of practical agriculture, an agricultural institute, and a veterinary college. There are naval academies at Antwerp and at Ostend, a higher commercial school at Antwerp, more than 80 workshops for apprentices in eastern and western Flanders; 11 institutions for deaf-mutes and the blind, a royal institution exclusively for the benefit of soldiers' daughters, and a reformatory school for boys and one for girls.—The higher branches of education are taught in a state university at Ghent and another at Liège, in the Catholic university at Louvain, and in another free university at Brussels. A school of civil engineering is connected with the university of Ghent, and a school of arts, mines and manufactures with the university of Liège. During the academic year 1866–7, there were 2,313 students in the four universities, including the special schools connected with the university of Ghent and the university of Liège.—During the year 1877–8 the number of students attending the various branches of study in each of the four universities was as follows:

UNIVERSITIES.	Philosophy and Letters.	Law.	Sciences	Medicine.	Theology.	Total.
Gand	14	81	237	81	.....	413
Liège	68	144	411	115	.....	738
Louvain	91	194	125	195	108	713
Brussels	36	191	75	147	.....	449

—The military school in Belgium is intended for the training of officers for the infantry service, the cavalry, the artillery, the corps of engineers, and also the marine. From the foundation of this school in 1834, until Dec. 31, 1871, 1,424 young men were received into the establishment and afterward admitted to the different branches of the army. The other schools organized in the army are the war school intended for the training of staff officers; the target school for the artillery; the pyrotechnic school; the cavalry school; the special school of subordinate officers of infantry and cavalry, etc; the regimental schools; and the company of soldiers' boys, composed at present of 257 pupils.—*Public Charity.* The charitable institutions include three principal classes: 1. The local institutions which afford relief or an asylum to the indigent in sickness, old age, in case of desertion, want of work, and accidents of every kind. 2. The state institutions which are particularly designed to prevent and repress vagrancy and mendicity, to reform beggars and vagabonds. 3. The institutions which are intended to secure the independence of the working classes by fostering among them a spirit of foresight. These institutions are under the patronage of the state.—Besides these public institutions there are many private establishments of charity, organized by citizens and benevolent associations. These establishments are not under the control of either state or municipal authorities.—Public charity is dispensed through relief offices and almshouses.—According to the terms of article 92 of the communal law, every commune must have a bureau of charity for the distribution of provisions at the homes of the needy.—Establishments managed by hospitalers are generally found in cities. Most of these establishments are old

endowed institutions. — On an average, from 160,000 to 170,000 indigent families, representing 600,000 or 700,000 persons, are yearly registered in the offices of public charity. In years when great distress prevails, there may be registered 200,000 pauper families or 800,000 individuals. The provisions distributed are valued at eight or nine million francs. A law of Feb. 18, 1845, laid down the principle that a pauper is entitled to public assistance by his native commune, provided he has not removed from it. He must have resided during eight consecutive years in one place, before he can become entitled to draw assistance from the communal bureau of public charity. Every pauper has a claim to assistance by the commune in which he happens to be. A commune which furnishes relief to an itinerant pauper has the right to demand re-imbursement of his commune. Donations and bequests made by private citizens, for the benefit of charitable institutions authorized by the terms of article 910 of the civil code, have been valued, in an average year, at more than a million francs.—In 1869 there were in Belgium 439 almshouses and hospitals, with 30,000 inmates. Their expenses amounted to some 7,500,000 francs per annum.—In some of the provinces poor-farms (*fermes-hospices*) were established. — There are special lying-in hospitals at Brussels, Louvain, Ghent, Bruges, Nieuport, Tournai and Liège. The Brussels hospital, the most important of all, annually receives from 700 to 800 women, who receive all the necessary assistance during their confinement.—In some of the larger cities of the kingdom there are societies organized to aid friendless women during confinement, and for the maintenance of infant asylums.—In some 20 towns there are special institutions for the benefit of foundlings and abandoned children who, under the protection of these institutions, are sometimes boarded in the country with farmers. The *tours* or receptacles for foundlings, introduced by imperial decree on Jan. 11, 1811, have been gradually discontinued. Since the discontinuance of these receptacles, the number of foundlings born of unknown parents has noticeably, even considerably, diminished. The expense of the maintenance of these children formerly amounted to more than 150,000 francs per annum. It has been reduced to 50,000 francs. The last receptacle for foundlings, at Antwerp, was closed in 1860.—In Brussels, Ghent and Antwerp there are special establishments for the treatment of sick and deformed children.—There are 10 institutions for the maintenance and instruction of deaf-mutes and the blind. The number of these unfortunates received at the expense of the communes, the province, and the state, is about 300. In 1869 there were 617 blind persons and 521 deaf-mutes in the different asylums, almshouses, etc , besides 3,058 blind persons and 1,468 deaf-mutes living at home. There are 58 insane asylums, of which 18 are public and 40 private, including the colony at Gheel, the only one of its kind, with 1,200 inmates. The number of insane is reckoned at 5,000 in the public institutions, and 2,000 cared for at home.—There are ophthalmic institutes at Brussels, Mons and Namur.—In manufacturing towns there are savings banks, most of which are founded by financial corporations —There are 22 *monts de piété*. The capital loaned on pledges amounts to 10 million francs. There are only 3 poor-houses left: one at Stoogstrachin, the other at Bruges and the third at Reckheim. The poor-houses at Mons and Cambre have been discontinued; but a new agricultural colony for the benefit of able-bodied paupers has been established at Merxplas. The inmates of the poor-houses number 1,800. In the reformatory schools at Ruysselade and Beermen there are also 500 boys and 250 girls, committed on account of mendicancy or vagrancy.—In the cantons there are committees appointed to aid liberated prisoners who manifest a disposition to engage in some honest pursuit. Children acquitted by the magistrates for having acted without discernment, and likewise young beggars and vagrants, are indentured or placed in apprenticeship through the instrumentality of these committees. But most of these committees have gone out of existence. At Namur, Mons, Antwerp, Brussels, Liège and Ghent there are houses of refuge for girls and women, discharged from custody, who show a disposition to renounce the ways of vice. There are also charity workshops for the poor and for those who can not procure work elsewhere.—Mutual benevolent societies, more than 200 in number, are organized for the benefit of workmen when sick. These societies are regulated by a special law of April 3, 1851. There are savings associations for the purchase and distribution of provisions in winter.—There are savings institutions for mining laborers, laborers of the state railways, fishermen and seamen. These institutions extend their benefactions to workingmen when sick, wounded, or otherwise disabled, and likewise to their widows and children.—A law of March 8, 1850, created a general *caisse de retraite* for the special purpose of providing, by the payment of a certain sum during life, a sure way for any provident person to lay up means against old age. This institution, under the management of the government, was reorganized by a law of March 16, 1855, which added to the institution a savings bank. Deposits in this bank may be effected through any postoffice.—*Religion.* The population of Belgium is almost exclusively Catholic. There are only some 13,000 Protestants, and about 1,500 Jews.—The country is divided into 6 dioceses: the archbishopric of Malines, including the provinces of Antwerp and Brabant, and the bishoprics of Bruges, Ghent, Liège, Namur and Tournai. The archbishopric has 3 vicars-general and a chapter of 12 canons, and each of the bishoprics 2 vicars-general and a chapter of 8 canons. In each diocese is an ecclesiastical seminary. There are few endowments, and the clergy derive their maintenance chiefly

from fees and voluntary gifts. The state pays a salary of 21,000 francs to the archbishop; 16,000 francs to each of the bishops; 2,000 francs to canons; and about 700 francs to parish priests According to the last census there are 1,322 religious houses, 178 for men, and 1,144 for women, with an aggregate number of 18,196 inmates.—There are 8 ministers of the English Episcopal church, and also 8 chapels—3 in Brussels, and one each in Antwerp, Bruges, Ostend, Spa and Ghent. There is a central Jewish synagogue in Brussels· 3 branch synagogues at Antwerp, Ghent and Liège, and 2 of an inferior class at Arlou and Namur.—*Justice.* The civil and criminal laws of Belgium are based upon the laws of France, to which country Belgium was long united. Many of these laws have been revised, particularly the penal code, the laws on mortgage, and the legislation in reference to bankruptcy and judicial organization —Justice is administered under the control of the *cour de cassation* (highest court of appeal), by appellate, military and *assize* courts, by tribunals of first resort, tribunals of commune, councils of war, justices' courts, and councils of *prud'hommes.* The *cour de cassation* is located in Brussels. There are 3 courts of appeal, one at Brussels, another at Liège, and the third at Ghent. There are 26 tribunals of first resort, one in each *arrondissement;* and 204 cantons, each having a justice of the peace —The officers of the courts and tribunals are the following: 30 first presidents, 24 presidents and vice-presidents of chambers, 149 counselors and judges; 37 examining officials; 30 attorneys general and king's counselors (*procureurs du roi*); 8 general and military auditors; 59 attorneys general and substitutes of inferior courts; 30 clerks of courts; 97 deputy clerks; and 48 secretaries and clerks to the prosecutors. —The tribunals of commerce consist of 74 members, including the presidents and 14 clerks. There are 203 justices of the peace.—In the budget estimates for the year 1872 the sum of 3,595,850 francs was appropriated for the administration of justice.—The jury takes cognizance of criminal matters and of political offenses as well as offenses of the press.—In 1870 the costs of the courts amounted to 722,608 francs. In the same year the fees accruing to the treasury aggregated 246,530 francs.—*Agriculture.* Belgium is rich in agricultural products, although its cereals do not suffice for home consumption. It has, considering the relative extent of its area, as much live stock as any other country in Europe. According to the enumeration taken at the same time with the census of the population at the close of the year 1866, there were 283,163 horses, 1,242,445 horned cattle, 586,097 sheep, and 632,301 swine in Belgium.—In 1866 there were 2,663,753 *hectares* of land under cultivation, of which 1,359,795 *hectares* (the *hectare* equals 2.4711 acres) were cultivated by the owners of the soil, and 1,323,958 *hectares* were leased. These 2,663,753 *hectares* were divided among 744,007 cultivators, comprising 246,302 owners of all the land which they cultivated; 74,670 owners of more than half the land which they cultivated; 279,433 lessees of all the land which they cultivated; and 143,603 lessees of more than half the land which they cultivated. Cereal and farinaceous products covered 967,135 *hectares;* vegetables, 37,909; roots, 200,204; grasses and forage, 495,051; plants used in manufactures, 115,308; woods and forests, 434,596; heath, brushwood and fallow ground, 262,477 *hectares.*—1871 was a good year for crops, except wheat, spring rye, buckwheat and potatoes, of which the crop was only middling. During the year the average yield to the *hectare* under cultivation was estimated to be as follows: Summer wheat, 16.70 *hectolitres* (the *hectolitre* equals 2.75 bush.); bearded wheat, 26 *hectolitres;* spring rye, 15.87 *hectolitres;* summer barley, 30 *hectolitres;* buckwheat, 22 *hectolitres;* pease, 19 *hectolitres;* potatoes, 8,838 *kilogrammes* (the *kilogramme* equals 2.67951 lbs. troy); summer colza, 19 *hectolitres;* flax, 561 *kilogrammes;* meadow grass, 3,931 *kilogrammes;* clover grass, 20,319 *kilogrammes.*—Official statistics of a subsequent date show that agriculture is making steady progress in different parts of the country. This is especially apparent in actual improvements, new manures employed, new modes of cultivation, agricultural implements, the use of plaster in fertilizers, the increase in the market value of land and the price of farm rents.—Between 1847 and 1869, 28,289 *hectares* of waste land belonging to the communes, were converted into arable lands; 28,277 into forests, 3,878 into meadows, and 260 into gardens; which gives an average of cleared land amounting to 2,640 *hectares* a year. There still remain 102,455 *hectares* susceptible of improvement.—*Industry.* The main branches of industry, generally prosperous, are constantly improving, according to the official statistics of the mines and foreign commerce.—In 1869 there were in exploitation 285 coal mines, covering an extent of 140,640 *hectares.* These mines yielded 12,944,000 tons, valued at 136 million francs, and furnished work at wages showing an upward tendency to 89,900 laborers. In 1865 there were only 82,000 men working in the coal mines —In 1869 the metallic mines gave employment to 8,526 workmen who worked in 99 mines, and 81 communes having free mines. The yield of these mines represents a value of 5,708,943 francs for the iron, 2,941,065 for the lead, and 2,638,509 for the calamine. In 1840 the corresponding figures were 1,470,896, 12,147 and 804,990.—In the same year, 1869, there were 322 welding furnaces for the manufacture of iron and cast-iron, employing 23,024 workmen, and yielding products valued at 135,507,352 francs, against 125 millions in 1866, 117 in 1865, 109 in 1867, 103 in 1868, 81 in 1860, and 30 millions in 1850. In other establishments, during the same year, the product of zinc amounted to 34,001,670 francs; of glass, to 28,652,500 francs; of lead, to 5,078,798 francs; of copper, to 4,576,000 francs; of steel, to 2,190,000

francs; of alum, to 331,014 francs; and of nickel, to 152,100 francs. The products of the quarries, 2,361 in number, with 21,262 workmen, amounted to 27,289,509 francs in 1869, a figure slightly different from that of the four preceding years, but ten millions above that of 1860.—Seraing, near Liège, Verviers, Tirlemont, Brussels and Ghent are the principal places for the manufacture of machinery.—In Liège and the neighboring communes there are more than 20,000 artisans, men, women and children, engaged in the manufacture of arms. The cannon foundry of Liège is a monopoly of the state. It ships iron and bronze cannon to every country on the continent, and also to countries beyond the sea.—Among other metallurgical industries of Belgium we might mention the cutlery of Namur, the flourishing manufacture of nails, and especially of zinc in its various forms, at Vieille-Montagne, Corphalie and Nouvelle-Montagne, the three great establishments in the province of Liège. The factory of Corphalie turns out also large quantities of lead.—Woolen industries have long existed, in Belgium, in a prosperous condition. For many years they have proved a source of comfortable livelihood to the people in the Flemish districts. Woolen factories, like all others, had to be centralized and subdivided into several branches, such as spinning, weaving and bleaching, separately conducted in large factories. Uniformity of management and the magnitude of the capital invested have been the principal factors of a cheap production such as the times demand. In the inevitable crisis which ensued Flanders came out victorious. The spinning mills turn out threads of a quality at least equal to the threads manufactured by the best mills in other countries. Belgian textile fabrics compete as exports with the English in many a market. —The manufacture of woolens and cloths, which formerly constituted the wealth of Flanders, has had to undergo the same phases of transformation as the manufacture of flax and linens. At the opening of this century Verviers resolutely adopted the steam woolen spinning which was to supersede hand spinning. Woolen factories are now ranked among the most rapidly developing industries in Belgium. Verviers and its suburbs continue to be the centre for these factories. A considerable number of mills and more than 18,000 operatives are kept busy turning out woolen fabrics, cloths and fancy stuffs.—Carpet factories are mostly found at Tournai. For some time past there has been an important carpet factory also at Ingelmünster in western Flanders.— It is estimated that 28,000 persons are engaged in cotton industries, only one-third of this number being in eastern Flanders. Calicoes made at Ghent still find buyers at Manchester, the centre of English manufactures. Cotton industry, which was planted in Belgium at the beginning of this century, grew rapidly during the French empire and the union of Belgium with Holland. After having remained almost stationary from 1830 to 1845, commencing at this last date cotton industry entered on an era of prosperity, such as marked the progress of other branches of manufactures in Belgium. Hosiery, a branch of industry which is constantly improving, is carried on mainly near Tournai and the French frontier. Besides the workmen regularly employed in these factories, these establishments furnish work to a large number of women and girls, who derive great benefit from it. Ribbon-making, one of the old industries of the country, is rising from the decay into which it had fallen. The *passementerie* is also advancing, and its contributions to foreign markets become more important every year in consequence of improvements introduced into this branch of industry.—Lace-making, one of the principal branches of manufacture in Flanders and the provinces of Brabant and Antwerp, gives employment to about 125,000 women and girls, 20,000 of whom are engaged at work in Brussels, which is celebrated for its lace works. Nets, the best of which formerly came from Scotland, are now manufactured at Brussels in such perfection that the best houses in Paris import them from Belgium to apply on them the flowers which for some years past are being manufactured in France. The *Mechlin*, made of linen, the *Grammont*, made of cotton and silk, the *Brussels* and the *Valenciennes*, are the four principal laces manufactured in the kingdom.—The manufacture of silks is not sufficient for home consumption. There are about 600 looms in operation, divided among some 30 manufacturers, in the provinces of Antwerp and eastern Flanders, and also at Brussels. Belgium has a rich population, who consume perhaps more silks than any other in Europe, and among whom silk materials are yearly entering more largely into the manufacture of garments and upholstery.—Breweries and distilleries, sugar refineries, cigar and tobacco factories, manufactories of paper and articles of gold, have received a great impetus and yield large profits every year. —*Commerce.* From 1841 to 1850 the import and export business of Belgium amounted, in the aggregate, to 6,500 million francs. From 1851 to 1860 this figure was more than doubled, having risen to near 14,000 millions; and from 1861 to 1870 it was quadrupled, or amounted to 25,850 millions. These figures need no comment.—In 1870 the "general commerce" amounted to 3,282 million francs, of which 1,760,200,000 was for imports and 1,521,800,000 for exports; or 2,094,800,000 francs by land and by river transportation, and 1,187,200,000 by sea.—The value of the general commerce in the year 1878 was represented by 2,450,858,592 francs for imports, and 2,084,341,792 for exports. The "special commerce" was as follows in the year 1878: imports for home consumption, 1,457,240,512 francs; exports of home produce, 1,117,287,288 francs.—*Means of Transportation.* The number of highways constructed since the independence of Belgium is truly marvelous. During this period more

roads have been opened than had been constructed for centuries before. In 1869 there were 1,055 leagues (of 5,000 metres) of state roads, 289.71 leagues of other roads, and 127.61 of leased roads, making altogether, 1,473.15 leagues.—The first railway in Belgium from Brussels to Malines, was opened for traffic on May 5, 1835.—In 1869 there were 589 *kilomètres* of railways belonging to the state, and more than 259 *kilomètres* of lines constructed by private companies, but operated by the state. Travelers to the number of 13½ million were carried by the roads belonging to the state. There are more than 2,000 *kilomètres* of roads operated by private companies.—On Jan. 1, 1880, there were in operation: state railways, 2,662 *kilomètres;* private companies' railways, 1,350 *kilomètres;* total, 4,012 *kilomètres.*—The opening of parish roads is also encouraged by the government. A law of April 10, 1841, provides for the preservation, improvement, maintenance and police of these roads. At the close of the year 1830 there were 1,495 *kilomètres* parish roads of all classes, and in 1855 there were 9,866 *kilomètres.* From 1841 (when the state assumed a part of the expenses of roads then inaugurated) until the year 1866, the various sources of revenue applied to the defraying of these expenses amounted to 66,927,054 francs. By means of these subsidies about 11 million metres of roads were paved, ballasted and finished.—In Belgium there are 851 *kilomètres* of canal and 974 *kilomètres* of river navigation. The two longest c nals are the Campine, which unites the Meuse to the Escaut, and measures with its branches, 168 *kilomètres* in length; and the Charleroi at Brussels, which is 89 *kilomètres* long, including its branches. Since 1830 only one-half of the length of these canals has been open to navigation. Several other canals and rivers have undergone improvements since 1830. The principal navigable rivers are the Escaut (233 *kilomètres*), the Meuse (186), the Lys (115), the Sambre (94), the Dendre (75) from Ath to Termonde.—BIBLIOGRAPHY. There are many works of reference on Belgium. Confining ourselves to political history and statistics, we may mention the following: *Essai historique et politique sur la révolution belge*, by J. B. Nothomb, third edition, Brussels, 1833, 1 vol. 8vo; *La Belgique sous le règne de Léopold I. Etudes d'histoire contemporanie*, by J. J. Thonissen, 2nd ed., Louvain, 1861, 3 vols. 8vo; *Les fondateurs de la Monarchie belge*, by Thomas Juste, Brussels, 12 vols. 8vo, (1872); *Statistique générale de la Belgique, Exposé de la situation du royaume, période décennale de* 1841 *à* 1850, published by the minister of the interior, Brussels, 1852, 1 vol. 4to. The ensuing period, from 1851 to 1860, appeared in 1864–5, in 3 vols. 4to, *Annuaire Statistique de la Belgique*, published since 1870, by the department of the interior; *La Belgique; ses ressources agricoles, industrielles et commerciales*, by H. Tarlier, Brussels, 1879, 8vo; *La révolution belge de* 1830, *d'après des documents inédits*, Brussels, 1872, 2nd ed.

XAVIER HEUSCHLING.

BELL, John, was born near Nashville, Tenn. Feb. 15, 1797, and died near Nashville, Sept. 10, 1869. He was graduated at the university of Nashville in 1814, was admitted to the bar in 1816, was a representative in congress (whig) 1829–41, was secretary of war under Harrison and Tyler (see ADMINISTRATIONS), and was United States senator 1847–59. During the latter part of his term of office he was one of the "south" Americans (see BORDER STATES, WHIG PARTY) who held aloof from both the democrats and republicans, only wishing to stop all agitation for or against slavery; and in 1860 he was the candidate of the constitutional union party for the presidency. A. J.

BELLIGERENTS, parties actually at war.—I. Just as, in the eyes of international law, not every armed contest is a war, the quality of belligerents is not recognized as existing in all parties engaged in war. Sovereign states at war are always belligerents. Doubt arises only when one of the parties to the struggle, or both, are not in the enjoyment of political sovereignty. Combatants must therefore be *recognized,* either implicitly or explicitly, as belligerents. In what case do they enjoy this quality? This depends on circumstances. Generally the quality of belligerents is accorded to members of a confederation which engage in a struggle with each other. The reason of this is, on the one hand, because they are regularly organized and observe the rules of international law; on the other, because the neutral states have neither the wish nor the right to decide which party is in the wrong, the interpretation of a constitutional or federal question being a domestic affair; and finally, for humane reasons, because belligerents are treated more mildly than insurgents. The quality of belligerents is accorded to two parties even in the case when a federal government presents the question as in the nature of an execution, that is to say, as an act of justice or coercion foreseen by the law. This was the case in the struggle of the Sonderbund in Switzerland, in 1847; in that of the United States from 1861 to 1865; and in that of Prussia in 1866 against the majority of the other states of the German Confederation.—In case of civil war what the custom of nations in the premises is, is not so well defined. Usually, the quality of belligerents is refused to insurgents as long as the government they have rebelled against remains in a condition to subdue them. When insurgents seem about to gain the upper hand, other states consult their own policy and act accordingly. More than one state has come to the assistance of insurgent provinces, and even been seen to foment the rebellion to its own profit; but these acts are not within the domain of international law. Their forum is conscience, public opinion and history.—Governments do not see with pleasure the quality of belligerents accorded to those whom they look upon as rebels, because this lends the latter a certain moral force: in return, however, it frees such

governments from all responsibility for any damage which the insurgents may commit. For example, during the war of secession in the United States, if English or French subjects had suffered a loss by the act of one of the agents of the government of the south, it was to this government of the south only that England or France could turn for redress, and with the fall of the confederacy every chance of remedy was lost. In the case of a Turkish subject it would have been different. Turkey not having recognized the confederates as belligerents, could have had recourse to Washington and said: Your rebels have committed depredations to my loss; I ask to be indemnified.—Here is a case somewhat older, cited by Mr. Lawrence (Commentary on Wheaton): Mr. Canning wrote to Lord Granville, June 22, 1826, that if the English government admitted with M. de Villèle that the powerlessness of the Greek government to keep its population in order justified an appeal to the English government and reprisals in case of the failure of such an appeal; that if it admitted with Austria (and he feared then with France) that the Greek government itself was only an insurrection, without rights or national duties, then the Turkish government itself was the one to which appeal should be made; that if the Turkish government was rendered responsible for the acts of piracy committed by certain Greek ships, then the Greek government being only a great act of piracy, the porte was responsible for the consequences.—Moreover, recognition of belligerents is often nothing more than the recognition of a fact, and does not in any way weaken the legal tie which may exist between the combatants (see session of the French senate, Feb. 12, 1864, *Rapport sur la pétition des Polonais*). In other terms it is recognized that there is war, that is all: no decision is made as to which side is in the right.—But how if a government at war with insurgents recognizes them as belligerents? Then one should distinguish according as the neutral states have themselves recognized the insurgents as belligerents, or have not recognized them. In the first case they relieve the rightful government of all responsibility for the acts of the *de facto* government; in the second, it is the government *de jure* which is responsible. It may happen that the insurrection is so great that a government, while proclaiming the insurgents to be rebels, treats them in fact as belligerents, through humanity or for other reasons, as took place during the war of secession in the United States. As a matter of fact an order of the day issued at Memphis, announced in April, 1865, that, beginning with May 25, confederate soldiers who should not have surrendered by that date should be treated as rebels and not as prisoners of war. This kind of recognition has no influence on international law. It is a domestic matter entirely.—The character of belligerents has never been accorded to pirates, nor to filibusters, nor brigands, nor to any of those who commit violence in their own private interest, or even to those who, guilty of violence, have not been duly authorized by their sovereign.—Thus, in 1866, during the war between Prussia and other German states, and notably Bavaria, a Bavarian collected some men together and made an incursion into a place in the vicinity of the principality of Hohenzollern, of which he took possession in the name of his government, without having been censured for the depredation. He was nevertheless brought before a Bavarian tribunal for this deed and punished for having acted without authorization. For the same reason citizens not forming a part of the army should abstain from taking part in war, for the enemy will not recognize them as belligerents and will punish them severely. All nations are at one on this point.—II. Having examined the question as to whom the quality of belligerents belongs, we shall set forth in brief what the rights and duties connected with it are.—These rights, which in ancient times and up to the middle ages were considered without limit, since there was no right for the conquered—*væ victis*—became more restricted by degrees since modern usage did not permit more harm to be inflicted on the enemy than was necessary to obtain victory. Even this is enough to make humanity shudder, but once war is admitted, it can not be otherwise. Consequently, combatants have a right to kill the soldiers of the enemy who attack them, but they must spare the wounded and the soldiers who surrender. The lives of non-combatant citizens and, for a greater reason, the lives of women and children, are sacred; for them the law of war does not exist; they remain under the rule of peace, provided, be it well understood, that they commit no warlike act. If non-combatants violate the peace, their punishment is all the greater, as they were not suspected. All civilized nations without exception are agreed on this point.—Just as the lives of non-combatants are safe, so should their property be. But as the occupation of the enemy's territory brings with it the suspension of the authorities established there who are replaced by those of the enemy, the latter enjoy, provisionally or temporarily, all the rights of sovereignty. The hostile authority, therefore, can demand of the inhabitants of the places occupied all that the national authority might have exacted, notably the maintenance of their troops, of ordinary or extraordinary taxes, requisitions in kind according to regular rule, and by giving receipts, so that if there is a chance the requisitions may be paid for by the country. Requisitions, however, can be levied only in so far as they are necessary to the enemy's army. But the single soldier never has the right to use force in his own private interest.—However, if the established authorities are *de jure* suspended, the enemy may nevertheless see fit to retain them. He can do so in his own interest as well as through humanity; but if this step is useful to him it is far from being harmful to the country occupied. Governments have seen fit to command their agents to quit their posts under similar circumstances, and the agents may

have thought patriotism imposed on them the duty of departing; but we do not know if this way of looking at the question is correct. Their departure causes less harm to the enemy than to the people. On the other hand, if the enemy enjoys *de jacto* all the rights of sovereignty, the sovereignty of the enemy does not go to the length of prescribing constitutional changes. In return he is not limited by the ordinary laws of the country, since he can legislate in virtue of his temporary but *de facto* sovereignty.—The powers which the usages of war accord to belligerents are too extensive not to make it their duty to use them moderately. The modern laws of war condemn cruelty and useless devastation, the breaking of one's parole, and everything contrary to honor. They proscribe also the use of barbarous weapons, poison, explosive bullets (but not cannon balls). Happily if war has remained cruel (and it will be so always), no nation has here a right to throw stones at its neighbors—still the horrors so frequent in former times have become rare. Adversaries, it is true, mutually accuse one another of abominable cruelty, but these are generally either exaggerations or disputed facts, more frequently the latter. Lies are always to be regretted, but in this case they are criminal, for they envenom and perpetuate quarrels, and always cause the shedding of innocent blood. The evil is great enough of itself: it is quite unnecessary to add anything to it. (See WAR; WAR, CIVIL.)

MAURICE BLOCK.

BENTON, Thomas Hart, was born near Hillsborough, N. C., March 14, 1782, and died at Washington City, April 10, 1858. He began practicing law in Nashville, Tenn., and was Jackson's aide; but a street fight with Jackson made life in Nashville so unpleasant to him that he removed to Missouri, and served as United States senator from that state (democrat) 1821–51. In the senate he was a voluminous and rather tiresome speaker, but his speeches were widely read and had great influence with the country. He was a southern democrat, opposed to secession and to agitation for or against slavery, and so lost ground in his own state. He served as representative in congress 1853–5, but was defeated in every other election after 1851.—See 1 Parton's *Life of Jackson*, 392; Benton's *Thirty Years' View;* Benton's *Debates of Congress;* 26 *Atlantic Monthly.*

A. J.

BERLIN DECREE. (See EMBARGO.)

BILL. A bill is a draft of a law presented to a legislative body for enactment. In the British parliament it is a form of statute submitted to the house of lords or commons, and becomes an act after passing both houses and receiving the royal assent. It is the same in the American congress, with the exception that under its rules, a joint resolution may be construed to be a bill. In English legislation no bill can become a law without the sovereign's assent. In American legislation a bill may become a law without the sanction of the president, provided, that after its disapproval by the executive, upon its re-consideration by congress, two-thirds of both houses shall agree to pass the bill. It is also provided by the constitution that if any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be law. In England, previous to the reign of Henry VI., the form of proceeding was by petition from the house of commons, with the concurrence of the house of lords and prelates, assented to by the king, and enrolled thereafter by the judges or others of the king's council. Frequently by modification or addition to the subject matter presented by the commons, or by abridgment in the answer of the crown, the certain purpose of the proceeding was defeated. As early as the reign of Henry V. the house of commons remonstrated, and insisted that the statutes should be framed in strict accordance with the petition. The opposition to these evils became so intense, that in the succeeding reign of Henry VI. the practice was established of presenting the matter for which the sovereign's approval was entreated, in the form of a bill, and since that period the rule has been engrafted upon English constitutional law, that nothing shall be enacted without the consent of the commons; and while the crown, at its option, may reject or assent to the bills of parliament, it can not alter them. But the rule is likewise established, that if the crown is specially interested in a bill, its assent must be obtained *before* its passage by the two houses; and should the royal patronage in anyway be affected, royal assent must be had before any proceedings are begun. The English rule also prescribes that the purport of a bill of attainder, or a bill granting titles, before presentment in parliament, must be laid before the sovereign. In early times the chief duty of the commons when summoned by the crown, was, at its dictation, to vote its supplies. The custom is partially preserved as the house of commons will not entertain a supply bill unless the crown first submits it. A bill granting a pardon is always first signed by the sovereign before any proceedings are entertained, and is subject to but one reading in each house of parliament. A bill consists of a preamble stating the need of the particular legislation, and the enacting clauses. Bills are of two kinds, public and private. A public bill relates to matters in which the public generally are interested. A private bill is for the particular interest or benefit of an individual, a private corporation, or a town or county.—The procedure with regard to bills is in many respects similar in both English and American legislation. In fact, American parliamentary law has been moulded after that of the English. Any member can introduce a bill in congress on one day's notice (unless by unanimous consent) in the senate, and in the house every Monday, and at other times by unanimous con-

sent. There are under the rules three readings of every bill, two of which are usually by the title only: the first on its presentment, the second at least one day later, and the third before the vote on its final passage. In cases of emergency, however, under a suspension of the rules, requiring a vote of two-thirds, all the proceedings may take place on the same day. On the second reading the bill is either committed or ordered to be engrossed and read a third time. If committed, it is then referred to committee of the whole house, or to a standing committee, which the speaker names. When ready to report, the chairman, or some member of the committee to whom the bill was referred, presents a written report to the house, with or without amendments to the bill, as the case may be, and the committee is discharged from its further cons deration. Upon order of the house, however, the same matter may be re-committed to them; in that event the whole question comes before the committee *de novo*, and they proceed again upon its consideration as if nothing had passed. After the bill has been read a second time, if no proposition for commitment be made, it is read by paragraphs, and if it has come from the other house the order is, whether it shall pass to the third reading. If it originates with themselves the question is, whether it shall be engrossed and read a third time. After the bill is passed it can not be altered in any particular; its title, however, can be amended. The bill is then sent by message to the other house, requesting its concurrence. After its passage by both houses it is enrolled on parchment, certified by the clerk or secretary of the house in which it originated, and sent to the joint committee on enrolled bills for examination. Having been signed by the speaker of the house and the president of the senate, and entered (by title) on the journal of each house, it is presented finally to the executive for his approval. (See ACT.) JOHN W. CLAMPITT.

BILL OF EXCHANGE. In commerce this term is generally used to designate that species of mercantile transactions by which the debts of individuals residing at a distance from their creditors are canceled without the transmission of money.—Among cities or countries having any considerable intercourse together, the debts mutually due by each other approach, for the most part, near to an equality. There are at all times, for example, a considerable number of persons in London indebted to Hamburg; but, speaking generally, there are about an equal number of persons in London to whom Hamburg is indebted. And hence, when A of London has a payment to make to B of Hamburg, he does not remit an equivalent sum of money to the latter, but he goes into the market and buys a *bill* upon Hamburg; that is, he buys an order from C of London addressed to his debtor D of Hamburg, requesting him to pay the amount to A or his order. A, having indorsed this bill or order, sends it to B, who receives payment from his neighbor D. The convenience of all parties is consulted by a transaction of this sort. The debts due by A to B, and by D to C, are extinguished without the intervention of any money. A of London pays C of ditto, and D of Hamburg pays B of ditto. The debtor in one place is substituted for the debtor in another; and a postage or two, and the stamp for the bill, form the whole expenses. All risk of loss is obviated.—A bill of exchange may, therefore, be defined to be an order addressed to some person residing at a distance, directing him to pay a certain specified sum to the person in whose favor the bill is drawn, or his order. In mercantile phraseology, the person who draws a bill is termed the *drawer;* the person in whose favor it is drawn, the *remitter;* the person on whom it is drawn, the *drawee;* and after he has accepted, the *acceptor*. Those persons into whose hands the bill may have passed previously to its being paid, are, from their writing their names on the back, termed *indorsers;* and the person in whose possession the bill is at any given period, is termed the *holder* or *possessor*.—The negotiation of *inland* bills of exchange, or of those drawn in one part of Great Britain and Ireland on another, is entirely in the hands of bankers, and is conducted in the manner already explained. Bills drawn by the merchants of one country upon another are termed *foreign* bills of exchange, and it is to their negotiation that the following remarks principally apply.—*Par of Exchange.* The *par* of the currency of any two countries means, among merchants, the equivalency of a certain amount of the currency of the one in the currency of the other, *supposing the currencies of both to be of the precise weight and purity fixed by their respective mints.* Thus, according to the mint regulations of Great Britain and France, £1 sterling is equal to 25 fr. 20 cent., which is said to be the par between London and Paris. And the exchange between the two countries is said to be at par when bills are negotiated on this footing; that is, for example, when a bill for £100 drawn in London is worth 2,520 fr. in Paris, and conversely. When £1 in London buys a bill on Paris for more than 25 fr. 20 cent., the exchange is said to be in favor of London and against Paris; and when, on the other hand, £1 in London will not buy a bill on Paris for 25 fr. 20 cent., the exchange is against London and in favor of Paris.—The foregoing statements explain what is usually meant by the *par* of exchange; but its exact determination, or the ascertaining of the precise equivalency of a certain amount of the currency of one country in the currency of another, is exceedingly difficult. If the standard of one be gold and that of another silver, the par must necessarily vary with every variation in the relative values of these metals. This, however, is not all: even where two countries use the same metal for a standard, its value may be greater in one than in the other, and in estimating the par of exchange between them this dif-

ference must be taken into account. In illustration of this we may take the case of France and Mexico: they both, let us suppose, use silver for a standard; but silver being largely produced in Mexico, is always cheaper there than in France, and is extensively imported into the latter; and taking the cost of this importation at 2 or 3 per cent., it is plain that the exchange would be really at par when it appeared to be 2 or 3 per cent. against Mexico. But the value of the precious metals, even in contiguous countries, is always exposed to fluctuations from the over-issue or withdrawal of paper, from circumstances affecting the balance of payments, etc., as shown above. It is obvious, therefore, that it is all but impossible to say, by merely looking at the mint regulations of any two or more countries, and the prices of bullion in each, what is the par of exchange between them. And, luckily, this is not necessary. The importation and exportation of bullion is the real test of the exchange. If bullion be stationary, neither flowing into nor out of a country, its exchanges may be truly said to be at par; and, on the other hand, if there be an efflux of bullion from a country, it is a proof that the exchange is against it, and conversely if there be an influx of bullion into a country.—*Circumstances which Determine the Course of Exchange.* The exchange is effected, or made to diverge from par, by two classes of circumstances: *first*, by any discrepancy between the actual weight or fineness of the coins, or of the bullion for which the substitutes used in their place will exchange, and their weight or fineness as fixed by the mint regulations; and, *secondly*, by any sudden increase or diminution of the bills drawn in one country upon another.—1. It is but seldom that the coins of any country correspond exactly with their mint standard; and when they diverge from it, an allowance corresponding to the difference between the actual value of the coins and their mint value must be made in determining the *real* par. Thus, if, while the coins of Great Britain correspond with the mint standard in weight and purity, those of France were either 10 per cent. worse or debased below the standard of her mint, the exchange, it is obvious, would be at *real* par when it was *nominally* 10 per cent. against Paris, or when a bill payable in London for £100 was worth in Paris 2,772 fr. instead of 2,520 fr. In estimating the real course of exchange between any two or more places, it is always necessary to attend carefully to this circumstance; that is, to examine whether their currencies be all of the standard weight and purity, and if not, how much they differ from it. When the coins circulating in a country are either so worn or rubbed as to have sunk considerably below their mint standard, or when paper money is depreciated from excess or want of credit, the exchange is at real par only when it is against such country to the extent to which its coins are worn or its paper depreciated.—2. Variations in the actual course of exchange, or in the price of bills, arising from circumstances affecting the currency of either of two countries trading together, are *nominal* only: such as are *real* grow out of circumstances affecting their trade.—When two countries trade together, and each buys of the other commodities of precisely the same value, their debts and credits will be equal, and, of course, the *real* exchange will be at par. The *bills* drawn by the one will be exactly equivalent to those drawn by the other, and their respective claims will be adjusted without requiring the transfer of bullion or any other valuable produce. But it very rarely happens that the debts reciprocally due by any two countries are equal. There is almost always a balance owing on the one side or the other; and this balance must affect the exchange. If the debts due by London to Paris exceeded those due by Paris to London, the competition in the London market for bills on Paris would, because of the comparatively great amount of payments our merchants had to make in Paris, be greater than the competition in Paris for bills on London; and, consequently, the real exchange would be in favor of Paris and against London.—The cost of conveying bullion from one country to another forms the limit within which the rise and fall of the *real* exchange between them must be confined. If 1 per cent. sufficed to cover the expense and risk attending the transmission of money from London to Paris, it would be indifferent to a London merchant whether he paid 1 per cent. premium for a bill of exchange on Paris, or remitted money direct to that city. If the premium were less than 1 per cent., it would clearly be his interest to make his payments by bills in preference to remittances: and that it could not exceed 1 per cent. is obvious; for every one would prefer remitting money to buying a bill at a greater premium than sufficed to cover the expense of a money remittance. If, owing to the breaking out of hostilities between the two countries, or to any other cause, the cost of remitting money from London to Paris were increased, the fluctuations of the *real* exchange between them *might* also be increased; for the limits within which such fluctuations *may* range correspond in all cases with the cost of making remittances in cash.—Fluctuations in the *nominal* exchange, that is, in the value of the currencies of countries trading together, have no effect on foreign trade. When the currency is depreciated, the premium which the exporter of commodities derives from the sale of the bill drawn on his correspondent abroad is only equivalent to the increase in the price of the goods exported, occasioned by this depreciation. But when a premium on a foreign bill is a consequence, not of a fall in the value of money, but of a deficiency in the supply of bills, there is no rise of prices; and in these circumstances the unfavorable exchange operates as a stimulus to exportation. As soon as the *real* exchange diverges from *par*, the mere inspection of a price current is no longer sufficient to regulate the operations of the merchant. If it be unfavor-

able, the premium which the exporter will receive on the sale of his bill must be included in the estimate of the profit he is likely to derive from the transaction. The greater that premium, the less will be the difference of prices necessary to induce him to export. And hence an unfavorable *real* exchange has an effect exactly the same with what would be produced by granting a bounty on exportation equal to the premium on foreign bills.—But for the same reason that an unfavorable *real* exchange increases exportation, it proportionally diminishes importation. When the exchange is really unfavorable, the price of commodities imported from abroad must be so much lower than their price at home as not merely to afford, exclusive of expenses, the ordinary profit of stock on their sale, but also to compensate for the premium which the importer must pay for a foreign bill if he remit one to his correspondent, or for the discount, added to the invoice price, if his correspondent draw upon him. A less quantity of foreign goods will, therefore, suit our market when the *real* exchange is unfavorable; and fewer payments having to be made abroad, the competition for foreign bills will be diminished, and the *real* exchange rendered proportionally favorable. In the same way it is easy to see that a favorable *real* exchange must operate as a *duty* on exportation, and as a *bounty* on importation.—It is thus that fluctuations in the *real* exchange have a necessary tendency to correct themselves. They can never, for any considerable period, *exceed* the expense of transmitting bullion from the debtor to the creditor country. But the exchange can not continue either permanently favorable or unfavorable to this extent. When favorable, it corrects itself by restricting exportation and facilitating importation; and when unfavorable, it produces the same effect by giving an unusual stimulus to exportation, and by throwing obstacles in the way of importation. The true PAR forms the centre of these oscillations; and although the thousand circumstances which are daily and hourly affecting the state of debt and credit prevent the ordinary course of exchange from being almost ever precisely at *par*, its fluctuations, whether on the one side or the other, are confined within certain limits, and have a constant tendency to disappear —This natural tendency which the exchange has to correct itself is powerfully assisted by the operations of the bill-merchants.—England, for example, might owe a large excess of debt to Amsterdam; yet, as the aggregate amount of the debts *due* by a commercial country is generally balanced by the amount of those which it has to receive, the deficiency of bills on Amsterdam in London would most probably be compensated by a proportional redundancy of those on some other place. Now, it is the business of the merchants who deal in bills, in the same way as of those who deal in bullion or any other commodity, to buy them where they are cheapest, and to sell them where they are dearest. They would, therefore, buy up the bills drawn by other countries on Amsterdam, and dispose of them in London; and by so doing, would prevent any great fall in the price of bills on Amsterdam in those countries in which the supply exceeded the demand, and any great rise in Great Britain and those countries in which the supply happened to be deficient. In the trade between Italy and Great Britain the bills drawn on the latter country amount almost invariably to a greater sum than those drawn on Italy. The bill-merchants, however, by buying up the excess of the Italian bills on London, and selling them in Holland and other countries indebted to England, prevent the *real* exchange from ever becoming very much depressed.—*Negotiation of Bills of Exchange.* Bills of exchange may be made payable on *demand* (the invariable term of payment in the case of checks), at *sight*, at a certain specified time *after sight* or *after date*, or at *usance*, which is the usual term allowed by the custom or law of the place where the bill is payable. In most countries, though not in all, a few days are allowed for payment beyond the term when the bill becomes due. These are denominated *days of grace*, and vary in different parts. In Great Britain and Ireland, and the United States, three days' grace are allowed on all bills except those payable on demand, which must be paid as soon as presented.

J. R. M'CULLOCH and HUGH G. REID.

BILL OF RIGHTS. A bill of rights is an abstract of rights and privileges claimed by a people.—In English constitutional law the bill of rights is known especially as the act of parliament 1 William and Mary, (sess. 2, c. ii.), by which certain demands contained in the declaration of rights, were enacted as essential principles of political liberty.—The formation and adoption of the English bill of rights constitutes one of the most important epochs in the history of British constitutional law. It is the last of the three great acts upon which the liberty of the English citizen has been founded, and which, with such a unity of principle, so pervades and sustains his personal freedom, that they may be proclaimed to be a trinity of principles, consolidated in a great fundamental truth, forming what lord Chatham called "the Bible of the English constitution."—The first of these acts which have been so firmly engraven upon English constitutional law, is that of *magna charta*, which in crude text before the discernment of legal forms had appeared, proclaimed in king John's oath before the barons at Runnymede, in 1215, that "No freeman shall be taken or imprisoned or dissezed or outlawed or banished or any ways destroyed—nor will we pass upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land." "We will sell to no man; we will not deny to any man either justice or right." This has become a perpetual law of the realm, and each English sovereign swears, in express

form of words, to support it, as a part of the coronation oath.—The second of these acts was the famous "Petition of Rights," which was an explicit affirmation of the principles of *magna charta*, applied to existing grievances. The arrest of John Hampden and four other citizens, for refusing to pay certain taxes levied by the king's order, and their subsequent treatment, occasioned the excitement which produced this act, and started the revolution which fills so many memorable pages of English history. They applied to the court of king's bench for the writ of *habeas corpus*, to know whether their commitment was by the "law of the land," and the charge upon which it was made.—The writ was granted; but the warden of the fleet made return that they were detained by a warrant from the privy council informing him of no particular cause of imprisonment, but that they were committed by the special command of his majesty, the king.—This return, made by the warden of the fleet, was followed by fierce denunciation on the part of the people, resulting in the petition of rights. This instrument, among other things, recited that, "whereas by the statute called the 'Great Charter of the Liberties of England,' it is declared and enacted that no freeman may be taken or imprisoned, or be disseized of his freehold or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land." "And in the eighth and twentieth year of the reign of king Edward III. it was declared and enacted by authority of parliament, that no man of what estate or condition that he be, should be put out of his lands or tenements, nor taken, nor imprisoned, nor disinherited, nor put to death without being brought to answer by due process of law." "Nevertheless, against the tenor of said statutes and other the good laws and statutes of your realm, to that end provided, divers of your subjects have of late been imprisoned without any cause showed, and when for their deliverance they were brought before your justices by your majesty's writs of *habeas corpus*, there to undergo and receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your majesty's special demand, signified by the lords of your privy council, and yet were returned back to their several prisons without being charged with anything to which they might make answer according to law."—In answer to this petition, to appease the excitement of the people, the king signed new guarantees of liberty. The royal word was, however, again broken, and odious and oppressive acts imposed upon the nation. The struggle between the people and the king began again and raged with great passion until Charles I. was beheaded, and the form of government known as the "Protectorate of Oliver Cromwell" came into existence. —The third great act in British history which was the culmination of the principles of *magna charta* and the *petition of rights*, was after the *restoration*, in the year 1689, and under the reign of James II. This revolutionary period closed with the enactment of the "Bill of Rights," the exile of James II., and the closing forever, among British sovereigns, of the line of kings from the house of Stuarts.—James II. ascended the British throne with two aims as the summit of his ambition. One was the overthrow of the constitutional system of England; the other, the restoration of the Catholic religion. In these endeavors the king resorted to the use of a vast number of illegal means, chief among which was the creation of a great standing army; the erection of a new court of ecclesiastical commission; the violation of the privileges of the universities; the suspension of the writ of *habeas corpus;* the nullification of the *test* act; and the modeling and remodeling of corporations in the hope that a parliament might be packed that would give to the king's illegal acts the color and form of law.—By these acts of usurpation and oppression, in the attempted overthrow of the English constitutional law, he arrayed against him nearly all of his subjects. And, as it were, to complete that alienation of feeling between the subject and the sovereign, he adopted other odious measures. He made the foreign policy of his country subservient to that of France, so as to gain the favor of Louis XIV. to his home policy. And to crown his acts of illegal seizure, he ordered the arrest of the archbishop of Canterbury and six bishops of the church of England, and their imprisonment in the Tower, for petitioning the king against his majesty's order that the "declaration of indulgences should be read in the churches."—These tyrannous acts so aroused the people that upon the *pretended* birth of a son to queen Mary to create an heir to the kingdom and thus perpetuate the king's line, the revolution began —William, prince of Orange, Protestant, and Mary his wife, who was the daughter of James, were invited by the earls of Shrewsbury, Devonshire and Derby, lord Lumley, Henry Sidney, Edward Russell and Henry Compton, the suspended bishop of London, to invade England and strike for the crown. In response to this invitation from some of England's most powerful leaders, William landed with a military force of 15,000 men. Although meagre compared to king James' army, and totally inadequate to the conquest of a kingdom, yet such was the feeling of the English people, and so pronounced their hostility to James, that all classes in great numbers flocked to the standard of the prince of Orange, and James, abandoned by all, including his daughter Anne, fled to France, where he was received and pensioned by the French king Louis XIV. In the following year he attempted to regain his throne by invading Ireland, and in July, 1690, fought the battle of the Boyne, where he was signally defeated by William, and driven forever from British soil.—At the time (Feb. 13, 1689,) that the crown was tendered to the prince and princess of Orange, an instru-

ment called the "Declaration of Rights," a digest of those fundamental principles of the English constitution, which were to be imposed as a condition of their acceptance of the crown, was delivered. This *declaration* recited the principal grievances which the nation had suffered under the preceding reign, viz., the assumption as a royal prerogative to grant a dispensation from penal acts of parliament; the establishment of a new tribunal to determine ecclesiastical questions; levying taxes without consent of parliament; maintaining a standing army in time of peace; interfering with the administration of justice, and the freedom of elections; exacting excessive bail from prisoners; inflicting barbarous and unusual punishments; exercising to an unlawful degree the dispensing power; and treating as criminal, petitions for redress of wrongs—all of which acts were declared to be illegal. The instrument then proceeded to assert the right of petition to the subjects of the crown; the right of freedom of debate in parliament; the right of electors to choose their representatives without interference by the emissaries of the king; the right of the people, through their representatives in parliament, to levy taxation in support of the crown; the right of the subject to a speedy and impartial trial under the laws by established courts of justice; the right to have jurors duly empanneled, and that jurors in trials for high treason should be freeholders; the right of impartial proceedings under writs of *habeas corpus;* the right of the subjects to have arms for their defense; the right that excessive fines should not be imposed, and that all grants and promises of fines and forfeitures before conviction shall be adjudged illegal; and that for redress of all grievances, and for the amendment, strengthening and preserving of the laws, parliaments ought to be held frequently.—This declaration of rights was presented to the prince and princess of Orange at Whitehall, and by them accepted with the crown. The establishment of the claims of the English citizen to personal and political freedom under constitutional law appeared complete. There were those, however, who had aided in the re-establishment of English liberty who firmly and conscientiously believed that the convention known as "A Convention of the Estates of the Realm," which had proclaimed this declaration of rights and conferred the crown on William and Mary, was an illegal and revolutionary body; that it was not a parliament in a lawful acceptation; that it had not been convoked in accordance with long established usage, not having been summoned by a royal writ, which was held to be indispensable to its legal authority; that the instrument it had drawn up and presented to the prince and princess of Orange was unknown to the ordinary law, not having received the royal sanction, and was not therefore binding in any lawful degree. —It was urged by others, equally zealous in the interest of constitutional law as a protection of personal rights, that the royal writ was a mere matter of form, and that to expose the substance of laws and liberties to serious hazard for the sake of a form would be senseless superstition. They further held that no royal writ had summoned the convention which recalled Charles II., and that it continued to perform legislative functions after his restoration without a change of *legal statutes.* Finally, that where the sovereign, the peers, spiritual and temporal, and the representatives freely chosen by the constitutional bodies of the realm, were met together, there was the *essence* of a parliament. It was finally determined that this great contract between the "governor and the governed," this "title deed," by which the king held his throne and the people their liberties, should be put into a strictly legal and regular form. To effect this, it was resolved that the declaration of rights should be converted by law into a bill of rights. The first act to be performed was that of changing the "Convention of the Estates of the Realm" into a parliament, so that its legislative acts might acquire a *legal status.* This was speedily accomplished by the king appearing in state at the house of lords, taking his seat on the throne and summoning the commons before him, for the purpose of delivering his speech to the two houses of parliament. On the king retiring, a bill declaring the *convention* a parliament was rapidly passed by both houses, and, on the tenth day after the accession of William and Mary, received the royal assent. —The house of commons immediately thereafter passed an act converting the provisions of the declaration of rights into a bill of rights. It did not, however, become a law at this session. —The *declaration,* among other things, had settled the crown first on William and Mary jointly, then on the survivor of the two, then on Mary's posterity; then on Anne and her posterity; and lastly, on the posterity of William by any other wife than Mary. The bill was drawn in exact conformity with the declaration.—At the suggestion of the king, when the bill of rights came before the house of lords for passage, an amendment was adopted, defining that the crown should, failing heirs of his majesty's body, be entailed on an undoubted Protestant, Sophia, duchess of Brunswick, Luxenburg, granddaughter of James I., and daughter of Elizabeth, queen of Bohemia. On the return of the bill to the house of commons for concurrence in this amendment, for some cause not clearly discernible, that body, by a unanimous vote, refused to concur. As the house of lords likewise refused to recede from its amendment, the bill of rights was dropped for that session. On the re-assembling of parliament at the following session, the house of lords no longer insisting upon the amendment entailing the throne upon Sophia, the granddaughter of James I., or any other person designated by name as successor, the bill became a law, and the declaration of rights, that changed the dynasty, seated William and Mary on the throne and secured to the English citizen personal and political liberty, became

engrafted upon English constitutional law as the "Bill of Rights."—The bill of rights, in addition to reiterating the privileges contained in the provisions of the declaration of rights, embraced some others of greater stringency. It stipulated that every English sovereign should, in full parliament and at the coronation, repeat and subscribe to the declaration against transubstantiation. It also enacted that no person who should marry a Papist should be capable of reigning in England, and that if the sovereign should marry a Papist, the subject should be absolved from allegiance.—The declaration of rights had contained no other provision with regard to *the dispensing power* of the king than to pronounce that power, as of late exercised, as illegal. All authorities and precedents sanctioned the theory that to the crown there belonged a certain *dispensing power*. How far that power might be exercised for the good of the realm, to what extent it might be judiciously exerted for the benefit of the subject, and to what limits it should be imperatively confined to prevent encroachment upon the constitutional law of the land, were questions that occasioned a wide divergence of opinion. Consequently every attempt to frame a definite policy failed from want of unison, and it was finally determined, as the only concurrent sentiment that could be obtained, to abolish it entirely. And thus, by the bill of rights, this peculiar privilege which for centuries had been held a prerogative of English kings, and which had been the cause of many fierce contentions, was forever swept away. The constitutional rights contained in this bill, with some additions, were re-asserted in the act of settlement by which the crown was limited to the Hanover family. (12 and 13 William III., c. ii.)—Similar provisions to those contained in the English bill of rights were appended to the constitution of the United States as amendments. Article I. provides, that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances." Article II. provides, that "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Article III. provides, that "No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law." Article IV. provides, that "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be invaded, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized." Article V. provides, that "No person shall be held to answer a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation." Article VI. provides, that "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district where the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."—It has been held by American statesmen that the foregoing amendments to the constitution of the United States are a concentration of all the tenets of liberty contained in *magna charta*, its continuation in the petition of rights, and its extension in the English bill of rights. And in verification, as it were, of the tribute paid by the earl of Chatham, that "the great acknowledgment of national rights contained therein is not confined to themselves alone, but confers a common blessing upon mankind," their adoption in the American constitution is a broad exemplification. Other nations have taken them for a guide in promulgating their principles of personal liberty, notably the declaration of rights adopted during the reign of Louis XVI., by the French national assembly. It differs somewhat from the English bill of rights in form of expression, its opening sentence resembling that of the American declaration of independence. It declared that all mankind are originally equal; that the ends of the social union are liberty, property, security and resistance to oppression; that sovereignty resides in the nation, and that all power emanates from it; that freedom consists in doing everything that does not injure another; that law is the expression of the general will; that public burdens should be borne by all the members of the state in proportion to their fortune; that the elective franchise should be extended to all; and that the exercise of natural rights has no other limits than their interference with the rights of others. This declaration of rights by the French assembly became a law by the sanction of the king.—A similar recital of rights as contained in the amendments to the constitution of the United States, usually including the writ of *habeas corpus*, is found in the laws or constitution of a number of the states of the American Union.[1]

JNO. W. CLAMPITT.

[1] In the constitution of a state of the American Union, says Judge Cooley, in his "Constitutional Limitations," we shall expect a declaration of rights for the protection of individuals and minorities. This declaration usually

BILLON. Economists call by this name the instruments of exchange of a metallic nature which take the place of money, for two special uses: for small change and small payments which could not be made with gold or silver coins, because these coins are not small enough. The word billon is applied to pieces formed of a base alloy of silver, as well as to those made of copper. Although pieces of billon are always given in the form of pieces of money, care must be taken not to confound billon with money. There is this radical difference between them, that the piece of

contains the following classes of provisions: "1. Those declaratory of the general principles of republican government; such as, that all freedmen, when they form a social compact, are equal, and no man, or set of men, is entitled to exclusive, separate public emoluments or privileges from the community, but in consideration of public services; that absolute, arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority; that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, happiness, security, and the protection of property; that for the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper; that all elections shall be free and equal; that no power of suspending the laws shall be exercised except by the legislature or its authority; that standing armies are not to be maintained in time of peace; that representation shall be in proportion to population; that the people shall have the right freely to assemble to consult of the common good, to instruct their representatives, and petition for redress of grievances; and the like. 2. Those declaratory of the fundamental rights of the citizen: as that all men are by nature free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness; that the right to property is before and higher than any constitutional sanction; that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed; that every man may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; that every man may bear arms for the defense of himself and of the state; that the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated, nor shall soldiers be quartered upon citizens in time of peace; and the like. 3. Those declaratory of the principles which ensure to the citizen an impartial trial, and protect him in his life, liberty and property against the arbitrary action of those in authority: as that no bill of attainder or *ex post facto* law shall be passed; that the right to trial by jury shall be preserved; that excessive bail shall not be required, nor excessive punishments inflicted; that no person shall be subject to be twice put in jeopardy for the same offense, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; that private property shall not be taken for public use without compensation; and the like."—Our author, writing of bills of attainder, says: "*Bills of attainder* were prohibited to be passed, either by the congress or by the legislatures of the several states. Attainder, in a strict sense, means an extinction of civil and political rights and capacities; and at the common law it followed, as of course, on conviction and sentence to death for treason; and, in greater or less degree, on conviction and sentence for the different classes of felony.—A bill of attainder was a legislative conviction for alleged crime, with judgment of death. Such convictions have not been uncommon under other governments, and the power to pass these bills has been exercised by the parliament of England at some periods in its history, under the most oppressive and unjustifiable circumstances, greatly aggravated by an arbitrary course of procedure, which had few of the incidents of a judicial investigation into alleged crime. For some time before the American revolution, however, no one had attempted to defend it as a legitimate exercise of power; and if it would be unjustifiable anywhere, there were many reasons why it would be specially obnoxious under a free government, and why consequently its prohibition, under the existing circumstances of our country, would be a matter of more than ordinary importance. Every one must concede that a legislative body, from its numbers and organization, and from the very intimate dependence of its members upon the people, which renders them liable to be peculiarly susceptible to popular clamor, is not properly constituted to try with coolness, caution and impartiality a criminal charge, especially in those cases in which the popular feeling is strongly excited,—the very class of cases most likely to be prosecuted by this mode. And although it would be conceded that, if such bills were allowable, they should properly be presented only for offenses against the general laws of the land, and be proceeded with on the same full opportunity for investigation and defense which is afforded in the courts of the common law, yet it was remembered that in practice they were often resorted to because an obnoxious person was not subject to punishment under the general law, or because, in proceeding against him by this mode, some rule of the common law requiring a particular species or degree of evidence might be evaded, and a conviction secured on proofs that a jury would not be suffered to accept as overcoming the legal presumption of innocence. Whether the accused should necessarily be served with process; what degree or species of evidence should be required; whether the rules of law should be followed, either in determining what constituted a crime, or in dealing with the accused after conviction,—were all questions which would necessarily address themselves to the legislative discretion and sense of justice; and the very qualities which are essential in a court to protect individuals on trial before them against popular clamor, or the hate of those in power, were precisely those which were likely to prove weak or wanting in the legislative body at such a time. And what could be more obnoxious in a free government than the exercise of such a power by a popular body, controlled by a mere majority, fresh from the contests of exciting elections, and quite too apt, under the most favorable circumstances, to suspect the motives of their adversaries, and to resort to measures of doubtful propriety to secure party ends?—Nor were legislative punishments of this severe character the only ones known to parliamentary history; there were others of a milder form, which were only less obnoxious in that the consequences were less terrible. Those legislative convictions which imposed punishments less than that of death were called bills of pains and penalties, as distinguished from bills of attainder; but the constitutional provisions we have referred to were undoubtedly aimed at any and every species of legislative punishment for criminal or supposed criminal offenses; and the term 'bill of attainder' is used in a generic sense, which would include bills of pains and penalties also.—The thoughtful reader will not fail to discover, in the acts of the American states during the revolutionary period, sufficient reason for this constitutional provision, even if the still more monitory history of the English attainders had not been so freshly remembered. Some of these acts provided for the forfeiture of the estates, within the commonwealth, of those British subjects who had withdrawn from the jurisdiction because not satisfied that grievances existed sufficiently serious to justify the last resort of an oppressed people, or because of other reasons not satisfactory to the existing authorities; and the only investigation provided for was an inquiry into the desertion. Others mentioned particular persons by name, adjudged them guilty of adhering to the enemies of the state, and proceeded to inflict punishment upon them, so far as the presence of property within the commonwealth would enable the government to do so. These were the resorts of a time of extreme peril; and if possible to justify them in a period of revolution, when everything was staked

money is reckoned in exchange as equivalent in value to the objects for which it is bartered. It is otherwise in the case of billon. When a Frenchman pays five francs for an article, the article has a value equal to that of 25 grammes of silver nine-tenths fine, contained in the five-franc piece. If he pays 20 centimes in copper for a kilogram of bread, the metal which he gives is far from equaling the value of the bread which he receives. The proof of this is, that it is not worth the twenty-hundredths, that is to say, one-fifth part of the quantity of silver in a one-franc piece; the respective value of the two metals, silver and copper, in an uncoined state, shows this clearly. The difference between the real value and the nominal value of the copper coins varies in different countries. It is generally between one-half and two-thirds. A grain of copper passes as if it was worth two or three. With base alloyages of silver, there is always a smaller departure from equality. There have been cases in which this departure was almost nothing. In England, where silver coin is considered billon, the nominal value of these coins differs from their real value only by one-tenth.—The difference between the nominal and the real value of copper coins is based upon this reason, that it would be too great an inconvenience for the public to carry even a very small number of them, if they contained an amount of metal equivalent to their nominal value. Besides, copper is a metal whose value is very variable, as compared with that of silver. The tables of prices current prove this; within a space of a few years it is not unusual to find variations of one-fourth, one-third and one-half. In order, therefore, to give to copper coins, as compared with silver, a value free from great variations, they would have to be frequently recoined.—But when the law rigorously limits billon to the two uses indicated above, to the making of change, and to all minor transactions, such as those of the daily purchase of bread, meat and coal for a poor family, this sort of *faiblage* of copper coins has no inconvenience. The restriction of billon to these uses also reduces the amount necessary even in very large states to quite a moderate sum. In France this sum is reckoned (1853) at from 40,000,000 to 45,000,000 francs, as against 2,500,000,000 of money; this is not 2 per cent. In Russia, at one time, the issue of billon had been exaggerated to the utmost. From 1762 to 1811 it amounted to 90,000,000 rubles against 137,000,000 rubles in gold and silver: 65 per cent In England, if we consider silver billon alone, it forms quite a considerable proportion. The coinage from Jan. 1, 1816, to Jan. 1, 1848, amounted to £13,590,000 of silver against £92,029,000 of gold, or nearly 1 to 7, but the legitimate circulation of silver coins is necessarily much more extended than that of copper coins.—It has happened more than once that governments have wished unreasonably to increase the uses of billon, by decreeing that it should constitute a certain proportion, one-twentieth or one-fortieth part, for instance, of payments of every kind. This was actually debasing the money of the country exactly in this proportion, leaving out of consideration the real value of the billon. If it be decreed that merchants must accept in payment one-fortieth part billon, and this billon contains only one-fourth of its nominal value, the debasement is three-fourths of one-fortieth, or nearly 2 per cent. All prices rise in this proportion, and this without almost any noticeable effect at home; but accounts with foreign nations give warning of the evil, for the course of exchange becomes unfavorable in the same proportion.—The poverty of the treasury is the motive which determines governments to tolerate or expressly authorize these abuses. Thus the French directory, when extremely hard pressed undertook to coin a quantity of copper *décimes* (nearly 20,000,000), and the right which it gave to private persons to use them in making payments enabled it to put them into circulation after having coined them. Mexico was flooded in like manner in 1835, with small pieces of a similar origin called *quartillas*.—This mischievous practice is met with several times in French history. It is met with under the old *régime* in the times immediately preceding the revolution. Necker, who had been a banker, and in this quality had recognized the inconvenience of the practice, although tolerably familiar with the principles of public economy, did away with it. The directory, with monstrous effrontery, restored it in 1796 by a simple resolution. Beginning with this year, in all commercial payments one-fortieth part was

on success, and when the public safety would not permit too much weight to scruples concerning the private rights of those who were not aiding the popular cause, the power to repeat such acts under any conceivable circumstances in which the country could be placed again was felt to be too dangerous to be left in the legislative hands. So far as proceedings had been completed under those acts, before the treaty of 1783, by the actual transfer of property, they remained valid and effectual afterward; but so far as they were then incomplete, they were put an end to by that treaty.—The conviction of the propriety of this constitutional provision has been so universal, that it has never been questioned, either in legislative bodies or elsewhere. Nevertheless, cases have recently arisen, growing out of the attempt to break up and destroy the government of the United States, in which the supreme court of the United States has adjudged certain action of congress to be in violation of this provision and consequently void. The action referred to was designed to exclude from practice in the United States courts all persons who had taken up arms against the government during the recent rebellion, or who had voluntarily given aid and encouragement to its enemies; and the mode adopted to effect the exclusion was to require of all persons, before they should be admitted to the bar or allowed to practice, an oath negativing any such disloyal action. This decision was not at first universally accepted as sound; and the supreme courts of West Virginia and of the District of Columbia declined to follow it, insisting that permission to practice in the courts is not a right, but a privilege, and that the withholding it for any reason of state policy or personal unfitness could not be regarded as the infliction of criminal punishment.—The supreme court of the United States have also, upon the same reasoning, held a clause in the constitution of Missouri, which, among other things, excluded all priests and clergymen from practicing or teaching unless they should first take a similar oath of loyalty, to be void, overruling in so doing a decision of the supreme court of that state."

paid in copper coin. This abuse, once established in principle, led to many other vicious practices. So-called banks were established, which issued notes payable in copper coins. Under pretext of correcting the most palpable inconveniences of the abuse, this served to sanction it, and to give it consistency; this was giving private individuals an interest in it, who would violently defend it when attacked. The bank of France itself, under the directorship of Cretet, paid the proportion allowed its own notes in copper coin. Mollien gives some curious details on this subject in his *Mémoires d'un ministre du Trésor*, vol. 3, pp. 165, 469. Finally, in 1810, this enlightened minister obtained of the emperor Napoleon a decree which forbade the use of copper coins in commercial payments, except in making change, to an amount not exceeding five francs. The receivers of the public revenues had, up to the time of the issuing of this decree, taken an excessive proportion of *sous;* so that nine-tenths of the receipts from the mail service consisted of *sous*, and in a total budget of 850,000,000 francs, some 40 millions in *sous* were annually paid into the treasury. All the receivers of the revenue were ordered, by this decree, to be very severe on this point in future. Those who were likely to receive considerable quantities of these *sous* were paid a supplementary salary to induce them to reduce to an insignificant proportion the quantity of copper they took in. Nothing more was needed to destroy a custom which savored of the grossness and ignorance of barbarous times.

MICHEL CHEVALIER.

BILLS, Public, Private, Enrolled, Engrossed, Omnibus, etc. (See PARLIAMENTARY LAW.)

BI-METALLISM. (See PARIS MONETARY CONFERENCE.)

BIRNEY, James G., was born in Danville, Ky., Feb. 4, 1792, and died at Perth Amboy, N. J., Nov. 25, 1857. He was a slaveholder, and, while practicing law in Huntsville, Ala., was general agent for the colonization society in northern Alabama. In 1834, returning to Kentucky, he freed his slaves and undertook to establish an abolition newspaper. He was compelled by violence to leave Danville and go to Cincinnati, whence he was again driven to New York city in 1836. Here he became corresponding secretary of the American anti-slavery society. In 1840 and 1844 he was the abolition (or liberty party) candidate for president. (See ABOLITION.) In 1842 he removed to Michigan, and there became disabled for political work, by a fall from his horse.—See Beriah Green's *Sketch of Birney.* A. J.

BLACK COCKADE (IN U. S. HISTORY). Throughout the American revolution a black cockade upon the side of the hat was a part of the continental uniform. When, therefore, the intense war feeling against France, roused by the dispatches from the X.Y.Z. mission, became useful in politics, the black cockade was mounted by the federalists, partly as a patriotic badge, and partly as a popular reminder of the tri-color cockade, which the republicans had been accustomed to wear as a mark of affection for France. The new badge provoked the anger of the more violent republicans, and several persons were beaten for wearing it. In the decadence of the federal party, "black cockade federalist" became a common term of reproach.—See 5 Hildreth's *United States*, 207; 1 Schouler's *United States*, 387.

A. J.

BLACK CODE. (See SLAVERY.)

BLACK REPUBLICAN. (See REPUBLICAN PARTY.)

BLAINE, James Gillespie, was born in Washington county, Pa., Jan. 31, 1830; became a newspaper editor in Maine; was a representative in congress, (republican), 1863–75; was speaker of the house, 1869–75; was United States senator, 1876–81; and became secretary of state under Garfield. (See ADMINISTRATIONS.) In 1876 and 1880 he was one of the prominent competitors for the republican nomination for the presidency. (See REPUBLICAN PARTY). A. J.

BLAIR, Francis P., Jr., was born at Lexington, Ky, Feb. 19, 1821, and died at St. Louis, July 8, 1875. He was graduated at Princeton in 1841, began practicing law in St. Louis, and served as a representative in congress, (free soil), 1857–62. In the Union army he reached the rank of major general. Until 1868 he was a republican, but then, because of his opposition to reconstruction by congress, was the candidate of the democratic party for vice-president. He was United States senator, 1871–73. A. J.

BLOCKADE is the shutting out of neutral commerce from access to an enemy's ports or coast. The right of blockade can not be confined to ports or fortified towns alone, as has been sometimes urged. It may include the entire coast line of a state, with all harbors, mouths of rivers or localities of any sort where goods can be landed. For the object of a belligerent in laying blockade is to prevent trade between his enemy and neutral states. Any spot along the coast where this trade could take place can therefore be blockaded. But if a river or other waterway serves as the boundary between the hostile and a neutral state, only the enemy's portion can be closed.—Some writers found the unquestioned right of a belligerent to shut out neutral trade from his enemy's shores, upon the sovereignty which he has acquired, by occupation, over its coast sea, in the course of his blockading operations. But this is not a good explanation. For, first, the sovereignty over waters near a coast is simply an incident to the possession of the coast itself, and not separable from it. And again,

many of the operations of a blockade take place far beyond that distance from the shore which is the accepted limit of territorial waters, and therefore outside of the jurisdiction formerly claimed by the hostile state. So that a blockade has greater extent than a simple transfer of sovereignty can account for.—The true basis of the right of blockade is to be found in the general right, which every belligerent possesses, of distressing his enemy and weakening his powers of resistance by cutting off his foreign trade. Incidentally this may injure the neutral too, but plainly that is not the object of the act; it results from the necessities of war; and the neutral who may gain in other ways, in marketing certain products or in his carrying trade, must be content to lose in this. The part which blockade may play in warfare is readily seen in our own recent history. So long as the ports of the southern confederacy were open, and the south could exchange its cotton and rice and tobacco for European manufactures, its power of resistance could be indefinitely prolonged. But with its ports closed to foreign commerce, unable to market its products or supply its necessities abroad, it was at an immense disadvantage from the outset.—Since blockade is a belligerent right, its observance is a neutral duty. Yet the onus of prevention is not laid upon the neutral, nor can a breach of blockade be considered a municipal offense, which he is bound to take cognizance of.—If the neutral ship owner tries to run a blockade and is caught, his property suffers penalty, just as dealers trying to introduce provisions into a besieged town would lose their venture. The principles involved in siege and in blockade are somewhat the same, but the two should never be confounded. For siege implies a trying to get in, as well as a shutting out, on the part of the besieger, and is a term in land warfare; while blockade is simply restrictive and preventive, and the term applies solely to traffic on the sea.—The declaration of blockade is a sovereign act, open, generally speaking, only to the highest executive authority of a state. Yet it has been delegated sometimes to lesser authorities—a fleet commander, for instance, with instructions to blockade a certain port at his discretion. But to-day, when all parts of the world are reached by telegraph, such discretionary powers would not be necessary.—Since a blockade is a very serious limitation upon the rights and interests of neutral states, the neutral has a right to demand a certain efficiency in its operations, and a due notice of their beginning and end, before he is bound to recognize it as valid. Thus, it must be a positive act, and not a mere threat without the power to enforce it, and it must be preceded by notice of the extent of its operations, and their date of commencement. For obviously a neutral ship owner ought not to suffer penalty for failing to respect a restriction of which he is necessarily ignorant. These principles in the course of time have been formulated into rules, so that now, in order to make a capture for breach of blockade valid, three things must be proved: 1, that the blockade is effective; 2, that due notice of it has been given; 3, that there has been an attempt to break it.—1. *Effective Blockade.* We proceed to examine these rules more particularly. The first was in doubt for many years, but is now happily settled. There is no general agreement, it is true, as to the number of ships, their arrangement or armament, which shall make any given blockade effective. It has been suggested that an arc of circumvallation be drawn about the blockaded point, with ships patrolling up and down along it. But the method of conducting a blockade must differ according to the nature of the navigation, the contour of the coast or harbor, and the importance of the operation. A hundred miles of harborless coast might be patrolled by a single ship, while a port like Charleston would need a number.—Nor is it inconsistent with an effective blockade that it be occasionally evaded. Some blockade runners made the round trip from Nassau to Wilmington and back almost every month in spite of the blockade, yet it was not considered invalid. It is enough if there is so great risk of capture, in running the blockade, as to make the operation a very dangerous one. No blockade has been or could be laid an evasion of which would be impossible. This rule, however, that blockades to be binding must be effective, was aimed at a specific abuse of the system, generally called cabinet or paper blockades—those which do not exist in reality but only on paper. The most striking instances of this, though not the earliest, occurred during the wars between France and England at the beginning of the present century. Prussia, in return for Hanover, went over to France, and closed her ports against England. It was a treacherous act, but if she were resolved upon war, the closing of the ports was a legitimate war measure. England, in retaliation, after trying a milder measure, declared the coast, from the Elbe to Brest, under blockade. It was far beyond the power of the English navy to blockade effectually so great a stretch of coast, with its ports and river mouths and intricate estuaries. So that the declaration of blockade could not be supported by the fact. The ports under blockade were really closed not by a belligerent force, but by a stroke of the pen. The harm and injustice of such a course, to the neutral, is plain enough. Such a method of closing an enemy's ports is not blockade. It is an order to the neutral not to trade with one's enemy, even in innocent, non-contraband property, under penalty of capture and confiscation, which is an entirely different thing from a warning that certain ports or a certain coast are closed to neutral commerce by their blockade. And, as was immediately seen, the system was capable of indefinite extension. For Napoleon, by his Berlin decree of Nov. 21, 1806, laid the whole British coast under blockade, although he had hardly an available ship with which to enforce it, and never

intended to enforce it in fact, but simply to exact the penalty for its breach, when neutral ships which had traded with Great Britain came to his ports. Then England, in turn, laid the entire continent under blockade from Prussia to Italy, and Napoleon renewed his Berlin decree with fresh penalties. Neither state justified its stretch of the correct principles of blockade, save as a measure of retaliation. As a matter of fact this retaliation affected neutrals rather than the other belligerents. In their deadly struggle neither combatant regarded the rights of third parties, so long as it injured its foe. When peace returned, and men's passions grew cool, they could look at such acts more calmly, and even condemn what they had themselves before defended. During the Crimean war a correct system of blockade was observed by the allies, and after it, when the representatives of the great powers met in Paris to settle the terms of peace, they took up, among various questions of international interest, this one of paper blockades; and declared as between the signatories that "Blockades, in order to be binding, must be effective, that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy." This is the fourth article of the important declaration of Paris, of 1856. The United States unfortunately did not accede to this declaration, but had long before, and very consistently maintained the same rule, so that it may now be considered universally adopted.—II. *Notice of Blockade.* There must be an actual notification of the commencement of a blockade, before valid captures can be made for breach of it. Common notoriety is not sufficient, without this official notice, even when a blockade has been raised and then renewed again. (The Hoffnung, 6 Rob. 112.) This notice may be of two kinds: a special notice to each ship trying to enter the blockaded port, at its mouth, with the fact of the warning inscribed upon her register; or a general diplomatic notice to all neutral governments. After sufficient time for it to become generally known, this is constructive notice to every captain or shipper in that state. These two forms of notice are sometimes made to supplement one another; for example, the blockade of the ports of the south in 1861. On the 19th of April president Lincoln, by proclamation, put under blockade the ports of the confederacy, from South Carolina to Texas inclusive. A week later this was extended to Virginia But at that time there were but 42 United States ships in commission, and some of these were on foreign stations. How could a blockade of such vast extent be laid, when so few ships were available to make it eff ctive, without being open to the charge of being a paper blockade? To avoid this, with the general diplomatic notice was coupled for awhile a special notice at the mouth of each port actually closed; so that *in spite* of the general announcement, one warning was allowed every ship touching at a blockaded port before capture. Thus each port was brought under the application of the proclamation, only when this was supported by the fact, and a squadron was at its mouth. Though within the letter of the law, this course was unjust to the neutral. For, shut out from all southern ports by proclamation, when only a few were actually blockaded, he was exempt from capture indeed but could not know, at any given moment, which were still open and where he could trade. But no special complaint seems to have been made of this looseness. By degrees, as the blockading force grew larger, the blockade became more extensive and more stringent. And as this occurred, the general replaced the special notice, so that after the effective closing of any port had become notorious, the special notice was no longer given, and capture took place without a warning. A state may thus employ either form of notice at will; it is only the French who think both together necessary—that there must be a diplomatic notification and notice at the harbor's mouth also. The ground for this seems to be the idea that a shipper's or ship captain's knowledge of a blockade, announced only officially, can not be presumed; in other words, that no constructive notice and knowledge of its existence can fairly be ascribed to him. But what, as a matter of fact, is better known than that a certain country is under blockade, whether by hearsay, by public announcement, or through the newspapers, among seafaring men? Upon such matters, within reasonable limits, it is their duty to be informed. The French usage simply opens the door to fraud. What motive can a captain have in visiting a port which he knows to be blockaded, if it be not to evade that blockade, knowing that no penalty can attach until after one attempt?—With this exception, the usage of maritime states in regard to notice is pretty much the same. When a blockade is raised for any reason, notice of this should be given as publicly and as widely as of its commencement. And even the temporary departure of the blockading squadron is to be considered a raising of the blockade, except only when caused by stress of weather. Thus, if driven away for two days by the enemy's fleet, and returning at once thereafter to its post, it is a new blockade of that port, and fresh notice should be given. This is the rule, though it is not always strictly enforced. Thus, during the blockade of the south, in several instances there was an interval of a number of days between the departure of one vessel or squadron and the arrival of another sent to relieve it, yet no new notice was thought necessary by Mr. Seward, though his attention was called to the irregularity. — III. *Breach of Blockade.* There must, lastly, be an attempt to break the blockade, after it has been effectively established and duly announced. This may appear from a ship's actual entrance within the lines of the blockade, or from such circumstances as imply an intention to effect an entrance. Such facts as the avowed destination and actual course of the

ship; the owner's instructions; the nature of the cargo, its form of consignment; any irregularity in the vessel's papers, their concealment or destruction, would be carefully looked into by the courts, and might fasten upon ship or cargo an intended breach of blockade. Thus at the very outset of the voyage a ship may be liable to capture; because it has thus taken the first step toward committing the offense. Sir William Scott states this authoritatively (The Columbia, 1 Rob. 154): "I am clearly of opinion that the sailing with an intention of evading the blockade of the Texel, was beginning to execute that intention, and is an overt act constituting the offense. From that moment the blockade is fraudulently invaded." This seems to be the rule adopted by English and American prize courts, though not universally accepted by foreign jurists. Bluntschli, for instance, would attach no penalty to a ship, although intending to run a blockade, until it was so near to the blockaded port as to leave its intention beyond doubt, on the plea that until then its original intention might be changed. Some recent decisions of United States courts[1] have gone still further in inferring this intention to break blockade, by means of the doctrine of continuous voyages. This was applied to ships and cargoes bound nominally to a neutral port, but which appeared to have as their ultimate destination a blockaded port. The touching at a neutral port *en route*, Nassau, for instance, between London and Charleston, was not allowed to free the voyage, *thus far*, of its noxious character. It was still held one continuous voyage to a blockaded port. —A breach of blockade is committed by egress from as well as entrance into a blockaded district. And in this case no notification need be proved. The fact of the blockade is presumed to be known to the place blockaded. But not to be too severe toward neutrals, after the closing of a port, a certain delay is usually granted, to enable neutral ships loaded or in ballast to get away. This was 15 days in the blockade of the southern ports, and in special cases the time was extended.—Upon these three conditions, then, that the blockade is effective, that notice of it has been duly given, and that its violation is attempted, a neutral ship may be arrested, tried, and, upon conviction, may suffer penalty. This penalty is primarily the confiscation of the ship. The cargo follows the fate of the ship unless its owners can remove it from complicity in the act of the ship by direct evidence. The captain is the agent of the owners of the ship, not always for the cargo too, so that it may happen that a voyage to a blockaded port is undertaken without any interest in such a venture, or knowledge of the existence of a blockade, on the part of the owners of the cargo. But if both ship and cargo are owned by the same persons, the guilt of the latter is conclusive. And in general the presumption seems to lie against the innocence of the cargo. For if not for the cargo's sake, why should a master imperil his ship by attempting a blockade?—We have already seen that the penalty for attempting to break a blockade may attach at the very commencement of a voyage. It also lasts during the return voyage or round trip, which is looked upon as one transaction. Thus after successful egress from a blockaded port, a ship might remain liable to confiscation during a year's cruise. As soon as the blockade is raised, however, this liability ceases.—There are two possible exceptions to the rule forbidding neutrals to enter a blockaded port. Neutral ships of war are sometimes admitted, out of comity, on diplomatic errands; and a ship in absolute danger of destruction from accident or storm, may take refuge in it, if no other refuge is possible. A general license to trade granted to the neutral by the government laying the blockade, does not warrant entrance within the blockading lines.—The penalty for breach of blockade is confined to the ship and its cargo; no punishment can be visited upon the crew. When during the war of secession certain northern officers paroled the crews of blockade runners not to serve again during the war, they were unauthorized, and their prisoners were discharged without condition. —*Pacific Blockade.* This, in spite of its title, is not properly a branch of our subject. It should rather be classed among preliminary war measures. It is a contradiction in terms, for blockade implies a war. No blockade can be laid unless excused by the necessities of war, since it would violate the rights of neutrals. Pacific blockade is simply an act of force employed by a strong toward a weaker power, in order to compel it to redress certain wrongs, or pursue a certain line of action. The one state closes the ports of the other, yet without considering this a war measure, or taking any other steps toward war. Thus the allied fleets closed certain ports in Greece, in 1827, in order to force Turkey to do her justice. Whatever may be thought of such an act, the term pacific blockade is to be deprecated.

THEODORE S. WOOLSEY.

[1] The Bermuda, 3 Wall, 514; The Springbok, 5 Wall, 1.

BLOODY BILL. (See FORCE BILL, under NULLIFICATION.)

BLUE LAWS (IN U. S. HISTORY), codes of laws of remarkable severity against minor offenses, based upon the Mosaic law, so far as applicable, said to have been adopted by the original settlers of Connecticut and New Hampshire. Their existence, in the form commonly attributed to them, has been frequently disproved.—See *Code of* 1650, *with extracts from the laws of New Haven, commonly called Blue Laws;* Trumbull's *True Blue Laws;* 107 *Blackwood's Magazine;* 30 *New Englander.*

A. J.

BLUE LIGHT (IN U. S. HISTORY). In 1813 Decatur attempted, on several dark nights, to get to sea with his two frigates from the blockaded

port of New London. On each occasion, as he claimed, he was prevented by signals made with blue lights at the harbor mouth, to warn the British fleet to be upon the alert. The story spread, and all opponents of the war, in New England and elsewhere, were stigmatized as "blue light federalists."—See 6 Hildreth's *United States*, 467.

A. J.

BOARD OF TRADE. (See CHAMBER OF COMMERCE.)

BOLIVIA. Bolivia is a vast territory of South America, of 1,297,255 square kilomètres, extending from 7° to 26° 40′ south latitude, and from 60° to 75° west longitude. It is bounded on the south by a branch of the Andes and the desert of Chaco, which separates it (and this word should be understood here in its strictest sense) from the Argentine republic; on the southeast, east and the northeast by the plains of Uruguay and Brazil; and on the north, northwest and west by other spurs of the Andes or by the principal chain itself which separates it from Peru, and by the Pacific ocean which it touches for a distance of about 250 miles, between San Taltal-Point and the river Loa. This country, which later received the name of Bolivia, was formerly a part of upper Peru. It was dependent at first on the vice-royalty of Buenos Ayres, with whose capital the great distance and a number of deserts rendered communication almost impossible. It was afterward united to the vice-royalty of Peru. It took part but tardily in the movement which, for many years, had raised up the Spanish colonies against the mother country. The impulse to this came to it from the north. It was only in 1824 that Sucre, a young Colombian general, the conqueror of Pinchincha, where he had assured the independence of Colombia, for a moment the supreme chief of Peru which he had freed by the victory of Ayacucho, the friend and principal lieutenant of the celebrated Bolivar, the man who next to the *liberator*, was most distinguished in the war of independence, conquered that part of upper Peru. In the name of the revolution he proclaimed the independence of these provinces, on the 6th of August of the same year, and on the 11th of March, 1825, he gave them the name of Bolivia, in honor of his master. Bolivia was at first united to the republic of Peru, and Bolivar exercised over it an unlimited power, the rigor of which Colombia and Peru themselves had not felt to the same extent. However it was erected into an independent state soon after, and when the Peruvian congress at Lima, in 1825, renounced its rights to these provinces and gave its consent to the separation, Bolivar imposed on them the constitution known as the Bolivian code, and offered the presidency of them to general Sucre, who till then had governed them in his name; but this régime was of short duration. It had lasted barely two years, when Bolivar, seeing his power menaced by insurrection in Colombia, left Peru in all haste. The fragile structure which he had wished to raise did not survive his departure. Two insurrections against marshal Ayacucho (Sucre), one at La Paz, on the 25th of December, 1827, the other at Chuquisaca, on the 18th of April of the following year, broke out; they were forcibly put down; but the president, disgusted with the exercise of power thus contested, gave in his resignation, and, after incurring great danger, succeeded in rejoining Bolivar. —The first constitution of Bolivia intrusted the executive power to a president for life, to a vice-president, and to three secretaries of state. The legislative power, shared by three chambers, that of the tribunes, that of the senators, and that of the censors, was the result of an election of two degrees. Each chamber was composed of 30 members, elected for 4 years, and held a session of 2 months each year. This first constitution was followed by several others. The most recent, voted in 1868, intrusted the executive power to a president elected for 4 years, and the legislative power to a congress. It is true that this constitution was abolished in 1869, but that which was to replace it and those which may have followed this, can not but reproduce the two fundamental institutions of the South American republics, a congress and a presidency. Moreover, whatever be the mechanism of these governmental forms, often borrowed from the most elaborate and most liberal theories of Europe, the Spaniards and the Indians of South America scarcely understand the exercise of power, except by means which would pass in Europe for simple tyranny. We are seized with an invincible sadness when we compare the debasement into which these vast and rich countries have fallen under the dominion of European conquerors with the prosperity which they enjoyed under the paternal government of native princes, called barbarians. Europe brought misery and oppression to a happy people, who, under the mild government of native princes, lived in plenty. Have the conquerors fared better? This may be doubted Victims of low ambition torn by factions, incapable of reaping any advantage from the wealth of their soil, they seem doomed to inevitable decay. Let us hope that they will find a means of escape by attracting foreigners to the country, and by an infusion of new blood.—Some administrative and judicial progress is due to Mr. J. M. Linarès, a liberal raised to the presidency in 1858. Although he maintained an army very burdensome to the country, and put at the head of the troops too many colonels and generals of his own style, although it is impossible to approve all his financial schemes, we must give him the credit of having introduced some economy into the finances, of having increased the number of schools, of having had laws made in favor of the Indians, of having regulated municipal government and reformed the judiciary. A quarrel with Peru, in which Peru seems to have been

altogether in the wrong, came near compromising, in 1860, this favorable movement, but harmony was restored between the two republics, and they became more closely united, some years later, under the influence of common interests and common dangers. The idea of a federation of South American republics was obtaining root. It was desired to hasten, by more intimate political relations, the civilization of that vast continent, to create a counterpoise to the influence of the United States, and to reject all intervention of Europe in the politics of the new world. But the states which it was desired to unite are separated by much more than their geographical distance; and four states alone occupying the Pacific coast, in the central region of South America, commenced the realization of this vast plan.—In 1864 Bolivia, Chili and Ecuador sent deputies to a congress convened at Lima by the Peruvian government, which was threatened by the arms of Spain. Spain justly claimed reparation for damages done to her citizens, but the plenipotentiary sent from Europe to set forth the grievances of the former mother country assumed the aggressive title of commissioner extraordinary of the queen, the title of the governors before the period of independence. The war of secession in the United States was at its height, as was also the Mexican war. The republics of South America were convinced that France and England favored the dismemberment of the United States, and the congress of Lima inferred from this the existence of a European plan, by which Spain would endeavor to recover her colonies.—Peru secured the alliance of the three republics which had sent delegates to the congress of Lima. Bolivia concluded its treaty in February, 1866, but was not able to furnish any other assistance in the war except to prevent the revictualing of the Spanish fleet in the Bolivian harbor of Cobija. The war was closed by the retreat of the Spanish fleet, which was repulsed at Callao, but the treaty of peace was not signed till 1868.—In the interval Bolivia formed a more intimate alliance with Chili. The two republics were disputing the ownership of the guano deposits on the islands of Mejillones. A treaty of the 10th of August, 1866, confided the working of the deposits to a French company.—Bolivia occupies, in the centre of the American continent, a very unfavorable situation which condemns it to an isolation almost absolute, and seems to raise up an insurmountable obstacle to the development of its political or commercial power. It is divided by nature into two very distinct parts: the mountainous country in the west, and the country of the plains in the east which forms the largest portion of it and which extends from the banks of the Pilcomayo, an affluent of the La Plata, on the south, to the northeast point of the territory, where the Rio Mamore joins the Rio Beni and forms the Rio Madeira, the principal affluent of the Amazon. The valley of Pilcomayo occupies the south of the eastern region. The north is watered by the Desaguadero, which empties into lake Titicaca, the largest lake of South America. It constitutes the boundary between Bolivia and Peru. Its immense basin is inclosed by a double chain of mountains, the Cordillera of the Andes and the Cordillera of Alama. The mean elevation of this valley is 13,000 feet above the level of the sea. It communicates with the ocean by six passes, whose highest points overlook the Pacific at a height of 15,000 feet, and the valley at 2,000 feet. Besides lake Titicaca and the great watercourse just named, the vallies and plains of Bolivia are irrigated by numerous rivers which flow southward to the Rio de la Plata and north to the Amazon. Bolivia owes to the elevation of the greater part of its territory a more temperate climate than would seem to be indicated by its geographical position. Gold is found in some parts, especially on the slope of the eastern Cordillera. The silver mines of Potosi have a reputation of ancient date which, according to report, they have ceased to deserve. Copper is met with in abundance, particularly in the district of La Paz, as are also deposits of lead and tin. The soil of these vast countries, ill cultivated, badly worked, and lacking inhabitants, yields to the most varied kinds of cultivation. The fruits of Europe and the products of tropical regions are there gathered: Cocoa, sarsaparilla, copaiba, India rubber, aromatic and medicinal plants, quinine, etc.—The population of Bolivia, of which little is known, is variously estimated. In 1835 it was estimated at more than 2,300,000 inhabitants, of whom 1,650,000 were whites of foreign origin or of mixed blood, and from 700,000 to 800,000 Indians. Dr. Petermann reduced it, in 1848, to 1,742,000, not including about 245,000 aborigines. In 1867 it amounted to 1,987,352, the number of aborigines being still estimated at 245,000.—The organizers of Bolivia took the French administration as their model. They introduced the French prefect, sub-prefect and municipality. They have translated the French civil code which was unceremoniously called the Santa Cruz code. The republic is divided into two bishoprics, whose seats are at Cochabamba and at Santa Cruz. The army consists of 2,500 men, with 3,200 of a national guard. The revenue of the republic was estimated, in 1850, at 1,976,000 piastres, and the expenses at 1,730,000 piastres; the public debt at 5,850,000 piastres. Since then the debt has been increased by the total of the unpaid interest. In 1870 the receipts rose to nearly 2,500,000 piastres or pesos, of which about 1,000,000 were in direct taxes. Anarchy does not allow Bolivia to use the elements of wealth which its soil contains. Its agriculture is neglected, its industry amounts to nothing, and its commerce is in a languishing condition. It manufactures some cotton stuffs, especially at Oropesa; woolen cloths, from the wool of the lama and alpaca, among which those of La Paz occupy the first rank; and vigonia hats and glass

of good quality, made especially at Oropesa. But metals are its chief article of foreign commerce. The export of copper is estimated at 400,000 quintals per annum. In 1869 the total exports, from the port of Cobija, reached 17,403 tons, distributed as follows: coined silver, 1,000,000 piastres; copper, 17,300 tons; tin, 4,000; guano, 6,000. The imports reached, it is said, the figure of 7,000,000 piastres. They consist chiefly in iron or hardware, to which must be added certain articles of luxury, especially silk stuffs. In June, 1852, the navigation of all the rivers which flow into the Amazon and the Rio de la Plata, were declared free to all nations.—

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A. RABUTAUX.

BOOTY. Borrowed from the Scandinavian word *buty* (latinized into *butinum*), in middle German *bûten*, at present *beute*. Booty is analogous to the Anglo-Saxon *bot*, and appears now as the English word booty. It is found in the Italian *bottino*. The word is found in all languages, and it could not be otherwise since it expresses a fact of war, almost general, in former times.—To take booty is to take possession, by the right of the stronger, of that which belongs to the vanquished. At present the word booty is applied only to movable objects, but formerly it comprised immovable property. Most of the great feudal fortunes had no other beginning. In Sicily and in England the Norman barons divided the estates of the conquered among them, and what the Normans did the Franks had done in Gaul, and the Visigoths in Spain. In a word, wherever there was a conquest there was booty. With the development of civilization the word booty gradually lost its original extensive application. The following are the provisions relating to it, now considered in accordance with the law of nations: The armies and the navies of states, privateers and even isolated combatants, may take as booty from armies, war vessels and the privateers of the enemy, by force, open or concealed, as well as all the *movable* property possessed by the latter. (Klüber, *Droit des gens moderne de l'Europe*, page 324, § 253; Heffter, § 153.) This booty belongs, according to the natural law of nations, to the government waging war, but to-day it is generally left to the soldiers who have taken it. (Vatel, liv. III, chap. ix, § 164.) The victor in our day respects public monuments, products of literature and fine art, the movable property of the castles, edifices and gardens belonging to sovereigns or their families, as well as objects pertaining to worship, and ordinarily abstains from destroying or carrying them away. (Kamptz, Neuere Lit., § 309.) According to the usage of the law of nations established in Europe the enemy acquires, in wars on land, the ownership of booty by a possession of it during twenty-four hours, (Strube's *Rechtliche Bedenken*, Bd. II, No. 20); so that when this term has expired, any third party may acquire it of him, by a true title without danger of its being reclaimed, and to the exclusion of the right of postliminy. (Vatel, liv. III, chap xiii, § 196.) Most governments still recognize the same principle with regard to captures made in naval warfare by war vessels or privateers, (Martens, *Essai concernant les armateurs*, chap. iii, sec. 11); still there are some who pretend that property in this booty is not lost to the original owner till it is put in a safe place, that is to say, till it has been transported to the territory of the victor or into a neutral country. (Vatel, liv. III, chap. xiv, § 208) The plunder of a marauder or pirate does not enjoy these advantages. Movable property belonging to private persons not taking part in hostilities, is not accounted booty by the laws of war, and can not be taken from the proprietors, with the exception of merchant ships and their cargoes, which are lawful prizes for war vessels. (Martens, Recueil, II, 56, *et Déclaration de* 1856.)—War has such a demoralizing effect that men who leave home with a horror of booty, become sometimes, if the war is long, familiar with the idea, and permit themselves to take that which does not belong to them. But the plundered proprietor has been seen to follow his goods to the enemy's country, bring the thief before a court and win his case. It would be well if such instances—of which we know but one—should become more frequent; for no matter how rigorous discipline may be, there is always in a large army a number of people who have few scruples. It would be well to teach them that war does not insure impunity.

MAURICE BLOCK.

BORDER RUFFIANS (IN U. S. HISTORY), pro-slavery Missouri men who, in 1855 and afterward, made a practice of crossing the border into Kansas to carry elections, or to overawe free state settlers. The name does not seem to have been entirely one of contempt, as it was occasionally accepted and used by the border ruffians themselves.—See 1 Greeley's *American Conflict*, 238; Cairnes' *Slave Power*, 117; and authorities under KANSAS.

A. J.

BORDER STATES, The (IN U. S. HISTORY), the tier of slave states, Delaware, Maryland, Virginia, Kentucky and Missouri, lying nearest the free states. North Carolina, Tennessee and Arkansas were sometimes included among the bor-

der states as distinguished from the gulf or cotton states, but the name was usually given to the states first named. The rise of a distinct border state interest first becomes evident about 1820–30 (see SLAVERY), when the development of the cotton culture in the extreme south had begun to create a demand for slaves there, which could be filled only by the inter-state slave trade, since the African slave trade had been abolished. (See ABOLITION, I.) From that time until 1860 the border states, except Missouri, became a breeding ground for slaves to be sold in the gulf state markets when mature Even in 1832 it was admitted on all hands in the Virginia convention of that year that Virginia's exportation of slaves was more profitable than any of her domestic industries. The border states therefore suffered most from the operations of the underground railroad (see ABOLITION, II.), and were loudest in their complaints of the non-execution of the fugitive slave law. In 1860 this feeling caused the introduction, by a Missouri senator, of a proposition to maintain an armed national police force along the line between the border and free states, to prevent the escape of slaves.—During the political excitement of the period, 1850–60, the position of the border states was one of peculiar difficulty, owing to the acceptance in the north and south of the slavery question as an issue in American politics. In this acceptance the border states never concurred; to them it meant only present trouble and confusion, and a threat of future armed conflict of which they should be the principal theatre. They were therefore only anxious to keep the slavery question out of sight. In this section the American party, or know nothings, first took rank as a national party; in 1856 it carried Maryland, and polled a strong vote in the other border states. Here again, in 1860, the constitutional union party, based also on the desire to ignore the slavery question, found its strongest anchorage: all the electoral votes given to its candidates were those of Kentucky, Virginia and Tennessee, and the plurality against it in the other border states was exceedingly small. When Lincoln's election had brought the rebellion into plain view, the border states were still anxious for compromise and peace. They originated the peace conference of 1861 (see CONFERENCE, PEACE), and the Crittenden compromise (see COMPROMISES, VI.), and labored with little prospect of success to secure the adoption of either of them as a basis of settlement.—At the outbreak of the rebellion the border states were emphatic in demanding that neither the federal government nor the seceded states should do anything "calculated to provoke a collision of arms between the states and the government of the United States." (See STATE SOVEREIGNTY, SECESSION.) When president Lincoln's call for troops in April, 1861, showed that the federal government meant to fight for its existence, Virginia, North Carolina and Arkansas seceded: the other border states refused to do so, though some of their ancient politicians wished to maintain an attitude of "neutrality." Governor Beriah Magoffin, of Kentucky, by proclamation, even warned "all other states, separate or united, especially the united and confederate states," that he forbade any occupation of Kentucky without consent of its legislature and governor; but the people of Kentucky, and of the other border states, except Tennessee, which was divided, and the three seceded states, generally supported the government. (See the states in detail.)—Throughout the war against the rebellion the border states continued to urge, but without success, their project for "reconstruction," which, in its original sense, meant the settlement of all existing difficulties by a convention of all the states, including those that had seceded. (See RECONSTRUCTION.) Delegates from all the border states, even from those which had not seceded, except Delaware and Maryland, held seats in the congress of the confederate states, but these were chosen by soldiers of regiments in the rebel armies, or by those districts temporarily under rebel control, and in no sense represented the people of the state. (See DEMOCRATIC-REPUBLICAN PARTY, SECESSION, REBELLION, UNITED STATES, and authorities cited there and under articles above referred to.)

ALEXANDER JOHNSTON.

BOURGEOISIE. The history of the bourgeoisie is mixed up in its origin with the history of the renaissance of towns. The middle ages had founded two classes of society: the one dominant and idle, warlike, and in possession of the soil; the other subject and laborious, under the protection of the proprietors of fiefs, and excluded from all share in the sovereignty. The first protest against this order of things showed itself in the opposition of the cities against the feudal system in the twelfth and thirteenth centuries. In Italy and in the south of France the political movement was the consequence of Roman reminiscences; in the north of France and in Germanic countries the *sworn* commune came from German customs. It is the municipality formed by association and by mutual assurance on the faith of an oath. These two origins led to the same end. Whether it be under Roman or Germanic influence this restoration of the cities and of their civil and political liberties laid the foundation of modern society.—The history of the bourgeoisie, or of what is known in France as the third estate, is the history of evolution which by degrees acquired for the lower and oppressed classes of society the fullness of political rights and abolished all unjust inequality among the people. This is not the place to write the history of communal life in the middle ages; but it must be at least mentioned since it was the cradle of the bourgeoisie. The bourgeoisie was from the first opposed to the feudal principle. Nevertheless, it found the means of winning, by degrees, a regular place in the society of the middle ages. In France the third estate was the soul of the states general. By its alliance with roy-

alty it modified feudal society up to the very point of the dissolution of that society, and when the municipal spirit of the towns commenced to grow weak, and the king to do away with the privileges of the lords, the third estate remained none the less powerful. Offices of justice and administration, which demanded long study, became the property of the third estate. The nobility rather retired of its own ac ord from these offices than was removed from them. In the sixteenth and seventeenth centuries the third estate was everywhere. It was in vain that Sully wished to attract the nobility to the council of state. The nobility limited itself to retaining the command of the army, the government of the provinces and the offices of the king's household. But the council of state, the *intendants* created in 1635, and the parliaments, were recruited mainly from the third estate, from what is called to-day the upper bourgeoisie. The parliaments, especially after the suppression of the states general, represented the third estate. The parliaments thus became an inferior kind of aristocracy, and in the last two centuries of the ancient French royalty the development of the third estate was rather a social than a political fact. The lower classes rose silently to power, and in 1789, at the time of the convocation of the states general, the third estate endeavored to take advantage of its numerical superiority and to represent the entire nation. Hence the saying of Sieyès: "What is the third estate? Nothing What should it be? Everything." This statement defined the culminating point of the development of the bourgeoisie at the opening of the French revolution, and at the same time put an end to it. From the twelfth century the third estate had tended toward the suppression of privileges, even when it had itself granted them, to guarantee its own liberties. Its rôle of emancipation terminated the moment that the revolution made liberty and equality before the law its fundamental principle, applicable to all without distinction. The word bourgeoisie from that time forth changed its meaning. A man is no longer a bourgeois because he belongs to such and such a town, but because he fulfills certain social conditions. By the bourgeoisie is now understood that part of society which represents property acquired, or in course of acquisition, through industry or commerce, and that which follows the liberal professions. In this sense the expression third estate is not sufficient to define it; for the third estate was not the bourgeoisie, but the nation minus the nobility and the clergy. To-day, on the contrary, the bourgeoisie is not a close caste. It has a character of universality such that by the finest shades of difference it is lost in the nobility above and touches the proletariat below. In a state of society in which fortunes are made and lost with a rapidity unknown to our fathers, the passage from one class to another is so frequent that it is hard to find lines of demarcation between them. Nevertheless, the word bourgeoisie has a more special meaning when it serves to express the distinction between the bourgeois and the peasant and workman. In this sense the bourgeoisie has pretended to a political rôle independent of the two latter classes. Taking the saying of Sieyès literally, it wished to assume the entire government of society. It has manifested in this attempt qualities and defects which are easily described. These qualities consist in a reasonable conduct of affairs, in a taste for *self-g vernment*, in the want it experiences of controlling the government; in a word, in the practice of constitutional government in monarchies and of representative democracy in republics. Its defects consist in too great an attachment to its own interests, and, generally, in a too great timidity. It exhibits more adroitness in petty than in great affairs, more aptitude for a temporary than for a permanent policy. It may be said that the defects and qualities of the French bourgeoisie were manifest during the reign of Louis Philippe. What contributed most, then, to put an end to the rule of the bourgeoisie was its neglect of the interests of the lower classes. It forgot that it should not be a distinct class, but simply the medium in which all should meet. The endeavor, therefore, to found a government on the middle classes alone, or even to consider them as a class apart, is an undertaking that has no chance of success. M. Guizot, in an able article, entitled *Nos méscomptes et nos espérances*, denies that the middle classes have good political judgment, the political sense; and he requires, as a counterpoise to their changeable disposition, the political influence of a nobility or of great landed proprietors. It is impossible to find such a counterpoise in France in our day, for the reason that well defined classes no longer exist there. The nobility is dead, socially; large landed estates are not permanent. Neither the one nor the other, therefore, could serve as a counterpoise to the alleged inconstancy of the bourgeoisie. The salvation of the latter will depend on its solicitude for all the interests of the nation even when they are not its own. It should open its ranks to all, and take into them all who are not as yet a part of it. There is no better way to attain this end than to disseminate public instruction and favor the creation of public wealth, by the proper application of sound principles of political economy. By the development of public instruction the social strata, which have not yet taken part in the intellectual life of the nation, and which consequently contribute but little to the formation of public opinion, will do their part in the formation of that opinion, and free it from the narrowness inherent in opinions born of special interests. By the application of sound principles of political economy, which is a corollary to the diffusion of education, the opposition between the interests of classes would be made to disappear. The social rôle of the bourgeoisie before the revolution was to elevate the lower classes. This is its rôle to-day. It is the only one which can guarantee it enduring influence. It is also the only one which has a

meaning. The bourgeoisie commenced as a solvent of feudal society. It prepared the way for democracy. It would poorly understand its interests were it to oppose that which it contributed to establish. It has better work to do. After its negative and dissolving labors come positive work and the work of organization. This remains to be accomplished, and the expression bourgeoisie should have no meaning but that of an educated and intelligent democracy.

JULES GRENIER.

BOUTWELL, George Sewall, was born at Brookline, Mass., Jan. 28, 1818; was admitted to the bar in 1850; was governor of Massachusetts 1851–2; was a representative in congress (republican) 1863–9 (see RECONSTRUCTION); was secretary of the treasury 1869–73, and United States senator 1873–7.—See Boutwell's *Speeches during the Rebellion.* A. J.

BRAHMANISM. Brahmanism is an institution at once civil and religious, which by the grandeur, originality and unshaken persistence of its results should hold a considerable place in the history of mankind. It has governed Hindoo society from time immemorial and governs it still. There is no possibility of assigning a term to the all-powerful influence which it exerts on Hindoo society, an influence legitimate in certain respects, but disstrous in others. It seems destined to endure as long as the race which it has guided for the last 3,000 years.—Brahmanism has this peculiar character, among all the religions resting on sacred books, that it has no founder, and that the person who first conceived the system is altogether unknown. Brahma, from whom it takes its name, is no other than the infinite being, the universal soul. Brahma is not the name of an individual like those of Buddha, Moses, Jesus, or Mohammed. The origin of Brahmanism is hidden by a veil thus far impenetrable, and it is not to be believed that this obscurity can ever be cleared away completely. India has not written its own annals, any more than the rest of Asia; and history as written in the west, since the time of the Greeks, is a virile work of intelligence such as Asia never conceived, and which even seems to be beyond its power. India, therefore, can not tell us herself whence Brahmanism has come, and her monuments do not yield up to the questionings of erudition the secrets which are contained in them only in an imperfect manner. At present when we know the Vedas, the source of Brahmanic religion, it can be affirmed that they do not contain Brahmanism as afterward organized, and the only hymn of the Rig-Veda in which there is mention of the four castes, passes justly either as apocryphal or of much later origin than most of the others. It is the famous hymn to Purusha, which we read in the tenth and last Mandala, in which are brought together in a confused mass fragments more or less authentic and more or less orthodox. Now the Vedas, and above all the Rig-Veda, being a collection of the religious and national hymns of the Aryans when they arrived in India from the northwest by the passes of the Hindu Kush, the last ramification of the Himalayas, it may be looked on as certain that these people had not yet established in their midst that special form of religion and society called Brahmanism. We read in the Vedas of priests presiding at sacrifices and solemn prayers; but they do not form a class apart; they are not the masters of society nor the spiritual governors of the people. At what epoch did they become such? This can not be precisely told; but it is necessary to go back at least fifteen centuries before the Christian era to come near the epoch, and perhaps it may be necessary to ascend to a remoter time. In the seventh century before Christ Buddhism arose among the Brahmans to reform and destroy Brahmanism. Brahmanism must, therefore, have existed a long time in order to reach the state of corruption in which Buddhism exhibits it to us, and from which it strove to rescue it. The date of Buddhism itself is incontestable (622 to 543 B. C.), and it puts the date of the origin of Brahmanism very far back, which, without exaggeration, must have arisen ten or twelve centuries earlier.—On the other hand, the canon of the Vedic scriptures is composed of several parts which are held to be equally sacred and equally revealed. They are first the *mantras* or prayer hymns, mostly in verse; then the *brahmanas*, with the *upanishads* and the *aranyakas*, mainly in prose. The hymns which, properly speaking, constitute the Veda, are much the more ancient, unless it be those of the fourth and last Veda, called the *Atharvan*. Now if the hymns or *mantras* mention Brahmanism only in the manner of which we have just spoken, we meet, on the contrary, with all its developments and with its whole power in the *brahmanas* which are, as their name indicates, for the special use of the brahmanic caste, who alone perform the sacrifices. It is, therefore, in the interval between the *mantras* and *brahmanas* that the Brahmans acquired power. But since there is in India no chronology for monuments of the mind any more than there is for events of history, it is impossible to determine the epoch of the *mantras* or the liturgical books which accompany them and which regulate all the details of worship. Nevertheless, by a process of reasoning, probably correct, the learned have come to believe that the primitive *mantras* appeared at least 1,500 years before the Christian era, and by the same method they fix hypothetically the date at which Buddhism originated in the bosom of the brahmanical society already grown aged and corrupt.—One may well believe that not without a struggle did the Brahmans attain that dominion which they afterward held in such an imperturbable manner. The earliest traditions of the Aryans show that when these people came to India to conquer and civilize the country, they were under the lead of military chiefs, and no matter how pious they might have been from the beginning, it was their

kings and not their priests whom they obeyed. This was a necessity of their situation, and in that splendid epic poem, the Ramayana, the legend of a hero who conquered the south of India and even the island of Ceylon (Langkâ), it was the kings who led the people and the Brahmans occupied only a subordinate place. But when the time of combat had passed away and the Aryans were able to enjoy their conquests quietly in the immense space that extends from the headwaters of the Indus and the Ganges to the Vindhya mountains, the priestly class could become dominant without danger, and as the nation had no longer anything to conquer or even to defend, it yielded itself up entirely to its religious instincts, and, once upon that incline, soon intrusted to the priestly caste the power which had at first belonged to the warriors or *kshatriyas*. The latter resisted energetically, and if dissensions had not then sprung up among them, it is likely that they never would have lost the supremacy, and the Brahmans would never have acquired it. But Parasu-Rama, a *kshatriya* famous for his courage and his ferocity, took sides against his own class to avenge certain outrages inflicted on his family, and, through bloody victories, he assured to the Brahmans a power which without him they would probably have never usurped.—It is from this time, of which a vague souvenir is preserved by tradition and by some important works, among them the laws of Manu, that Brahmanism really dates, and that it began to give to Hindoo society its final and immutable form. At the head of this new society, as a permanent divine incarnation, stood the Brahman, issued from the mouth itself of Brahma. Below him, but at an impassable distance, was the *kshatriya*, or warrior, who had come from the arms of the god. Below the warrior was the Vaisya, or laborer, who had sprung from his thighs. Last of all, and very far from the other three, was the Sudras, made to serve and support the others because his origin was in the feet of the divinity. These are the genuine castes, four in number, and no one of their members could marry legitimately except in his own circle. By force of circumstances some marriage unions were necessarily contracted outside these narrow limits. But these exceptional alliances were contrary to law, and religion, so far as it was able, proscribed them by menace of eternal punishment and by social reprobation in this world, while the punishment of the next was being deferred. This creation of castes is both the masterpiece and the strength of Brahmanism, thanks to which it has endured for upward of 30 centuries and may perhaps endure still longer. —The religious faith of the Hindoo people must have been blind indeed and quite irresistible, to accept this dogma and yield to it so completely. Birth fixed forever the rank of each man in society, and instances of escape from the social limits it imposed have never been numerous or lasting. Caste is maintained with its essential characteristics, and it could be seen by the insurrection of 1857, that the popular conviction is far from being weakened, and that superstition has retained all its inextinguishable ardor. How have the Brahmans been able to impress such a belief on men's minds traced in ineffaceable lines? This can not be explained by their adroitness alone. The Hindoos, independent of the priests who have gained their confidence, have beliefs which may be called endemic and which have singularly favored usurpation. Every one in Brahmanic as well as Buddhistic India believes in the transmigration of souls, and as the present life in all its conditions results inevitably for each man and each creature from the lives and existences which they led previously, they submit without murmur or despair to the destiny given them and from which nothing can escape. It is true that in Asia there are many other peoples besides the Hindoo who believe in transmigration, and that none of them have been subjected to caste to the same degree; but if belief in transmigration is not the only cause of Brahmanism, it is certainly the chief one, and without it the others would to all appearance have remained powerless. The Hindoo people have found in caste the irrevocable decree of God, or rather, the indestructible chain put upon them by another more mysterious and terrible power than that of God, such as it is understood by religions more humane and enlightened. The Hindoo has bowed down his head with all docility, and one may predict almost certainly that he will never raise it again. Once in possession of power Brahmanism left nothing undone to retain it, and one of the most curious spectacles that can engage our attention is the minute and astonishingly effectual precautions taken to maintain forever the superior caste in the high position assigned to it. The education of the Brahman is a marvel, and it would have been surprising if with care so intelligent and continuous there had been a failure in forming persons worthy to succeed their instructors. Nothing can be looked for on this most interesting and weighty subject either in the sacred or liturgical books, or at most very little can be found in them. It is to the codes we must turn and particularly to that one known as the laws of Manu, a work less ancient than it was thought to be at first, but which without the least doubt antedates our era by three or four centuries, and which still enjoys unquestioned authority in the tribunals of India —To begin with, the legislator has the most exalted idea of the Brahman. By the very order of Brahma, the first of his sons, the Brahman charged with the study and teaching of the Vedas, the performance of sacrifice and the duties of worship, is of right the lord of all creation and of all beings. Master of everything, it is only through his generosity that other men enjoy the goods of this world (Laws of Manu, book I., verses 88, 93, 100 and 101). He alone is rightful proprietor of these goods which he yields to others, and this is why the other castes, to whom he shows himself so kind, owe him in

return respect and a large part of all the benefits which he leaves them. Even before the Brahman is born the law concerns itself with him. He is barely conceived in the womb of his mother when it is necessary to offer a sacrifice in his favor for the purification of the fœtus (book II., verse 27). After his birth and before cutting the umbilical cord he must be made to taste of honey and clarified butter. There are certain conditions connected with the name given him, as there are to the taking him for the first time into the open air, and for his weaning. He must receive the tonsure at an age of from one to three years (book II., verse 35). He may be invested with the sacred cordon beginning with his eighth or even fifth year; but he must not be invested with it after his sixteenth year under pain of excommunication. The law regulates the composition of the sacred cordon put about the novice, and of the belt and baton which he carries, made of a certain kind of wood and of a certain length The novice, once initiated through the ceremony of Kesanta, must no longer receive his food otherwise than in alms, and he must beg his bread. He may not take more than two meals a day, one in the morning, the other in the evening. He must sit while eating, and observe the prescribed rules, and perform his ablutions. At the age of 16 he begins his studies with a spiritual preceptor called a *Guru*, who becomes his second father, even more venerated than the father whom nature gave him. The *Guru* never gives any but free lessons, and it is with difficulty that the disciple when leaving his master after 15 or 20 years of study is able to offer him a slight souvenir of his gratitude. The *Guru* makes the novice study the Vedas constantly, and the young man must pray night and morning every day, and read the sacred books with the explanations which complement and interpret them. The *brahmatchari* or novice must also daily, without exception, witness the rising and the setting of the sun, and while he imbibes respect for the sacred writing and for his teacher, he learns to bridle his senses and his youthful passions (book II., verses 220, 245). All his acts are determined in the minutest details, from which he can not depart without sin.—The novitiate, no matter how painful it may be, is at least of 9 years duration, and may extend to 18 or even 36; in a word, as long as necessary, depending on the student's intelligence for the understanding of the Vedas and everything connected with them (book III., verse 1). When the novitiate is finished, the *brahmatchari* may become father of a family and head of a house, *Grihastha*, and this is the second period in the life of the Brahman. He is obliged to marry and choose a woman of his own caste for his first marriage. For subsequent unions, in case such should take place, the law is less exacting and the wife may be chosen from the other castes, although this is a degradation more or less censurable (book III., verse 12). The law prescribes carefully the means which the *Grihastha* should use for his own support and that of his family. He can never descend to degrading labor; even the cultivation of the earth is forbidden him. It is from alms especially that he is obliged to live, and this is how the law proposes the holy practice of almsgiving to the rich, (book IV., verse 226), by which they only return to the Brahmans the property belonging to the latter. The *Grihastha* should always devote the best part of his time to reading the Veda, to the numberless ceremonies of worship, to the sacrifices which they require, and all the prescriptions of the liturgy. He must abstain from meat (book V., verse 4), and all impurity which might defile him must be removed according to the rites. The second period in the life of a Brahman finishes when he is the father of a family and has brought it up. He may then, especially if he has a grandson, retire from the world and think only of himself, that is, of his eternal salvation. This is a new career begun, and which is divided into two parts. The *Grihastha*, withdrawn from society, and living in the forest (*Vanaprastha*), has not yet broken all his ties with the world. First of all, he may take with him his old wife, and preserve certain bonds of relationship with his neighbors. However, all his existence is ordered as is that of the novice. He has taken with him the consecrated fire, and all the utensils needful for religious oblation. Wearing the skin of a gazelle or a garment of bark, he must bathe night and morning (book VI., couplet 6); he must leave his hair long, gathered up on the top of his head, and let his beard grow, also the hair of his body and his nails. Occupied continually in reading the Veda, he is to live ordinarily on roots alone or wild fruits gathered by himself. And it is only in rare cases that he is still permitted to receive alms. He must remain as inflexibly chaste as the novice, endure without complaint the burning heat of summer and the driving rains of winter. The earth is his only couch, and if an incurable disease should attack him, "let him walk without stopping in the direction of the northeast till his body is dissolved, living only on air and water," (book VI., couplet 31).—To this third period, hard enough, succeeds a last, more rigorous still, if possible. He definitively takes up the ascetic life and renounces every species of affection. He becomes Sannyâsi (or yet a Yati, Parivrâdjaka); he has need no longer to read even the Veda, he must remain absolutely alone and without companions, (book VI., couplet 42); he has no longer a hearth or a home; when hunger torments him he goes to seek for food in the neighboring village; he purifies his steps by seeing to it that he does not tread on any impure object; he cleanses the water he drinks by filtering it lest he should kill any animalculæ it might contain; he purifies his words by truth; inaccessible to his every surrounding, raised above every sensual desire, without any society but that of his soul, he has but one perpetual thought, that of the Supreme Soul (Paramâtma), the divine spirit with which he is to be united in eternal beatitude.—"Just

as the trunk of a tree leaves the river bank when the current bears it away, just as the bird at its caprice leaves the branch where it has perched, so the Sannyâsi, freed by degrees from every earthly affection and become insensible to all tribulation, leaves his body and is forever absorbed in Brahma," (book VI., couplets 78 and 81.)—Such are the four periods of a Brahman's life. We can understand how, with such a rigid discipline, an intelligent and superstitious race has been able to produce all that Indian genius has produced. Almost numberless generations of masters and disciples, of fathers of families, and hermits, have accumulated by degrees all those Brahmanic works which we know, and they have ended by building an indestructible edifice which may be indeed criticised in some of its parts, but which must in justice be admired in many others.—This is not the place to linger over Sanskrit literature, but it is nevertheless well to cast a rapid glance at the chief monuments of which it is composed and which are exclusively Brahmanic work. First of all, by right of religion and age, are the Vedas, four in number: the Rig-Veda; the Sama-Veda; the Yadjur-Veda, in two texts known as the white and the black; and the Atharva-Veda, more recent than the other three. Although in the Vedas there is not anything but a system of naturalism, about the same as the paganism of Greece and Rome, the hymns are so beautiful and the religious sentiment in them so profound, that they may be ranked inferior only to the Bible. Around the Vedas is grouped a whole liturgical literature, presenting at times, moreover, admirable morsels of inspired semi-poetical metaphysics. The study of the Vedas has besides given birth to an immense exegetical literature, leading, on one hand, to grammatical studies in which the Hindoos, while learning no language but their own, have outstripped in philology all other people, and in which they will be without rivals for all time; leading, on the other, to systems of philosophy (*Darsanas*), six in number, some orthodox, the others independent and heretical. So much for sacred and serious literature. Next come the epic poems, of which the two principal, the Mahabhârata, the receptacle of all the national traditions, is in more than 200,000 verses, and the Râmâyana in 70,000. Then they have a dramatic literature entirely indigenous which dates from the first century of the Christian era. Lastly, there are their codes, written in verse, it is true, but put in this form so that all the laws of these people should be engraved on their memory. The Hindoo genius has had less success in the sciences, except that of grammar. Herein lies its weakness. It has not been able to write history, just as it has not been able to observe accurately a single fact in nature.—But in spite of these deficiencies, the Hindoo, or more correctly the Brahmanic genius, must take a very high rank in the annals of the human mind; and in many regards we may say with justice that it is second only to the genius of Greece. The Semitic race to which we owe in part our religion, is very great indeed. That must be admitted, but it must be acknowledged, also, that it is somewhat inferior to the Aryan; and on the banks of the Ganges intelligence was more amply developed than in the deserts of Palestine or Arabia. At present, when a great number of Hindoo productions are being printed and translated and commentated, we must without doubt withdraw from them some of the excessive admiration which was felt for them when unknown, whether in antiquity, or in the eighteenth century: but while making a correct estimate of them, our esteem for them has hardly diminished. The object and the nature of our esteem is changed, but it has become at once more enlightened and more impartial.—The most undoubted discoveries of the learned of our time should also increase our curiosity and our sympathy for the Brahmans. It has been shown that they are of the same race as ourselves, not only from an ethnological point of view, which would be of no great account, but from a point of view the most intimate and direct. This Aryan people, who turned their steps from the high plains of Asia toward the northwest of India, between the sources of the Indus and the Ganges, had for a long time inhabited the same region as the ancestors of almost all the European peoples, and as our own, Greeks, Latins, Celts, Germans, Goths, Slavs, etc. The common birthplace of all these peoples is shown by the evident affinity of their languages. The Sanskrit is not the mother of all these idioms, as was once said, but it is their sister, and the Aryans, who went eastward to the Indian peninsula, belong to the same current of civilization which went westward through Persia, Asia Minor, and the centre and north of Europe. Thus the Brahmans are really our brothers: they are one with us, and yet as distinct as we from the other two currents of civilization which formed the Semitic world, and the world called Turanian which is made up of China, Tartary, Thibet, Turkey and some countries of Europe. We can say with just pride that the civilization to which we belong is the true one, and without belittling others, we may believe ourselves their superiors. The Aryans share our glory, and they are certainly one of the most distinguished branches of the great family. They are represented especially by the Brahmans, who are at once the religious and intellectual chiefs of the people whom they enlighten and govern. The military element found among them in the beginning, disappeared to make room for the spiritual. The *kshatriyas* subordinated themselves to the Brahmans; and these two orders which came from the north imposed themselves on the natives who were incapable of resistance and who have formed the two other castes, the *Vaisyas* for the higher, and the *Sudras* for the lower classes, who already occupied the country. Little by little Brahmanic rule, starting from the higher Indus and the

sources of the Ganges, gradually spread through the peninsula and finally became prevalent, but in proportion as it penetrated southward, its influence became less marked, and there are in certain parts of southern Hindostan peoples which have escaped its yoke. These are the remnants of the most ancient inhabitants who may be called autochthones, while the Aryans were only strangers and conquerors.—However the case may have been, Brahmanism has reigned over these vast countries, not only by the right of the stronger, but by right of intellectual superiority. And the organization which it founded answered so well to the genius of these peoples that they have lived under it for 40 centuries, and nothing indicates their desire to reject it. India has been frequently conquered, but without changing at all since the Brahmans appropriated it. The invasion of Alexander only touched some western parts and touched them without leaving any traces beyond the establishment of kingdoms, half Greek, half Hindoo, which have lived down to our era. Later, the Mussulman conquest went much farther. It invaded whole provinces, and Islamism spread over a great part of the peninsula without making many proselytes there. After Islamism, the incursions of Tartar hordes created frightful disorder in Hindostan. The torrent only swept over it. It did not extend very far, and left nothing permanent in its track. Even the power of the Mongols who ruled almost the entire peninsula for a considerable length of time, and who had taken firm hold in the ancient home of the Aryans, brought little change, and Brahmanism was neither destroyed nor even greatly modified by them. After the sixteenth century new adversaries appeared. Europeans came into contact with the Hindoos. The conflicts of the French and English with them during the last century are well known. The English came out victors and masters of India, and to-day their government is at once more firmly seated, and more beneficial than it has ever been. The authority of the crown of England has replaced that of the East India company, an inestimable advantage to colonization. During the last century, the English have done wonders in Hindostan, but their task is an immense one, and it is an enterprise worthy of a great Christian people to civilize 200,000,000 of subjects. Will England, energetic and powerful as she is, succeed? Only the future can answer this question.—As to Brahmanism, it is sure that it never has had to fear a graver crisis than that which Christianity is preparing for it, both under the form of a religious faith and a better civilization. Brahmanism is perhaps able to stand this trial. On its side are tradition, and an immemorial antiquity. It has also popular superstition; and as Christianity is at heart very tolerant, especially in the Anglo-Saxon race, there is little probability that simple preaching can ever make great progress and effect a general conversion of the Hindoos. The most serious danger that Brahmanism ever met, was the Buddhistic reformation, because it was so like the faith it sought to replace. Where Buddhism has failed, it is not likely that Christianity, with all its worth, will succeed. The English individually have an enormous proselyting zeal; but as to the government it is very reserved on these delicate questions; and save certain barbarous customs, which to its honor it has eradicated, as the sacrifice of widows burning themselves on the dead bodies of their husbands, it wisely abstains from all interference in the national worship, leaving to each one full liberty of faith and religious observance. This is perhaps the surest method of propagandism. The use of force, besides being odious on the part of a Christian people, would be fruitless It would revive instead of destroying the national faith. It was religious scruples that served as pretexts to the military insurrection which desolated the north of Hindostan in 1857 and 1858.—If it be permitted us to cast a glance into the dim future, it must be supposed that Brahmanism, no matter how degraded it be to-day, has not much to fear from Christianity. The two religions will live in peace without the better absorbing the other. This will be a new phase in the history of Brahmanism, and that is all. It will not be its ruin. In the meanwhile there is much work to be done, to learn it thoroughly, and European philology, which, since the opening of the nineteenth century, has made so many discoveries regarding India and its religions, has before it still a vast field which is far from having been exhausted.—BIBLIOGRAPHY: Colebrooke, *Essays on the Religion and Philosophy of the Hindoos*, 2nd ed., London, 1858; Moore, *Hindu Pantheon*, London, 1810, new edition by Simpson, Madras, 1864; Coleman, *Mythology of the Hindus*, London, 1832; Muir, *Original Sanskrit Texts, etc.*, London, 2nd ed., 1873; and the works of Lassen, Benfey, Roth, Max Müller, Weber, Kuhn, Spiegel, de Gubernatis, etc.—(See BUDDHISM, LAMAISM.)

BARTHÉLEMY SAINT-HILAIRE.

BRAZIL. This South American empire is of yesterday. Formerly a Portuguese colony Brazil has had an independent existence only since Sept. 7, 1821. Its constitution dates from March 25, 1824.—Brazil, discovered in 1500 by Pedro Alvares Cabral, belonged continuously to the crown of Portugal until the Brazilians, with the spontaneous concurrence of the regent Dom Pedro, the immediate heir of the house of Braganza, proclaimed and won their independence, which was subsequently ratified by a treaty concluded with Portugal. Since that treaty, dated Aug. 29, 1825, a separation has been effected *de facto* and *de jure*, and the new American monarchy has been recognized by all the powers, with its chief Dom Pedro I. as *constitutional emperor and perpetual protector of Brazil*.—The entire surface of Brazil is estimated at 3,275,326 English square miles. Brazil is watered by numerous rivers. Nearly all of these are navigable or capa-

ble of being made so. The principal one is the Amazon. Owing to these rivers which fertilize the soil and bear its products to the sea, to the vast extent of its coasts and to its splendid harbors, Brazil's relations with the civilized world are destined to increase and grow in importance from day to day.—The resources of the country are as rich and abundant as they are varied. It has magnificent forests which will furnish for centuries the rarest and most exquisite wood for dyeing purposes, for cabinet makers' work, building, and for all the uses of industry, and of the arts and sciences. It is also extremely rich in agricultural products. Coffee, sugar, cocoa, cotton, and tobacco, are produced in abundance in this favored land, the population of which, still unfortunately too sparse, receives with eagerness the fruits of the genius of Europe as well as the agricultural products of its temperate zone.—All that Brazil wants is a population more nearly in proportion to its extent, and that would furnish to agriculture the hands it needs, and to foreign commerce buyers to increase its exports; that is to say, it needs producers and consumers. This immense territory, which could easily maintain 200,000,000 people, has a population of only 9,448,233 (1872).—This population concentrated in the large cities of the coast, is divided among 20 provinces, only 4 of which do not border directly upon the Atlantic ocean.—These 4 provinces of the interior are: Amazon, Matto-Grosso, Goyas, and Minas-Geraës. This last province is the most populous of the empire. It contains 1,500,000 inhabitants. Gold and diamond mining has attracted thither and kept there for a long time a considerable number of workmen. The other 3 central provinces, almost entirely covered with virgin forests, contain altogether, according to the census of 1872, 280,000 inhabitants.—The maritime provinces, in their order from north to south on the map, are: Para, Maranham, Pianhi, Rio Grande do Norte, Ceara, Parahyba, Pernambuco, Bahia, Sergipe, Alagoas, Espiritu-Santo, Rio Janeiro, Saô-Paolo, Parana, Santa-Catharina, Rio Grande do Sul.—Four of these provinces alone contain nearly one-half the population of Brazil. They are: Rio Janeiro, 1,050,000; Bahia, 1,450,000; Pernambuco, 841,000; Saô Paolo, 837,354. The capitals of the first 3 principal provinces are the 3 great seaports of Brazil, where the population is very dense. Rio Janeiro, the capital, had a population of 274,972 in 1872. The province of Saô Paolo also has its port, Santos, which has a rapid growth; but the population increases faster in this province, principally on account of its magnificent coffee plantations, where experiments of free labor have been tried with doubtful success at first, but which it appears must result favorably.—Three races contribute to the population of Brazil, in unequal proportions. The white race, mainly made up of natives of Portuguese origin, constitute a majority of the inhabitants. The black race, of African origin, was composed in 1872 of freemen and slaves. The number of the latter was not given by any official returns. It was placed at one-fourth of the population. A law of 1871 has opened the way for emancipation of the slaves, and after a time all the blacks will be free.—The red race, indigenous to the soil, has a very small place in the total of the population. The Indians are either *domesticated* or savage The first, converted with great difficulty by the missionaries, inhabit small villages (*aldéas*) where they perform rude labor very unwillingly, ready as they are at the slightest pretext to go back to forest life. Others, in greater numbers, lead a savage life. Save with rare exceptions, there is no progress observable among these tribes. Thus, in South as well as in North America, the red race is on the road to extinction.—The mixture of these three races has produced in Brazil an infinite variety of colors and all the shades of complexion which arise from the mingling of blood in every degree. Even the yellow race is not wanting there, since certain attempts at Chinese colonization have been made. But another element, which has also come from abroad, is of more value to the physical and mental improvement of the population: we mean the European element. Not all Europeans who settle in Brazil intend to become Brazilians. Many desire to return, and preserve their nationality with care. These last live in the cities, are occupied in wholesale and retail trade, and in manufacturing. They contribute to the prosperity of the empire by their capital, their spirit of enterprise or their industrial power. The beauty of the climate, the cheapness of living, the connections and relations which a long residence creates, often cause them to forget their native country which is replaced in their affections by their adopted one.—But without taking these numerous exceptions into account, there is in Brazil at present, a considerable number of Europeans who have come to seek in the new world, in return for their labor, the prosperity which the old world did not give them. These immigrations, made without thought of leaving the country again, have assumed considerable proportions. The principal current between Brazil and Europe is that which starts from Portugal. This ancient country, while losing its dominion over Brazil, has preserved its relations and affinities with it. Thus the Portuguese in Brazil are numerous; in the cities of the coast they are artisans, and the retail business is partly in their hands—a fact which rouses somewhat violent jealousies in the Brazilian people, which from time to time give rise to disturbances, quelled only with some difficulty by the police. In these times of crisis, it is the recollection of the old tyranny of the mother country which causes the populace to assail these unfortunate people, whose only fault is that they bring more activity and intelligence than the natives do to the lower walks of commercial life and industry.—It is not in the cities alone that the Portuguese settle; and Brazil is indebted to them for an exceptional class

of colonists. The north of the empire, that is to say, the portion nearest the equator, is uninhabitable for nearly all Europeans, on account of the prevailing heat. The Portuguese alone, especially the Portuguese of the Azores, are able to endure this torrid climate, and the few attempts at colonization which have succeeded in the equatorial provinces have had the Portuguese element as a basis. Where enterprises of this kind have failed, notably on the banks of the Amazon, the failure has come, not from the heat of the sun, which the native of the Azores endures to a marvel, but from the insalubrity of the climate and the pestiferous evaporations of the soil covered with slime and marshes.—The colonists of German and Swiss origin form, after the Portuguese, the most considerable element of European immigration. It is in the south of the empire, in comparatively temperate latitudes, from the south tropical border to 33° of south latitude, that German colonization has met with the greatest success. In the province of Rio Grande do Sul there is a whole city, of 10,000 souls, peopled almost entirely by Germans, who are very prosperous. Its success is so complete that at the present time, without any effort on the part of the government, but by the sole instigation of the colonists, who have maintained their relations with the mother country, a stream of emigration is kept up between this province and Germany, so that land is becoming scarce in Rio Grande for new colonists who come of their own accord to acquire it. The province of Saint Catherine, until recently almost covered with forests, is beginning to be inhabited by Germans, thanks to the initiative of the prince de Joinville, who has prepared and opened to colonization the immense domains given as dowry to his wife, the sister of the emperor Dom Pedro II. This enterprise seems on the road to success. Other colonies are springing up by the side of Dona Francisca. The government is constructing ways of communication which will afford an outlet to the products of these virgin lands.—In the neighboring province of Saô Paolo, the Swiss element predominates in the work of colonization. At all times the intelligent and industrious population of this province has cultivated coffee on a large scale. Certain very rich and enlightened landholders have had the idea of introducing free labor in the cultivation of their plantations. They have brought in Swiss colonists by making arrangements with them, based on the system of shares, in use in the south of Europe. The attempts did not succeed completely at first; it is evident that the system of working on shares is not the final form of colonization in Brazil, and that in order to attract European immigration it is necessary to offer it the inducement of ownership.—To these three classes of emigrants must be added a small number of Belgians and Italians. The French are barely numerous enough to be mentioned among the colonists. Except in a few cantons of the Pyrenees, where the stream of emigration is turned toward the La Plata, the French people do not abandon their homes, and if they do emigrate it is to cities and with the intent of returning. — *Constitution.* The fundamental law of Brazil did not originate with a constituent assembly. In proclaiming its independence, the Brazilian nation proclaimed monarchy as its form of government, and as its monarch Dom Pedro I., eldest son and legitimate heir of the head of the house of Braganza, Dom João VI., king of Portugal. It was now necessary to draw up a constitution.—This was the time when the old and new world were in a ferment; when the first attempts of Italian liberty had failed; when Spain and Portugal given up to adventure were still debating in sovereign assemblies over the most arduous problems of the government of empires. Common sense was rarely present at these deliberations.—In Brazil the difficulties peculiar to the country still increased the dangers arising from the general situation. On a single point the immense majority of the nation had taken an irrevocable decision. They had determined to crush the monopoly of the mother country, to separate themselves for ever from Portugal, and to govern themselves by the chief whom they had chosen. But the mother country did not consent to yield its rich colonial prey without a struggle. War broke out on land and sea between Brazil and Portugal. Besides, an entire army of officials lived in the empire, regretting the past which had honored and enriched them, and little disposed to open the way to new ideas which for them meant new men in their stead. These champions of a fallen régime, through the position which they occupied and their personal weight, were not without influence.—It is under these circumstances, and with these elements to deal with, that the emperor Dom Pedro I. was called to give a constitution to Brazil. He set about the task without delay A short time after the proclamation of independence a constituent assembly was convoked at Rio Janeiro.—It soon became evident that this attempt, honestly undertaken, could have no useful result. To begin with, the assembly adopted all the methods of demagogues; the whole country was given over to a feverish agitation, and the emperor having tried in vain to restore quiet by changing his ministry, decided on a *coup d'état.* He had the house of representatives surrounded by troops, the doors closed, and announced by a proclamation to the Brazilian people, that the assembly was dissolved and that another chamber, to be called later, would deliberate on the plan of a constitution which the emperor would lay before them, and which would give the surest guarantees for the liberties of the nation.—This engagement was only half carried out. There was not a new constituent assembly, but the emperor granted a constitution which was submitted for approval to the nation, which was accepted unanimously by the municipalities, and which,

on the demand of the elective bodies, was promulgated March 24, 1824, as the supreme law of the empire. The method, indeed, was not regular; but Brazil was so steeped in anarchy that the act was accepted with thankful enthusiasm, and no protest came after the event, not even when the chiefs of the dissolved assembly came later into power.—It must not be forgotten here that the works of Benjamin Constant were consulted by Dom Pedro I. in drawing up the constitution, and that the machinery put in movement by that constitution, and the original points which it contains, were thought out by the fertile and ingenious brain of that man, who, by reason of his habits of opposition, one could not have believed endowed with common sense to such a degree. Better inspired than Rousseau, who, ruled by socialistic instinct, offered the people only impossible constitutions, Benjamin Constant, enlightened by experience and by his fertile intelligence, applied himself to the solution of problems raised up by practice, and there he succeeded. By adopting the ideas of the old French parliamentarian, by adapting his plan to the genius of the Brazilian nation, Dom Pedro I. performed an act of sovereign good sense, and immortalized his reign.—We have not to speak here of the numerous points in which the Brazilian constitution resembles all other constitutions past and present. The important thing is to note the points in which it differs from them, and what are the original points which it presents. Brazil is a monarchical state. To the title of constitutional emperor, the head of the state adds that of *perpetual protector of Brazil*, an appellation connected with the historical position of the time when the struggle with Portugal was still unfinished and which imposed upon the emperor, the heir of the house of Braganza, the irrevocable duty of maintaining the separation between the two countries. Essentially a Catholic nation, Brazil has a state religion, and, as in certain European monarchies, the rules of the council of Trent regulate the civil status of the citizens. But the necessities of colonization have in this respect brought about a reform, in so far as civil marriage is concerned, which must in time be completed. Constitutions generally admit but three powers: the legislative, the executive and the judicial. The constitution of Brazil recognizes a fourth: the moderating power, which is assigned exclusively to the chief of the state. It defines in these terms (article 98) the function of this power: "The moderating power is the keystone of the whole political edifice; it is delegated exclusively to the emperor, as supreme chief of the nation and its first representative, in order that he should watch incessantly over the upholding of its independence, and the equilibrium and harmony of the other powers."—This power is exercised without the aid of ministers and under the following circumstances, enumerated in article 101: nomination of senators according to form prescribed by the constitution; convocation extraordinary of the general assembly; sanction of the decrees of the same assembly; approval or suspension of the resolutions of the provincial chambers; prorogation or adjournment of the general assembly; dissolution of the chamber of deputies; nomination or dismissal of ministers; suspension of magistrates in cases provided for by the constitution; exercise of the right of pardon or mitigation of punishment; exercise of the right of amnesty.—These attributes of the moderating power, if examined closely, are connected with the exercise of the very prerogatives of the monarch whom they free from all ministerial pressure. When, for example, the chief of the state wishes to change his ministry he should be free to do it without obtaining the signature of the members whom he dismisses. All these acts, by which he exercises the moderating power, have the same character, and the innovation noted in the constitution of Brazil seems intended to put in practice the celebrated maxim *The king reigns but does not govern*.—But the moderating power, although outside of ministerial action, is not exercised without control. The council of state, established by the fundamental pact, is called upon to give its advice in every case in which the emperor undertakes to exercise any of the prerogatives peculiar to the moderating power, and the constitution declares the members of the council of state responsible for the advice which they give. Parallel with this responsibility is the guarantee of permanence in office, or irremovability granted to these high functionaries.—This institution is held to be the highest in Brazil. In the Imperial Almanac, the council of state takes rank before the senate and the chamber of deputies. This pre-eminence, accorded it by public opinion, is based upon the importance of the services which the council is called upon to render, and upon the personal significance of the members who compose it.—The legislative power is exercised in Brazil by the emperor and the general assembly: what is called the *general assembly* is composed of the senate and the chamber of deputies, which contribute almost always separately, but in rare cases in common, to the passing of laws. Both chambers are chosen by a popular election. The deputies are chosen directly by the country, according to a system of election of two degrees. The same method is applied in the election of senators, but popular action is restricted to designating to the emperor for each vacant senatorial place three candidates from among whom the emperor makes a choice. Senators are appointed for life, but the chamber of deputies is removed every 4 years. To be senator a person must be 40 years of age and have an income of 2,400 francs. To be elected deputy a person must be 25 years of age and have a revenue of 1,200 francs. The ordinary session begins, according to the constitutional provisions, on the 3rd of May of each year, and lasts 4 months. Unfinished work is carried over from one session to another during the 4 years' interval between the meetings of the legislature.

—Deputies and senators receive a salary. In case of the deputies this salary is fixed during the last year of each legislature for the following legislative term. The salary of the senators is one and a half as great as that of the deputies.—The right of initiative belongs to the emperor and the two chambers. The chamber of deputies has the exclusive initiative in questions of taxation and recruiting for the army. It also must pass upon the choice of a new dynasty in case of the extinction of the reigning one, as well as upon proposals by the executive power.—As in all constitutions implying a responsibility of political agents, it is the chamber of deputies in Brazil which decides whether ministers and counselors of state are to be impeached or not; and it is the senate which, performing the functions of a high court of justice, passes upon these accusations and certain others of an exceptional character.—Such, in short, are the attributes of the Brazilian chambers. As to the forms of procedure, we may mention, in passing, the application of the English system which is very happily made in Brazil, and which consists in obliging the orator to address his speech to the president of the assembly. This rule, which lightens the effects of attacks and personal recriminations by turning them aside, maintains habits of calm and *decorum* during debates which are sometimes violent. Besides this parliamentary detail there are two points to be noted as giving an imprint of originality to the Brazilian constitution: in case of conflict between the two chambers, if one adopts and the other rejects a proposed law, the constitution has created a very simple procedure to terminate the difference. It authorizes the two chambers to form themselves into one, and to decide the question according to the majority of votes. The other point is: Who shall have the last word in case of disagreement, the monarch or the chambers? The publicists of Europe have long debated the question. The constitution of Brazil has solved it in favor of parliament. The refusal to sanction a law is only a retarding power; but in order that a proposition emanating from the chamber should have the full force of law, it is necessary that it should have been adopted by three successive legislatures, that is to say, by three votes of three different assemblies, at an interval of four years between two of these votes at least.—The organization and working of the elective body has just been mentioned. It now remains to indicate, in a few words, what the institutions are which protect the provincial and municipal interests of the empire. Since 1834 there are provincial *assemblies* in Brazil, which have legislative authority in all matters concerning finance and administration in the provinces. Decentralization exists in Brazil in the broadest sense of the term. Each province uses its resources as it likes. The central government, represented by the chief of the administration, who bears the title of president of the province, has only a very limited power in matters of provincial interest, and although there is a method of reforming the decrees of provincial assemblies, recourse is scarcely ever had to it.—It is needless to say that in a country where provincial institutions enjoy a liberty so complete, under the shadow of the elective principle, municipal liberty, which comes nearest to individual liberty, is fully respected. The cities govern themselves through administrators of their own choice under the control of elected assemblies.—There are two degrees of electors in Brazil, parish voters and provincial voters.—Every Brazilian citizen, native or naturalized, is a voter, provided he is 25 years old. The only exceptions to this rule are paid laborers, cloistered monks, and persons who have not an income of 300 francs, no matter from what source, even the product of daily manual labor.—The first degree of electoral right is thus constituted. Voters of the first degree, or of the parish, have but one thing to do: they name the provincial voters who form the second electoral degree; the latter choose incumbents for all elective offices. Every Brazilian citizen may be chosen provincial elector provided he has a revenue of 600 francs.—On periodical occasions, determined by law, the whole electoral machinery is put in motion in the empire. Parish voters choose the provincial voters, these in their turn choose men to every elective office, from justice of the peace, who is elected, to the deputy in the general assembly.—The election of deputies to the assembly was made, up to 1836, by voting for the representatives of a whole province on a single ticket.—At this date the system of electing deputies was modified by law. Election by districts and individually was substituted for collective elections and by provinces. Another law, passed in 1860, has in a certain way established a middle system between the old and the new, by suppressing a certain number of electoral districts having but a small number of provincial voters, and establishing, in such cases, collective election.—To complete this general description of the constitution of Brazil, it remains to mention *the declaration of rights*, contained therein. The last article of this constitution (179) enumerates in 35 paragraphs, all the guarantees which in Brazil protect the man and the citizen.—*Finances.* The increase of public receipts is the surest sign of the prosperity of states, provided this increase does not result from an increase of old taxes or the creation of new ones. Now the government of Brazil for the past 30 years has been decreasing the public burdens. Its budget of receipts has increased each year in considerable proportions. We have the table of these receipts from July 1, 1844, to June 30, 1861, and, in the space of these 17 years, the receipts increased by an almost continuous movement upward from 74,000,000, in round numbers, to 157,000,000. In 17 years the public revenue has more than doubled, and the mean annual increase has been about 5,000,000 francs.—Expenses have naturally increased in proportion to the growth of the receipts; but the years 1867, 1868, 1869 were exceptional on account of the war with

Paraguay. Then the expenses were 306, 426 and 392 millions. The year 1870 brought a normal budget, and the amount of expenses scarcely reached 177,000,000 francs.—A rapid glance at the budget of expenses for 1870 gives an idea of the burdens which the government is called to bear. The ministry of the empire (interior) expends about 14,000,000 francs. In this sum is included the allowance to the emperor, 2,400,000 francs; the allowance to the empress, 288,000 francs; the salaries of the counselors of state, senators, deputies and presidents of provinces; expenses of schools of law and medicine, of the school of fine arts, of the sanitary establishments, etc. Expenses of religion at the charge of the state, belong to the budget of the interior, and amount to about 2,500,000 francs.—The budget of the minister of justice amounts to a little less than 10,000,000 francs. Justice is dispensed in Brazil by a supreme court; four courts of appeal, sitting at Rio Janeiro, Bahia, Maranhao and at Pernambuco; and by judges of courts of first resort, distributed throughout the extent of the empire. The police and the national guard are connected with the ministry of justice. The allowance of the ministry of foreign affairs does not exceed 2,500,000 francs. It is almost entirely devoted to the salaries of diplomatic and consular agents.—The ministry of marine takes from the general budget a sum of about 21,000,000 francs. The Brazilian navy has developed considerably during the last decade. The budget of the ministry of war is about 33,000,000 francs. The chief expenses of this department are for the army 17,000,000 and for arsenals more than 5,000,000 francs. The ministry of finance expends annually more than 70,000,000 francs. This department has charge of the public debt, both home and foreign, which alone consumes a good part of the sum.—The ministry of agriculture, commerce, and of public works uses about 30,000,000 francs. It is with this department that the expenses made in view of progress are connected, those which have the future in view and which should be considered as reproductive. In this class of expenses, the first place should be given to the interest guaranteed to railroads, the grant made for the development of colonization amounting to 2,000,000 francs, and the subsidy of nearly 7,000,000 francs given to various companies which serve the vast coast of the empire and the immense river Amazon with steam navigation. Postal communication forms a comparatively recent part of this ministry.—To meet these expenses the budget for 1870 placed the receipts at about 194,000,000 francs. The principal receipts are the import duties, about 100,000,000 francs; the export duties nearly 35,000,000 francs; receipts for railroads 7,000,000 francs; post-office, 1,200,000 francs; stamp duties, 13,500,000 francs; patents, 3,000,000 francs; land tax, 3,500,000 francs; lottery, nearly 4,000,000 francs; court fees, 1,500,000 francs; beside receipts extraordinary to a considerable amount.—The amount of the debt was 1,453,000,000 milreis, in 1870, of which 113,600,000 milreis, or 283,000,000 francs, were a foreign debt, and 240,000,000 milreis, or 600,000,000 francs, home debt, at 4, 5 and 6 per cent.; 150,000,000 milreis, or 375,000,000 francs, in paper money; and 54,000,000 milreis, 135,000,000 francs, in treasury bonds. The interest on the public debt amounted, in 1872, to 15,900,000 milreis, that is, 38,750,000 francs. In 1860 the foreign debt was 125,000,000 francs, and the consolidated debt 145,000,000.—*Defensive Power.* The army of Brazil is composed of 25,000 men, and the navy has 76 vessels of all sizes, carrying, altogether, 290 cannons.—*Products.* We can understand that it has not yet been possible to draw up the industrial and agricultural statistics of so large a country; only the figures of its commerce are known which in 1868 amounted to 460,000,000 francs exports, and 350,000,000 imports; in 1869, to 500,000,000 and 410,000,000 francs, respectively. The export of coffee amounts to 150,000,000 francs; of cotton, to nearly 75,000,000; of sugar, to 50,000,000; of skins, to 18,000,000; of tobacco, to 8,000,000; of diamonds, to 7,000,000; of india rubber, to 5,000,000; of cocoa, to 3,000,000.—Let us add, in conclusion, that the length of railroads was 651 kilomètres in 1870, and that of telegraphs was estimated at 1,500 kilomètres.[1]

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BRECKENRIDGE, John Cabell, vice-president of the United States 1857–61, was born Jan. 21, 1825, at Lexington, Ky., where he died May 17, 1875. In 1860 he was nominated for the presidency by the slavery-extension wing of the democratic party (see DEMOCRATIC-REPUBLICAN PARTY), and was defeated; but in the same year was elected United States senator, his term expiring in 1866. He took considerable part in the extra session of 1861 (see REBELLION), then went south and became a major general in the confederate army. He was expelled from the senate by vote in December, 1861. As his state had shown no intention to secede, his action in taking service

[1] The following figures are taken from the Statesman's Year Book, 1881: In the budget for the financial year 1879–80, the revenue of Brazil was set down at 117,273,800 milreis, and the expenditure at 116,675,690 milreis.—In April, 1879, the total national debt, home and foreign, amounted to 786,116,837 milreis. In the same year the internal debt amounted to 565,000,000 milreis.—There were actually under arms, according to official reports, at the end of the year 1878, 16,000 troops. But the nominal strength of the standing army is fixed at 20,000 on the peace footing. At the end of June, 1879, the navy consisted of 57 steamers.—The area of the empire is estimated at 8,515,848 geographical square kilomètres, or 3,275,326 English square miles, with a population, in 1872, of 9,448,233, besides 1,000,000 aborigines.

under a foreign and hostile government was remarkable from any point of view of the relations between state and federal governments. After the rebellion he practiced law in his native place until his death. A. J.

BROAD SEAL WAR, The (IN U. S. HISTORY). I. Until 1846 all the six members of the house of representatives were chosen in New Jersey, by general ticket, by the people of the whole state. At the election in 1838, (Oct. 9–10), the democratic candidates received an average majority, on the face of the returns, of about 100 votes in a poll of nearly 57,000. In one township (South Amboy) of Middlesex county, giving 252 democratic majority, the return had no certificate of the election of one of the inspectors, and was not signed by the election clerk; the county clerk therefore struck the whole return out, thus giving the whig candidates a majority in the state. The democrats claimed that exactly similar defects had been passed without question in whig counties, and that in any such case the laws required the state canvassing board, the governor and council, to send by express for the missing returns and decide upon their validity; this the board refused to do, decided that they were bound by the clerk's decision, and gave the whig candidates certificates of election, under the broad seal of the state. A case similar in most respects occurred in Millville township, Cumberland county; and the whigs claimed to have discovered a number of illegal votes cast in democratic townships. But the Millville democratic majority was under 100, and so was not vital, and the alleged fraudulent votes were not brought before the board and did not influence its decision. The South Amboy case, and the county clerk's power to finally decide it, were therefore the pivotal points of the controversy.—II. When congress met, Dec. 2, 1839, the house contained 119 democrats and 118 whigs outside of New Jersey, whose seats were claimed by both parties. The clerk of the house, H. A. Garland, of Virginia, offset the action of the Middlesex county clerk, by refusing, when the roll call reached New Jersey, to call the names of five of the whig delegation, on the ground that their seats were disputed, a fact of which he could have had no official knowledge. His decision made the house for the next three days a bedlam, each party struggling to force in its New Jersey delegation, in order to control the house and the election of speaker. Dec. 5, the house spasmodically chose John Quincy Adams, a neutral (see ADAMS, J. Q.) speaker *pro tempore*. An angry, confused and disorderly debate, and unsuccessful attempts to choose a permanent speaker, followed, both New Jersey delegations voting on many questions. Dec. 11, the right of either delegation to vote was denied by a small majority, and Dec. 17, the house at last chose as speaker R. M. T. Hunter, of Virginia, a whig, but in favor of the subtreasury, and therefore (see INDEPENDENT TREASURY) more acceptable to the democrats. March 10, 1840, by a vote of 111 to 81, the democratic contestants were seated, and July 16, the majority report of the committee on their case, declaring them duly elected, was adopted by a vote of 102 to 22. Owing to the length of the report and testimony, and lack of time to examine them, most of the whigs refused to vote.—The controversy is mainly interesting because of the reversal of parties upon it. The loose constructionist whigs, in this case, held the action of a state government binding, even in a congressional election, until reversed by the house; the strict constructionist democrats, on the other hand, treated the action of a state government, in this case, as a nullity. In this respect the broad seal war is illustrative of the disputed election of 1876. (See DISPUTED ELECTIONS, IV.; CONSTRUCTION, III.)—See 2 von Holst's *United States*, 337; 10 Adams' *Memoir of John Quincy Adams*, 176, 236; 2 Benton's *Thirty Years' View*, 159; *Democratic Review*, June, 1839. 16 Benton's *Debates of Congress* practically ignores the whole affair.

ALEXANDER JOHNSTON.

BROKERS, persons employed as middlemen to transact business or negotiate bargains between different merchants or individuals. They are sometimes licensed by public authority, and sometimes not.—Brokers are divided into different classes; as bill or exchange brokers, stock-brokers, ship and insurance brokers, pawnbrokers, and brokers simply so called, or those who sell or appraise household furniture distrained for rent. Exclusive, too, of the classes now mentioned, the brokers who negotiate sales of produce between different merchants usually confine themselves to some one department or line of business; and by attending to it exclusively they acquire a more intimate knowledge of its various details, and of the credit of those engaged in it, than could be looked for on the part of a general merchant, and are consequently able, for the most part, to buy on cheaper and to sell on dearer terms than those less familiar with the business. It is to these circumstances—to a sense of the advantages to be derived from using their intervention in the transaction of business—that the extensive employment of brokers in London and all other large commercial cities is wholly to be ascribed.—In France the brokers who deal in money, exchange, merchandise, insurance, and stock, are called *agents de change*, and their number at Paris is limited to 60. The company of *agents de change* is directed by a chamber of syndics chosen annually by the company. They are severally obliged to give bonds to the amount of 125,000 francs for the prevention of abuses. They are also obliged to keep books; are restricted to a charge of from ⅛ to ¼ per cent.; and are interdicted from carrying on, or having any interest in, any commercial or banking operations. In the United States brokers are not licensed nor do they give bonds. J. R. M'C.

BROOKS, Preston, a representative from South Carolina in the 34th congress, and a nephew of senator Butler, of the same state. In a speech on the Kansas troubles senator Charles Sumner, of Massachusetts, had criticised senator Butler, and May 22, 1856, after the senate's adjournment, Brooks, backed by two other southern representatives, Keitt, of South Carolina, and Edmundson, of Virginia, entered the senate chamber, struck Sumner senseless to the floor with a heavy cane, and then beat him so cruelly that an absence of several years in Europe was necessary for his recovery. The house censured Brooks, who resigned, and was unanimously re-elected by his district. Massachusetts refused to choose another senator, and Sumner's empty chair was for several years her silent protest against Brooks' unpunished violence. (See authorities under SUMNER, CHARLES.) A. J.

BROWN, John, was born in Torrington, Conn., May 9, 1800, and was hanged at Charlestown, Va., Dec. 2, 1859. He had lived in Essex county, N. Y., in "John Brown's tract," until 1851, when he removed to Akron, Ohio, and in 1855, without his younger children but with his four older sons, settled in Kansas, where he soon became known as "John Brown, of Osawatomie," one of the foremost leaders in resisting Missouri border ruffian violence by force. He at last began the forcible liberation of Missouri slaves, and rewards were offered for his arrest by state and federal authorities. In January, 1859, he left Kansas for the east, to fulfill his life-long ambition of beginning a forcible, not a political, opposition to slavery by renewing the liberation of slaves on a far larger scale. In July, 1859, he settled near Harper's Ferry, Va., with some of his Kansas associates, and began preparations. Late on Sunday evening, Oct. 17, with 17 white and 5 colored men, he seized the United States arsenal at Harper's Ferry "by the authority of God Almighty," and spent the next 18 hours in freeing slaves, cutting telegraph wires, preparing defenses, and making white prisoners, of whom he secured nearly 50. His intention was to retreat at once, with his negro recruits, to the strongholds of the mountains, and keep up a guerrilla warfare, with the Alleghanies from Alabama to Maryland as his base, but he delayed until he was too late. By noon of Monday militia began to pour in, and before evening 1,500 soldiers, of all arms, had surrounded the armory engine house, which was Brown's last refuge. Early on Tuesday morning the United States marines, using a ladder as a battering ram, burst in the engine house door, and the Harper's Ferry insurrection was over. Eight of the insurgents had been killed, one was dying, and three had already been captured, two of them mortally wounded. The prisoners in the engine house were Brown, three other whites, and half a dozen negroes. John Brown's trial was fair, but his conviction was inevitable, and he was executed as above stated. Four of his associates, Cook, Coppoc, Copeland, and Green (a negro), were hanged at Charlestown Dec. 16, and two others, Stevens and Hazlitt, on the 16th of the following March. His sons, Watson and Oliver, had been mortally wounded, and died during the conflicts at the armory Owen Brown, Barclay Coppoc, Tidd, Merriam, and Anderson (a negro), escaped.—The political importance of the Harper's Ferry insurrection was twofold. In the north it forced the slavery question upon public attention, and put the abolitionists (as distinguished from the republicans) in an entirely new light. Opinions, in a democracy, are always more respectfully considered when their holders are ready to die in their assertion, and, though the north almost unanimously condemned the whole insurrection, John Brown's steadfast life and death, for most northern men, laid the foundation of a kindly reception of the emancipation proclamation only three years afterward. In the south the office-holders and slaveholders, who had hitherto found it a work of much difficulty to convince other southerners of the general wickedness of the north, had now a clear opening for the lever. An abolitionist rising had taken place, and the north, while condemning it, had failed to do so with the heat which was natural to southern men, whose homes, wives and babes were at stake in such a struggle. The charge of complicity in John Brown's undertaking was urged angrily and persistently against many persons and associations in the north who were identified with the abolition movement, and the desire for a separate commonwealth, separated by national lines from the abolitionists of the north, grew steadily stronger in the south until the election of 1860 offered a pretext for secession.—See 1 Greeley's *American Conflict*, 280; Redpath's *Life of John Brown;* Webb's *Life of John Brown; Report of Congressional Committee on Harper's Ferry Insurrection;* and later authorities under SECESSION.

ALEXANDER JOHNSTON.

BUCHANAN, James, president of the United States 1857–61, was born in Stony Batter, Franklin county, Pa., April 23, 1791, and died at Wheatland, Pa., June 1, 1868. He was graduated at Dickinson college in 1809, and was admitted to the bar in 1812. He began political life as a moderate federalist, joining the democratic party in 1826–7. He was in the house of representatives 1820–30, in the senate 1833–45, secretary of state 1845–9, and minister to Great Britain 1852–6. (See OSTEND MANIFESTO.) Through all this period of public service he had maintained the character of a cautious and safe politician, who had made no slips or mistakes, and who was devoted to the favorite northern policy of ignoring the slavery question and stifling discussion about it. He was therefore chosen president in 1856. (The leading events of his administration are given under DRED SCOTT CASE; KANSAS; BROWN, JOHN; SECESSION; DEMOCRATIC-REPUBLICAN PARTY.) At the close of his term, having succeeded in

keeping the peace until March 3, 1861, he retired to private life with the contempt of both sections, and devoted his leisure to the preparation of a defense of his administration. This book deserves the careful reading of any one who wishes to understand the history of the times, though public opinion in the north has become so fixed in attributing to Buchanan's cowardice and hesitation the disasters of 1860–61 that no defense of his administration will find any general attention for many years to come. His defense is, in brief, that both sectional parties, the republicans and the Breckenridge democracy, were determined on war, and were not to be baulked either by the president or by the Douglas democracy; that, while congress was in session, the inception of measures to suppress rebellion belonged to congress and their execution to the president; that congress, through the whole session of 1860–61, persistently and willfully refused to strengthen the army or navy, to fill the treasury, or to provide in any way for the common defense; and that all the blame for the first successes of secession and the development of a southern confederacy should fall upon congress and not upon the president. In the latter part of this there is undoubtedly more force than is commonly conceded; had Buchanan attempted to use, in December, 1860, the war powers which Lincoln used in April, 1861, he would perhaps have been impeached by a coalition of the anti-republican elements of the house and removed by the senate, and Breckenridge would have become president. But the effort was worth the risk. In 1832–3, congress being then also in session, Jackson "took the responsibility;" in 1860–61, Buchanan made no sign, and his memory must take the responsibility.—See *Buchanan's Administration on the Eve of the Rebellion;* Horton's *Life of Buchanan;* 1 *Atlantic Monthly*, 745. ALEXANDER JOHNSTON.

BUCKSHOT WAR, The (IN U. S. HISTORY). In 1838 the control of the Pennsylvania house of representatives, on which depended the choice of a United States senator, turned upon the election in Philadelphia, Oct 9. Here the democratic candidates for senators and representatives were elected by average majorities of about 350; but the democratic candidate for congress was defeated. Ascribing his defeat to whig frauds in the Northern Liberties district, he induced the ten democratic return judges to cast out the entire 5,000 votes of that polling place, and thus obtained a certificate of election. Hereupon the seven whig judges met separately and gave certificates not only to their party candidate for congress, but also to the whig candidates for the state legislature, though these had no claim to a majority with or without the Northern Liberties vote. The whig certificates, sent by rail, came first to the secretary of state, who was also chairman of the whig state committee. He at once accepted them as the true ones and issued an address to his party, calling on them, until investigation could be made, "to treat the election as if they had not been defeated, and abide the result." This was a signal for both parties to muster strong bodies of armed partisans at Harrisburg before the meeting of the legislature, "to see fair play."—The legislature met Dec. 4, 1838, in the presence of riotous crowds. In both houses the secretary of state handed in the whig returns from Philadelphia, ignoring those of their opponents. The whig senate was organized without great difficulty, but adjourned because of the mob. In the house two organizations were formed in the same room, one (whig) recognizing the secretary's returns, the other (democratic) recognizing the election judges' returns. As speaker the former chose Thomas S. Cunningham, and the latter William Hopkins. The Hopkins house remained in session after the adjournment of the Cunningham house, and, having thus got possession of the hall, guarded it securely and compelled their opponents to meet elsewhere.—The whig governor, Ritner, issued a proclamation during the day, declaring the capital to be in the hands of a lawless mob, and calling on the militia throughout the state to prepare for action. Dec. 5, he called on the commandant at Carlisle barracks, Capt Sumner, for United States dragoons, but was refused. He then, Dec. 7, called on president Van Buren for troops to protect the state from domestic violence. (See INSURRECTION, II.) This request was also refused, Dec. 11, on the ground that the trouble arose from no opposition to the laws, but from a political contest for the organization of the house; and that it was indelicate and improper for the federal government to interfere for the support of either party. (See KANSAS.) In the meantime about 1,000 militia had been brought to Harrisburg, but, after a two weeks' stay, departed, as the mob violence had ceased, and the senate and the dual house were holding regular and quiet sessions.—The senate stood 22 whigs to 11 democrats; but, when the excitement fell, it was found that many whigs disapproved the secretary's assumption of power to decide disputed returns. The feeling spread, and Dec. 17 three Cunningham members took seats in the Hopkins house, thus giving that body a majority of all the representatives. On motion of a whig senator, Dec. 25, the senate recognized the Hopkins house, and this ended the "Buckshot War." The other Cunningham members, during the next three weeks, took seats in the Hopkins house, with the single exception of their leader, Thaddeus Stevens, who absented himself during the rest of the session. May 7, 1839, at an extra session, he presented himself to take the oath, but the democratic majority, to punish him for his part in the struggle and for his strong and repeated expressions of contempt for the Hopkins house, declared his seat vacant. At the consequent special election he was again chosen, and took his seat in June. The popular name for the whole conflict was given from a reported

threat of a whig member that the mob "should feel ball and buckshot before the day was over." The "Buckshot War" is interesting as throwing light upon the meaning of the term "domestic violence," and upon the power of the United States to protect the state governments therefrom. (See DORR REBELLION; INSURRECTION, II.)—See Armor's *Lives of the Governors of Pennsylvania* (under *Ritner*); Harris' *History of Lancaster County*, and *Political Conflict in America;* and authorities under PENNSYLVANIA.

ALEXANDER JOHNSTON.

BUCKTAILS (IN U. S. HISTORY). A part of the insignia of the Tammany society in New York city was a buck's tail worn in the hat instead of a feather; hence "Bucktails" became a common name for the members of the society. The bill which committed the state of New York to Clinton's canal building policy was passed April 15, 1817, and the members most furiously opposed to it were the bucktail members from New York city. The name "Bucktail" then became for some years a common name for the opponents of the canal system throughout the state. Under Martin Van Buren the bucktails gained control of the state, and in 1824 Clinton was summarily ejected from his office of canal commissioner. At the election of 1824 Clinton was chosen governor by a popular majority of over 16,000, and again in 1826. After Clinton's death, in 1828, the bucktails became the democratic party of New York under the lead of the Albany Regency. (See NEW YORK.)—See 1 Hammond's *Political History of New York*, from page 450.

A. J.

BUDDHISM is a religion which to-day has more adherents than any other on the face of the earth. Professed in China and Japan, in the islands of Ceylon and Java, in Cochin China and Laos, in Burmah and Pegu, in Nepaul and Thibet, in Kashmire, in Mongolia and Tartary, it has at least three hundred millions of adherents; and although in these countries, so remote from each other, it has assumed different forms, it has still preserved its individuality which neither time nor place has been able to modify in any essential degree. For this reason alone, Buddhism merits the greatest attention, since it holds so prominent a place in the religious history of mankind. What renders it besides no less worthy of interest is the fact that in reality it is a doctrine which seems to contradict in many regards the most natural instincts of the heart and mind. But it possesses the glory of having never been propagated by force and persecution, and of never having employed other than the mildest methods of persuasion to extend itself over so many peoples and lands. If we try to sound its special dogmas, an absolute ignorance of God is discovered, of whom Buddhism has never had the slightest notion, and a negation not less absolute of the immortality of the soul, which seeks eternal salvation only in annihilation, an unshaken belief in metempsychosis or the transmigration of souls, and a complete system of nihilism as its sole philosophy. Considered under these aspects, Buddhism is one of the most curious and afflicting phenomena which can be examined. It is only within the last half century that Buddhism has become known in an authentic manner, and it was only after the discovery of its sacred books that it was possible to find out anything definite about it. Up to that time, the only sources of information regarding it was faith in the most obscure and least certain traditions. It was Mr. Brian Houghton Hodgson, an English resident at Kathmandu, the capital of Nepaul, who first made this splendid discovery and revealed it to the learned world. Intimate with Buddhist priests, he gained their confidence and soon learned that in the convents of the country Sanskrit books were preserved which were the foundation of the whole Buddhist religion. These books contained the discourses and biography of Buddha, the rules of discipline which he had imposed on his monks, and the metaphysics of the whole Buddhistic doctrine. Mr. Hodgson procured copies of these books, which he gave to such learned societies as could make best use of them—the Asiatic societies at London and Paris, and the Asiatic society of Bengal at Calcutta. He repeated these generous gifts at various times, and the learned world was put in possession of 88 of the principal works which form the canon of the Buddhist scriptures. This took place in the interval between 1824 and 1834. Almost contemporary with Mr. Hodgson, a young Hungarian doctor, Cosma de Körös, entered Thibet and learned the language which no European before him knew, and was able to analyze two great collections of more than three hundred Thibetan volumes, faithful translations of the Sanskrit originals discovered by Mr. Hodgson. Mr. J. L. Schmidt, of St. Petersburg, established the fact, that the Thibetan translations of Buddhist Sanskrit books had in turn been translated into Mongolian, and that just as the Buddhistic faith had passed with the books containing it from India to Nepaul and from Nepaul to Thibet, it passed from Thibet to Mongolia. At the other extremity of India, in the island of Ceylon, treasures no less precious were discovered. Mr. George Turnour, a civil employé like Mr. Hodgson, discovered a second rendering of the Buddhist scriptures in a dialect derived from, and very nearly allied to the Sanskrit, the Pali, which has become the sacred language of the Singhalese; and he published a Pali work, the Mahavamsa, containing the annals of Ceylon after it was converted to Buddhism. About 1868, M. Grimblot, consul of France at Colombo, brought home with him a complete collection of the Buddhist canon, in Pali, according to the southern text, and this collection deposited in the national library invites the labor and knowledge of our Hindoo scholars, who will find in it unexpected treasures. Sinologues added the testimony of China to that al

ready collected from so many sides. China, like Thibet and Mongolia, had translated the Buddhist scriptures in the early centuries of the Christian era, and M. Abel Remusat published, in 1836, the travels of Fa-hein, one of those courageous missionaries who went from the celestial empire into India, to search for the sacred books and bring them home. Later it was reserved for M. Stanislas Julien to complete information of this kind by a translation of the Biography and Memoirs of Hiouen-Thsang, the most instructive and illustrious of the Chinese pilgrims. In the seventh century of our era he traveled, for 16 years, through all the Buddhistic kingdoms of India and northern Asia. All these data on Buddhism were confirmed, 20 years ago, by the discovery of numerous inscriptions in every part of India, containing decrees of a Buddhist king Piyadasi or Asoka, who reigned in the third century before Christ (from 263 to 226).—Thus Indian inscriptions, Chinese translations and narratives of Chinese pilgrims, Pali texts, annals of Ceylon, Mongol and Thibetan translations, and especially the original Sanskrit, are the basis on which rests our knowledge of Buddhism to-day, to say nothing of a few less direct ideas which the Greeks have transmitted to us from the expedition of Alexander to the time of Clement of Alexandria. It is well to collect here all these details concerning the authenticity of Buddhism, so that there may be no doubt on such a subject; and as the doctrines of Buddhism are calculated to cause the most painful surprises, it is necessary that we should well understand that if they contain many errors, they no longer present any points of obscurity. They may be deplored, but it is clearly known what they are. The two most important Buddhistic works have been translated into French. The one is the *Lalitavistâra*, translated from Thibetan and compared with the original Sanskrit by M. Ph. Ed. Foucaux, containing the biography of Buddha. The other is the *Lotus of the Good Law*, translated from the Sanskrit by the much to be regretted Eugène Burnouf, and containing one of the *sutras* or sermons of Buddha.—We can now see the principal points in the history of Buddha and his doctrine. Buddha, that is to say, the Intelligent, the Wise, died 543 years before our era, at the age of 80. This is the most probable date despite striking divergences, and it is taken from the Singhalese annals. Buddha, son of a king of Kapilavastu, in the north of India, on the left bank of the Ganges, was called Siddhârtha, from his title of prince, and he took that of Buddha only when he had decided, after long meditation, on the basis of the new doctrines which he presented to mankind to save and instruct them. Married, at an early age, by his father who observed in him an unconquerable melancholy, he left the court and the world to adopt the life of a mendicant at the age of 29. Going first to the Brahman schools at Vaisali and Râdjagriha, the capital of Magadha, (the present Bihar), he soon convinced himself of the insufficiency of their systems, and to strengthen himself better in his own, he shut himself up, for six years, in the most austere retreat near the village of Onrouvilva on the banks of the Nairandjanâ, the Phalgou of modern geography, not far from mount Gaya. Subjecting himself to mortifications which frightened the gods themselves, struggling inflexibly against his youth and his senses, the Bodhisattva remained five years in this rude hermitage, and after having many ecstacies, he had one at last in which he thought he had found, in all its fullness, the law which could lead men to salvation and eternal deliverance. Thanks to this beneficent law, man could save himself from the odious necessity of being perpetually born over again; he might issue out of the circle of successive existences; in a word, save himself from transmigration. Once in possession of this marvelous doctrine, Buddha, "perfectly accomplished," left his long retreat and went to Benares to preach his religion, or, as the Buddhists phrase it, "to make the wheel of the law turn round." During the remainder of his life, that is to say, during 45 years, he did nothing but teach, by word and persuasion, peoples and kings who were willing to believe in him. He resided chiefly at Râdjagriha, in Magadha, at Sravasti, in Kosala (Fizabad in Oude), and died near Kusinagara in the kingdom of that name, in the shade of a grove composed of trees called *salas* (*shorea robusta*). His disciples gave him a magnificent funeral and divided his sacred relics among themselves, some of which, if popular superstition is to be believed, exist to the present time. This life of Buddha, so simple and so probable, was disfigured later by the most extravagant legends, from under which, however, it may be rescued and written.—Buddha dead, the devotees or *bhikshus* assembled in council under the protection of king Adjâtasatrou, and the most influential among them, Kâsyapa, Ananda and Upâli, drew up the works which were henceforth to form the orthodox canon. Kâsyapa, who as president of the council had directed all the deliberations, took charge of the metaphysics or *Abhidharma;* Ananda, first cousin of Buddha, revised his sermons or *sutras;* and Upâli compiled everything relating to discipline or *Vinaya*. The *Abhidharma*, the *sutras* and the *Vinaya* comprise what the Buddhists call the *Triple Basket* or Tripitaka, just as the Buddha, the Law and the Council, form the *Three Pearls* or the *Three Precious Things*, the *Triratna*. This first council, held under the patronage of Adjâtasatrou, who was converted by Buddha himself, was followed by two others, of uncertain date, one of which was held under king Asoka who extended his rule over the entire Indian peninsula, during the third century before our era. It was these three councils that settled the text of the Buddhist works such as they have come down to us and such as they were accepted by all the peoples who submitted to Buddhism.—The following is the doctrine contained therein.

Buddha sets out with the axiom accepted by all in India, and in a great part of Asia: Man has been condemned from all eternity to perpetual renewals of existence which succeed each other without end, and the present life, exposed to sickness, old age and death, is a terrible chain from which he should seek to free himself at any cost, and in such a manner as never to fall into the same abyss again. Brahmanism, with its complicated worship drawn from the Vedas, gave to men the means of salvation; but Buddha proclaimed these means to be ineffectual, and he wished to substitute better or rather infallible means for them. The first theory which he taught to lead man to the desire for deliverance, was that of the four sublime truths. These truths are the following: 1, pain is the inevitable heritage of man in life; 2, the cause of pain arises from acts, activity, desires, passions and faults; 3, pain for man may cease forever through Nirvâna; 4, the way to reach this final end of pain is that taught by Buddha. These four sublime truths were resumed in the sacramental verses adopted by all the Buddhists and repeated by them continually as a creed or act of faith.—The four sublime truths are followed by ten prohibitions which form the Buddhist decalogue: Not to kill, not to steal, not to commit adultery, not to lie, not to get drunk, not to eat outside the appointed hours, not to attend dances or theatrical representations, not to use perfumes or dress with luxury, not to have rich beds, and not to accept either gold or silver. Of these commands some are addressed to all the faithful, others more particularly to the monks for whom moral discipline is more severe. Buddhist monks have special observances of extreme rigor. They are allowed to clothe themselves only in rags collected on the streets, in the dirt heaps or in cemeteries, as Buddha did; they can not have more than three of these wretched dresses, sewed with their own hands, and always covered with a yellow mantle obtained through the same means. Their food is more simple still than their dress. The monks can live only on alms, receiving food given them in the wooden vase which they hold out without saying the least word to ask for it, and without any sign of impatience. They eat but one meal a day and before noon. The woods are their only habitation. In sleeping they sit with the back against the trunk of a tree, and the rest of the body on a mat. Once a month, at least, they pass the night in a cemetery to meditate on the instability of human things. Moreover, the monk must remain in celibacy and the most complete chastity. The only mild provision in this fierce code is that in the rainy season, the winter of these climates, it is permitted to the *bhikshous* or mendicants to shelter themselves in *viharas* or convents, which the sympathy of the people or the munificence of kings had erected for their use in all the Buddhist countries.—As to ordinary believers, Buddha recommended to them the practice of the six transcendent virtues: almsgiving, purity, patience, courage, contemplation, and knowledge. He added reserve in speech in order to avoid all grossness and all calumny, and humility which guarantees man against the evils of pride. He prescribed also to the monks and even to laymen, the public confession of their sins, and this institution has existed for a long time and under various forms, as may be seen from the moral edicts of Piyadasi and the memoirs of Hiouen-Thsang.—Such is the code of Buddhist morals, exaggerated in some parts, excellent in nearly all, and in general worthy of Christianity itself. This code has exercised a salutary influence upon simple men, on kings, and even nations, as is shown by an array of facts to be found in the *sutras*, in the legends, and even in civil and political history of Buddhist nations. It is founded upon a metaphysical system of which only a few words can be said here, but which should not be passed over in silence. Transmigration of souls, accepted as a dogma not to be discussed, meant for Buddha that man before coming into this world and after leaving it, may have already appeared under millions and millions of different forms, from inert matter and stone, for example, up to living matter in the bodies of the most perfect animals, including man. The only cause for these transformations is the conduct of men in a previous existence. In the present the fate of the future life is determined. But what was the cause of man's first existence, and how did the series commence? Buddha neglected this impenetrable problem of the origin, and seemed to believe in the eternity of beings, or rather, in their eternal mutability. Accordingly he declared that everything in the world is void, that there are only appearances without reality, and that the only faith possible is to believe in nothing, or rather, to believe in nothing but Nirvâna.—There has been much discussion among scholars as to the meaning to be attached to Nirvâna. Some have pretended that it is the absorption of the human soul in God, but it has been answered that Buddhism believes neither in God nor in the human soul; and it may be seen by the preceding that neither the one nor the other has a place in the Buddhist system. Nirvâna, therefore, had for Buddha no other meaning than nothingness from which man never returns because he no longer exists. This faith is an abominable one, but it forms unquestionably the basis itself of Buddhism. First of all, the sacred books attest it, and although a doctrine of this kind is necessarily very obscure, it is what the *sutras* set forth. Moreover this doctrine is perfectly in accord with the atheism of Buddhism; it is the same which the Brahmans who have a horror of it, attribute to their adversaries; it springs from the whole system of Buddhist metaphysics, and it is still in our day the faith of all the Buddhist priests, who have been consulted by Christian missionaries, as can be seen by reference to the works of Spence Hardy, Bigandet, Wassilief, Müllens, Grimblot, and many

others. This interpretation of Nirvâna is adopted by Eugene Burnouf, the most competent judge in these questions, and his arguments may be found in his admirable work: *Introduction à l'histoire du Boudhisme Indien.*—If it be a matter of surprise that nothingness should be the object of religious worship for so large a portion of humanity, we may answer, first of all, that these people are in this as in many other regards, very different from us, and that they seem to despise life at least as much as we love it. It may be added that nations generally understand little of the ultimate principles of the religions they profess, and it is not probable that among Christians there are many more who understand the admirable depths of the Christian faith than there are among Buddhists who can give an account of the true sense of Nirvâna. They adore Buddha, they pay a mild and simple worship to his virtues, they turn to him in their prayers without ever having thought of making him a god; they try to imitate his virtues and free themselves from transmigration by following his precepts. But for them, as well as for Christians, metaphysics are of little account, and it is only the ablest adepts who read the *Pradjnâ pâramitâ*, or the book of transcendental wisdom, a vast collection which we possess in three or four orthodox versions, and which contain nothing but a system of absolute nihilism, as decided as it is absurd. In one word, it is no longer permitted to doubt the significance given by Buddha and his most intelligent disciples to Nirvâna. For them Nirvâna is nothingness; that is the most definite and deplorable assurance that man can give himself against every return to life under whatever form it may be.—Although there are voluminous works on Buddhism it is impossible to write its history at present, and perhaps it will never be written. We can easily see that even with all the necessary material it would be very difficult to write, on account of its enormous extent and long duration, since it comprises 15 or 20 nations, at least, from Kashmire to China and Japan, and covers a period of 2,500 years. All that may be stated here is, that Buddhism had its birth in India, on the banks of the Ganges, and was able to grow and flourish there for about 1,200 years, since it was still very prosperous when the Chinese pilgrim, Hiouen-Thsang, visited the country (from 629 to 645 of our era). Brahmanism, long tolerant, apparently stopped being so at this epoch; and Buddhism, exiled forever from India, its birthplace, existed only in the neighboring countries. It had penetrated into Ceylon about two centuries after the death of Buddha. It entered China about the Christian era, and the zeal of the Chinese was so intense that they produced thousands of works of every kind on this pious subject. Buddhism was not introduced until somewhat later into Nepaul, Kashmire, Thibet and Mongolia, and the countries forming the so-called India beyond the Ganges. But in all these countries it has struck firm roots, and it is there that it must be studied to-day, if we wish to know what it has become and on what it subsists. Ceylon is one of its principal centres, though in this island itself the progress of Christianity, especially under the form of Catholicism, becomes more considerable and more menacing to Buddhism from day to day.—It is not to be hoped that Christianity will ever replace Buddhism among the populations who have accepted that faith, and who find it on a level with their light and their needs. Christian missionaries undertake a most laudable work, but it is to be feared that this work will be as fruitless as it is beautiful, which does not, of course, prevent attempting it with persistence. There are hidden and all powerful reasons, no doubt, why these peoples should have accepted Buddhism and clung to it with so blind and sincere a devotion. Their turn of mind, their manners and habits, demand no more reasonable or complicated worship. Buddha, the man, is a sufficient ideal for them, and it is certain that this worship, deplorable though it appear to us, has formed some noble souls, such as Hiouen-Thsang, for example, who may be ranked among saints and sages. But as far as one may judge, the Buddhist faith has not greatly favored the advance of civilization among the peoples converted to it; they have never been able to organize in their midst regular and firm governments; and it is undoubted that when, in the concerns of life, such renunciation is practiced as Buddha recommends, and which those nations are instinctively ready for, men are ill prepared for all the labors and struggles demanded by civilization. The personality of man, destroyed by the idea of universal transmigration, has never cared for the liberty which it does not recognize in itself and which it seeks not to establish and cause to be respected by others. All Asia seems at all times devoted to despotism, but the Buddhistic peoples are particularly adapted thereto, and it would have been a marvel if Buddhism, which has never suspected that man is a free being, should have sought to maintain his freedom and dignity in the society in which he lived. But since the needs of society necessitate a governing power, whatever power has been established in Asia has been allowed to have its own way. It has never sought to control, limit or improve it in any way. The only attention paid to government there is to overthrow it with violence when it can no longer be endured.—It is quite remarkable that the Buddhist monks, while distinct from the crowd, and having a species of hierarchy in their different schools, have never thought of forming a corporation properly speaking, and founding a spiritual power side by side with the temporal. It is only in Thibet that this has been attempted by Lamaism, and there it has not produced any of the results witnessed in Christian lands. The Buddhist priests make a vow of poverty and keep this vow strictly; those of Ceylon, for example, do not possess any property individually. Still, among the greater part of the Buddhist peoples,

the piety of the faithful and of kings has erected for the use of devotees during the rainy season splendid convents, capable sometimes of receiving thousands of guests. To these convents temples have been joined, and to the temples estates have been added for the maintenance of worship. The Buddhist clergy do not appear generally to have abused this consideration, and conflicts have been rare between them and the civil power, which has always remained the master. In Brahmanism, on the contrary, the religious body, upheld by caste, became the veritable master of society, and the political power submitted as a matter of fact to the spiritual authority. The *kshatriya* had nothing except under the hand and with the tacit permission of the Brahman. After long and bloody struggles the kings were obliged to yield and remain forever obedient.—Buddhism, born in the midst of Brahmanism, and perhaps 12 or 15 centuries later, tried to reform the latter, but failed in the undertaking, and India has not accepted it because she did not find it better than the ancient faith to which she has remained invincibly attached. For us, who are impartial in these debates, Buddhism must also seem very inferior to its rival, and although Vedic worship has not borne very good fruits, it was of much more value than that which sought to replace it. It has allowed the Indian genius to unfold with luxuriance in nearly every direction, while Buddhism, both puerile and sombre, has inclosed in a narrow and cheerless circle the people who embraced it. The Buddhist nations have absolutely no literature outside their sacred books; and as the human mind never loses its rights, rein has been given to the imagination in the orthodox books themselves with a license to reason that is truly wonderful. We may easily be convinced of this by reading the *Lotus of the Good Law*, or Lalitavistâra. If the Buddhist religion is the most widely spread among men, it is also the most singular and deplorable they have ever professed, though it has more than one apparent resemblance to Christianity; and among the founders of religions the figure of Buddha is the most pure and noble after that of Christ himself. Moreover the resemblances which men have sometimes tried to find between Christianity and Buddhism are altogether mistaken. The systems originated and were developed independently of each other, and Christianity would have to blush at being the child or the father of Buddhism as has sometimes been pretended through motives that were neither honorable nor well founded.—To become acquainted with Buddhism, it is necessary to read the books cited above, and also the work on "Buddha and his Religion," in which the author of this article has collected all the results obtained by erudition up to the present day. Compare Alabaster, *The Modern Buddhist*, London, 1870; Beal, *Outline of Buddhism from Chinese Sources*, London, 1870; Eitel, *Buddhism, its Historical, Theoretical and Popular Aspects*, London, 1873. (See BRAHMANISM, LAMAISM). BARTHÉLEMY SAINT-HILAIRE.

BUDGET. The word *budget* is immediately derived from the French *bougette*, a bag or purse, and is applied in modern times to the statement of receipts and expenditures of governments for the year. This use of the word had its origin in England, in applying the name of the bag containing the papers and documents laid before the house of commons by the chancellor of the exchequer, to the financial exhibit which the bag contained. France and other countries, which have borrowed so much of their parliamentary usages and terms from Great Britain, have adopted the word budget, which has a fixed meaning in the financial vocabulary.—While the fiscal year varies widely in different countries, beginning and ending in France with the calendar year, or the 1st of January, in Great Britain with the 1st of April, and in the United States with the 1st of July, there is a uniform usage in all nations for the government to present a budget to the legislative body at the beginning of its sessions. The consideration and examination of these estimates are devolved upon committees, though the system of permanent committees upon the budget prevails only in Belgium, in Holland and in the United States. In other countries the legislature appoints commissioners or special committees upon financial matters. The finance ministers in different nations, sometimes orally, and sometimes by written reports, advance their views and estimates, and defend them before the standing or special committees or before the committee of the whole house, according to the established custom of each country, the legislative body reserving to itself (everywhere except in Russia and Turkey, where no representative government exists) the final power of voting upon all estimates submitted.—Notwithstanding this general control by the representatives of the people of the expense of government, there is a constant tendency toward increased expenditure of the public money, in the multiplication of offices, in the advance of salaries, in the expense of administration, and in the erection of costly buildings and extensive systems of public works. That this increased costliness of government advances in a much greater ratio than population or public wealth, is manifest; and the rapid strides made in this direction during the last 25 years in three countries may be seen in the following:

EXPENDITURES OF GOVERNMENT.

COUNTRIES.	1855.	1880.
France	$297,012,665	$687,000,000
Great Britain	255,874,195	412,017,425
United States	58,630,663	267,642,958

—In the United States, a statement of the annual receipts and expenditures of the government has been laid before congress by the secretary of the treasury ever since 1790, and published as required by the constitution. A committee of ways and means, to consider and report upon

estimates for supplies needed in the administration of the government, was first constituted in congress in 1789, at its earliest session, consisting of one member from each state. In 1795 this committee was made a standing or permanent committee of the house. Reduced to 7 members in 1802, it was increased to 9 in 1833, to 11 in 1873, and to 13 members in 1879. The functions of the ways and means committee, which once included all matters relating to the revenue, the public debt, and the expenditures of the government, were divided in 1865, on account of the very great amount and variety of public business pressing upon this one committee, and a distinct committee on appropriations was created. This has direct charge of all measures appropriating money for the support of the government, while to the committee on ways and means are referred all matters relating to the revenue and the bonded debt of the United States. Bills proposed by the committee on appropriations take precedence of other business in committee of the whole house, and the yeas and nays on the passage of such bills are required to be entered in detail on the journal of the house. But the house has repeatedly suspended this rule, and passed river and harbor appropriations without debate. — The constitution provides that no money shall ever be drawn from the treasury but in consequence of appropriations made by law, and the checks upon unnecessary or extravagant expenditure are all in the hands of congress. That body has provided apparent safeguards to the treasury by adopting rules that no appropriation shall be reported in any bill or admitted as an amendment, unless previously authorized by law, or in continuation of such public works and objects as are already in progress, also prohibiting any provision in such bills or amendments to change existing laws, except such as shall retrench expenditures.—The senate, like the house of representatives, has a committee on appropriations, but its committee to consider revenue measures is styled the committee on finance.—The treasury estimates for appropriations are prepared by the various departments and bureaus of the public service in the autumn, and are required to be sent by the secretary of the treasury to the speaker of the house on its annual meeting in December. They set forth: 1, the authority in previous legislation for the expenditure estimated for; 2, the estimated amount required under each item of expenditure for the service of the fiscal year ensuing; 3, the same estimate for the fiscal year then current; and 4, the amount actually appropriated for the fiscal year preceding. These estimates, with the annual report of receipts and expenditures of the United States for the fiscal year ended on the 30th of June prior to the assembling of congress in December, form the basis upon which the secretary of the treasury makes up his annual report to congress, which embraces a careful review of the working of the revenue system, and an estimate of the probable receipts of the government from all sources for the remainder of the current fiscal year, as well as for the ensuing one, for which congress is asked to appropriate. At the same time, or by special communications at a later period of the session, estimates for deficiencies in the appropriations of the current year to meet expenditures, are laid before congress, which is asked to grant the amount necessary to defray them. These deficiency bills are occasioned sometimes by unforeseen sources of expenditure, sometimes by careless accounting or extravagance, but more frequently by the failure of congress to incorporate in the regular advance appropriation bills a sufficient sum to defray the whole expenditure for a year of certain branches of the public service.—The original estimates submitted by the departments usually undergo considerable reductions by the house of representatives (as reported by its committee on appropriations) and while the tendency to restore the full amount in the senate, which is the less popular body, is very strong and prevails to a considerable extent, the net result is a compromise between the two houses, in which the aggregate appropriations are made less than the senate passes them, but larger than limited by the house, while still much below the estimates as submitted by the several departments. It is usual for the committees on appropriations of both houses to receive, orally or in writing, statements from the officials seeking appropriations, pertaining to the amount and the necessity for the public service of the sums asked for. As none of the heads of departments have seats in either branch of congress, where they could make public statements or answer inquiries relating to appropriations under consideration, letters from these officers are frequently read in open house, although addressed only to the chairman of the appropriations committee.—Besides the sums specifically asked for in the annual budget, and appropriated by congress with or without amendment, there are what are known as "permanent annual appropriations," which are expended by the treasury in pursuance of acts continuously operating, without annual re-enactment. These permanent appropriations are of two kinds: I. Specific, including only three items of expenditure—1, the cost of collection of the customs revenues, $5,500,000 per annum; 2, the arming and equipment of the militia of the United States, $200,000 per annum; 3, the payment of 6 per cent. interest on the bequest to the Smithsonian institution, held by the government of the United States, $39,000 per annum. II. Indefinite annual appropriations, which include the interest on the public debt, the amount annually paid into the sinking fund, the interest on bonds issued to the Pacific railways, and a great variety of refundings, indemnities, etc., liable to be paid out under obligation of existing laws, but the amount of which is indeterminate, or varying from year to year. The aggregate of all these permanent specific and

indefinite appropriations for the year 1880 was $145,939,438. Of this sum, no less than $134,000,000 was on account of the sinking fund, and interest on the public debt. The aggregate of the annual appropriations specifically made by congress for 1880 was $162,404,647, while the actual expenditure, as rendered by the treasury report for the same year, was $171,885,383. The appropriations "to supply deficiencies" have ranged in the past 10 years from $1,000,000 to $15,213,259 per annum. The following shows the various heads of expenditure under which the appropriations were made for the fiscal year 1881:

Legislative, executive and judicial expenses	$16,785,309
Sundry civil expenses	24,216,137
Support of the army	26,425,800
Naval service	14,405,797
Indian service	4,657,263
Rivers and harbors	8,976,500
Forts and fortifications	550,000
Military academy	316,234
Post office department	3,883,420
Invalid and other pensions	41,644,000
Consular and diplomatic service	1,18 ,335
Miscellaneous	4,959,332
To supply deficiencies	6,118,085
Total	$154,118,212

Under a general law, all unexpended balances of appropriations are covered into the treasury after two years.—In Great Britain the budget is annually prepared and printed by the officers of the treasury. It is carefully and minutely classified, each head of expenditure under the different departments of government being subdivided in detail. It makes three folio volumes, one devoted to estimates for the civil service, one to the army, and one to the navy. Indefinite expenditure or extravagance is almost impossible under the strict system of the British budget. The speech of the sovereign at the beginning of each session asks the commons for supplies of revenue, and that body appoints a day when it will resolve itself into a committee of the whole house to consider the supply bill. The member of the government representing each department explains to the committee the estimates, answers questions, and proceeds to propose each grant in succession. This comes after the set speech on the budget delivered by the chancellor of the exchequer, who has the duty of proposing to the house of commons any increase of taxation rendered necessary by deficient revenues, or any abolition or reduction of the customs or excise taxes which a surplus of revenue may justify. Very rarely does the British budget entail the necessity of an increase of taxes; it is much more common for the chancellor of the exchequer to have the pleasing duty of proposing a reduction. This is in part owing to the careful accounting which prevails in all departments, as well as to the great resources of a people occupying a front rank among commercial and manufacturing nations. The rarity of a deficit is also owing in part to the fact that the budget, in place of being voted a whole year in advance, as in many countries, is adopted usually about the time when the expenditure of the fiscal year it provides for begins. Thus the wants and the resources of the treasury can be estimated with greater precision, while the ministry can avail itself of the fluctuations in receipts and expenditures to a late period of the session of parliament, thus avoiding the miscalculations that lead to deficits.—There is in the British budget what is termed the consolidated fund, made up of the receipts from customs and internal revenue. This fund is specially set apart to the expenses of the public debt, the civil list, pensions and allowances, (including the royal family), and salaries of government officers. These expenses are not submitted to an annual vote in parliament, but the surplus of the consolidated fund over and above these necessary charges can not be expended without appropriations voted in the usual form of a supply bill. A similar feature is found in the expenditure under what are known as "permanent appropriations" in the United States. In both cases, the provisions of law on the faith of which the various public loans have been contracted constitute a special and inalienable guarantee of their payment, so that neither parliament nor congress can disturb the public faith by refusing to appropriate money to pay the interest as it falls due. In France, on the other hand, no pledge of a special revenue is attached to the public debt, the interest being paid out of the treasury funds without distinction of source.—All the other expenditures of the British government have to be provided for by annual vote. No expenditure is permitted in the course of any financial year beyond the sums voted, and if the whole amount appropriated has not been expended, the surplus has to be turned into the treasury.—In time of war, to provide for unforeseen expenses during the recess of parliament, a vote of confidence for so many million pounds sterling has been customary. These funds can be employed for no other than military objects, and if they are exhausted, the government must summon parliament and lay before it its demands for additional credits.—In France, where order and method were introduced into the management of finances early in the middle ages, we find a classification of ordinary and extraordinary expenses as early as 1314. There were then general administrators of the finances, with a receiver-general, who administered the treasury, and apportioned the revenue and expenditure to the wants of each succeeding year. Each deficit was provided for by a general tax, which in case of war frequently amounted to very large sums. In the reign of Francis I. the financial operations of the government were further concentrated in the hands of a treasurer general, charged with the disbursements and collections of the state, while the management of the public debt was placed in the hands of a special agent. The treasurer presented the budget to the king at the beginning of each year, but no publication of it was made. Not until 1789 was any require-

ment made for annual publication of the statement of receipts and expenditures. The constitution of the republic of 1795 re-affirmed this provision, and gave the sole power of levying taxes to the *corps législatif*, limiting the operation of each tax law to one year. By the same constitution the government was for the first time required to submit a statement of expenses to the *corps législatif*. From this time dates the use of the term "budget" in French finance. During the whole period of the French revolution there was great looseness of control as to the expenses of the government, and, under the first empire, the annual accounts of revenue and expenditure were published in a very inexact and imperfect form. Sometimes, even, the government forgot to have the budget voted by the *corps législatif*. A simple imperial decree sufficed for the most enormous taxation, and no thought was given to the legitimacy of any expenditure ordered by the same authority. —On the establishment of the constitutional government in 1814 great changes were made. The budget became the faithful balance-sheet of the debits and credits of the state. Every item of expenditure and of revenue had to be reported to the two chambers. In 1818 parliament returned to the rule of fixing the expenditure of the government, which had been for years determined by the administration. The functions of the receiver charged with the revenues, and the treasurer charged with the expenditures, were consolidated in a single minister. By degrees the budgets were systematized, and in 1831 all their statements were required to be specific, and divided into separate heads. This secured the immense advantage of concentrating any reduction or increase of expenditure upon a definite object or of throwing out any item by refusing to appropriate at all. In 1833 the control of the chambers was extended by ordering the distribution of printed reports of the *cour des comptes* among the members, and requiring a special act for every expenditure on public works or buildings. In 1850 the payment of any expenditure not directly authorized by law was prohibited, but this restriction was repealed in 1852, and the budget was required to be voted in mass, the law of special divisions being abolished. Much extravagance and increased expenditure resulted.— In 1862 a reform in the budget, proposed by M. Fould, was legalized, dividing the public expenditures into three categories: 1, the ordinary budget, providing for the necessary and permanent expenses, the execution of the laws, the collection of the revenue, etc.; 2, the departmental budget, or expenditures discharged by taxes imposed by localities; 3, the extraordinary expenses which, without being of absolute necessity, are of public utility. To these has been added by a later act the budget of redemption (sinking fund).—The court of accounts, under the present French system, is a branch of the civil service charged with reducing to order and system the whole of the public accounts, and submitting them to the legislative chambers with an elaborate report. The minute completeness with which everything is stated in the budget prevents misappropriation of the public moneys, supplies exact information for checking any needless expenditure, and brings the revenue and expenses of successive years into parallel view, showing how far the anticipated income and outgo have been realized. But the French republic has inherited a most expensive system from the second empire; government without control and constant extravagance have entailed the costliest government in Europe, which the enormous debt, the indemnity of a thousand million dollars to Germany, and the military disease which is eating out the substance of so many European peoples, have contributed to maintain.—The German empire exhibited a budget of 539,252,640 marks for 1880–81 of ordinary expenses, and 72,962,921 marks extraordinary, or a total of only $135,000,000, in which, however, the military expenditure figures for over 90 millions of dollars. Each member of the German confederation has its own separate budget also. The revenue for federal administration is voted by the *reichstag* under similar general regulations as those which prevail in Prussia. A finance commission is selected from among the members of the *reichstag*, having charge of the budget in its details.—The Prussian budget is voted for a calendar year beginning the 1st of January. Amendments to it can be proposed only by the representative body of the diet, where its items are first discussed, before being sent to the house of lords, which can only accept or reject it in mass. In case of disagreement on the budget, the two chambers propose to each other financial bills until they come into accord. This direct agency of the people's representatives in voting on revenue and expenditure dates only from 1848, before which the lower chamber had no control over the finances. But it has sometimes happened that when the diet would not pass the financial bills of the government as offered by the ministry, no account has been made of their refusal. The budgets which were rejected have been published as ordinances, and the people have acquiesced. —In Austria the second chamber of the *reichsrath* has the power of fixing the receipts and expenditures. The public debt has grown heavily, especially since the war of 1866, the result of which obliged Austria to cede her rich Italian provinces. A commission of finance, embracing 36 members of the lower house (or one-tenth of the entire chamber), examines the estimates of the budget, and has charge of the bills of supply — The budget of the Russian empire was, up to 1863, an unknown quantity. In that year a balance sheet of receipts and expenditures was published, showing a deficit of about 15,000,000 roubles. The financial statements since published have been neither regular nor exact. There being no legislative control whatever (for Russia has no parliament), the enormous expend-

iture goes on at a rate which strains even the prodigious resources of an empire of 90,000,000 of inhabitants. The Russian budget is prepared by the minister of finance, then subjected to the scrutiny of the committee of council of the empire, and finally it is submitted to the emperor's approval —The unification of Italy as a kingdom, while greatly increasing its power and resources, has obliged the new government to expend vast sums in maintaining a great military force. At the same time the development of public works has been entered upon on a grand scale. Notwithstanding numerous and heavy loans, the demands of the treasury have been such that it has been impossible to balance the receipts and expenditures. The annual budget of the ministry is referred in parliament to a commission composed of 30 members of the chamber of deputies and 15 from the senate.—The Spanish budget must, by the constitution, be voted by the cortes. The ordinary budget represents the produce of the taxes; the extraordinary budget is derived largely from the alienation of the ecclesiastical benefices. The total expenditure for 1880 was $181,647,000.—The budget of Portugal sets forth continual deficits, the state maintaining its regular expenses only by means of loans and financial expedients.—In Switzerland there is a federal budget for the whole republic, and as many local budgets as there are cantons. The federal treasury has in its hands the customs, postoffice, the telegraphs, and special imposts. These yield an annual revenue of about $8,000,000. The heaviest charge of the federal budget is that of the military, which amounts to $2,600,000. The general expenses of the government amount to only about $8,000,000 annually, showing Switzerland to be, perhaps, the most economical government in the world. The salaries of the principal officers vary from $800 to $1,200, and every officer is required to be faithful and intelligent. In the cantons of Switzerland the larger part of the budget goes to education and public works, the roads absorbing about 40 per cent. of the taxes raised.—The Turkish budget has only been made public since 1864, and then only through the persistent demand of the English and French governments. The necessity of continual loans to keep the Ottoman porte going as a government, has also precipitated this publication. The budgets, however, have been denounced as deceitful, all of them exhibiting an excess of receipts over expenditures, while the actual condition of the treasury was a continual deficit.—In Belgium the budget is voted in the year preceding the expenditure provided for. Deficiencies are met by supplementary credits. Expenses have risen from 87 million francs in 1835, to 386 million francs in 1880. Public works are not provided for in the regular budget, but by special taxes, or more frequently by loans. The budget, when submitted to the chamber of deputies, is distributed among six sections of the members, each corresponding to one of the six ministerial departments, viz., of justice, of foreign affairs, of the interior, of finance, of war and of public works.—The system of the Netherlands is similar, the upper and lower chambers of the legislature being each divided into five permanent committees, each of which has charge of a specific portion of the budget.—In Denmark the budget is voted for two years in advance by the diet. Indirect taxes bring in the greater part of the revenue. The very democratic constitution throws the power of appropriations into the hands of the peasants, who form the majority of the lower house. The expenses of education, public communication, etc., are readily voted, but the folksthing keeps a firm hand on the salaries of public functionaries, and rejects many proposed expenditures for fortifications and the increase of the army.—In Sweden the right of the nation to tax itself is exercised exclusively by the diet. The king is required to submit annually a detailed report on the condition of the finances. The diet appoints three commissioners of finance: the first reports on the financial administration and the public debt; the second brings in the necessary bills for raising revenue, and the third is charged with the regulation of the national bank. Besides the regular appropriations, the diet places at the disposal of the king an extraordinary credit, to be used in the interval of its sessions, only for great emergencies like the national defense, under advice of the council of state.—Sweden and Norway have each their separate budget, that of the former amounting to about $25,000,000, and that of Norway to about $18,000,000.

A. R. SPOFFORD.

BULL, Papal, authentic acts issued by the court of Rome. A bull—the name of which comes from the Latin word *bullare*, to seal—is written on parchment in gothic letters, sealed with lead and signed by the pope; it always relates to very important matters; it is drawn up in Latin, and generally named after the first words of the introduction. A brief is concerned with less important subjects. It is sealed with red wax, and signed by the secretary of briefs —The collection of bulls is called the bullarium. Several have appeared since 1727, and their importance, from a political point of view as well as from that of the Catholic religion, can not be doubted. The changes in the influence of the holy see can be traced in them. Confining themselves at first to the regulation of religious matters, the bulls after Gregory VII. had scarcely any other object than the exercise of political supremacy, religious decisions being given under the form of decrees, constitutions, rescripts, etc. After the reformation the bulls were brought back gradually to their ancient province, and at present the political manifestations of the pope take another form.—On account of the peculiar constitution of the Catholic church which gives so great an influence to its chiefs, making it almost a state within a state, the reception of bulls is in most countries subjected to a special

authorization by the government. In France no bull or any act of general interest can be published without having been examined by the council of state. MAURICE BLOCK.

BUNDESRATH. The bundesrath is, we may say, the highest executive and administrative power in the German empire. Its principal features had been defined by the constitution of the Nord-Deutsche Bund (the North German Federation) of 1867, whose provisions on this head were, in the main, incorporated into the constitution of 1871. As forming an essential part in the government of the empire, the bundesrath is, as far as its powers and its relation to the other branches of the government are concerned, a peculiar body. It can neither be likened to our senate nor to the upper house of a bi-cameral legislative assembly; nor is it a purely executive body, although it is not altogether unlike the latter, and may, in some respects, be likened to a state council. A better idea of the bundesrath than any definition can give, is furnished by simply describing its organization and enumerating its several p wers.—1. The bundesrath is now composed of 59 members, the delegates of the several states which under the headship of Prussia compose the German empire. Prussia is represented by 17 delegates or votes, Bavaria by 6, Wirtemberg by 4, Saxony by 4, Baden by 3, Hesse by 3, Mecklenburg-Schwerin and Braunschweig by 2 each, and the rest by 1 delegate or vote.—Each state may send as many delegates as it has votes, or it may send fewer, but in all proceedings the entire vote of each state is counted, and, when cast, must be a *unit* vote. The principal feature which marks the distinction between the bundesrath of the North German federation and of the German empire is, that none of its members or delegation can hamper or delay its proceedings, or force an adjournment for want of special instructions, touching the matters at issue, from the state they may represent. The bundesrath may, however, pass on a question by common consent, or by permission of its presiding officer. The presidency of the bundesrath is vested in the emperor, who has the power of appointing the chancellor of the empire the acting chairman of the bundesrath and controller of its business.—2. The bundesrath has power to decide on the legislative measures to be proposed to the imperial diet, on the rules, regulations, and means to be adopted in the administration and execution of the laws of the empire, (const. of 1871, art. 7). As far as the proposing of legislative measures is concerned, the bundesrath resembles a council of state, while in other respects it has more of the powers of an executive. It has, also, the power of deciding on the ways and means of removing defects apparent in the execution of the laws of the empire, or in the rules and regulations which govern, and the institutions which aid in the administration and execution of those laws. It is thus invested with a species of supervisory power.—3. The several members of the bundesrath have the privilege of being present at the proceedings of the imperial diet, of expressing their opinions on the questions pending, and of otherwise taking part in the deliberations of this body. They may take the floor at any time. In case the delegates of a certain state are unable to carry a measure, in the interest of their government, in the bundesrath, they may still submit the question to the imperial diet, and claim the right to be heard before that body. The bundesrath advises on the adoption or rejection of the legislation resolved upon by the imperial diet. Again, each of the governments forming part of the empire has the right, through its delegates, to propose and advocate any measure in the bundesrath which may come within the province of the latter. In deciding a question of legislation an absolute majority is held sufficient, while on questions touching constitutional amendments, or any change in the organic law of the empire, a two-thirds' majority is required. It is in the president of the bundesrath (the emperor) that the authority is vested to convene it, to adjourn it from time to time, or without day. It is also he who represents the empire in its relation to foreign governments, determines its diplomatic relations, appoints consular and other officers, etc., and enforces the execution of its laws in the several states coming within its jurisdiction. MAX. EBERHARDT.

BUREAUCRACY. The word bureaucracy indicates a deep-seated infirmity which very generally characterizes the political administration of modern times in Europe. The more the principle prevailed that the state should look after all public interests which could be cared for only by its concentrated strength, the greater and more difficult became the task of administration, and the more dangerous, at the same time, the erroneous conception of that principle. If, formerly, care for certain interests was left too exclusively to persons and corporations, the tendency now was to undervalue these individual powers and carry the interference of the state too far. Conscious design was here added to error, since it seemed to those in power that the rule of the whole was best assured when every movement was regulated from above. This was the starting point of a system of over-government from which, among all civilized states of the old world, only Switzerland and England have kept themselves entirely free.—Besides this, the problem rightly understood had become greater and more difficult. If governments are to satisfy the demands increased tenfold that are made on the modern state, then their conduct demands a greater amount of ability, insight and patriotic devotion. Where this ability, insight and devotion were not found, administration became superficial in proportion as it extended its action. It failed to control the infinite amount of material which it sought to rule, and dropped into a senseless and selfish formalism. Finally the bureaucratic body in the modern state takes another position, through its centralization,

its multiplied numbers and its consciousness of increased power. It feels itself, under this system of over-government, absolutely the ruling centre in all public life, and forms a class outside of and above the people.—Under the pressure of an over-governing and formally-governing bureaucratic body imbued with this spirit, the governed have to suffer in three ways: 1, those affairs in which they need the intervention of public authority are more frequently ill managed than well managed; 2, they have to put up with this intervention and its harmful results in a thousand cases in which they might have done without it; 3, they seldom come into personal contact with the agents of authority without going away with a feeling of personal humiliation.—These three closely connected evils, in their combination, are designated by the expression bureaucracy. An ignorant, indolent or corruptible administration with humane forms, or an administration under rude forms but which does its duty with intelligence and real zeal, or a government which leaves things to take their course and interferes only at intervals with strong measures, is not bureaucracy in the sense which a precise and proper use of language connects with the word.—Bureaucracy wherever established has its seat in the organs of the government, but first of all in the police power; from this point it easily extends to the whole body of officials and still further to kindred circles. It is then found at the counters of the postoffice, in the departments of communal administration, and in the courts of law. In constitutional states, in which public officials, municipal employés and lawyers have a preponderant part in legislation, as well as in the absolutist state, where the work of legislation proceeds entirely from state officials, legislation itself bears the stamp of the bureaucratic spirit, in proportion as the administration is ruled by it.—The error that bureaucracy and absolutism are inseparable was corrected to some extent by the experience of 1848. It was then shown that radicalism, too, when it comes to the helm, finds bureaucracy essentially consonant with its nature. It was also shown that radicalism had had a great number of silent adherents among the most zealous servants of absolute government; and they now followed its victorious banners. Since this inability to sacrifice his means of livlihood and official position to an idea, always makes the bureaucrat a willing servant of the power which furnishes him with both, it is always seen in reactionary times to be a mistake that the ruling power has in him the most reliable tool.—Bureaucracy is not exclusively connected with any particular constitutional form; it appears in republican as well as monarchic states, in constitutional as well as in absolute monarchies. But in absolute monarchies or in democratic republics, where the official depends either upon the monarch or on repeated elections, the spirit of caste from which bureaucracy receives its oppressive force can not develop itself.—In order to estimate the action of a bureaucracy rightly it is necessary to examine its characteristic qualities, formalism and spirit of caste more closely.—The observance of certain forms is indispensable in all complicated private business; and so it is in public administration. These forms must increase with the extent of the work, and the endless "red-tapeism" of modern administration is so far an unavoidable attendant of a more highly developed political life. But the bureaucratic condition differs from a healthy condition in this, that in the latter form is observed for the sake of the substance, and in case of necessity is sacrificed to it, while a bureaucracy cultivates form for its own sake and sacrifices substance to it. Bureaucracy, in the lowest rank, performs its official work not to be useful in its appointed sphere, but to carry out the orders received from above; that is, it observes a series of prescribed formalities for the satisfaction of superiors. Those stand higher who seek to satisfy their sense of duty, by the same formal service, not without a certain devotion to their calling, but without any intelligent understanding of the task to be accomplished and the means to be used in accomplishing it. Under a bureaucratic régime, the fault of the careless official consists in his want of familiarity with, and skill in forms, and, conversely, it is the merit of the zealous official that he knows how to dispatch business quickly and in a manner with which no fault can be found.—When a bureaucratic government feels the resistance which its over-government awakens, it seeks to break that resistance by governing still more. When it strives to improve its machinery the improvement consists in an increase of formalism in the public service. When its officials break down under these increased demands made upon them, it makes still higher demands to secure the execution of its will. Formerly the substance was sacrificed to the form; now, the form loses even its relative value. Pressed by the excess of demands which can not be met, the most conscientious public servants have recourse to the falsifying of forms, as their make-shift. When, for example, more value is placed on the formal correctness of tables and reports of the condition of a district than on that condition itself, a bureaucratic régime must renounce the intrinsic value of such representations; it must satisfy itself with reports and tables determined by the power of invention and combination possessed by their author, and which correspond to the actual condition only when the truth is as easily discovered as untruth. —The second mark of bureaucracy is its caste-like separation from civil society. The state selects its officials from all classes. It brings together the sons of noble families, citizens and peasants in the same departments. Under healthy conditions this facilitates for officials the understanding of their calling. They have been collected from all classes in order to serve the interests of all classes with equal devotion. In states governed by a bureaucracy, the official rather feels himself placed outside of all classes, and this po-

sition is not capriciously chosen. For while, on the one hand, he shares his life calling with none of these classes, he, on the other hand, is not filled with the impulse to serve and the consciousness of serving their common interests. Thus there exists between them and him no natural bond. As a participant in the positive power which is exercised by the state over all, he consistently claims his isolated place above all other classes.—Since this claim, in a bureaucratic state more than in any other, is not supported by superior education, political intelligence and services rendered the whole community, it does not appear in the worthy forms in which real moral and intellectual superiority assert themselves. In official intercourse the middle classes are treated harshly, the lower classes rudely; and the nobility and clergy are made to feel that their former power has passed over to the bureaucrats. In social intercourse we find either complete exclusion on the part of the bureaucrats, or a condescension to other classes of citizens humiliating to the latter.—This expression of the bureaucratic spirit of caste which only the sturdiest natures are able to avoid, acts deeply and destructively on the relations of the masses to the state. When the masses see, as the visible representatives of the state, officials who rise above them in such isolation, and when the necessity of meeting them is considered an impending misfortune, the state itself becomes a foreign and hostile being in the eyes of the people. Men submit to its superior force when it takes from them, and overlook its good deeds when it bestows anything upon them. The consciousness of belonging to the state, of forming a living part of the great organism, the political sense, the power and desire of sacrifice are lost. But it is this political sense which strengthens the state in time of peace and maintains it in time of danger.—Bureaucratic officials excite a prince who puts himself in their hands to an abuse of his power. On the other hand, they cripple the power of a prince who is not inclined to rule to their liking, and still does not dare to break their power. In reality such a prince is more limited in the exercise of the rights of sovereignty, by the hampering influence of a bureaucracy, than he could be by constitutional provisions. For every useful measure of government originating with him is deformed and rendered worthless by the bureaucratic carrying out of it, or it will be set aside and not carried out at all by tacit agreement of the bureaucratic body who oppose it. His rule is only an apparent one because effect can not be given to his will. The greatest posthumous fame he can hope for finds expression in the familiar saying: his intentions were good, but his officials were to blame.— Bureaucracy can reach complete power only when at the head of affairs there are personages who belong to it, or at least officials with no statesmanlike endowments and who endure it. In like manner the rule of bureaucracy can only be broken when statesmen are at the head of the government.[1] It would be vain to expect that any impulse from below should have power enough to compel the internal reform of bureaucracy. This impulse would have to reach to the highest point, that is, produce a revolution; and if the revolution succeeded in changing all the institutions of the state but not in placing statesmen at the head of affairs, a new bureaucracy would simply take the place of the old.—It is possible to free the state from bureaucracy entirely—and in this case it is possible in every form of government to the same degree—only through the intervention of leading personages filled with the spirit of statesmanship, the very opposite of the spirit of bureaucracy. "Under the rule of statesmen, bureaucracy is annihilated and the official body elevated. The official now receives what bureaucracy could never give him, the guarantee that ability of any kind will be put in the place belonging to it, and the certainty that he can lay the truth before the powers above him without fear, and that he may reckon on its being understood. The official knows then that he is of real use; he knows that his work is no longer condemned like that of the Danaids, and that his labor is no longer forced to pour endless floods of ink through the sieve of desperate circumstances, but that it as a means in a higher hand accomplishes the sacred life object toward which it strives."—The case of Stein at the head of the Prussian administration has shown how the most elaborate bureaucracy may be metamorphosed at a blow by the power of a single statesman. But from the course of affairs under his successors the further lesson may be drawn that the evil develops fresh germs from below as soon as the statesman element has disappeared from above.—See v. Mohl, *Staatsrecht, Völkerrecht und Politik*, v. ii., p. 138, etc., 1862.[2]

K. Brater.

BURGESSES (in U. S. History). I. In New England the supreme legislative body in each colony was *The Great and General Court*, so called because it exercised judicial functions also. As settlers spread further from the radiant

[1] Compare Fr. Rohmer's work, "Deutschlands alte und neue Büreaukratie," (Munich, 1848), from which the above is in part literally taken.

[2] Bureaucracy was the creature of that so-called enlightened absolutism which enunciated the principle: "Everything *for* the people, nothing *through* the people," and which supposed that it could best serve the interest of the state and of citizens by regulating and controlling not only the affairs of state, but those of municipalities and even of private persons, leaving nothing for the individual himself to do. Bureaucracy placed all interests under the supervision and guardianship of the state. Officials came to form a class or caste, distinct from the rest of the community, and standing above it. This bureaucratic rule was opposed by the nobility and by the liberals. Its influence is not yet everywhere entirely at an end, but it can not long survive the opposition of a free press, of the general participation of the citizens in public affairs, and the general extension of constitutional government. See the article "Büreaukratie" in Brockhaus's "Conversations lexikon." Ed.

centre of population, they were expected to form township governments, whose deputies were admitted to the general court by vote. At a later period new townships were formally incorporated. Townships were therefore the basis of the New England states; counties were afterward formed, but were always formal divisions of territory, mainly for choice of members to the upper house of the legislature, or for judicial convenience. The active exercise of local government was, and is, altogether in the hands of the town meetings. In Maine the name "plantation" is still retained.—If in any part of a township the population grows denser, so as to create special interests, such as the lighting or paving of streets, to the care of which the general town meeting, controlled by the agricultural vote, would be incompetent, the legislature of the state will, on application, erect such territory into a *borough*. The borough is governed, as to the objects and privileges specifically named in the charter, by a warden and a board of burgesses; in all other respects it is still a part of the township. The warden is the executive officer, answering to the mayor of a city, as the burgesses do to the common council. Boroughs are also chartered in Pennsylvania.—II. In Virginia the lower house of the legislature was known as the house of burgesses until 1776, when it became the house of delegates. (See ASSEMBLY.)

ALEXANDER JOHNSTON.

BURLINGAME, Anson, was born at New Berlin, N. Y., Nov. 14, 1822, and died at St. Petersburg, Russia, Feb. 23, 1873. He was graduated at Harvard in 1846, was admitted to the bar in 1849, was a representative in congress (at first American, and afterward republican) 1855–61, and minister to China 1861–7. He then became the Chinese government's embassador to negotiate treaties with foreign powers. A. J.

BURR, Aaron, vice-president of the United States 1801–5, was born at Newark, N. J., Feb. 6, 1756, and died at New York, Sept. 14, 1836. He was graduated at the college of New Jersey in 1772, and began the study of law, but gave it up to enter the continental army, in which he reached the rank of colonel. He was admitted to the bar in Albany in 1782, and in 1783 removed to New York city. In 1791 he was chosen United States senator, and almost immediately began to be prominent as an anti-federalist. Until his time the politics of New York, 1776–91, had really been a triangular contest between the three great families of the state, the Livingstons, Clintons and Schuylers. (See NEW YORK). To an unsurpassed genius for political intrigue, Burr joined very considerable ability as a soldier, and abundance of that *pseudo*-democratic spirit which consists in a willingness to use popular force for personal advancement. To fight the three great clans he contrived a union of the popular interest by introducing semi-military discipline among the anti-federalists of New York city. He himself was commander-in-chief; a knot of young disciples, Van Ness, the Swartwouts, and others (called by the federalists the "Little Band") were the aides; and at the word of command, given through the aides, the popular rank and file were to move forward with the rigid discipline of an army and the pitiless precision of a machine. Under this species of Cæsarism the masses, by yielding a temporary headship to Burr, the creature of their will, were to free themselves from the domination of the great families. (See TAMMANY SOCIETY; VAN BUREN, MARTIN; NOMINATING CONVENTIONS.) In the spring of 1800 Burr thus secured the electoral vote of New York and the national success of his party. In the following winter he was chosen vice-president. (See DISPUTED ELECTIONS, I.) Here his advancement stopped, for in national politics he had become dangerous to the Virginia interest, and in the state the great families united actively against him. In the spring of 1804 many New England federalists, despairing of success in the south, were disposed to unite with the Burrites in the middle states. As a preliminary Burr was nominated against Morgan Lewis, the Livingston and Clinton candidate for governor of New York, but through Hamilton's active personal exertions against Burr, the New York federalists did not support him heartily, and he was defeated. He therefore forced a duel upon Hamilton, and shot him fatally, July 11, 1804. In the resulting excitement Burr disappeared from politics. After engaging in a mysterious expedition down the Mississippi, he spent several years in Europe, and then, returning, practiced law in New York city until his death.—BURR CONSPIRACY. In the spring of 1805, Burr, indicted for murder in New York and New Jersey, a homeless and bankrupt man, made an extensive tour in the west, ostensibly for the purpose of securing a nomination as congressman from Tennessee. The Mississippi valley, separated by distance and difficulty of communication from the states east of the Alleghanies, was apparently very loosely attached to the Union, and many of its prominent citizens, including the commander of the federal army at New Orleans, had been for years pensioned by the Spanish government. Whether Burr's design was to found a new Union, or perhaps a republican empire like that of Napoleon, in the Mississippi valley, or to press on and invade Mexico, is an impenetrable mystery. The people of the eastern states, dreading that east and west division of the Union which was only eliminated from political calculation at last by the introduction of the railroad (see ANNEXATIONS, I.; UNITED STATES), charged Burr with the former design, and it is certain that some of the reckless spirits who sought him during his tour, would not have shrunk from any enterprise in which he offered to head them. During the next year Burr completed his preparations for that which, on the surface was a colonizing expedition to the river

Washita, in Texas. He had interested many of his former party associates in this expedition, as well as ex-senator Jonathan Dayton, of New Jersey, and general Wilkinson, commanding at New Orleans; and had good grounds to expect aid from Great Britain and from Mexicans disaffected to Spain; but from his first entrance into Kentucky he found that any attempt upon the unity of the nation would be resisted by the great mass of the western people. He succeeded in breaking away from legal proceedings, which were at once begun against him in Kentucky, by protesting that his real design was land speculation, by hinting at his aim against the Spaniards in Mexico, and by private assurances that he was acting under the direct sanction of the administration. While on his way down the Mississippi he found that Wilkinson had abandoned the undertaking, and made a merit of betraying it; that president Jefferson, on Wilkinson's information, had issued a proclamation, Nov. 27, 1806, cautioning all good citizens against joining the expedition; and that the whole design was a failure. He therefore left his boats at Natchez, in January, 1807, was arrested by the president's order, at Fort Stoddart, and conveyed in March to Richmond for trial, his expedition having been begun in Virginia. In May his examination began before chief justice Marshall and justice Cyrus Griffin. June 24, the United States grand jury brought in two indictments against him, one for treason and one for misdemeanor, both based on his action in levying war within the United States against a friendly nation, but with the further intention, if possible, of proving him guilty of an attempt to divide the Union. He was defended by able counsel and supported by the federal party, who considered his arrest, by the president's order and without a warrant, an act of usurpation, while the president, anxious that the result should justify his action, took almost a personal oversight of the management of the case. His correspondence contains nine long letters to the district attorney, June–September, 1807, filled with legal hints and directions, criticisms on chief justice Marshall's action, and denunciation of Luther Martin, Burr's leading lawyer, as an "unprincipled and impudent federal bull-dog." Nor did Burr shun the appearance of a contest. He even subpœnaed the president as a witness, though the demand for personal attendance was not pressed, and allowed the trial to take the form of a pitched battle between the federal party and the president, the head of the republican party. Consequently, his acquittal of the charge of treason, Sept. 1, for want of jurisdiction, made him the enemy of every supporter of president Jefferson, and ended his political career forever. The acquittal was given only because no overt act of war had been proved by two witnesses, and for this reason the jury at first endeavored to give a Scotch verdict of "not proven," but the court directed it to be entered "not guilty." Burr was then tried and acquitted for misdemeanor, and bound over to appear for trial in Ohio, but the further prosecution was dropped. A few of Burr's confederates came to public view, but the secretiveness and caution of the leader has made the full extent of the conspiracy a matter of conjecture only. (See HABEAS CORPUS.) — See 1 Hammond's *Political History of New York;* 4 Randolph's *Works of Jefferson,* 70–103; Davis' *Life of Burr;* Parton's *Life of Burr;* Monette's *History of the Mississippi Valley;* Robertson's *Trial of Aaron Burr;* Carpenter's *Trial of Aaron Burr;* Van Ness' *Examination of the Charges against Burr; Memoirs by General Wilkinson.*

ALEXANDER JOHNSTON.

BUTLER, Benj. F., was born at Deerfield, N. H., Nov. 5, 1818, was graduated at Waterville college in 1838, and practiced law in Lowell, Mass. Until 1860 he was a democrat. He served through the rebellion as major general, and was a representative in congress (republican) 1867–75 and 1877–9. In 1878 and 1879 he was the candidate of the greenback party for governor, and in both years was supported by the mass of the democrats.—See Parton's *Butler in New Orleans.*

A. J.

BUTLER, William Orlando, was born in Jessamine county, Ky., in 1793; was admitted to the bar of Kentucky; entered the army and reached the grade of lieutenant colonel in 1812 and that of major general in the Mexican war; was a representative in congress 1839–43; and was nominated for the vice-presidency in 1848 as a democrat. (See DEMOCRATIC-REPUBLICAN PARTY).—See Blair's *Life and Writings of Wm. O. Butler.*

A. J.

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CACHET, Lettres de, were letters proceeding from and signed by the kings of France, and countersigned by a secretary of state. They were called also *lettres closes,* or "sealed letters," to distinguish them from the *lettres patentes,* which were in the nature of public documents and sealed with the great seal. Lettres de cachet were rarely employed to deprive men of their personal liberty before the seventeenth century. It is said that they were devised by Père Joseph under the administration of Richelieu. They were at first made use of occasionally as a means of delaying the course of justice; but during the reign of Louis XIV. they were obtained by any person who had sufficient influence with the king or his ministers, and persons were thus imprisoned for

life, or for a long period, on the most frivolous pretexts, for the gratification of private pique or revenge, and without any reason being assigned for such punishment. The terms of a *lettre de cachet* were as follows: *M. le Marquis de Launay, je vous fais cette lettre pour vous dire de recevoir dans mon château de la Bastille le Sieur ——, et de l'y retenir jusqu'á nouvel ordre de ma part. Sur ce, je prie Dieu qu'il vous ait, M. le Marquis de Launay, en sa sainte garde.* These letters, which gave power over personal liberty, were openly sold in the reign of Louis XV. by the mistress of one of the ministers. "They were often given to the ministers, the mistresses and favorites as *cartes blanches*, or only with the king's signature, so that the persons to whom they were given could insert such names and terms as they pleased." (Welcker.) The *lettres de cachet* were also granted by the king for the purpose of shielding his favorites or their friends from the consequences of their crimes; and thus were as pernicious in their operations as the protection afforded by the church to criminals in a former age. Their necessity was strongly maintained by the great families, as they were thus enabled to remove such of their connexions as had acted in a derogatory manner. During the contentions of the Mirabeau family 59 *lettres de cachet* were issued on the demand of one or other of its members. The independent members of the parliaments and of the magistracy were proscribed and punished by means of these warrants. This monstrous evil was swept away at the revolution, after Louis XVI. had in vain endeavored to remedy it.—Mirabeau, *Des Lettres de Cachet*, etc., 1782; *Translation*, published at London, in two volumes, in 1787; Rotteck and Welcker, *Staats-Lexicon*, art. "Cachet, Lettres de," by Welcker.

H. G. Bohn.

CÆSARISM. A sketch of Cæsar's life and character is a proper introduction to the subject of Cæsarism. Alexander and Cæsar, the two greatest statesmen of the classical period of European history, appeared when the nations to which they respectively belonged had already passed the period of their highest internal development. Alexander did not even dream of the future greatness of Rome. He knew not that the course of empire was taking its way westward. His eyes rested, by way of preference, on the east. He loved Asia and he conquered Asia as a lover, with the consciousness and the affection of a man who feels within himself the power to attract and make happy the half-resisting, half-yielding object of his love. Cæsar was more fortunate than Alexander, in this, that his victorious campaigns were mainly fought to subjugate the west of still barbarous Europe. He thus moved with the course of the world's history and his memory was borne onward by its current. He had no love for the people he conquered and to whom he brought Roman civilization. In the long struggle of the Gauls for freedom from foreign rule Cæsar, who always showed himself generous toward the Romans, practiced all the terrible harshness of the military usages of Rome. He conquered the west exclusively from motives of Roman policy. Cæsar loved Rome as he did himself. Rome was called by destiny to unite in one humanely ordered empire all the nations which had prepared the way for, or produced, European civilization, and to make this civilization accessible to the still *backward* nations of Europe. But no Roman understood this vocation of his country so well as Cæsar, and no one did more to fulfill it than he did. If Rome ever became mistress of the world Cæsar deserved to become the head of Rome. When he recognized this and strove for this mastery, he acted not from motives of morbid ambition, as his enemies and enviers supposed. He desired to be the first, because he was the first. The character and spirit of Rome were personified in him.—Caius Julius Cæsar, both by his birth and family relations, was connected with the two principal parties which in his time strove for political influence in the capital. By origin he belonged to one of the highest old noble families. He moved, especially in his younger years, in the highest circles of the aristocracy of his time, but on his mother's side and by his marriage with Cornelia, the daughter of Cinna, he was also related to the great plebeian Marius, and connected with the democratic party. Politically he had joined this party at an early day. In reality Cæsar was neither a democrat nor an aristocrat. He felt himself a monarch to whom all parties should be subordinate.—But Cæsar was also a thorough stranger to the thought of merely playing the rôle of the friend of the people and to erect a tyranny by the aid of the lower masses. He had a heart for the weal and woe of the people. The weaknesses and failings of the multitude could of course not escape his clear vision. He knew that the multitude needed direction and in certain circumstances a firm hand, but he cheerfully fulfilled the first duty of a monarch—to do good to the people. He clearly saw that the aristocratic party would yield to monarchic power only if forced to, and he well knew that the democratic party would far more readily conquer power for its chief leader, and leave it to him. He held to his party even when the following of its colors brought him the very reverse of promotion; but he looked after the interests of the great masses of the people more carefully and diligently after he had come to full power and needed their approbation no longer, than at the time of his rise. With increasing self-consciousness Cæsar became purer, more humane, greater Power, which ruins so many weaker men, was to him a condition of his own ennoblement. Without it his unsatisfied spirit was unrestrained, passionate, excitable. In power he recognized his lofty destiny and by it his intellect received a harmonious development. There is no greater proof of his inborn greatness than this. In his youth he was deeply involved in the intrigues of parties, and

was far from being unstained by the filth of the scandalous means employed on every side in these struggles. He employed, too, on occasions, the leaders of bands who were ready for the perpetration of any crime. But even in his youth, whenever he took a personal stand, he showed himself as noble as he was brave. He defended with energy the cause of his marriage against the powerful Sulla, who tried to dissolve it. He defended the cause of history against the ruling aristocracy when he restored in splendor the statue of the proscribed Marius, and lauded in public funeral orations the services of the fallen leaders of democracy. He defended the same cause of history against the narrow party rage of his own adherents by showing due honor to Pompey and Sulla, his political opponents. Wherever it seemed possible to attain a political purpose through an understanding with men the most prominent and powerful, he took all pains to take that peaceful course. Through the different alliances which he brought about, he won more than one great bloodless victory. He was especially averse to brute force and preferred the peaceful measures of political effort and demonstration, to military action. He did not love war, though he knew he was the greatest soldier of his time, and was sure in advance of the greatest triumphs. He was first a statesman and then a warrior. The great truth that war is merely the violent form of politics, and must therefore be conditioned, directed and limited by the political mind, has perhaps never been made so clear in history, as by the life and career of Julius Cæsar.—The magnanimity with which Cæsar spared his enemies is proverbial. Even during the civil war he respected the Roman and the man in his enemies. His humane conduct was the more praiseworthy when compared with the bloody persecutions which all victorious leaders of parties inflicted on their political opponents, both before and after him. Cæsar wished to combine all the forces of the nation and direct them to the common service of the fatherland. He was raised high above the narrowness and shortsightedness of party hatred. In this, too, he was a real emperor, that his guidance of the state did not favor the oppression of one party by another, but the free rivalry of all parties, for the common weal. He erred rather in forgiving his enemies too readily than in punishing them too severely. Conscious of his own magnanimity he was too much inclined to attribute to others better intentions than they had; and because he himself saw clearly how necessary he was to the state, he hastily, but too hastily concluded that the aristocracy saw it likewise.—Cæsar was not religious after the traditional manner of the Romans. He was initiated into the arts of the priesthood at an early age, and knew how greatly the ancient religion was misused for political purposes. He ridiculed the signs and wonders which the priests held in readiness to check obnoxious measures, and allowed himself to be guided in his acts neither by the warnings nor threats drawn from the flight of birds and the omens of sacrifices. He even gave open expression to his contempt for these things, to the horror of the faithful and the vexation of hypocrites. But his firm belief in a divine destiny in which he confided, speaks for the instinctive religious trait in his character far more than the temples which he built in honor of the gods.—The cheerful amiability of his nature was especially manifest in his liberality, his social connections, and his relations with women. He was generous to such a degree that he might have been considered a spendthrift had he not been Cæsar. On this account he became involved in his youth in debt to such an extent that he was able to pay it only in his riper years. But when he controlled the power of the state, and with it corresponding wealth, his coffers were never empty, no matter how liberal were his gifts. The youth might have been considered a spendthrift, because he did not limit his expenses by his income. The man of mature years was evidently an excellent manager, for he achieved great things without disturbing the balance between his income and expenses. Different traits of his are handed down which show his tender relations to women. The respect for his mother, the love he bore his first and his last wife, the fatherly affection he bestowed on his daughter Julia, and even the tender regard shown his second wife after divorce, have been signalized by history. That such a man found much favor with women and enjoyed this favor in a high degree, can astonish no one. But no matter how many love affairs he may have had in later years, he was too much of a statesman to let his loves interfere with the interests of the state. He made good use of marriages to strengthen political alliances, but he drew a very sharp distinction between his private loves and politics. He could not endure that the institution of marriage should in any way be despised or attacked by the people.—He was like all men of monarchical nature, a lover of order and too great an organizer to undervalue the significance of fixed forms of law. At the same time his genius was so marked and his nature so imperial that often in his life he overstepped the barriers high and low of recognized law, and demanded without hesitation exceptions from the rule wherever it seemed needful to him from high political considerations. He carried the law of his own mode of action in himself; when in conflict with the laws of the land he broke through them in order to fulfill his mission; he was clearly conscious that he was called to found a new order of things.—He was not a hero of religion, but of science; not a churchman, but a statesman. He, like all distinguished Romans, had to thank Grecian masters for his early scientific training. He was as familiar with Greek as with Latin literature and was even a master of language. He was in his studies a sober but a penetrating investigator, and gave himself up with pleasure to natural sciences and grammar. His

correction of the calendar is one of the examples of the application of science to public uses most worthy of imitation. He had a great reputation as an orator even in those days of most brilliant formal eloquence, although he despised the framing of ornate phrases, and sought effect only through the clearness of his thoughts and the power of his personality. From his "Commentaries on the Gallic War," we learn to value his smooth and natural style which describes situations and events so clearly, without pretension or idle ornament. He also engaged in written political controversies, being no less skillful in encounters with the pen than in battles with the sword. Pre-eminently in favor of publicity, he was the first to have the proceedings of the senate and the people made public, in writing. The political press may honor him as its intellectual father. He aided and promoted higher culture in every direction.—His chief study, however, was the state. Single men of antiquity may be named who surpassed him in all other branches of intellectual activity, but as a statesman he holds unquestionably the first rank in the ancient world. "His talent for organization was wonderful; never did a statesman so cement his alliances, never did a commander so weld and hold together an army of disconnected and opposing elements, as Cæsar did his coalitions and his legions. Never did a ruler judge his instruments with so penetrating a glance. No man ever knew better how to put the right man in the right place. He was a monarch, but never played at being king. Perfectly pliant and flexible, agreeable and graceful in conversation, obliging to every man, he appeared to desire nothing but to be the first among his equals. No matter how much cause troubled relations with the senate gave him, he never had recourse to brutality like that of the 18th Brumaire. Cæsar was a monarch, but he was never affected by the giddiness of tyranny. He accomplished the possible, and never neglected the good for the sake of the impossible better. He never disdained to mitigate incurable evils by, at least, palliative measures. But wherever he recognized that fate had spoken he always submitted. Alexander on the Hyphasis, Napoleon at Moscow, turned back because they could not help it, and were angry at fate because it grants only limited success to its favorites; Cæsar turned back willingly from the Thames and the Rhine, and kept in mind on the Danube and the Euphrates that it was not for him to entertain any exaggerated plan of world-conquest.—Like every true statesman he served the people not for the sake of reward, not even for the reward of their love, but sacrificed the favor of his contemporaries for the blessing of the future, and above all for the glory of saving and rejuvenating his nation." (Mommsen.)—He restored long-absent peace to the state, and re-established law and order in it; he limited the power of the senate, and the influence of the comitia; but at the same time he saw to it that under his own personal direction and control only proper men should be elected to public offices and should make a moderate use of their official power. He did not allow the provinces to be fleeced by their governors. He restored order to the finances; restrained the army within the bounds of duty, and purified the administration of justice of many abuses. He promoted the cause of civilization in every way on the basis of Greco-Roman science and culture. He sought to infuse new life into the old Roman aristocracy by taking into their body new persons of distinction · to elevate the condition of the oppressed classes of the people by colonization on a large scale, by modifying the laws relating to debt and the opening up of new industries; to give support to the poor by the systematic distribution of corn among them. He extended the right of citizenship farther over the nearest provinces and thus broadened the real foundation of the Roman commonwealth. Through numerous colonies in the remote provinces he opened a new field to the progress of Roman civilization, and thus promoted the civilization of these provinces themselves. His great edifices employed the laboring power of the nation and increased the common weal, for in them the useful and the beautiful were combined. He was hindered in the execution of many great plans by the passions, as foolish as they were wicked, of the so-called patriots, who, by the murder of the greatest of Roman statesmen, inflicted the deepest wound on their fatherland which they thought to save in this manner.—Cæsar cherished the design of giving to the world a comprehensive code of law. If ever there was a Roman fitted to leave the world *Roman-human* laws, that Roman was Cæsar. But fate decided against him here, and 500 years later gave a far inferior ruler the glory of framing, from the memories of a greater past, a code which the most liberal Roman with creative mind had wished in vain to produce.—Cæsar, dying, bequeathed to the world the idea of empire. History was juster than Rome, inasmuch as it connected his name indissolubly with the grandest institution which antiquity introduced into the world, but the full perfection of which only the future was destined to see. The Romans themselves preferred the name of Augustus for their emperors.—The name of Cæsar designates also the degenerate variety of the empire known as Cæsarism which in our time has been renewed by the Napoleons, and which would therefore be more correctly termed Napoleonism. It has, it is true, certain characteristic traits which recall Cæsar, but still more his successors, the old Roman emperors, and which recall especially the connection with democratic institutions of a political one-man power inclined to dictatorship, an absolute autocracy on the basis of the fourth estate, upon which the ruler leans and whose interests he cares for. Cæsarism wishes well to the multitude which does homage to it, and is tyrannical toward all opposition which stands in its way. It has a political ideal which it wishes to realize, but in this ideal freedom has

no dignity and no power. Everything is directed from above, as if by a god, with the approval of an accommodating senate and subservient representatives of the masses. The financial, the military, the intellectual powers of the nation are all subservient to the state and to Cæsar who is the highest expression of the state and represents its unity, its power and its dignity. The administration introduced by Cæsarism is distinguished by a well-considered system of offices which are easily controlled from a centre by skillful machinery, and therefore such an administration has rather a mechanical than an organic character. Its character is such that it does not allow of any self-determination of its members. It prevents the danger of party rule, but it suppresses all parties. It acknowledges the duty of caring for the nation and advancing its interests; it is a powerful stimulant to enterprises which promote the common good, but still it hinders the free development of the best powers of the nation, for this is possible only in the atmosphere of a more general freedom. It seizes power quickly and wields it unsparingly. At home it wields too much power; abroad it is bold and enterprising. In order to find recognition and safety, it needs dazzling results at home and glorious victories abroad. Disaster and defeat endanger its existence.—A cultured-nation endures Cæsarism only when morally debased and it apprehends the loss of its property and its pleasures. People who love freedom combat it as the enemy of their liberties. It can be approved only when the Cæsar far surpasses the nation which he rules, in mind and character. "An undeceivable, infallible and indefatigable head, and an incapable or unworthy nation," such are, according to Ollivier's happy expression, "the fundamental conditions of a Cæsarian democracy." Such a head is not to be found. The powers of a Cæsar even are limited from the first. Even for a gifted Cæsar it is not possible to acquire the wisdom of age in youth, nor to preserve youthful freshness in advanced years. Cæsarism is not reconcilable with hereditary monarchy, and an elective monarchy is no safeguard against the Cæsar-madness which seizes those who wickedly pretend to be the possessors of preterhuman power. J. C. BLUNTSCHLI.

CALENDAR. (See PARLIAMENTARY LAW.)

CALHOUN, John Caldwell, was born in Abbeville district, S. C., March 18, 1782, and died in Washington city, March 31, 1850. He was graduated at Yale in 1804, was admitted to the bar in 1807, and served as representative in congress 1811–17 (see BANK CONTROVERSIES, III.), when he became secretary of war. He was vice-president from 1825 until 1831, when he resigned (see NULLIFICATION) to become senator from South Carolina. He was secretary of state 1843–5 (see ANNEXATIONS, III.), when he again became senator, dying in office. He was the particularist of particularists, the leader of that element of the democratic party which made no allowance for the country's development or growing necessities, but insisted on construing the constitution according to the needs of 1777–89. He held that the states were sovereign, (see STATE SOVEREIGNTY); that the constitution was merely a compact or treaty between separate, sovereign nations, to be construed entirely by the rules of international law; that such a treaty, when broken by one state, was no longer binding upon any; and that, consequently, the declaration of a state that the constitution had been violated, absolved the people of that state from any further allegiance or obedience to the United States until the wrong had been made good. (See ALLEGIANCE, SECESSION.) It must be remembered that, to Calhoun's mind, this theory did not militate against the existence of the Union; it only operated as a check upon the tyranny of a national majority. He was a master of logic; let his premises, that the states were originally sovereign, and that they separately, not unitedly, revolted from Great Britain (see DECLARATION OF INDEPENDENCE), be granted, and it would be difficult to make any head against his arguments. He was always in advance of the other politicians of his section, and the south only came up, in 1860, abreast with the doctrine which he had taught in 1850. He died in the unhappy belief that the south had been entrapped, under the supposition that she was merely forming an alliance with a more powerful neighbor, into a corporate union in which she was to be helpless under her neighbor's superiority in number of voters and other advantages. (See DEMOCRATIC PARTY, III., IV.; BANK CONTROVERSIES, III.; NULLIFICATION; ANNEXATIONS, III.; COMPROMISES, V.; SLAVERY; STATE SOVEREIGNTY; TERRITORIES; SECESSION; ADMINISTRATIONS, VIII., IX., XIV.)—See Jenkins' *Life of Calhoun;* Parton's *Famous Americans;* Crallé's *Works of Calhoun;* A. H. Stephens' *War Between the States;* Appleton's *American Cyclopædia*, art. "Calhoun"; Thomas' *Carolina Tribute to Calhoun;* 24 *National Quarterly Review.* ALEXANDER JOHNSTON.

CALIFORNIA, a state of the American Union, formed from territory acquired from Mexico. (See ANNEXATIONS, IV.) One of the earliest events of the Mexican war was the formation of a provisional government in 1846 in the Mexican province of Upper, or Alta California, by commodore Stockton and colonel J. C. Fremont. When the treaty of Guadalupe Hidalgo, in 1848, transferred to the United States the title to the soil, the provisional military government was continued, owing to the inability of congress to settle the status of slavery in the acquired territory. (See WILMOT PROVISO.) The discovery of gold, in 1848, increased the population so rapidly that in 1849 a convention, called by the military governor, framed a state constitution, Sept. 1–Oct. 13, which was ratified by popular vote, Nov. 13. It fixed the state limits as follows: "Beginning

where longitude 120° west from Greenwich intersects latitude 42° north; thence south to latitude 39° north; thence southeast to the river Colorado; thence down the Colorado to the Mexican boundary, and west on the Mexican boundary line to the Pacific ocean; thence in a northwesterly direction along the Pacific coast to latitude 42° north, and thence east to the beginning; including all the islands, harbors and bays on the Pacific coast." The capital was to be San Jose, since changed to Sacramento by the legislature, and the governor was to hold office for a term of two years, changed in 1862 to four years. Article I, § 18, provided that slavery should never be tolerated in the state. From this provision arose the opposition in congress to California's admission, which was not accomplished until Sept. 9, 1850. (See COMPROMISES, V.)—In national politics California was at first steadily democratic. In 1852 the democrats obtained entire control of the state government, and retained it until 1860. A strong whig opposition, averaging about 42 per cent. of the total vote, was kept up until 1855, and the opposition vote was then for several years very evenly divided between the republican and American, or know nothing, parties. After 1855 an opposition was developed among the democrats, headed by U. S. senator Broderick, but it never succeeded in ousting the regular wing from the control of the party. In 1860 democratic division gave the electoral vote of the state to Lincoln, the popular vote being 39,173 rep., 38,516 Douglas dem., 34,334 Breckenridge dem., and 6,817 const. union; but the Douglas democracy had a strong majority in the legislature. In *national* politics, 1860–76, the state was steadily republican, though usually by a close vote; in 1868 Grant had but 506 majority in a total vote of 108,660. In 1880 the state cast its electoral vote for Hancock by a very slender majority, one of the democratic electors being defeated.—In *state* politics, 1860–76, California has been alternately democratic and republican. Since 1876 its politics have been a chaos. The national parties have been supplemented by various state organizations based on opposition to Chinese immigration, to the influence of great corporations in politics, or to the growth of monopoly in land, or on a general support of the interests of workingmen. The result of the continuous agitation kept up by these was the formation of a new constitution which was adopted by a state convention, March 3, 1879, and ratified by popular vote May 7, 1879. Among other changes this instrument prohibited the admission of any native of China to the privileges of an elector; the grant of money or special privileges to corporations by the legislature; the passage of special or local laws by the legislature in thirty-three specified cases; the buying and selling of shares of stock in boards under the control of any association; the making of contracts for future delivery of stock, or of sales of stock on margins; the grant of aid or the pledge of credit, by the legislature, or by any county, city, or municipal corporation, to any institution controled by any sect, or to any individual or corporation whatever; and the grant by any of these bodies of extra compensation to any public servant. It authorized the legislature to limit the charges of telegraph or gas companies; retired two of the six supreme court justices at the end of each four years; withheld the salary of judges of the higher grades so long as their court decisions were more than ninety days in arrears; forfeited all existing charters under which *bona fide* organization had not taken place; forbade the "watering" of stock; provided for minority stockholders' representation in boards of directors; ordered all corporations to submit their books to the inspection of stockholders; made all railroad, canal and transportation companies subject to legislative control; established an elective board of railroad commissioners to fix rates of charges by railroad and transportation companies, which rates were to be observed by the companies under penalty of not more than $20,000 fine for each offense, and, in the discretion of the legislature, the forfeiture of the charter; condemned the holding of large tracts of land by individuals or corporations as against the public interest; and forbade the employment of Chinese by private or municipal corporations. Its provisions have been thus fully given because they were, at the time of the adoption of the constitution, generally attributed to the influence of local California demagogues, and excited wide-spread alarm among capitalists and corporations, many of whom made preparations to leave the state. The success or failure of the constitution is not yet well assured. (See CONSTITUTIONS, STATE.)—The derivation of the name California is very uncertain; it was first applied by Bernal Diaz to a single bay on the coast, and thence transferred to the entire country. The popular name is *The Golden State.*—GOVERNORS: Peter H. Burnett (1850–52), John Bigler (1852–6), J. Neely Johnson (1856–8), John B. Weller (1858–60), Milton S. Latham (1860–62), Leland Stanford (1862–4), F. F. Low (1864–8), Henry H. Haight (1868–72), Newton Booth (1872–6), William Irwin (1876–80), George C. Perkins (1880–84).—See Poore's *Federal and State Constitutions;* Cutts' *Conquest of California;* Tuthill's *History of California;* Capron's *History of California;* Norman's *Youth's History of California;* Soulé's *Annals of San Francisco;* McClellan's *The Golden State;* Appleton's *Annual Cyclopædia*, 1861–80. ALEXANDER JOHNSTON.

CANADA. (See DOMINION OF CANADA.)

CANALS. A canal is an artificial channel, filled with water kept at the desired level by means of locks or sluices, forming a communication between two or more places—1. *Historical Sketch of Canals. Ancient Canals.* The comparative cheapness and facility with which goods may be conveyed by sea or by means of navigable rivers seem to have suggested, at a very early

period, the formation of canals. The best authenticated accounts of ancient Egypt represent that country as intersected by canals conveying the waters of the Nile to the more distant parts of the country, partly for the purpose of irrigation and partly for that of internal navigation. The efforts made by the old Egyptian monarchs, and by the Ptolemies, to construct a canal between the Red sea and the Nile, are well known, and evince the high sense which they entertained of the importance of this species of communication. (Ameilhon, *Commerce des Egyptiens*, p. 76.)—Greece was too small a territory, too much intersected by arms of the sea, and subdivided into too many independent states, to afford much scope for inland navigation. Attempts were, however, made to cut a canal across the isthmus of Corinth; but they did not succeed.—The Romans did not distinguish themselves in canal navigation. Their aqueducts, the stupendous ruins of which attest the wealth and power of their founders, were intended to furnish supplies of water to some adjoining city, and not for the conveyance of vessels or produce.—2. *Chinese Canals.* In China, canals, partly for irrigation and partly for navigation, have existed from a very early period. The most celebrated among them is the Imperial or Grand canal, commencing at Hang-tchou, near the mouth of the Tching-tang-chiang river, in about latitude 30° 22′ north, longitude 119° 45′ east; it then stretches north, and crossing the great rivers Yang-tse-Kiang, and Hoang-ho, terminates at Linting, on the Eu-ho river, in about latitude 37° north, longitude 116° east. The direct distance between the extreme limits of the canal is about 512 miles, but, including its bends, it is above 650 miles in length; and as the Eu-ho, which is a navigable river, unites with the Pei-ho, also navigable, an internal water communication is thus established between Hang-tchou and Pekin across 10° of latitude. But apart from its magnitude and utility, the Grand canal does not rank high as a work of art. A vast amount of labor has, however, been expended upon it; for though it mostly passes through a flat country, and winds about to preserve its level, its bed is in parts cut down to a great depth, while in other parts it is carried over extensive hollows, and even lakes and morasses, on vast mounds of earth and stone. The sluices, which preserve its waters at the necessary level, are all of very simple construction, being merely intended to elevate or depress the height of the water by a few inches; as, excepting these, there is not a single lock or interruption to the navigation throughout the whole length of the canal. It is seldom more than 5 or 6 feet in depth, and in dry seasons is sometimes considerably less. The vessels by which it is navigated are sometimes rowed, and sometimes dragged by men, so that the navigation is for the most part slow. The canal is frequently faced with stone. The construction of this great work is usually ascribed to the Tartars, but the Chinese allege that it was merely repaired and renovated by the latter, and that it had been completed in the remotest period of their history. (Barrow's *China*, p. 335, etc.; La Lande, *Canaux de Navigation*, p. 529, etc.)—3. *Italian Canals.* The Italians were the first people in modern Europe that attempted to plan and execute canals. They were principally, however, undertaken for the purpose of irrigation; and the works of this sort executed in the Milanese and other parts of Lombardy, in the eleventh, twelfth and thirteenth centuries, are still regarded as models, and excite the warm admiration of every one capable of appreciating them. In 1271 the Navilio Grande, or canal leading from Milan to Abbiate Grasso and the Tesino, was rendered navigable. (Young's *Travels in France, etc.*, vol. ii., p. 170.)—4. *Dutch Canals.* No country in Europe contains, in proportion to its size, so many navigable canals as the kingdom of the Netherlands, and particularly the province of Holland. The construction of these canals commenced as early as the twelfth century, when, owing to its central and convenient situation, Flanders began to be the entrepôt of the commerce between the north and south of Europe. Their number has since been astonishingly increased. "Holland," says Mr. Phillips, in his "History of Inland Navigation," is "intersected with innumerable canals. They may be compared in number and size to our public roads and highways; and as the latter with us are continually full of coaches, chaises, wagons, carts and horsemen going from and to the different cities, towns and villages, so, on the former, the Hollanders in their boats and pleasure barges, their treckschuyts, and vessels of burden, are continually journeying and conveying commodities for consumption or exportation from the interior of the country to the great cities and rivers. An inhabitant of Rotterdam, may, by means of these canals, breakfast at Delft or the Hague, dine at Leyden, and sup at Amsterdam, or return home again before night. By them, also, a most prodigious inland trade is carried on between Holland and every part of France, Flanders and Germany. When the canals are frozen over, they travel on them with skates, and perform long journeys in a very short time; while heavy burdens are conveyed in carts and sledges, which are then as much used on the canals as on our streets.—The yearly profits produced by these canals are almost beyond belief; but it is certain, and has been proved, that they amount to more than £250,000 for about 400 miles of inland navigation, which is £625 per mile, the square surface of which mile does not exceed two acres of ground; a profit so amazing that it is no wonder other nations should imitate what has been found so advantageous.—The canals of Holland are generally 60 feet wide and 6 deep, and are carefully kept clean; the mud, as manure, is very profitable. The canals are generally levels; of course locks are not wanted. From Rotterdam to Delft, the Hague, and Leyden, the canal is quite level, but is sometimes affected by strong winds. For the most part the canals are elevated above the fields or the country, to

enable them to carry off the water which in winter inundates the land. To drain the water from Delftland, a province not more than 60 miles long, they employ 200 windmills in springtime to raise it into the canals. All the canals of Holland are bordered with dams or banks of immense thickness, and on these depends the security of the country from inundation; of course it is of great moment to keep them in the best repair; to effect which there is a kind of militia, and every village has a magazine of proper stores and men, whose business it is to convey stones and rubbish in carts to any damaged place. When a certain bell rings, or the waters are at a fixed height, every man repairs to his post. To every house or family there is assigned a certain part of the bank, in the repair of which they are to assist. When a breach is apprehended, they cover the banks all over with cloth and stones."—5. *Canal from Amsterdam to Nieudiep, near the Helder.* The object of this canal, which is the greatest work of its kind in Holland, and probably in the world, is to afford a safe and easy passage for large vessels from Amsterdam to the German ocean. This city has 40 feet of water in the road in front of its port, but the pampus or bar at the junction of the Y with the Zuyder Zee, 7 miles below, has only a depth of 10 feet; and hence all ships of any considerable burden entering or leaving the port must unload and load part of their cargoes without the bar. As the Zuyder Zee is everywhere full of shallows, all ordinary means of improving the access to Amsterdam were necessarily ineffectual; and the resolution was, therefore, at length adopted, of cutting a canal from the city to the Helder, the most northern point of the province of Holland. The distance between these extreme points is 41 English miles, but the length of the canal is about 50½. The breadth at the surface of the water is 124½ English feet (120 Rhinland feet); the breadth at bottom 36; the depth 20 feet 9 inches. Like the Dutch canals generally, its level is that of the highest tides, and it receives its supply of water from the sea. The only locks it requires are, of course, two tide locks at the extremities; but there are, besides, two sluices, with floodgates in the intermediate space. It is crossed by 18 drawbridges. The locks and sluices are double, *i. e.*, there are two in the breadth of the canal; and their construction and workmanship are said to be excellent. They are built of brick, for economy; but bands of limestone are interposed at intervals, and these project about an inch beyond the brick, to protect it from abrasion by the sides of vessels. There is a broad towing-path on each side, and the canal is wide enough to admit of two frigates passing.—The line which the canal follows may be easily traced on a map of Holland. From the Y at Amsterdam it proceeds north to Purmerend; thence west to Alkmaar lake; again north by Alkmaar to a point within 2 miles of the coast, near Petten; whence it runs nearly parallel to the coast till it joins the sea a little to the east of the Helder, at the fine harbor of Nieudiep, formed within the last 50 years. At the latter place there is a powerful steam engine for supplying the canal with water during neap tides, and for other purposes. The time spent in towing vessels from Nieudiep to Amsterdam is 18 hours. The Helder is the only spot on the shores of Holland that has deep water; and it owes this advantage to its being opposite to the Texel, which, by contracting the communication between the German ocean and the Zuyder Zee to a breadth of about a mile, produces a current which scours and deepens the channel. Immediately opposite the Helder there are 100 feet water at high tides, and at the shallowest part of the bar to the westward there are 27 feet. In the same way, the artificial mound which runs into the Y opposite Amsterdam, by contracting the waterway to about 1,000 feet, keeps a depth of 40 feet in the port (at high water), while above and below there is only 10 or 12.—The canal was begun in 1819, and finished in 1825. The cost was estimated at the sum of 10,000,000 or 12,000,000 florins, or about £1,000,000. If we compute the magnitude of this canal by the cubic contents of its bed, it is the greatest, we believe, in the world, unless some of the Chinese canals be exceptions. The volume of water which it contains, or the *prisme de remplissage*, is twice as great as that of the New York canal, or the canal of Languedoc, and two and a half times as great as that of the artificial part of the Caledonian canal. In consequence, however, of the facility with which the Dutch canal was dug, and of the evenness of the ground through which it passes, the difficulties the engineer had to meet in making it were trifling compared to those which had to be overcome in constructing the canals now mentioned. We have not learned what returns this canal yields; most probably it is not, at least in a direct point of view, a profitable concern. Even in Holland, notwithstanding the lowness of interest, it would require tolls to the amount of £40,000 a year to cover interest and expenses; and so large a sum can hardly, we should think, be raised by the very moderate tolls laid on the ships passing through it. This, however, is not the only consideration to be attended to in estimating the value of a work of this sort. Its influence in promoting the trade of Amsterdam, and, indeed, of Holland, may far more than compensate for its cost. It is evident, too, that the imposition of oppressive tolls would have effectually counteracted this advantage; that is, they would have defeated the very object for which the canal was constructed.—A new canal has been built in Holland from the Zuyder Zee at Vuurtoren to Amsterdam, through the Het-ij, Wij-Ker-meer to the North sea near Breesaap. The entrance into the North sea is by two jetties, that on the north 2,000 mètres in length, that on the south 1,500. The canal drains 6,000 hectares (15,000 acres) of land, and shortens the journey from Amsterdam to the sea by 56 kilomètres.—It is almost unnecessary to say that railways have superseded the use of canals for passenger traffic, and that the

service of the latter is confined almost entirely to the carriage of goods.—6. *Danish Canals.* The Holstein canal, formerly belonging to Denmark, is of very considerable importance. It joins the river Eyder with Kiel bay on the northeast coast of Holstein, forming a navigable communication between the North sea, a little to the north of Heligoland, and the Baltic, enabling vessels to pass from the one to the other by a short cut of about 100 miles, instead of the lengthened and difficult voyage round Jutland, and through the Cattegat and the sound. The Eyder is navigable for vessels not drawing more than 9 feet water from Tonningen, near its mouth, to Rendsburg, where it is joined by the canal, which communicates with the Baltic at Holtenau, about 3 miles north of Kiel. The canal is about 26 English miles in length, including about 6 miles of what is principally river navigation. The excavated portion is 95 feet wide at the top, 51 feet 6 inches at bottom, and 9 feet 6 inches deep (Eng. measure). Its highest elevation above the level of the sea is 24 feet 4 inches; to which height vessels are raised and let down by 6 locks or sluices. It is navigable by vessels of 120 tons burden, or more, provided they are constructed in that view. The total cost of the canal was about £500,000. It was opened in 1785, and has so far realized the views of its projectors as to enable coasting vessels from the Danish islands in the Baltic and the east coast of Holstein, Jutland, etc., to proceed to Hamburg, Holland, England, etc., in less time, and with much less risk, than, in the ordinary course of navigation, they could have cleared the point of the Skaw, and conversely with ships from the west. The smaller class of foreign vessels, particularly those under the Dutch and Hanseatic flags, navigating the Baltic and North seas, have largely availed themselves of the facilities afforded by this canal. About 3,000 vessels pass annually through the canal. This is a sufficient evidence of its utility. It would, however, be much more frequented, were it not for the difficult navigation of the Eyder from the sea to Rendsburg. The dues are moderate. (Coxe's *Travels in the North of Europe*, 5th ed., vol. v., p. 239, where there is a plan of the canal; Catteau, *Tableau des Etats Danois*, tom. ii., pp. 300–304; and *private information.*)—7. *Swedish Canals.* The formation of an internal navigation connecting the Cattegat and the Baltic has long engaged the attention, and occupied the efforts, of the people and government of Sweden. Various motives conspired to make them embark in this arduous undertaking. The sound and other channels to the Baltic were commanded by the Danes, who were able, when at war with the Swedes, greatly to annoy the latter by cutting off all communication by sea between the eastern and western provinces of the kingdom. Hence, in the view, partly of obviating this annoyance and partly of facilitating the conveyance of iron, timber, and other bulky products from the interior to the coast, it was determined to attempt forming an internal navigation, by means of the river Gotha, and the lakes Wener, Wetter, etc., from Gottenburg to Soderkœping on the Baltic. The first and most difficult part of this enterprise was the perfecting of the communication from Gottenburg to the lake Wener. The Gotha, which flows from the latter to the former, is navigable, through by far the greater part of its course, for vessels of considerable burden; but, besides others less difficult to overcome, the navigation at the point called Tröllhætta is interrupted by a series of cataracts about 112 feet in height. Owing to the rapidity of the river, and the stubborn red granite rocks over which it flows, and by perpendicular banks of which it is bounded, the attempt to cut a lateral canal, and still more to render it directly navigable, presented the most formidable obstacles. But, undismayed by these impediments, on which it is, indeed, most probable he had not sufficiently reflected, Polhem, a native engineer, undertook, about the middle of last century, the Herculean task of constructing locks in the channel of the river, and rendering it navigable! Whether, however, it was owing to the all but insuperable obstacles opposed to such a plan, to the defective execution, or deficient strength of the works, they were wholly swept away, after being considerably advanced, and after vast sums had been expended upon them. From this period down to 1793 the undertaking was abandoned; but in that year the plan was proposed, which should have been adopted at first, of cutting a lateral canal through the solid rock, about 1½ miles from the river. This new enterprise was begun under the auspices of a company incorporated for the purpose in 1794, and was successfully completed in 1800. The canal is about 3 miles in length, and has about 6½ feet water. This is the statement of Catteau, *Tableau de la Mer Baltique*, tome ii., p. 77; Oddy, in his *European Commerce*, p. 306, and Balbi, *Abrégé de la Géographie*, p. 385, say that the depth of water is 10 feet. It has 8 sluices, and admits vessels of above 100 tons. In one part it is cut through the solid rock to the depth of 72 feet. The expense was a good deal less than might have been expected, being only about £80,000. The lake Wener, the navigation of which was thus opened with Gottenburg, is very large, deep, and encircled by some of the richest of the Swedish provinces, which now possess the inestimable advantage of a convenient and ready outlet for their products.—As soon as the Tröllhætta canal had been completed, there could be no room for doubt as to the practicability of extending the navigation to Soderkœping. In furtherance of this object the lake Wener was joined to the lake Wetter by the Gotha canal, which admits vessels of the same size as that of Tröllhætta; and the prolongation of the navigation to the Baltic from the Wetter, partly by two canals of equal magnitude with the above, and partly by lakes, has since been completed. The entire undertaking is called the Gotha navigation, and deservedly ranks among the very first of the kind in Europe. Besides the above, the canal of Arboga

unites the lake Hielmar to the lake Maelar; and since 1819 a canal has been constructed from the latter to the Baltic at Södertelje. The canal of Strömsholm, so called from its passing near the castle of that name, has effected a navigable communication between the province of Dalecarlia and the lake Maelar, etc. The total revenue of the 6 Swedish canals in 1864 was £36,436. (*Report* of Mr. Hamilton, Secretary of Legation, of Feb. 9, 1867; Coxe's *Travels in the North of Europe*, 5th ed. vol. iv., pp. 253–266, and vol. v., pp. 58–66; Thomson's *Travels in Sweden*, p. 35, etc.)—8. *French Canals.* The first canal executed in France was that of Briare, 34½ English miles in length, intended to form a communication between the Seine and Loire. It was commenced in 1605, in the reign of Henry IV., and was completed in 1642, under his successor, Louis XIII. The canal of Orleans, which joins the above, was commenced in 1675. But the most stupendous undertaking of this sort, that has been executed in France, or indeed on the continent, is the canal of Languedoc. It was projected under Francis I., but was begun and completed in the reign of Louis XIV. It reaches from Narbonne to Toulouse, and was intended to form a safe and speedy means of communication between the Atlantic ocean and the Mediterranean. It is 64 French leagues in length, and 6 feet deep; and has, in all, 114 locks and sluices. In its highest part it is 600 feet above the level of the sea. In some places it is conveyed, by bridges of great length and strength, over large rivers. It cost upward of £1,300,000; and reflects infinite credit on the engineer, Riquet, by whom it was planned and executed.—Besides this great work, France possesses several magnificent canals, such as that of the Centre, connecting the Loire with the Saône; of St. Quentin, joining the Scheldt and the Somme; of Besançon, joining the Saône, and consequently the Rhone, to the Rhine; of Burgundy, joining the Rhone to the Seine, etc. Some of these are of very considerable magnitude. The canal of the Centre is about 72 English miles in length. It was completed in 1791, at an expense of about 11,000,000 francs. Its summit level is about 240 feet above the level of the Loire at Digoin; the breadth at the water's edge is about 48 feet, and at bottom 30 feet; depth of water, 5½ feet; number of locks, 81. The canal of St. Quentin, 28 English miles in length, was completed in 1810. The canal joining the Rhone to the Rhine is the most extensive of any. It stretches from the Saône, a little above St. Jean de Losne, by Dol, Besançon, and Mulhouse, to Strasburg, where it joins the Rhine —a distance of about 200 English miles. From Dol to Vogeaucourt, near Montbéliard, the canal is principally excavated in the bed of the Doubs. It is not quite finished. The canal of Burgundy will, when completed, be about 242 kilomètres, or 150 English miles in length; but at present it is only navigable to the distance of about 95 kilomètres. In addition to these, a great many other canals have been finished, while several are in progress, and others projected. There is an excellent account of the French canals in the *Histoire de la Navigation Intérieure de la France*, by M. Dutens, in 2 vols. 4to, and to it we beg to refer the reader for further details. He will find at the end of the second volume a very beautiful map of the rivers and canals of France.—The railroads now constructed in France, have, however, checked the progress of canals. We may observe, too, that the state of the law in France is very unfavorable to the undertaking and success of all great public works; and we are inclined to attribute the comparative fewness of canals in France, and the recent period at which most of them have been constructed, to its influence. In that country, canals, docks, and such like works, are mostly carried on at the expense and for behoof of government, under the control of its agents. No scope has been given to the enterprise of individuals or associations. Before either a road or a canal can be constructed, plans and estimates must be made out and laid before the minister of the interior, by whom they are referred to the prefect of the department, and then to the *Bureau des Ponts et des Chaussées*; and supposing the project to be approved by these, and the other functionaries consulted with respect to it, the work must after all be carried on under the superintendence of some public officer. In consequence of this preposterous system, very few works of this description have been undertaken as private speculations; and while not a few of those begun by government remain unfinished and comparatively useless, those that are completed have, as was to be expected, rarely proved profitable. There are some good remarks on this subject in the useful work of M. Dupin on the *Forces Commerciales* of Great Britain.—9. *Prussian Canals.* The Prussian states are traversed by the great navigable rivers the Elbe, the Oder, and the Vistula; the first having its embouchure in the North sea, and the others in the Baltic. The formation of an internal navigation to join these great *waterways* excited the attention of government at a distant period; and this object has been successfully accomplished partly by the aid of the secondary rivers falling into the above, and partly by canals. In 1662 the canal of Muhlrose was undertaken, uniting the Oder and the Spree; the latter being a navigable river falling into the Havel, also a navigable river joining the Elbe near Havelburg. But the navigation from the Oder to the Elbe by this channel was difficult and liable to frequent interruption; and to obviate these defects, Frederick the Great constructed, toward the middle of last century, the Finnow canal, stretching from the Oder at Oderburg to the Havel near Liebenwalde; the communication is thence continued by the latter and a chain of lakes to Plauen, from which point a canal has been opened joining the Elbe near Magdeburg.—The Elbe being in this way connected with the Oder by a comparatively easy navigation, the latter has been united to the Vis-

tula, partly by the river Netze, and partly by a canal joining that river to the Brahe, which falls into the Vistula near Bromberg. A vast inland navigation has thus been completed, barks passing freely through the whole extent of country from Hamburg to Dantzic; affording the means of shipping the products of the interior, and of importing those of foreign countries, either by the North sea or the Baltic, as may be found most advantageous. (Compare the above with Catteau, *Tableau de la Mer Baltique*, tome ii., pp. 11-18,) —10. *Russian Canals.* The inland navigation of Russia is of vast extent, and very considerable importance.—11. *Bavarian Canals.* A grand canal which was for a lengthened period in progress in Bavaria was completed in 1846, and promises to become of great public utility. It extends from Dietfurth on the Altmühl, a navigable affluent of the Danube, to Bamberg on the Mayn, a distance of 23½ German, or about 112 English miles. It is on a large scale, and has cost above £1,000,000. This magnificent undertaking, which carries an inland navigation through the centre of Europe, and realizes the project of Charlemagne for uniting the Black sea with the German ocean, is conducted by a joint-stock company, with the assistance of the Bavarian government. But the navigation of the Mayn and the Danube must be considerably improved before this grand channel of communication can acquire all the importance which, most probably, it is destined to obtain.—12. *Austrian Canals.* The Austrian empire is traversed in its whole extent by the Danube; but the advantages that might result to the foreign trade of the empire from so great a command of river navigation have been materially abridged by the jealousy of the Turks, who command the embouchure of the river, and by the difficulties in some places incident to its navigation. Two pretty extensive canals have been constructed in Hungary. That called the Bega canal is 73 English miles in length: it stretches from Fascet through the Bannat by Temeswar to Becskerek, whence vessels pass by the Bega into the Theiss a little above its junction with the Danube. The other Hungarian canal is called after the emperor Francis. It stretches from the Danube by Zambor to the Theiss, which it joins near Foldvar, being 62 English miles in length; its elevation where highest does not exceed 27 feet. Besides the above, the canal of Vienna establishes a communication between that city and Neustadt. It is said to be the intention to continue this canal to Trieste; but however desirable, we doubt much whether this be practicable. A railroad has been made from Munchausen on the Danube to Budweiss on the Moldau, a navigable river that falls into the Elbe, which promises to be a highly useful communication. (Bright's *Travels in Hungary*, p. 246; Balbi, *Abrégé de la Géographie*, p. 216.)—13. *Spanish Canals.* Nowhere are canals more necessary, both for the purposes of navigation and irrigation, than in Spain; but the nature of the soil, and the poverty and ignorance of the government as well as of the people, oppose formidable obstacles to their construction. During the reign of Charles II. a company of Dutch contractors offered to render the Mançanares navigable from Madrid to where it falls into the Tagus, and the latter from that point to Lisbon, provided they were allowed to levy a duty for a certain number of years on the goods conveyed by this channel. The council of Castile took this proposal into their serious consideration, and after maturely weighing it pronounced the singular decision, "That if it had pleased God that these two rivers should have been navigable, He would not have wanted human assistance to have made them such; but that, as He has not done it, it is plain He did not think it proper that it should be done. To attempt it, therefore, would be to violate the decrees of His providence, and to mend the imperfections which he designedly left in His works." (Clarke's *Letters on the Spanish Nation*, p. 284.) But such undertakings are no longer looked upon as sinful; and many have been projected since the accession of the Bourbon dynasty, though few have been perfected. The canal of the Ebre, begun under the emperor Charles V., is the most important of the Spanish canals; but it is only partially completed, and during dry seasons it suffers from want of water. It runs parallel to the right bank of the Ebro, from Tudela in Navarre to below Saragossa; the intention being to carry it to Sastago, where it is to unite with the Ebro. The canal of Castile is intended to lay open the country between the Douro and Reynosa, and to facilitate the conveyance of grain from the interior to Santander and Bilbao. It passes by Valladolid, Palencia, and Aguilar del Campos; a small part has been executed, and is now in operation. A company has also undertaken, what the Dutch contractors formerly offered—to render the Tagus navigable from Aranjuez to Lisbon; the free navigation of the river having been stipulated at the congress of Vienna. A project for deepening the Guadalquivir, and some others, are also on foot. (*Geographical Dictionary*, ii. 710.) It would appear from Mr. Sackville West's Report to the Foreign Office, of Jan. 1, 1867, that on Dec. 31, 1865, the total amount of canal shares and subventions was 211,040,251 reals vellon, or £2,110,402, and that the sum estimated as necessary for their completion was 11,816,190 reals vellon, or £118,561. (*Reports of Secretaries of Legation*, No. 5 of 1867.)—14. *British Canals.* Owing partly to the late rise of extensive manufactures and commerce in Great Britain, but more, perhaps, to the insular situation of the country, no part of which is very distant from the sea or from a navigable river, no attempt was made, in England, to construct canals till a comparatively recent period. The efforts of those who first began to improve the means of internal navigation were limited to attempts to deepen the beds of rivers, and to render them better fitted for the conveyance of

vessels. So early as 1635, Mr. Sandys, of Flatbury, Worcestershire, formed a project for rendering the Avon navigable from the Severn, near Tewkesbury, through the counties of Warwick, Worcester and Gloucester, "that the towns and country might be better supplied with wood, iron, pit-coal, and other commodities." This scheme was approved by the principal nobility and landowners in the adjoining counties; but the civil war having broken out soon after, the project was abandoned, and does not seem to have been revived. After the restoration and during the earlier part of last century various acts were at different times obtained for cheapening and improving river navigation. For the most part, however, these attempts were not very successful. The current of the rivers gradually changed the form of their channels; the dikes and other artificial constructions were apt to be destroyed by inundations; alluvial sand banks were formed below the weirs; in summer the channels were frequently too dry to admit of being navigated, while at other periods the current was so strong as to render it quite impossible to ascend the river, which at all times, indeed, was a laborious and expensive undertaking. These difficulties in the way of river navigation seem to have suggested the expediency of abandoning the channels of most rivers, and of digging parallel to them artificial channels, in which the water might be kept at the proper level by means of locks. The act passed by the legislature in 1755 for improving the navigation of Sankey Brook on the Mersey gave rise to a lateral canal of this description, about 11½ miles in length, which deserves to be mentioned as the earliest effort of the sort in England.—But before this canal had been completed, the celebrated duke of Bridgewater, and his equally celebrated engineer, the self-instructed James Brindley, had conceived a plan of inland navigation independent altogether of natural channels, and intended to afford the greatest facilities to commerce, by carrying canals across rivers and through mountains, wherever it was practicable to construct them.—The duke was proprietor of a large estate at Worsley, 7 miles from Manchester, in which were some very rich coal mines, which had hitherto been in great measure useless, owing to the cost of carrying coal to market. Being desirous of turning his mines to some account, it occurred to him that his purpose would be best accomplished by cutting a canal from Worsley to Manchester. Mr. Brindley, having been consulted, declared that the scheme was practicable; and an act having been obtained, the work was immediately commenced. "The principle," says Mr. Phillips, "laid down at the commencement of this business reflects as much honor on the noble undertaker as it does upon his engineer. It was resolved that the canal should be perfect in its kind; and that, in order to preserve the level of the water, it should be free from the usual obstruction of locks. But in accomplishing this end many difficulties were deemed insurmountable. It was necessary that the canal should be carried over rivers, and many large and deep valleys, where it was evident that such stupendous mounds of earth must be raised as would scarcely, it was thought by numbers, be completed by the labor of ages; and, above all, it was not known from what source so large a supply of water could be drawn, even on this improved plan, as would supply the navigation. But Mr. Brindley, with a strength of mind peculiar to himself, and being possessed of the confidence of his great patron, contrived such admirable machines, and took such methods to facilitate the progress of the work, that the world soon began to wonder how it could be thought so difficult. When the canal was completed as far as Barton, where the Irwell is navigable for large vessels, Mr. Brindley proposed to carry it over that river by an aqueduct 39 feet above the surface of the water in the river. This, however, being considered as a wild and extravagant project, he desired, in order to justify his conduct toward his noble employer, that the opinion of another engineer might be taken, believing that he could easily convince an intelligent person of the practicability of the design. A gentleman of eminence was accordingly called, who, being conducted to the place where it was intended that the aqueduct should be made, ridiculed the attempt; and, when the height and dimensions were communicated to him, he exclaimed, "I have often heard of castles in the air, but never was shown before where any of them were to be erected." This unfavorable verdict did not deter the duke from following the opinion of his own engineer. The aqueduct was immediately begun; and it was carried on with such rapidity and success as astonished those who, but a little before, thought it impossible."—Before the canal from Worsley to Manchester had been completed, it occurred to the duke and his engineer that it might be practicable to extend it by a branch, which, running through Chester parallel to the river Mersey, should at length terminate in that river below the limits of its artificial navigation, and thus afford a new, safer and cheaper means of communication between Manchester and its vicinity and Liverpool. The execution of this plan was authorized by an act passed in 1761. This canal, which is above 29 miles in length, was finished in about 5 years. It was constructed in the best manner, and has proved equally advantageous to its noble proprietor and the public. —"When the duke of Bridgewater," says Dr. Aikin, "undertook this great design, the price of carriage on the river navigation was 12s. the ton from Manchester to Liverpool, while that of land carriage was 40s. the ton. The duke's charge on his canal was limited by statute to 6s.; and together with this vast superiority in cheapness, it had all the speed and regularity of land carriage. The articles conveyed by it were, likewise, much more numerous than those by the

river navigation; besides manufactured goods and their raw materials, coals from the duke's own pits were deposited in yards at various parts of the canal, for the supply of Cheshire; lime, manure and building materials were carried from place to place; and the markets of Manchester obtained a supply of provisions from districts too remote for the ordinary land conveyances. A branch of useful and profitable carriage, hitherto scarcely known in England, was also undertaken, which was that of passengers. Boats, on the model of the Dutch treckschuyts, but more agreeable and capacious, were set up, which, at very reasonable rates and with great convenience, carried numbers of persons daily to and from Manchester along the line of the canal." (Aikin's *Description of the Country round Manchester*, p. 116.)—The success attending the duke of Bridgewater's canals stimulated public-spirited individuals in other districts to undertake similar works. Mr. Brindley had early formed the magnificent scheme of joining the great ports of London, Liverpool, Bristol and Hull by a system of internal navigation; and though he died in 1772, at the early age of 56, he had the satisfaction to see his grand project in a fair way of being realized. The Trent and Mersey, or as it has been more commonly termed, the Grand Trunk canal, 96 miles in length, was begun in 1766 and completed in 1777. It stretches from near Runcorn on the Mersey, where it communicates with the duke of Bridgewater's canal, to Newcastle-under-Line; thence southward to near Titchfield; and then northwesterly, till it joins the Trent at Wilden ferry, at the northwestern extremity of Leicestershire. A water communication between Hull and Liverpool was thus completed; and by means of the Staffordshire and Worcestershire canal, which joins the Grand Trunk near Haywood in the former, and the Severn near Stourport in the latter, the same means of communication was extended to Bristol. During the time that the Grand Trunk canal was being made, a canal was undertaken from Liverpool to Leeds, 130 miles in length; another from Birmingham to the Staffordshire and Worcestershire canal, joining it near Wolverhampton; and one from Birmingham to Fazeley and thence to Coventry. By canals subsequently undertaken, a communication was formed between the Grand Trunk canal and Oxford, and consequently with London, completing Brindley's magnificent scheme. In 1792 the Grand Junction canal was begun, which runs in a pretty straight line from Brentford, on the Thames, a little above the metropolis, to Braunston, in Northamptonshire, where it unites with the Oxford and other central canals. It is about 90 miles in length. There is also a direct water communication, by means of the river Lea navigation, the Cambridge Junction canal, etc., between London and the Wash. In addition to these, an immense number of other canals, some of them of great magnitude and importance, have been constructed in different parts of the country; so that a command of internal navigation has been obtained, unparalleled in any European country, with the exception of Holland.—In Scotland, the great canal to join the Forth and Clyde was begun in 1768, but it was suspended in 1777, and was not resumed till after the close of the American war. It was finally completed in 1790. Its total length, including the collateral cuts to Glasgow and the Monkland canal, is 38¾ miles. Where highest it is 150 feet above the level of the sea. It is on a larger scale than any of the English canals. Its medium width at the surface is 56, and at the bottom 27 feet. Originally it was about 8 feet 6 inches deep; but its banks have been raised, so that the depth of water is now about 10 feet. It has, in all, 39 locks. In completing this canal many serious difficulties had to be encountered. These, however, were all successfully overcome; and though unprofitable for a while, it has for many years past yielded a better return to its proprietors. Swift boats on the plan of those subsequently described were established on this canal in 1832. (Cleland's *Statistics of Glasgow*, p. 170, etc.)—The Union canal joins the Forth and Clyde canal near Falkirk, and stretches thence to Edinburgh, being 31½ miles in length. It is 40 feet wide at the top, 20 at bottom, and 5 deep. It was completed in 1822. But it appears to have been an extremely ill-advised undertaking; so much so that its proprietors have sold it at a heavy loss to the Edinburgh and Glasgow railway company, who employ it in the conveyance of coal and other heavy goods.—A canal intended to form a communication between Glasgow, Paisley and Ardrossan was commenced in 1807; but only that portion connecting Glasgow with Paisley and the village of Johnstoun has hitherto been finished. This part is about 12 miles long; the canal being 30 feet broad at top, 18 at bottom, and 4½ deep. It was here that the experiments were originally made on quick traveling by canals, which are said to have demonstrated that it was practicable to impel a properly constructed boat, carrying passengers and goods, along a canal at the rate of 9 or 10 miles an hour, without injury to the banks!—The Crinan canal across the peninsula of Kintyre, admitting vessels of 160 tons burden, is 9 miles in length, and 12 feet in depth.—The Caledonian canal is the greatest undertaking of the sort attempted in the empire. It stretches southwest and northeast across the island from a point near Inverness to another near Fort William. It is chiefly formed by Loch Ness, Loch Oich, and Loch Lochy. The total length of the canal, including the lakes, is 60½ miles; but the excavated part is only about 23 miles. At the summit it is 96½ feet above the level of the Western ocean. It is mostly constructed upon a very grand scale, being intended to be 20 feet deep, 50 feet wide at bottom, and 122 at top; the locks are 20 feet deep, 172 long, and 40 broad; and had it been wholly executed as was originally intended, frigates of 32 guns and merchant ships of

1,000 tons burden might have passed through it. It was opened in 1822, being executed entirely at the expense of government, from the designs and under the superintendence of Thomas Telford, Esq. The entire cost amounted, exclusive of interest, on the 1st of May, 1853, to £1,347,780. It would appear, however, to have been projected without due consideration, and has been a most unprofitable speculation. The revenue of the canal amounted in 1852–3 to only £5,889, whereas the expenditure during the same year, excluding allowance for wear and tear, and including £900 for repairs, amounted to £7,429! But this is not all. Owing to a wish to lessen the expense and to hasten the opening of the canal, parts of it were not excavated to their proper depth, while others were executed in a hurried and insufficient manner. Hence the canal does not really admit vessels of above 250 or 300 tons burden, and previously to steam tugs being provided on the lakes, they were frequently delayed in making their passage across for a lengthened period. During 1837 and 1838 the works sustained considerable damage; and the reader need not be surprised to hear that it was gravely debated whether it would not be better entirely to break up and abandon the canal!—There was naturally, however, an extreme disinclination to destroy a work which, how inexpedient soever originally, has been executed at an enormous expense, and various schemes have been suggested for relieving the public from the expense of keeping it up without involving its destruction. Among others it has been proposed to assign it to a joint-stock company, on their agreeing to complete the works and keep them in repair; and an act authorizing such transfer was passed in 1840. But hitherto it has not been found possible to dispose of the canal in this way, and parliament has since voted large sums for the partial repair of the works, which, though a good deal improved, will every now and then require fresh outlays.—Some other canals have been projected and completed in different parts of Scotland. Of these the Monkland canal, for the supply of Glasgow with coal, has been the most successful.—15. *Irish Canals.* Various canals have been undertaken in Ireland, of which the Grand canal and the Royal canal are the principal. The Grand canal was begun in 1765, by a body of subscribers; but they could not have completed the work without very large advances from government. The canal commences at Dublin, and stretches in a westerly direction, inclining a little to the south, to the Shannon, with which it unites near Banagher, a distance of 85 statute miles, and thence on the west side of the river to Ballinasloe, 14 miles. But exclusive of the main trunk, there is a branch to Athy, where it joins the Barrow, a distance of about 27 miles; and there are branches to Portarlington, Mount Mellick, and some other places. The total length of the canal, with its various branches, is about 164 English miles. Its summit elevation is 200 feet above the level of the sea at Dublin. It is 40 feet wide at the surface, from 24 to 20 feet at bottom, has 6 feet water, and cost, in all, above £2,000,000.—Two capital errors seem to have been committed in the formation of this canal—it was framed on too large a scale, and was carried too far north. Had it been 4 or 4½ instead of 6 feet deep, its utility would have been but little impaired, while its expense would have been very materially diminished. But the great error was in its direction. Instead of joining the Shannon about 15 miles above Lough Derg, it should have joined it below Limerick. By this means barges and other vessels passing from Dublin to Limerick, and conversely, would have avoided the difficult and dangerous navigation of the upper Shannon; and the canal would have passed through a comparatively fertile country; and it would not have been necessary to carry it across the bog of Allen, in which, says Mr. Wakefield, "the company have buried more money than would have cut a spacious canal from Dublin to Limerick." (*Account of Ireland*, vol. i., p. 642.)—The Royal canal was undertaken in 1789. It stretches westward from Dublin to the Shannon, which it joins near Tormanbury. Its entire length is about 92 miles, exclusive of a branch of 5 miles from Kilashee to Longford; its highest elevation is 322 feet above the level of the sea. At bottom it is 24 feet wide, having 6 feet depth of water. It had cost, exclusive of interest on stock, loans, etc., advanced by government, in February, 1823, £1,421,954.—This canal seems to have been planned in the most injudicious manner. It has the same defect as the Grand canal, of being extravagantly large; and throughout its whole course it is nearly parallel to, and not very distant from, the latter. There are consequently two immense canals where there ought, perhaps, to be none. At all events, it is abundantly certain that one canal of comparatively moderate dimensions would have been quite enough for all the business of the district, even if it were much greater than it is at this moment, or than it is ever likely to become.—It appears from "Thom's Almanac" for 1868, that in 1866 the gross revenue of the Royal canal was £10,504, while the net revenue of the Grand canal for the first half of 1866 was £7,535; and deducting from these sums the expense attending the working of the canals, and allowing for their ordinary wear and tear, it is extremely doubtful whether these great public works, which have cost between £5,000,000 and £6,000,000, produce a sixpence of clear revenue.—Besides the above there are some other canals, as well as various river excavations, in Ireland, the chief of which is the Ulster, 48 miles long; but hardly one of them yields a reasonable return for the capital expended upon it. They have almost all been liberally assisted by grants of public money; and their history, and that of the two great canals now adverted to, strikingly corroborates the caustic remark of Arthur Young, that "a history of public works

in Ireland would be a history of jobs." (*Tour in Ireland*, part ii., p. 66, 4to ed.) Those who wish to make themselves fully acquainted with the history and state of the canals of Ireland may consult the Report by Messrs. Henry Mullins and M'Mahon, in the Appendix to the "Report of the Select Committee of 1830 on the State of Ireland," and the valuable "Report on Railways." —16. *American Canals.* The United States are pre-eminently distinguished by the spirit with which they have undertaken, and the perseverance they have displayed in executing, the most magnificent plans for improving and extending internal navigation. Besides many others of great, though inferior, magnitude, a canal has been formed connecting the Hudson with lake Erie. This immense work is 363 miles in length, the rise and fall along the entire line being 692 feet. It was originally 40 feet wide at the surface, 28 feet at bottom, and 4 feet deep. But these dimensions being found, from the rapidly increasing traffic and importance of the canal, to be far too limited, an act was passed in 1835, providing for its enlargement. Under this act the canal has been increased, so as to be 70 feet wide on the surface, 42 feet at the bottom, and 7 feet in depth, the locks being of corresponding dimensions. The original cost of the canal was $9,027,456, and the cost of the enlargement has been about $25,000,000, or nearly three times its first cost. The Erie canal is the property of the state of New York, and is one of the greatest and most important works of its kind in the world. Notwithstanding the contracted scale on which it was originally constructed, it has completely verified the predictions of its projector, De Witt Clinton, having been at once extremely profitable as a mercantile speculation, and of singular advantage in a public point of view to the state of New York and the Union generally.—The Chesapeake and Ohio canal would, had it been completed, have been a great and useful work. It begins at the tide water of the Potomac river above Georgetown in the District of Columbia, and is intended to terminate at Pittsburgh, in Pennsylvania, a distance of 341½ miles. Its dimensions are nearly identical with those of the new Erie canal; its breadth at the surface being from 60 to 80 feet, and at bottom 50 feet, with a depth of water varying from 6 to 7 feet. Several tunnels occur in the line which crosses the Alleghany ridge. The cost of this work was estimated at $22,275,000, which were to be subscribed partly by individuals, and partly by the United States and the states of Maryland and Pennsylvania. Owing, however, to the inability, or rather disinclination, of the two last-mentioned states to make good their engagements, the works on the canal have been suspended, after about 10 millions of dollars have been expended upon them. But the probability is that they will be resumed and completed at some future period; their completion being the only means by which the capital already expended upon them can be made to yield anything.—A great many other canals have been completed and are in progress in different parts of the Union. Of the former, the Ohio canal, uniting the Ohio with lake Erie, is by far the most important, and is, if at all, only less advantageous than the Erie canal Cleveland, where the canal unites with lake Erie, has become one of the greatest emporiums on the lakes —17. *Utility of Canals.* The utility of canals, when judiciously contrived, and opening an easy communication between places capable of maintaining an extensive intercourse with each other, has never been better set forth than in a work published in 1765, entitled "A View of the Advantages of Inland Navigation," etc. But the following extract from Macpherson's *Annals of Commerce* (1760) contains a brief, and at the same time eloquent, summary of the principal advantages resulting from their construction. "They give fresh life to established manufactures, and they encourage the establishment of new ones by the ease of transporting the materials of manufacture and provisions; and thence we see new villages start up upon the borders of canals in places formerly condemned to sterility and solitude. They invigorate, and in many places create, internal trade, which, for its extent and value, is an object of still more importance than foreign commerce, and is exempted from the many hardships and dangers of a maritime life and changes of climate. To this may be added that they greatly promote foreign trade, and consequently enrich the merchants of the ports where they, or the navigable rivers they are connected with, terminate, by facilitating the exportation of produce from, and the introduction of foreign merchandise into, the interior parts of the country, which are thus placed nearly on a level with the maritime parts; or, in other words, the interior parts become coasts and enjoy the accommodations of shipping. The price of provisions is nearly equalized through the whole country; the blessings of Providence are more uniformly distributed; and the monopolist is disappointed in his schemes of iniquity and oppression by the ease wherewith provisions are transported from a considerable distance. The advantages to agriculture, which provides a great part of the materials, and almost the whole of the subsistence, required in carrying on manufactures and commerce, are pre-eminently great. Manure, marl, lime and all other bulky articles, which could not possibly bear the great expense of cartage, and also corn and other produce, can be carried at a very light expense on canals; whereby poor lands are enriched, and barren lands are brought into cultivation, to the great emolument of the farmer and landholder, and the general advantage of the community, in an augmented supply of the necessaries of life and materials of manufactures; coals (the importance of which to a manufacturing country few people not actually concerned in manufactures are capable of duly appreciating), stone, lime, iron ore, and minerals in general, as

well as many other articles of great bulk in proportion to their value, which had hitherto lain useless to their proprietors by reason of the expense, and, in many cases, impossibility of carriage, are called into life, and rendered a fund of wealth, by the vicinity of a canal; which thus gives birth to a trade, whereby, in return it is maintained."—18. *Increased Speed of Traveling by Canals.* Great as have been the advantages derived from the formation of canals, their progress has been to a considerable degree checked by the formation of railroads. We believe, however, that canals will always be preferred for the conveyance of coal and other bulky and heavy products; and even passengers could be conveyed along them with a rapidity that would previously have been supposed impossible. This new system was introduced on the Paisley and Glasgow canal, by Mr. Houston, in June, 1831. The results are described in the following statements, to which it is unnecessary to call the reader's attention.—Mr. Thomas Graham, civil engineer, in his "Letter to Canal Proprietors and Traders," says, "The experiments of great velocity have been tried and proved *on the narrowest, shallowest, and most curved canal in Scotland,* viz., the Ardrossan or Paisley canal, connecting the city of Glasgow with the town of Paisley and village of Johnstoun—a distance of 12 miles. The result has disproved every previous theory as to difficulty and expense of attaining great velocity on canals, and as to the danger or damage to their banks by great velocity in moving vessels along them.—The *ordinary speed* for the conveyance of passengers on the Ardrossan canal has, for nearly 2 years been *from 9 to 10 miles an hour;* and, *although there are 14 journeys along the canal per day, at this rapid speed, its banks have sustained no injury.* The boats are 70 feet in length, about 5 feet 6 inches broad, and, but for the extreme narrowness of the canal, might be made broader. They carry easily from 70 to 80 passengers; and, when required, can and have carried upward of 110 passengers. The entire cost of a boat and fittings up is about £125. The hulls are formed of light iron plates and ribs, and the covering is of wood and light oiled cloth. They are more airy, light and comfortable than any coach. They permit the passengers to move about from the outer to the inner cabin, and the fares per mile are *one penny* in the *first*, and *three farthings* in the *second cabin.* The passengers are all carried under cover; having the privilege also of an uncovered space. These boats are drawn by 2 horses (the price of which may be from £50 to £60 per pair), in stages of 4 miles in length, which are done in from 22 to 25 minutes, including stoppages to let out and take in passengers, each set of horses doing 3 or 4 stages alternately each day. In fact, the boats are drawn through this narrow and shallow canal at a velocity which many celebrated engineers *had demonstrated, and which the public believed, to be impossible.*—The entire amount of the whole expenses of attendants and horses, and of running one of these boats 4 trips of 12 miles each (the length of the canal) or 48 miles daily, including interest on the capital, and 20 per cent. laid aside annually for replacement of the boats, or loss on the capital therein invested, and a considerable sum laid aside for accidents and replacement of the horses, is £700 some odd shillings; or, taking the number of working days to be 312 annually, something under £2 2s. 4d. per day, or about 11d. per mile. The actual cost of carrying from 80 to 100 persons a distance of 30 miles (the length of the Liverpool railway), at a velocity of nearly 10 miles an hour, on the Paisley canal, one of the most curved, narrow and shallow in Britain, is therefore just £1 7s. 6d. Such, in brief, are the facts, and, incredible as they may appear, they are facts which no one who inquires can possibly doubt."—Boats on this principle were for a time established on a great many British canals, and on the Grand and Royal canals in Ireland. J. R. M'C.

CANON LAW. (See LAW.)

CAPITAL, a politico-economical term. It may be said, in a general way, that capital is the result of accumulation. It is the sum total of values withdrawn from unproductive consumption, and bequeathed to the present by the past.—This definition is exact enough, and is, strictly speaking, sufficient. It agrees with that of J. B. Say, which is as follows: "Capital, in the broadest sense, is an accumulation of values withdrawn from unproductive consumption." It differs, however, in some respects—if not in substance, at least as to the number and variety of the objects it embraces—from that given by some other economists, and, in certain cases, from that given by J. B. Say himself.—With the exception of certain writers who are not authority in the science, all economists are agreed in not comprising under the term capital, either land or the instruments of production furnished by nature, but only such values as are created by man and which are the result of previous accumulation. Thus, in treating of the great agents of production, economists always enumerate three: land, labor and capital; drawing a clear distinction between land, the primitive basis of production given by nature, and the total of the values or products which man has successively added to it by his labor, and which is called capital.—But does capital comprise all the values previously produced by man, or only those which are used for purposes of reproduction? Here economists are not all agreed; for some consider all accumulated products as capital, whatever their nature or use, even articles reserved for the immediate consumption of man; while others consider as capital only such objects as are directly devoted to reproduction, such as raw materials, tools, machinery, buildings, etc.—What is most remarkable is, that in the minds of all economists, without distinction, the idea of reproduction is inseparably

associated with the idea of capital. However great their disagreement may seem, all conceive capital to be not only wealth acquired to society by its previous labor and saving, but also a lever to increase the energy, the power and the fruitfulness of its future labor. But some accord the reproductive faculty to a greater number of objects than others. Some grant it to all acquired wealth, even to things reserved for the immediate satisfaction of human wants, now considering them as a necessary reserve to facilitate future labor, sometimes as productive of utility or pleasure. Others recognize this productive faculty only in instruments of labor, properly speaking, to the exclusion of articles intended for immediate consumption—This disagreement is more apparent than real, in this sense, at least, that it is more about words than things, and does not modify substantially the final conclusions of economists. As it tends nevertheless to introduce an element of uncertainty into economic reasoning, we shall endeavor to put an end to it, so far as in us lies; or at least to show the real cause of the disagreement, which is the insufficiency of the language economists are forced to use.—To understand the exact nature of capital, says Rossi, is one of the most difficult things in political economy. However this may be, we shall endeavor, first, to define precisely the nature of capital. We shall then show what are the functions of capital in human society, the nature and the extent of the services which it renders, the manner in which it is distributed and employed, the necessity of its alliance with labor, and the manner in which it divides with labor the new wealth produced. This is one of the most important parts of economic science.—I. *What is capital? Of what does it consist?* We have just seen that there are two very different definitions of capital. In the one, all accumulated values are comprehended under the term; in the other, it applies exclusively to those which are directly devoted to purposes of reproduction, such as raw materials, tools, machinery, etc. Between these extreme opinions there are intermediate ones; but we take them in their absolute formularization, better to estimate their respective value.—Among French economists this difference is most marked between J. B. Say and Rossi. Among English economists we find the difference at least as great between Adam Smith and Malthus on the one hand, and M'Culloch on the other. Garnier, in his *Eléments de l'Economie Politique*, thus sums up the divergent opinions of Say and Rossi: "According to the same economist," says he, speaking of Rossi, "we must define capital, *a product saved and intended for reproduction*. This definition includes three notions, the notion of *product*, of *saving*, and of *reproduction*. J. B. Say has frequently introduced into his definition only the first two. He understands by capital, *the simple accumulation of products*. Rossi, to explain his thought clearly, analyzes the labor of the savage who, having killed a beast, divides its carcass into three parts: one of them he eats, one he lays by for the next day, and one he uses in hunting—the horns of the animal for instance, which thus become an instrument of labor or of production, in other words, capital. Rossi does not consider as capital what is laid by to be consumed on the following day. If it were capital, then it might be said that even the ant accumulated capital."—Such is the difference of opinion found in the writings of these two men. The difference is even more marked than it seems here; for although he does not always say so, and attaches the idea of capital inseparably to the idea of reproduction, J. B. Say certainly includes in the term all objects of consumption which Rossi just as certainly excludes from it —The English economists we have mentioned differ in about the same way. M'Culloch agrees with J. B. Say, whose views he sometimes carries to an extreme; while Adam Smith and Malthus seem to have suggested Rossi's views to him.—Whichever one of these views we adopt it is proper to remark that the principles of political economy are not seriously involved here. It is a question of nomenclature and nothing more. But nomenclature has its importance, for, if it is not science, it serves at least to make science accessible to those who do not know it. There is nothing more annoying than the endless discussion of the use of words. It uselessly taxes the minds of men who might make better use of their faculties. It tends even to discredit science in the eyes of those who only follow it at a distance.—In political economy it is useful, nay almost necessary, for the explanation and demonstration of certain great truths of science, to possess a word to designate and include generally the sum total of the values which the past has bequeathed to the present, which are the fruit of previous labor, of saving, of accumulation, and which add so much to the power of mankind In the beginning man found himself alone, with only his natural faculties, face to face with brute nature. In this condition, his existence was very precarious, his influence over nature small, and his power of production extremely limited. But owing to the peculiar foresight with which he was gifted, he, by degrees, invented for himself instruments fitted to second the labor of his hands. He built dwellings to shelter him from the inclemency of the weather. He stored up provisions, reserve stores, which enabled him to devote himself to more continued labor by assuring him sustenance for the morrow. In a word, he adapted the earth to his own use, while he continually increased his means of turning it to account. The values with which he surrounded himself in order to better his condition, assumed a thousand different forms, and ministered to a thousand wants. These are instruments, tools, dwellings, domestic animals, seeds, clothing, provisions of every kind; but they all have this in common, that they elevate the condition of man and increase his power over nature. It is desirable that we should be able to designate

by a single word this immense stock of values which has been added in a thousand forms to man's original domain, and to distinguish it from the primitive basis of production furnished by nature, to which it is only an addition The word capital has been used by political economists to perform this service.—The broad meaning given to the word capital by J. B. Say, is rejected by Rossi, who considers as capital only that part of accumulated values which is so employed as to produce a revenue. He thinks that he is thus more faithful to the definition and classification adopted by the English economists, Adam Smith, Malthus and others. We shall see directly if he is right on this point. But when he refuses to apply the term capital to the total of accumulated values, has Rossi found any other word to take its place? He has not. In his vocabulary all this mass of wealth previously acquired, has no special appellation, and can only be designated by means of a circumlocution. This seems to us decisive. J. B. Say's vocabulary appears to us decidedly preferable, in this, that it is not irreparably defective.—Shall we therefore say with M'Culloch, that accumulated values should always be considered as a whole; that there is no distinction to be drawn between those reserved for the immediate satisfaction of the wants, or even the fancies, or the caprices of men, and those which are specially intended for production? Assuredly not. To pretend that all these values are equally productive, and productive in the same sense, is to go counter to reason which bears witness to the contrary. J. B. Say has perhaps fallen into this error sometimes, but it is especially peculiar to M'Culloch, who, in his extreme desire to place all accumulated values on the same level, goes so far as to pretend that articles of luxury which merely satisfy the desire of ostentation of the rich, contribute as much as anything else to production, as much as agricultural implements, for instance. —But it does not follow necessarily that, because these values should not be confounded with one another, they may not receive the same designation, especially since there are not two names equally fitted to apply to them separately. All that follows is, that there is a good reason to divide and to classify different kinds of capital, and to distinguish them from one another by adding to the general and common appellation qualifying terms to indicate the difference between them. Rossi believes that values intended for purposes of reproduction are distinct from others. We believe so, too, though the distinction does not appear to us always easy to make. Let them, therefore, be called productive capital, to distinguish them from other values called simply, capital. Thus, whatever meaning be attached to the word, we must admit that there are several kinds of capital, and classify them. This merely necessitates our drawing a distinction the more, a first and general distinction which will serve as a point of departure for all other distinctions. In this way there need be no defect in the vocabulary of political economy, and all the demands of science may be met.—Rossi, in restricting the sense of the word capital as he has, believed he was following the thought or the method of Adam Smith and Malthus. He was mistaken. It is very true that these two economists understand by capital only values used for purposes of reproduction, but they have another and broader word by which they designate the total of values produced and accumulated by man: stock is the word.—The nomenclature of these writers is satisfactory and complete. They use the word *stock* to designate the total of accumulated values, and the word *capital* to express that portion of the values accumulated which is specially devoted to reproduction.—This is capital as Rossi understands it. Thus, stock is the total of accumulated values, of whatsoever nature they may be, and to whatsoever use they are applied, whether they serve solely to support men or are used in reproduction. Capital is a part of stock, that part which is specially employed in reproduction, that is to say, in the creation of revenue. Owing to the use of these two words, the nomenclature is complete; the whole and the part being designated by special terms.—Let no one suppose that these definitions are peculiar to Malthus. They are literally conformable to those followed by Adam Smith. In book II. of his work, where he treats specially of accumulated wealth and the employment of capital, he establishes very precisely the distinction just made, first in the introduction to his work; then in the commencement of chapter 1, he writes as follows: "When the stock which a man possesses is no more than sufficient to maintain him for a few days or a few weeks, he seldom thinks of putting it out to interest. He consumes it as sparingly as he can, and endeavors by his labor to acquire something which may supply its place before it be consumed altogether. His revenue is, in this case, derived from his labor only. This is the state of the greater part of the laboring poor in all countries.—But when he possesses stock sufficient to maintain him for months or years, he naturally endeavors to derive a revenue from the greater part of it; reserving only so much for his immediate consumption as may maintain him till this revenue begins to come in His whole stock, therefore, is distinguished into two parts. That part which he expects is to afford him this revenue, is called the capital. The other is that which supplies his immediate consumption, and which consists either, first, in that portion of his whole stock which was originally reserved for this purpose; or, secondly, in his revenue, from whatever source derived, as it gradually comes in, or, thirdly, in such things as had been purchased by either of these in former years and which are not yet entirely consumed; such as a stock of clothes, household furniture, and the like. In one, or other, or all of these three articles, con-

sists the stock which men commonly reserve for their own immediate consumption."—Since in the English language, there are two words well fitted to designate, the one the genus stock, the other the species capital, why should writers confound the two under a common designation? The English nomenclature is a good one. Besides, it is sanctioned by the authority of the first masters of the science. We are, therefore, very far from approving the attempt made by M'Culloch to change the old vocabulary, by giving to the word capital a meaning broader than that given by J. B. Say. Malthus is right in accusing him on this account of introducing obscurity into the science, breaking with traditions without any valid cause. The arguments by which he undertakes to justify his new theory are of still less value than the theory itself. English economists will do well to preserve their nomenclature as it is fixed by Adam Smith and his immediate successors.—II. *Division or Classification of Capital.* Capital may be divided or classed in different ways. There is no absolute or unvarying rule in this matter. This alone is important, that no kind of value produced should be omitted, and that the classification should be from generals to particulars.—Adam Smith has given a classification of capital which seems to us satisfactory enough, and which has been adopted as he gave it, or only slightly modified, by a great number of his successors. It is true that he uses the word capital to designate only such values as are directly intended for purposes of production, but his classification embraces, none the less, values put aside for purposes of consumption. He was far from ignoring the importance of the latter.—It is not capital only as he conceived it, but the general stock of accumulated values which he divided and classified. We may advantageously adopt his classification of capital.—Adam Smith divides the general stock of accumulated values into three parts: the first comprising all the objects which serve only for the maintenance of man; the second, that part of productive capital which is stationary and which he terms fixed capital; the third, that part of productive capital which is not fixed, and which he calls circulating capital. He thus illustrates his division of capital: "The general stock of any country or society," he says, "is the same with that of all its inhabitants or members, and therefore, naturally divides itself into the same three portions, each of which has a distinct function or office.—The first is that portion which is reserved for immediate consumption, and of which the characteristic is that it affords no revenue or profit. It consists in the stock of food, clothes, household furniture, etc., which have been purchased by their proper consumers, but which are not yet entirely consumed. The whole stock of mere dwelling houses, too, subsisting at any one time in the country, make a part of this first portion. The stock that is laid out in a house, if it is to be the dwelling house of the proprietor, ceases from that moment to serve in the function of a capital, or to afford any revenue to its owner. A dwelling house, as such, contributes nothing to the revenue of its inhabitants; and though it is, no doubt, extremely useful to him, it is as his clothes and household furniture are useful to him, which, however, make a part of his expense, and not of his revenue."—Passing then to the specifically productive part of capital which he calls fixed capital, he describes it in the following manner, with his subdivisions, in which he does not fail to include that which afterward has been called immaterial capital, that is to say, useful talents and varieties of knowledge acquired by man.—"The second of the three portions into which the general stock of the society divides itself, is the fixed capital; of which the characteristic is, that it affords a revenue or profit without circulating or changing masters. It consists chiefly of the four following articles: 1. Of all useful machines and instruments of trade which facilitate and abridge labor. 2. Of all those profitable buildings which are the means of procuring a revenue, not only to their proprietor who lets them for a rent, but to the person who possesses them and pays that rent for them; such as shops, warehouses, workhouses, farm houses, with all their necessary buildings; stables, granaries, etc. These are very different from mere dwelling houses. They are a sort of instruments of trade, and may be considered in the same light. 3. Of the improvements of land, of what has been profitably laid out in clearing, draining, inclosing, manuring, and reducing it into the condition most proper for tillage and culture. An improved farm may very justly be regarded in the same light as those useful machines which facilitate and abridge labor, and by means of which, an equal circulating capital can afford a much greater revenue to its employer. An improved farm is equally advantageous and more durable than any of those machines, frequently requiring no other repairs than the most profitable application of the farmer's capital employed in cultivating it. 4. Of the acquired and useful abilities of all the inhabitants or members of society. The acquisition of such talents, by the maintenance of the acquirer during his education, study, or apprenticeship, always costs a real expense, which is a capital fixed and realized, as it were, in his person. Those talents, as they make a part of his fortune, so do they likewise of that of the society to which he belongs. The improved dexterity of a workman may be considered in the same light as a machine or instrument of trade which facilitates and abridges labor, and which, though it costs a certain expense, repays that expense with a profit."—We have next, the other part of productive capital, circulating capital, with its three principal subdivisions.—"The third and last of the three portions into which the general stock of the society naturally divides itself, is the circulating capital; of which the characteristic is, that it affords a revenue only by circulating, or

changing masters. It is composed likewise of four parts: 1. Of the money by means of which all the other three are circulated and distributed to the proper consumers. 2. Of the stock of provisions which are in the possession of the butcher, the grazier, the farmer, the corn merchant, the brewer, etc., and from the sale of which they expect to derive a profit. 3. Of the materials, whether altogether rude, or more or less manufactured, of clothes, furniture, and buildings, which are not yet made up into any of those three shapes, but which remain in the hands of the growers, the manufacturers, the mercers and drapers, the timber merchant, the carpenters and joiners, the brick makers, etc. 4. And lastly, of the work which is made up and completed, but which is still in the hands of the merchant or manufacturer, and not yet disposed of or distributed to the proper consumers; such as the finished work which we frequently find ready-made in the shops of the smith, the cabinet maker, the goldsmith, the jeweler, the china merchant, etc. The circulating capital consists in this manner, of the provisions, materials, and finished work of all kinds that are in the hands of their respective dealers, and of the money that is necessary for circulating and distributing them to those who are finally to use or to consume them."—This classification leaves little to be desired. It comprises capital in the broadest acceptation of the term. Besides, it enumerates all the species of capital, while putting each one in its own place. It is to be wished, perhaps, that Adam Smith had drawn a distinction in the case of values reserved for the immediate consumption of man, similar to that which he drew in the case of capital specially devoted to reproduction. The latter is divided, as we have seen, into fixed and circulating capital; into fixed capital which renders continual service in the hands of its possessors, and circulating capital which renders no service except in so far as it is exchanged or transformed. In like manner, of objects destined for immediate consumption there are some which are consumed altogether, and are of use only because they are thus consumed: such are eatables generally. There are others, on the contrary, which last, at least for a time, and only their use is consumed: such are furniture and especially dwelling houses. But we do not insist on this distinction which is much less important than the other.—III. *Formation and Increase of Capital.* There is scarcely an economist who has not devoted a special chapter of his work to explain the manner in which capital is acquired and increased. The different kinds of capital are the fruits of saving and accumulation. (See SAVING, ACCUMULATION.)—IV. *Necessity of Capital as an Auxiliary to Labor.* Whatever difference of opinion may exist among economists, on the definition of capital, there is none on the necessity of capital as auxiliary to labor. Here all disagreement disappears. From Adam Smith's time all adepts in the science are at one on this point, that without the assistance of capital in production man can do nothing and his labor is even fruitless.—How could so simple a truth be ignored? The cultivator of the soil can not till his land without the plow or spade. He can not utilize the fruits of the harvest without wagons, beasts of burden, granaries, threshing machines and other implements. The blacksmith can not work without his hammer and his anvil. He needs, besides these instruments, a bellows, a furnace, fuel and iron, not to speak of his shop which is also capital. A weaver can not weave his cloth without a loom. He also needs thread. He must buy it or it must be furnished him; not to mention many other necessary things. There is no industry, no trade, in which certain instruments are not needed, although the importance of these instruments varies much with the kind of labor.—"This part, however," writes Adam Smith, "is very small in some, and very great in others. A master tailor requires no other instrument of trade but a parcel of needles, to which should be added, however, scissors and a board. Those of the master shoemaker are very little more expensive. Those of the weaver rise a good deal above those of the shoemaker." But, considerable or not, instruments are always necessary, and the difference relates only to their number. And this is only a small part of the capital required in every trade. It is necessary, moreover, to have raw material, which is sometimes more costly than the tools. If a tailor's tools are of little account, the cloth, on the other hand, which he makes into clothes, and which he generally pays for in advance, is higher in price. The case is the same with the leather which the shoemaker uses, and both one and the other must have a certain supply of material to enable them to live while waiting for the price of their labor. Tools, raw material, supplies of every kind, are indispensable in different degrees, whatever the trade may be; and all these are capital.—It is certain then that in all production, capital is the companion, the indispensable auxiliary of labor, so that it may be truly said that without capital there is no labor. This is true, even in the savage state, such as it has always been known, where man does not go to hunt without a bow and arrows, or some other instrument to take their place This for a more cogent reason is strictly true in civilized life, where labor is always more complicated and never gives such speedy results. —This truth, we say, is so simple that it almost flows from the simple definition of the words. It does not seem to need any demonstration. However it is denied daily, not by economists, it is true, but by eccentric writers, whose pens, unfortunately, do not fail to exercise great influence on a considerable part of the public. They declaim against capital which is supposed to be, not the servant, but the lord of labor; they wish to free labor and workmen from the yoke which this alleged tyrant imposes on them. They go further: they pretend that capital is really unnecessary and that they can do without its assist-

ance. It seems almost useless, at first sight, to refute propositions of this kind which refute themselves. But it is necessary to pause when it is seen that they find a great number of adherents among a misled public. It is well, moreover, to go to the source of these errors which generally originate from the false idea formed of capital. Let us first look at an example of this kind of eccentricity.—We find it in an extract from a so-called democratic journal, one reproduced with approval in Proudhon's last work.[1] Although he had only imperfect ideas of economic matters, frequently disfigured by the eccentricities with which he associated them, Proudhon knew enough when it suited him not to be mistaken on the nature of capital, which he defined sometimes in rather exact terms. But it often suited him to depart from the definitions which he himself had given, or to accept the grossest errors of his disciples, when these errors seemed to prop up his system. Thus he approved the vagaries of which we here make mention.—A certain number of journeymen tailors come together and associate for the purpose of making clothing, and profess to be without capital; that is to say, they work on their own account, without the intervention of any employer. These workmen, as it appears, succeed in their endeavor, which is nothing very surprising. The writer cited by Proudhon concludes from this that they have refuted an axiom of political economy and dethroned capital. He thus sets forth and justifies this singular proposition. "Here are workmen who deny altogether this saying of the old economists, *No capital, no labor*, a saying, which, if it were true in principle, would condemn to slavery and misery without hope and without end, a numberless class of laborers who live from hand to mouth, and have no capital whatever. These journeymen tailors could not admit the truth of this terrible conclusion of official science. Seeking for the rational laws for the production and consumption of wealth, they discovered that capital which was supposed to be a generative element in labor, has only a conventional utility; that the only agents of production are man's intellect and muscles; that hence it is possible to produce and to guarantee the normal circulation and consumption of commodities, by the sole fact of the direct communication of producers and consumers with one another. That by the doing away of a burdensome intermediary, and the establishment of new relations, producers and consumers would reap the profits now given to capital, that sovereign lord of the labor, life and wants of all."—According to this theory the emancipation of workmen is possible by the union, in groups, of individual powers and wants; in other words, by the *association of producers and consumers*, who, ceasing to have opposing interests, escape forever the domination of capital.—The wants of consumption being permanent, if producers and consumers enter into direct relation, associate together, and give credit to each other, it is clear that the rise or the fall, the artificial increase or the arbitrary decrease which speculation forces upon labor and production, would no longer have a cause.—It is scarcely necessary to say, as we shall see presently, that the maxim, *No capital, no labor*, does not in any manner condemn to endless servitude and wretchedness, that numerous class of workmen who have no capital. Capital may indeed come to the assistance, in different ways, of those who have none; and this necessarily happens every day. But to the principal question: How have the workmen above referred to, refuted the truth of the axiom, *No capital, no labor?* Have they, perchance, discovered how to sew without needles, to cut cloth without scissors? They probably have not been able to do without a shop and a press-board. Now the needles, scissors, shop and press-board used by the tailors are capital. Further, these workmen could not have made the clothing without the use of cloth, which is also capital. In fact, they have been satisfied to work on cloth, that is to say on capital, which did not belong to them but was furnished by others. But this capital was none the less an indispensable auxiliary to their labor, and if it be true that it was put at their disposition by third parties, it is only a proof of the truth of what we have just said, that it is not always necessary to be the owner of capital in order to make use of it. Moreover, these workmen, whatever be the manner in which they did it, were obliged to provide for their own maintenance, until they had received the price of their labor; and they could thus provide for their maintenance only by means of capital possessed by themselves or borrowed from others. They, therefore, have had recourse to capital. But they did not, we are told, submit to conditions imposed by an employer. Furthermore, they found means of dispensing with the agency of merchants in dealing with consumers. This is apparently what the unknown author of the strange dissertation just quoted, wished to say, and this is what he calls destroying the tyranny of capital. If the workmen found a way of doing without an employer, or took his place themselves, they did well, especially if any real advantage resulted to them therefrom. They did well also to dispense with the aid of merchants, if they were able to do so without prejudice to the sale or circulation of their products. But what has all this to do with the truth of the economic proposition? The workmen in question, no more than other men, discovered the means of dispensing with capital. They simply worked with their own capital instead of working with the capital of others, a thing done every day, for the majority of employers who have come from the working class have acted in this manner. After accumulating their savings as workmen, they used them to begin business with on their own account, and to become employers of labor. The workmen whose example is cited here did the same,

[1] *Idée générale de la révolution au dix-neuvième siècle.*

with this difference, that as the savings of each man were probably not large enough alone, they united them in a common stock. They called to their aid the power of association, which is not to be despised when a good use is made of it; thus forming, by the union of several small savings, a capital sufficient to found an establishment of their own. From workmen, which they were, they become employers. There is nothing in this which strikes at the dignity of capital. On the contrary, it is in many respects a new proof of its productiveness, since by its aid the workmen in question succeeded in changing, if not in bettering their condition.—We have noted the preceding passage, which is really unworthy to appear here, for the sole purpose of showing by an example, the kind of ideas that are current in certain circles, and how the simplest truths of science are interpreted in them. Surely if those who wrote these strange lines had given themselves the trouble of opening any work on political economy, they would have easily found in it a correction of their error. But what is their idea of capital?—At first one would be tempted to believe they have simply confounded capital with money—a very common error. Money, as we know, is only a fraction, and rather a small fraction, of capital. But even if this were their point of departure, would they be justified in saying, in the case they mention, that capital has been dethroned? The workmen of whom they speak have not succeeded in dispensing with money, more than with any other article. They have been obliged to make use of it, at least to buy provisions while awaiting the completion of their work. All they can mean to claim is that the workmen, through association, succeeded in freeing themselves from the rule of a master, from that inconvenient and annoying person whom they looked upon as a tyrant, and who in their eyes is the personification of capital.—J. B. Say has shown the necessity of capital in these terms: "We shall soon see, by observing its processes, that industry alone and unaided is not able to give value to things. It is necessary that the person engaged in industry should possess products already existing, without which his labor, however skilled, would remain inactive. These things are: 1. Tools, implements of the various arts. The cultivator of the soil can do nothing without his pick and spade, the weaver without his loom, nor the sailor without his ship. 2. The products which are to support the workman engaged in industry, until he has completed his part in the work of production. The product on which he is busied, or the price which it will bring, ought in reality to bring back the expense of keeping him; but he is obliged continually to advance what is necessary for his support. 3. The raw material which his industry has to change into finished products. It is true that these materials are often furnished him gratuitously by nature; but more frequently they are industrial products already existing, such as seeds furnished by agriculture, metals furnished by the miner and founder, etc. The manufacturer who uses them in his industry is obliged to advance their value. The value of all these articles constitutes what is called *productive capital.*" All economists are agreed on this subject. Here, for example, is another quotation taken from the "Theory of Social Wealth," by Fredrick Skarbek, professor of political economy at Warsaw: "When we observe man occupied in collecting primitive values, or in producing new ones, we see that, in both cases, he can not act without having in his possession a certain stock which furnishes him the means of subsistence, or the objects necessary to fit him to work. A hunter needs some kind of weapon to strike down the wild beast that is to furnish him with food or clothing. Uncertain of the result of the chase, he must be supplied with a certain amount of provisions to enable him to endure one day's or several days' fatigue. If, later, with more developed means, he wishes to construct a dwelling he can not do so without first having the necessary tools for the purpose, without having felled the trees to be used in its construction, without having such a supply of provisions as will free him from the care of procuring a subsistence while he is building his house; in one word, he can neither collect the values which he finds ready in nature, nor produce new ones, without possessing *a stock* which will enable him to work by giving him the means of existence and the objects of labor."—These are exactly the same ideas which we found in the works of J. B. Say. Both are agreed in considering as necessary for the execution of any labor whatever, not only the preliminary possession of tools and raw materials, but also a certain supply of food which enables the laborer to live till his work is finished and its product sold; thus considering such supply as an essential part of the capital. Although Rossi and some other economists deny this last, they have really the same views; since they consider the stock of provisions necessary to the laborer, as well as the raw materials and tools.—Earlier than any of these economists, Adam Smith had established the same principles. He first supposes, it is true, that capital is not necessary in a barbarous or savage state. This we must not take too literally, for it is sure, and Adam Smith is not mistaken here, that the savage himself has need of tools. But he shows later, which is strictly true, that the necessity of capital increases in proportion as civilization advances and the division of labor extends.—"In that rude state of society in which there is no division of labor, in which exchanges are seldom made, and in which every man provides everything for himself, it is not necessary that any stock should be accumulated or stored up beforehand in order to carry on the business of the society. Every man endeavors to supply by his own industry his own occasional wants as they occur. When he is hungry he goes to the forest to hunt; when his coat is worn out, he clothes

himself with the skin of the first large animal he kills; and when his hut begins to go to ruin he repairs it, as well as he can, with the trees and the turf that are nearest. But when the division of labor has once been thoroughly introduced, the produce of a man's own labor can supply but a very small part of his occasional wants. The far greater part of them are supplied by the produce of other men's labor, which he purchases with the produce, or, what is the same thing, with the price of the produce of his own. But this purchase can not be made till such time as the produce of his own labor has not only been completed, but sold. A stock of goods of different kinds, therefore, must be stored up somewhere sufficient to *maintain* him, and to supply him with the *materials* and *tools* of his work till such time, at least, as both these events can be brought about. A weaver can not apply himself entirely to his peculiar business, unless there is beforehand stored up somewhere, either in his own possession or in that of some other person, a stock sufficient to maintain him, and to supply him with the materials and tools of his work, till he has not only completed, but sold his web. This accumulation must, evidently, be previous to his applying his industry for so long a time to such a peculiar business."—We have underlined in the text the words *maintain*, *materials* and *tools*, in order to call attention to the fact that Adam Smith, although he does not include the stock for maintenance in his definition of capital, does not fail to consider it as an indispensable condition precedent of production.—Capital being necessary, in different degrees, in all the employments of labor, we may conclude, first, that the number of these employments naturally increases in proportion as capital increases; then, that labor becomes more productive in the same proportion in the sense that it gives more abundant results for the same amount of labor and effort, consequences equally favorable to the progress of society and the well being of the masses.—We say that the increase of capital increases the employment of labor. Just as man can produce nothing without capital, capital can not act without the assistance of man. If the agricultural laborer can do nothing without his plow and his spade, the plow and the spade can do nothing unless the arm of the laborer puts them in operation. Dependence is reciprocal; it is even greater in the case of the instrument than of the hand and the intelligence which urges it on. It is easy to understand from this, that every increase of capital, every creation of a new capital, affords man new opportunities to utilize his power or his intelligence. As soon as there is formed anywhere, by saving and accumulation, by an excess of production over consumption, any amount whatever of capital—unless the owner hides it away, which happily is becoming rarer every day—that capital seeks employment in production, and it can not find that employment unless an ampler field for the employment of human labor be found. It is very true, moreover, that the sphere of possible labor widens in proportion as capital increases, because if there are many kinds of labor like those of the tailor and shoemaker, which can be carried on successfully on small capital, there are many others which can not be completed or even undertaken, except by the aid of enormous advances.—If we wish to appreciate this truth in its broadest bearings, we have but to follow humanity in its principal stages, from the savage or barbarous state to the condition of civilization to which it has advanced —In the savage state there is scarcely anything but the chase, the most elementary and fruitless of all kinds of work. The soil can not yet be cultivated. Even if the savage had the idea, which he has not, of cultivating the soil which he occupies, to increase its natural fertility, he would be unable to carry out this idea in practice from want of capital. Having neither plow nor spade to break the earth, he would be reduced to stirring it up with the branch of a tree. And even if he should succeed in this, which would be very difficult, he would be stopped in the course of his work for want of seed. Let us add, besides, that the cultivation of the soil which hardly repays the laborer after a year's waiting, is not suitable to a man whose stock of provisions can last only a few days. The vast circle of agricultural labor is closed to him by this fact. All that he can do in this direction is to collect here and there, in a very small number, such fruits as the earth produces spontaneously —When, thanks to the accumulation of capital, the cultivation of the earth becomes possible, the circle of agricultural labor enlarges, but it does not reach at once its greatest extent. With a few tools, such as the spade and the plow, the harrow and a small number of draught animals, and with seeds and provisions for a year, a man can doubtless set about the cultivation of some lands, but not of all kinds of land, at first. Tools being imperfect, as always happens when capital is not abundant, only the lighter soils are cultivated, those which offer the least resistance and yield the least. Even on them, all the labor necessary to make them as productive as they might be, is not expended. Men abstain from the working of the heavier soils which are the most fertile but which require more powerful implements. Especially lands are avoided which present obstacles that must be removed before they can be cultivated at all, and which are not susceptible of giving immediate results. Such are lands covered with forests or swamps. In a state which we shall not call savage but only barbarous, man is merely able to cultivate bare or prairie land which responds to the touch of the feeblest instrument in his possession, and which at most presents no other obstacles but the long weeds that fire can destroy. As soon as he meets greater obstacles, such as forests or marshes, he halts. It would be necessary previous to the cultivation of such lands, to fell the forests and drain the swamps. But these operations require time, tools, etc., and can be performed only

with the assistance of a large amount of capital. In this state of things the sphere of the agricultural laborer is still quite restricted. It widens only in proportion as the amount of capital increases. —It is the same in almost all the paths of production. A nascent people, or one which is not sufficiently provided with capital, can not begin the working of mines and quarries. All that such a people ask of the mines and quarries is what can be got from them with little effort and labor. Later, when the amount of their capital becomes greater, they explore its depth to wrest from the earth the riches hidden in its bosom. Here is a vast career closed almost entirely during the earlier ages to the labors of man, which is opened and developed only by degrees, through the increase of capital. No monuments or edifices are constructed in a barbarous state; men scarcely build houses. They are content with the most modest dwellings, built at the smallest cost possible. The great *building industries*, which play so great a part in civilized countries, in which they give employment to so much intelligence and so many hands, are here reduced to their simplest expression. What shall we say of navigation, shipbuilding, preparing, transporting, collecting materials, lading and unlading, the piloting of ships, building and management of harbors, etc.? Much more might be said on manufacturing industry, which scarcely exists in barbarous states. It is almost always the last to follow in the path of civilization, for, more than any other, it requires a large appliance of acquired knowledge and a considerable development of capital. Still what a vast career this industry opens to the activity of man, when we consider it in its various branches. And what a lively impulse it gives through its contact with them to all the others! It is true, therefore, that in a barbarous state human labor is restricted on every side, and that it multiplies and extends at once in all directions in proportion as the increase of capital furnishes men with the means of action which they need.—It is proper to remark that if capital, generally speaking, increases the employment of labor by the opening up of new careers to the activity of men, it sometimes diminishes also their number in certain special branches of industry, since by the introduction of machinery it dispenses with the labor of many hands. This is a reproach directed especially against machines, which have, it is said, the great drawback of depriving workmen of work by doing a great part of that which was theirs. It is true that a steam engine, under the care of a single man, is able to replace the muscular power of a great number of men. It is none the less true that a spinning machine, for example, managed by one or two persons at most, can do the work of many women, and it may be said that in this sense it takes a part of their work from the women. These are facts. The error consists solely in the general consequences drawn from them.—We do not intend to anticipate here what will be said in the article MACHINES. We may be permitted, however, some brief reflections on this subject, which are very naturally related to the subject of capital.—The object of industry is not to furnish occupation to man, but to provide for his wants. Labor is but a means; the satisfaction of his wants is the end. When, thanks to the increase of capital, industry enters new paths, it is to satisfy these wants that it enters them. In this way it offers, it is true, more numerous employments to the activity of man, but this is only accessorily. Its final aim is the extension of production and the increase of the number of products. Even when by simplifying its methods, by increasing the power of its means, by subjecting a greater number of natural agents to its empire, industry increases production with a less expenditure of force, or assists the labor of man by natural forces which it yokes to labor, it merely remains faithful to its chief mission. In this way it continually increases the mass of our wealth. Does it result from this that the amount of labor which man performs is really decreased? By no means. Capital, by increasing, always creates more labor than it destroys. If, thanks to the power of the agents set at work, it does away with part of the labor of man in special branches, it communicates a great activity to all the other branches; it opens in other directions so many new paths to industry, that for one employment it destroys it creates ten.—If men were well convinced of this truth, they would have given the great question of machinery a solution different from what they have sometimes given it. Does the invention of new machines increase or diminish the employment of labor? It diminishes it, say some economists, at least in certain cases, by satisfying the demand for commodities by a much smaller amount of labor. Others say it does not diminish it, except temporarily, for the simplification of the process of production by lowering the price of products, increases the demand for them, and industry grows in the same proportion. Taken in this sense, the question does not appear to us susceptible of a general decision. There are facts in support of both sides of it. There are to-day more printers than there were formerly copyists: this is an undoubted fact. Cotton spinning also employs more persons now that it is done by machinery, than it employed when it was done by hand. But again, are there more printers of music than there were formerly copyists of music? Does paper making by machinery employ as many workmen, notwithstanding the real increase of the demand, than paper making by hand employed some years ago? Does linen spinning by machinery employ, in France, as many men, and especially women, as hand spinning employed some time ago? Here we can boldly answer, no. But this is not the real question at issue. What should be asked is this: Is it not true that the introduction of machines—which in certain directions supplant the labor of man—is the result of the increase of capital and would not have taken place without such increase? Is it not true, on the other hand,

that this increase of capital has given to all the other branches of industry a greater impetus, to say nothing of the new industries which it has called forth; and that, in consequence, the small number of employments which have been done away with on one side have been amply replaced by new ones? Thus put, the question will not appear to us subject to the least doubt. It will always be objected, it is true, that if labor has not been decreased, it has been at least displaced. But displacements of this kind which are less annoying than is generally supposed, would be almost imperceptible were they not too frequently sudden, produced as they are by artificial means, and if the distribution and handling of capital were less subject to restrictions.—It is true that capital, by increasing, tends unceasingly to produce a wider development of human labor. This truth is strikingly evident when we compare two nations placed at a great distance from each other with respect to the accumulation of wealth. A sparse population may be seen to languish in inaction for want of employment, while another and a dense population works and is active. But even when the contrast is not so strongly marked, this truth is none the less apparent.—As to the advantages which the increase of wealth yields to society in other regards, by augmenting, in ever-increasing proportions, the sum of the products which it can dispose of, they are so evident that it is scarcely necessary to dwell on them.—V. *By what Methods is the Co-operation of Capital and Labor effected in a Nation?* Since capital and labor can do nothing alone, they always seek each other. They have been represented as necessarily in conflict. Nothing falser can be imagined. The fact is, that placed by the law of their nature in reciprocal dependence, they tend constantly to association. It is true that the conditions of this alliance vary, as we shall soon see, according to circumstances, and these are not always equally favorable to labor. But association is none the less necessary to them in all cases. We have here to explain the different methods by which this association is effected.—When capital is in the hands of a man who can use it, there is nothing simpler than this association. The man who possesses an amount of capital sufficient to engage in some industry, and strength enough to employ this entire capital, has no need of inquiring further as to the manner in which he shall utilize the one and the other, nor to have recourse to outside aid in this matter. He works and calls his own capital to his assistance. A water-carrier whose capital consists in a barrel and a few pails, goes for water to the public well every day, and distributes the water to his customers himself. In this work he needs no outside aid: capital and labor are naturally allied in his hands. It is the same with most itinerant vendors who travel the streets of great cities, and even of some small hawkers. In general they own an amount of capital sufficient to buy in the morning the wares which they dispose of during the day. Sometimes, it is true, the capital which they use does not belong to them; they are forced to borrow it from others. In this case the alliance between capital and labor is not so simple; but if we suppose that they are really owners of the merchandise which they sell, capital and labor are combined, so to speak, in their persons, and work without difficulty side by side. It is the same with certain small artisans who carry on a trade on their own account, without employing workmen, their personal labor being sufficient to accomplish the work they have to do.—But these simple combinations of capital and labor are rare. They are moreover only applicable to very small industries, which require only the strength of a single man. The moment an owner of capital possesses a greater amount than he can utilize in his own work, he is forced to call in, in some way, the labor of another person. He must then either undertake an industry, by associating with his labor assistance, under the name of workmen, with whom he will naturally share the fruits of their common toil, by paying them a remuneration freely agreed upon between them, or turn over a portion of his capital as a loan, as stock or in some other form at a stipulated price to a master of an industry who will make it effective in his stead. On the other hand, when a man does not possess the amount of capital necessary to employ his mind and his hands usefully, he is forced to associate his labor in some way with the capital of another. This is the condition of the greater number of those who belong to what is called the working class We have here various situations, in which capital and labor, not being at first united in proper proportions in the same hands, men are obliged to bring them together. How is this done? The preceding suffices to give an idea of the operations, it only remains to enumerate and define the several ways.—An owner of an amount of capital which he can not utilize himself, or of an amount of capital so great that he is unable to utilize it at all, has three principal means of calling to his assistance the labor of others: 1. He can engage in some industry by setting up an establishment answering to the amount of the capital which he possesses, and calling to his assistance men who, under the name of workmen, and for fixed wages, will give him the co-operation of their labor. 2. He can lend his capital to a man of enterprise who engages in some branch of industry, and who will use the capital at his own risk and peril, on condition of returning it later, and in consideration of the payment of a yearly percentage, under the name of interest, during the time he keeps it. 3. He can become interested in an industrial enterprise, by investing his capital in it as a shareholder, that is to say, by associating his capital with all the chances of the enterprise in order to share its profits or losses. In each of these cases, which comprise, in their general expression, nearly all the possible combinations, the owner of capital, in reality, but associates his capital with the

labor of another. Whether he makes it of avail directly, through the co-operation of his workmen, or gives it, in consideration of a yearly interest, to another proprietor who will make it available at his own risk and peril, or invests it in an outside enterprise by exposing it to all the risks of that enterprise, it is always true, that this capital is put at work, in whole or in part, by the hands of other men. There is here, therefore, a real alliance of the capital of the one with the labor of the other. These two necessary instruments of production, capital and labor, placed in different hands, are brought together, combined, united, and owing to this alliance they work from that time forward together.—The man who possesses only his labor has also three methods of obtaining what he wants by joining this labor to the capital of another; and these methods correspond exactly to those which we have just examined. He can either offer his services to the proprietor of an industry, or try to obtain by a loan and for a given interest the capital which he lacks, or he can call upon money-lenders who will consent to risk their capital in his enterprise. Of the three methods, the first is undoubtedly the least favorable to workmen, in this sense at least, that if they run no risk of loss, neither can they hope for very great advantages. The returns which they get vary doubtless according to places and times. They also vary frequently with individuals, on account of their activity or respective capacity; but in general they are very much inferior to those which men may hope for who succeed, either by means of a loan, or in any other way, in putting the capital of others at work for their own profit, and at their own risk. But the reasons for this are so easily understood that it is scarcely worth while to set them forth. The man who obtains the capital of others in the form of a loan, to make it available on his own account, is in an altogether special position. The very fact of the loan which he has contracted, proves that special confidence is placed in his morality or capacity, which all workmen do not inspire in the same degree. He is besides weighted with a heavier responsibility than comes upon others, and is exposed to greater risks. It is therefore quite natural that he should aspire to make greater profits. It is the same with him who has been able to induce capitalists to interest themselves in his undertaking, by investing their money in his enterprise.—VI. *Effects of the Scarcity or Abundance of Capital—Absolute and Relative Abundance—Active Capital and Dormant Capital.* We have seen how, in proportion as capital develops in a country, industry opens up new paths for itself, daily extending the dominion of man and daily satisfying new wants. But this is not all. Even in the branches already cultivated, industry operates more profitably and on a larger scale in countries where capital abounds than in countries where it is rare.—"Nations with small capital," says J. B. Say, "are at a disadvantage in selling their products; they are unable to grant their customers at home or abroad long terms of credit, or easy payments. Those with still less capital are not always in a condition to make even the advances of their raw materials and labor. This is why men are obliged, in India and Russia, to send the price of what is bought six months and even a year before their commissions can be executed. These nations must be greatly favored in other regards in order to make such considerable sales in spite of this disadvantage."—The total of their sales is considerable, it is true, but not proportionate to the territory they occupy, nor nearly such as they might make if they possessed a greater amount of capital. Besides they always operate at a relative disadvantage, in this, that they scarcely ever realize the amount of profit to which they might lay claim; the greater part of it always comes to those nations who traffic with them, and who, so to speak, lay down the law to them.—This disadvantage, however great, is not the only, nor even the greatest which they have to bear. A nation poor in capital knows little of the spirit of enterprise. It reaps small advantage of favorable occasions which present themselves and which another better provided nation always seizes. It also derives but a medium advantage from new inventions, through lack of power or boldness to put them to use. It drags along painfully in the old ruts, hesitating always to depart from the beaten track. If by chance it takes a risk in some new enterprise, it does so almost always with insufficient capital, and reaps disappointment. It may be that in such a nation the greater part of its land is cultivated; but the cultivation is ill managed, for want of capital sufficient to second the efforts of man, and the results are not proportionate to the energy of the laborers' work. It may be also that in such a nation the chief branches of manufacturing industry are carried on, but as they are only carried on with defective machinery, because proprietors either dare not or can not renew them in time, industry vegetates instead of flourishing. Their products are almost always imperfect, except when they depend more particularly on the labor of man. Moreover, these products are naturally dearer, at least they would be were it not for an almost fatal necessity which in this case throws the loss, resulting from lack or imperfection of tools, on the workmen, by reducing their wages.—These truths appear in all their prominence when we compare the people of England and the United States, so rich in capital, with the majority of the nations on the European continent, which are so generally devoid of it. The spirit of enterprise is active in England; it is still more active in the United States. Every favorable chance to realize a profit is seized upon there with eagerness. Besides, an enterprise generally obtains all the capital necessary to its success. The agricultural and manufacturing industries are commonly provided with the best instruments, the best tools known, so that they are carried on under the most favorable

conditions possible; and the sweat of man, his talents and his acquired knowledge are never spent in vain.—The most serious matter, perhaps, is that the decrease of wages is the inevitable consequence of scarcity of capital. There are two decisive reasons for this. The first is, that where the spirit of enterprise is not much encouraged, there are fewer careers open to the activity of man; consequently there are a greater number of idle men, either voluntary or constrained. The second is, that fewer products are obtained with the same amount of labor. Where there is less labor, where, besides, fewer results are obtained with the same amount of labor, is it not inevitable that each man's share shall be smaller? We say that in this case wages fall, and it must indeed be so: but this is not all. The general level of wealth falls; the sum total of consumption is reduced, together with the sum total of production. And this is true not only with reference to the laboring classes, but with reference to all classes of society, with a few rare exceptions. The poor become poorer in consequence and the rich less rich, in this sense, at least, that all are obliged to be satisfied with a smaller number of products.—Protests are often raised against these results, in so far as the working classes are particularly concerned. Why is it not seen that they are inevitable under certain circumstances? When the sum total of production is small, is it possible to distribute to each one a large part? Doubtless that of the workmen is relatively very small. There are here and there certain men who obtain much more and whose situation presents a striking contrast to that of their fellows: but if we reduce the part belonging to these latter would that of the workmen be much increased? But the strangest thing is, that men on this account declaim against capital, to which they impute the distress of the working classes. There can be no greater folly. The truth is, that the cause of this evil lies in the absence or in the scarcity of capital. But the abundance of capital is absolute or relative; and this is a truth ignored, upon which we should insist more were it not sufficiently dwelt on elsewhere.—It is not always the relative importance of the values which it has accumulated that constitutes the superiority of one people over another; it is sometimes, and more frequently, its superiority in making use of these values. As to England it may be admitted as very sure that the sum of its actual capital is greater than that of any other nation in Europe. But is the same true of the United States of America? It is more than permitted to doubt it. North America, a new country, which in great part is still almost unexplored, can not possess an amount of capital equal to that which some European countries, France, for example, owe to the labors of past generations and the slow accumulations of many centuries. Nevertheless it is true, in fact, that capital is much more abundant in the United States than in France, in the sense at least that it lends itself more easily and with indefinitely greater profusion to the requirements of labor. Whence comes this? From several causes, which are summed up in one, to wit, that in the United States capital always goes to its real destination and there is never inactive. One would be alarmed if it were possible to give an account, in France, of the amount of capital daily turned away from fruitful employment to be dragged into sterile uses. One would perhaps be still more astonished could an exact calculation be made of the amount of capital lying idle, not only in the form of money, but in the form of merchandise and values of every kind. This evil, though not altogether unknown, is far less in the United States than in France, and this is the reason that with perhaps a smaller amount of actual capital there is relatively a much greater abundance. There is perhaps more capital in France, but in the United States there is much more active capital.—And if it is asked whence comes the inferiority of France in this regard, we shall answer that it comes, first, from the almost total absence of those institutions of credit whose chief object is to distribute and dispose of capital; that it depends, also, on the vices of French legislation on commercial associations, and on the presence of certain ill-planned institutions, which have no other effect than to strike the greater part of social wealth with sterility.

CHARLES COQUELIN.

CAPITAL, The National (IN U. S. HISTORY). The congress of the revolution and the confederacy was peripatetic, and at various times in its history held meetings at Philadelphia, Baltimore, Lancaster, York, Princeton, Annapolis, Trenton and New York. (See CONTINENTAL CONGRESS.) June 21, 1783, a handful of insubordinate and unpaid militia marched into Philadelphia, where congress was sitting, and, unchecked by any efforts of the state or city authorities to keep the peace, broke up the session of congress by jeering the members and pointing muskets at the windows. This, among other incidents, gave an impulse to the desire to obtain a permanent home for the national legislature, and Oct. 7, 1783, congress resolved that a building for its use should be erected at some place near the falls of the Delaware. This was soon after modified, in deference to sectional jealousy, by requiring the erection of a suitable building near the falls of the Potomac, that the meetings of congress might alternate between the two places. After long and warm debate, congress returned to its first resolution, and decided that there should be but one capital, and commissioners were appointed to lay out a federal town near the falls of the Delaware. Dec. 23, 1784, it was resolved to meet regularly in New York city until the new town was completed. But, while money was wanting for more pressing demands, congress was unable to go any further than the plan. The commissioners made their report, but no action was taken upon it.—The successful establishment of the constitution,

with the prospect of a federal government whose wealth and resources would surpass any previous experience in America, revived the notion of a federal town. Objection was made to New York city as a permanent capital by many of the delegates from agricultural districts, who considered a commercial metropolis very ineligible, because of the direct influence which the moneyed interest might exert on congress; and objections were also made to Philadelphia by many of the southern members, who were affronted by the assiduity of the Quakers in preparing and presenting to congress propositions for the abolition of slavery. When the new congress also came to the conclusion to fix the location of the federal town in the north, placing it this time on the banks of the Susquehanna, the decision roused intense anger among the southern delegates, and Madison declared that if this action had been foreseen, his state might never have entered the Union. As a compromise, it seemed probable that congress would drift back again to the plan of two capitals, and of alternate meetings north and south, an arrangement excellently adapted for preserving the two sections in their separate integrity, and for facilitating their ultimate separation.—The inevitable compromise finally took another form. The anti-federalists, whose strength was mainly southern, succeeded by a majority of two in the house in voting down Hamilton's plan for the assumption of state debts by the federal government. (See FEDERAL PARTY, I.) By Jefferson's mediation (though he afterward claimed that he was "entrapped" into it), two anti-federalists from the Potomac agreed to vote for Hamilton's plan, which was thereby adopted, the federalists in return agreeing to vote that the national capital should be fixed upon the Potomac, after remaining ten years at Philadelphia. The result was an act passed June 28, 1790, with the following clause "That a district of territory on the river Potomac, at some place between the mouths of the Eastern Branch and the Connogocheague, be and the same is hereby accepted for the permanent seat of the government of the United States." By the same act congress was to meet at Philadelphia until the first Monday in November, 1800, and then remove to the Potomac.—By separate cessions of Maryland in 1788 and Virginia in 1789, a federal district ten miles square was acquired, which was laid out by Washington in person, by act of March 30, 1791. The place was officially known as *The Federal City* until Sept. 9, 1791, when, by order of three commissioners appointed by the president, the district was named *The Territory of Columbia*, and the city *The City of Washington*.—Congress made no adequate appropriations for the work on public buildings, and in December, 1796, Washington was compelled to make a personal appeal to the legislature of Maryland, which advanced $100,000 on the pledge of the private credit of the commissioners. Nov. 17, 1800, the federal government removed to "the Indian place, with the long name, in the woods, on the Potomac." Its discomforts are feelingly described in letters of the time, and more particularly in those of Mrs. John Adams. There were few public buildings, except the capitol, of which only the two wings were finished, connected by a wooden passage.—Aug. 24–25, 1814, the British army burned the public buildings, and when congress re-assembled the two houses met in a small brick building known as Blodget's hotel. The project of establishing the capital in the north was at once revived, and liberal offers for the location were made by Philadelphia, and by Lancaster, Penn., formerly the capital of Pennsylvania. Oct. 3, 1814, a resolution for removal was carried in the house by the casting vote of the speaker, nearly the whole southern vote being in the negative. A bill for the removal was ordered to be prepared but was smothered in committee. The citizens, who were naturally anxious to prevent any removal, furnished a building which was used by congress until a portion of the present capitol was finished, Dec. 6, 1819. The building was completed in 1827, being surmounted by a wooden dome. In 1851 an extension was begun, and in 1863 the whole structure was finished in its present form by the completion of the iron dome (begun in 1855), crowned by Crawford's bronze statue of freedom.—The position of the national capital proved exceptionally fortunate during the rebellion. The necessity for securing communication with the loyal states forced the federal government into a policy far more aggressive than would have been the case if the capital had been further north. The location of Washington upon the Potomac, which the south had so eagerly desired, was one of the causes which made peaceable secession, and northern acquiescence in a division of the country, equally impossibilities.—In 1846 Virginia's cession was retroceded, leaving only 64 square miles in the District of Columbia. This tract has always been governed directly by congress, excepting during the years 1871–74, when the experiment was tried of erecting a territorial government, with the power to raise money by tax and loan. This body rushed at once into a very extensive system of public improvements, which resulted in the creation of a debt of over $20,000,000 on an assessed valuation of less than $80,000,000. The District of Columbia is now under the supervision of commissioners, appointed by the president, but controlled by congressional legislation. Like other territories it has no voice in national elections, and the city of Washington thus presents the anomaly of a city of 147,307 inhabitants (in 1880) whose own citizens, except in local elections, are disfranchised. (See CONTINENTAL CONGRESS, DISTRICT OF COLUMBIA.)—See Poore's *Political Register*, 1; 1 Curtis' *History of the Constitution*, 220, 227, and 2: 268, and authorities there cited; 6 Hildreth's *United States*, 528; Varnum's *Seat of Government;* J. Elliot's *Historical Sketch of the Ten Miles Square;* Howe's *Virginia Historical Collec-*

tions; 9 *Curtis*, 65; and authorities under DISTRICT OF COLUMBIA.

ALEXANDER JOHNSTON.

CAPITULATION. When an army corps or a fortress feels no longer able to resist the enemy, and the belligerents are not induced by passion to refuse all quarter, there remains only to surrender at discretion or on condition. The latter form of submission, especially when a fortress is in question, is called more particularly a capitulation. Nevertheless, it would seem that in ordinary language a distinction is no longer made between a surrender pure and simple and a capitulation.—The rules regarding capitulations are very simple. They are treaties whose clauses have been discussed beforehand, and which, once signed, become binding on the contracting parties, except, say some writers, when one or both of them have exceeded their powers. Now, the officer in command of the fortress, on the one hand, and the commander of the besieging army, on the other, are authorized by usage and necessity to negotiate and conclude this kind of treaty; and the supposition of the treaty containing other provisions than those relative to the capitulation is a case which it does not seem worth while to consider here. Neither do we wish to consider the case of non-fulfillment of the capitulation on the part of the victor. A general who did not keep his engagements with the vanquished, would dishonor himself, and would expose himself or his side to reprisals.—The stipulations which may be contained in capitulations depend on circumstances. According as the chances of relief are greater or less, according as the defense has been more or less prolonged, according to the extent of the means of resistance still left the garrison, the terms granted will be more or less lenient or severe. It rarely occurs that a garrison is allowed to leave a fortress with "the honors of war," that is to say, with arms and baggage, colors flying, and bands playing martial airs; but neither, on the other hand, is it necessary to stipulate that the lives of the garrison shall be spared. That is understood, for prisoners of war are no longer put to death. The soldiers, also, are allowed their personal effects, and sometimes the officers, too, are permitted to retain their swords. The victor must not seize on anything but the property of the state, and he ought not to forget that peaceful inhabitants are not to be considered as enemies.—Prior to the capitulation the commander of a fortress is master there, and is accountable only to his superiors. But the capitulation once signed, the *United States Instructions for Armies in the Field*, § 144, says that, the capitulator has no right, during the time that elapses between the signing and the execution of the capitulation, to destroy or injure the defensive works, the arms, provisions and munitions in his possession, unless it has been otherwise agreed.—Thus far we have considered capitulations from the standpoint of international law; there remains still the standpoint of the military code. The government which has intrusted a soldier with the charge of a fortress has a right to demand an account of his acts, and this account is often required. In France, the decree of May 1, 1812, provides as follows: "Art. 1. All generals and all commanders of armed forces, whatever their rank, are forbidden to enter into any capitulation, written or verbal, in the open field.—Art. 2. Every capitulation of this sort, that results in a laying down of arms, is declared dishonorable and criminal, and shall be punished with death. [But what if there are absolutely no means of defense?] The same shall hold true of all other capitulations where the general or commander has not done all that honor and duty prescribed.—Art. 3. In a fortified place, besieged and invested, a capitulation is allowed in the cases provided in the next article.—Art 4. A capitulation of a fortified place besieged and invested may be made if the provisions and munitions are exhausted after due economy, if the garrison has sustained an assault on its *enceinte*, and is unable to withstand a second, and if the governor or commandant has fulfilled all the obligations imposed upon him by the decree of the 24th of December, 1811.—The governor or commander, as well as the officers, shall in no case separate their own lot from that of their soldiers but shall always share the fortunes of the latter.—When the conditions prescribed in the preceding article shall not have been fulfilled, any capitulation or loss of the place that shall ensue is declared dishonorable and criminal, and shall be punished with death * * * * *." —Other countries have analogous provisions. (See ARMISTICE, SIEGE, etc.)

MAURICE BLOCK.

CARICATURE. Political caricature, and this is the only kind we refer to, is only one form of the liberty of the press. It is the weapon of the weak, the book of people who have not yet learned to read. It was the newspaper of the rustic, before newspapers proper came into existence. An event occurs. The caricaturist seizes it, and with the point of his pencil nails it to the pillory. The impression produced is immediate. The people see the point. Indifference here is out of the question. The idea is caught at a glance, and at the same time people declare for or against the artist. Better than the newspaper article or the book, caricature gives body to ideas and sets up a target for the shots of rancor. The history of political caricature is intimately connected with that of nations. While the aristocracy and the middle class write books or edit newspapers, the engraver's art tells the story of popular joy and sorrow, hope and wrath. The people paint themselves as they are, and represent their enemies as they appear to them. They call things by their right names. In 1496, long before Luther, they held up papal Rome to execration. Before the league they drew Henry III., the

hermaphrodite, on the hurdle. Richelieu made every one tremble before him; yet he feared the shafts of caricature, which did not respect even the terrible majesty of Louis XIV. Caricature helped the French revolution by familiarizing the people with the idea of revolt. It showed foresight on the eve of the 18th Brumaire, by representing the first consul thimblerigging the republic under the pyramids as goblets. Vanquished in 1815, it avenged itself by ridiculing the victors.—We do not, however, pretend to say that caricature has been always in the right. In the first place it has been frequently malicious, and consequently given to exaggeration. And then the desire to provoke laughter and be witty has more than once blinded the artist. But in these cases the public was not with it; or, if they applauded its wit for a time, they did not approve its malice. Social and political caricature was, for a long time, only a representation of the personages whom it wished to expose to public ridicule. Words surrounded by a pencil line, and issuing from the mouth of one of the actors in the scene, expressed in a comic way the thought of the artist. It was seldom that caricature, faithful to its etymological significations, exaggerated personal defects or attitudes, or facial expression. The point was altogether in the written words, the apparel, or the peculiarities of the person represented; but with William Hogarth, Goya and Callot, caricature attained its highest degree of development. It became less ingenuous, but wittier. To allegory, the general form of caricature, succeeded the observation, and bringing out into relief of certain contours or lines. This was the artistic period of caricature.—Caricature attained great importance under Louis XVI. and during the French revolution. It fell into disuse in France before public spirit disappeared. The hero of a hundred battles could not allow his acts to be commented on by the pencil. What he exacted from the press was disciplined admiration. During his reign caricature took refuge in England, and contributed, not a little, by the daily irritation it kept up, to the maintenance of that hatred which was one day to be his ruin.—The restoration was not much more liberal in this respect, and it took the revolution of 1830 to restore caricature to its rights. The establishment of daily papers devoted to caricature dates from this period. Struck down in France at the same time as the press by the laws of September, 1835, it rose again in 1848, only to fall once more under the decree of Feb. 17, 1852. Caricature in that country to-day, subject to a preliminary authorization, attacks the foibles or the vices of citizens. In France it was for a long time forbidden to touch on political subjects, unless the country was at war, in which case the artist was allowed to discover and bring into relief the motes in the eye of the enemy, on condition, however, of not perceiving the beam in the eye of the nation.—The caricaturist's art, in our own time, is so frequently employed, that no large city is without one or more satirical illustrated papers. We need only mention the "Uomo di Pietra" of Milan, the Paris "Charivari," "Il Fischietto" of Turin, the Berlin "Kladderadatsch," and the London "Punch."—Caricature plays in England a part similar to that played by the *chansons* in France and the pasquino at Rome; but with this difference in England's favor, that the pasquinades were purposely obscure, the *chansons* or popular songs were liable to the severest penalties, while in England the only limit to the right of saying anything is the right to contradict it. Has the government reason to regret the liberty it allows its citizens? We may form an opinion from one fact. In England caricature is pitiless to the most important personages in the state, but the moment it represents government personified, that is, the king, it reproduces his features faithfully; and the correctness of the picture of the king, showing the artist's respect for the principle of authority itself, renders only more scathing the epigram intended for the public functionary.—In proportion as ideas of liberty generate ideas of dignity, caricature will certainly diminish in importance. The power of freely expressing one's thoughts will take away all desire to express them with malice. When a man has the right to expound great and immortal truths, he does not waste his time in fighting trifles. For example, in 1858 a mass of *fischietti* appeared all over Italy who with pencil and pen ridiculed and caricatured the Austrians and the principal feudatories of Vienna. Since then the *fischietti* have become almost mute and are content with preaching liberty and defending national unity.—Caricature when it strikes home, is as good as the best newspaper article, and whether the precursor or interpreter of popular dissatisfaction, it sometimes gives salutary warning. The following was the design of a satirical drawing called "The Assembly of Notables," which appeared in 1787. Calonne, the minister, dressed as a court cook, and armed with a large knife, harangues a whole army of poultry, representing the notables. The legend runs thus. Calonne: "*Dear people, whom I govern, I have gathered you together to know with what sauce you would like to be eaten.*" The Notables: "*But we do not wish to be eaten at all.*" Calonne, severely, "*That is no answer to my question.*"—This caricature is the sad and faithful representation of human history. It is only the sauce that changes. When the notables persist and will not keep to the point, we have what is called revolution.

HECTOR PESSARD.

CARPET BAGGERS, the name given by the southern whites after 1865 to northern republicans who settled in the south. Originally it was given only to those politicians who, retaining their homes and connections in the north, went (with no more baggage than a carpet-bag) to the south for a time long enough to qualify them for admission to congress or for state offices. Grad-

ually the name was extended to all whites who endeavored to organize or lead the colored vote. (See RECONSTRUCTION.) A. J.

CARTEL. (See EXCHANGE OF PRISONERS.)

CASS, Lewis, was born at Exeter, N. H., Oct. 9, 1782, and died at Detroit, June 17, 1866. He was admitted to the bar in Ohio in 1802; reached the rank of brigadier general in 1813; was governor of Michigan territory 1813–31; secretary of war under Jackson, secretary of state under Buchanan, (see ADMINISTRATIONS), and United States senator from Michigan (democrat) 1845–57. In 1848 he was the democratic candidate for president. (See DEMOCRATIC PARTY, IV.)—See Smith's *Life of Cass;* Young's *Life of Cass.* A. J.

CASUS BELLI. A nation is accountable to itself alone. It is always the nation itself that, in the end, judges its relations to other powers. It can, at its pleasure, change the nature of those relations, and pass from a state of peace to a state of war. But wars always have a pretext or a reason. When the pretext or reason can be shown beforehand, it is said to be a *casus belli,* a case of war. It would be impossible to enumerate the various causes of war. The cause of a war may depend on fortuitous circumstances; on the choice of a prince to succeed to a neighboring throne; on the change of a form of government; on wounded vanity. We shall confine ourselves to a general summary of the principal causes that lead to war. They arise either from a violation of rights or from the violation of the interests of one nation by another; or else from offenses against the dignity of the nation.—"The rights of states," says Klüber, (*Droits des gens modernes,* sec. 2, chap. i., p. 208), "are violated in the same manner as the rights of individuals. They are violated directly or indirectly; directly, if the injury has been done to the body of the state itself; indirectly, if it has been done only to individual subjects of the state; it may be by some of its members, provided their government has been affected in any way by the violation." The state, like a man living isolated and in a state of nature, Klüber further says, according to the most eminent jurisconsults, has the right to defend itself by acts of violence, in the measure that may be necessary, against injuries actual or to be apprehended. Thus a state may be injured by the mere fact that a neighboring state has acquired an excess of territory. It may declare such acquisition a *casus belli.*—There have been cases in which war has been waged under the pretext that a moral invasion, an intellectual contagion, a political epidemic, was feared, or because there was a pretense of fearing them. However, a revolution, or even a rebellion, when it is purely national, and unaccompanied by direct danger to other states, does not justify the intervention of these states in affairs not theirs. Bluntschli expresses himself as follows, in his Codified International Law, on this point: "We must acknowledge and admit the necessity for every state and people to modify itself according to the political needs of the period, on the same ground that historical rights should be protected when they are not in conflict with principles admitted by its contemporaries. By opposing the formation of a new law, the living breath which animates the law is lost sight of, and the law itself is kept from progressing, together with the nation. We do not see why a people should have the right to go to war to defend the crown of their prince, and not have the right to resort to arms to establish national unity. Is it, perchance, because an old piece of parchment determined during the middle ages the right of succession of the prince, while a series of disastrous events hindered during several centuries the consolidation of national unity? It seems to me that the right of a people to resort to arms when necessary to give themselves the constitution they claim to develop their natural qualities, to fulfill their mission, to provide for their safety, defend their honor, is much more natural, more important and more sacred than musty manuscripts, the evidence of the rights of a dynasty." MAURICE BLOCK.

CAUCUS, The Congressional, (IN U. S. HISTORY). The convention of 1787, in framing the system of choosing a president and vice-president, carefully provided that "no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector." (See CONSTITUTION, ARTICLE II.) The convention's suspicions of congressional influence have been signally justified by the extreme difficulty of keeping the electoral system free from it. (See ELECTORS.) At the first two presidential elections the electors were real officers with discretionary powers, and even in the third election, though some of them were pledged in advance by their constituents, most of them retained their original functions. In 1796 the republican members of congress informally agreed to support Jefferson and Burr equally, while the selections of Adams and Pinckney were due mainly to federalists out of congress. But the next election developed a system of congressional caucuses which reduced the electors to the position of mere ciphers, and gave all their powers to the members of congress. These caucuses were seven in number, extending over the years 1800–24.—1. In the winter of 1800 the federal party controlled both houses of congress, and, as was asserted by the Philadelphia *Aurora* (for which assertion its editor, Duane, was arrested for contempt of the senate), a compact clique of senators controlled the decisions of the majority in the senate. President Adams, the nominal head of the federal party, was heartily disliked by the leaders of his party (see ELECTORS), and, although prudence forbade an open quarrel with him, the federalist members

of congress, in February, 1800, met in caucus and decided that their party electors should support Adams and Pinckney equally, in hopes that their decision would be respected in New England, while in the south Pinckney would gain enough scattering votes to head Adams, and, under the then provisions of the constitution, become president. Without any similar design against the precedence of Jefferson, the republican members soon after met and resolved that Burr, whose feeble support in the south at the preceding election had been a ground of complaint in New York, should have an equal support with Jefferson. The result was the downfall of the electoral system. The electors of both parties, in passive obedience to the dictates of the caucuses, voted the tickets prepared for them, except that in Rhode Island one elector withheld his second vote from Pinckney, so that South Carolina's vote would have quietly seated both Adams and Pinckney. (See DISPUTED ELECTIONS, I.)—II Feb. 29, 1804, the first open caucus of republican congressmen met. Jefferson was renominated for the presidency without hesitation, but a selection for the vice-presidency was a different matter. The incumbent, Burr, distinguished equally for brilliancy and lack of principle, had always been an object of mingled terror and suspicion to the Virginia interest (see VIRGINIA), had come too near the presidency in 1800 to become prominent again with Jefferson's good will, and was at war with his own party in his own state. (See BURR, AARON.) His chances in a congressional caucus were therefore not worth considering. But it was essential that New York should not be alienated, and in Burr's place the Virginia interest preferred George Clinton, the leader of the Clintonian faction of New York democrats, against whose domination Burr's following was arrayed then and after. The votes in caucus were, for Clinton, 67; for Hugh H. Breckenridge, of Pennsylvania, 20; for Levi Lincoln, of Massachusets, 9; for John Langdon, of New Hampshire, 7; for Gideon Granger, of Connecticut, 4; and for William Maclay, of Pennsylvania, 1. The caucus action was indirectly the cause of Alexander Hamilton's melancholy death. (See BURR, AARON.) No record of any federalist caucus of this year can be found. Their action was governed by a knot of leaders who had determined to effect a coalition between the New England federalists and the middle state democrats, who were tired of Virginia domination. Of this scheme Burr's candidacy for governor of New York was a part. Had he succeeded he would probably have been sprung upon the country as a coalition candidate for the presidency in 1804.— III. Jefferson, in answer to requests from democratic state legislatures to accept a third term, had decisively refused. Jan. 19, 1808, Stephen R. Bradley, senator from Vermont, and chairman of the last previous caucus, "in pursuance of the powers vested in him," called a caucus for Jan. 23. This strong symptom of the organization of a machine was displeasing to many of his party, who knew that they were only summoned to register the selection previously made by the Virginia interest, and to transfer the presidency from Jefferson to Madison. Of the 130 democratic congressmen only 89 attended on the appointed day, the votes for the presidential candidate being 83 for Madison, 3 for George Clinton, and 3 for Monroe. For vice-president, Clinton received all the votes cast, 79. Monroe was an aspirant for the presidency, and both his friends and those of Madison claimed to be the veritable "Virginia interest." Jan. 21 the Virginia legislature had split into two caucuses, one of which gave Madison a unanimous vote, 134, and the other 50 for Monroe and 10 for Madison. Each caucus nominated a set of electors, and began an active canvass Monroe's friends in congress published, March 7, a protest which objected to Madison as unfit for the presidency in troublous times, and denounced the presumption of congressmen in arrogating to themselves "the right (which belongs only to the people) of selecting presidential candidates." Against this charge the caucus had sheltered itself under the assertion that its members acted "only in their individual character as citizens." No record remains of any federalist caucus. That party could not well make nominations while coquetting with Clinton and Monroe (see FEDERAL PARTY), and, when their candidacy proved a failure, the federalists by common consent fell back on their old candidates, Pinckney and King.—IV. In 1812 the democratic-republican party had become a war party, and its new leaders were determined that the peace-loving president should, at least in appearance, head them. A committee, headed by Henry Clay, informed Madison that a war message was the price of his renomination, and to this condition Madison unwillingly submitted. The caucus was accordingly held May 18, 1812, 82 of the 133 democratic congressmen being present. Madison was renominated unanimously, and John Langdon, of New Hampshire, received a majority of votes for vice-president. On Langdon declining, Elbridge Gerry was substituted. The caucus again announced its action to be that of "individual citizens," but it took a step in advance by appointing a national committee to see that its nominations were observed. In New York, where the Clintonian faction at present controlled the state, 95 of the 99 republican members of the legislature met in caucus, May 29, and by 87 to 8 voted to nominate Clinton as the anti-administration candidate, in opposition to congressional caucus action, which "always resulted in the selection of a Virginia candidate." In September a secret convention of federalists from all of the states north of the Potomac, and from South Carolina, met in New York city, and after three days' debate agreed to support Clinton for president and Jared Ingersoll for vice-president.—V. Monroe, who had always been regarded as the foreordained successor of Madison, had not by any means

shown great brilliancy in his conduct of the war, and only through the lack of any available opponent was his nomination possible. Even when the caucus met, March 16, 1816, 118 of the 141 democratic congressmen being present, the result was by no means certain. Two resolutions were offered, one by Henry Clay and the other by John W. Taylor, of New York, that caucus nominations ought to be abolished, but these were voted down, and Monroe received the nomination by 65 votes to 54 for William H. Crawford, of Georgia. Had Crawford chosen to make any strenuous effort against Monroe he could probably have secured the nomination, which was equivalent to an election. For vice-president Daniel D. Tompkins, of New York, received 85 votes to 30 for Simon Snyder, of Pennsylvania. The federalists, whose continued existence was only a matter of form, made no nominations, but their New England electors voted by common consent for Rufus King, and for various vice-presidential candidates.—VI. In 1820 Samuel Smith, of Maryland, chairman of the last previous caucus, called a new one, but only about 50 members assembled, and these yielded to the general impatience of the further existence of this irresponsible nominating body and separated without action. The incumbents, Monroe and Tompkins, were voted for by common consent and without opposition.—VII. In 1824 party lines had disappeared through the extinction of the professed federal party. There was but one party from which to select candidates, and it was now generally felt that a selection made by a congressional caucus indirectly gave to congress that power of electing a president and vice-president which had been carefully denied by the constitution. Furthermore, various state legislatures had willingly assumed the functions of nominating bodies, and, being unwilling to see their action overslaughed by congressmen, had instructed their senators and representatives not to attend a caucus, if one should be called. But the friends of Crawford, who felt that his self-abnegation in the caucus of 1816 had cost him the nomination then, were determined to secure for him the usual stamp of "regularity," and called a caucus for Feb. 14, 1824. Only 68 of the 258 members were present, and of these 64 voted for Crawford, 2 for John Quincy Adams, 1 for Andrew Jackson, and 1 for Nathaniel Macon, of North Carolina. A motion to adjourn the meeting until March had been voted down. For vice-president Albert Gallatin (see AMERICAN PARTY, I.) received 57 votes and was nominated. The manner of nomination brought more injury than benefit to Crawford, and the reign of "King Caucus" was ended. In 1828 the nominations were made by state legislatures, and in 1832 the still existing system of nominating conventions was introduced, under which the official nullity of the electors has become fixed. (See DEMOCRATIC-REPUBLICAN PARTY, FEDERAL PARTY, ELECTORS, NOMINATING CONVENTIONS.) — See 25 Niles' *Register*, 244–258, 4 Hildreth's *United States*, 687; 5: 357, 516; 6: 63, 298, 376, 595, 620, 701; 1 Hammond's *Political History of New York*, 315, 411, and 2: 128; 3 Parton's *Life of Jackson*, 24; Mackenzie's *Life and Times of Van Buren*, 44, 55.

ALEXANDER JOHNSTON.

CAUCUS SYSTEM. A caucus, in the political vocabulary of the United States, is primarily a private meeting of voters holding similar views, held prior to an election for the purpose of furthering such views at the election. With the development of parties, and the rule of majorities, the caucus or some equivalent has become an indispensable adjunct of party government, and it may now be defined as a meeting of the majority of the electors belonging to the same party in any political or legislative body held preliminary to a meeting thereof, for the purpose of selecting candidates to be voted for, or for the purpose of determining the course of the party at the meeting of the whole body. The candidates of each party are universally selected by caucus, either directly, or indirectly through delegates to conventions chosen in caucuses. In legislative bodies the course of each party is often predetermined with certainty in caucus, and open discussion between parties has been, in consequence, in some degree superseded. The caucus system is, in short, the basis of a complete electoral system which has grown up within each party, side by side with that which is alone contemplated by the laws. This condition has in recent years attracted much attention, and has been bitterly denounced as an evil. It was, however, early foreseen. John Adams, in 1814, wrote in the "Tenth Letter on Government": "They have invented a balance to all balance in their caucuses. We have congressional caucuses, state caucuses, county caucuses, city caucuses, district caucuses, town caucuses, parish caucuses, and Sunday caucuses at church doors; and in these aristocratical caucuses *elections have been decided*."—The caucus is a necessary consequence of majority rule. If the majority is to define the policy of a party, there must be some method within each party of ascertaining the mind of the majority, and settling the party programme, before it meets the opposing party at the polls. The Carlton and Reform clubs discharge for the tories and liberals many of the functions of a congressional caucus. Meetings of the members of the parties in the *reichstag*, the *corps legislatif* and the chamber of deputies are not unusual, though they have generally merely been for consultation, and neither in England, France, Germany or Italy has any such authority been conceded to the wish of the majority of a party as we have vested in the decision of a caucus. What has been called a caucus has been established by the liberals of Birmingham, England, as to which see a paper by W. Fraser Rae, in the "International Review" for August, 1880.—The origin of the term caucus

is obscure. It has been derived from the Algonquin word *kaw-kaw-wus*—to consult, to speak—but the more probable derivation makes it a corruption of caulkers. In the early politics of Boston, and particularly during the early difficulties between the townsmen and the British troops, the seafaring men and those employed about the ship yards were prominent among the townspeople, and there were numerous gatherings which may have very easily come to be called by way of reproach a meeting of caulkers after the least influential class who attended them, or from the caulking house or caulk house in which they were held. What was at first a derisive description, came to be an appellation, and the gatherings of so-called caulkers became a caucus. John Pickering, in a vocabulary of words and phrases peculiar to the United States (Boston, 1816), gives this derivation of the word, and says several gentlemen mentioned to him that they had heard this was the derivation.—Gordon, writing in 1774, says: "More than fifty years ago Mr. Samuel Adams' father and twenty others, one or two from the north end of the town where all the ship business is carried on, used to meet, make a caucus and lay their plan for introducing certain persons into places of trust and power. When they had settled it they separated, and each used their particular influence within his own circle. He and his friends would furnish themselves with ballots, including the names of the parties fixed upon, which they distributed on the days of election. By acting in concert, together with a careful and extensive distribution of ballots, they generally carried their elections to their own mind. In like manner it was that Mr. Samuel Adams first became a representative for Boston." (History of the American Revolution, vol. i., p. 365) February, 1763, Adams writes in his diary: "This day I learned that the caucus club meets at certain times in the garret of Tom Dawes, the adjutant of the Boston regiment. He has a large house and he has a movable partition in his garret which he takes down and the whole club meets in one room. There they smoke tobacco till you can not see from one end of the room to the other. There they drink flip, I suppose, and there they choose a moderator who puts questions to the vote regularly; and selectmen, assessors, collectors, wardens, fire wards and representatives are regularly chosen before they are chosen in the town. Uncle Fairfield, Story, Ruddock, Adams, Cooper, and a *rudis indigestaque moles* of others, are members. They send committees to wait on the merchants' club, and to propose in the choice of men and measures. Captain Cunningham says, they have often solicited him to go to these caucuses, they have assured him benefit in his business, etc." (Adams' Works, vol. ii., p. 144.)—Under the title Caucus should be considered the congressional nominating caucus; the caucuses of legislative assemblies; primary elections, still known outside the larger cities as caucuses; the evils which have been attributed to the latter, and the remedies which have been proposed. These will accordingly be mentioned in the order given —I. *The Congressional Caucus* marks the departure from the electoral scheme provided for by the constitution, and is the first appearance of the caucus, as we now understand it, in our history. In the continental and confederate congresses the pre-arrangement of business attributed to the caucus system, was in some measure accomplished by committees, but the first appearance of the existing institution is in the congressional nominating caucus. Members of congress held meetings quickly called caucuses, by which candidates were nominated, between whom it was understood the electors provided for by the constitution should choose, thus depriving the electors themselves of the free choice it was intended they should exercise, and thence it followed that the support of particular candidates soon became the sole issue in the choice of electors.—In 1796 a general understanding among the members of congress of the republican and federal parties was had, that Jefferson and Adams should receive the votes of the republican and federal electors respectively, but this result does not seem to have been arrived at through formal meetings of those members. In 1800 such formal meetings were held by the members of both parties in congress, for the purpose of consulting about presidential candidates, great pains being taken at the time to preserve the fact of these meetings secret, on account of the popular jealousy of any attempt at general direction by those connected with the general government. Adams and Pinckney were selected by the federalists, with the understanding that each should be voted for equally, and Jefferson and Burr by the republicans, with, however, the distinct understanding that Jefferson was the candidate for the presidency.—In 1804 the first caucus, not secret, was held by the republicans, Jefferson was unanimously nominated for re-election, and George Clinton, governor of New York, substituted for Burr as the vice-presidential candidate, by a vote of 67 out of 107. The probability of a vacancy in the governorship of New York through the election of Clinton was thus created, and Burr was brought forward as an independent candidate. At a caucus of the federal members of the legislature at Albany his support was favored by a large majority, and the bitter opposition of Hamilton was the foundation of the feeling which culminated in the fatal duel. The proceedings of this federal caucus were said to have become known through Burrites who were concealed in an adjoining bedroom. C. C. Pinckney and Rufus King were selected by a federal caucus in this same year, as the federal candidates. The republican congressional caucus in this year was much criticised because republican voters in congressional districts represented by federalists complained that they were unrepresented in it, and that they were therefore being dictated to by districts in which the republicans had the majority.—In 1808 Stephen

R. Bradley, senator from Vermont, who had been chairman of the caucus in 1804, assumed the responsibility of sending out written notices to the republican members in both houses, to meet at a time specified in the notice, in the senate chamber. The purpose of the meeting was not mentioned in the call, but it was understood to be the selection of republican candidates to be voted for at the ensuing election. The result of this caucus had already been determined by private consultation, and out of 138 members, 89 were present, by whom Madison and George Clinton were nominated by 83 and 79 votes respectively. This caucus was open, and proceeded as if the selection of candidates was its unquestioned business. In consequence, there appeared very soon, a protest of 17 representatives, denying the authority of Bradley, the regularity of the caucus, and finally the necessity of any caucus whatever, which was stated only to have been necessary for the concentration of the party when the federal party was powerful. This protest the caucus had in a measure anticipated, by declaring that its members "acted only in their individual character as citizens." Separate caucuses were also held during this year by the members of the Virginia legislature who favored Madison and Monroe respectively, for the purpose of furthering the candidacy of each.—In 1812 the republican caucus was attended by 82 members. It was held openly like the previous caucus, and the members resolved as before that they made the nomination in their individual characters only. It took, however, one step forward, by the appointment of a committee of correspondence, of one member from each state, to see that the nominations it made were duly respected. Madison was unanimously renominated, with Gerry as vice-president, but it is noteworthy that a committee headed by Clay had formally demanded of Madison a war policy as the price of their support in the caucus. This caucus, like the last, was bitterly criticised, and on May 29 a caucus of 91 republican members of the New York legislature was held which refused to recognize the decision of the congressional caucus, and nominated De Witt Clinton by a vote of 87. In consequence of this, the federalists held in New York, in September, 1812, a national caucus or convention, composed of 70 delegates from eleven states, for further consultation and by which it was resolved to give the federal support to Clinton.—In 1816 the attempt was made in the republican caucus by the friends of Crawford to declare the selection of candidates by the members of congress inexpedient, as the caucus was likely to be controlled by the friends of Monroe, but the attempt failed, and Monroe was nominated by a vote of 65 to 54. Burr, who had done so much for the perfection of the caucus, had foreseen this result in 1815, and in order to defeat it had advised some popular nomination of Andrew Jackson, declaring that "if it could be made respectable his success would be inevitable."—In 1820 a call for a republican caucus was issued by Smith of Maryland, who had been chairman of the last caucus, but only about 50 members of congress attended, and the renomination of the incumbents was acquiesced in.—In 1824 a great question was raised as to whether there should be any attempt to nominate a candidate by means of a caucus, and there was a combination of the friends of other candidates than Crawford to prevent such a caucus. It was, however, strenuously advocated by the Albany regency under the lead of Van Buren, which took the position that those who opposed the congressional caucus, which it called the "regular nomination," were to be treated as enemies of the democratic party, which was the first pronunciation of the more modern notions of the sanctity of party majorities and of all the proceedings of the party organization. During this discussion a caucus of the republican members of the New York legislature was held, which decided that a congressional caucus ought to be held, and an account of the proceedings of this New York caucus was forwarded to Washington, without, however, much influencing the result. Comparatively few members of congress attended the congressional caucus which was finally called, and its nomination of Crawford was of questionable assistance to him. This was the last congressional nominating caucus. In 1835 the democrats nominated candidates in a national convention, and in 1839 the whigs adopted the same method. While the congressional caucus lasted it is to be mentioned that the nominee and most of the candidates before the caucus had been, in every case after Jefferson's second term, previously nominated by the legislature of some state, or by a caucus of the members of one party in a state legislature.—II. *Legislative Caucuses.* It has been the practice for the members in each party in congress and the state legislatures to meet in a caucus and decide their course in the assembly by a vote of the majority. The officers to be elected by each legislative body are invariably so selected. The first mention of such caucuses is in the Statesman's Manual, vol. i., p. 338, where, speaking of the second session of the eighth congress, it is said: "During the session of congress there was far less of free and independent discussion on the measures proposed by the friends of the administration than had been previously practiced in both branches of the national legislature. It appeared that on the most important subject the course adopted by the majority was the effect of caucus arrangement, or, in other words, had been previously agreed upon at meetings of the democratic members held in private. Thus the legislation was constantly swayed by party feelings and pledges rather than according to sound reason or personal conviction." Since that time the practice described has steadily increased, and at present the course of each party in the house of representatives with reference to any measure which has been made a party measure is determined in

caucus In particular the election of the officers of the house is predetermined in the caucuses of the party in the majority. Long and active canvasses are undertaken by candidates for the speakership, for the caucus nomination to that position. In the senate party lines are less strictly drawn, but when they are drawn, a caucus decision exercises the same authority over the majority there as elsewhere. In 1881 the caucus nominees of one party for the officers of the senate were generally alleged to be of worthless character. The opposite party, as a result of caucus deliberation, declined to permit these caucus nominations to be ratified by the election of the nominees. There ensued, in consequence of the unyielding adherence of senators to these caucus decisions, one of the most persistent "deadlocks" on record, in the course of which, members of each party produced the most gory speeches about the "revolutionary" tendencies of their opponents; and the members of the senate, by what was felt to be their obdurate fidelity to their respective caucuses, in a petty matter, brought their body for a time into public contempt.—In the state legislatures the caucus system also prevails, but in a less degree than in congress. The authority of the caucus is there mainly invoked in the selection of candidates for the positions filled by the legislature itself. It is especially used in selecting the candidates for the speakership and for the United States senate. Aspirants for these positions not unfrequently attend at the place of meeting of the legislature in time to receive the members as they arrive, and to make personal supplication for their votes in caucus. Every sort of influence is brought to bear to obtain such votes, candidates often opening "headquarters," a sort of a club room with free entertainment for all comers, and in one flagrant case a candidate for the senate was accompanied to the state capital by his wife, and his nomination and election were alleged to have been entirely due to the success of her personal appeals to members of the legislature for their votes in the party caucus. The whole of these influences are brought to bear to secure, not the votes of members in the legislature, but only the caucus nomination. No matter how that is secured, it stands as definitive. It determines the course of the legislature, and the decision of a legislative caucus about candidates has come consequently to be invested with all the attributes of a fetich. Politicians talk about it as if it possessed some peculiar and intrinsic virtue or efficacy, and members of the legislature are no more free to disregard such a nomination, no matter how ridiculous or scandalous it may be, and no matter by what agencies it was secured, than they are free to violate their oaths. The notion that the legislative caucus was an opportunity for consultation has been eliminated, and it has become merely an instrumentality for conferring absolute power upon a majority.—III. *Primary Elections.* This expression is rapidly supplanting the use of the word caucus to designate the meetings of voters, for the direct nomination of candidates, or for the election of delegates to nominating conventions. In the country districts generally, and particularly in New England, the word caucus is still used. In the cities the increase of the safeguards which have been found necessary for the ascertainment of the results of a caucus, have surrounded it with so many formalities that it is properly becoming known as a primary, or preliminary, election. Its primitive form is as follows: A few days before an election is to be held or a convention to meet, a call is issued addressed to the members of one political party residing in the same election district, usually a township, calling upon them to meet at a specified time and place, for the purpose of holding a caucus to choose candidates or delegates. This call is posted in prominent places in the town, such as the postoffice, but it is now also generally published in the local paper, if there be one. It was in the first instance usually issued by individuals acting on their own responsibility, and over their own names. At the appointed time, those assembled in response to it are called to order by one of the signers of the call, and a presiding officer and secretary are nominated and selected. The meeting is then declared to be organized and ready to proceed to the transaction of business, the nature of which is stated either by the presiding officer or by the person by whom the meeting was called to order. Any member of the caucus may nominate persons to be the candidate or delegates to be chosen, and several persons are usually nominated for each position. These nominations, if seconded, are acted upon in the order in which they are made. There is more or less formal debate, and the vote upon each nomination is taken *viva voce*, and the result announced by the chair. If the announcement is questioned, upon the demand of any member the vote is taken by a show of hands, or, more rarely, by actual count by the secretary and tellers. Members of the opposing party are not excluded from the meeting, but if detected in voting, any person may call the attention of the meeting thereto, and if the result has been affected in consequence, the intruder is turned out, and another vote taken, but the test of the right of any person to participate in the caucus is whether or not he voted with the party at the last general election, and of that fact his own assertion is almost invariably received as evidence. The caucus having made its nominations or selected its delegates, usually appoints a committee to prepare ballots and distribute them at the polls—though this is sometimes left to the enthusiasm of individuals—and adjourns *sine die*. The secretary, if delegates have been chosen, gives them a letter stating the fact of their election, which serves as their credentials in the convention to which they have been sent. Up to this point the caucus presents very nearly the pure democratic ideal, a return to which is so frequently held up as the sole remedy for machine politics, and the exactness of this description may

be verified every year, in parts of New England and the west —It is, however, the fact, constantly overlooked, that such a caucus system does not rest upon political equality, but upon an amount of actual and therefore social equality, and of personal acquaintance among voters, which the great increase in the density of population and in the unequal distribution of wealth has tended to destroy, and which that increase has made impossible outside of small and comparatively thinly populated constituencies. The development of the caucus itself indicates this. As population thickens, especially in manufacturing districts in which there is a large comparatively transient class of voters, the personal acquaintance of voters with each other is no longer sufficient to detect whether all those who participate in the caucus are members of the party, or even whether they are all voters within the district. Strange faces appear, and the caucus is found to be controlled by workers in a particular interest, who may not be residents of the district, or even members of the same political party. Consequently the use of a check list is necessitated as the remedy. That is, no person is allowed a vote whose name is not registered as a voter within the district at the last election, and if, as in some states, there are no registration laws, the only means of preventing fraud seems to be violence. So long also as the regular party caucus may be called by individuals acting on their own responsibility, there is found to be danger that two or more caucuses will be held, each claiming to be the regular caucus; the authority to call the caucus must therefore be located, and committees, for that purpose, and later, for the purpose of providing the proper check lists, and of taking charge of the organization of the caucus, have to be provided for. Such committees are the basis of the whole structure of American party government. The members of the committees thus appointed hold from year to year, and as they are frequently re-appointed, they come thereby naturally into that greater knowledge of the politics and politicians of their districts which is the source of their undue political influence and of the power of political mechanism, which has lately attracted so much attention, and as the remedy for which, a return to that very system is urged, from which such committees have necessarily been evolved. With the increase of the necessity of these two agencies—committees and check lists—the caucus system has assumed, in various places, all of the forms which make up the whole chain of development between the primitive caucus above described and the elaborate primary organizations in New York city which will alone be further mentioned, as the ultimate form toward which the whole caucus system is tending. There are in New York three primary election systems, the republican, Tammany hall and democratic. The basis of the republican system is the republican district associations, of which there is one in each of the 24 assembly districts. These associations are permanent clubs, sending delegates to the republican central committee composed of 159 members, which has the general direction of the affairs of the republican party in the city, and is, in its turn, practically controlled by a small executive committee. The district associations all have the same constitution, which is published together with that of the central committee, and this constitution can only be amended by a vote of two-thirds of all of the associations after the amendment has been proposed by the central committee at the request of five of the associations. A meeting of a district association is theoretically a caucus of the republicans of the assembly district in which it is located. The fact is, however, widely different. No person is admitted to the meeting of the association, *i. e* , to the primary meeting or caucus, who is not a member of the association. But in order to become a member of the association it is necessary to be proposed by one who is already a member. The applicant's name must then be posted upon a bulletin board; after which, a report upon the applicants may be presented to a meeting of the association, and all those whose names are favorably reported may become members of the association, provided a majority of the members present at such meeting vote in their favor, and provided that the applicant shall thereafter sign the roll within a specified period, but not otherwise. It is, however, a prerequisite to signing the roll that applicants should take a pledge, observance of which is a condition of admission to, or continuance in, the membership of any primary association. This pledge requires that the applicant shall: 1. "Support the republican party organization of which the association is a recognized portion." 2. "Submit to the legally expressed action of the association and of the central committee." 3. "Honorably sustain all nominations made by the republican party through its legally constituted conventions called or recognized by the central committee." 4. "Not become a member of any committee or body which does not recognize the authority of the association."—In order to secure the better observance of these pledges, there is in each association a standing committee for the investigation of breaches of them, known as the committee on discipline, and it is provided that for a willful failure "to keep the pledge of membership, any guilty member may be expelled by the vote of a majority at any meeting" of the association. This authority has been frequently exercised, and it has been stretched so far that in one case a member was expelled because he had opposed the nomination by the president to a federal office, of one of the officers of the association. The tendency is obviously to control the whole political action of members of the association, and to exclude from membership such republicans as decline to allow such control, or to take the required pledges. As a matter of fact the very great majority of republicans are thus excluded. Although there are no means of ascer-

taining exactly how many republicans belong to these associations, their number probably does not exceed one-tenth of the whole. The remaining nine-tenths are for all party purposes disfranchised. They have no share whatever in making nominations, they can have no standing in conventions, and they are not recognized by the party organization as members of the party. At the election of 1880, the republican vote in New York city was about 80,000, while the rolls of the republican associations contained less than 15,000 names, and a large number of these names were of persons who had died, or removed. In 1879, Mr. George Bliss, than whom no person can be better qualified to speak on this subject, in a letter to Mr. Arthur, says: "The rolls are deceptive; in one district half the names of those on the rolls are not known in the district. These bogus names afford a convenient means for fraudulent voting," and the rolls of other districts "are full of the names of men not republicans." It may, therefore, be fairly said that 8,000 is a liberal estimate of the number of republicans who are members of these associations, and who are, therefore, eligible to participate in the primaries. —Such is the constitution and membership of the republican primaries. They are not representative but exclusive, and because of the conditions of membership they are composed of the least worthy portion of the party. In case an association expels or refuses to admit a member, a nominal remedy is provided, by an appeal to the central committee, but that body frequently refuses to act on such appeals, and if the district association simply refuses to act upon the name of any applicant, there are no means of compelling them to do so —The procedure of these associations is quite as far removed from that of the primitive caucus as their constitution. The officers are permanent and elected annually, the voting is by secret ballot, and a meeting together of any considerable number of the members of any association is extremely rare. Practically, all the business of the association is transacted by small committees. If, for instance, a candidate is to be nominated, or delegates to a nominating convention are to be chosen, a ticket prepared by the executive committee is printed, and the function of the association is discharged by voting for or against this ticket, for which purpose the polls are opened for two or three hours in an evening, and probably not more than half a dozen members of the association will meet together during that time.— The Tammany system is theoretically completely popular; primary elections are nominally held in each of the election districts of the assembly districts, or altogether in 678 election districts, to which all democrats, resident in the respective districts, are invited. After the polls are closed, the ballots are, however, subjected to a process called "inspection" by the central committee of Tammany hall or its appointees, and in its practical workings the whole Tammany system is a farce. Under the cloak of popular forms, it is one of the most complete and corrupt instrumentalities for the centralization of power which has yet been devised. (See article on TAMMANY HALL.)—The democratic system is the result of the reorganization of the various anti-Tammany democratic factions, brought about, in 1881, by a practically self-appointed committee of 100. Under this system primary elections are to be held annually in each of 678 election districts, at which all democratic electors resident in the respective districts may participate, provided they were registered at the last general election. The persons voting at any primary shall be members of the election district association for the ensuing year, which is to be organized in January of each year. The associations may admit democratic residents in their respective districts, who are not members, to membership, and they have general supervision of the interests of the party within their districts. Primaries are held on not less than four days' public notice, through the newspapers, of the time and place, and at the appointed time the meeting is called to order by the chairman of the election district association, provided 20 persons be present; if that number shall not be present, the meeting may be called to order with a less number, at the end of 15 minutes. The first business of the meeting is to select a chairman, and all elections of delegates or committeemen shall take place in open meeting. Each person, as he offers to vote, states his name and residence, which may be compared with the registration list at the last election, and each person shall state for whom he votes, or he may hand to the judges an open ballot having designated thereon the persons for whom he votes and for what positions. Nominations are all made by conventions of delegates from the districts within which the candidate to be chosen is to be voted for. There is an assembly district committee in each assembly district, composed of one delegate for each 100 votes or fraction thereof, from each election district within the assembly district. There is also a county committee, composed of delegates from each of the assembly district committees. The function of these committees is generally to look after the interests of the parties within their respective spheres. This system is too new for its workings to be as yet fairly criticised. It may prove a really popular system, or it may prove only an inchoate form of the other systems; at present it can only be said that the first primaries under it were participated in by 27,000 electors.—IV. The evils of the caucus and primary election system lie in the stringent obligation which is attached to the will of a formal majority; in the fact that the process of ascertaining what the will of the majority is, has been surrounded with so many restrictions that the actual majority of voters are disfranchised, and take no part in that process, so that the formal majority is in consequence no longer the majority in fact, although it continues to demand recognition of its decisions as such;

and in the further fact, that under a debauched system of civil service the machinery for making nominations, or of finding out what the will of the majority is, has fallen largely under the control of those who hold or seek public office, as a consequence of the prevailing theory that such offices are the proper reward of political services and the spoil of the victors in a political contest. This conception of public offices as spoils, furnishes officeholders with an illegitimate incentive to political activity, the effect of which is seen in the fact of their control of the organization. In the democratic organization in New York, a very large number of those who serve on committees and direct primary elections are officeholders, and in the republican organization, under the Arthur and Cornell régime, in 19 out of the 24 assembly districts the chairman of the district associations, in whom is vested an almost controlling power, was a federal officeholder, the secretaries of these associations were likewise federal officeholders, and in the central committee, out of 159 members, 93 were salaried servants of the federal government. It is obviously preposterous to assume that a primary system thus officered, and including only one-tenth of the voters of a party, represents that party, yet this is precisely the assumption which is acted upon by the republicans of New York. The organization described is the regular organization, and none other is recognized. It exercises all the authority of a majority. It chooses all delegates to conventions, makes all nominations, and its nominees are supported upon no other possible theory than that they are the choice of the majority. Very distinguished men have taken pains to make it known that they always support the "regular" ticket, and as they and the large class they lead, have actively supported the men most obnoxious to them, whose nominations were stated to be for the purpose of "disciplining the party," nominations have come to be made without regard to this class, and to suit the pleasure of the nominating machine. In consequence, elective officers have come to look upon those who thus control the nominating machinery, and not the mass of voters, as their true constituents, and to act accordingly. The separation between the organization and the party, between those who nominate and those who elect, is the sum of the evils of the highly organized caucus system. It has its roots in the notion that the majority is right, because it is the majority, which is the popular view, thus expressed by Hammond: "I think that when political friends consent to go into caucus for the nomination of officers, every member of such caucus is bound in honor to support and carry into effect its determination. If you suspect that determination will be so preposterous that you can not in conscience support it, then you ought on no account to become one of its members. To try your chance in a caucus and then because your wishes are not gratified, to attempt to defeat the result of the deliberation of your friends, strikes me as a palpable violation of honor and good faith. You caucus for no other possible purpose than under the implied agreement that the opinion and wishes of the minority shall be yielded to the opinions of the majority, and the sole object of caucusing is to ascertain what is the will of the majority. I repeat that unless you intend to carry into effect the wishes of the majority, however contrary to your own, you have no business at a caucus." (Political History of New York, vol. i., p. 192.)—In accordance with this theory the will of the majority becomes obligatory as soon as it is made known, and one can not assist at a caucus in order to ascertain the will of the majority, without thereby being bound to follow it; and the theory is so deeply rooted that, under the caucus and primary election system, it has been extended to cases in which the majorities are such only in form.—V. The remedies as well as the evils of the caucus and nominating system have been made the subject of general discussion in connection with civil service reform. It is claimed that that reform, by giving to public officers the same tenure of their positions which is enjoyed by the employés of a corporation of a private business house, or during the continuance of efficiency and good behavior, would abolish or greatly diminish the evils of the caucus system, by depriving public officers of the illegitimate incentive to maintain it under which they now act. Other more speculative remedies have been suggested. It is proposed, on the one hand, to very greatly diminish the number of elective offices, and, in order to do away with the pre-determination of elections, to restrict the political action of the people in their own persons to districts so small that they can meet together and act as one body, and that in all other affairs than those of these small districts the people should act by delegates. The theory here seems to be, by doing away with elections, so far as may be, to get rid of the necessity for election and nominating machinery. (See "A True Republic," by Albert Strickney. New York, 1879, and a series of articles in Scribner's Monthly for 1881, by the same writer.) On the other hand, it is proposed to greatly increase the number of elections, by taking the whole primary system under the protection of the law. This plan proposes: 1. The direct nomination of candidates by the members of the respective political parties in place of nominations by delegates in conventions. 2. To apply the election laws to primary elections. 3. To provide that both political parties shall participate in the same primary election instead of having a different caucus for each party. 4. To provide for a final election to be held between two candidates, each the representative of a party, who have been selected by means of the primary election.—This plan would undoubtedly do away with the evils of the present caucus system, but it contains no guarantee that a new caucus system would not be erected for the purpose of influencing "the primary election" in

the same manner in which the present primary system now influences the final election. (See, however, "The Elective Franchise in the United States," New York, 1880, by D. C. McMillan.)—The effective remedy for the evils of the caucus system will probably be found in the sanction of primary elections by law, in accordance with some such form as is known in Pennsylvania as the "Crawford County System," so called after the usage of that county, which provides for a direct vote by the electors within a district for the person to be nominated, and that the person receiving the greatest number of votes shall be the candidate. But no satisfactory method of thus legalizing primaries has yet been devised. Bills for this purpose were introduced by the Hon. Erastus Brooks into the New York legislature in 1881, which provided substantially for the system proposed by Mr. McMillan, but they were left unacted upon, and no legislative attempt to regulate primaries, except by providing for their being called and for their procedure, has been made elsewhere. In Ohio what is known as the Baber law provides that where any voluntary political association orders a primary, it must be by a majority vote of the central or controlling committee of such party or association; that the call must be published for at least five days in the newspapers, and state the time and place of the meeting, the authority by which it was called, and the name of the person who is to represent that authority at each poll. The law also provides for challenging voters, for the punishment of illegal voting, and for the bribery or intervention of electors or judges. (Rev. Stat. Ohio, secs. 2916–2921.) A similar law in Missouri is made applicable to counties only of over 100,000 inhabitants, but by this law it is made optional with the voluntary political association whether it will or not hold its primaries under the law, and if it does, it is provided that the county shall incur no expense in the conduct of such elections. (Laws of Missouri, 1875, p. 54.) A similar law also exists in California. (Laws of California, 1865–6, p. 438.) These laws comprise all the existing legislation on the subject.—Until an effective legal control of the caucus system shall be devised, and the civil service shall be reformed, the only remedy at hand for the evils of the caucus system is a greater amount of what has been described as "individuality in politics." Public opinion may in this country never permit self-nominations to elective officers, but in smaller districts, at least, very much may be accomplished by spontaneous or independent nominations, made by a few well known men of high character, which shall claim popular support not because they pretend to be made by a majority of a party, but because they are intrinsically excellent, and are certified so to be by the men of recognized reputation who make them. If, however, character can not be thus in some degree substituted for the majority as the basis of the political action, individuals must make it plain that the authority of the majority rests in the fact of its being right, and not merely in the fact of its real or pretended existence. Votes should not be yielded unconditionally at the mention of the party name, and until the legal remedy for the existing caucus shall be found, the true attitude of the individual toward it is perhaps best expressed by John Jay in the following language used by him in a letter replying to criticisms of himself for bolting a caucus nomination in 1812. He says: "We approve of the customary mode of nominating candidates, and have uniformly concurred in it; that concurrence certainly involved our tacit consent to be bound by the nomination which should be so made. But it is equally certain that such consent did, does and ever will rest on the condition, trust and confidence that such nominations only be made as we could or can support without transgressing the obligation we are under to preserve our characters and our minds free from humiliation and reproach." (Life and Writings of John Jay, vol. i., p. 448.)

FREDERICK W. WHITRIDGE.

CAUSE AND EFFECT IN POLITICS. Nothing seems more natural and, at first sight, easier, than to refer facts, if not always to their true, at least to their probable and apparent cause. And still we see men, at every instant, bringing two circumstances, two facts, into connection, and making one follow from the other without inquiring whether it is materially or morally possible that the one should issue or result from the other. This error often goes so far as to confound cause and effect. Have laws their origin in customs, or customs their origin in laws? Is it the government that corrupts the nation; or is the government itself an emanation of the nation, made in its image? Here are questions, and they might be multiplied, which will be answered well or ill according as men are able or not to distinguish cause from effect.—It is evident that the answer to such questions is no mere trifle; but that attention should be directed to the effects of our own actions, individual or national, is of still greater importance. A well known precept tells us to foresee the consequences of our own acts. All admit the necessity of this, and still it is neglected in many cases.—How often are men satisfied with saying, "I shall do this," or "we shall do that," without carrying their thought beyond. "I shall do this," or "I shall do that," is very quickly said; but the purpose can not generally be carried out except when man is face to face simply with dead nature, with clay and stone. In such case the resistance may be easily calculated, and a man may say: "I shall do this;" for he can overcome stone and clay and iron. But when opposed to men we are not so sure of success. Other men are almost always our equals, and as often our superiors as our inferiors. And we should ask: What would others do if we should act against them in this or that manner? What would be the effect of our action? We should

never for a single moment lose sight of the fact, that each one of our acts is a cause.—We are greatly afraid of preaching in the wilderness. Nations will continue to close their ports to foreign goods, and yet will be astonished (just as if it were not a natural effect of the cause) that other countries should do the same to theirs. The French will shout, *death to the English!* and then find it wicked that the English should cry, *down with the French!* Men try to weaken their neighbors and then grow angry because these neighbors in turn try to weaken them. We demand liberty for ourselves and are still unable to understand that our fellow citizens should have it also; we find it natural to enjoy liberty ourselves, and take it away from those who think differently from us. We might multiply examples if we wished to depart from generalities applicable to all countries for the purpose of citing special determinate facts. But why do this? Would men thereby become more accustomed to put themselves mentally in the place of others? Would they see the beam in their own eye more clearly, or give a stricter application to the golden rule of doing unto others only that which they would that others should do to them? In a word, would men look at causes more seriously and better foresee effects? M. B.

CELIBACY, Clerical, an institution of the Roman Catholic church which prohibits the marriage of her clergy. Even outside the Roman church, and in times anterior to Christianity, we find traces of a like attempt to subdue human nature by its own power. But we must here limit our considerations to that form of celibacy which has attained a real historical importance, the celibacy of the Roman Catholic clergy.—The Old Testament knows nothing of a command prescribing the celibacy of the priesthood; neither does the New Testament, although we there find it intimated, in a general way, that under certain circumstances it may be more advisable not to take a wife (1 Cor. 7: 38); and this intimation was not without influence during the early period of Christianity and the church. During the first three centuries we find some of the clergy practicing celibacy, but always voluntarily, not because it was a law. It was far from being the rule. The fourth century, however, made a decided move in the direction of celibacy. Regulations favoring it were drawn up, as, for instance, at the council of Ancyra in 314 It was distinctly declared that the unmarried priest deserved the preference over the married priest, although marriage was not yet prohibited. Toward the end of the fourth century (375) Silicius, bishop of Rome, declared that marriage impaired the efficiency of the priesthood and their calling, and his opinion was followed by his successors in the fifth century. At first the prohibition of marriage was intended for the higher grades of the clergy only, for bishops, priests and deacons; but, before long it was extended to sub-deacons after ordination also. The temporal power did not oppose the attempts made to elevate the prohibition of marriage into a law for the priesthood; on the contrary, it favored the endeavor as much as it could, and gave it the support of its authority. —We must not forget that there was in the development of the Catholic church something which strove to establish the supremacy and promote the universal establishment of celibacy. Opposition to celibacy was not slow in manifesting itself, an opposition which came from the ranks of the clergy themselves. It was not without foundation, therefore, that the observance of celibacy was repeatedly enjoined. Yet it was reserved for the eleventh century to decide in favor not only of this law, but to assert the triumph of the church generally. Pope Gregory VII., with whose name this triumph is connected, in this case, invented nothing, nor introduced anything new, any more than into his whole system; but he understood how to give the celibacy of the clergy enduring power and to overcome the resistance of the nations on whom the church had chiefly to lean, notably of the Germans. There can be no doubt that in considering the question of celibacy pope Gregory VII. gave much less thought to considerations of abstract morality than to expediency; and that his only object was to establish the supremacy and unity of the church through a clergy independent of the state He declared this himself in an unmistakable manner when he said: *Non liberari potest ecclesia a servitute laicorum, nisi liberentur clerici ab uxoribus.* Gregory's successors remained faithful to his doctrine, and propagated it, without, however, being able everywhere to enforce it practically, as for instance in the case of the Slavonian Catholics. — Yet however necessary the regulation may have been or have seemed to be at the time of its introduction, it was soon followed by crying evils, especially in the fourteenth and fifteenth centuries. The complaints of the immorality of the clergy became so general that doubts as to the propriety of celibacy were soon everywhere expressed, and it was asked whether morality did not lose by the system at least as much as the power of the church gained by it.—At the time of the reformation there were voices enough heard in the Catholic church demanding the abolition of the rule of celibacy. Several princes, even king Charles V. *in interim* endeavored to bring it about, in the hope of thus paving the way to a reconciliation between the Protestants and the Catholic church. Opposition was not wanting even later, noticeably in the eighteenth century, but to no purpose. LITERATURE: F. A. and August Theiner, *Die Einführung der erzwungenen Ehelosigkeit bei den christlichen Geistlichen und ihre Folgen*, Altenburg, 1828, 2 ed. 1845, 2 vols; Carové, *über das Cölibatsgesetz des römisch-katholischen Klerus*, Frankfort-on-the-Main, 1832, 1853, and *das römische Cölibatsgesetz in Frankreich und Deutschland*, Offenbach, 1834; *Der Cölibat*, Regensburg, 1841. WEGELE.

CELIBACY, Political Aspects of. In the same country, at different times, religion has been seen exalting celibacy, making it a virtue, and the civil law condemning, stigmatizing and subjecting it to taxation, excluding it from certain honors or dignities. It is not our task here to decide what a church should prescribe to its believers. That is an affair of internal discipline, and we do not recognize in ourselves any right of interference. But in politics or in administration and taxation, every distinction between married and single men is unjust and rests on false views. The legislator hoped sometimes to be able to compel marriage, forgetting that the man who does not yield to the powerful law of nature which makes marriage desirable to every adult, and even to minors, has sufficiently strong reasons not to be forced to contract marriage by financial or other like penalties imposed by the state. We say it is unjust to make celibacy an offense, for more than one avoids marriage for reasons of health; others because they are burdened with a family which they are obliged to support, for example, aged parents, etc.; and still others from motives quite as laudable. These celibates far from being punished should rather be honored for being able to overcome an inclination to which nature has given such power. Moreover, we understand (without justifying them, be it well understood) the measures favoring marriage in new countries, as though the facility of rearing a family were not a sufficient encouragement needing no other incitement; but in very populous countries it would be difficult to modify these laws in a suitable manner. Who knows but a time will come when people will think rather of encouraging celibacy in order to arrest, if possible, the rising wave of population? M. B.

CELTS. (See RACES.)

CENSURE. (See PARLIAMENTARY LAW.)

CENSURE OF MORALS. Beginning with the sixteenth century, the noble name of censure was given to that ill-starred guardianship of the press, which for a length of time interfered with the progress of political education, but did not keep back the dreaded revolution in Europe, and was at length abolished by general consent. The word censure was borrowed from the Romans, who had thus modestly named one of the grandest and worthiest institutions of their state.— We find kindred institutions among other ancient nations. Thus the Areopagus and the Archons among the Athenians, and the Ephors among the Spartans, exercised the functions of moral judges. The remarkable Chinese institution of Tu-tschea-Yuen, is also essentially a court of moral censure. Its members are considered commissioners of heaven, as the "visible conscience of the state," and give expression to praise or blame, even concerning the highest officials. The emperor himself is not spared by them when he deviates from the sacred customs. But the Romans distinguished more clearly between morality and law, and could not allow the magistrate who presided in a law suit, nor the judge who decided on the right and the wrong, to watch over morals and punish immorality, without surrendering the legal security they had won. So far, therefore, as the Roman state used its authority for the preservation of good morals and to take decisive steps against immorality, a special magistracy seemed to be needed; and the censorship was created for that purpose. — During the middle ages the Christian church showed a decided tendency to assume the entire moral direction and education of nations. Ecclesiastical now took the place of civil censure. The state itself needed the moral care of the church. The ancient Roman-Byzantine empire was, in a moral sense, weak; it was in decay. It needed a physician, and the still uncivilized Germanic peoples, although morally healthier and stronger, submitted willingly to the divine authority and felt the ideal elevation of the Christian religion, which in the Roman priesthood found its first devoted advocates and representatives This continued even after the reformation, though under changed conditions, and the reformers of the sixteenth and seventeenth centuries were especially distinguished for their church discipline. When the temporal power assisted here with its external repressive measures, it did so with the moral authority of ecclesiastical censure, not as an independent temporal-moral power. Church and state divided the work of ruling nations. The one took the moral, the other the legal province. It is evident that at this time the idea of a political censure of morals could not easily arise.—Still in the modern state the want of filling up the void thus left is felt, and not simply because ecclesiastical censure has lost its principal power, and a restoration of it, in the spirit of the middle ages, is an impossibility. Even if we recognize that the life task of the church lies essentially in the province of morality, and that that of the state, on the other hand, is the control of legal relations, it only results therefrom, that, as a rule, the state should leave purely moral questions either to the church or to private persons, and should guard against untimely and officious interference in this sphere. Since the state itself is a moral being and must in its own interest take morality into consideration, it must, when and in so far as its very life is concerned, issue general moral regulations, and also, if exceptionally, take a position against peculiar moral dangers.—As a rule, the state should not be allowed to interfere at all in private morals. This is the affair of individuals, not of the state. If the state exercises authority here, the distinction between morals and law is confounded, and the moral powers of the citizen, which become manifest and are developed by free self-determination, are fatally injured, not strengthened. But the power of the state may here be called forth exceptionally, when the open immorality of individuals threatens the moral

foundations, both of the social life of men and the public welfare; that is when their harmful action on public morals is evident. Thus, for example, as a rule the state concerns itself with the relations of the sexes only in so far as the law is violated or scandal calls upon it to defend good morals. In like manner, money matters are left to private persons and free contract. But when a rich man misuses his property mercilessly and openly to oppress and exhaust the poor, even in a form which can not be reached by the law, or when a sensual profligate outrages the feelings of decency and good morals among the people through his display of senseless luxury, the state has good ground to practice censure after the manner of the Romans.—If the intervention of the state in cases of private immorality is justifiable only in rare cases and under exceptional circumstances, it may interfere more readily where public (*political*) morality appears immediately concerned; but in such a case only to supplement the law, and only when the political immorality is undoubted, and the moral health of the state appears seriously affected. The Roman censors denounced the breach of a political oath; immoral projects of laws; breach of political decorum; and cowardly conduct in time of danger, which is the more blameworthy in proportion to the greatness of the confidence demanded by the public character of the position. An excess of haughty harshness toward subordinates, and indecent stockjobbing on the part of high and influential officials and similar persons, may be considered as further reasons which, in clear cases of public scandal, may rouse political censure to activity.—The police regulations of the present are utterly insufficient in all these cases. The Romans had the fine tact not to intrust the exercise of high political censure to subordinate servants of authority. Only the most honorable and most distinguished statesmen were chosen censors. There was no dignity in the Roman republic more highly respected than that of censor. "Majesty" was ascribed to the office. In this lies the surest and greatest guarantee of the whole institution. Nothing would be more destructive than to give it to ordinary officials, or, through court favor allow it to be exercised in bureaucratic fashion The opponents of all political censure are perfectly right so long as there is any danger of its being administered in this manner. Better no censure than a bureaucratic one. Only he whose person has moral authority should exercise such a power in the state. Political *offices of honor* well organized in this spirit *might* furnish the state with the same guarantees, and render it services similar to, and even better than the Roman magistracy rendered the Roman republic.—With regard also to the course of procedure and means of correction the censure of the Romans is worth considering. The censors lodged official accusation, but they gave the accused whom they summoned before them full opportunity to defend themselves. They pronounced their sentences in public, and assigned reasons for them. A check was imposed on the partiality or passion of a single censor by the intervention of other censors; and if the censors of one lustrum acted too severely, their successors in office in the following lustrum might remedy the evil.—The corrective measures of the censors answered to the fundamental character of the censorship as a moral institution. They did not affect, as does punishment proper which belongs to the law, the person, the property, or the freedom of the accused, particularly not his private rights, but exclusively his political honor and political rights. Their action was, therefore, limited to the field of moral appreciation and political life. The unworthy senator might be struck from the list of senators. The immoral knight might be deprived of his horse; other citizens less highly placed might be excluded from their class and reduced to a lower voting class, or deprived of suffrage altogether. Exclusion from honors and office was a regular effect of censorial blame, and the dishonor inseparable from the same was sensibly felt in social intercourse.—Modern censure would have nothing new to discover in all these respects, but merely to transfer Roman thought to modern life. Exclusion from rights of association and from those of honor, from suffrage and eligibility to places of public trust, would be in our day a very effective and at the same time a thoroughly justifiable means of seriously punishing open immorality and enforcing political morals. J. C. BLUNTSCHLI

CENSURES (IN U. S. HISTORY). In case of violation of law by the president, the constitutional process of punishment is impeachment by the house, conviction by the senate, and removal from office. (See IMPEACHMENTS, I.) In two cases, where a legal majority for impeachment was impossible, a single branch of congress has endeavored, by separate action, to inflict an extra judicial condemnation upon the president.—I. March 28. 1834. (see BANK CONTROVERSIES, III.; DEPOSITS, REMOVAL OF), after a three months' debate, in which the resolutions had been variously modified, the senate resolved, by a vote of 26 to 20, "That the president, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." April 15, in a special message, president Jackson protested against the resolution on the ground that it accused him of perjury in violating his oath of office, and was thus an indirect and illegal method of impeachment, a condemnation against which he had no opportunity to defend himself. The senate refused to receive the protest or place it on record upon the journal. Senator T. H. Benton, of Missouri, at once gave notice that he would offer a resolution each year to expunge the resolution of censure. After an intermittent struggle of three years. Jackson's supporters carried the ex-

punging resolution, and the resolution of censure was marked around by broad black lines with the memorandum "Expunged by order of the senate this 16th day of January, 1837." The argument against this was, that it violated the constitutional direction to the senate, to "*keep* a journal" of its proceedings; and in favor of it, that the original resolution was extra legislative, had no more place on the journal than the record of a horse race, and ought to be stricken out. As the former argument involves a plain direction of law, it must have more weight than the latter, which is wholly a matter of opinion.—II. During the session of 1841–2 (see WHIG PARTY; TYLER, JOHN; TARIFF), a tariff bill was passed containing a provision for the distribution of surplus revenue among the states. To this president Tyler objected as an innovation directly designed to encourage extravagantly high tariffs beyond the needs of the country, and he therefore vetoed the bill Aug. 9, 1842. The conflict between Tyler and the whigs had become extremely embittered. The whigs, though in a majority in both houses, could not command a sufficient vote either to impeach or to pass bills over the veto. They therefore took the unusual step, in the house, of referring the veto message to a committee whose majority report censured the president for improper use of the veto. Against this report Tyler protested, but, as he had voted against the reception of Jackson's protest in the senate in 1834, the house sent him a copy of the senate resolution on that occasion.—See (I.) 12, 13 Benton's *Debates of Congress;* 2 von Holst's *United States*, 68; 4 Webster's *Works*, 103–147; 1 Benton's *Thirty Years' View*, 423, 717–730; and authorities under DEPOSITS, REMOVALS OF; (II.) 14 Benton's *Debates of Congress*, 505–529; 2 von Holst's *United States*, 458; 2 Benton's *Thirty Years' View*, 413–417; and authorities under BANK CONTROVERSIES, IV.

ALEXANDER JOHNSTON.

CENSUS. Census taking, or the counting of the population of a country, has been practiced from time immemorial. The Bible makes mention of it, but not always approvingly. The oriental nations still retain their prejudices against the taking of a census, which is so necessary in every state. It is fortunate that Christian countries do not share these prejudices; for there are many cases in which it is indispensable to know the number of the population.—The operation is not, however, so easy as one might believe. Various systems have been tried, and agreement among specialists in the matter is of only recent date. Formerly the custom was to count *the legal population*, that is, inhabitants with a domicile, and who were present, or only temporarily absent, when the census was taken. Now the census gives the *actual population.*—The actual population is that which is found in each locality, at a given time, whether it be "resident" or "floating." An inhabitant of Bordeaux or Lille, sojourning in Paris at the time of the census, would, under the old system in France, be numbered among the inhabitants of Bordeaux or Lille, and under the new system, among the floating population of Paris (as a traveler).—In order to ascertain the actual population the census must be taken throughout the entire extent of a country on the same day (or same night). For this reason, before the day indicated for the taking of the census, the government sends to all the householders blanks which they are required to fill. This is the method adopted in England, and we think it may be recommended. We would not even hesitate to establish by law, as that country does, a penalty against such as refuse to furnish the desired information, or who give it in an incorrect manner. In Germany they have tried to substitute individual blanks for family ones, but we do not know whether the experiment has been successful.—In some countries, in France for example, the taking of the census lasts several weeks, because the census-takers go from house to house. This method admits of more errors, and especially of more repetitions than the other. The traveler may be counted in two places in the same census.—In many countries the census includes, beside the inhabitants, an enumeration of the cattle, houses, and factories, and the government also avails itself of this circumstance to collect other information. MAURICE BLOCK.

CENTRALIZATION and DECENTRALIZATION. The contrast between centralization and decentralization is to be found everywhere: in social and political life, in the state and the church, in the municipality and even in the family; in public concerns and in the private affairs of large and small benevolent and educational institutions as well as of industrial establishments. Everywhere we find the relation of head and members, of centre and circumference, either stamped upon the original organism or formed by man; everywhere we find the task of properly understanding and regulating this relation, of distributing in proper measure the power of the centre and the independence of the circumference —the question of centralization and decentralization.—When political centralization is spoken of, it must not be forgotten that the expression is only approximately correct; that it implies an imperfect comparison, which may lead to erroneous conclusions. It reminds us too strongly of the construction of a machine the different parts of which mechanically obey the central power without any capacity for self-determination. To the different members of the state organism there belongs, however, by virtue of natural necessity—although in intimate connection with the life of the centre—a sphere of free and independent action.—The idea of political centralization admits of a strict or broad interpretation. When we compare the state of the middle ages with the modern state, the characteristic difference between them becomes apparent at once, the latter giving a

wider scope to its action and consequently bringing a larger part of public life under its control than the former brought. While the care for instruction and for the support of the poor devolved formerly chiefly upon the church, the care for security and means of communication upon the municipality, and that for the administration of justice in a great measure upon the *patrimonial* tribunals in every part of Europe, the modern state has drawn these and other matters either entirely or partially into the sphere of its activity. Even at the present day this process is not finished, and the problem is not yet solved, how far the centralization of public life in the state should be extended. The problem embraces, at the same time, the question of separation of those things which should be subjected only to state supervision, from those which come within the immediate sphere of action of the state power. Within the wider or narrower limit which the state puts to its sphere of action, the question of centralization again arises. Should legislation be reserved entirely to the central state power, or be partly transferred to provincial and district legislative organs? Should it be placed entirely in the hands of the head of the state, or be made dependent upon the co-operation of the representatives of the people? Should the law give expression to the variety of interests in the state, as well as to the unity of the state? Should the administrative offices of secondary or subordinate rank be simply the tools of the centre, or be invested with relative independence? Should the people take a part in the business of government, or is all the business of administration of affairs of state to be concentrated in government offices? After the centralization of public life in the state, therefore, the centralization of the life of the state in the head of the state and in *offices* is a subject for reflection. —The contrast between political centralization and decentralization is not confined to the constitution of the state which is a unit; it is also apparent in the laws regulating the union of a number of federated states On the other hand, it is met with within the unit-state in the wider and narrower circles of district and municipal constitutions. There does not exist, for the proper measure of centralization, any general rule equally well adapted to all states and to all times.—The members of the political organism do not show the same aptitude and the same desire for an independent expression of their life, in different nations and at different times. The French surrender themselves, more than do the Germans, to the whole. Their nature, more than the German, seems to be able to bear strict centralization and to require it. In states where the people belong to *one race* or have become melted into one in course of time, there is less necessity to individualize the legislation and the administration than in states that have either been recently formed or which are composed of essentially different elements. In Spain the independence of municipal constitutions is of greater importance than in France; Joseph II. utterly failed in the attempt to adapt the same political system to Germans, Italians, Belgians, Bohemians and Hungarians. It is true that the peculiar nature of the state in his case imperatively demanded that every existing element of unity should be carefully nurtured from a strong centre; the holding together of nationalities striving for political disruption consists in the art of taking into consideration the peculiarity of their nature and of letting them fully experience the economical and political advantages arising from union with a large and powerful state. During any serious crisis, particularly in the event of a war for external independence, the necessity of centralization is much stronger than in times of peace. It here becomes imperative to increase the concentration of all available forces, thereby securing the power of the state against any impediment that might be created by the obstinacy of external force. In moments of the greatest danger centralization goes so far as to reach dictatorship.—I. *Centralization of Legislation.* Under this head we have to consider, in the first place, the organization of legislative bodies; and next, the extent and the nature of their action. Correctly to represent the political and legal ideas prevalent among the people, their ideas of the state and of right must either be framed with the co-operation of the people themselves, or emanate from a personage of towering ability in whom their consciousness of law and right is concentrated. As the appearance of such individuals can not be counted on, the constitutional system in monarchical states has provided that laws shall be framed with the co-operation of the people. The representation of the people in the work of legislation can not keep the defects of the national character and the errors of the times from finding expression in the laws, but it can keep the errors and whims of single individuals from leaving their imprint on them. When properly regulated, the participation of the people in legislation not only guarantees the harmony of the law with the spirit of the people, at least in that which is fundamental, but also that the resources of the country shall not be employed to excess for state objects and that the wants of the different parts of the country and of the different classes of the entire people shall be recognized more certainly, duly appreciated, and properly attended to. There is no compensation for such guarantees when the central power has recourse to the advice of officials or boards (*Behörden*) which only too often are the mere reflection of the thought of the central powers, and of both its good qualities and its defects. The greatest although not insuperable difficulty in constitutional legislation lies in the danger, that in the multiplicity of elements at work the unit thought may be lost. This danger, it is true, is present to a less degree when legislation is in the hands of the head of the state, but even there it may be produced by rival influences. —If the centralization of the legislative power is properly modified, the sphere of action of that

power should not be extended further than is required by a centralized legislation. Both in legislation and administration the principle holds good, to assign to each its centre in the circle of those who are immediately concerned in its result, but to secure also to the more distant circles interested in it the possibility of affecting its action; the state does not meddle with legislation on subjects that are not of a state or political nature, and confines itself to the most general direction and supervision of those concerns which interest it only in a secondary degree. The defect in mediæval decentralization did not lie in the fact that the state left to each interest the care for its own concerns, but that it drew too narrow a limit to *its own* action, excluding much that concerned it very particularly or was intimately connected with its own interests.—On the other hand, it is acknowledged, in principle at least, that civil legislation should not interfere with the free action of those who share in it; also that criminal legislation (although central in quite another sense), should leave room for the judge's estimate of the individual case, and that so-called administrative legislation can not commit a greater blunder than when, by disregarding the variety of economical conditions, intellectual culture and civilization, it takes as its starting point the fiction of an average state which exists nowhere, or which imposes the conditions of one part of the country upon all others.—Nevertheless, this latter kind of faulty centralization is often found in modern laws, sometimes as the result of a false principle and again as a consequence of overhaste or superficiality. A sufficient protection against such errors is not afforded even by a representative constitution; it can only be secured through the preliminary discussion of the law at provincial and district meetings, by chambers of commerce, by conventions of business men, etc., in fact, particularly by the proper organs of the classes most interested in and most familiar with the subject. In other cases, in connection with these measures, the examination of experts or other competent persons by a committee of the legislative body may prove beneficial.—We have been considering the decentralization of legislation from two essentially different points; in the first place, as the recognition of an autonomy which the state can not refuse without exceeding the limits of its powers and its rights; then as a matter of expediency, which may indeed be overlooked without violation of the law, but not without injury to the state. In the first place, the state power is called upon not to extend its sphere of action to matters foreign to it, and in the second, not to pass laws regulating any subject in its own sphere of action without the concurrence of those possessed of the most perfect knowledge of it and directly interested in the result —The recognition of autonomy above spoken of should find a place in the affairs relating to the church, to communities, institutions, associations, but not in the sense that state legislation could ignore them altogether. Even with regard to the church, which is allowed full independence within its own province, it behooves the power of the state to protect its own sphere from encroachment, and to regulate the extent and the conditions of its grants to the church and which the church expects from it.—The state has more to do with the organization of other associations and corporations, especially of municipalities; but here, also, a state legislation, properly limited, acknowledges the principle of *autonomy*, and all legislative provisions are preceded by the question, not *how* the subject is to be regulated, but whether it can be regulated by the state at all. —II. *Centralization of the Administration.* The contrast between state legislation and autonomy corresponds with the contrast between administration by officials and self-government. In both cases a line must be drawn between the right of independent action in matters which lie outside the jurisdiction of the state and the institutions called upon to co-operate in state affairs.—The right of independent action belongs to churches, municipalities, and to all corporations which have neither been created by the state nor for it, not only in administration but also in legislation. These independent bodies possess the prerogative to be ruled according to their own conception of their mission, by authorities they themselves appoint and who are responsible to them. Only their independence is not absolute, and in so far as it behooves the state to interfere in their autonomy with its legislation, it has to superintend and define their administration through its authorities. —The participation of citizens in the affairs of the state is called *self-administration* in a wider sense, and appears chiefly under two forms: first, when public offices are held as *honorary positions* by citizens who do not devote themselves to a public career with the view of earning a livelihood; secondly, when a committee of citizens is placed side by side with the administrative state power, with the right to make proposals, express opinions and interpose a veto.—A state which excludes autonomy and self-administration, or limits them to a fictitious existence, deprives itself of a great power. It extends its task beyond its natural limits, while it, at the same time, diminishes its capacity to perform that task even within its natural limits. The state, like any other society, reaches its ends all the more completely, the better its members understand them, and possess the strength and inclination to fulfill them. This political education of the people, which made Rome great in antiquity and England in modern times, and the want of which has made Germany small, can only be attained through the participation of the many in public life. This political education alone overcomes the spirit of egoism, which knows no interest but personal advantage; makes no sacrifice for the general weal unless compelled; and which, where the state is concerned, does not shrink from acting in a manner considered immoral in private life, and

remains a passive spectator during the perturbation of the order of the state until the danger has entered into the narrower circle of private interests. As the feeling for the common weal, so is also the capacity to serve it, a natural consequence of that political education which is acquired and practiced in the management of the affairs of the municipality, of corporations, associations and in the honorary offices in state administration. The constitutional state can least of all dispense with it, an institution requiring the people, through its representatives, to take a part in the highest work of legislation, will prove a failure rather than a success if these representatives are not returned by politically educated electors. Autonomy and self-administration in the electors are necessary conditions to the sharing of the people in the functions of the central power; and for the prosperity of the constitutional system. On the other hand, the constitutional system itself serves as a means of political education, exercising a beneficial influence upon the narrow circles of public life, and so they mutually condition each other —The objection has been raised against the principle of self-administration, that this liberty can not be granted to a people deprived of public spirit and sunk in individual interest, without endangering the treasure intrusted to them. That thus consciously or unconsciously the constitutional system is rejected, is evident from what has preceded. This objection would be well founded if the officers of government were chosen from a race endowed with higher political capacity, and not from the same nation as the governed. But the state takes its servants from the same people subject to the same imperfections. What they acquire in training for service and in the administration of their office, is scientific knowledge and refinement of manner, not public spirit. This highest qualification will be wanting in the civil service class, unless it has come to them as an inheritance, and unless kept alive in them by the public spirit of the whole people. The office accepted by the citizen as a duty of honor, without remuneration, is a school for political virtue and constant self-denial; but to the paid servant of the state the same office is merely a livelihood. A higher conception of his calling he acquires not by the possession of the office, but from the spirit of the community at large and from a supreme state direction in harmony with it. History confirms this; the lower a people had sunk, the more did official calling degenerate into bureaucracy.—The administration of foreign affairs in which the state as a unit has to do with another state, should be concentrated entirely in the hands of the supreme power, but without prejudice to the granting of extraordinary powers in critical moments, on the one hand, and to regular intercourse with neighboring states on the other. —Military affairs require a complete unity of administration, frequently reaching even to the smallest details. In war, when military operations are conducted far away from the centre of the state, the commander-in-chief should be invested with extensive powers so as to act any moment as the moment demands. The evil consequences of a disregard of this principle are abundantly shown in the German and more particularly in the Austrian annals of war. Of the affairs concerning the internal administration of the state, those referring to the state budget are the most adapted to a centralized treatment; they are managed by paid officials according to prescriptions frequently reaching down to the smallest details given by the supreme authority. This refers particularly to taxes and customs dues.—Centralized administration is required also in the case of the police. The object of the police institution can often be attained only when the measures taken by the central or provincial authorities are speedily and uniformly carried out in all parts of the country. On the other hand, under pressing emergencies, even subordinate officials may find themselves compelled to act without delay according to their own view of the case.—The administration of justice comes within the principle of centralization to some extent.—Proper centralization has nothing in common with the ideas of absolutism, of state omnipotence and bureaucracy. "In unity, in the irresistible power of the whole, lies all that is great in the moral world. Centralization is in no way opposed to liberty; only the man is free who lives in the whole and in whom the whole lives. Nothing makes man more impotent, less free and weaker than isolation, extreme division and anarchy." (C. Rössler, *Allgemeine Staatslehre*, v. i., p. 347.)—But proper decentralization has just as little in common with the ideas of radicalism, state impotence and anarchy. It keeps the power of the state together by preventing it from forcing itself into circles foreign to its calling. It secures to it the good will of capable men who wish to devote themselves to the state, but not to be absorbed by it. It grants every part its individual value, each office a competent sphere of action, and each existing force its freedom of movement —Proper decentralization grants every part the liberty to really *live* within the whole; and to the whole the power which is secured by a healthy development of all parts.—BIBLIOGRAPHY. Some of the above questions have been treated in von Bülau's *Die Behörden in Staat und Gemeinde*, Leipsig, 1836. For France, see de Tocqueville, *L'ancien régime et la révolution*, Paris, 1856; von Mohl, *Geschichte und Literatur der Staatswissenschaften* v. iii., p. 193, etc. For England, see Gneist, *Englisches Verwaltungsrecht*, 2 vols., 2nd ed., 1867; *Englische Kommunalverfassung*, 2nd ed., 1863.[1] K. BRATER.

[1] We here add an extract from M. Coquelin on Centralization in the *Dictionnaire de l'économie politique*: "We think A. de Tocqueville entirely correct when in his work 'Democracy in America,' he expresses himself as follows: 'Centralization is a word very often repeated in our days, although, generally speaking, no one ever tries to define its meaning. Certain interests are common to all component parts of the nation, such as the framing of general laws and the relation of the nation to foreign nations.

CEREMONIAL, International. By ceremony we here understand the aggregate of prescriptions of form which regulate intercourse in select circles of society. International ceremonial is therefore the collection of formal rules to be used in intercourse between the representatives of states.—Since certain forms are indispensable in all intercourse of any importance; since, further, all intercourse in its inception finds difficulty in overcoming the vanity and self-exultation of those who are concerned in it, it is natural that we should find ceremonial precepts and

There are interests, on the other hand, which belong especially to certain parts of the nation, as for instance, municipal enterprises. The concentration in a place and in one and the same hand of the power to direct the former interests, constitutes what we may call governmental centralization. And by concentrating in the same manner the power to manage the latter we have administrative centralization. But there are cases in which these two kinds of centralization are confounded with one another. Still by taking, in the aggregate, the objects which belong more especially in the domain of each of them, we are able to distinguish them easily. It is evident that governmental centralization acquires immense power when it is combined with administrative centralization. Thus people are accustomed to completely and continuously leave their will out of consideration; they are made to obey not only once and upon a given point, but in everything and every day. Not only does such centralization subdue them by force; it isolates them and then takes hold of them one by one in the great mass. These two kinds of centralization mutually aid each other; the one draws the other after it; but we do not think that they are inseparable. Under Louis XIV. France witnessed the greatest governmental centralization imaginable, for the one man who framed general laws and had the power to interpret them, represented France abroad and acted in her name. 'I am the state,' he used to say, and he was right And yet, under Louis XIV. there was much less administrative centralization than in our days in France. We have in our time a country, England, where governmental centralization has attained a very high degree; the state there seems to move like one man; it raises immense masses at its will, and the effects of its power are everywhere felt England, which has accomplished great things during the last 50 years, has no administrative centralization. For our part we can not conceive how a nation could exist, much less prosper, without a strong governmental centralization. But we think that administrative centralization only enervates the people who submit to it, because it ever tends to diminish their public spirit. Administrative centralization succeeds, it is true, in bringing together all the forces the nation can dispose of, at a given time and in a given place; but it is prejudicial to the reproduction of these forces; it makes the nation triumph on the day of battle, but it diminishes her power in the long run Administrative centralization can, therefore, very well contribute to the greatness of one man, but never to the durable prosperity of a nation. It must not be overlooked that in saying that a state can not act because wanting in centralization, we almost always unconsciously have in view governmental centralization. The German empire, it may be argued, has never been able to draw all the advantage possible from its forces; and why not? Because the national power has never been centralized; because the state could never enforce obedience to its general laws; because the several component parts of this great body always had the right or the possibility to refuse their co-operation to the depositaries of the general authority even in questions which interested all citizens alike; in other words, because there was no governmental centralization. These same remarks apply to the middle ages also. All the misery of feudal society was brought about because the power not only of administering but also of governing was divided among a thousand hands and split up in a thousand ways. The entire absence of governmental centralization prevented at that time the nations of Europe from striving with energy toward any goal.'—Consequently it is true that there exists a political and an administrative centralization. The former—the only one which really affects the unity and power of the state—has, to our knowledge, never been seriously attacked. It is, therefore, an error, when, in defending the cause of French centralization, people incessantly invoke the great, the supreme argument of the unity and the power of the state—an argument which has such ascendency over unthinking minds. The unity and the power of the state have nothing to do with the question. As long as the state is invested with the general attributes of public authority; as long as it makes laws and appoints judges; as long as it holds in its hands the entire public force and directs its movements; as long as it can levy the taxes necessary for its support and collect them by its own agents; as long as the central government enjoys these essential prerogatives and some others besides which are attached to them, the unity of the state will be guarded and its power of concentration will be as great as it can be. But it does not follow, therefrom, that this government should interfere incessantly in the particular affairs of provinces, counties and cities; and still less should the state usurp the natural right of citizens whom it should confine itself to protecting. All the arguments advanced on the subject are therefore good to defend political centralization which nobody attacks; but they have no value whatever when advanced in defense of administrative central zation which alone is in question.—And says Ch. Dunoyer, in his *De la liberte du travail:* 'The apologists of the system we reject, hold the following language: It lies in the nature of centralization, they say, to produce a stronger government, a stronger nation, a more highly developed civilization, and, above all, a more general and a more equal development, a more complete and better organized system of roads, canals and all other means of communication; a greater unity in all the means of exchange, in language, in money, in weights and measures; more uniformity in the ways of manufacturing, of clothing, lodging, and of doing a multitude of things; more equality of feeling and thinking. * * * * In one word, the system has the pretension to render the government better organized for the mission of order and peace it has to accomplish, to make it better fit to develop social forces and more apt to give rapidity and unity to this development. I do not think much penetration is needed to perceive that the system succeeds but poorly in bringing forth such results and that in many respects the results are negative.'—More uniformity in the way of feeling and thinking! But what if everybody complains—unfortunately not without reason—of the anarchy of ideas nowadays reigning in France. More equality or uniformity in the manner of manufacturing, of dressing, of lodging' But this uniformity which is desirable only in a certain sense and in a certain measure, exists to a greater extent in England, the country of municipal institutions, than in centralistic France. As to the unity of the monetary system, of weights and measures, which is a good thing in many respects, there is no necessity, in order to establish it, to deprive local authorities or individuals of the right of managing their special interests as they deem best. With respect to the uniformity of language, it is worthy of note that all the efforts of an exaggerated centralization have not succeeded in bringing it about in France, while it exists, although it may seem incredible, in the United States, the most decentralized country of the world, and among the heterogeneous population which has only recently come to the country from the extremities of the globe. If it becomes a question of the power of concentration to be given to France, and with right, for the maintenance of her political power, we may say that this political power does not result from administrative centralization, but from political centralization, which, in our opinion, should be kept intact. All the rights, all the attributes, all the prerogatives relating not only to the defense of the country but also to the general affairs of the state, must be reserved for the central government. We thus understand the question. So much is necessary, but it is sufficient But to these natural, legitimate and necessary prerogatives, governments are wont to add others which make them intervene at all times and at

disputes beginning at the period when European states came into more frequent contact with one another. At that period (the sixteenth century), Spain stood at the summit of her power. This explains why the Spanish ceremonial was enabled to make its way first to France and thence over the whole continent of Europe. The infinitely rigid forms of this ceremonial (see *Leti Cæremoniale-historico-politicum*, Amsterdam, 1685,) was in keeping with the exclusive rule of dynastic interests and the low degree of culture in that age.—We remark in the eighteenth century a decrease in the stiffness of ceremonial forms and in the number of ceremonial disputes. An abrupt change was brought about in this direction by the French revolution, whose diplomates and generals purposely showed their contempt for the ancient court ceremonial. After the imperial throne of Napoleon was estab ished all this was changed. The congress of Vienna effected a restoration of ceremonial. In this case, of course, the restoration was in accordance with the spirit of modern times. It was felt to be the task of ceremonial not to render intercourse between political representatives more difficult, but to facilitate it. Efforts were made to simplify it; and this tendency has happily continued to grow.—There are different kinds of ceremonial according to the manner in which, and the difference of place at which, the representatives of several states meet. If the intercourse is personal and oral it is carried on according to the rules of court or diplomatic ceremonial, whether diplomates or diplomates and sovereigns are present. Court and diplomatic ceremonial are designated by the common name etiquette.—Chancellery ceremonial gives the necessary rules for written communications between the representatives of states.—Lastly, ships have long been considered as floating portions of territory, and both their meetings on the high sea, and their entering or leaving foreign maritime districts have been considered as the meeting between different state powers, and rules for salutation have been established. The collection of these rules is called *sea-ceremonial*.—Space forbids us to enter into detail concerning these different ceremonials. We content ourselves with citing a few chief points. It is first to be remarked with regard to court ceremonial that sovereigns to whom kingly honors are due treat one another on a complete footing of equality. According to general usage the host yields precedence to his guest; grand dukes do the same when they meet emperors or kings. As to states to which royal honors are not due, at least everything is to be avoided which might be interpreted as want of respect for their sovereignty. That their representative, however, must give precedence to those of first class states, is self-evident.—Those questions of diplomatic ceremonial which had previously given occasion to most disputes were settled by the protocol of the congress of Vienna signed March 19, 1819. This protocol established a classification of representatives and the order of their rank. Precedence in each class was to be regulated according to priority of credentials. In signing treaties the names were to be alternate or the country was to decide. (See AGENT, DIPLOMATIC.) At present the alphabetical order is usually resorted to, by taking the initial letter of the names which the countries bear in the French language. In personal intercourse diplomates often free themselves from the formalities of ceremony by the so-called *pêlemêle*.—Chancellery ceremonial has become remarkably simple. Official letters to a sovereign with the so-called *great* or *middle* title, are scarcely seen. The *small* title, limited to a description of the chief dignity of the sovereign, is considered sufficient.—The diplomatic intercourse of states is carried on mostly by *dépêches communiquées*, that is, through dispatches which the minister of foreign affairs sends to his ambassadors who read them to the minister of foreign affairs of the state to which they are accredited.—In autograph letters between sovereigns of royal rank, the title brother is so usual that Napoleon III. considered the refusal of it on the part of the emperor Nicholas as an offense.—In *sea-ceremonial*, the principle has been long in force that the ship which enters foreign waters must salute first. Formerly the great truth was not understood that the high sea could not be subjected to the rule of any state. England claimed dominion over certain parts of the high sea, and demanded in them the first and a humiliating salute from foreign flags, which gave occasion to the bitterest disputes and even to war. This pretension is at present extinguished. The obligation to give the first salute after entering foreign waters is as generally recognized as that on the high sea ships of various nationalities can not require salutes of each other. Flag salutes on the part of war vessels are no longer customary. Cannon only are used in salutes.—Though on the high sea a salute can no longer be demanded, it is generally given on both sides from reasons of politeness. It is the general rule that the first salute is given in the following cases: by merchantmen to ships of war; by a war ship having on board an officer of inferior rank to one with an officer of higher rank; by single war ships to squadrons, etc. Compare on this question, the queen's (of England) regulations, and the admiralty instructions for the government of her majesty's naval services, (1861); further, the United States navy regulations, etc.—In reviewing the precepts of the existing international ceremonial, we call special attention to two points: The ceremonial of the present loses its personal character more and

the wrong time in the private affairs of provinces, of communalities and of individuals. Far from adding to their original power, governments thus embarrass, enervate and enfeeble themselves."—What is here said of administrative centralization may with great force be applied to the government of the several states of the Union, but with greater force what is said of political administration to the power which should be lodged in the federal government of the United States. ED.

more, that is, its rules are considered less with reference to the single sovereign, diplomate or naval officer, than to the nation which is represented by either of them. Besides, the correct view is becoming more widely accepted, that the rules of ceremony and the claims arising from them, are rules and claims not of right but of manners. This sentence expresses our view of the future significance of ceremonial in the intercourse of nations Ceremonial will retain in the future, also, its significance for the representatives of states, just as the rules of politeness are of high value in the intercourse between cultured men, but its precepts will disappear more and more from international law.—BIBLIOGRAPHY. Bluntschli, *Modernes Völkerrecht*, § 171, note, §§ 188, 189; Heffter, *Völkerrecht*, § 193 ff., 218 ff.; Martens' *Guide diplomatique*, 5th ed. by Geffcken, I., pp. 122 ff., 196 ff., 207 ff.; II., pp. 10 ff., 113 ff. 320 ff. STRAUCH.

CHAMBER OF COMMERCE. Mr. M'Culloch, the English economist, thus defines a chamber of commerce: "An assembly of merchants and traders where affairs relating to trade are treated of," and Bouvier in his "Law Dictionary" as follows: "A society of the principal merchants and traders who meet to promote the general commerce of the place." There are several establishments of this kind in France. In the United States, the term, "Chamber of Commerce," or "Board of Trade," is frequently applied to an institution which would be more appropriately called "Exchange" or "'Change." The economic utility of these institutions will be treated of in the article EXCHANGE, which see. E. D.

CHARGÉ D'AFFAIRES. (See AGENT, DIPLOMATIC.)

CHARITY, Private. Economists reject public or state charity as producing incomparably more evil than good. This has sufficed to bring upon their doctrines the accusation of extolling egoism, of stifling feelings of charity, of undervaluing generosity and devotion. Happily these accusations are as stupid as they are odious, a fact which may be shown without difficulty.—We shall first examine the arguments put forward by the two most eminent defenders of public charity, Lamartine and Thiers. Says Lamartine, in his *Le Conseiller du Peuple:* "Are fraternity and charity virtues? They are. Then society itself ought to exercise these two virtues; society should not, as is pretended by economists, *who have no religion but arithmetic,* free itself from these great duties and let misery and death take their course." Thiers, in his report to the French legislative assembly on public assistance, brings up the same considerations: "If the individual has virtues, can not society have them too? To our thinking, the answer is not doubtful. We must not look upon the state as a cold, senseless, heartless being. The collection of members composing the nation, as they may be intelligent, courageous, polished, may be humane, charitable, as well as individuals themselves."—What is society? If it be the collection of members composing the nation, it is clear that this collection will unite in themselves the total of all the virtues possessed by each one of the individuals composing it. If it is wished to personify the collection, and to make of it that creature of the mind called society or the state, it is absurd to attribute to this being which has no existence, an action independent of that of all the members composing the nation. If, however, we understand by society or the state the government, the question is changed altogether; and we must no longer ask whether charity being a virtue in the individual, is not equally a virtue in society, but whether it is proper, moral and advantageous to have charity practiced by the government, or whether it is even possible for the government to practice charity at all We say not. It is very evident that charity and fraternity are virtues only when they are free and spontaneous. State and, therefore, forced, charity is not a virtue, it is a tax. Now, the sacrifice imposed on some in favor of others clearly loses the character of *charity.* The legislator has no merit in the case, for all he has to do is to cast his vote in its favor. The executive power or the tax collector has still less, for, instead of giving, he retains a part of the gift as pay for his services. Neither has the tax payer, since he contributes only in spite of himself. Where can we find here the conditions of charity: *a benevolent inspiration followed by a voluntary sacrifice on the part of him who feels it?* Is not that a strange kind of charity whose acts are performed by the tax gatherer and policeman?—Economists who, according to Lamartine, *have no religion but arithmetic,* have always shown themselves filled with pity for the sufferings of their neighbors, as profound as that which he himself felt; and if we look into the lives of the most illustrious among them, Quesnay, Turgot, Malthus, Smith, J. B. Say, Charles Comte, etc., we shall find a series of acts of noble disinterestedness, of devotion to truth, to justice and the unfortunate classes, worthy to be held up to all men animated by real philanthropy.—Economists are specially occupied with the means of dispensing exact justice to every man, and with diminishing misery by acting on the causes which produce it; but they know that preventive measures will never be enough to eradicate it: that there will always exist in society a great number of individuals absolutely incapable of obtaining for themselves enough to escape from the sufferings brought on by indigence, and whose support can never be assured except through the wealth created by others; that, consequently, feelings of pity, benevolence and charity will always be indispensable; and that too much force and activity can not be given them when there is a question of solacing unmerited misfortune.—But

economists deny that public charity is a means of supporting and developing these sentiments. On the contrary, they are convinced that it tends to weaken them continually, to blot them out, by apparently diminishing the necessity for them, by adding to the suggestions of egoism plausible pretexts against generous impulse. They are convinced that charity practiced by individuals or free associations would be more extensive and powerful in proportion to the decrease of state interference in the collection and distribution of relief; that this interference tends to suppress the principal stimulant to charity and the condition which can best assure its efficacy, by destroying direct relations between the benefactor and the benefited; that by this state interference the individuals assisted are bound to feel grateful only to the law, that is to say, to no one, and that, by making assistance obligatory to those who render it, they naturally dispose those who receive it to look upon it as a right; that thenceforth, relief loses all character of uncertainty or contingency and that the poor classes accustom themselves to count on it, and yield more and more to improvidence, idleness and other vices, productive of misery; that, in this way, public charity engenders more evils than it can cure.—Charity consists in interesting one's self in the misfortunes of others, and in the making of sacrifices to diminish them. When it is freely practiced it can present no danger; the sacrifices are generally proportioned to the resources of those who make them, and no one can count on them positively; they have not the inconvenience of lessening the preventive effects of penalties attached to misconduct and habits generating misery. But if charity is imposed by the law, what shall be its limit? What part of the penalties on improvidence, etc., will be left in force? That will depend on the opinions, the disposition, the caprice of the legislator. Lamartine, for example, wished to bind the state to begin 500 million francs worth of public works. Louis Blanc understood popular fraternity in a wider sense. He wanted all the shops to be taken by the state and put at the disposition of associated workmen. On another occasion, Barbès and Sobrier, "considering that fraternity is not an empty word, and that it ought to manifest itself in acts," wanted a tax of a milliard of francs on capitalists for the benefit of workmen. It is evident that if this principle of fraternity or public assistance be once admitted, its consequences have no assignable limits, and might extend until one-half of the population was despoiled in favor of the other half.—Such are the motives which have caused economists to reject public charity and oppose all measures tending to give it a greater extension than it already has; but far from wishing to weaken the feeling of charity by this action, or restrain charity freely practiced, they claim, on the contrary, that they give it more intensity and breadth, for they contend that the interference of the law, in place of rendering the sources of charity more abundant, tends inevitably to exhaust them. Political economy does not approve of state rule, either in the practice of charity or in the church, or in industry. It maintains and demonstrates that but for the unfortunate claim of governments to direct these different branches of social activity, we should be more charitable, more religious and more industrious.

AMBROISE CLÉMENT.

CHARITY, Public. 1. *Principles and Effects of Public Assistance.* Mutual aid is a precept dictated by the best sentiments of human nature and which the very constitution of society renders necessary.—Misfortune excites our pity. Natural law prescribes to us the duty of relieving it, and religion most imperatively recommends it. Christianity is instinct with a tender affection for those whom it calls "the suffering members of Christ." "Help one another!" Does not this command, without which society is impossible, flow from the divine precept: "Love one another?" Moreover, in a political society founded, on the one hand, on the principle of responsibility which leaves each man to the consequences of his faults and makes misery the punishment of improvidence and vice, and on the other, on the principle of inequality which is indispensable to order and progress, but the effect of which is to permit involuntary wretchedness—a wretchedness which falls, as a burden, inevitably on those possessed of assured and ample means of subsistence—the whole question is, how and in what form that assistance shall be given. Shall it remain purely individual, that is to say, in the hands of individuals acting with their own resources alone, and coming into direct contact with the poverty-stricken? Shall it be the work of voluntary associations, which afford more abundant and more regular aid? Shall it be made a matter of public concern by the county or city, or shall it have for organ that collective being known as the state? It is evident that the science of politics is not less interested in the solution of these questions than political economy and morals. They are questions which involve the power, the wealth and the safety almost of the nation. A faulty distribution of assistance by exhausting the sources of public wealth, and by destroying much productive power, strikes a blow, not seldom serious, at the health and vitality of the entire social body. Too many examples, from the days when assistance was dealt out in Rome to the time of the poor laws of England, bear witness to the truth of this statement. It is therefore of the highest political importance to know what rule is to be followed here in a matter thus delicate and dangerous, in which the least error may lead to cruel suffering. Not to relieve misery, and to relieve it by unwise means, are two lines of conduct equally exposed to engender the hatred which divides classes of men, and gives rise to dark discontent and revolution. We shall therefore endeavor to establish, first of all, as clearly and precisely as we can, the prin-

ciple which governs in this matter of public assistance, a matter so important in itself and so much involved in controversy.—All charity, no matter how sacred its principle, how indispensable its practice, how useful its effects, has its drawbacks. It runs the risk of perpetuating poverty. Men accustom themselves to depend on aid, they cease to labor and be provident. The will grows weak; the mind loses that generous pride which is the very mainspring of moral life and of the industry which is nobly anxious to provide for itself. Here is the danger. There is not an economist who has not called attention to it. Must we conclude, therefore, that charity should be suppressed? That would be a conclusion as barbarous as it is visionary, but a conclusion which we might perhaps be justified in drawing if, by means unknown to the most advanced civilization, the great majority of men were insured against evil chance or an error of calculation. But even on this chimerical hypothesis, charity would be unable to abstain from action. Misfortune even when deserved would not find it indifferent. Charity which takes pity even on crime and vice, would not remain insensible to suffering resulting from a simple want of foresight or some degree of carelessness. The privations of a man who has fallen by his own fault acquire at times such a degree of intensity that society itself could not look on them unmoved and refuse him all help. Policy which is calculating, just as charity is guided by feeling and duty, will always be loath to reduce a human being to despair by leaving him no alternative but theft or suicide. If the help thus given saves from the abyss the person who receives it, both policy and charity will congratulate themselves on the fact. If he does not improve his condition, they try nevertheless to prevent the unfortunate from dying of hunger. But it is imperative to regulate relief in such a way that the culpable improvidence, which it frequently generates, shall be reduced to a minimum. In this lies the difficulty in the way of assistance, and this difficulty becomes manifest to a greater or less extent according to the form it takes. Who would not understand, even if experience had not shown it in so striking a manner, that individual charity could not have precisely the same moral and economic effects as charity organized in vast associations, and that this in turn would be different from the public assistance which takes the name of *state charity?* A policy jealous of the interests of the people, and the future of the state, should therefore examine and compare with the greatest care these three kinds of assistance, as to their principles and their results upon the minds and condition of those who receive them.—The most blameless, the most sacred, the most beautiful of all forms of assistance is the individual charity born of the impulse of the heart and the heroism of devotion, which, looking on the human race as one family, inquires into the sufferings endured by this one or that of its members; and which, not satisfied with throwing down a few pennies under the momentary empire of pity or importunity, goes out to meet the unfortunate, visits him in his abode, and, with delicate discernment adjusts the aid given to the extent of the need, and dresses the wounds of misery with tact and even with tenderness. Charity is admirable where it is voluntary and spontaneous, and where it establishes the mild and powerful bond of attachment and gratitude between him who gives and him who receives. How could hatred and envy find a place in minds brought into close relation by the strongest and deepest feelings of the human heart? The merit of this charity in the eyes of the statesman and philanthropist, is that it is exposed to fewer errors, that it reaches real suffering, that it infuses a kind of modesty into the recipient and places a certain limit to the acceptance and asking of aid. In the case of such charity, there is less risk that the beneficiaries will carry on a shameless traffic in assistance and lose the salutary check of shame.—But whatever economists may say on the matter, isolated charity is not sufficient. too many cases of misery escape its notice. By a tendency common to every powerful and permanent feeling, charity is obliged to have recourse to the power of association. It must be organized in such manner as to increase its resources on the one hand, and on the other to supply aid with a regularity of which individual action, always limited and somewhat capricious, is not capable. Such is the object of charitable associations. They reach misfortune and adapt themselves to its manifold forms with an efficacy which private assistance could never attain. Charitable associations are the means of doing much good. Only it is to be feared that, in assuming an administrative form, these associations may destroy the affectionate relations between the benefactor and the recipient, and that charity may begin to have its pensioners who count upon its aid as upon an assumed income.—The third species of assistance is that represented by the county, municipality or state. It, also, does a good which associations could not always do. It has more wealth at its disposal and is better organized. Such state or municipal charity has an extent and sometimes a grandeur to which that of private associations can rarely aspire. While noting these circumstances, political science should not forget that some of the drawbacks which attach to private charitable associations are much more apparent here and in an almost fatal form. It is no longer with charitable men that the befriended individual has to deal, but with officials. Hence a certain curtness which takes from charity its amiable and tender character, and puts the coldness of official relations in its place. Hence fewer scruples on the part of him who asks relief, and less affection on the part of those who are nothing more than salaried distributors of assistance. The aid funds then become a kind of plunder, the better part of which the most adroit and most audacious strive

to bear away. These are the considerations which have caused economists generally to pass so severe a judgment upon assistance given by the state, a judgment which has caused their science to be accused of pitiless harshness. Such certainly was not their intention when they reproached legal charity with increasing the number of the poor, and creating more misery than it removed. Let us recognize the fact, however, that they have at times condemned state assistance too absolutely. Its legitimateness lies in its necessity. There is suffering of a kind that demands a prompt remedy and immense sacrifices of money or the employment of means which the state alone can command in sufficient quantity. The assistance rendered by the state to the needy is sometimes recommended as an act of justice even or at least of equity. Does the state owe no aid to its servants grown infirm in its service, and who have not attained the age when a pension is their right, or to their widows, or orphans of a tender age? Is it not sometimes equitable, even when the law does not make it an obligation, to accord some indemnity to those whom certain measures of general utility have crippled in their resources? Why should prudence not make it obligatory on the state, no matter what the purely economical objections may be, to help those whose sudden poverty has become a menace and a peril to society? Are there not cases in which humanity itself cries out? What is to be done with the poor in times of commercial depression, whom private charity is powerless to feed and who fall exhausted by the wayside? Let us suppose that fire has destroyed a village, or that an inundation has extended its ravages over a whole country. What can fit the remedy to the evil unless it be public assistance? It is the same with certain diseases, the care of which demands a more regular attendance than that which private charity can afford, and more means than are at the disposal of voluntary associations. Unfortunately aid must also be extended to healthy men. Here, above all, moderation is difficult. It is a matter of experience, which can not be too often recalled, that the slightest regular aid nourishes idleness and generates pauperism. There are brutal natures who would rather content themselves with the most miserable pittance, upon which they might count with certainty, than yield themselves to the least continuous labor. It is to them and to the excess of assistance unmeasured and unenlightened that the sadly significant words of William Stone, an English author, are applicable. The words were spoken of a weaver, a type of this whole class of beneficiaries without heart and without dignity. He was, says Stone, born for nothing, nursed for nothing, reared, taught, clothed for nothing; he learned a trade for nothing, was ill and cured for nothing, married and had children for nothing, who came to the world and lived like their father, for nothing, till their death, then received a shroud, a grave and prayers for nothing.—We do not intend to relate in detail England's experience with the poor tax. It is but too well known that the obligation imposed on the parishes, of finding work for able bodied paupers, of caring for the infirm, for foundlings, and in general for all persons unable to earn their living by labor, acted as a premium paid to improvidence, as an encouragement to laziness, to premature marriages and to the increase of poor families. The reform bill of 1834, called forth partly by the writings of Malthus, while maintaining the principle of legal charity, introduced into the organization intended to realize it, two important modifications, to wit: 1, the obligation of parishes to group themselves into unions, for the levying of the tax, and the distribution of aid, where the higher authorities think proper to so order it; 2, the establishment of workhouses, where all able bodied paupers were obliged to go, under pain of being deprived of all share in the poor tax, and where they are submitted to a régime of restraint and privation with separation of the sexes and of ages. This reform, introduced into English legislation, produced happy results. A saving of $8,000,000 was realized immediately, and $15,000,000 in 1837. Still the poor tax in England recently amounted to nearly $20,000,000. A single house of charity which in 1840 had admitted only 767 homeless poor, received 6,300 in 1846, and 11,674 in 1847. But in spite of the tax the number of beggars increased; in 1847 there were 265,000 depending on other than legal charity.—The situation has improved since then; but is it to the poor tax that we are to attribute the improvement? It must be attributed to causes of well being with which political economy is well acquainted, to the development of industry, the abundance of capital, the increase of wages, and the freedom of trade.—How can we doubt the truth that state assistance when regular, perpetuates pauperism, when it is known that in the 15 years preceding 1856, the number of names inscribed in the charity bureaus of Belgium rose from 400,000 to 1 000,000? Must we see in this increase only the proof of the fact that many paupers were not inscribed in them before? We do not think so. There are communes in western Flanders where the number of paupers is invariable, whatever be the state of labor and the price of provisions. In speaking of the charity bureaus of France, M. Watteville remarks: We see to-day enrolled on the registers the names of the grandsons of paupers admitted to public assistance in 1802, while the sons of these had in 1830 in like manner been put on the list. It is thus that the condition of pauper becomes almost a hereditary profession. Many parishes in England presented this same scandalous spectacle. What do you do? asked a traveler of a tolerably well dressed man who was walking with a cane. "I am a pauper," answered the latter, just as a man would have said he was a sailor, a miner, or a weaver.—One of the consequences most detrimental to

justice and to the wealth of a country which public assistance entails, whether the assistance is given in the form of aid by work or of alms, is that this assistance is levied in part on the fund destined to feed what has been known as the wage fund. Assistance thus becomes a tax imposed on workmen who receive no assistance. It is to them a source of fresh embarrassment. Now add to this the competition of subsidized labor, and the result is that the assistance given to their prejudice tends to force them to have recourse to assistance themselves. There is only a certain amount of work to be disposed of.—What should political science conclude from these views borrowed from observation? That we should endeavor rather to limit than extend legal assistance; that its practice should be such as to detract as little as possible from the moral force of those whom it benefits, and that if possible it should even aid this moral force, which it does when it saves an individual from discouragement, or when it takes the form of instruction given gratuitously to those who are unable to bear its expense. Except in this case it is only a palliative. How can we avoid being struck by the fact that in a time of famine it has not been given to charity to create a single bushel of wheat, to make up the deficit in the harvest? It is to be remarked also, shocking as the proposition may appear at first, that as the wealthy who buy bread for the poor, do not eat a morsel of bread the less on that account themselves, it follows that such bread is taken from the share of the non-assisted poor. We have no idea of denying the benefits of charity because of this. In reality the aided poor being considered the most unfortunate ran the risk of dying of hunger, but well-to-do people took what they gave from their own savings. What does this example and so many others show but that assistance does not increase the resources upon which workmen live? These severe lessons of political economy do not go so far as to do away with assistance, a point which can not be dwelt upon too much. It is proper that this should be kept in mind that there may be no illusion on the subject. The poor man reduced to sad extremity must be assisted, and his life must not be embittered by the sad feeling of his being forsaken. This has been recognized by the economist who passes for the most systematic adversary of public assistance. Let us not forget, says Malthus, speaking of disastrous periods, that humanity and true policy demand imperatively the giving to the poor of all the assistance which the nature of things allows to be given them. It is important to know well what this nature of things is. The state in matters of assistance is bound to conform to certain rules. There is, so to speak, a policy of assistance. What this policy is we shall now point out.—II. *Rights and. Dutics of the State in the Matter of Assistance.* Two extreme opinions have been upheld relative to public assistance. On the one hand, it was denied that the state had the right to perform acts of benevolence, for the reason that it could do so only by taking from some of its members to give to others. Taxes, it is added, are paid back to those who contribute them in the form of moral and material advantages by the state. The tax payer's sacrifice has its compensation. In case of assistance this sacrifice is a pure loss. It is a species of spoliation. On the other hand, it was maintained that assistance is not a charitable duty on the part of the state, but the strict right of the assisted party. We know under what circumstances the famous thesis of the *right to assistance* in France was produced, which had for corollary *the right to labor*—a thesis developed in books and journals at a period when everything was called in question, from the bases of society to the facts of the day —To question the right of the state to assist in a certain measure the classes suffering from poverty is, in our eyes, only an exaggeration of the logic of *laisser faire* and *laisser passer*, a maxim good in itself, but the abuses of which should be avoided. Side by side with the individual and his action, there is a principle with which we must reckon, the principle of solidarity. Society is not a simple juxtaposition of individuals; it is a living organism; and the state which represents it is also to a certain point a moral person, a sort of collective individuality, which society itself intrusts with doing that which it could not do through each of its members standing alone The state does not exceed its rights in performing acts of charity. How could it if, in doing so, it filled not only the rôle of benefactor to those it assisted, but performed also a duty of social prudence, and of preservation in certain cases?—As to the right of the individual to ask public or legal assistance, as a thing rigorously due him, how can we avoid looking on its assertion as one of the grossest errors of the socialist school? What is a right and what does it imply? Every real right brings with it this consequence, that it can not be denied an individual without real oppression. The vindication of this right, when all other means of obtaining the exercise of it have failed, may go so far even as to justify the use of force. Are not the most decided adversaries of revolution constrained to admit that there have been rightful revolutions? Is the pretended right to assistance of such a character? By no means. Can I in truth call myself oppressed, because the government does not take money from tax payers' pockets to meet my wants? Should not all aid be received with gratitude, as something not due? The *right to live* has been invoked as the basis of the *right to assistance.* What is meant by this? Is the right to live one which the state should and can enforce? I have the right to support myself, to breathe, to go and to come; that is to say, no one has the right to take measures or commit acts to hinder me from doing these things; but it is not the duty of the state to procure them for me. Otherwise we should look on the state as a producer

and distributer of wealth, and hence as communistic. I have the right to live, and to live even a hundred years, if I can, was the just answer given the French socialist orators in 1848, but not that others should be charged with my support. The state has fulfilled its task when it insures me the right to live by sheltering my person from violence, when it insures the free exercise of my labor by a good police system, and guarantees me the possession of its fruits. The right to live can not give me any power over the results of other men's labor. To take up arms to obtain assistance, is not the exercise of a right but an act of violence. The man most pressed by hunger who steals a loaf of bread, may have done a deed deserving the judge's pity, no doubt, but he has none the less committed a theft.—The right and the duty of the state in the matter of assistance would seem to be sufficiently well stated in these observations which we have thought it our duty to insist upon in this work, intended to set forth the fundamental principles of all social and political questions. State like individual aid should be free. To force it, is to change the principle of all governments which have liberty, responsibility and property as their foundation. It is to become a spoliator, and a traitor to justice, under pretense of completely realizing the dogma of fraternity.—The state's policy of assistance reduces itself to this rule: to intervene only in cases of real necessity, and when individuals or associations are unable to act as effectually. In this latter case the state should endeavor to lend to assistance the forms which best accord with the principles of personal responsibility, which alone constitute personal dignity and secure the permanent well-being of individuals. It should avoid as much as possible everything which weakens the family spirit. It is not for those who are united by the ties of blood to call on a social providence to discharge their duties for them. If there were some form of assistance which could help the unfortunate individual to recover, and give him strength for the future, the state should adopt it by way of preference. It should also examine whether there are not cases in which wisdom prescribes that it should not act itself, but aid charitable associations in the work of assistance.—III. *Forms of Assistance.* Every age has its share of infirmity and evil, difficult, if not impossible, to avoid. The best division of the means of assistance is that which keeps in view the three ages of man: infancy, maturity and old age. It is the one adopted by M. Thiers, in his general report in the name of the commission of assistance and public provision presented to the French national assembly during the sitting of Jan. 26, 1850.—That infancy recommends itself in too many cases to public assistance, we can not deny. Here there can be no responsibility nor the possibility of self-support. It is true that the family has been created by Providence to come to the assistance of the mental and physical weakness of the child. The whole difficulty here lies in reconciliation of these two principles: the sacred interest of the infant which can not be ignored, neglected nor abandoned, and the family spirit, which we must avoid weakening. There are circumstances in which the family, no matter how well intentioned it may be, is powerless to give the child the help which it needs. Such is, for example, the case of an infant born lacking one of its senses. What can be more admirable than the institutions for deaf-mutes and blind children? Is it in the bosom of the family that the child could learn to supplement the organs which it lacks, by a further development of those which remain to it? The institutions intended for the reception of infancy from the most tender age until the school years, *crèches*, and asylums, are much praised. Their object is to take the place of the mother who can not nurse her new born infant, or is obliged to labor far from her child. It is difficult, however, not to recognize that these philanthropic institutions which have multiplied so rapidly in France, have put some mothers too much at ease with their duties, and the good which they do is not an unmixed one.—The assistance of the state in the case of the child extends to all the conditions of its physical and moral life. Almost all publicists are at one in acknowledging that it should above all afford the child the means of instruction. Assistance given in the form of instruction is the best of all. It has this very commendable character, that it places him who receives it in a condition to dispense with all other assistance. There are other forms of assistance for childhood. Is not the contract of apprenticeship a legitimate object of the care of the legislator? It has been contended that the same is true of the fixing of the hours of labor in factories. Such a regulation, however, does not encroach in the least on the legitimate power either of the father of a family or the manufacturer; neither of whom should be allowed to violate the laws of morality, or to exhaust the strength of the young creature whose guardian the state becomes when its natural guardians fail to do their duty.—It is when we come to people of mature age that the most delicate questions arise. This is the time when man is usually in the full enjoyment of his intellectual faculties and his physical power. If in exceptional circumstances public assistance must come to his aid, it should not be allowed to take the place of his own endeavors and forethought. This is the rock on which so many philanthropic efforts, and more than one administrative measure have been wrecked. Rules established to raise wages in an artificial manner, the forced limitation of working hours, the organization of labor in the *ateliers nationaux*, aid distributed to healthy men without motive or sufficient discrimination, are open to the serious objection of rendering the individual indifferent to his fate, of weakening his energy, and of disturbing labor. Such, for instance was the outcome of an institution really praiseworthy in its charitable intent, that of work-

shops for poor women. These are admitted in a warm building and assured wages in exchange for their labor. What is the result? In one of these workshops in Paris the making of a shirt is as low as twenty-five centimes. At the Salpêtriere it is not more than ten centimes, and the making of twenty pieces of baby linen does not amount to more than one franc and ten centimes. How can free operatives meet such competition? How can the mother who works at home earn enough to feed and bring up her children?—Does this mean that assistance can not be given to mature age without radical drawbacks which cause the evil to outweigh the good? We do not think so. Are not savings banks a striking proof of this useful interference, at least at the inception of aid institutions, if one may give this designation to an institution of credit, which more than any other brings the power of responsibility into play? Societies of mutual assistance give rise to the same reflections. They present the characteristic well worthy of our sympathy, of uniting in the body of the same institution the principle of responsibility which urges to labor, to save, with the solidarity or charity which is the happy corrective of whatever there is narrow and egotistical in personal motives. As to assistance under the form of work in times of crises or lack of employment, it does not present, perhaps, insoluble difficulties. M. Thiers, in France, undertook to show this in his report. Although political economy has in general reproached this remarkable paper with yielding too large a field to assistance, even in theory, it can not, to our thinking, but approve the idea of reserving certain public works for periods of distress and revolution, instead of being too prodigal of them in time of prosperity. Thus, instead of improvising fruitless occupations on the spur of the moment, the state would hold itself ready in such manner as not to be forced to wait in a moment of urgency for plans, estimates and votes in the matter of public works. It would be well to reserve for these general crises which are more or less periodical, the work of building fortified places, digging ditches, putting up walls, laying out certain roads, etc.—There is need also of caring for natural diseases, as well as those of advanced age. This is done in the hospitals and almshouses. These have been often condemned as institutions antagonistic to labor and the family. Here again moderation is necessary. Not all have a family capable of receiving and nursing them. There are diseases of such a nature that the sufferer must be removed for the sake of public health, or which require more continuous or costly care than a poor family can give them. In this case private individual charity could not alone suffice. It is said truly that it is dangerous to suggest to families the idea of getting rid of their members by leaving to others the care which duty exacts of them. From this it has been concluded that home remedies are preferable. But are they always possible? Must we look unmoved on the wretched care given by poor families to their sick members in difficult cases, or the detestable hygienic conditions in which they live? Can doctors go to a hundred places the same day gratuitously? Is there not here something touching and fitted to reconcile the heart of the poor man with society—which he sometimes accuses of harshness—since he receives the care of the best trained and distinguished experts? How can almshouses for the infirm and incurables be condemned? Still it is the almshouses, even those for the aged, which have given rise to the greatest number of well-founded objections. The admission of aged persons in good health seems to present the greatest difficulties. This prospect of the almshouses for the poor classes renders some improvident, and creates culpable callousness in those who should support the head of the family, who has become incapable of hard labor.

HENRI BAUDRILLART.

CHARITY, State. I. *State charity, public charity, official charity,* these are expressions often used the one for the other, although each of them has a very distinct meaning. And so it is with the words poverty, indigence, misery, pauperism, which designate the objects of charity. The language of science has suffered from the confusion prevailing in this respect in everyday language. Let us endeavor to define carefully the sense in which we shall employ these words, so that we may not add to the difficulties already existing those of an ambiguous or variable terminology. Of the first three expressions the widest in meaning is undoubtedly state charity, comprising, as it does, every kind of charity administered by a public authority in the name of the state, of the municipality or any other territorial division, whether by furnishing funds or by organizing or distributing relief.—When the authorities intervene by virtue of laws imposing upon them, more or less explicitly, the duty of helping the poor in general, or certain classes of the poor in particular, this charity we may define as *legal* charity. The intervention of the authorities in so far as the distribution and application of relief is concerned, may be called *official* charity. Legal charity and official charity, where they exist, are comprised under the term public charity; but this latter can exist without either legal or official charity. The state may aid, without being obliged by law to do so, purely private charitable institutions, as for instance, mutual aid societies, etc. When the funds destined for purposes of public charity are obtained by means of taxes levied expressly for that object, such taxes are called the poor tax.—The word *poverty* expresses but a relative idea. The poor are, in all countries, the class subject to the greatest privation. On the other hand, the words indigence and indigent express an absolute idea, viz., that degree of poverty which implies the deprivation of things necessary to existence, and implies consequently the need of charitable assistance.—By *misery* we mean the poverty

which, grown permanent through the permanent causes that engender it, generally produces absolute indigence and manifests itself in the poor by a characteristic number of physical and moral habits. We reserve the word *pauperism* for that kind of misery which, being produced by general causes, constitutes the normal condition of whole classes of individuals.—II. In all nations whose history is known to us, wealth has been unequally distributed, and consequently there have been rich and poor. Poverty is, therefore, a universal fact. This is not the case with indigence, nor misery, and especially not with pauperism. Both historically and in theory, indigence is a product of charity. That a number of families incapable of procuring the means of subsistence strictly necessary to life by their own efforts might exist, it was imperative that a portion of the revenue of the rich should first have been distributed to poor people by public or private charity.—Let us imagine a primitive nation, in which no religious, moral or political motive has awakened the liberality of the rich toward the poor, and in which, consequently, the poor do not rely upon any generosity on the part of the rich or on the part of the ruler who governs them. Indigence in such a country would be dreaded as much as pestilence or any other affliction, since it would be a no less certain cause of suffering and death. Hence all the powers of the poor man would tend to the one end: the preservation of the means of subsistence which he possessed. If his labor no longer suffices to support him, inevitable and speedy destruction threatens him. Feeble or timid, he dies of misery; strong and courageous, he has recourse to theft, to brigandage, and soon meets with a violent death. In any case, his terrible fate is an exceptional fact which strikes with fear all who might possibly meet with a similar one, and which prevents the propagation of the scourge. Under such circumstances indigence can not exist as a social disease and as such attract the attention of the legislator. The western political communities of ancient times were organized in a manner that excluded indigence and misery; the poor in such communities were not isolated and abandoned to themselves; they were grouped around the rich in large numbers, in the family by the bonds of slavery, in the city by those of patron and client. The master had an interest in the preservation of his slaves who constituted his wealth; and the patron had an interest in ensuring the well being of his clients whose numbers and good will were his power in the city. It was only after the bonds which grouped the poor around the rich had been slackened, and an independent plebeian class devoted to trade or to the mechanic arts had by degrees sprung up in the cities, that misery, that is, extreme and permanent poverty, manifested itself; then they obtained from the wealthy, either by selling them their votes or exciting their pity, regular bounties, and this soon raised indigence, followed by mendicity, to the rank of normal facts, of organic and henceforth incurable affections of the social body.—Although the polytheism of the Greeks and the Romans did not make almsgiving a religious duty, private charity, with its abuses, soon introduced itself among them. Plautus, who wrote during the third century before the Christian era, and who only copied the Greek comedians, places in the mouth of one of his personages (*Trinummus*) this entirely Malthusian sentence: *De mendico male meretur qui ei dat quod edet aut quod bibat; nam et illud quod dat perdidit, et illi producit ad vitam miserrimam.*[1]—In the east, on the contrary, religion made charity a positive duty. The sacred books of the Hindoos, the Persians and the Jews went so far as to prescribe the amount of alms the wealthy should give the poor. The Koran, without prescribing a minimum, lays down in several places the religious precepts concerning charity. Thus indigence and mendicity attained in the eastern nations a development against which only the unchangeable organization of theocratic nations was capable of resisting.—Christianity—which is superior to other religions in this, that it makes a religious duty of everything which can inspire love for one's neighbor, but which none the less recommends almsgiving as a chief manifestation of such love, as an essential form and fruit of charity—caused numerous institutions to be established in the Roman empire, destined for the relief of various classes of poor, while the abundant alms distributed by monasteries and the clergy gave to the increase of mendicity an impulse the effects of which are still visible in several countries of modern Europe.—Nevertheless, neither ancient nations nor those of the middle ages were acquainted with pauperism, that form of misery which extends to entire classes of the population and becomes their normal condition, by reason of the causes which favor the increase of wealth and the growth of general prosperity. In former times the poor were grouped around the rich, the working classes around property, in such a manner as to prevent the formation of a proletariat, that is to say, of an independent working class, subject by their very independence to the immediate and constant action of the laws which regulate the distribution of wealth.—Under the successors of Constantine, at a time when indigence was already very widespread, and had, on more than one occasion, called for the interference of the legislator, we find that the laws destined to remedy the evil contained striking proofs of the influence which was still exercised by slavery still present in Roman society at the time of the downfall of the empire, and by the serfdom which tended little by little to replace it. In a constitution, of which Justinian has preserved a fragment, the emperors Gratian, Valentinian and Theodosius proposed to put an end to the abuse of mendicity. Did they intend, in or-

[1] He deserves ill of the mendicant who gives him to eat and to drink; because what is given is thus lost, and it perpetuates his misery.

der to attain this object, to establish workhouses, asylums, home assistance; in one word, to practice public charity? They simply decreed that ablebodied mendicants should be arrested; that if slaves, they should be returned to their masters; and that those who were free should be reduced to slavery. Later, slavery was replaced by servitude in the case of the agricultural poor and by trades corporations and political and religious confraternities in the case of city poor. The poor man who did not find admission into any of these groups, ceased to belong to any class of workmen whatever, and in some sense to society itself. Mendicity or brigandage then became his only resources; and mendicity, practiced on a large scale, as an industry, so to speak, as the only expedient of large numbers of the poor, often assumed the character of brigandage. We have all heard of those organized bands of mendicants, who under different names, appeared in former times, in the large cities in Europe, and went from country to country, carrying with them their vulgar cunning and disgusting manners. But this wretched condition of whole multitudes whom industry had cast away from it, differs essentially from pauperism, which attacks the working classes even in the centres of industry, of the very industry which had attracted them thither.—The dissolution of ancient social groups, the emancipation of agricultural and industrial laborers, alone could give birth to the proletariat and with it to pauperism; but it is only since the commencement of the present century that this scourge has, in some countries, assumed alarming proportions. A system which, by giving every workman the liberty to choose his trade, to change it at will, to offer his labor to whomsoever he pleases and at what price he will, and which leaves him, at the same time, exposed to all the effects of competition and to all the chances of life, good and bad, could not help sooner or later, under the force of certain circumstances, but create, in the general condition of the poorest among the working class of a country or some certain industry, a lamentable crisis, marked by a temporary interruption of the demand for labor or by an exceptional lowering of wages. The advantages of this system to society in general, and also to the laboring classes taken as a body, are immense and incontestable. Often even the immediate cause of partial or temporary crises which produce pauperism are conquests made by industry, absolute progress, the proximate and definitive result of which proves beneficial to the poor working classes and ameliorates their condition. But the suffering inseparable from distress which extends to hundreds, perhaps to thousands, of families, were this distress to last but a few days, is none the less cruel and felt none the less by those who experience it.—Legislators, statesmen and writers have not waited for this last phase of the development of poverty in order to busy themselves, some actively, others theoretically, with the lot of the poorer classes, and to devise means by which to render it more tolerable. Misery and mendicity, these two old and open wounds of the social body, produced by the imprudent, thoughtless or abusive liberality of private charity, have raised grave questions in the solution of which, religion, public peace, humanity and morality are equally interested.—The necessity of a solution of these questions was felt more than ever at the time of the reformation, when the suppression of a great number of monasteries and the secularization of a considerable part of the property of the church had, if not exhausted, at least turned into other channels, the former abundant gifts of private charity, and when a disastrous and prolonged war, in which all the nations of Europe were more or less involved, had destroyed or consumed unproductively the capital accumulated by preceding generations. Hence the most important law that was ever passed for the relief of the poor, dates from the end of the sixteenth century. We refer to the famous statute of queen Elizabeth, which introduced simultaneously into England legal charity, and the poor tax, by imposing on each parish the obligation of relieving its disabled poor and of furnishing its ablebodied poor with work.—After this period no book treating of natural law, public law or political economy has been published in which the question of poverty has not been discussed more or less completely, and there is scarcely one of the numerous solutions proposed which has not been tried by some nation or other. Public charity like poverty has become a universal fact, a social necessity which is no longer a matter of discussion, although many of those who admit it consider it an evil, and do not think themselves bound to tolerate it except within certain limits and under certain forms.—III. A question properly put, is half solved. It is because the questions relating to charity have nearly always been incorrectly put, that they have received so many different or contradictory answers, and that they have appeared insoluble to so many otherwise enlightened minds.—It is not the business of the economist to investigate what should be done by a humane and Christian nation, in which indigence, misery and pauperism are found in any degree, nor to lay down a rule of conduct for the legislators who govern such a nation. Such a question far exceeds the limits of political economy. Many and grave motives perfectly foreign to this science may counterbalance those borrowed from it, and justify laws or measures which are contrary to the principles of political economy. We do not affirm that it is generally or always so; we simply maintain that it does not come within the province of political economy to weigh and judge of motives which are foreign to it, and to decide in what case these motives should prevail.—Poverty in all its forms is an economic phenomenon; a phenomenon of the distribution of social wealth. What are the laws or the general causes governing this phenomenon? These laws once known, what is the effect, on the distribution of social

wealth, of a proposed institution, of a proposed system of assistance or charitable act? Such are the terms in which the questions relative to poverty are formulated in political economy. Political economy can and must be able to say whether such or such a law, such or such a measure, having for its object to remedy indigence, misery or pauperism, under certain given circumstances, will attain its object fully or in part. Its domain reaches thus far and no further.—It is then without any kind of foundation, and because of the strangest confusion of ideas, that political economy has so often been accused of being inhuman, cruel and unmerciful, as if it were responsible for the evils it explains or foresees, for the evils the effects of which it investigates and the causes of which it lays bare. We might with as much reason reproach medical science with seeking and enumerating the disastrous results of certain diseases, certain organic defects, certain accidents to which the poor are particularly exposed. If it should happen that the application of an economic principle became really inhuman and barbarous, the fault would not be with the science but with those who had applied it without discretion, and without having weighed beforehand the considerations or the facts by which the principle should have been modified. And then, where are the principles of our science, at least among those we recognize as true, which do not tend toward the improvement of the condition of men, poor or rich, and notably of the working class? Political economy, our readers will soon be convinced, teaches nothing that can alarm an intelligent philanthropist. Let us begin by searching for the law of the phenomenon.—Indigence, misery, pauperism, the only forms of poverty that can be considered as absolute evils, manifest themselves only in one class of society, in that of the working class, who depend upon their work for a livelihood, because they possess no other source of revenue, or because they possess it in an insufficient measure. Now, in the case of the individuals of this class indigence may result either from their not having worked in proportion to their real or artificial wants, or from the fact that the price of their labor is not sufficient to insure them the necessaries of life. Insufficiency of labor, insufficiency of wages: these are the two causes of indigence, misery and pauperism. —Insufficiency of labor may result from the poor having left their work to satisfy artificial wants, from their misbehavior or from accidents independent of their will. In all of these cases the poor have been wanting in foresight. Knowing what his labor could bring him, and what would be required for the satisfaction of his most indispensable wants, knowing also that human weakness exposed him to infirmities of different kinds, that is to say, to forced interruptions of work, he has not fixed beforehand the quantity of his work and the quantity of his outlay, in accordance with these data, which, in a great part, can be easily and certainly determined.—As to the insufficiency of wages, it results invariably from the competition of the workingmen themselves; in other words, from the too large supply of labor compared with the demand, or with the quantity of disposable productive capital. This excess in the supply of labor may result from the fact that the number has increased more rapidly than productive capital; and then it evidently has as its first cause, the improvidence of the class who depend on their labor for a livelihood, and who ought to have foreseen that by increasing their numbers they would destroy the equilibrium between their income and their wants. The excess may also result, it is true, in a given place or in a given industry, from the fact that a portion of the capital employed has become unproductive, or that it has changed form or destination. For instance, a commercial outlet has been closed; a rival industry has received an unexpected development; the capital, formerly employed in the remuneration of human labor, has been invested in costly machinery. The very increase of wages has a manifest tendency to provoke these different changes in the employment, and consequently in the distribution of capital. But as these changes are nearly always local and temporary, as they do not necessarily involve an absolute diminution in the amount of productive capital employed in the country, and as they frequently have for effect a more rapid accumulation of this same capital, they can plunge only improvident workmen into indigence, workmen who, in their economic life, had not taken any account of future contingencies. Improvidence is, therefore, the first and radical cause of misery and pauperism. Destroy this root—do away with this aggregate of vicious habits, of wrong calculations and thoughtless actions which may be expressed by the word *improvidence*—and you at once do away with all three evils. The duty of foresight, like all duties, needs a sanction, and, in the natural order of things, this sanction is not wanting to it. It is the responsibility weighing upon every family, the concatenation of causes and effects which condemn the improvident workman to suffering in his own person or in the persons of the members of his family; it is misery, the menaces of which are ever sounding in the ears of the needy, and which is always at his heels, ready to make him atone by privation, by physical and moral suffering, for the least idleness, the least vicious habit.—What are the means of weakening this responsibility and of neutralizing the sanction resulting therefrom? They would consist in breaking the chain which connects effects with their causes; in so arranging it that destitution, privation and disease should no longer be to the poor the natural consequences of an insufficiency of work or of an insufficiency of wages. Such, in fact, is the part played by charity, both private and public, when it takes upon itself the task of assisting the indigent and alleviating misery. This is the end toward which all its works

tend, whether it relieves the poor from the care of providing for and educating their children; whether it provides for the wants of those who, either by sickness or old age, have been rendered incapable of working; whether it distributes assistance, under one form or another, to those whose labor can find no market or is insufficiently remunerated. The practice of charity is incompatible with complete responsibility on the part of the poor, that is to say, with the complete sanction of the duty of foresight, and this sanction must exist in direct proportion to the degree of activity displayed by charity and to the extent of its labors. This truth is too evident to be dwelt on longer. Assistance and responsibility are two ideas which mutually exclude each other, the one being implicitly the negation of the other. Can charity replace responsibility in such a manner as to render it superfluous? In other words, can charity by providing for the wants of all the indigent and relieving all misery, relieve the poor of the duty of foresight? It might if indigence were susceptible of assignable limits; if it had a determinable maximum which it could never exceed, and which itself could not exceed the means at the disposal of charity. But it is not so, at least not as a rule. Let 100 represent the actual wants of indigence at a given period and in a given place. If charity provides entirely for the wants of the indigent, the encouragement it gives to improvidence will be felt by the entire class of the non-assisted poor, the unknown number of whom is perhaps a hundred times that of the actually indigent; and therefore improvidence will unceasingly tend to increase as a consequence of the very guarantees given it against the fatal results of its growth. Thus, an amount of assistance equal to 100 will have as its result, beginning with the next year, to increase the amount of wants perhaps to 200, perhaps to 500 or even 1,000, while the ulterior increase will have no assignable limit, so long as the amount of charity is capable of augmenting in proportion.—Still another cause accelerates the increase of indigence. Whatever may be the immediate source of the assistance distributed by charity, it is always levied upon the revenues of the country. Whether the charity takes the form of contributions, or some other form, the assistance given is subtracted from the savings which have been made, and the power of saving and capitalizing has been diminished by so much. Consequently, in proportion as the amount of assistance given increases, it will absorb a greater part of the funds which were destined to replace or to increase the capital consumed in production, of the funds which represent the present and future demand for labor, the support of workmen and of those who will succeed them. Of course we must suppose that charity will first be practiced at the expense of unproductive consumption; and as charity can only substitute for such consumption other unproductive consumption, the condition, on the whole, of non-assisted workmen will not be changed. Whether a portion of our revenue be devoted to the satisfaction of wants of luxury, or used to procure the bare necessaries of life for the poor, it must in any case be exchanged for the products of labor. But it is impossible that charity, gradually extending its work, should not end by reaching the funds destined for reproductive consumption; and then it can not concern itself for the assisted poor, except at the expense of the unassisted; the work or help it provides for some is taken from others; it then reduces to indigence a number equal to that which it relieves.—Such are the laws of political economy governing the subject under discussion. It is easy to deduce from them the solution of the questions connected with this subject.—The general effect of charity is to increase the improvidence of the poor, and consequently to produce indigence, misery and pauperism; to insure the increase in the future of present evils; in fine, to render more and more pernicious, and more incurable the disease of which it partially attenuates the ravages.—How does charity produce this effect? By lessening the individual responsibility of the poor and the sanction resulting therefrom; by engendering in them an expectation contrary to this sanction, contrary to the natural concatenation of causes and effects, that is to say, to the natural course of things.—Thus, the more general and well founded this expectation, the greater will these effects be, since the intensity of a cause is the exact measure of the action of that cause. This principle furnishes us with a criterion for judging, from the strictly economical point of view, the different modes of the practice of charity.—The expectation in question rests either upon declarations or upon presumptions; it is better founded the more explicit the declarations and the stronger the presumptions; and it is all the more general the more such declarations and presumptions are notorious and of a wide application.—No declaration could be more explicit, more notorious, nor wider in its application, than the law imposing upon the state or upon the provinces the formal obligation to assist all the indigent within their limits, thus creating for the poor a positive right to assistance. Legal charity is, therefore, the most vicious of all the modes of assistance, for it is the system which produces the best founded and most general expectation of assistance, especially when it is combined, as in England, with the poor tax, when to the absolute right of the indigent corresponds an unlimited burden to the nation.—At the other extreme we find private charity, less mischievous in so far as it is practiced individually and with the discretion and prudence characteristic of true charity. The expectation of assistance it gives rise to rests merely on a presumption, and this presumption is, of all its kind, the weakest, the least notorious, the least susceptible of extended application: the least strong, since, from the fact that an individual has done an act of charity today, it can not be inferred that he will always

perform charitable acts, nor even that he will do so again, nor that any other person will feel disposed to imitate his example; the least notorious, because private individual charity avoids publicity from interest if not from duty; lastly, the least susceptible of an extended application, because this charity reaches only chosen poor and those belonging to one limited locality.—Between these two opposite extremes may be placed and grouped all the other forms of charity, forms more or less pernicious, according as they approach nearer to legal charity or private charity; they all participate to some extent in the inconveniences which attach to the very principle of charity. We shall limit ourselves to a brief enumeration of the most characteristic of these forms.—Almsgiving begets mendicity, and mendicity in turn begets almsgiving. Almsgiving and mendicity, once they have become a habit, tend to become more and more frequent; the two habits support one another. To prevent almsgiving is an impossibility; to repress mendicity is a little less difficult; but this repression is always costly and it can never become efficacious except with the aid of institutions which approach very near to legal charity. Hospitals and houses of refuge must be established for the sick or infirm poor; work and shelter must be provided for the ablebodied poor, were it only in a house of correction or a prison. Hospitals are commonly considered altogether inoffensive, because they serve as a refuge for a kind of indigence the causes of which do not naturally tend to increase. This is an error. It must not be forgotten that these causes are among the contingencies which stimulate the poor to foresight, and that from the moment these stimulants are neutralized, the number of poor families which fall into indigence through any of the causes connected with insufficiency of labor or insufficiency of wages necessarily increases. The poor man will not become sick voluntarily so as to avail himself of the assistance a hospital affords, but he will make fewer efforts to avert from himself and from the other members of his family these ever imminent calamities, and, as a general rule, he will occupy himself less with providing for contingent future wants.—With respect to the institutions destined to afford labor and shelter to the ablebodied poor, the expectations they engender are all the greater the more completely they provide for the wants of the indigent and the easier the terms are which they impose. These institutions can not, therefore, neutralize this expectation unless they assume a penal character; and the less they have of the penal character the less will the expectation of assistance be neutralized, and consequently the less will the scourge of indigence and misery meet with opposition.—Official charity has always the inconvenience of causing a very strong presumption of assistance, thus creating a general expectation of relief. We may say the same of collective private charity practiced by permanent organized associations.—The principles we have exposed may be easily applied to all other forms of public or private charity.—IV. It may happen—and some such instances are known to us—that all the indigent of a locality may be assisted, and amply too, and yet their number not increase from year to year. We once visited a commune in Switzerland in which there was neither mendicity nor misery. Upon asking whether indigence was wholly unknown in the canton we were shown a large house in which about a hundred persons of both sexes, young and old, were supported in a condition of comfort that would excite the envy of the poor of other countries. Here is the explanation of the phenomenon.—In the country just mentioned each commune being obliged to assist its own poor, mendicants not belonging to it are pitilessly ordered to leave it. The commune in question is one of the richest in the land, and is besides an agricultural one in which property is very widely distributed, so that the middle class comprised all the inhabitants with the exception of some hundred poor, who, thanks to the influence of legal authority, had all fallen into indigence. The plague had stopped there for the last two generations, and although the assisted families had somewhat increased, the fund destined for their maintenance had amply sufficed till then to keep them. We must not be surprised at the fact that the middle class escaped the demoralizing influence of legal charity; this is a general fact, although it would naturally occur on a larger scale among the inhabitants under the circumstances we have described. In all nations advanced in civilization the help of charity implies for the man of the middle class who is its recipient an absolute forfeiture of social position to which death is not seldom preferred. Hence the horror inspired by indigence is not lessened and the stimulant resulting therefrom is not neutralized, in the case of this class, by any charitable institution nor by any hope of assistance however well founded and general we may suppose it. This fact explains how the principle of legal charity could be adopted and practiced in England during more than two centuries without completely ruining the country; it is this fact, too, which establishes that there is an essential difference between the principle of legal charity and that of the *right to labor*. The most rugged nation would not long resist the application of this last principle; and yet the law which would apply it might be framed in about the same terms as the statute of queen Elizabeth.—Legal charity none the less contains a germ whose development sooner or later brings grave dangers to the social body. Under the influence of this principle the number of the indigents constantly increased in England and the *poor tax* had reached the exorbitant sum of $33,957,995 for a population of 13,894,574 inhabitants, which is more than $2.50 a head. There were districts in which misery had reached such proportions that farmers unable to bear the burden of the poor tax gave up their leases; the land did not pay the cost of cultiva-

tion, and the ablebodied population was left without work or wages. The obligation imposed upon parishes to find work for the ablebodied poor and to take care of the infirm, of abandoned children, in fact, of all those who were not in a position to gain a livelihood by their labor, had the effect of a bounty paid to improvidence, and acted as an encouragement to idleness, to early marriage, to the increase of poor families. Such is the substance of the investigation made by order of the British parliament in 1833.—The system of legal charity does not exist in England only. It is found in Sweden, Norway, Denmark, Holland, Belgium, in all the states of Germany, in a great part of Scotland, Switzerland, and the United States. France had kept free from this economic error until 1789; she again abandoned the system in 1814 only to fall into the error again in 1848, the constitution of that year (preamble § vii. and article xiii.) making it a duty of the state to furnish labor to ablebodied indigent people and to assist the indigent sick.—Moreover, the countries where legal charity was not adopted, none the less practiced public charity, and in some of them, notably in France, this was done on a very large scale. What has been the result of public charity in all these cases? Has it put an end to indigence, done away with misery, or remedied pauperism? It has not. On the contrary, everywhere the increase in the number of the indigent has been more rapid, in proportion as charity, private or public, showed itself more generous and active. —Public charity moves in a vicious circle from which it can not possibly escape; it creates an expectation of assistance which it can not satisfy; finally, it tries to render this expectation illusory so as to diminish the burden with which it has rashly loaded itself.—Can it be said that these results are owing to the mode of administration of public charity rather than to the system? These modes of administration have all been tried and they have all had the same result. We refer to the innumerable facts which have been collected in many modern works, especially to a *mémoire* crowned in 1835 by the French academy of moral and political sciences, and which has been since published by its author, M. Naville of Geneva, under the title of *De la charité légale.* M. Naville proves by facts and figures which can not be disputed, that all the modes of practicing public charity, and especially workhouses and agricultural colonies from which such happy results had been anticipated, have been inadequate to remove the plagues of misery and of pauperism. After having partially attained their object, after having been prosperous for some years, the best organized establishments break down, because not able to meet the very demands to which they give rise. Hospitals, poorhouses, workhouses and generally all charitable institutions intended for a special class of indigents only, or which have not been established to help the poor indiscriminately, may exist and in fact do exist, much longer; we know of some centuries old; but their duration is owing to the fact that the assistance they afforded was limited and consequently incomplete and insufficient. With them, and even side by side with them, are found deep-rooted misery and indigence, a misery and an indigence more widespread probably than they would have been had these charitable institutions not been established. Besides, if by availing themselves of public charity, the poor do not altogether forfeit all right to social consideration, their feeling of honor is lost, because public charity has a humiliating effect. Now what is the difference between refusing relief altogether and giving it in a manner that renders it unacceptable?—Thus the facts which at first sight seem to contradict our theory are explained by it and confirm it. Not a single case has come under our observation which does not corroborate our statements. From the moment that public charity becomes regular and notorious it becomes injurious, not only to society as a whole but to the poor in particular; injurious to those it assists and to those it does not assist; injurious both morally and physically; injurious even in proportion to the liberality of its intentions and to the means it employs. If public charity were not condemned by political economy, it should be condemned by philanthropy.—V. The ideas we have here developed are the same as those of the majority of English and Scotch economists of any reputation who have either written general treatises on political economy or who have devoted special attention to the subject under discussion. Adam Smith, Ricardo, Malthus, Chalmers, Mac Farland, Townsend, and several other authors not so well known, have demonstrated (or have expressly laid it down as already demonstrated) that the tendency of state charity is to increase indigence, misery and pauperism because of its influence on the moral character of the poor.—On the continent of Europe the subject has never been looked at from a proper standpoint. It has been made a question of morals or of politics, we might almost say of theology; the *duty* of society to the poor has been the sole thought of writers, as if before discovering what society *should do* it were not necessary to see what it *can do!*—German and Italian economists do not concern themselves with legal charity except to point out the best means to promote the practice of such charity by the state, as an end; they do not even think of denying the propriety and absolute legitimateness of public charity; whereas it is precisely in its end that charity sins, and because of its end that it must be condemned.—Have French economists better understood and better treated the question? J. B. Say, in his *Cours complet*, scarcely devotes ten pages to it. And this lucid writer does not see in the result of English legislation on the subject of the poor, anything but a local experience, containing no fruitful principle and no general lesson. According to Say everything depends upon the nature of the means employed, and upon the political character of the institutions

of the country in which the relief is afforded.—Duchâtel, in his work on charity, gives a very clear exposition of the causes of misery and of the fatal tendencies of legal charity; but after thus entering upon the right path, he stops midway and admits that governments can do charity without danger, in the case of indigence resulting from causes which man can neither prevent nor foresee; he even makes it the duty of the state to assist the poor *whenever prudence or charity do not suffice to prevent or to relieve indigence.*[1] "These words," Naville justly remarks, "might be written upon the banner of legal charity; the most declared partisans of the system hold no other language."—What shall we say of writers not economists, such as de Morogues, de Villeneuve, de Gérando, Thiers, Dufau, etc., who have especially busied themselves with the question? From the moment that it is tacitly or expressly admitted as a dogma that the state must do charity, and that it can do so without producing more evil than good, we do not deny that there are a thousand means of relieving actual misery, at least partially.—Baron de Gérando, in his work so replete with science and warm philanthropy, while he admits that *public charity is a duty*, does not admit the correlative right of the indigent; and he is of opinion that if public charity has sometimes a dangerous tendency, it can have such a tendency only in a country in which such a right is publicly proclaimed or expressly recognized. This is evidently an error; the danger of public charity consists in that it creates an expectation of relief. Undoubtedly the expectation is greater where the right to public charity is recognized, but it exists independently of such right and of any explicit declaration; to create this expectation it suffices for the state to perform acts of charity at its own cost. Even private charity, as we have shown, is not free from this inconvenience when it is practiced collectively or in the form of alms.—M. Thiers sums up his opinion in the following terms: "The state, like the individual, should be charitable; but like the individual, it must be so of its own free will, and, moreover, it must be so in a prudent manner; and it is not to assure it the means of giving less or giving little that we assign these limits to it; it is with the object of saving the nation's wealth which belongs to the poor more than to the rich; it is to keep up the duty of labor for every one, and to prevent the vices of idleness, which, with the multitude, easily become dangerous and even atrocious. But the state, free and prudent in its liberty, must not be parsimonious in doing charity. Just as the state tends toward everything great and beautiful by its taste for the great and beautiful; just as it erects magnificent monuments to excite the admiration of men, as it sacrifices the blood of its soldiers to preserve to the nation its reputation for heroism; so will the state practice charity in order to win universal esteem. We shall not allow our cities to be the haunts of misery or vice; the state should try to diminish the amount of suffering by the love of the good which should equal its love for the great and the beautiful. The state should be as proud to spare strangers the sight of beggars dying of hunger, as to exhibit to them the monuments of art and of glory, the column of Vendôme or the Hotel des Invalides. The state, in a word, will be a good man when led by the same impulses as a good man, namely by the love for the good and the beautiful; and being good it will be just and wise. Such are the only true principles in the matter of charity."—We have transcribed in full this strange passage because it very well explains why M. Thiers always professed to ignore and to deny political economy. M. Theirs, in order to be consistent with himself must deny a great many things besides. Still arithmetic because denied and ignored by spendthrifts is none the less positive. The state must be *prudent and largely charitable* at the same time. But if prudence excludes public charity altogether, what then? The state must be charitable *for the love of the good.* But what if charity necessarily ends in producing more evil than good?—VI. Political economy is not the only science which must find application in the conduct of states; it furnishes some directing principles but not absolute principles. It therefore does not come within the province of economists to draw up a plan of legislation on the poor. What it teaches in this respect may be modified by many considerations drawn either from other moral and political sciences or from local and temporary circumstances. All that can be asked of us is to give a solution of the problem of misery in accordance with political economy, to point out what are the means economically proper to relieve indigence. This is what we purpose to do in a few words.—The state should neither practice public charity nor interfere with the exercise of private charity. The want in question is one of those which society can not satisfy except by itself, by the free development of its productive powers and of its moral faculties. Left to its own inspiration, society would not be slow to perceive that if charity is to be efficacious; if it is not to become an encouragement to idleness, vice and fraud; if it is not to provoke an imprudent increase of the poor class, it must adopt certain principles and impose upon itself certain duties, which may be set forth thus: 1. Charity must combat *the causes of indigence*, namely *prevent* them, at the same time that it endeavors to relieve indigence itself. It should strive to destroy, not to relieve it. It must be at once *preventive* and *subventive*, but it should above all and always be *preventive*, since subvention has limits while prevention has none. 2. Purely preventive charity may be practiced collectively by establishing, for instance, savings banks, mutual aid societies, and other similar institutions. 3. Charity both preventive and *sub-*

[1] *Considérations d'économie politique sur la bienfaisance, ou de la charité*, par F. Duchâtel, ministre du commerce.

ventive should be practiced individually at least in so far as the application of relief itself is concerned; its action should have as its permanent and principal aim the improvement of the moral character of the indigent, and, as far as possible, consider their position rather than the satisfaction of their material wants and the saving them from present privation. 4. Charity can not be efficacious and its works will not really abolish misery and prevent indigence unless it is ever and before all, charitable, that is to say, the result of benevolence and love and not of ostentation or of contemptuous pity; unless it is affectionate in its forms, patient and active as well as firm and vigilant; unless, in fine, it employs in the attainment of its object that personal action, that natural patronage practiced by every man, when he will, on those who stand in need of him. Such would be charity according to political economy.

A. E. CHERBULIEZ.

CHASE, Salmon Portland, was born at Cornish, N. H., Jan. 13, 1808, and died at New York, May 7, 1873. He was graduated at Dartmouth in 1826, and admitted to the bar in Ohio, in 1830. In politics he was a democrat, but took part with the liberty party (see ABOLITION, II.) until 1848, when he joined the free soil party. He served as United States senator, having been elected by a coalition of democrats and free soilers, 1849–55, was governor of Ohio 1856–60 (republican), was secretary of the treasury under Lincoln 1861–4 (see ADMINISTRATIONS, XIX.), and chief justice of the U. S. supreme court 1864–73. (See IMPEACHMENTS, VI.) In 1868 his name was before the democratic national convention for the presidency, but he refused to so modify the expression of his political principles as to conciliate the majority of the convention. He prepared, and allowed to be published, a statement of his own views of democratic principles, all points of which would have been acceptable to all the convention, excepting the first half of the first paragraph, which was as follows: "Universal suffrage is a democratic principle, the application of which is to be left, under the constitution of the United States, to the states themselves * * * * * ". This so-called "Chase platform," therefore, would have committed the democratic party to the acceptance and maintenance of negro suffrage in the south, coupled with general amnesty and restoration of all the political and police rights of the southern states. (See DEMOCRATIC PARTY, VI.)—See Warden's *Life of Chase;* Bartlett's *Presidential Candidates of* 1860, 95–117; Schuckers' *Life of Chase,* (the "Chase platform" is at p 567). A. J.

CHECKS AND BALANCES. This term of modern political language finds a place only in the vocabulary of mixed governments, and even, more properly speaking, only of free governments. It is applied to the equilibrium which, for the proper conduct of public affairs and the liberty of the citizen, should be established between the different powers by means of the constitutional definition of their rights and the limitation of their functions.—A distribution of powers is to be met with, to a greater or less degree, in all governments which are not based upon the autocratic principle. For if certain classes of the citizens are oppressed by discriminating laws and exposed to penalties not pronounced by judicial magistrates; if the peers, instead of being placed under the régime of law, can be attacked by administrative decrees; if the nation does not enjoy full liberty of representation, all powers are confused and the country is deprived of the most essential guarantees of its liberty.—We must, therefore, regard the proper separation of powers as the first condition of liberty, and the just equilibrium of power as the only means of preventing liberty from degenerating into license and anarchy, or from being destroyed by despotism.—There are in every state three classes of powers: the legislative power, the executive power, and the judicial power. The first two, the political powers, are those whose functions are the most difficult to separate; their relations are the most delicate, and their action, now independent and now of necessity concurrent, is variously regulated and limited according as the constitution tends to extend or confine the prerogatives of the executive, and according as in the formation of the legislative power the aristocratic or the democratic element predominates, or a just balance between the two obtains. The judicial power, charged with the application of the laws, the settlement of differences between individuals, and the punishment of offenses and crimes against persons or the state, ought to be made completely independent of the legislative power, which is easily done, and as independent as possible of the executive power, a result of more difficult attainment. At all events, the principle of the necessity of a separation between the judicial power and that of making and administering the laws, is generally accepted and generally respected, except where mere arbitrary power prevails; were this principle not recognized, all notion, all possibility, of a just balance between the powers confounded, or separated by fictitious lines of demarcation, would be virtually done away with. We need, therefore, consider here only the conditions necessary for the maintenance of an equilibrium between the legislative power and the executive power. These conditions can not be the same in a monarchy and in a republic; and representative government admits equally of both forms. Montesquieu thinks that England drew from the Germania of Tacitus the idea of the institutions to which she owes her stability, her wealth and her greatness.[1] Whatever may have been the origin and the successive transformations of mixed government, to England belongs the honor, an honor which can not be disputed her, of having been the first to establish representative govern-

[1] *Esprit des lois*, book xi. chap. vi.

ment on its true foundations; all the countries of the world which desired to become free have imitated her more or less. But every country has been able and has been obliged to preserve or introduce in its own constitution differences which its customs or genius made advisable or necessary.— Thus the United States organized themselves as a republic, and modern France has not been able, and never will be able, without danger, to abandon the great principles of 1789.— It does not fall within the limits of our subject to examine and compare, still less to judge, the various forms of representative government. We shall not undertake to set forth and discuss the means of equilibrium best adapted to secure a just distribution of powers under each of these forms of government. We will suppose, then, a representative government existing in the form and under the conditions that most frequently occur, that is, an executive power in the hands of an hereditary sovereign, and two chambers (whatever be the method of their election or nomination) sharing the legislative power with the head of the state. Peace, war, treaties and international relations belong to the powers of the sovereign. The courts render their decrees in his name, and he sees to their execution: he has the appointment to military and civil offices, but he governs by the delegation of his powers to responsible ministers; he has no power to dispose by treaty of any part of the public territory or treasure, nor can he make war without having the necessary grants from the representatives of the country. If the policy pursued by the executive ceases to have the support of the chambers, if the representatives of the country manifest their distrust and refuse their concurrence, the sovereign appeals to the electoral body by dissolving the elective chamber, or he changes his ministers, who may be brought to trial, in cases and by forms regulated by law; he himself remains irresponsible and inviolable. The opponents of representative government attack it particularly by arguments of fact drawn from revolutions which overthrew thrones in vain protected by a vicarious responsibility which was not even invoked, and by an inviolability which was not respected. Ministerial responsibility having failed to save the monarchy, it has been attempted to infer, not only that it is a useless fiction, but that it is even dangerous, the sovereign being too dependent on the chambers when the latter have the power, so to speak, to dictate to him the choice of his advisers.— An attempt has been made to go even further than the suppression of ministerial responsibility, and to conceive of the personal responsibility of the sovereign before the nation. Now though it is easy to comprehend the meaning of the responsibility of the elective head of a republic, the question becomes singularly complicated when we have to consider the hereditary sovereign of a monarchical state. When, how, in whose name, and by whom could this responsibility be invoked? Who would be the judges and where would be the sanction? There is something in this that fails to present any clear idea to the mind, something that never has been explained and probably never will be explained. Such a clause, whatever meaning we may choose to attach to it as a declaration of principles, is, therefore, destined wherever it occurs to remain, in reality, a dead letter. It is very fortunate that this is so, for can we conceive of the state of a country where the sovereign could be, we will not say brought to trial, but publicly discussed in person and conduct? We need not hesitate, therefore, to declare that, since the sovereign can not be responsible, it follows that when the ministry is not responsible, no responsibility exists anywhere.—The first condition of a balance of powers in a representative government being to place the sovereign above all attack and outside of all discussion, it has been found that the best way to accomplish this object is to subject all intervention in the affairs of government on his part to the counter-seal of a minister whose responsibility covers him.—Every act exceeding the powers of a ministerial department ought to be discussed and approved in a council of ministers, so as to unite the entire cabinet in strict community of interests. This is the very foundation of representative governments, and, this form of government once accepted, the principle of ministerial responsibility has never been called in question. Where this responsibility does not exist, the form of government, whatever its name and whatever our opinion of it, is not the true and free representative form. Such is not the case with the prerogatives of parliament, which have been more or less enlarged or restrained according to the age, the country and the customs. In treating of these prerogatives we shall only touch on the principal points: the right to vote taxes to regulate the expenditure, the right of discussion of the laws, the right of amendment, of initiative, and the right to interrogate the ministers. On each of these points we shall dwell only on that which is essential to the balance of powers.—The right to vote taxes, granted to deliberative assemblies without the right to regulate and control expenses, is only an illusory guarantee. The only effective safeguard of this double right lies in the power of the representatives of the people to modify the propositions of the budget, and in making it the duty of the executive to conform to the specification of expenditures voted, and never to undertake a new expenditure without a special appropriation by the legislative power. In speaking of the right to introduce amendments in the laws and retrenchments in the budget, a distinguished statesman has said: "The discussion of laws without the power to alter them, is only a sterile agitation. To place before the chambers the alternative of absolute rejection or adoption, is to reduce them to extreme resolutions and to destroy the spirit of compromise, which ought to be the true spirit of free countries." (History of the Consu-

late and of the Empire, vol. xviii., p. 177.)—The right of amendment, balanced by the reservation in the hands of the head of the state of the right of initiative, and of approval of laws, can not be denied the representatives of the people, (or submitted to a body composed, like a council of state, of functionaries appointable and removable by the executive power, of which power the body is, as a matter of fact, a mere delegation,) without seriously diminishing the part of the assemblies. Chambers deprived of the right of amendment are reduced to obstructing the course of the government by their resistance, or to following it with absolute docility; they are no longer, properly speaking, deliberative bodies, but advisory commissions.—We must not, in spite of certain resemblances between the two, confound the right of amendment with the right of initiative, and employ against the former objections in reality applicable only to the latter. The initiative in all matters, even in matters of legislation, may be safely left to the executive power to which it belongs to act.[1]—When the majority seriously desires and resolutely demands changes in legislation, the power which possesses the initiative will not wish, nor indeed have the power, to resist long. A responsible ministry could not keep the support of a chamber to which it refused the presentation of a law decidedly required by the representatives of the country. The recollection of the embarrassments caused in legislative assemblies by the exercise of the right of initiative is still fresh in the memory of every one. When this right exists it is impossible not to grant by the rules regulating it, or at least to allow in practice, an important part to the minority. The result is that assemblies lose valuable time in examining in committee or discussing in public sessions, propositions which have not the least chance of being adopted, propositions whose object may be, whose result frequently is, a useless agitation of the public mind. But quite another thing is the right to interrogate the government or to communicate information to it on affairs and on passing events which will soon become accomplished events. In such cases the representatives of the country ought not to find in the regulations of the assembly insurmountable obstacles to the putting of their questions at the proper time to the depositaries of the executive power. The majority should be free to authorize the interrogation, the answer to which, usage, in conformity with reason, allows the ministers on their own responsibility to refuse or defer. On all the points which we have thus summarily passed in review the prerogatives of the two chambers are equal in all governments where the powers are well balanced; but the rule is almost general that the priority in voting on money grants and financial measures belongs to the chamber of deputies, or to that body, whatever its name, which is most directly and most frequently renewed by election.—To make a law the concurrence of the two chambers and of the executive power is indispensable. Each of the chambers may reject laws presented to it, and the sovereign may refuse to approve laws which the chambers have amended. Thanks to these salutary precautions none of the three wills which must concur to change a proposed bill into a law of the state, is exposed to the danger of finding itself alone in opposition to another will. There are always two on the same side, and the third ordinarily in the end submits.—When the constitution has established between the sovereign represented by his ministers and the chambers representing the country, relations admitting of a reciprocal action of one on the other, uniting them both in a community of moral interests and responsibilities, and obliging the sovereign, not to be dependent on the legislative power, but to associate with himself in the exercise of the executive power men to whom the chambers accord their confidence and support, it becomes inevitable that the necessary moderation can not be imposed upon all parties. Concessions are made on either side. Neither of the powers probably obtains, but neither is forced to give up all that it desires. The sovereign may sometimes be embarrassed in his projects, hampered even in the good which he would like to do; but by a just compensation he is protected against more than one mistake, more than one rash impulse. Do we mean to say by this that a country is thus secured forever against revolutions? No, for all things human have their end. It is not merely dynasties and governments that pass away, societies themselves perish and peoples disappear. Human wisdom can not make anything eternal, and should confine itself to seeking the conditions most favorable to stability. History can show us no government that fell for having made timely concessions, but more than one has been overthrown for having resisted too long. The great advantage of representative government, honestly administered, is, that it allows public opinion to manifest itself and renders the concessions of the sovereign easy and in no wise harmful. It is, furthermore, the only government where the separation of powers can be legally and actually complete—the only one where, as proved by the example of England, the just distribution of powers, maintained quite as much if not more by political customs as by the fundamental law of the state, softens, regulates and protects the play of the institutions, and thus secures their durability.

CASIMER PÉRIER.

[1] We deem it preferable, nevertheless, that the chambers should share the right to take the initiative with the executive power, but we think the representative ought to make only an occasional use of the right.

CHEROKEE CASE (IN U. S. HISTORY). In 1783 the territory included in the present states of Mississippi and Alabama, and the western and northern parts of Georgia, had been from time immemorial in the possession of a number of powerful Indian tribes, the most important being

the Cherokees, Creeks, Choctaws and Chicasaws. The Creeks, or Muscogees, were the fiercest and most savage, and their still more savage refugees or "wild men," were afterward better known as Seminoles. In 1802 the newly erected territory of Mississippi (which then included Alabama) was entirely owned by the Indians, excepting small strips of land about Natchez and on the Tombigbee. By cessions from the Choctaws, Nov. 16, 1805, from the Creeks, Aug. 9, 1814, (as the result of Jackson's victories over them), and from the Chicasaws, Sept. 20, 1816, a great part of Mississippi and Alabama was ceded to the United States; and in the end the Choctaws, by treaty of Sept 27, 1830, and the Creeks, by treaty of March 24, 1832, ceded all their lands east of the Mississippi in return for an equivalent area on the other side of that river.—The boundaries of the Cherokee country had been first fixed by the Hopewell treaty of Nov. 28, 1785, and modified by the Holston treaty of July 2, 1791, and by other treaties until that of Feb. 27, 1819. By the Hopewell treaty, to which the others were supplementary, the United States recognized the Cherokees as a nation, capable of making peace and war, of owning the lands within its boundaries, and of governing and punishing its own citizens by its own laws. By these treaties, which were part of the "supreme law of the land," the United States "solemnly guaranteed" (Art. 7 of the Holston treaty) to the Cherokees the lands not ceded by them; and by act of congress of March 30, 1802, the president was authorized to employ military force for the removal of all trespassers, and particularly of surveyors.—Thus given and guaranteed the right of self-government, the Cherokees had certainly made very considerable advances in civilization before the year 1824. They had formed a government closely modeled after that of the United States; had established churches, a school system, a judiciary system and national courts of law; had developed a written language and introduced printing; and were quite successful in working the gold mines in the northern part of their domain, which lay mainly within the present limits of Georgia —The cession of western lands by Georgia, April 24, 1802, was accompanied by a stipulation that the United States should extinguish for the use of Georgia the Creek and Cherokee title to lands within the state, "as soon as it could be done peaceably and on reasonable terms;" and the federal government fulfilled its agreement. In 1808 deputations from the upper and lower Cherokees visited Washington to state the wishes of the former, who were husbandmen, to retain their location, and of the latter, who were hunters, to remove beyond the Mississippi. Accordingly, by the treaty of July 8, 1817, a tract of land of equivalent size beyond the Mississippi was granted to the lower Cherokees in exchange for their lands in Georgia. By this treaty and eight other treaties concluded with the Cherokees, and by four treaties with the Creeks, all concluded between 1802 and 1819, the United States had acquired about 15,000,000 acres of Georgia, leaving about 5,000,000 acres in possession of the Cherokees and about 4,000,000 acres in possession of the Creeks.—In 1819 the Georgia legislature, impatient of the probably permanent continuance of the upper Cherokees in the state, memorialized the president for the complete fulfillment of the agreement of 1802. But the remaining Cherokees, who were now homogeneous in their tastes and tribal character, utterly refused to consider the matter of further cessions, and declared their intention to remain where they now were; and the more savage Creeks, at the Tuckebachee council, May 25, 1824, after emphatically announcing their resolution not to sell one foot of their land in future, denounced the punishment of death by shooting or hanging against any chief who should disobey the national will. It was therefore impossible to obtain any further cessions of land by treaties with the Indians in their national capacity. It was equally impossible by the natural operations of bargain and sale of land to white immigrants; for, by Creek and Cherokee law, recognized by section 12 of the act of March 30, 1802, the land of the whole district was the property of the whole nation, and no individual held in severalty or had the power of alienation. By the presence within her borders of two exceptionally able and intelligent Indian nations, the state of Georgia was thus threatened with the permanent establishment of an *imperium in imperio* over which state laws did not operate, a district of refuge within which any criminal, if agreeable to the Indians, might set state officers and writs at defiance. In Alabama and Mississippi, which Georgia had ceded to the United States, the Indian title had been successfully extinguished, with the exception of that to the few remaining Creek lands in Alabama; only in Georgia itself did the federal government seem unable and unwilling to relieve the state from this excrescence upon its dominion. With this grievance as a vehicle, it was natural that the greed for the rich Creek and Cherokee lands should urge not only private speculators, but the state government also, to active efforts to oust the rightful owners, despite the supreme law of the land, and the solemn guarantee given by the United States. —The first attempt was made upon the Creeks. Three Creek chiefs, M Intosh, Tustenugge and Hawkins, were induced to sign a treaty at Indian Springs, Feb. 12, 1825, conveying the Creek lands to the United States for the use of Georgia. The Creek nation repudiated the treaty, and executed the chiefs, but the president and senate of the United States, willing thus to settle a very troublesome question, ratified the treaty and accepted it as binding. Governor Troup, of Georgia, at once gave orders for a survey of the Creek country, regardless of article 8 of the treaty, which gave the Creeks undisturbed possession of the country until Sept. 1, 1826, and regardless of the prohibition of such surveys by the act of March.

30, 1802. President Adams, at first mildly, and finally emphatically, forbade the survey, which was abandoned after considerable opposition by the governor and legislature. Jan. 24, 1826, a new treaty was made with the Creeks at Washington city, by which they ceded, under defined boundaries, most of their lands, but not, as in the Indian Springs treaty, their "whole territory lying within the state of Georgia." In the meantime Troup, by a very small majority, had been re-elected governor, and, being thus supported by the people as well as by the legislature of his state, he renewed the order for the survey, basing his orders upon the Indian Springs treaty, and refusing to recognize its substitute as valid or binding. President Adams again forbade it, ordered the arrest of the state surveyors, and sent a detachment of federal troops to enforce his orders. In reply, governor Troup notified the federal government of his "defiance," and ordered out the sixth and seventh divisions of the Georgia militia to resist the forces of the United States. He further announced to the Georgia congressmen that in his action he should be governed by the principle (see STATE SOVEREIGNTY) that Georgia and the federal government were equally sovereign and independent powers, and that disputes between them could not be decided by the supreme court, but by negotiation, until some competent tribunal should be established for that purpose as a part of the constitution. Unwilling to press the matter to the arbitrament of arms, president Adams referred the question to congress for action. No action was taken, and the Creeks were left to their fate. As before stated, they were finally forced to leave their lands in 1832.—The case of the Cherokees presented more obstacles to state action than that of the Creeks. They were fewer in number (about 10,000), perfectly united, and intelligent enough to be more than a match for Georgian diplomacy. Club-law was the only resort, and to this the state was encouraged by the vacillation and timidity of the federal authorities in the Creek case. Very little attempt was made by the state authorities to justify their action on legal and constitutional grounds. But the basis seems to have been that the state had a sovereign right to extend the operation of its laws over all its territory; that the federal government had no right, by treaty or otherwise, to erect another sovereignty within the state limits; and that, when the federal government assumed to do so, the state executive was bound to obey the laws of the state even to the extent of armed resistance to the national authority. To this the natural answer was that treaties were a part of the supreme law of the land, which the governor himself was sworn to execute; that by such a treaty the quiet possession of their lands was guaranteed to the Cherokees; and that Georgia, as one of the United States, was a party to that treaty, and was estopped to deny what she had thus solemnly admitted. Thus, even supposing Georgia still a sovereign state in all respects, she could have had no standing in a court of law or equity. Nevertheless the Georgia legislature took the initiative, expecting the governor to fulfill its laws, and careless of any interference by the federal authority. Indeed, as the result showed, the new federal executive was unexpectedly found determined to stand neutral.—By act of Dec. 20, 1828, the legislature divided the Cherokee country into five parts, added them respectively to the counties of Carroll, De Kalb, Gwinnett, Hall and Habersham, and extended the laws of the state over them. By the same act all Cherokee laws, usages and customs were declared null and void, and provision was made that Cherokees should not be competent witnesses for or against a white citizen; but the laws of the state were as yet to affect only white men living in the Cherokee country. The act of Dec. 19, 1829, extended state laws over all persons, white or Indian, in the Cherokee country, provided for punishment of any Indian resisting state writs, and made executions, under the Indian law against the sale of lands by individuals, murder in the first degree. By the act of Dec. 21, 1830, the lands of the Cherokees were authorized to be surveyed and laid off into small tracts which were to be distributed by lottery or raffle among the people of Georgia. By act of Dec. 23, 1830, the Cherokees were declared incapable of making contracts with white citizens. By act of Dec. 22, 1830, the improvements of the Cherokee landholders were seized by the state, as were also their gold mines by the act of Dec. 2, 1830, and white persons were forbidden to enter the Cherokee country except on conditions. By act of Dec. 22, 1830, the Cherokees were forbidden, under heavy penalties, to hold legislative assemblies or courts, or to execute the writs issued by their national courts. By these successive acts the state, so far as its legislative authority availed, completely ousted the Cherokees from the country whose possession the United States had solemnly guaranteed. The only question was, whether the state executive would be hindered in carrying out the laws by the national executive or by the supreme court. From congress no impediment was expected, for congress had refused or neglected to interfere when President Adams had laid the Creek case before it.—It must not be supposed that the Cherokees had remained passive or quiescent during these aggressive proceedings of the legislature. Their printing presses at New Echota, their capital, and elsewhere, were burdened with the printing of appeals to the justice of the people of the United States. Early in 1829 their "beloved men," or head chiefs, had appealed to President Adams for the protection which the act of March 30, 1802, authorized him to afford, but he felt compelled to leave the case to the incoming administration of Jackson. April 18, 1829, through the secretary of war, president Jackson, on substantially the grounds enumerated above as the only authorized defense of Georgia's action, refused to interfere, and em-

phatically advised the Cherokees either to submit to the laws of Georgia, or to remove beyond the Mississippi and rejoin the lower Cherokees. It is difficult to defend president Jackson's refusal to uphold the treaties made with the Cherokees, or to execute, as he was sworn to do, the law of March 30, 1802. His refusal was in flat opposition to the practice of every president from Washington to Adams. Jefferson, who always and firmly upheld the rights of the Indian tribes, in his instructions to general Knox, Aug. 10, 1791, had laid down the principle that "the Indians have a right to the occupation of their lands, independent of the states within whose chartered lines they happen to be; that until they cede them by treaty or some other transaction no act of a state can give a right to such lands; * * * * that the government is determined to exert all its energy for the patronage and protection of the rights of the Indians, * * * and will think itself bound, not only to declare to the Indians that such settlements are without the authority or protection of the United States, but to remove them also by the public force." On the contrary, Jackson's decision held the federal government bound to stand neutral unless it could persuade the state to listen to reason and cease to nullify the treaties made by the United States. When South Carolina followed Georgia's precedents, president Jackson preached a very different doctrine. (See NULLIFICATION.) In the Cherokee case his mind may have been biased by his long continued frontier warfare against the southern Indians.—Having found the president deaf to their appeal, the Cherokees at once tried the supreme court. The time fixed for extending the laws of Georgia over the Cherokee country was June 1, 1830. George Tassels, a Cherokee, was found guilty of homicide in resisting the execution of a state writ, and was sentenced to be hanged. By writ of error from the supreme court, dated Dec. 12, 1830, the state was cited to appear in January following, and show cause why the judgment against Tassels should not be corrected. The legislature, to which notice of the writ had been sent by the governor, at once passed resolutions instructing the governor and other state officers to pay no attention to the writs of the supreme court in the case, except to resist their execution by force if necessary, and Tassels was executed.—William Wirt, attorney general from 1817 to 1825, and John Sergeant, had been engaged as counsel for the Cherokees, and they caused notices to be served, Dec. 27, 1830, and Jan. 1, 1831, upon the governor and attorney general of Georgia that an application would be made to the supreme court for an injunction restraining the state of Georgia from executing her laws within the Cherokee country. The state refused to appear. The case turned upon the right of the Cherokees to sue Georgia under the constitutional provision that the national judicial power should extend to cases between a state "and foreign states, citizens or subjects." Wirt and Sergeant united in an extremely able argument going to show that the Cherokees were a sovereign and independent nation with all the national powers of making peace, war, and treaties, and of self-government; that in these respects they were more sovereign and independent than the state of Georgia; that their national sovereignty and independence had been recognized by the United States in a long series of treaties which it was the sworn duty of the court and the president to maintain and enforce; and that the word "foreign" in the constitution was a political, not a local or geographical, term, so that it was perfectly possible for a "foreign" nation to exist within the limits of the United States. Their argument was re-enforced by the opinion of chancellor Kent, of New York, but was rejected by the court, which held that, while the Cherokees were a state, they were not a foreign state, but a domestic, dependent nation in a state of pupilage, holding their soil only by occupancy, and bearing the relation to the United States of a ward to his guardian. The injunction was therefore refused, and the Cherokees were relegated to the mercy of the state of Georgia, since the president, their constitutional protector, refused to intervene in their behalf.—Another opportunity soon offered for the adjudication of the state laws in the supreme court. By the state law of Dec. 22, 1830, white persons were forbidden to enter the limits of the Cherokee country without obtaining a license from the governor and without the taking of the oath of allegiance to the state of Georgia. For violating this act, ten persons, mostly Presbyterian and Methodist missionaries, were arrested, cruelly handled, indicted, and, in September, 1831, sentenced to four years' imprisonment. Eight of the number, having given assurance that they would conform to the state laws, were pardoned, but two, Dr. Butler and Rev. Mr. Worcester, refusing to submit, were imprisoned, and Worcester brought suit in the supreme court for relief. The decision of the court was given in March, 1832. It reviewed the entire proceedings of the state in the case of the Cherokees, declared them to be violations of the constitution, treaties and laws of the United States, and ordered Worcester to be discharged, since the act was void and the judgment a nullity. In contempt of the mandate of the supreme court the state court refused to grant a writ of *habeas corpus*, and Worcester and Butler continued to serve their term of imprisonment. There was no prospect of relief for them until January, 1833, at the next sitting of the supreme court, when it would have been competent for the court to enjoin the marshal of the district of Georgia to summon the *posse comitatus*, and the president to assist in enforcing the decree with the land and naval forces. The question of the national authority would then have been imperatively put at issue. Unfortunately the missionaries wearied of their experience as martyrs, and on their submission to the state authorities, were pardoned by the governor, Jan. 14, 1833. The

state officials persisted successfully in executing the state laws, and they and the national administration at last succeeded in extorting from the Cherokees the treaty of Dec. 29, 1835, by which the United States paid $5,700,000 for the territory in dispute, and removed the Indians beyond the Mississippi. The political importance of the Cherokee case lay in the fact that its result was the first successful nullification, in its modern sense, of the laws of the United States. (See NULLIFICATION, STATE SOVEREIGNTY, SECESSION.) —See 1 von Holst's *United States*, 433; 8, 10, 11, Benton's *Debates of Congress*; 3 Jefferson's *Works* (ed. 1829), 280; 2 Clay's *Speeches*, 249; 1 Greeley's *American Conflict*, 102. The *Cherokee Case* is in 5 *Pet.*, 1, (9 *Curtis*, 178), and that of *Worcester* vs. *Georgia* in 6 *Pet.*, 515, (10 *Curtis*, 214). The arguments of Wirt and Sergeant, together with the opinions of chancellor Kent, the treaties, and the acts of the Georgia legislature, are in Richard Peters' *The Cherokee Nation* vs. *The State of Georgia*. The treaties referred to are in 7 *Stat. at Large*, those of Hopewell and Holston at pp. 18, 39. The law of March 30, 1802, is in 2 *Stat. at Large*, 139. ALEXANDER JOHNSTON.

CHESAPEAKE CASE. (See UNITED STATES.)

CHILI. This country, under Spanish rule, formed, with the vice-royalties of Granada, Peru, and La Plata, a captaincy general under the authority of an officer having the rank of lieutenant general, president, governor, and captain general of the kingdom of Chili.—The unhappy events which convulsed Spain during the second half of the reign of the first Napoleon, had already reacted on the American continent when the new spirit crossed the Andes and disturbed Chili. The republic of Chili began its revolution under sad auspices. The first struggle for emancipation was in 1810. On the 18th of September of that year, she declared her independence. Dissatisfaction provoked by electoral questions afforded the three Carrera brothers, young and ambitious debauchees, a pretext for taking an active part in the movement. On the 11th of December, 1811, they dispersed the congress, seized the reins of government, were driven from power, returned to it, and as a result of their rule Chili was almost reduced by the arms of Spain.—The cause of independence seemed lost when help from an unexpected quarter was obtained, giving it new life and finally insuring its triumph. General San Martin, the real founder of the Chilian republic, hurried from Buenos Ayres with 3,000 men, crossed into Chili in 1817, and restored courage and confidence to all. He reorganized the national army, and defeated the royalists at Chacabuco; was defeated in turn at Canchaarayada, a disaster he soon repaired by the famous battle of Maypo, which he won April 5, 1818. It decided the success of the revolution and assured Chilian independence.—The new state had to defend itself against the dangers which threatened it from within. It happily surmounted them. In 1821 San Martin had gone northward from Chili to free Peru, of which he had been proclaimed protector, from the Spanish yoke. Generals O'Higgins and Freyre had succeeded him in turn as president. To them succeeded general Pinto, whose elevated mind and travels in Europe had given him a higher reputation in the country. He governed with an ability that assured Chili some years of tranquillity. The country showed its appreciation by re-electing him, but an irregularity in the election furnished the malcontents a pretext for agitation. He allowed himself to be influenced by the counsels of the extreme liberals, and gave to Chili an ultra-democratic constitution. This imprudent course excited violent opposition. The reactionary party, that is what is there called the "moderate" party, had, at its head general Prieto, and among its members the unfortunate Portales. A civil war excited against them, ended in their victory and in the abolition of the constitution.—In 1838 Chili finally adopted its present constitution, "one of the wisest in America," says a traveler, "which gives to the government the legal means of enforcing obedience to its commands, and to the country satisfactory guarantees of liberty." The president is elected for 5 years. Besides the ministry which governs with him, he is assisted by a council of state composed of the ministers, 2 judges, an ecclesiastical dignitary, 2 generals, and a like number of ex-ministers. The legislative power is vested in a senate of 20 members, elected for 9 years, and a triennial house of representatives, consisting of one member for every 20,000 inhabitants. Under the firm rule of general Prieto and of Portales peace was firmly established; habits of order and political wisdom prevailed in the country. Chili began a career of progress which has since been only occasionally interrupted and then for but short periods. The question has been asked, "How did Chili come to have this exceptional history, and what favorable circumstances gave it a destiny so different from that of the other democracies of South America?" Several causes have been assigned for this: First the non-interference of the resident Spanish population, of whom very few took part in the revolutionary struggles, thus guaranteeing their own security and not adding a third party to the two already opposed to each other; the purity of the Creole race, which has very little admixture of Indian blood and preserved its vigor and moral preponderance; the destructive character of that active and serious race who are fond of comparing themselves to the English, and whom a traveler has likened to the Dutch; the depth of Chilian national sentiment, their taste for commerce, and the isolation of the country, which, defended on the east by the chain of the Andes and on the west by the sea, is protected both from the ambition of its neighbors and from its own; and lastly, by the geographical features of the country which does not admit of long wars, and in which every quarrel must be

quickly decided.—After the republic had passed through its period of crises and had nothing to do but to devote itself to the development of its institutions, an unfortunate incident, brought about by the ambition of general Santa Cruz, president of Bolivia, checked its progress for a time. Santa Cruz had united Bolivia and Peru into a confederation of which he was the head. He wished to include Chili, and to further his plan, began by exciting civil war in the country over which he desired to extend his rule. The attempt at insurrection was soon crushed, but Portales was its first victim. Order was re-established but Chili had lost one of its most distinguished men, the one on whom it based the most legitimate hopes, and who had already done so much for the reformation of its laws and the perfecting of its organization. At the beginning of 1859, however, new storms arose. A party of liberal opposition had been formed. It demanded constitutional reforms and allied itself with its most decided opponents, the reactionary and clerical parties. Although this coalition of extreme parties inspired no confidence in the country, and although, moreover, it was wanting in leaders, it was none the less dangerous. It brought on an armed insurrection. The president took energetic measures. Extraordinary powers were voted him by congress. He usurped the dictatorship which he had the courage and the honor not to abuse. The insurrection was suppressed on the 29th of April at Pemelas, and peace assured.—The Chilians dreaded the approach of 1861. During the course of the year every branch of the government of the state was to be re-elected. They had to meet at the polls several times during the year; on the 28th of February, to elect members of the house; on the 15th of May, to vote for senators; on the 25th of June, to choose presidential electors, and on the 31st of September the president himself. But all these elections passed off in an orderly and lawful manner.—While these contests, attended with much excitement but no bloodshed, were going on in the interior, Chili did not neglect its foreign relations. In 1859 a treaty concerning the payment of a certain indemnity which Chili acknowledged that it owed the United States, was signed with that power. At the same time it signed a treaty of navigation and commerce with Belgium, while a similar treaty with Austria was in course of preparation. On the 11th of April it concluded an extradition treaty with France.—But the good understanding between Chili and the European powers did not last long. In 1864 it espoused the cause of Peru against Spain.—In the article Bolivia the reader will find an account of the manner in which the war between Peru and Spain broke out, and how the republic of Ecuador, Bolivia and Chili came to sign a treaty of alliance, offensive and defensive, with Peru. This alliance was preceded in Chili by active hostilities with Spain, which was irritated at the indirect assistance given to Peru by Chili. Admiral Paréja, commanding the Spanish squadron, declared the coast of Chili blockaded in September, 1865. The Chilian government declared war against Spain and entered into the Peruvian alliance in December.—The bombardment of Valparaiso has made this war celebrated in Europe. The Chilian squadron had had some success in its engagements with the Spanish vessels, and the United States offered its mediation, which Chili refused. The Spanish admiral Mendez-Nunez gave the Chilian government four days to accept the proposition of the United States, failing which, he threatened to open fire on Valparaiso, an unfortified place, its only battery having been recently dismantled. It was the great entrepôt of all foreign commerce. In vain did the ministers of England, France and the United States represent to the Chilian president the folly of resistance. He was controlled by the press and by public opinion. Both had become excited to such a degree that they would not listen to reason. He was imprudent enough to defy the threat of the Spanish commander, who had the inhumanity to carry it out. March 31, 1866, the bombardment set fire to the custom house buildings which contained $30,000,000 worth of goods. French merchants lost $3,400,000, the English and American $500,000 each, the Chilians $400,000. A portion of the city, valued at $15,000,000, was reduced to ashes.—The news of the bombardment caused in Europe an indignation that found vent in the English parliament and in the French *corps législatif*. But the French and English governments considered the act justified by the necessities of war, and not contrary to the law of nations, so Spain was not asked to make good the loss. Besides, the war with Chili had virtually terminated with the retreat of the Spanish squadron, which had laid siege to Callao unsuccessfully. (See Peru.) Both sides saw fit to postpone the concluding of a treaty of peace, which was not signed until 1868.—The territory of Chili consists of a narrow strip of land running from north to south along the Pacific coast, between 25° and 44° south latitude; and its area is 132,606 English square miles. It possesses, at some distance from its southern coast, the archipelago of Chiloë, and it claims authority over a much vaster extent of territory which belongs to Patagonia, and which, added to Chili, would double its area. But its authority over the territory situated between 37° and 42° south latitude, beyond the river Biobio, seems to be nominal. The inhabitants of this region, the Araucanian Indians, are independent in the strict sense of the word. Chili is bounded on the north by the desert of Atacama, belonging to Bolivia; on the east by the Argentine republic and Patagonia, separated from them by the chain of the Andes; on the south also by Patagonia; and on the west by the Pacific ocean. Its rivers, the Rio Maypo, the Maule and the Rio Biobio, are of little importance. The climate, as a general thing, is mild and healthy; but this advantage is offset in a terrible manner by the earth-

quakes to which Chili is subject, perhaps more than any other country, especially on the coast. The country is divided into 16 provinces. The provinces are, Atacama, Angel, Arauco, Coquimbo, Aconcagua, Santiago, Colchagua, Valparaiso, Talca, Maule, Nuble, Concepcion, Valdivia, Chiloë, Llanquihue, Linares, Curico. Santiago is the capital of the whole republic, with a population of 129,807 (1875). Valparaiso, the commercial and business centre, is the most important city. Its population in 1875, was 97,775.—The population of Chili, estimated at 240,000 in 1764, and placed at 600,000 in 1825 by an English traveler, reached 1,080,000 in 1843. In 1857 it was 1,465,492; in 1868, 1,908,340; and in 1875, 2,283,568. We here speak almost exclusively of the population north of the Biobio, where there is very little admixture of negroes and Indians. South of that river there are hardly any other inhabitants than members of the Araucanian tribe. Their number in 1790 was estimated to be 70,000. —Education is with the Chilian government an object of great and legitimate solicitude. Santiago has a university which has founded five colleges; among them the national institute, and the institute of Coquimbo. Santiago has also private educational institutions. More than two thousand young men attended the state colleges in 1860. The private colleges are 50 in number, 26 for boys and 24 for girls. The former was attended by about 6,000 scholars, the latter by about 2,000 pupils. There were 477 primary schools; 329 for boys, 23 for adults, and 125 for girls; 22,000 pupils of both sexes attended them, while the 84 municipal schools had 4,500 pupils. In 1867 there were 993 primary schools, with 50,877 pupils.—The Chilian government seems to neglect no opportunity to develop the elements of prosperity in the country. Important reforms have been introduced in the civil and criminal codes, also in the administration of justice, for which tribunals of first resort, three courts of appeal and one supreme court, are provided. Railways are being built, and in 1860 80 kilomètres of railway were already in operation and had carried nearly 300,000 passengers. In 1871 the total length of railway lines was about 761 kilomètres. There are telegraph lines from Valparaiso to Santiago, and from the latter place to Talca, over 750 kilomètres in length. 2,650 miles of telegraph were in operation in 1878. The use of the decimal system, decreed in 1848, for measures of length and volume, was to be enforced during the course of the year 1860. The military spirit is not very prevalent in Chili, and has not had the pernicious influence there that it exerted in the other South American republics. The regular army, consisting of a few battalions of infantry and some squadrons of cavalry, does not reach the number of 5,200 men. The national guard, however, is well organized. It numbers 50,000 men. The navy consists of 6 steamers, with 40 guns and 400 men.—From 1825 until 1832 the average revenue of the republic did not exceed $1,700,000 per annum, and the expenditure was in excess of the receipts. In 1851 the expenses amounted to more than $4,700,000, while the receipts in 1852 were only about $4,430,000. The budget of 1853 nearly restored the balance of the two parts which composed it. The receipts appeared in it as 6,419,000 piasters, and the expenditures as 6,336,00) piasters. In 1871 the receipts were 11,550,000 piasters, and the expenditures 12,542,000 piasters. The principal source of revenue was the customs duties, which amounted to more than 4,000,000 piasters. In 1878 the revenue of Chili amounted to 20,443,977 pesos, and its expenditure to 21,375,728. At the end of the same year the total debt, internal and foreign, was 63,397,022 pesos.—In 1879, on the outbreak of war with Peru and Bolivia, Chili had 22,000 men under arms. The navy consisted of 10 steamers, of 120 to 300 horse power, and 2 ironclads.— Metals form an important part of the mineral wealth of Peru. Spangles of gold are found at the bottom of some of its rivers. It contains silver mines, and especially copper mines. In 1856 the yield of fine gold and silver amounted to 529,000 piasters, in 1857 to about 1,100,000 piasters, and in 1858 to 1,000,000 piasters. But Chili is, above all, an agricultural country. Besides the precious metals it exports grain and lumber. The most fruitful source of its industrial wealth is the vast extent of its pasture lands, in the midst of which may sometimes be seen a herd of 10 or 20,000 head of stock belonging to one man. In 1856 the imports amounted to 99,000,000 francs, and the exports to 90,800,000 francs, or 189,800,000 altogether. The principal countries which fed this commerce figured in the following order: Imports—England, 34,500,000 francs; France, 21,300,000; the United States, 12,100,000; Germany, 9,600,000. Exports—England, 41,500,000 francs; the United States, 15,500,000; Peru, 11,900,000; France, 7,000,000. The whole foreign commerce of Chili in 1869 amounted to 291,235,000 francs, of which, 144,319,000 were for imports and 146,916,000 for exports. Adding the coasting trade the grand total foots up 524,806,000 francs. During the year 1856 2,602 vessels, Chilian or foreign, entered Chilian ports, and 2,568 cleared for other ports: total, 5,170. England ranks first, with 1,156 ships; the United States follow, with 475; France only holds the fifth rank, with 122. In 1867 arrivals and departures were as follows: arrivals, 3,553 vessels, registering 1,723,617 tons; departures, 3,334 vessels representing 1,680,868; total, 6,877 vessels, and 3,374,485 tons. England retained her first rank, with 1,073 vessels; the United States came next, with 665; France had fallen back to the sixth rank, with 148 ships. The intermediate ranks were held by the Hanseatic cities, San Salvador and Italy.—Bibliography. *The Progress and Actual Condition of Chile*, by G. Rose Innes, London, 1875; *Historia General de el Reyno de Chile*, by R. P. Diego de Rosales, Valparaiso, 1877-8.

A. Rabutaux.

CHINA. This patriarchal empire, having the oldest existing government in the world, consists of China proper, Manchuria, Mongolia, Tibet, and Ili, or Eastern Turkestan, with the large islands of Formosa and Hainan. The various countries of Indo-China, Burmah, Siam, and Annam, the tribes of Amuria, the Riu Kiu (Loo Choo) islands, Corea, and Japan (under the Ashikaga line of shōguns, from 1401 to 1573) were formerly tributary vassals, but their relations are now those of ceremony only, or of complete independence.—The official title of China, under the present dynasty, from which it is named, is *Tsin*, ("pure") *Tai-tsin*, ("Great Pure") or *Ta-tsin-kwo*, (Empire of Great Tsin). Popular names are *Chung-hwa* ("Central Flower") or *Chung-hwa-kwo* ("Central Flowery Land"), a name formerly applied to Ho-nan province; and *Chung-kwo* ("The Middle Kingdom") also an old name of Ho-nan. This central province formerly situated between the "foreigners of the east" or sea-border, and the hill tribes of the west, under the Han dynasty, finally gave its name to "all the Chinas"—the favorite conception being that of one central empire, while all other countries lay outside. *Chu-Hia*, ("All the Chinas") *Shi-pa-san*, ("The Eighteen Provinces") referring to China proper, and various appellatives derived chiefly from dynastic titles, are in popular or literary use. The terms China and Chinese (Fr. *Chine*, *Chinois*), are Anglicized forms of the ancient native "Tsin," "Chin," or "Sin," used long before the Tsin dynasty (255–209 B.C.) and found in Sanskrit, Persian and Hebrew, meaning a silk-worm. China is the home of the silk-worm, and the first land of silk. The Russians and north Asiatics use the old Mongol names *Kitai* or *Kitan* (whence Marco Polo's "Cathay"); the Annamese, *Sina*, the Tibetans, *Yulbu*; the Japanese, *Shin*, *Shina-koku*, *Kara*, *Morokoshi*, or *Kanto*. The name used by most Chinese emigrants, and in Java, the Straits and the Sandwich islands, is *Tang-shan*, from a famous mountain in Chi-li province; the emigrants being termed *Tang-jin*—the first Chinese settlers in Java having left their homes during the Tang dynasty, (618–905 A.D.) The vulgar term "Celestial" is not of Chinese origin, unless it be borrowed from *Tien-chau*, ("Heaven-rule or Theocracy") applied to the great government, irrespective of dynasty.—The chief boundary lines of China are rivers, mountains and the sea. Her whole northern frontier borders on Russia in Asia, the supplementary treaty of 1860 negotiated by general Ignatieff having deprived her of Amuria, and all the coast north of Corea, leaving her without a seaport beyond China proper. South of Corea and the Usuri river, her eastern boundary is a seacoast line, 2,000 miles long. Her neighbors, on the south, are Annam, Burmah and India; and on the west, Turkestan and India. In brief, with the exception of the sea line, and part of Burmah, China is now surrounded by three great European nations, Russia, England, and France, in Asia.—Manchuria is, in the main, a grassy fertile basin, lying between the Amur river and the Great Wall, and Corea and the Usuri river, and the Kin Ghan mountains. Mongolia is largely desert, poorly watered, alternately very hot and cold, and hemmed in by lofty mountain ranges, the Altai and the Kin Ghan. Tibet is a plateau, the highest in the world, walled in by the Himalaya and Huen Lun mountains. Ili, or Eastern Turkestan, another desert plateau, was completely reconquered by the Chinese in 1877, after it had lapsed into rebellion and set up an independent government. China proper, the only division of the empire having maritime boundaries, is a vast plain or series of fertile river basins lying on the slope toward the sea, and threaded by those great rivers which have their source in the central Asian plateau. Four of the five great divisions of the empire are inhabited by mixed races of people, with divers religions, and are governed rather as conquered territory. China proper alone has a homogeneous population and political system. The area of the whole empire is about 5,000,000 square miles, or one-third of Asia, or one-tenth of the land surface of the globe. China ranks third among the great landed governments of the earth, the British and Russian exceeding, the United States and Brazil falling short of the Chinese area; the five together occupying more than one-half of the known land of the world. China proper has a land frontier of 4,500 miles, an area of over 2,000,000 square miles, or half as large as Europe, and a population of 360,000,000, according to Dr. S. Wells Williams—the entire empire containing probably 450,000,000 souls, or one-third of mankind. Dr. Williams, who has spent nearly 40 years in China, and who devoted more time to the preparation of his chapter on population in his master book, "The Middle Kingdom," than to any other, bases his calculation on the government census of 1812, which was made for purely official purposes, and not for the use or eye of foreigners. It is certain that the empire is very far from being overpopulated, there being immense fertile districts in Manchuria and Mongolia very scantily inhabited; while Ili, Tibet, and the abandoned flats of the Hoang ho (or Whang ho), or Yellow river, at present sustain a mere fraction of the population that under the pressure of necessity, or the blessing of a better government, they could sustain. Agriculture is in but a few places carried to its extreme possibilities, and the real cause of famine, as in most old countries, is the lack of means of transportation. The division of China proper into 18 provinces dates from the fourteenth century, the nineteenth province having been added by the present dynasty. They are subdivided into 182 prefectures, and 1,279 districts. Those best known to foreigners are the maritime provinces, containing the treaty ports with a population estimated at 4,990,000, open to the trade and residence of aliens, of whom there were, in 1878, 3,814. The coast provinces are, Shin-king, Chi-li, Shan-tung,

Kiang-su, Che kiang, Fo-kien, Kwang-tung. The frontier provinces are Kwang-si and Yun-nan, adjoining Annam and Burmah; Se-chuen and Kan-su, adjoining Tibet; Shen-se and Shan-se, adjoining Mongolia; Ho-nan, Ngan-wi, Kiang-si, Hu-nan, Kwei-chow and Hu-pe, are the interior provinces. Shin-king, or the imperial province, was formerly a part of Manchuria, but has been incorporated with China proper during the present dynasty, making the actual number 19. The metropolitan province is Chi-li, in the extreme north, in which, very inconveniently situated, is the *King* or capital, Peking; the ancient capital having been Nanking.—The political system of China is the most perfect example in history of the idea of the family expanded into that of the nation. Its vast imperialism is but the perfected evolution of the parental and filial relations. The popular term for the nation or commonwealth is the hundred families. Before the dawn of history, the Chinese ideal and fact of government was that of a father ruling his children, and in this, perhaps, the forty-sixth century of their existence, the primal idea, scarcely modified in its essence, binds together the administrative system under which one-fourth of the human race dwell. This is not the production of conquest, but is due to the unfolding of the original genius of the people. Neither foreign wars, nor internal commotions often vast in form and long abiding in time, nor their repeated subjugation by conquerors from the north, alien in blood, language and religion, nor the immense local diversity of the tribes and regions comprised in this colossal country, have more than temporarily affected this nationality. Filial piety—the obedience of the child to the parent, and the reverence of the young to the aged—is the corner-stone of China's unique civilization. After forty-five centuries of existence, the Chinese people are to-day the living witness to the truth wrapped up in the fifth commandment given by Jehovah (Chinese Shang-ti) on Mount Sinai, to the Hebrews: "Honor thy father and thy mother, that thy days may be long upon the land which the Lord thy God giveth thee." While all the other political systems of antiquity have crumbled and passed away leaving only their ruins, the land of filial piety is inherited to-day by a nation whose social structure is more firmly settled than that of any other on earth. If Egypt gave us architecture and agriculture, the Phœnicians letters, the Hebrews religion, the Greeks beauty, the Romans jurisprudence, the Germanic nations personal liberty, China brings to the sum of truth possessed by the race, the demonstrated power of filial reverence to preserve the life of nations. If political science be based on fact, and not merely on theory, and if longevity be the quest of nations as of individuals, then China has this supreme lesson, in addition to many others, to teach the younger nations of the west. "The peculiar character of the Chinese—for they have a character which is one and distinct—is not to be accounted for by their residence in great plains, for half their empire is mountainous. Neither is it to be ascribed to their rice diet, as rice is a luxury in which few of the northern population are able to indulge. Still less is it to be referred to the influence of climate, for they spread over a broad belt in their own country, emigrate in all directions and flourish in every zone. It is not even explained by the unity and persistency of an original type, for, in their earlier career, they absorbed and assimilated several other races, while history shows that at different epochs their own character has undergone remarkable changes. The true secret of this phenomenon is the presence of an agency which, under our own eyes, has shown itself sufficiently powerful to transform the turbulent nomadic Manchu into the most Chinese of the inhabitants of the Middle Kingdom. The general name for that agency, which includes a thousand elements, is education. It is education that has imparted a uniform stamp to the Chinese, under every variety of physical condition." (W. A. P. Martin, "The Chinese.") Yet this term "education" does not suggest in China what it does in Christendom of this century. With us it means the training of all the faculties of mind and body, the discipline of every one of man's powers, to the end that all nature may be subordinate to man's needs, and new truths be continually won as man progresses. In China, education looks entirely to the past. It is a combination of the purely literary and scholastic training like that of mediæval Europe, with the pupilage of the child still under parental rule. The family idea rules even in the schools, and subordination and filial obedience are the principles which form the core of Chinese education. Because of this very idea of the family dominating that of state and empire, there is seen in China a vast interplay of despotism and liberty—the absolute rule of the father or emperor, and the easy freedom within limits of his children the people. What the Americans are in Christendom, the Chinese are in extra-Caucasian humanity—the freest people in Asia. Since the political genius and concrete system of China are unique, original, the oldest in the world, absolutely independent of foreign influence, we shall best expose them by a brief outline of the history of the Chinese people.—The purely mythical period of their history, which even the native critics reject, comprises a period of 2,267,000 years before the birth of Confucius in B. C. 551. The legendary portion, which can not, except in its outlines, bear the rigid requirements of modern historical criticism, begins about 2852 B. C. Passing over this, we reach the semi-historical period in the reign of Wu (B. C. 1122), of the Chow dynasty (1122–255 B.C.). The opinions of most modern critics are now gravitating toward the year 781 B. C. as the beginning of trustworthy Chinese history.—The early legends of the Chinese are perhaps no more vitiated by fable than are those of most ancient peoples. In the gray dawn of their history we

find a people settled within the loop of the Hoang Ho, in what is now the modern province of Shen-se, dwelling as one family ruled by a father or patriarch. Within a few generations, the increasing number of immigrants was divided into tribes and classes, to each of which a name was given, the *wang* or king being still the father of all the people. Agriculture was the chief occupation, but arts and trades began to be developed among them—the rudiments of that vast subdivision of labor seen in the China of to-day, with its guilds and trades-unions of hoary age. It is now nearly certain, however, that many of the inventions ascribed to them or their leaders originated farther west, and before their departure from the land whence they came. Linguistic science, aided by researches in other domains of thought, is gradually bridging the gulf between the Chinese and Euphratean nations, one of the most brilliant recent discoveries being the identification of the primitive forms of the Chinese characters with the Accadian hieroglyphs from which the cuneiform writing of Assyria was derived, and the agreement in the ancient pronunciation of them. M. de Lacouperie, who makes this claim, also asserts that the enigmatical Yh-king, a system of mystic characters whose real meaning had been forgotten before the age of Confucius, is really a collection of syllabaries and lists of words similar to those with which the clay tablets of the library at Ninevah have made us familiar. (See *Early History of Chinese Civilization*, and *Le Yh-King et les Origines asiatiques occidentales de la Civilization Chinoise;* by M. Terrier de Lacouperie.) From their first origins, the Chinese type of intellect is easily perceived. Unlike the dreamy, metaphysical Hindus "who think away matter and hate the physical toil which develops its uses," we find at once "a swarm of plodding utilitarians, sternly adherent to things actual and positive; who insist that the world is the plainest of facts and needs no explanation; that it is purely a working world, wherein a seventh day rest would be an impertinence,—a world where every atom is intensely real and valuable; where domestic and social uses stand for poetry, metaphysics and religion." (Johnson's *Oriental Religions—China.*) In India —the other great reservoir of mankind—we find brain, pure thought; in China, muscle, pure labor. The type of the Hindu intellect is cerebral, that of the Chinese is muscular; in the cosmogeny of the former, the world issues from mystic thought, in that of the latter, the earth is already existent and self-shaping, the first man having hammer and chisel in his hand, himself and tools being a part of it. In India the type of architecture is the bubble, symbol of unreality; in China, it is the pagoda, pile on pile of tents or dwellings. Contrasting the Chinese physical mould—the flattened profile, the uninspired air, the plump, muscular and enduring physique, with the clear bright eye and rapid graceful motion of the Arab; with the dreamy languor yet exquisite nervous susceptibility of the Aryan Hindu; with the prominent features, the collected self-conscious and expectant bearing of the Teuton or the Greek; and we easily discover the persistent mental type corresponding to it, so lymphatic, so incurious, so fast-bound in things as they are, and have been. The Chinese creative faculty remains within the plane of certain organic habits, failing to rise from the formalism of rules to the freedom of the ideas. The Chinese mind buries itself in its materials, but does not go beyond them. Hence the stability of the structure, without growth or development in the idea. (Johnson's *China, passim.*) We may add that the above philosophical analysis of the Chinese mental qualities, by a distinguished American scholar, is valid as well for the pre-Confucian era as for this sixth year of Kwang-si (A. D. 1881).—A change from simple patriarchalism in the direction of feudalism was made by Wu Wang (1122 B.C.) who allotted portions of land for the support of the now numerous sons and brothers of the sovereigns, who had gradually formed a kind of nobility of the state. Seventy-two principalities were allotted to the royal relatives, all of whom were tributary to the sovereign. Yet even in this rudimentary feudalism, there were few or no restrictions of the privileges of the people, such as were seen in mediæval Europe. The inherent viciousness of the system soon, however, developed itself; jealousies, tribal fights, internecine wars, and the mutual weakening of loyalty to the tribe-father or suzerain and his authority over the vassals, resulted. Worse than all, the tributary nations on the north called Tâtars (vassals), emboldened by the internal weakness of their conquerors, began, about 950 B. C., the inroads which continued for many centuries, necessitating the constant arming of the people, and, before the Christian era, the building of the Great Wall. Into the details of Chinese feudalism we need not enter. It lasted from 1122 to 221 B. C., a period of 900 years. The best picture of feudal China is seen in the *She King* or Book of Ancient Poetry, translated into English verse by Dr. James Legge, London, 1876. The sage Kung, the one being on earth whom the Chinese regard as endowed with unalloyed wisdom, and who is known to Europeans as Confucius, was born at the time of greatest feudal misrule, 551 B. C., in the petty kingdom of Lu. By this time the sovereignty of the rulers or kings of the Chow dynasty had become reduced to little more than an empty pageant. The actual functions of government had passed into the hands of a varying number of vassal dukes who ruled their respective territories with the attributes of sovereign power. Confucius was not, in any sense of the word, an original thinker, a revealer, or an inventor, but only a reverent student of antiquity, a teacher who re-presented the old traditions, and enforced them by his example. Like our own great theologian of Princeton, he doubtless boasted that "he had never invented a new idea." He was

compiler, editor and annalist, but composed no doctrinal work. To his disciples we owe what is known of his life and works. "He held up for the admiration of his pupils and countrymen at large the virtuous endeavors of these wise rulers [of antiquity] and the principles upon which, under their government, the empire was ordered. The lessons which he drew from these sources and inculcated in his conversations or by his example (translated by Dr. Legge under the title of Confucian Analects), constitute the most sacred portion of the Chinese canon of philosophy and instruction." (Mayer.) Late in life he collected and arranged the substance of the ancient books and traditions, in prose and poetry, under the title of *King*, which form the second portion of the canon. These works, together with a meagre chronicle of the events of his native state (722–481 B. C.) constitute a body of writings which, to the Chinese, have been for a period of 2,000 years the basis of the national education, religion and government. In them, one finds the keys to the entire Chinese political and social system, in ideal and in fact; yet it must never be forgotten that Confucius added nothing new, he simply reproduced the archaic norm and ancient genius of the nation. On the other hand, it is very probable that he purposely failed to properly express what the ancients had taught concerning religion. (See Dr. Legge's *Religions of China*, 1880.) Though reverenced in his life, the sage was not practically successful as a reformer. Meng Tsze (372–289 B. C.), a native of the same state in which Confucius was born, is honored as "Sage Second" of China. His work was to popularize the doctrines of his predecessor. The record of his teachings and conversations with princes who sought his counsel, or with disciples who gathered round him for instruction, forms the fourth of the canonical books—the standard of the national ethics and social order. The Jesuit scholars at Peking who first Latinized the names of these two sages might have rendered familiar to western ears and minds other famous Chinese names, had they given them the same familiar terminology. —Thirty years after the death of Mencius, was born the man, by whose genius and labors the feudal system was swept away, and a homogeneous empire, nearly conterminous with modern China, erected on its ruins. He broke with the traditions of the past, and attempted to forever destroy the power of the literati, the idolaters of letters and the opponents of progress, by ordering the destruction of all the ancient records. He built the Great Wall—the most stupendous monument of human industry on earth, by uniting in one the several walls of the various states, with great additions. He divided the vast empire into 36 provinces ruled by governors sent out from the capital, and thus created centralized monarchy. In thus securing the extinction of feudalism, China anticipated Japan by the space of 2,000 years. He combined the ancient title, *Wang*, (sovereign), with Ti (Divine ruler, or deity), and took the title of She Wang Ti (First Universal Emperor; or First Autocrat ruling by Divine Right.) This is the initial appearance of that shibboleth of Chinese imperialism: for to China's emperor alone can this august title be granted. All other sovereigns and rulers on earth whosoever are only *Wang* (king or sovereign). None can be Wang Ti, either by law, custom or fact; nor will Chinese diplomatists ever in document, official address or conversation apply this title to any king, emperor, czar, shah, mikado or president. All tributary nations receive investiture of their rulers under the title of *Wang* (king), or *Wang kwo*, Japanese, *Koku O* (king of a country). The ineradicable conception in the Chinese mind is, that as there is one father to a family, so there is but one ruler for the world. His ideal for the whole race of mankind is the family, hence the emperor must be the world-father. To the average Chinaman, who saw that European sovereigns were not addressed in equal terms with the Chinese emperor, the idea of the inferiority or vassalage of the latter to their Wang Ti instinctively arose. Of late years the foreign legations in Peking have insisted upon and compelled the Chinese officials to use specially-coined terms to express the titles of European sovereigns in such a manner that absolute, or at least apparent equality may be secured, and the suggestion of inferiority be eliminated. The obnoxious, vulgar word, "barbarian," has also been stricken out of official correspondence, and "foreigner" or "foreign countryman" substituted. The incurable jealousy, mutual contempt and chronic unfriendliness between the Japanese and Chinese have their roots in the fact that the former persist in applying the title *Wang Ti* (Japanese *Kotei*) to their mikado; and the term *Tei Koku* (land ruled by a theocratic dynasty) to their country. The proposition of the dissatisfied ministers of China to bestow the simple term *Wang-kwo* (Japanese *Koku O*, Nation-king), upon even the Japanese Shōgun (or "Tycoon,") has been deemed a sufficient *casus belli* in several historic instances. In the case of the ministers of the Ming dynasty, and Hidéyoshi of Japan in 1593–7, it was the cause of the renewals of hostilities in Corea after a truce. All tributary sovereigns or their envoys on entering the imperial hall of audience, must perform the *kow-tow* (nine prostrations). The refusal of foreign ambassadors to submit to this humiliation, has been the cause of their non-admission to the presence of the emperor. In these audiences the tribute-bearers and mandarins of the empire who are privileged to enter the imperial presence, face the "Son of Heaven," whose throne fronts toward the south The following extract from a letter of the king of Corea, addressed to the Chinese emperor, through the board of rites, Nov. 20, 1801, is a characteristic specimen of the language used on such occasions: "Turned toward the north, I keep my eyes fixed upon the cloud-enveloped heaven, which I hope will be favorable to him

who is below." In this phrase we have suggested the throne facing the south, the prostrate suppliant and the "heavens covered with clouds," which signifies his majesty's severity or wrath, his pleasure being expressed as "a gentle rain." The symbol of all that pertains to the emperor is the dragon, or chief of the divinely constituted beings, possessed of all powers of destruction and blessing. Hence the representations of this creature are embroidered on the imperial dresses, banners and insignia, and are found on all that pertains to the emperor. His throne is called "the dragon throne," his face "the dragon countenance," and "the ruffling of the dragon's scales" the disturbance of his feelings. The imperial color is yellow, from the legend of the yellow dragon that rose out of the river Loh and presented the elements of writing to Fuh-hi, the mythical founder of the Chinese polity. Further details concerning the Son of Heaven will be given below. We have but shown the substance of those popular ideas which underlie and support the throne. Enlightened Chinese probably do not now mean by *Wang-ti* more than "autocrat," or "sovereign;" foreign successes with improved cannon having greatly modified the old superstition.—The ancient records edited by Confucius and destroyed by She Wang Ti, were recovered from memory and written fragments, after the death of the tyrant, and the doctrines of the sage being always acceptable to the possessors of the throne, the sovereigns of the Han dynasty began to enforce the Confucian political ethics. Henceforth, though the history of China was varied by internal convulsions, and inroads of barbarians and periods of anarchy, though a new dynasty occupied the throne every second or third century, though Tâtar, Mongol and Manchiu hordes rolled out of the north upon the fertile plains of China, to conquer and then to be quietly absorbed, the Chinese never changed but rather consolidated their political system, steadily developing the idea of the family into that of universal empire. Under the overmastering genius of Confucius, whose principles are now practiced by 500,000,000 people in China, Corea, Japan and Indo-China, the Middle Kingdom was carried to a grade of civilization far beyond that of other nations of eastern Asia, and during mediæval Europe, it was the most highly civilized country on earth. While the nations of Europe awoke to renascence and second morning, and have gone on progressing, China has remained stationary; for there is no germ of progress in the Confucian ethics. In eliminating the principle of popular religion, and relegating divine worship to the emperor alone, Confucius cut the tap-root of national progress. The poverty of their spoken language and its difficulty of acquisition by foreigners the multiplicity of their ideographic writing in which the monosyllables of their national infancy have been petrified; their geographical isolation, added to the fact that for fifteen centuries their chief intercourse was with rude barbarians and pupil nations from whom no improvement could be gained, nor even comparison made except to show their vast superiority and flatter their vanity, have kept the Chinese satisfied with their excellence in civil polity, arts and literature. It is not possible at once for the nation, so long a teacher, to become the pupil. Whether in the presence of modern civilization, and its forces of war, science and religion, or the genial influences of mutual comity, the ancient system can stand, remains to be seen.—The Confucian ethics, the basis and norm of all government in the family and nation, are summed up in the doctrine of the Five Relations. The relation being stated, the correlative duty arises at once. These are: 1, between sovereign and subject; 2, between father and son; 3, between elder and younger brother; 4, between husband and wife; 5, between friend and friend. Confucius might have made his system of ethics a religion, by adding a sixth, or supreme relation—between God and man. He declined to do so, thus leaving his people without any aspiration toward the Infinite. By setting before them a finite goal, he sapped the principle of progress. With obedience to the emperor, the supreme duty of the individual is fulfilled. Hence, if the emperor fails to do his duty, if the public works are neglected, if decay and ruin overtake the national edifices and enterprises, if stagnation and paralysis seize upon the national policy and government, the individual cares not, the subject takes no concern, since his duty is fulfilled in obedience to the emperor who is the representative of God and destiny. "Of all crimes the greatest is rebellion, but if the rebellion succeeds, it is evident that heaven has willed it so." Success is the manifest will of God. "Thus the first duty of a citizen is absolute fidelity to his sovereign, and at the same time an immediate and absolute acknowledgment of whatever may be an accomplished fact." (Hübner.) The people are the children of the emperor, and he is the Son of Heaven. He alone mediates between his subjects or children, and his Father, Heaven. In the temple of Heaven in Peking, the emperor offers an annual sacrifice with prayers on the lofty stone altar, on behalf of the nation; the master of all the earth thus worshiping the Master of Heaven, vicariously, for all his people. Like the pagan father, he holds the power of life and death over his household. His word is absolute. From this point of view China is a despotism. But the duties of the emperor and his subjects are reciprocal. Peace in the empire is the result of his fatherly rule. Rebellion, as he himself acknowledges, arises from his lack of ability or wisdom. Mencius, the popularizer of Confucius, taught the inherent right of rebellion against an unjust prince. This right has been often exercised by the people; yet, with rare exceptions does rebellion pass beyond a demand for justice. As in a family children are punished for wrong doing, but rewarded for being good, so exemplary filial piety, loyalty,

valor, and minute, even trivial, domestic virtues are rewarded by the government. Official cognizance is often taken of incidents that in western countries belong to the privacy of the family. To old people on their birthday, to children for their filial piety, to widows for not re-marrying, etc., etc., presents of rolls of silk, money and other desirable articles are made by the authorities. In the case of illustrious services rendered to the nation, or of public individuals deserving of honor, there are eight grounds of distinction or privilege, as follows: 1, Imperial connection; 2, Long service; 3, Meritorious service; 4, Wisdom and virtue; 5, Ability; 6, Zeal on behalf of the state; 7, Exalted official rank; 8, Descent from privileged ancestors. It will be seen from the above order, which is part of the statute law of the existing dynasty, that mere rank or descent counts for very little, while long, faithful or brilliant services are the criteria of distinction. There is no permanent feudal or hereditary rank in China, no primogeniture, and few if any of those restrictions of birth or class which hinder the rise of commoners to lofty rank, office and station. The only hereditary nobility is that enjoyed by the descendants of Confucius. By a gradual process even the blood relatives of the emperor take their places among the people; for with every generation they descend one degree. The descendants of a prince of the blood will in the sixth generation be common people. The five degrees of feudal rank, instituted in the dawn of Chinese history, once the symbols of actual land and power, but existing only in name in modern times, may be translated "Duke," "Marquis," "Earl," "Viscount" and "Baron." After their reduction to the ranks of the common people, the emperor's relatives form one of the numerous clans of the nation, called the imperial clan, and are governed by a special board. In the succession to the throne, the emperor chooses an heir from among the offspring of his three wives. Of these wives one is the *wang-hoi*, or empress, and two rank as queens. The large number of concubines, female servants, and ladies in waiting form an establishment in which many eunuchs are required, and a soil in which palace intrigues are ever ready to spring, and from which a counteracting influence to reformatory ideas continually proceeds. The eunuch system is an exotic from Persia. The "solitary" or "peerless" man, as the emperor is styled, lives with his harem in the Forbidden City, or group of yellow-tiled buildings surrounded by a wall, in the very heart of Peking. He rarely appears in public, and then he is guarded by a large military force. The now ruling Tsing dynasty trace their ancestry to the Manchiu chieftain Chao Tsu Yuan, the seat of the original tribe being in the valley of the Hurka, a tributary of the Sungari river. Gradually increasing in land, in men and in horses, during the sixteenth century they mustered mighty hordes of cavalry, and began to raid the Chinese province of Lia Tong (now Shing King). Invited by a Chinese general to assist in deposing a usurper, they entered China proper in 1636 and defeated the rebels, but declined to go out again. Easily finding a pretext, they deposed the Ming dynasty and set their own ruler Shun Chi on the dragon throne in 1644. The Manchius then began the conquest of China in earnest, but only after much bloodshed succeeded. The badge of loyalty to the new régime was a shaven scalp, with the hair braided into a queue—the "pigtail," to which the Chinaman now after three centuries of custom clings as a symbol of nationality. Gradually the native opposition to the Manchiu foreigners became weaker, and the Chinese quietly adopted the "pigtail" and absorbed their conquerors. The fierce Manchiu became a pupil of Chinese civilization. The sciences of Europe were patronized at Peking; Tibet was added to the empire; Nipal was invaded, and western Formosa conquered; while foreign commerce, diplomatic relations and Christian missions entered upon their ever-increasing career of influence in China. On the 12th of January, 1875, Tung Chi, the eighth Manchiu occupant of the dragon throne and the last of the direct line, died of small pox, and "became a guest in heaven." Kwang Si ("Succession of Glory"), the present ruler, now in his eleventh year, and a cousin of Tung Chi, became emperor, having been so nominated in the deceased emperor's will. During his minority, the government is carried on by the empress-dowager, the empress-mother, and prince Kung, uncle of the late emperor, and the ablest of all the imperial officers. Thus the succession to the throne has passed out of the direct line—a fact which may yet be made the pretext for revolution or intrigue in the future. One of the dowagers regent, mother of the late emperor Tung Chi, died at Peking, April 11, 1881, an event which most probably throws more power and influence into the hands of the progressive prince Kung. She was the ruling spirit of the court of Peking, and serious intrigues may follow her demise.—In its external form, the government is a bureaucracy. The emperor is assisted by the *Nai-Ko*, or supreme or privy council, consisting of nine Manchiu and seven Chinese officers, who prepare opinions for the emperor's judgment. The general council, or *Kiun-Chi Chu*, is composed of the heads of the six boards, and tribunals, with various high personages, princes and commissioners. It has less power and influence than the privy council, its functions being mainly distributive. It issues the imperial edicts, presides over the civil service examinations, directs various national procedures, decides upon and prepares the matter for the *Peking Gazette*, or "government journal," and takes cognizance of affairs in the empire outside of China proper. There are five imperial courts, presided over by high functionaries who are usually at the same time connected with one or other of the six boards. These courts are, of judicature, religious ceremonial, imperial stables, banqueting, and

entertainment. The greater portion of the actual work of administration is carried on by the six boards. These are, of civil office, revenue, ceremonies, war, punishment, and public works. At the head of each board are two presidents, four vice-presidents, and three lower grades of officers, supplemented by a large staff of clerks. Nearly all the higher grades of office are filled by an equal number of Manchius and native Chinese. Not only is a check upon arbitrary power sought to be secured by having two heads to each department, but no one board is entirely independent of the others. A real and potent element of popular representation is found in the college of censors, which exercises a supervisory and judicial control over all the boards and officials. The censors scrutinize all acts of the courts, boards and councils, form themselves into investigating committees, inquire into and object to measures which they deem unlawful or injurious, and freely accord audience to complainants of every class. The college also directs the metropolitan police, at Peking, and is a supreme court of appeals, in that it reviews criminal cases referred from the provinces. Even the emperor is not freed from the censorate, but is occasionally rebuked in firm but respectful language, when he has violated the spirit of China's constitution. Irresponsible government is not found in China. From the most ancient times, the drum of justice has hung at the palace gate opposite the throne, and any subject has the right to memorialize the sovereign or prefer requests. Such appeals are received and forwarded by the court of request. The eight causes for removal from public employ are. 1, a grasping disposition; 2, cruelty; 3, indolence and inactivity; 4, inattention to duty; 5, age, 6, sickness; 7, indecorous behavior; 8, incapacity. The members of the Han Lin Yuan (Forest of Pencils), or imperial academy, are a body of civil functionaries forming an integral part of the machinery of state, exercising considerable influence upon the government, and recruiting from their number many of the higher offices. The memorial of an imperial academician laid before the throne will often outweigh in influence that of a provincial officer higher in rank. The *Peking Gazette*, before alluded to, is, in one sense, the organ of the government for disseminating official intelligence throughout the empire, and is an expression of the democratic element in the Chinese political system. It is named *King Pao* (Metropolitan Reporter). When reprinted in the distant provinces, it is often called *King Chao* (Transcripts from the Capital). It is issued at an early hour daily in Peking at several establishments. This "newspaper" is stitched with paper cord and covered with the imperial yellow. The price of the full edition is about six dollars a year. It is printed with movable wooden types on bamboo paper, on one side of the sheet; its length is 9 inches by 3½ inches wide, and it contains from 6 to 20 or more leaves, according to the documents issued. The offices of publication are not limited, but each one issues its own cover. The date and table of contents occupy the first page, then follow the names of persons admitted to an audience, lists of officers reporting for duty or on leave of absence, records of memorials, reports, sentences of criminals in the capital, lists of official changes, the movements of imperial princes, and of the emperor, the fall of rain and snow in Peking, and various other matters. The *Peking Gazette* has, properly speaking, no editor, no contributors, contains no remarks on public acts, and inserts no advertisements or news articles of any kind. It is not in any sense a review, magazine or journal, according to the western use of these words. It is simply a transcript, by government permission, of such public documents as the supreme council allows to be placarded for public use. Couriers carry copies of these public documents to all the provincial capitals, but it is by means of the *Peking Gazette* that all classes of people are enabled, by clubbing together, subscribing or borrowing, to read the government news. The supervision of the *Gazette* rests with a sub-committee of officials connected with the supreme council. Occasionally documents intended to be kept secret are surreptitiously published. Some of the memorials and remonstrances which are allowed to be published show a surprising bluntness of criticism and boldness of reform. On the other hand, nothing concerning any of the details of the opium war of 1839–42 was mentioned. The first instance in recent times in which the name and title of a foreign functionary were properly mentioned was in July, 1859, when the American minister Hwa-joh-han (Ward John, or John E. Ward) was reported as having come to Peking. The *Gazette* was established probably at the beginning of the present dynasty. It is now translated into English, and reprinted by the *North China Herald* at Shanghai. Many thousands of copies are read all over China, furnishing information such as no other Asiatic government allows to its subjects.—Each of the 19 provinces of China proper is divided into *fu* (prefecture or department) embracing a population of about 2,000,000 souls. The *fu* is subdivided into *chu* (districts), and further into *hien* (sub-district). The larger provinces are ruled by a viceroy. Of the smaller provinces a viceroy may rule over two. Each province has a governor, (*Tao-tai*, chief, or intendant of circuit) prefects, treasurers, judges, tax-collectors, and a large number of officials, whose duties are multiform. The salary of the viceroys or governors general varies, but is not less than $40,000; that of a Tao-tai or governor is $5,175; that of a prefect, $3,425; that of a district magistrate, $1,375 per annum. To the salaries there are no legal perquisites, but large additions are often made to them by bribery and exactions of various kinds. The three-year limit to office, while acting beneficially to popular liberty, tends to make the mandarin improve all his opportunities of levying "squeezes" upon the people. The chief

sources of revenue are from taxes on land, customs and transit duties, government monopolies, licenses, stamp duties, and various forms of taxation on salt, mining, fisheries and manufactures. There is no "national debt." In grave emergencies, extraordinary levies are made on rich merchants throughout the empire to provide funds. Each province collects its own taxes and pays its own expenses. A certain proportion of the provincial revenues go to Peking to support the central government, which receives its quota partly in grain and partly in money. The total revenue of the empire from taxation is over $200,000,000, of which $55,000,000 go to Peking, and $145,000,000 are kept in the provinces. Exact figures can not as yet be obtained by foreigners. In addition to the numerous local officials, imperial commissioners, who are usually selected from the Han Lin academy, are sent out from Peking to act as censors and spies. The chief executive officers of each province, the governor, chief military mandarin, chief treasurer and judge form a local council who advise with and limit the power of the viceroy. Each province has its own army and navy, and must defend its own borders, and keep the peace within its own area. By official espionage from above, and below, and on either side, by registration of all important facts, by the transmission of every detail to the central bureaus, by reports expected from all respecting their doings and misdoings, the entire administration of affairs in the provinces and capital becomes known, in theory, to the supreme head of the nation. In actuality, no emperor, however able, can control so colossal a bureaucracy, which at times is corrupt to the core.—The term applied by foreigners to Chinese *kuan*, or officials, is "mandarin"—a word unknown to most Chinese. It is derived, probably, from the Sanskrit *mantrin*, counselor; and more directly from the Portuguese *mandar*, to command. The badge of official rank, in distinction from the nobility of birth, is a peacock feather in the hat, which varies according to services rendered. Both classes of military and civil mandarins are divided into nine grades, each grade having two classes. This division dates from 220 A. D. Each of the nine grades is marked by a "button" toggle, tassel, or knob, worn on the crown of the cap, and in vogue since 1730 A. D. These simple but sufficient substitutes for shoulder-straps, stars, garters, robes or breast decorations are in their order, in color, or material, ruby, red coral, sapphire, turquoise, crystal, white coral, plain gold, wrought gold, chased silver. The official robes are likewise embroidered with symbolic designs, those of the military differing from those of the civil mandarins. This personal dignity of rank adheres to the possessor, whether in or out of office. The number of officials within the nine grades is stated at 40,000, the majority being military. About one-fourth are Manchiu. The number of civil mandarins paid by the government is stated at 10,000. The administration of the provinces outside of China proper is intrusted to a separate department called the *Li-fan-yuen*, and by foreigners, the "Colonial Office." The foreign relations of China were formerly considered of so little importance that they were put in charge of a sub-bureau of a department. Since 1858 the Tsung-li Yamen (Board of Control, or Office for Foreign Affairs) has been established, and foreign envoys now communicate directly with the Tsung-li Yamen.—In the local forms of administration there is more or less imitation of the imperial rule, with accountability in both directions, to the higher magistracy and to the people. In the court the mandarin is judge, jury and bar, but the ordinary procedure is without fee, open alike to rich and poor, with the right of protest or appeal to the higher judicatory. The ten heinous offenses known to Chinese law, are in their order, as follows: 1, Rebellion; 2, Conspiracy against the sovereign's person; 3, Treason, or Revolt; 4, Parricide, and similar crimes; 5, Inhumanity, comprising willful murder, mutilation for nefarious purposes, etc; 6, Sacrilege; 7, Unfilial conduct; 8, Discord; 9, Insubordination; 10, Incest. Though cruelty, bribery and official corruption of all kinds do undoubtedly prevail all over China, yet the actual freedom of the people is superior to that of the masses in ancient Rome, or in India or Russia. The imperial officers are in a measure detached from local influences by the rule that no man shall hold office in the province of which he is a native, and by the additional rule—as old as the fifth century of our era—that their term of holding office is limited to three years. The influence of the censors at Peking, who do not spare even the emperor, acts also as a powerful factor of popular freedom. Furthermore, the continuous and rapid republication in the provinces of the *Peking Gazette*, containing the criticisms and memorials of the censors at the capital and complainants in the provinces, keeps public affairs before the eye of an intelligent and thinking people. The perpetually exercised right of pasting up placards, tracts and pasquinades on walls and public places exerts a powerful restraining influence on the local mandarins. If justice is often bought and sold at the *yamen*, the right of influencing the public by the written appeal flourishes. Distinct elements of popular freedom are also found in the organization of the clans, in the town and district councils, in the trade guilds, the special clubs, and, in an extreme form, in the secret societies. These last are always large and numerous, and are usually organized with designs inimical to the reigning dynasty, but not to the nation. One of the most powerful of these was the "queue-cutting" band, who secretly cut off the "pigtails" of people and officials, with the object in view of insulting the Manchiu dynasty, by mutilating their distinctive badge of loyalty.—The foundation of the entire commonwealth is found in the clans, of which there are about 450 in the empire. The designs of their organization

are, defense against the centralized bureaucracy in Peking, mutual aid and protection in business, and the common transactions of life, and for festive enjoyment and the worship of the spirits of their ancestors. The clan organization is so complete that while it may secure justice to the innocent, it may also thwart the design of the magistrate, and even of justice. In some parts of the country bitter and often bloody quarrels, inherited from many generations past, are kept up. The chiefs of the clan at Peking are able by their power to prevent the punishment of murder and violence committed by members of it in the provinces. The feuds of these hostile clans often render property and travel in certain sections of the country insecure for months at a time. Marriage with another of the same clan is forbidden. The proper degree of consanguinity is thus preserved among the people, and very few towns are inhabited entirely by men of one clan. These clan divisions, however, are not kept up by emigrants abroad. Another element of popular freedom, against which the power of the local mandarin is vain, is trades-unionism. Often beneficent in their operations, these leagues are equally oppressive and tyrannical. Useful as a check to over-government, they are an injury to free industry, and offer a fertile field to intrigue, revenge and depravity.—More truly beneficial are the town and district councils of elders, which contain real elements of representative government; they exercise local powers with which the imperial magistrates rarely dare to interfere. The administration of villages and city wards, police arrangements, and taxation, are within their control. The elders or officers are salaried, and usually hold their office during good behavior. The council consists, as a rule, of the elders of 50 or 100 villages or city wards, having a central hall and assistants for clerical labor. In the cities the wards or gates are closed at night, and guarded by a watchman, who also strikes the hours. By this minute subdivision of authority, disturbances are easily localized and offenders found out. Not only have foreign residents repeatedly experienced the potency of these popular forms of power and opinion, but the apparent apathy and unwillingness of the Peking government to carry out a promised policy becomes intelligible. In most cases the central authority is utterly unable to override the local sentiment of the democracy. Hence the vacillations and radical difference of opinions among foreign writers and even long residents in China. "The mandarins and government are all; there are no such ideas as 'rights' or 'liberty' in the Chinese mind; the administration is a despotism in theory and in fact," says one. "China has no government worthy of the name; the mob is everything," says another. The truth seems to be, that for centuries government in China has rested in equilibrium between democracy and bureaucracy, between the throne and the people. The symbols of government and justice in western lands are the sword, and the scales held by the blindfolded goddess. The more prosaic and correct emblem for China might be found in the *tembimbo* or carrying-pole of the native laborer, whereon all burdens are distributed and balanced by being divided into two equal parts, though the double weight falls on one shoulder. The real reason why western students of the Chinese political system are often puzzled to understand it, seems to arise from a false analysis of Chinese society. "The root-idea of the Chinese state is that mutuality of rights and interests between prince and people, as the two terms of one divine order, neither of which can fail of its part, without defeating the whole. The primitive simplicity of this recognition of justice has not unfolded into those practical mediations which political experience has elsewhere devised for correcting the relations between ruler and ruled, and which have ultimately identified the two in pure self-government by the people." (Johnson's *China.*) In China we miss the middle term of *individuality*, which in western forms of government is so powerful a factor. "Unity in the ruling force, multiplicity in the ruled," is the simple antithesis of the Chinese political system. The unit of society is not the individual but the family. "the hundred families" being the collective term for the whole nation. The emperor can not with safety violate ancient custom, or substitute his selfish interest for the public good. On the other hand, among the people, there is an utter absence of caste, of heredity, and of slavery. The foreign term, "coolie," (Hindoo *kuli*), is a misnomer imported by the East India company's people to China, and thence adopted into the English language. There are millions of laborers in China, but not one native of the "coolie" caste in the whole empire. No hereditary rank, honors or titles are known in the empire except in the family of Confucius. Hereditary bondage is unknown, and "involuntary servitude" is confined to prisoners of war, criminals, and persons sold by their parents or for debt. The worst features of "family slavery" are found only in southern China. While thus "liberty" in the radical sense of license to do as one pleases is absent from the Chinese people; while the individual possesses only a portion of the idea and fact of liberty in its Anglo-Saxon sense; it must be admitted that the Chinese commonwealth is a commonwealth of freedom, such as no nation in Asia or ancient Europe has ever shown.—Proofs of the essential autonomy and representative powers of the people are seen by an examination of the Chinese codes of law, and the binary system of education and civil service, the one founded upon the other. Theoretically, the laws of China may be called the constitution of the empire. The penal code, called "The Great Pure [dynasty] Statutes and Decrees," embodies the old national ideas and such practical institutions as experience has proved best suited to the people. It is revised by the imperial counselors every

few years—a process which has brought it into a compact and simple form. It was translated into English by Sir George Staunton, and published in 1810. Its seven principal divisions treat of: 1, General Laws; 2, Civil Laws; 3, Fiscal, including laws relating to land and marriage, public property, customs, private property, sales and markets; 4, Ritual; 5, Military; 6, Criminal, divided under the heads of robbery, homicide, quarreling, indictments and information, bribery, fraud, incest, arrest, imprisonment, trial and punishment; 7, Public Works. (For a brief digest of the code, see Johnson's *China*, pp. 355–365.) Excellent as is the present penal code, which superseded the severer one of the Ming dynasty, yet, as is not denied by the most careful witnesses, the imperial officers often override its provisions with their edicts, reviving obsolete portions, or arbitrarily emphasizing others. Added to the derangements caused by extra territoriality, by opium, by foreign influences and the popular dislike to the Manchiu rule, the superstitious reverence, almost amounting to idolatry, of the mandarins for the ancient texts, tends constantly to great cruelty in the administration of justice. Barbarous penalties are described in the *Shu-king* and *Chiu-li* classics, which a certain conscientiousness in the mandarin often compels him, in spite of revised codes, to put in execution. This state of mind is easily understood in Christendom, when one sees how the mere phraseology of the Old Testament profoundly influences devout persons otherwise Christian and humane. Chinese puritanism often transforms the mandarin into a cruel tyrant and debases popular conscience and conduct. Hence, in actuality, the Chinese prisons are horrible gaols, where thousands of prisoners annually rot out their lives. Torture is freely used to obtain confession, and the victims of the cudgel and of incarceration outnumber those of the ever-busy swordsman. Prisoners are kept in cages like beasts, tortured unspeakably by flogging with ropes or beating with bamboo at the word of the mandarin. The five punishments as at present classified are: 1, Bambooing; 2, Bastinadoing; 3, Banishment; 4, Transportation for Life; 5, Death. The first two punishments comprise five degrees of severity; the second, five degrees of duration; the fourth, three degrees of distance; while in the fifth are two degrees, strangling and decapitation. The ancient forms of revolting punishment under the ancient dynasties of Chow and Han, such as branding on the forehead, cutting off the nose, maiming, castration and death by horrible and studied forms of cruelty, have long since been abolished. Public sentiment has also largely outgrown parental rights over life and liberty as well as slave-penalties, except in a few less civilized provinces, family "slavery," so-called, being confined to the southern part of the empire. Nominally the emperor must sign every death-warrant; practically the high mandarin holds and exercises this power. — After filial piety, education is the great conserving force of Chinese society. The national culture is a process of evolution whose germs are in the town and village schools, and expand into detailed adaptations to public wants through a graded system of competitive examinations; the ultimate point being the supply of civil and administrative force. This is the motive power of the process. "The government fosters education only in holding out the promise of office to all who are qualified by the test of examination." From the moment the boy enters school the goal of official promotion is before him. "The general and the prime-minister are not born in office," is the familiar line in every schoolboy's mouth, who sees the possible marshal's baton in his knapsack, or the ruby button adorning his cap. Yet the education of the Chinese child can not be said to begin as in Christendom in early childhood. The language of the fireside is not that of the books, nor are nurses and mothers trained in letters. At the age of seven or eight, a lucky day is chosen from the almanac, and the lad enters school, bowing first to the image of the Sage, and then to the living teacher. For several years the whole work of the pupil consists in the use of memory and the ink-brush. He commits the entire contents of the canonical books, so as to know the sound and form of the characters, without reading or understanding a sentence of them, or their dead language. This dead lift of memory is unalleviated by the exercise of any other faculty. It is like an American boy learning to repeat the whole of the Iliad, without knowing where Ilios, or who Hector, was, or the meaning of one line of the epic. This painful system of rote has replaced the ancient Socratic method of questions and answers which was practiced by Confucius and Mencius. The second stage of the undergraduate's work is the translation of the text-books into the living language of to-day, with lessons in composition. The third stage is *belles-lettres* and the composition of essays. These three periods occupy, in all, from 10 to 20 years. It is next to impossible to master the written language, according to the ordinary Chinese scholar's standard, in less than 10 years, while many take 30 to do it in. The memory, literary judgment and taste are profoundly exercised, and a thorough grasp of the vernacular is obtained, but the range of ideas is very narrow. Elegant composition, or the art of making literary mosaics by deftly joining together the ideas and expressions of the sages and classic writers, is constantly practiced. Invention of new ideas is neither attempted nor desired. A high literary polish is sought and attained as an end in itself, not a means only. The power of the writings of the sages over the literati even of this century springs from the vigorous and chaste style in which their thoughts are clothed, as well as from their wisdom. The three grades of Chinese schools are primary, middle and classical. In the first, memoriter recitation and imitative chi-

rography; in the second, the exposition of the canonical books; in the third, the composition of essays, are the leading exercises respectively. Of national institutions of learning there are none, except one or two in the capital. Connected with government departments, however, there are various special training schools. Education is left to private enterprise and public charity, the government gathering the choicest fruits and encouraging production by suitable rewards. Enlightened magistrates and wealthy gentlemen are often very liberal in establishing or assisting schools. In addition to official influence, the emperor, by bestowing honors upon munificent patrons, secures vast advantage to popular education without the expenditure of a tael from the treasury. Yet after all, popular education does not penetrate to the lower strata. Thousands of Chinese can use the characters necessary to their business or special pursuit, and even keep accounts and write letters, who yet are unable to read a single sentence in a book. Dr. W. A. P. Martin says in his book just published, "The Chinese," from which we have drawn some of our facts: "Of those who can read understandingly, the proportion is greater in towns than in rural districts. But striking an average, it does not, according to my observation, exceed 1 in 20 for the male sex and 1 in 10,000 for the female —rather a humiliating exhibit for a country which has maintained for centuries such a magnificent institution as the Han Lin academy. The system of competitive examinations for appointment to civil service actually dates back to a period anterior to the rise of literature. They assumed the form in which we now find them between the seventh and twelfth centuries. Two resident examiners in each district keep a list of all competing students. In each province is one superintendent of instruction who must, within his three-years term of office, visit every district, hold an examination, and confer the first degree upon a certain percentage of candidates. For the conferring of the second degree, two imperial commissioners, usually Han Lin academicians, are sent out from the capital. The regular degrees which faintly suggest those of our B. A., M. A., and LL. D., are: 1, Sin-Tsai (Budding Talent); 2, Chin-jin (Man Deserving Promotion); 3, Tsin-shi (Able to fill Office). The highest grade in the literary knighthood is to receive membership into the Han Lin Yuan, or "Fo est of Pencils." These degrees are purely the gift of the state, not of any educational institution. Only about 1 per cent. of contestants for the first degree pass the ordeal. The trial for the second degree in the provincial capital requires a strain of nearly nine days of continual exertion. A few of the weak and aged are found dead in their cells at this time, unable to endure the rigors of composing in prose and verse, and answering the questions in Chinese history, philosophy, criticism and archæology. Of the competitors, 1 per cent. is again chosen, but before office is bestowed, a further ordeal must be gone through in the capital. Of the victors, a score are admitted to the Han Lin, two or three score are added as brevet members, and the remainder are assigned to official positions in the capital and provinces. So intense is the desire for honor and office, that gray-headed men are often found competing even at the district examinations. Grandfather, father and son, occasionally apply at the same time. The unsuccessful men usually become schoolmasters, authors, writers or clerks, while the government secures the trained intellects for public service. The system serves the state as a safety-valve, providing a career for those ambitious spirits which might otherwise foment disturbances or excite revolutions. It acts as a counterpoise to an absolute monarch by introducing a popular element into the government. In practice, the princes of the blood have great privileges, and to them the ministers may be in a very inferior position; but on the other hand, the ministers who may have risen from the humblest station have predominant influence in affairs of state. The system also gives the government a hold on the educated gentry who are the most influential class in the empire. Civil office is bestowed as a reward of learning, and not of political or military services. Hence the literati are the most loyal of subjects. Occasionally the emperor, to relieve a depleted treasury, has offered for sale the literary decorations, but such a proceeding is rare and dangerous. The punishment for an examiner who fraudulently issues a degree is death. Of late years the range of subjects has been broadened by introducing, to a limited extent mathematics and political economy among the subjects examined upon. That the mandarins are not hopelessly committed to scholastic mediævalism is shown in the fact that nine-tenths of the new books published are written by them, and most, if not all, of the reforms of late years have emanated from their body. A class of men numbering several millions keep their faculties continually bright by constant exercise, possess retentive memories, are ready with the pen, and are intensely interested in public affairs. With many grave defects arising from the abuse of the system, it is yet the most admirable institution in China, and most worthy of imitation by other nations.—Chinese diplomatic relations with the states of Christendom began, properly speaking, after the opium war of 1839–42. Embassies from the Roman emperors and mediæval popes occasionally reached China. In the thirteenth century Marco Polo held office for 25 years under Kublai Khan. The Portuguese began to trade, and the Jesuits obtained a foothold in the empire in the sixteenth century, and the Dutch, British and Russians, after various repulses, secured trade and commerce in the seventeenth century. The East India company had a share in the oppressions that led the American colonies to revolt from Great Britain. After much dissatisfaction in America, caused by the high prices of the

monopoly on tea, the company were authorized to ship the crop directly from China to America without first paying duty in England. The first vessels came to Boston, and the fate of the herb is well known. Chinese tea caused as great an excitement on our eastern borders in 1773, as "Chinese immigration" did a century later on our Pacific shores. No sooner was the revolution over than our people hastened to share the profits of the rich trade with China. The first American ship, "Empress," left New York for Canton, Feb. 22, 1784. Other vessels rapidly followed from Albany, Boston and Philadelphia, carrying the American flag round the world — the Chinese name for the United States being "The Land of the Flowery Flag." Perhaps the first event pregnant with relations between the oldest and the youngest of nations, was the discovery of ginseng in Massachusetts in 1757. The Indians searched out the root and sold it to the Dutch at Albany who exported it to China at a profit of 600 per cent. The Chinese consider this mild aromatic as endowed with almost miraculous curative properties, and immense quantities of the root are still sent to China from Minnesota and the western states. The development of the fur trade of the northwest was stimulated by the Chinese demand for American furs. The first British embassy of lord Macartney in 1793 was well received, but that of lord Amherst in 1816 was not admitted to the presence of the emperor, the British envoy refusing to perform the *kow-tow*, or nine prostrations. From this time forth the subject of "imperial audience" became a sore and bitter one between Chinese and foreign diplomatists until June 29, 1873, when Soyéshima, the mikado's ambassador from Japan, followed by the other diplomatic representatives, obtained audience on equal terms, standing erect, and laying their respective credentials before the dragon throne. The charter of the East India company expired in 1834, and while lord Napier, the British agent, attempted negotiations with the viceroy of Kwang Tung and failed, the Chinese renewed their protest against opium. For five years trade remained in a precarious condition, but opium was still imported. In 1839 the special commissioner Lin demanded the surrender of all the opium in English hands at Canton, received and destroyed it. The English government declared war against China. After two years, during which the British troops occupied various coast cities, the Chinese sued for peace, and paid war indemnities amounting to $21,000,000, and opened the ports of Canton, Amoy, Fuchow, Ningpo and Shanghai to trade, ceded Hong Kong to the British, and agreed to conduct diplomatic correspondence on equal terms. The success of the British arms stimulated the desire for commerce in other countries. In 1843 president Tyler sent the honorable Caleb Cushing, of Massachusetts, as minister extraordinary of the United States to China with a letter to the emperor. Mr. Cushing succeeded in establishing commercial arrangements, by the treaty of Wang-hia (near Canton), which being ratified at Washington, the honorable A. H. Everett, of Massachusetts, was appointed minister resident in China. He died at Canton in 1847. By the second war with Great Britain in 1856–7, in which France, Russia and the United States joined, new treaties were gained and new concessions granted to foreigners; that with the United States being signed April 18, 1858. The American minister, Mr. John Ward, arrived in Peking, but refused to *kow-tow* to the emperor, and came away. The allies occupied Peking and punished the treachery of the mandarins by destroying the imperial summer palace—a proceeding intended to wreak vengeance on the government with a minimum of injury to the people. From this time the legations of the treaty nations began to be established in Peking, and the Tsung-li Yamen, or office of foreign affairs, was established by the Chinese government. Mr. Wm. B. Reed was the United States envoy from 1858–61. In 1862 the legation of the United States was established at Peking, and Mr. S. Wells Williams, the accomplished scholar in Chinese and author of *The Middle Kingdom*, was made secretary, a post which he ably and honorably filled until 1875. Honorable Anson Burlingame was our minister from 1861 to 1867, when the Chinese government appointed him special ambassador to the treaty powers of the world, partly as an exponent of profound alteration in the national policy toward foreigners, and partly to forestall further demands expected upon the revision of the treaties then pending. The first official acceptance by China of the principles of international law was in the treaty at Washington, July 28, 1868. Other treaties were made with European powers. The Peking government which had hitherto ignored the existence of Chinese outside of China, now began to look after the condition of their citizens in Peru, Cuba, the United States and other nations. By the influence of Yung Wing, a graduate of Yale college, an educational mission was formed and 120 Chinese lads were sent to New England for a ten years' course of study in American schools and colleges. Legations and consulates were established in various countries, and the rights of China's citizens began to be respected even by the street savages of Christendom. The "coolie" traffic, or involuntary emigration through fraudulent and cruel means, was practically abolished. A demand was made upon Russia for the retrocession of Kulja or Ili, and the lapsed province was restored. The general indications now are that the most enlightened mandarins are fully alive to the necessity and desirability of maintaining friendly relations with western nations, and assimilating the best elements of foreign civilization. Yet in so vast and ancient a nation it is undoubtedly true that for a long time to come, millions of the proud-spirited Chinese will desire to acquire the material forces of the foreigners only to sweep China clear of them. While the odious ex-territoriality clauses are kept intact in

the treaties, there will remain a chronic root of bitterness. The transforming power of education, Christianity, and modern science, are, however, rapidly leavening a nation that must either disintegrate, or accept a new form of national life, from which the old element of willfully blind pride and intolerance will be purged.—*Authorities and Statistics.* We have refrained as much as possible from giving statistics, which may be found in such annuals as "The Statesman's Manual," "Almanach de Gotha," the various Year-books published in the Anglo-Chinese ports, and in the Blue Books of the British, and the consular reports of the United States government. Statistics of a fresh and trustworthy character are difficult to be obtained by foreigners, as the Chinese government does not regularly publish these in exact and detailed form, except in departments and on subjects least interesting to those outside the Chinese official world.—Of the multitude of books on China, those in the following selected list are the best for the student of political science: American — S. Wells Williams' *The Middle Kingdom*, and papers in *The Chinese Repository;* William Speer's *China and the United States;* W. A. P. Martin's *The Chinese, their Education, Philosophy and Letters;* Justus Doolittle's *Social Life of the Chinese;* Samuel Johnson's *Oriental Religions—China.* European — W. F. Mayer's *The Chinese Reader's Manual*, and *Treaty Ports of China and Japan;* Sir G. T. Staunton's *Penal Code of China;* Gray's *China;* Meadow's *The Chinese, and their Rebellions;* Dr. James Legge's *The Chinese Classics;* Medhurst's *The Foreigner in Far Cathay;* Parker's *Comparative Chinese Family Law;* Boulger's *History of China.*

W. E. GRIFFIS.

CHINESE IMMIGRATION. The immigration of Chinese in considerable numbers, which began shortly after the discovery of gold in California, early aroused strong opposition in the Pacific states, which has sought expression in numerous attempts to restrict this immigration by local legislation, and—these local measures having been declared invalid by the United States courts—in appeals for federal legislation. No response was, however, made by congress until 1879, when a bill passed both houses, limiting the number of Chinese passengers who could be brought to the United States by any one vessel to 15. This was vetoed by president Hayes on the ground of repugnance to treaty stipulations; but a commission was subsequently appointed, which, proceeding to Pekin, negotiated a treaty that gives to the United States the power to limit, suspend or regulate, but not to prohibit the coming or residence of Chinese laborers, and secures to Chinese students, teachers, merchants or travelers from curiosity, together with their servants, and to laborers now in the United States, the right to come and go at pleasure, and all the privileges accorded to citizens or subjects of the most favored nations. This treaty was ratified by the senate in March, 1881.—The discussion of the propriety of prohibiting or restricting Chinese immigration which is opened rather than closed by the treaty, and which, no matter what legislation is now taken, is apt to recur in the future, ranges over economic, social, political and ethical ground, but begins with a question of fact. On the one hand, it is asserted that the Chinese are an inferior and brutalized race, incapable of understanding our political institutions or entering into our social life; on the other, they are pictured as models of industry, thrift and docility, thirsting for a knowledge of western civilization and religion. The truth lies in about the mean between these extreme characterizations.—Chinese civilization widely differs from ours, and, from a western standpoint at least, is unquestionably lower than ours; but there is no reason for regarding the Chinese as an essentially inferior race. Their civilization had certainly attained a relatively high development when what are now the most advanced of the European races were yet in a very rude state; and although decadence on the one hand and rapid progress on the other have now carried European civilization far in advance of that of China, the possibility of the Mongolian race at some time arousing from its long lethargy and reversing present conditions, is one of those grand questions which can hardly fail to rise in the imagination of whoever considers what this race has accomplished in the past. In natural characteristics the Chinese seem to be in nowise essentially inferior. Physically, those who have as yet come to the United States may be upon the average somewhat smaller and lighter than the Anglo-American, but this immigration has been as yet exclusively drawn from the southern provinces of China, whose people are said to be less robust than those of the north. Nor is there any evidence of natural intellectual inferiority. They are shrewd traders and sharp bargainers, are quick at learning what they care to learn, and it may be more than doubted whether there is anything in our knowledge that could not be acquired by a Chinaman under the same circumstances that a white man could acquire it.—Their standard of morality differs more, perhaps, in kind than in degree. On the filial virtues they set a higher estimate than we do; of the political virtues they seem to have little idea. In courage, either active or passive, they are certainly not deficient. Their religion appears to be practically that materialism which among a people of active intellect seems always to follow the deterioration of creeds, mingled with much superstition, and something of that decorous regard for forms which survives the decay of real belief. They have that habit of patient attention to details characteristic of a country where population is dense and machinery little used, but it would be hard to say that the Chinese are either more or less industrious than our own people. They work steadily when they have an object to work

for; and their "standard of comfort" being much lower than that of our people, they will work, if need be, for a return upon which an American would not deem it possible to support life; but no more than white men do they work because they like it, nor do they idealize industry. Those who are raised above the necessity of manual labor are proud of this fact, and let their finger nails grow long to show it; the fat man is their ideal of the prosperous and enviable man. They are fond of amusements, having a keen taste for theatrical representations, and are greatly addicted to gambling. If less given to the use of intoxicating liquors they are more given to the use of intoxicating drugs.—The fact is that the Chinese seem, in all essential things, to be about such human beings as we are, differing from us only as men of the same race might differ who had been from birth subjected to the influence of widely different social environments. But this is a difference which is of as much practical moment as a difference in natural capacity—a difference so wide as clearly to distinguish Chinese immigration from any which has previously set upon our shores.—Between the various European peoples from whom our population has been drawn, there are differences of race, language, tradition, custom and religion. Yet these differences are trivial as compared with the differences between the Chinaman and the European. The European peoples belong to the same primary subdivision of the human family; their languages are derived from the same parent stock, their religions are but modifications of the same great creed, their civilization is essentially one, and their customs, methods and habits of thought have even in their variations a family likeness. Differences probably nearly as great as those which exist between the Irishman and the German, or the Englishman and the Italian, exist between the people of the various provinces of the great Chinese empire.—Yet as these are indistinguishable to the unpracticed European, so differences between Europeans are as nothing when compared with the wider differences which separate the Chinese from the European. The only immigration we have ever received which in point of difference can be compared with the Chinese, is that which in the early days of American settlement was brought by the slave trade. But the negro as landed from the hold of the slave ship, was merely a naked barbarian. He had everything to learn, but had little to unlearn. The difference between the negro as he came among us, and the Chinaman as he now comes among us, is like the difference between the child ready to imbibe whatever he is taught, and the full grown man whose habits are formed.—The Chinaman is not a simple barbarian but a civilized man, of a civilization to which ours is but a thing of yesterday. The Chinese have a written language, a literature, codes of manners and of morals, national and religious traditions, arts, beliefs, customs and habits of thought which have been perpetuated for centuries through immense masses of people.—Of all the wrong impressions concerning the Chinese, there is probably none more erroneous than that widely diffused in this country (especially among those who are hopeful of the conversion of the Chinese to Christianity), that they are conscious of their own inferiority, and seek but to learn of us. That those who come among us recognize our superiority in the mechanical arts is doubtless true. But this is not the direction in which Chinese ideals lie, and their feeling toward us is probably akin to that with which the scholar, proud of his learning, might recognize the superior physical strength of a porter or coal-heaver, or the impoverished descendant of a noble family might regard the money-getting ability which had placed wealth in vulgar hands.—It is doubtful, indeed, if the European mind, and especially the American mind, can fairly comprehend that veneration for antiquity which leads the Chinese to regard the "outside barbarian," for all his steamships and railroads and telegraphs and ironclads, as a barbarian still. Western civilization looks to the future for its ideal of perfection; that of Chinese civilization is in the past.—Now it is not merely that the greater the difference in language, customs and habits of thought, the greater the difficulties of assimilation between different peoples brought into contact, but the greater the difference the less powerfully do assimilative forces act, for the greater are the tendencies, both attractive and repulsive, to the formation and maintenance of separate societies in which the peculiarities of each are perpetuated.—In the case of the Chinese this difficulty of assimilation is increased by a remarkable characteristic. Arising probably from the fact that for ages the political institutions of China have been so far gone on the path of decadence as to compel extra legal association for the protection of individual rights and the enforcement of individual obligations, the Chinese show a peculiar aptitude for secret associations and the maintenance of guilds resembling those trade and mercantile guilds so strong in Europe during the middle ages.—By virtue of this capacity for organization, the Chinese in a foreign country really constitute an *imperium in imperio*, really live under a Chinese government of their own—a government which finds ample means to enforce its own laws and regulations.—This is as notorious on the Pacific coast of the United States as it is in every other part of the world to which the Chinese have gone in any numbers. Without the aid of American law, and in spite of American law, Chinese regulations are enforced.—Chinese women are to-day, for instance, as merchantable a commodity in the Chinese quarter of San Francisco, as are hogs or opium. Whether the majority of the Chinese who come to the United States are or are not bound to service, they at least come with certain definite relations, whether of membership, clientage or peonage to the great organizations, the six companies.

—Instead of coming and going upon individual responsibility, as do the immigrants from Europe, they are received and placed upon arrival, by these organizations, and so absolute is this control, and so fully is it recognized by those who do business with the Chinese, that until within a recent time (if not to the present) a Chinaman could not purchase a passage ticket to return to China without a clearance from the companies. Thus the Chinaman, coming to the United States not with the intention of permanently settling, but of returning as soon as he can, and if he dies here of having his bones sent back to his native country—a duty religiously performed by the Chinese organizations—is received upon his arrival in a Chinese society, constantly being recruited by new immigrants, and is affected very slightly, if at all, by assimilative influences.—He may learn something of the languages, something of the laws, and religion and arts and customs, and may adopt some of the methods and habits of the country in which he sojourns, just as the English in India learn and adopt such things of the natives; but as the Englishman in India remains an Englishman and does not become a Hindoo, so does the Chinaman in America remain essentially a Chinaman.—Thus Chinese immigration differs from European immigration in being practically non-assimilable.—That in course of time should their immigration continue, the Chinese would bring their women and permanently settle, just as they have permanently settled in parts of the East Indies, there can be little doubt, but from all appearance and experience this would not be because they had become Americanized but because a permanent Chinese community had been here founded.—This non-assimilability of the Chinese immigration gives a practical importance to all its characteristics, which they would not have if it could be assumed that they would in this country melt away and finally disappear. And that characteristic of the Chinese which is of most practical importance is that they are habituated to a standard of comfort much lower than that of American laborers and much lower even than that of any people whom we receive from Europe. Wages in China touch the absolute minimum that will support life. This at once furnishes a powerful incentive to immigration and enables the Chinese to underbid any competitors in the labor market.—It is from this fact, that the Chinese can, and where necessary to secure employment do, work cheaper than white laborers, that the hostility to their immigration, which shows itself where they have come among us in any numbers, primarily proceeds; and the fundamental difference between those who ask and those who oppose restriction of Chinese immigration will generally be found to be a difference of opinion as to whether cheap labor is an injury or a benefit.—It is urged, on the one hand, that the competition of this cheap labor tends to the degradation of our own people. On the other hand, it is contended that the cheapness with which Chinese labor may be obtained is an advantage of which it would be foolish for the nation to deprive itself, that the saving in the cost of production which may be effected by the use of Chinese labor is precisely analogous to the saving effected by the use of labor-saving machinery; that we should no more object to the introduction of the Chinaman because he will do more work at a less cost for wages than we should object to an improvement of the steam engine which should increase its efficiency while reducing its consumption of coal; that the effect of utilizing Chinese labor is to permit many things to be done that could not otherwise be done; to reduce the cost of production so as to bring comforts and luxuries within the power of many who could not otherwise afford them, and that the occupation of the lower branches of industry by the Chinese operates to open larger opportunities for white men in the higher.—If the question were of commerce with China, or if the Chinese who came to this country were absolutely confined to occupations in which they could not come into competition with white laborers, then the reasoning of those who thus oppose interference with Chinese immigration as economically unwise would be in the main correct. In either case the community as a whole would stand to the Chinese in the relation of employer. The greater the cheapness with which the Chinese in China or the Chinese in America if absolutely confined to occupations (it is hardly necessary to say there are none such) in which they could not come into competition with white laborers, would produce for us, the greater would be the amount of wealth which we as a whole would have to divide, while the conditions of divisions between different classes would be unchanged. In other words, commercial intercourse with them, or their employment here under the conditions assumed, would, so far as our people are concerned, add to the production of wealth without affecting distribution. But this is not the question raised by Chinese immigration. It is a question of the employment here of the Chinese in occupations in which they do come into competition with white labor. They do not remain external to our industrial organization, merely exchanging with it services or commodities, in which case it is evident that the more they gave in the exchange and the less they took, the greater would be our advantage; they enter and become an integral part of it.—Now without going into the theory of wages, or inquiring as to the causes of the fact, it is a fact that under the conditions existing throughout the civilized world the competition of laborers with each other tends to force wages to a minimum which will merely support the laboring class in such condition as under their habits they are able to live and reproduce. So obvious is this under social conditions which now exist, that this point of a bare living is termed by Smith and Ricardo "natural wages" and the standard of comfort of the laboring classes is by Mill considered as the determinator of wages. The effect, therefore, of

the entrance into the labor market of a class of laborers willing and able to work for less than white laborers, is to inaugurate a competition which must displace white laborers or compel them to lower wages.—If such a lowering of wages seems to be an advantage it is only because it is considered from the standpoint of the employer, and not from that of the interests of the whole community.—The highness or lowness of wages does not primarily affect the production of wealth, but merely the distribution. A fall of wages means that in the division of the aggregate product less will go to the laborers, and more to the other parties to the division, but not that productive power is in any wise increased. Here is the fallacy in the analogy which it is so often sought to draw between the effect of a reduction of wages and the effect of labor-saving machinery. So far as the employer is concerned the effect of a reduction of wages may be the same as the adoption of an improved process of labor-saving machinery; but considering the community as a whole the effect is very different. The improved process or improved machinery adds to productive power, and increases the general fund of wealth by enabling the production of more wealth with the same exertion. The reduction of wages in nowise increases productive power; and if it is to the gain of the employer it is in the same or in larger degree to the loss of the employed. If it makes some richer by giving them a larger share in the aggregate production, it only does so by curtailing the share of others.—So with the notion that the cheapening of labor will induce the undertaking of industrial enterprises which can not be undertaken while wages are high. To reduce wages is not to increase productive power, and no matter how much wages are reduced, capital and labor will not be applied to less remunerative occupations while more remunerative occupations are open to them.—But while the primary effect of increase or decrease of wages is upon distribution and not upon production, it is true that there is a secondary effect upon production. This, however, is the reverse of what is presumed in the notion that cheap labor is advantageous to a community. That to increase wages is to increase productive power, and to decrease wages is to lessen productive power, is evident from the fact shown by every comparison that highly paid labor is always the most efficient. The law is universal that wherever wages are highest there is invention the most active, economies the largest, production the greatest, and the growth of wealth most rapid, while ill-paid labor means wasted and wasteful labor the world over. The United States and China furnish good examples for this comparison. In the United States wages are on the whole higher than anywhere else in the world, and nowhere else in the whole world is invention so active, machinery so generally utilized, production so great relatively to population, and the increase in wealth so rapid. In China, on the other hand, wages are lower than anywhere else, and the industrial arts have been for a long time stationary, if they have not absolutely retrograded, machinery is hardly used, goods are still transported on men's shoulders, production is relatively very small, and though there are large concentrations of wealth, the country is as a whole miserably poor. To apply to the machinery and industrial methods which are in the one country the outgrowth of high wages, the cheap labor which in the other country destroys the incentive to improvement, may for the time result in large profits to those who make the combination, but if the effect be ultimately to reduce the general rate of wages the result in that country is to check invention and lessen productive power A Chinaman working for the lowest wages may be able to run the machinery which is the latest product of American ingenuity as well as a Massachusetts operative; but it is certain that in a country where the Chinese standard of wages prevailed, no such machinery would ever have been developed, and that just as wages fall toward the Chinese standard so must the spirit of invention and adaptation be checked, and stagnation take the place of progress.—It is thus evident that considering even the purely material interests of a community as a whole, any reduction of wages must result in loss, not gain. A reduction of wages would not in any way increase the power of any of the productive factors. It would merely imply that in the division of the aggregate produce the laboring classes would get a smaller and other classes a relatively larger share; and that this must ultimately lessen the efficiency of labor and weaken the powers of production all experience shows.—And it must be remembered that Chinese immigration does not mean an addition of so many Chinese laborers to the working forces of the nation; but, ultimately at least, rather a substitution of so many Chinese laborers for so many white laborers; for even when in sparsely settled districts the Chinese do not actually displace white laborers, they certainly take the place of those who would otherwise come. That California, for instance, would now have a larger white population had it not been for Chinese immigration can not be doubted by any one familiar with that state. In fact, it can hardly be doubted that had it not been for Chinese immigration the aggregate population of California would be greater than now; for not only do the Chinese not bring their women, but by filling vocations for which women would otherwise be required, and by the conditions which their competition necessitates among the whites in the industrial pursuits in which it is felt, their presence has operated to prevent the attainment of that due proportion of the sexes which is requisite to the freest growth of population as to healthy social life.—The social and political difficulties involved in Chinese immigration are too obvious to need dwelling upon, and are seen when the non-assimilable character of

that immigration is recognized. The healthful life of every social or political organism depends upon the assimilation of its elements.—Even differences in language, religion, customs or tradition, which are as nothing when compared to the differences between the Chinese and our own people, are sources of discord and danger when they perpetuate themselves in the same community.—But the immigration of the Chinese in any considerable numbers into a country like the United States means not only a population separated by the widest gulf, instead of a homogeneous people; it means the attempt to blend two diverse civilizations in the same social and political organization. It means not merely the introduction of a non-assimilable element, with all the jealousies and hatreds and conflicts and dangers which experience shows hence arise; but the introduction of an element which even in its effect upon our own people tends most powerfully to intensify dangerous tendencies.—The social and political dangers with which the republic is already menaced spring from the growing inequality in the distribution of wealth—the same cause, which as the long course of history shows, has everywhere brought destructive conflicts or slow decay, and turned the prosperity born of free institutions into anarchy and despotism.—And the effect of Chinese immigration is to strongly increase the tendency to the unequal distribution of wealth, and at the same time to make remedial measures more difficult. The experience of California already shows that Chinese immigration means the introduction of an element into our political and social life which is as capable of arousing violent passions as negro slavery. Even were there no other objection to the Chinese than the fact that the opposition which their presence arouses among the laboring classes leads them to lose sight of all things else, and to blindly follow demagogues, it would be a sufficient one.—The ethical considerations which are so often urged against any proposition to shut out Chinese immigration have no force when the real character and effects of that immigration are understood. A conscientious individual may fully recognize his duty toward his neighbor, and yet see that to bring under the same roof with his own family, a family of totally different habits, would be to demoralize instead of elevate, and to produce quarrels and ill will where there should be harmony. And so may one fully imbued with that higher patriotism which regards the whole world as its country and all mankind as brethren, see clearly that such an admixture of peoples as is involved in any considerable Chinese immigration to the United States would be to the degradation of the superior civilization without any commensurate improvement of the lower, and that regarded from the highest standpoint it would tend to check the general progress of the race, not to advance it.—It is not merely the supreme law of self-preservation which justifies us in shutting out a non-assimilable element fraught for us with great social and political dangers, but a regard for the highest interests of the race. It is not that national vanity against which the philosopher should carefully guard, but the obvious fact which it were blindness to ignore, that European civilization as developed on the freer field of the American continent represents the highest advance yet made by humanity, and that upon the great Anglo-Saxon republic of the new world devolves in the era now opening the leadership of the nations.—What civilizing influence she will exert upon other peoples depends on her own civilization, her maintenance of ground already gained, and her solution of problems which grow in gravity with the progress of development and the increase of wealth.—Whatever will introduce into the life of the republic race prejudices and social bitterness; whatever will reduce wages and degrade labor, and widen the gulf between rich and poor, it is our duty to guard against not merely for the sake of the republic, but for the best interests of mankind.—That European civilization has in its westward march reached the verge of that ocean which has for centuries held in the vast human hive of eastern Asia, and that steam navigation, constantly being cheapened, is reducing to a mere ferriage the distance between countries where the wages of labor are at their highest and at their lowest, may bring about one of those great migrations which change the destinies of the world.—It is easy to hold fast a door which once fairly opened it may be impossible to shut; it is easy to prevent a movement which once it gathers way may prove resistless; and unless we are quite sure that the largest possible influx of Chinese could work no harm, it is the part of wisdom to take the side of caution.—Chinese immigration to the United States has hitherto been held in check by the strong resistance on the Pacific coast, and, I am inclined to think, by the Chinese organizations which have controlled it in the interests of the Chinese already here.—But without governmental action the effect of the first check must steadily weaken. Already powerful forces are becoming interested in Chinese immigration, and this must be increasingly the case as industrial relations adjust themselves to this element, while as the stream becomes larger, and the Chinese over wider areas become used to the idea of emigrating, it must pass beyond the control even of Chinese organizations.—The enormous population of China, which the best estimates do not place under four hundred millions; the intense struggle for existence on the part of vast masses; the peculiar adaptation of the Chinese to that form of production to which our industrial organization now tends in the use of machinery and the minute division of labor, which dispenses with skill in the operation, and the rapid reduction in the cost of transportation, make, should it once gather full headway, the possibilities of Chinese immigration overwhelming.—The fact is, that under modern industrial

conditions the power of working cheaper and living on less may be quite as effective in substituting one population for another as was superior force in any previous age of the world; and that just as the Saxon supplanted the Briton on English soil, or the white race has supplanted the Indian race on this continent, so may the Chinese, if free play be allowed their immigration, supplant the white race. On a small scale this result may be seen in those quarters of San Francisco which have been virtually turned into a Chinese city, where once fashionable residences now swarm with Chinese tenants and Christian churches have been changed into Joss houses! It may be seen in mining camps which have become, in whole or in part, purely Chinese settlements; in Rocky mountain coal mines, where Chinese labor has displaced white labor; and even for a long distance further east, where along the line of the Union Pacific railroad Chinese section hands have displaced the white hands at first employed. Not more certainly does the Indian retire from before the white man than does the white man from before the industrial competition of the Chinese. The process may be observed in those branches of business which on the Pacific coast the Chinese have made their own. First one or two employers begin to engage Chinese; others are by the competition gradually compelled to do the same; ultimately Chinese employers appear where competition is as disastrous to the white employers as was the competition of Chinese workmen to white workmen, and finally the whole business is under Chinese control.—The enormous possibilities of an immigration which with the advance in steam navigation may be drawn from four hundred million people, among whom the struggle for existence is so intense that large numbers perish annually from sheer want, and the fact that these immigrants retain all their essential habits and characteristics, make the question in its final aspects nothing less than that of a Mongolization of America.

HENRY GEORGE.

CHIVALRY. It was not in the middle ages that the word knight made its first appearance in the language of politics. The small cities of Greece and the republic of Rome had their knights. They formed a distinct class in the state, and in some respects had a faint resemblance to the knights of the middle ages. We find the spirit of chivalry, as the unselfish prompter of valiant deeds and of heroism, in the most dissimilar nations and ages. It is characteristic of a certain period in the life of most nations; the period of transition from a barbarous state to a more refined civilization. During this period, while retaining to some extent the savage grandeur of the previous age, nations begin to acquire the graces of the other. For instance, chivalry shed some light on the Arabs before Mohammed appeared. Mr. Ampère calls attention to it in the poems of the Radjastan. Hallam sees in Homer's Achilles the model of chivalry in its most general form. Heeren finds in Godfrey of Bouillon, the Agamemnon of an army having in Tancred, Raymond, and Boemond, its Achilles, Diomedes and Ulysses. Greece, in the time of its glory, conceived Hercules as a sort of knight-errant and righter of wrongs. But the feudal system alone gave rise to, and has the right to claim chivalry as its own, that is, the perfect development of the spirit of chivalry in an institution peculiar to itself. What then, is chivalry, as Montesquieu calls it, "the marvelous system of chivalry," which according to Hallam, was "the best school of moral discipline that appeared in the middle ages;" and which Mr. Ampère alludes to as "the greatest moral and social event between the establishment of Christianity which produced it and the outbreak of the French revolution which utterly destroyed it"? The question is not easily answered. Many causes, impossible for us to allude to here, have contributed to obscure the subject. There are two kinds of chivalry. First comes primitive, hereditary chivalry. It can not be clearly distinguished from feudalism; or rather it *is* feudalism, armed feudalism. It is the true *militia*, properly speaking, what the French call the *ancien ordre*. It was composed of the old crown vassals, holding their fiefs direct from the crown before the final establishment of the feudal hierarchy, and all the titled gentlemen from dukes to barons inclusive. They were *milites per naturam, generositate sanguinis*. In Spain they existed too. They were the "*Ricos hombres*," "*Ricos hombres de natura*." This chivalry had its esquires, valets and varlets, also esquires by birth, with the name of their fiefs, for which they rendered a special service. They were rear vassals, brought into existence by the large increase in the number of fiefs, nobles provided with the benefices by the great barons, freemen and allodial proprietors who were included in the feudal system when the latter extended to all who owned land.—The other chivalry is the *nova militia;* the *militaris honos*, as opposed to the *genus militaire*, the *militiæ cingulum*, the order of chivalry. It is the chivalry of honor, of the accollade, and is personal, not hereditary. As time passed, people came gradually to consider it as the recompense of courage or merit. Its first recruits were from among the vassals already alluded to, the nobles of inferior rank, or esquires, who could thus be made knights without changing the nature of their fiefs, and rose in the feudal hierarchy by personal merit. This chivalry also admitted into its ranks hereditary knights who, however, were not full knights until they were able to bear arms.—It is of this second species of chivalry that we wish to say a few words here. Its cradle, as that of all great institutions, is veiled in obscurity. It first saw the light in "France, the classic land of chivalry." (Hallam.) It grew in the shade, spontaneously, the natural development of various germs planted in modern society. When first noticed it had actually been in existence for a long time. Some elements borrowed

from the manners, traditions and ideas of ancient Germany supplied its military foundation, its very substance, so to speak. Religion soon claimed it as her own, aiming to direct it toward a noble and moral end, and to make it an instrument of order and a means of social improvement. Gallantry, in turn, with the worship of woman, with love and the muses, left its imprint upon it, giving it grace, brilliancy, originality and polish.—Tacitus tells us of an ancient custom which existed in the forests of Germany. When a youth was old enough to bear arms his father, or his next of kin, handed him the sword and buckler in presence of the council of the tribe. The German conquerors never gave up this custom. Under the feudal system the court of the feudal castle took the place of the council of the tribe, the lord paramount succeeded the barbarian chieftain and conferred the new dignity, not only upon his own son, but upon the young vassals brought up in his household, who were proud of receiving it from the hands of the suzerain, surrounded by their companions. The two ceremonies are in fact the same. Such was chivalry.—Knighthood consisted essentially in admission to the rank and honors of the warrior, in the solemn delivery of arms and giving of emblems of warlike life. This was its origin. (Guizot.) From the beginning of the ninth century certain religious rights accompanied the investiture of the knight, and at the end of the tenth century the ceremony was, in its principal features, what we find it later. Chivalry soon received a wonderful impetus from the crusades. They developed all its latent germs and made it a religious institution, especially devoted to the defense of the faith. Chivalry thoroughly organized in the twelfth century, had spread from France to all the states of western Europe, England, Germany, Italy and Spain. Its leading features remained the same in all these countries, but its minor characteristics and its fortunes varied. It even penetrated to the east for awhile, but the conditions being unfavorable, its existence there was of brief duration.—We do not care to enter into all the details of a knightly education. We know that the youthful aspirant was taken from the government of women at 7 years of age. He passed the next 14 years of his life either in the home of his father's suzerain, or in that of some distinguished knight. The first 7 years he spent as a page, the remaining 7 as an esquire. During all this time he performed menial duties, which were not considered any disgrace by the nations of Germanic origin. The esquire, at least in early times, was dubbed a knight at 21 years of age, the age at which noblemen attained their majority. Sometimes high birth, or tried courage, enabled him to anticipate this age. As a rule he postponed assuming the belt until later, or else abandoned the idea altogether, either hoping that some brilliant exploit would shed lustre on his knighthood, or because his poverty made it impossible for him to meet the expense. As we have seen, there is no doubt that the honor was, at first, almost exclusively conferred, by the suzerain, within the walls of his castle. And the writers of the middle ages liked to compare the investiture of knighthood with that of a fief, or homage, even to the conferring of holy orders. When chivalry afterward loosened the ties that bound it to feudalism, periods of great public solemnity, tournaments, festivity at the coronation of kings, or at the baptism or marriage of princes, were selected for the investiture of knighthood. In accordance with the taste of the time, the ceremonies accompanying the conferring of knighthood had a deeply symbolic character. They pictured, in noble and poetic rites, the tasks and duties of a knightly career. These ceremonies varied, in their details, with the country and the age; but, while they were performed, their leading features remained the same. When the esquire had taken the prescribed bath, and performed the vigil of arms, the weapons he was to carry were committed to his keeping. The lance and sword were the special emblems of his new dignity. Then his sponsor, that is, the person who was to introduce him to the order, struck him on the neck with the flat of his sword. This was the accolade. Henceforth the knight was said to be dubbed. Then the priest performed his part. Suiting his speech to the occasion he reminded the new knight of the obligations he was under. To these the latter, in a solemn oath, swore to remain faithful. He swore to defend the right, to protect the defenseless, widows and orphans, and to succor the oppressed. He was to be "humble to the lowly," valiant, loyal, gentle, courteous, generous and modest; he was to keep his plighted word, to love truth, and to be just in all things. The mediæval idea of a knight was the embodiment of all that was noble and warlike. He united in his person all the qualities, all the virtues, all the graces which constitute the moral perfection of a man of the higher classes. This was of course only an unattainable ideal, and but a few chosen ones ever attempted to attain it. The majority made no effort in that direction. Yet the fact of this ideal being impressed on men's imaginations at that time had a tendency to raise the average of character, and to prevent the sentiment of honor and of right from being obliterated from a society ruled by force and violence. The words with which Renan describes the nations of Indo European origin, apply more particularly to the knights of the middle ages: *A race capable of self-sacrifice, and preferring many things to life.*—Knighthood was not always conferred with such ceremonies as we have attempted to describe. Knights were often, more especially toward the close of the feudal period, created in great numbers on the battle field, either before engaging in battle in order to excite their valor, or afterward to reward it. There the accolade alone sufficed. Little by little this custom gained ground, and, in the fifteenth century, the rites of investiture were dis-

carded.—The education of the knight was not over by any means, when the belt encircled his loins. He completed it in time of war on the field of battle. In time of peace he perfected himself in all those martial exercises which were used in warfare. These exercises were always bloody and dangerous. They constituted in great part the military pageant called a tournament, which Saint Palaye compares to the French *camps de plaisance* in which the knights were alternately encouraged by the example of princes, and hampered by their decrees; but which the church, though in vain, never ceased to oppose with all the influence and spiritual power at its command, as bloody games where cruelty vied with license.—But the tournament was not a mere military school. any more than was chivalry itself a purely military institution. Chivalry was the embodiment of the feelings and customs which left their imprint on the middle ages. The tournaments illustrated this in the most striking manner. They were great feasts, "the drama of chivalry," as Hallam calls them; and soon became chivalry itself. All the luxury and magnificence of the middle ages were displayed on these occasions. The ladies, though hesitatingly at first, soon attended them in great numbers, excited the valor of the contestants, acted as judges, distributed the rewards, and there exercised their undisputed power. This feature was the crowning glory of chivalry, its brightest ornament, and, in the end, its greatest danger.—Compared with what it was in antiquity, the condition of woman had very much improved in the new society formed by feudalism. Many causes combined to produce this transformation. The German conquerors had only to consult the traditions of their race to find evidence of a profound respect for women among their ancestors. This respect had been strengthened by the isolated life of families living on their estates; and the dignified position held by the lady of the castle. Christianity gave it a character of greater gentleness and tenderness, and the worship of the Virgin, more than anything else, cast around it a halo of mysticism. This tender and austere respect for woman, carried to an extreme, no longer found satisfactory expression, and gallantry, of which more refined and at the same time more dissolute southern France furnished in its manners and customs and in the troubadours who had formed them, the most captivating and dangerous example. Chivalry accepted henceforward the dogma, that the man who was faithful both to God and to his love could count on happiness here below and heavenly joys hereafter. A vigorous aristocratic literature, eagerly devoured in the feudal castles into which it penetrated, contributed largely to the spread of this dubious species of mysticism. How far did people go in the path thus entered on? The character of knightly love has been the subject of much controversy. Perhaps no subject in the history of chivalry is as difficult or delicate. Each side has furnished proofs in support of its opinion. The testimony is voluminous and contradictory, and varies with the country, the time, and the national character, according as it was warlike and sensual, or chaste and pure. The literature of chivalry was always of a high character as compared to the depraved cynicism and low satire of the stories and the metrical tales of the troubadours. Two powers struggled to control this literature: the church, which, after vainly trying to suppress it, endeavored to make it its own and to use it in the interests of morality; and the world, which sought in it the interpreter of its passions. Whatever may be said on the subject, the prevalent looseness of morals can not be denied. Should the teachings of chivalry bear the undivided responsibility of these disorders? It would be unjust to say so. A portion of them is no doubt due to causes always in action, and another portion to the violence characteristic of that particular age, and which chivalry certainly contributed to temper. It introduced delicacy where it could not introduce purity. But it can not be denied that the amorous scholasticism, professed by poets and romancers, puerile subtlety and inordinate curiosity peculiar to the middle ages aggravated the evil and contributed to the deterioration of morals.—We find chivalry heroic "and even a little barbarous" in the twelfth century; austere in Godfrey de Bouillon, brilliant and ornate in Richard Cœur de Lion. It attained the height of its development in the thirteenth century. Here we find all the graces, all the glories and all the virtues that adorn it combined in noble harmony and proper equilibrium. It began to decline in the fourteenth century. It was doomed, but died slowly. It passed away because it had no longer any reason to exist. It had become a useless instrument, out of harmony with the spirit of the times, not able to meet its requirements. The great national wars which developed a new patriotism entirely opposed to that of chivalry, the predominance of infantry, and the invention of gunpowder, destroyed chivalry. When the knights, beaten at Courtray by the Flemish burghers, and at Creçy by the English infantry, fought on foot at Poitiers, Cocherel, Auray and Agincourt, chivalry had ceased to exist. The military hierarchy, with the king at its head, destroyed the hierarchy of chivalry. When the military organization of knighthood and the feudal system disappeared, the spirit of chivalry based upon them soon followed. The fading lustre of the great institution brightened for a moment before it passed away, and seemed to the inexperienced eye more full of life than ever. But this was a deception. The old rules were ignored. The rude discipline to which the youth had submitted who wished to carry the lance, and the tedious novitiate of knighthood, had long been neglected. The distinguishing badges of rank were no longer worn. Sentiment became false and a pretense for over-refinement. Devotion to the fair sex and gallantry turned to folly. When the great satir-

ists who appeared at the beginning of modern times—Rabelais, Ariosto and Cervantes—treated with scorn or ridicule the beloved heroes of a previous generation, their shafts were aimed more at the degenerate literature of chivalry than at an institution that could never be resuscitated.—But in the last period of chivalry heroes appeared whose great prowess and nobility of character might stand a comparison with any in former ages: Walter Manny and John Chandos, and, later, Talbot and Suffolk in England, Duguesclin and Boucicaut, and Lahire, Dunois, and Xaintrailles in France. With Bayard the list is about ended. Francis I., after just receiving the accolade from the knight "without fear and without reproach," on the very day of the battle of Marignan, excuses himself to the marshal of Fleuranges for offering to knight him. "I well know," said the king, "that after the many battles you have been in you do not care to be knighted, but I have been made a knight myself to-day. Please accept the same honor at my hands." Henry IV. of France, a little later, in 1590, seemed to seek an excuse to make Sully a knight, saying, "I wish to embrace you and declare you a true and faithful knight, not so much with the accolade, which I now give you, nor with the order of St. Michael, or of the Holy Ghost, as with my heartfelt and sincere affection." What need had a man to ask the king for what he could take himself? Any gentleman of ancient noble lineage who had knights among his ancestors had a generally recognized right to the title. The word knight had gradually come to be used to designate the lowest title of nobility, coming immediately after that of baron. The orders of court chivalry, coming into vogue during the fifteenth century, gradually took the place of the other; and the ribands and crosses which were its insignia, began to be eagerly coveted by the ambitious. We shall not discuss them here. We merely intended to treat of the militant chivalry in its general features.

A. RABUTAUX.

CHRISTIANITY. Christianity is a religious and moral power which, in the course of ages, as history shows, brought about the dissolution of the states of antiquity; a power which has exercised and still exercises an incalculable influence on the public life of the modern world.—To comprehend this power in its essential character, and to trace its development in its effects on the state, is, therefore, a task with which the thinking statesman must needs concern himself, whether he be greatly influenced by that power individually, or not influenced by it at all. A force which makes itself felt so extensively and so powerfully on the masses, as well as on the rulers of nations; whose influence after nearly two thousand years is still spreading, and keeps pace constantly with the achievements of civilized mankind; a force which is so grand a manifestation of the religious spirit, which enters into nearly all the details that make up the public life of the people, both in Europe and America, at present the ruling continents, and has become one of the fundamental conditions of modern civilization—can not, though misunderstood, be passed over with contempt.—Christianity, viewed in its relation to the state, with that freedom of spirit which the nature of the very subject demands, and with the reverence due to one of the greatest and most important factors in the history of the world, is the subject of the present article. We admit that from the point of view of the state we are unable to fathom the depths of the Christian religion, and to comprehend the magnitude of its power to elevate and satisfy the soul. But this relation of Christianity to the state, its legal and political institutions, though of secondary importance so far as Christianity itself is concerned, is most important in its bearing on political science. Yet, while our limits constantly remind us not to trespass upon the domain of theology, we are aware of the great difficulties of the attempt to condense within a reasonable space, the wealth of thought which Christianity, from every point of view, suggests to the mind of the inquirer; and to comprehend in human thought what surpasses all limits.—I. *The Religion of Jesus.* The religion of Jesus is usually confounded with the Christian religion, *i. e.*, the religion of his disciples and followers; while the term Christianity is now applied indiscriminately to both, and the two expressions are not infrequently used as though they were identical. The statesman, least of all, can afford to overlook this distinction, for he must, from the very beginning, look to the reality of things. It is this very reality which separates distinctly what the mind endeavors to unite in thought. In the religion revealed in the life of Jesus, the primitive idea of Christianity is embodied in its perfect form. The religion professed and practiced by his followers frequently presents but a very imperfect image of the religion of Jesus. It is only by comparing the Christian religion with the religion of Jesus, that the defects and merits of the former as exhibited in its historical development, are seen in their proper light.—If we would truly understand the fundamental idea in Christianity, we must look at the religion of Jesus; if we would comprehend its development among mankind, we must consider the religion of Christians.—The religion of Jesus, as conceived by the founder of the Christian religion, is the immediate spiritual union of the mind with God, while the religion of Christians is the reconciliation with God through the Redeemer. The religious consciousness attained to its fullest purity and clearness in Jesus himself, while in Christians its purity is greatly disturbed by the admixture of foreign elements. The energy of the religious life, both in its relation to God and to man, reached a height in the doings and sufferings of Jesus, which it never afterward attained; a height which some few in a healthy manner and many in a morbid one sought to attain, but which the

greater number have remained far below. The religion which Christ himself practiced ended with his life. The religion of Christians is still in process of development, and it evidently has not yet reached the culminating point in its history. The real primitive picture of the religion of Jesus has frequently been transformed into an unrecognizable caricature, when reflected in the imperfect mental mirror of his followers.—All the religions of antiquity were distinctively national in character; and not only did they stand in a morally narrow relation to the state, but they formed one of its component parts. The Mosaic religion, above all, had preserved this national and political character in the most marked and exclusive manner. It was essentially the religion of the Jews, on which their undying hopes of seeing the universal kingdom of Jehovah established by the expected Messiah were based. It was the religion of the divine law which the Lord had revealed to his chosen servant, Moses, and of the covenant which bound the children of Abraham to God.—When Jesus appeared as the teacher of a religion so unlike theirs, among these people with whom he was connected by birth and education, he must have felt entirely alone. He was conscious of his religious mission to mankind, and he saw himself hampered on all sides by the strong national prejudices of the Jews. He had thoroughly weighed the question whether or not he should encourage the expectations of his people, and with their aid establish the kingdom of God on earth, but only to repudiate the notion as a temptation unworthy of his divine mission. He understood, as no one else ever understood, that religion and politics are things essentially different; that he would violate the sanction of his divine mission, and render its success impossible, if he were to assume, along with it, the office of the statesman and kingly ruler. He drew a clear distinction between the kingdom of God and the kingdom of this world, and undertook to labor in behalf of the former and not the latter. He paved the way leading to the distinction between the state and the church, and their strict separation—a doctrine which, prior to his teachings, was entirely unknown, and but vaguely anticipated by the Buddhist religion in the doctrine inculcating the renunciation of all worldly enjoyments. He did not break loose from the old law of the Jews. Indeed, he even conformed to its petty ceremonial, though he never failed, when an opportunity presented itself, to point out the inadequacy of its application. But he broke up the religion of the law, by setting against it the higher ideal of his religious spirituality, and supplanted it by the religion of love. Though he was aware of his personal superiority which raised him above the religious precepts, laws and civil institutions of Judaism, and of his superiority over Moses and the prophets; and though he publicly expressed his knowledge of this fact at times, on certain important occasions in his life, yet he submitted to the religio-political tribunal of his enemies, and refused to approve the desire of his disciples to oppose the civil power of the state by the power of the people. Up to the very time of his painful death, he remained true to his purpose, not to defend his religion with the weapons of politics, nor to mix up with his mission, which was that of the religious Messiah, the mission of a political Messiah, of a political deliverer of his people.—Of all his discourses and sayings which have come down to us, there is not a single one which has any direct bearing on law or politics. He expressed himself on the kernel of all morality and moral obligation, leaving little else to be said; while he failed to say anything on the political organization of the people, the system of the state, the problems of politics, the private rights and civil laws governing the conduct of the people. He simply referred to the laws of the Jews, in order to illustrate, by setting his own moral precepts against them, the fact that these laws were not mandatory upon those who conformed their conduct in life to his moral standard. The command, "Thou shalt not kill," he supplemented by the duty of brotherly love. To the law, "Thou shalt not commit adultery," he added the higher moral injunction not to covet one's neighbor's wife, even in thought.—The legal restraint on the granting of divorces he rendered more imperative by the moral injunction against the very act itself, the separating of husband and wife. He rendered unnecessary all penal legislation against perjury and against the violation of an oath, by the moral precept which discouraged the taking of an oath under any circumstances, and preferred the simple statement of the truth—yes and no. He neither proposed nor established rules of law. While often referring to the principle of justice, and prophesying its fulfillment in the sentence to be announced on the judgment-day whose advent was near, and on which he himself would appear as the "Almighty Judge," he had in mind not the laws of man and the administration and execution of the laws by man, but justice before God, and the supermundane tribunal of the Lord who fathomed the hidden motives and thoughts of all men.—It is inconceivable that Jesus should not have considered the nature of human laws and of the state. Since he does not express himself in relation to them, and when questioned concerning them, dismissed the question, we must conclude that he purposely avoided the expression of his thoughts concerning them. He did not wish to appear in the character of a human law-giver, in order to be able to purge and sanctify more effectually the inward motives and sentiments of man. He therefore simply announced the memorable principle, not fully appreciated even in this day, of the separation and mutual recognition of the provinces of religion and the law: "Render unto Cæsar the things that are Cæsar's, and unto God the things that are God's." So far did he go in his abstention from the formality of legislation, that even in his own province he

published no law. He did not embody great religious truths in the cold and definite form of scientific dogmas, but conveyed them in living language addressed directly to his audience. He lighted a light in the world, and blew the flame in order that it might illumine the minds of his hearers. In like manner, he did not choose, in order to enjoin his moral precepts the more forcibly on men, the imposing language of the law, as did Moses, who, from the height of divine authority, spoke to the awe-struck people below: but he went down into the deepest depth of the human soul, and from its chords struck notes that will never be forgotten. He illustrated his precepts practically, so as to render them intelligible to every one who was willing to seize them with a true spirit. The ordinary man, even a child, might understand him by the intuitive faculty common to all men; while the most profound thinker and the man of practical experience has never failed to discover some new points in the inexhaustible wealth of his parables. —The religion which was alive in Jesus, therefore, neither proceeded from the state nor led to the state; it was essentially *non-state*, non-political. But this did not prevent Jesus from fully discharging all his duties as a citizen: his religion was not *anti-state*. In proportion as Jesus recognized the mission of his whole life to be a religious one, the more resolutely did he avoid all interference in matters of a merely temporal or secular character.—II. *The Religion of Christians.* We may now inquire what is the relation of the religion of Jesus to the religion of Christians? The answer to this question differs according to the different epochs in the development of Christianity. Every epoch in that development has a character of its own. It is but in individual cases and in matters of lesser importance that we find traces of previous epochs in the epoch following, while we may sometimes discover in earlier epochs the germs or indications of those which come afterward.—*The original disciples and followers of Jesus, as well as all his apostles, were Jews.* We know how hard it was for them to free themselves from the Jewish law and the political hopes of their nation. During the lifetime of their Master, they clung to the hope that he was their political Messiah as well; and after his death, their expectation of his promised return as the ruler and judge of the world, continued unabated. It was only reluctantly and gradually that they entered into personal intercourse and into full Christian communion with the uncircumcised gentiles. Had it not been for the dreadful though purely political punishment which the Romans inflicted upon Jerusalem, the Judaizing Christians would hardly have freed themselves entirely from the narrowness of the Jewish-Mosaic law, and of their views of the world. It was after the temple of Jehovah at Jerusalem, and the Holy City itself, had been reduced to ruins, that Christianity, more liberal than Judaism, removed from the minds of its disciples the last vestiges of a narrowly national Judaism. From this time all were Christians, and there were none who could be called Judaizing Christians.—It was only in the case of individuals —often in the case of distinguished Christians of later times, and not always in the case of men in whose veins Jewish blood still flowed, although frequently in such—that the theocratic character which had so forcibly been impressed by Moses upon his people, again became manifest. And now and then we meet, in the history of the church and of the different sects, with repeated attempts at establishing a *legislated* religion, partly Mosaic and partly Christian.—The great, universal empire whose sway the Jews could not resist, was at that time the Græco-Roman empire. The Christian religion took its origin in Asia, but the state by which all the primitive Christians saw themselves surrounded, and which had power over them, was the European state with its essentially Greek philosophy and its Roman law. To this state, with its intellectual culture and its legal institutions, the primitive Christians whose numbers were increasing among the Greeks and Romans, as well as among all nations governed by the empire, were obliged to try to define their position. Within the whole range of this empire, religion was recognized as an institution of the state; its worship formed a part of the public law which the government established by its enactments.—We can attribute to the Romans neither the same narrow feeling of nationality, nor the same spirit of intolerance in religious matters, as to the Jews. Their spirit encompassed the world, and they tolerated the different national gods, provided the Roman Jupiter and the Roman law were duly respected. What chiefly incensed the Romans against the Jews and Christians, was that these monotheists were not willing to take their place in the spacious temple of the state religion so rich in gods, and that the one God of the Jews and Christians could not possibly agree with the many gods of the Romans.—Partly in conflict with the Roman state and its civilization, partly in connection with them, Christianity in the early centuries had its growth. As a new intellectual power based on divine revelation and affording a profounder insight into the deepest truths, while satisfying the "poor in spirit" much more perfectly than the philosophy of the Greeks could satisfy its cultured adherents—Christianity arrayed itself in opposition to the philosophy of antiquity, and gradually wrung from it the supremacy it had enjoyed. Yet, while engaged in this struggle, Christianity adopted from the philosophy of the times a variety of ideas, and attempted to infuse a spirit of its own into them. The schools of learning of Alexandria were, above all, the seats of both this antagonism and connection. The creed of Christianity now took the form of a philosophical system. It was from a fusion of the Christian faith with Hellenic culture, that the dogmatic theology of Christianity took its rise. By this fusion Christianity indeed gained in scientific consciousness and formal dura-

bleness. Yet, in the cold form of dogma Christian charity was lost, and the love of violent controversy and denunciation of the schools was propagated like an original sin in Christian theology. The state of antiquity and the welfare of nations suffered very greatly in consequence of the controversies carried on about the dogmas of Christianity.—Dogmatic Christianity became a religion very different from the non-dogmatic religion of Jesus.—The primitive Christians were naturally opposed to Roman polytheism, and expressed their opposition to it with great zeal, on many occasions. The majority of Christians saw in those pagan deities, not the personification of the external forces of nature, nor of the intellectual faculties considered as infinite, nor the apotheosis and worship of great men after death, nor the mere phantoms of the imagination and the cunning devices of artful priests; but they hated and abhorred those gods as powers of darkness, as wicked demons and devilish beings. Hence it was quite natural that their opposition to paganism should be turned into contempt for the state whose religion was branded as the devil's own work. The marked antagonism between the one God of the Christians and the many national deities of the Romans, turned into bitter animosity. These many gods had to be wiped out completely, in order that the one God might reign supreme.—In spite of the persecution to which, during their struggles, the Christians were now and then subjected, and which a great many of the faithful coveted because they were anxious for the crown of martyrdom, the superior spirituality and truth of monotheism proved triumphant, and the ancient faith of the Romans which had been long cast aside by the educated classes, had finally to make way for the new gospel. But during these struggles and victories, the new religion of the world again took up a great deal of what was peculiar to the paganism which it had overthrown. It tried to inspire with its faith the forms, rites and symbols it had borrowed from the heathen. In the place of the Roman deities, who to them were but demons, they frequently substituted Christian angels and saints. The reverence even, which the Roman world was wont to give its deified emperors, and to which the Christians had been so zealously opposed, that the reverence due to God alone might not be wasted upon man, was replaced in the economy of the Christians, by the worship paid to the head and ruler of their spiritual empire.—Of all this we can find no trace whatever in the religion of Jesus himself. As the union of Christianity with philosophy had changed the spiritual nature of the former, so the contact of Christianity with paganism first changed its outward form, and then exercised its influence on Christian dogma. Much that was heathen passed over to Christianity. We must not absolutely condemn the powerful influence which paganism exercised on Christianity. It was quite necessary that the customs and opinions of the people should, in the beginning, be treated with a certain regard and moderation, in order to win them over; and in the old traditions of paganism there were important educational factors which might be used advantageously by the new church. Christianity, to be a factor in the world's history, had to be ingrafted upon the ancient tree of Græco-Roman paganism. The former might transform the sap which circulated in the latter, but it could not stop its course. The new religion thus gained in sensuous freshness, in beauty, and in corporeality calculated to check its spiritual evanescence. It also gained in extent and popularity Yet there was danger that the pagan element in the new religion might threaten its deep spiritual life. We know from history, down to our own days even, how far from imaginary this danger has been; how frequently the lower classes especially, though not exclusively, have been exposed to it and have suffered from it.—The attitude of early Christianity to the Roman law and the Roman state, was precisely the same as to Roman heathenism. The extremely selfish character of both, and their leaning toward absolute rule, were strongly opposed to the feeling of brotherhood and the spirit of sacrifice, the ideal of Christian life. The Christians hated this selfishness and love of absolute sway, as embodying the power of evil on earth, a power from which they hoped to be liberated and saved. To a great many of the Christians the kingdom of this world was the kingdom of the devil, which was doomed to destruction, and on whose ruins the kingdom of heaven was at no distant day marvelously and triumphantly to rise. A large number kept as much as possible aloof from all participation in the life of the state. The non-political character which we have seen in the religion of Jesus was at the present period encouraged and strengthened to such a degree, that it soon assumed a character at war with the state. Though not all Christians followed this tendency absolutely, the Roman government was justified in maintaining that their religion weakened the patriotism of the Roman citizen.—Yet, though the ancient government was on the decline, its foundations were too deep and too broad, and its superstructure too solid and firm, to allow it to go to utter destruction. It outlived the philosophies and religions of antiquity; and the new gospel was, after all, willing to accommodate itself to it as best it could. Christianity itself began to imitate its forms. The beginnings of the canon law supposed the law of Rome as a necessary foundation even where it changed and developed that law; and the Christian church, as the organized body of the faithful, formed a new constitutional system which, in many essential points, reminds us of the constitution of the Roman state. Rome, the ancient capital of the emperors, in which the unity of the world's empire had had, down to the time of Constantine, its sole centre, came into the foreground more

and more as the seat of the most venerated bishop whose primacy secured, from the first, the unity of the new spiritual kingdom of the church.—To sum up: The new religion of the Christians whose first zeal tended to excess, sought in vain to break loose entirely from the philosophy and religion as well as from the laws and government, the fruits of Græco-Roman civilization. Violent as the struggle between the old and the new order of things was, and although the latter, in essential matters, overcame the former, the religion of the Christians took in a great many of the elements of ancient civilization; and while it transformed the ancient order of things, it was itself, by way of reaction, internally changed in turn.—The old non-political tendency of Christianity was wholly altered when, with Constantine, the state power which until then had been looked upon with distrust and enmity, went over to Christianity. The old hopes of establishing a purely Christian kingdom seemed now to be realized, although in a different way from what had been expected. The state itself came to be a Christian state, and the religion of Christianity came to be the recognized religion of the state. Instead of being separated from each other, as they formerly were, religion and the law were now mixed up with each other and permeated each other. The transfer of the central government to Constantinople, and the preponderance of Greek culture in the eastern empire, promoted the philosophico-dogmatical tendency of the young church; and the emperors, as the protectors and defenders of the orthodox faith, were ready to enforce political absolutism by religious edicts, and to coerce the people, by the secular power, into unconditional obedience to the doctrines and discipline of the church From being a people who had been persecuted, the Christians turned persecutors themselves. The paganism of the old world was to be rooted out everywhere, and every sort of heresy, even that newly arisen, was to be exterminated. Dogmatic controversies divided and excited parties against one another. They hated, and waged war upon one another, even to the death, for questions of abstract theology, concerning the solution of which good men might differ, and bad men easily agree, as, for instance, on the *equality* or the *likeness* of the Son and the Father The wrangles and hatred of philosophical schools were intensified into the wrangles and hatred of theological parties, who thought they could secure the rule of the religion of eternal love by the eternal damnation of their opponents.—The first Christian state was nevertheless an imperfect image of the Christian ideal. In its political character the Christian-Byzantine empire was but the slow decline of the old and more glorious, though pagan, Roman empire. Christianity, indeed, contributed to decrease somewhat its mummy-like torpidity, and to enliven the aged body by new ideas and interests. But this did not prevent death. Christianity itself, in the form of the Greek orthodox state religion, grew gradually torpid. Its close union with the absolute state, which was at first looked upon as the triumphant development of its empire, was the cause of its destruction. As the Greek empire of the east broke up, and was gradually conquered by the less civilized but healthier people of the east, so Greek Christianity had to give way before the inroads of the creed of Mohammed. The early seats of Christianity were conquered by Islam, in which, as was in keeping with the character of its founder and hence in a more decided manner, the same intermixture of religion and law was found, and which, more disdainfully even than Christianity, rejected all polytheism. It is well known that Mohammed felt the greatest reverence for the person of Jesus, although he failed fully to comprehend him, and that he had a higher opinion of the religious mission of Jesus than he had of his own, though he fully believed in the latter. But his monotheistic feeling rebelled against the religion of the Christians, in the form in which it then appeared to him in the east. He looked upon it as a degeneration of the religion of Jesus, irreconcilable with the unity of God, and as an alliance with paganism which he so intensely hated.—The lesson of history taught Europe by this first Christian empire is a most urgent warning against all Christian-polemical and absolutist-orthodox politics.—Christianity attained a higher degree of development in the west. Rome and the Germans saved the Christian religion for the subsequent civilization of Europe. The principal seat of the Christian religion was transferred from Asia to Europe by Rome and the Germans. It became, in the first place, the religion of Europeans, in order that from Europe it might conquer the world, in the spiritual and intellectual order.—Rome had ceased to be the political mistress of the world, but on the ruins of its political empire there arose, in Rome, the new rule of the church. The old imperial spirit of the holy city, a spirit which encircled the world, called into existence a new form of life. The Roman empire could no longer be governed from Rome, but the Christian church found in Rome its visible head. The city had ceased to be the residence of the emperors, but it became the residence of the popes.—Both the Roman-Christian and the Greek-Christian religion started from the same point; they were, in the main, subject to the same influences and the same changes. In its orthodox doctrine, in its constitution, in its practices and teachings concerning the means of salvation, the former differed at first but little from eastern Christianity. Yet in spite of this close relationship its further progress was essentially different, and it met with a better fate. An exceedingly important advantage it had in this, that it was more independent of the government of the state. Even the distance of the Roman state from the imperial court was of great value in its emancipation. By developing the church into an independent organization, it

brought into relief the principle of the separation of the church from the state; and insured, by insisting upon this principle, its progress and its life. The dualism of emperor and pope was the cause, indeed, of the most frightful contests in the Christian European world. Italy and Germany, in particular, were shaken to their very foundations by these struggles, and at the present day are suffering from their after-effects. And yet it is a fact, that the moral and intellectual superiority of modern European civilization over that of the rest of mankind, is due to the energy with which, for centuries, these two powers struggled to determine their true relation to each other. In the end each asserted its own independence, in all essential matters.—For this reason, the admixture of political and ecclesiastical law, of politics and religion, in the west was not so great as it was in the east; and hence, torpidity was not so much to be dreaded in the case of Roman as of Greek Christendom. Roman Christianity, too, wished to permeate the life of the state. It demanded orthodoxy from the emperor and the meanest subject alike. It persecuted heretics with a hatred no less intense, and inflicted penalties upon them severer even than the Greeks. It was no longer a non-political religion as in the days of early Christianity. But the community of the faithful, in the Roman church, was not a state church as the Greek church had been. The antithesis of the temporal kingdom and the spiritual kingdom, the latter non-political and the former non-ecclesiastical, was, though not always with full consciousness and in all its consequences, maintained; thus giving greater freedom of action to both religion and politics, and a better chance for their progressive development.—Yet this development of Christianity did not reach its height until it came in contact with the Teutonic races. Rome was called to undertake the religious and scientific education of the still rude but morally strong Germans, and the latter in turn were to regenerate and reorganize the old Roman empire. While the eastern empire defended itself with difficulty against the inroads made upon it by the advance of the Asiatic races, and Greek Christianity was obliged to retreat before Islam, Rome won new glory by the series of victories it achieved, and gained new life.—The formal rigor of the Roman system and the unity of Roman authority were necessary to hold together the German tribes, naturally inclined to isolation and independence; and to prepare and qualify them for their great task—the assumption and further development of the civilization of Rome and the religion of Christ. The Teutonic people seemed, at first, more willing to accept the Arian creed which better suited their native spirit of independence and which their understanding could better grasp, than the Roman Catholic creed. But the fact that the latter won the final victory is only another evidence of the surpassing greatness of Rome. To Rome's ancient and unitary power the intelligence of the Teutonic nations had, during the middle ages, to submit in order that they might entirely fulfill their mission. If Arianism had continued to govern among the Germanic races, then, considering the general state of affairs existing at that time, neither the Roman papacy nor the Roman-German empire would have attained its full development. And it is very questionable whether, in that event, the Christian religion itself, deprived of the mysterious sanction of divine authority, would have escaped the fate of so many philosophical schools and sects of the past, and whether it would have maintained its supremacy as the religion of the world.—However, the Teutonic races did more than simply receive their civilization and religion from Rome. They, in turn, imparted to Rome safety, power and vitality. All the Teutonic tribes, and the Franks in particular, were very grateful to their Roman teachers. The Christian religion, too, gained in ardor and intensity of faith, in the manly courage of self-sacrifice and in strength of moral purpose. All these qualities were deeply rooted in the minds of the Teutonic people. The sentiments of the Teutonic races were, from the first, more religious than ecclesiastical, and leaned more toward political freedom than toward obedience to the state. After they had become Christians, they bowed in humble submission before the revealed God and his sanctuary, but, at the same time, they felt the vigor and independence of men, and asserted their temporal rights with a degree of firmness and fortitude that even defied the threats of the church. The Teutonic love of freedom yielded, of course, to ecclesiastical authority, but it could not be wiped out or destroyed by it.—During the middle ages all Romanic and Germanic states continued to be Christian states in the sense exclusively of Roman Catholic Christianity. But the authority to which, in religious matters, even the state had to submit, was decidedly external to the state, in the Roman church. The church had been emancipated from the state; but the latter was held in spiritual bondage by the former. This shows the progress made by western Christianity as compared with eastern Christianity; but it also illustrates the intellectual minority of the state during this period, as compared with the states both in antiquity and modern times.—It was against Roman Catholic Christianity in Europe that Islam, advancing aggressively from the east and southwest, had long to fight. But on the soil of Europe Christianity was victorious: it made Islamism retreat forever, and again began to spread over strange countries.—From the heart of the Germanic nations which had conquered Rome and succeeded to the Roman empire, came that vigorous opposition to Rome which for centuries has divided western Christendom. The reformatory movement of the sixteenth century had a religious rather than an ecclesiastical character. Roman Catholic Christianity had become too formal, too external, too much an institution of the law, to suit the Germanic mind; and the

moral sense of the Teuton rebelled against the glaring abuses attendant on its increasing worldliness. The men above all who were strongest in faith and moral conviction turned away, with minds dissatisfied, from the church of that period, and plunged into the purer primitive Christianity. In the holy scriptures they sought and found an authority which seemed to them more worthy of respect than the authority of the pope and the councils of the church. They freed themselves from the supremacy of the canon law. Drawing their inspiration from the primitive source of Christianity, they demanded that the moral and intellectual nature of man should be regenerated and reformed. To them the visible organization of the religious community was of secondary importance. For this reason they more willingly submitted, in ecclesiastical matters even, to the authority and power of the state, in which they revered a divine power whose moral basis they most emphatically insisted on.—The dissension in European Christianity viewed from the standpoint of Christian unity, may be considered the greatest misfortune which ever befell the church; in its effects on the state, the sufferings it brought it are of minor importance when contrasted with the benefits secured to the state by it. By this dissension the state was, for the first time, freed from the unworthy wardship to which the church had morally and intellectually subjected it. The emancipation of the state from the church, in the intellectual order, was acquired for some states, immediately, by the reformation; and the way to it was prepared for others.—All attempts to remove this dissension and to re-establish unity have proved futile; and what men could not change, they were, in the end, obliged to put up with. The anathemas hurled against the new heresy by the old church were as ineffectual as was the passionate fury of the Protestant leaders who stormed against the papacy as against the kingdom of antichrist. The persecution of religious parties, one by the other, caused extreme suffering to individuals, to whole families, towns and districts. The religious civil wars, the most unchristian vindication of Christianity conceivable, devastated whole countries, and brought great states to the brink of destruction. No nation suffered from this more than the German empire. But persecution changed the result as little as the more humane attempts at conversion in later times have been able to change it. In southern Europe and among the Romanic races, the Roman Catholic religion maintained its preponderance; while in the north of Europe, and among the Teutonic nations, Protestantism came into permanent power.—In our days a large number of the theologians on both sides still hope that the power of truth, inherent in their own particular creed, may in the end be able to overcome that of their opponents. How often has it been proclaimed by the one party that the dissolution and end of Protestantism was at hand, while the other asserted that the rotten structure of the Catholic church could not resist the slightest blast, and would go to pieces in a very short time. History thus far has proved the deceptiveness of all such expectations. Hence there is hardly a thoughtful statesman who still entertains such a belief. Neither the intellectual power nor the outward might of either communion is strong enough completely to overcome the other and keep it in subjection. If, in the history of the future, the whole of Christendom should become again united, it will not be before the incrustated forms have gone through a process of purification, in which the impure elements which have crept into both systems and forms of faith will be cast out, and what is best in both be preserved and combined. Yet our times do not favor such a development. The living generation will have to put up with the opposing Christian bodies as they are. History, however, teaches the important lesson that every effort to renew religious persecution and the religious wars of the past deserve just condemnation, not only because of their evils and terrors, but also because they are irrational and hence can not possibly be successful.—By promoting peace between the different denominations, and thus rising above the mere denominational standpoint, the state maintains its moral and intellectual independence in relation to these denominations, and rewards, in the noblest way it can, the great services rendered by Protestantism and Catholicism in the education of nations and the humanization of polities.—Protestant Christianity introduced no new idea of law, nor did it establish a new power as opposed to the state. In its jurisprudence and organization the old church remained far superior to Protestantism. But in successfully freeing itself from the authority of the canon law, Protestantism taught the state that the government itself was, in matters of law, the highest authority. And even the states, which remained Catholic in all else, began to realize their independence of the authority of the canon law, and asserted their own supreme authority, when necessary, as against the latter. While the Germans took the lead in those innovations which were religious, the French were the first to introduce those which were political.—The Christianity professed during the last centuries by states, was entirely different from the Christianity of the middle ages. Though at first the majority of the states passionately favored denominational exclusiveness, some of them were, from the beginning, obliged to allow different denominations to assert themselves, and all of them learned in time and by experience, that in all confessions there was Christianity, but that in none of them exclusively did Christianity reside. The Christianity of the more modern states thus became more liberal, broader and more tolerant, and the state became less and less willing to draw the sword at the bidding of ecclesiastical authority. Religion was obliged to rely more on its inherent moral power. When we impartially compare this new develop-

ment of Christianity with the religion of Jesus himself, we may confidently say that it corresponds to the real nature of the latter in a greater degree than any of its previous developments.—A new phase of the relation of Christianity to the state and the law began during the course of the last century. The way was indeed prepared for it, in part, by the reformation; but in character it and the reformation are radically different. We may characterize it in a few words, by calling to mind Frederick the Great and the French revolution Frederick the Great who spared, indeed, the visible form of Christianity, but who, as a philosophical statesman, renounced not only all particular Christian confessions, but the Christian religion itself, and the French revolution which enthroned reason as the goddess of the future, and rejected Christianity as a despicable superstition and persecuted it as an unpatriotic religion.—We may explain some of the closing events of the French revolution, especially the persecution of the Christian priests and the closing of Christian churches, by the state of insanity caused by the revolutionary fever which robbed the French people of their senses. Other events, however, such as the negation of Christianity in the state and the law, were certainly not the mere expression of violent excitement under which the people labored; but had, long before, been proclaimed in well-considered works embodying the sentiment of the age, by the leaders of French literature, by Voltaire, Rousseau, and the encyclopædists. Views like these, tempered sometimes by a poetical or traditional respect, we frequently find in the works of the best German poets. Not only modern philosophy, but all the other sciences asserted their independence of religious authority, and the state which encouraged this tendency shared the benefits of this intellectual freedom in science. People also began to grant political rights to the followers of other creeds. Everything in the olden laws which had assumed a specifically Christian form, was gradually expunged.—There is no denying it: we have here to do, not with momentary impulses and the aberrations of individuals, but with a feature characteristic of the time. An entirely new epoch, in decided contrast with the whole period of the middle ages, toward the close of the latter, and following the reformation, dawned upon the world. And this is a fact which must be fully comprehended before we can judge its true character. Throughout the middle ages, although the church and the state were separated, religion and politics were closely and indissolubly united. The human law of the middle ages was derived directly from the law of God. From Heaven came the sword of the power which the emperor wielded. The unmistakable tendency of modern times, on the other hand, is to effect the separation of religion and politics, and to frame human laws with human freedom and with human consciousness of self. This separation and this giving of a new basis to law have already gone through various phases of development. It is no easy matter for nations to come to a clear understanding of fundamental principles; and it is still more difficult for them to put their ideas into practice. Hence, it is not surprising that we should meet with a great many errors, a great deal of passionate exaggeration. And we should not mistake extreme phenomena in history, to which the current of events may give rise, for the predetermined cause of history itself.—The extreme hostility of the French revolution to Christianity is now generally understood and duly branded as devoid of all reason, and as highly unjust. But the emancipation of the state and the law from all compulsory authority of religion, not excepting even that of Christianity, continues one of the chief characteristics of all modern politics. The permanent tendency of the age, in the emancipation of the state and of law, is not anti-Christian as it would seem, if we single out certain isolated events which show opposition to Christianity. For this tendency is directed toward the assertion, in both law and politics, of the temporal and human. And to that extent the state is no longer Christian in the sense of the middle ages, though it more fully agrees with the primary idea of the religion of Jesus than the form of Christianity that succeeded it. To the great good of religion Jesus himself had effected that very separation which it is the effort of modern times to effect for the welfare of the state.—The fear of many of the adherents and the hope of many of the opponents of Christianity, that this tendency of the state and the intellectual struggles connected therewith may be injurious to the Christian religion, have already been proved to be without foundation. We do not conceal from ourselves the fact, that among the part of civilized mankind within the pale of Christianity, the differences of denominations and sects is greater than ever before; though this fact is of little importance as compared with the great difference between Christians and non-Christians, which latter difference, since the days of early Christianity, has never been more marked. Yet an impartial view of the more recent development of the religious sentiment will show that the spirit of the Christian religion is strong enough to repel even the extreme dangers which probably might arise from this division, and that it has now more vitality to spread its influence among the nations than ever before.—In consequence of these struggles the dormant energy of the faithful has again been awakened; and the nations of Europe, while they may, perhaps, not have become in the same degree more ecclesiastical, have certainly become more religious than they were about 80 years ago. Even the opponents of Christianity now speak in more respectful terms of its historical importance and its spiritual wealth, than was the fashion during the last and at the beginning of the present century. Though a great many matters of external detail, and other matters of minor importance had to be sacrificed, the religious depth and truth and moral forces of Christianity became apparent

whenever attacked by criticism. And whatever progress the human mind made in other domains, domains peculiarly its own, admit it we must, that Christianity had the moral and religious capacity to keep pace with that progress. The opinion that modern civilization might dispense with Christianity, because it had outstripped the latter, was able for a time to deceive even reasonable and honest men; but it had, in the end, to give way to the evident truth that, in the primitive idea of Christianity there is a wealth and power which, vast as its development may have been, has not yet reached its highest expression, much less been exhausted. Christianity hitherto, from the time of the early churches down to our own day, has, on closer examination, shown itself far below its ideal, the religion of Jesus. This fact has renewed in the minds of a great many the hope that it is not in the present but in the future that true Christianity will be fully realized, and attain its full efficiency.—The Christian population is estimated at about 30 per cent. of the population of the world.—The spread of Christianity still continues through both Catholic and Protestant missions, through the influence of commerce and the political power of Christian nations. The most determined opposition brought against it is, besides that of Judaism—which in recent times, however, has shown some points of resemblance to Christianity—that of the religions of Islam and Brahma; the former conscious of its intense monotheism, the latter, of its pantheistic, speculative background, of its ancient traditions transmitted for thousands of years by its castes, and of great thought and institutions. But the course of Christianity through history is, after all, one of victory and glory. The fact that the nations enjoying the greatest political power and freedom, and the leaders of mankind, profess it, that they have both the power and the courage to subject all parts of the globe and all mankind to its supremacy — this fact encourages Christian missionaries, religious and lay, to overcome all obstacles, and aids them in raising Christianity above all other creeds, as the supreme and universal religion of the world.—III. *The Christian State.* After this historical survey, we have no difficulty in answering the question which is so much a subject of controversy, concerning the Christian state.—If the meaning of the Christian state be that it is a state whose true lord and sovereign is Christ, and which is to be governed by a hierarchy, according to the teachings of the Bible, or by religious traditions and inspiration, as illustrated in the Anabaptists of the sixteenth century, and the Mormons of the nineteenth century, then this theocratic idea of the Christian state, wholly at war, alike with the ultimate idea of Christianity and the historical development both of the Christian religion and the state, must be absolutely rejected.—The mediæval idea also of the Christian state, which treated non-Christians as beings without rights, and which subordinated its legislation to the authority of the church, is no longer in keeping with the progress of civilization. The modern state recognizes the civil rights of non-Christians also. Their civil rights it recognizes completely, and it tends more and more to extend their political rights, while it maintains its attitude of perfect independence of all authority outside of it. What Christian governments demand of the Ottoman sovereign, that he should respect his non-Christian subjects as entitled to all the rights of citizenship, they must grant their own subjects who are not Christians. The modern state can, therefore, no longer be exclusively Christian. But, inasmuch as it is more humane, it is more in harmony with the primitive idea of Christianity than the exclusively Christian state. Our logic here, however, must not be pushed to the extreme of rejecting and condemning every traditional deviation from this principle, when that deviation is rooted in the minds or in the circumstances of the people. We can only point out the end toward which the modern state is tending; the way leading to that end is determined by the traditions of history.—If by the expression Christian state is meant simply a state which is conscious that the Christian religion is the religion of its people, of the majority of its people, or of the nobler component part of its people; a state which recognizes, besides, that the Christian religion is a fundamental condition of its own development, and one of the chief elements of progressive civilization, and which lives up to and acts upon this consciousness: then we may unhesitatingly call all states which in former times were exclusively Christian in the narrow sense, Christian states. And in this acceptation, the expression Christian state has an important meaning. But in this acceptation of the expression, only the indirect importance of Christianity to the state, not the direct rule of Christianity in the state, is recognized.—IV. *The indirect influence of Christianity.* This influence on the state is indeed most important and wholesome. The power and purity of this influence are rather increased than lessened, by the fact that Christianity seeks to exert no direct influence in the province of law.—With the dogmatic differences of the different Christian denominations, the state in principle has nothing to do. Their existence is felt by the state, when the internal warfare of the churches and sects begins to threaten the public peace. When this happens, the state interferes, and maintains the order and dignity of the law, as in any other case. But it is of the greatest importance, when the action as well as the welfare of the government and its general relation to its citizens are considered, that the faith in a personal God and his government of the world which Christianity teaches, should be at work as a living agency among the people, and among those interested in the management of public affairs. This faith keeps together by its spiritual bonds what, but for it, would go to pieces. With this faith the unity of the order of the world and its dependence on God

are recognized; without it, the resolving of the whole into its elements, and the anarchy of passion, are the threatening danger in the near future. —Much greater, in many ways, is the direct influence of Christian morals on public law and the state. There are, indeed, certain precepts of Christianity applicable particularly, not to the political but to the religious conduct of the people, which are entirely outside the legal and political province of the state, and which the latter can not possibly acknowledge as rules and conditions by which it should be governed. The counsel, appropriate enough, in the case of Christian missionaries, "Take therefore no thought for the morrow," would be a very inexpedient rule when applied both to the political and private economy of man. The precept directed against the uncharitable condemnation of others, "Judge not that ye be not judged," should certainly not influence the courts, in their administration of public justice. The highest commandment of Christian love and humility, "Love your enemies; bless and pray for them which despitefully use you and persecute you," * * * "But I say unto you, that ye resist not evil; but whosoever shall smite thee on thy right cheek, turn to him the other also"—can not, though sublime as characteristics of religious sentiment, be made to serve as a principle of public policy or political morality.—The state must gratefully acknowledge its obligations to Christian morality for having purified and ennobled its own life. We would call attention to the following points: 1. It had a great share in awakening and spreading among the people the sense of human dignity and honor. Since it brought men, as the children of the Lord, nearer to the divine Father, the value and dignity of human nature could not so easily be disregarded as it was in antiquity, previous to Christianity. 2. Looking on men as the children of God, Christianity brought to men the consciousness of their equality and fraternity in relation to one another. Acting as a liberating force on all, even on the lowest classes, the slaves, it gave a new foundation to the liberty of all, and where it did not give such liberty a new foundation, it strengthened it. The liberty of Christianity is, indeed, different from that of the French constitutions. It does not do away directly with existing legal relations, but by its moral power it transformed the face of Europe, and had a large share in the progress of European civilization. 3. As it has raised the standard whereby the rights of the subjects in the monarchies of the old world were measured, without revolution, it also limited and refined the outward appliance of the governmental power, without weakening that power itself. And it has effected this by reminding rulers of their accountability to the Supreme Ruler whose judgment they can not escape, and by demanding of them that they should respect their subjects as their brothers in Christ. 4. Finally, it has revealed the affinity of all the races of the earth; and while it has, in opposition to the narrow spirit of nationality, insisted on the unity of the human species, it has become the source of a purer morality in the international law of the civilized world. In the humanizing process to which Christianity subjected legal institutions and relations, it preceded the state whose governing principle it anticipated and expressed in its religious creed. What the state learned gradually to understand and carry out as a human duty imposed upon it, the religion of Jesus looked upon from the first as a Christian duty. The Christianity of later days may sometimes have forgotten this duty, or may have tried to fulfill it in an improper way. But the consciousness of this duty was never afterward entirely lost.—In all these respects, the purifying and refining influence of Christianity has shone conspicuously. In proportion as nations come to understand human nature, they will respect the religion which has guided them in their intellectual advance and infinitely promoted their civilization. On this account, the state, although now conscious of itself and grown independent, will, in the future, take into consideration the moral demands Christianity may make, and so far as its laws and power permit, try to grant them. The religion of mankind and the politics of mankind—each adhering to its own principles—will continue in close and friendly reciprocal relations, and thus united they will best promote the welfare of the human race.

MAX. EBERHARDT, *Tr.* J. C. BLUNTSCHLI.

CHURCH AND STATE. Church and state can occupy with regard to each other but one of these four positions: 1. Where the church governs the state; this is the theocratic régime. 2. Where the state holds religious affairs under its control and regulates them according to its pleasure; this is what may be called *Cæsaropapacy*. 3. When the church and state limit each other by common consent; this is the régime of concordats. 4. When religions, separate from the state, are entirely free, on the same conditions as all other associations.—Let us examine one after another these four forms of relations between church and state.—I. *Theocracy*. The domination of the state by the church constitutes an order of things well known and very frequent in history. In ancient Egypt, in India from the remotest ages down to our time, and in the greater part of Europe during the middle ages, religion was supreme, not only over consciences and in spiritual affairs, but also over all human existence and consequently over civil law and government. In a pure theocracy there is no legislation except the religious code. In the Christian states of the middle ages the theocracy never attained this degree of perfection, notwithstanding all the efforts which it made in that direction; but, imperfect as it remained, it has none the less weighed with a mighty pressure on the governments of western Europe. The canon law held at that time a considerable place at the side of the civil law, and ecclesiastical rules

often took precedence of, and determined ordinarily the laws of the state. It is not without reason that it was possible in those days to compare the religious power to the sun and the civil power to the moon, which, obscure of itself, borrows its light from the sun.—All nations without exception have commenced with this régime. There are none which have not been governed at first by a religious power; a small number only have succeeded in acquiring a social form more or less independent of primitive religious institutions.—That the theocratic régime has always been the first form of civilized nations is easily explained when we consider that religion alone has had the power requisite to wrest nomadic tribes from their wandering life, to fix them to the soil and render them accessible to civilization, or to subject barbarous peoples to the yoke of law and bend them to a civilized life. This fact is beyond all dispute; we know in our day that all primitive governments were theocratic.—They all have this character in common, of treating men like children, as incapable of guiding themselves in the difficult paths of life. In fact, they found them in a state of childhood and were obliged to trace out a detailed scheme of all the duties of civilized life, without leaving anything to their free choice which could not be relied on in the beginning. The chiefs were not treated differently from the multitude. They were as barbarous as their followers, as undisciplined, as little capable of civilized life. Theocratic legislation was obliged to put even them under guardianship, and to trace out for them the duties of each day, of each hour, with as much precision as for all the other classes of society. Diodorus Siculus informs us that the kings of Egypt were bound by ancient laws. The seventh book of the code of Manu is devoted entirely to the enumeration of the duties of sovereigns. In the middle ages, without being subject to such minute rules, the kings and princes of western Europe were watched with jealous and constant care by the popes, who spared them neither counsel, encouragement nor censure.—Theocratic legislation is condemned to immobility by its very nature. It makes this, however, a title to glory. Human laws are modified according to the changes which take place in the ideas of the nation. Theocratic legislation, claiming rightly or wrongly a divine origin, lacks this elasticity; it must remain what it is. How could the scant wisdom of man modify, improve or correct the decrees which come from God himself? This is why laws made for the childhood of nations know no other condition and allow no other, and why their most positive effect is to maintain or seek to maintain forever the primitive civilization to which they relate and for which they have been constructed.—And if, in consequence of certain events, the level of culture among the people submitted to this régime rises, let no one ask legislation to follow the movement. It is not at Rome alone that *non possumus* will be given as answer. This refusal is the forced result of the principles of theocracy. Since it comes from God it can not be changed. It must be accepted as it is; the concessions proposed to it can only appear to it logically as infidelity to the divine will.—It is scarcely necessary to call attention to the fatal consequences of such a government. It paralyzes life and condemns all progress; it confines the nations which accept it to a very narrow circle, since it embraces only the primitive elements of civilization. Science can not extend beyond the limits of the creed of the ecclesiastical faith; industry, commerce, the arts, social relations are maintained at the point at which they are produced by a nascent civilization; liberty of thought is suppressed; rights of individual reason are not recognized; individuality is smothered by rules which press it down.—At a certain period of social development this régime, excellent so long as it had only to guide the first steps of undisciplined tribes in civilized life, becomes an unendurable yoke. Two methods are presented to render it less crushing or even to shake it off entirely. The civil power, according as it is more or less strong or is more or less subject to ecclesiastical discipline, takes possession of religious authority and declares itself the religious head of the nation, or it seeks to come to an understanding with the ecclesiastical power, and establishes, by a sort of treaty, the limits between the temporal and the spiritual.—In the first case we have what has been called Cæsaropapacy; in the second, the régime of concordats.—II. *Cæsaropapacy.* The word Cæsaropapacy gives a clear enough description of that order of things in which the prince is both temporal ruler and religious head of his dominion. In ancient times, the kings of Egypt and the sovereigns of India tried repeatedly to overturn the priestly caste which ruled them; but they never succeeded. It is probable that if victory had settled on their side, they would have declared themselves the head of religion, and that religious affairs would have been governed by their administration on the same basis as finance, the army, and all the other branches of government. The emperors of Germany were not more successful in the middle ages against the theocracy of Rome.—At the commencement of the eighteenth century the Tsar got the better of the Russian church more easily. From the end of the sixteenth century the patriarchs of Moscow, supported by the Russian bishops, broke with the patriarch of Constantinople; thenceforth they aspired to obtain supreme power in the church. These attempts disquieted the Tsar. Nicon was deposed in a council held at Moscow, in 1667; this defeat did not prevent his successors from cherishing similar schemes. Peter the Great put an end to all these ambitious views by declaring himself head of the Russian church in 1791. The following year he established for its government a council called the holy synod, composed of archbishops, bishops and archimandrites. But the Tsar reserved to

himself the presidency of this synod and the nomination of all the members; and no act of this assembly is valid until after it has received the approbation of the emperor; the latter is absolute master in everything concerning religious affairs—belief, worship and discipline. — It is easily seen that the emperor has gained by this order of things. His double quality of absolute sovereign and head of the church has given him, in the eyes of his subjects, a prestige which puts him far above any other power on this earth. He has besides all the members of the clerical order at his disposal, docile and submissive instruments who render him service which could not be expected from the other employés of the administration. But it is undoubted that religion has not reaped the same benefits from this régime; it has become neither more enlightened nor more spiritual. Add to this that liberty of thought does not meet with fewer obstacles in this than under theocratic rule. The chief of the state, who is at the same time the head of the church, may, without doubt, be more accessible than a purely ecclesiastical chief to the progress of ideas and the changes which the growth of science introduces by degrees into modes of thinking. But, on the other hand, what can he do for the cause of free thought in matters of religion when his political interests advise him to maintain the established order of things and not yield up so powerful a means of domination as the management of ecclesiastical affairs?—In Protestant states, the course of events at the epoch of the reformation put the management of worship in the hands of princes. But, on account of the principle of free investigation, which is really the essence of Protestantism, men became accustomed to respect the rights of conscience to a greater or less degree; and, at the same time, less through the force of law than of public opinion, a certain independence was established in those states with regard to dogma. It is none the less true that the civil power is the judge of controversies, that it holds religion in its power, and that even without having recourse to violent measures it has a thousand indirect means of acting upon it. This justice, however, must be rendered to the governments of Protestant countries, that they have had the good sense not to abuse their authority in religious affairs.—III. *Régime of Concordats.*[1] Concordats are treaties made between the civil and the religious power concerning ecclesiastical matters. Pacts of this nature can only be made when princes find themselves face to face with a powerful religious authority concentrated in the hands of one man. The count of Lanjuinais is mistaken when he assures us that they are unknown in all history outside of the Catholic church.[2] The conventions repeatedly concluded between the Dalaï-Lama of Thibet and the emperor of China are absolutely of the same kind as the concordats concluded in Europe in modern times between temporal sovereigns and the popes. Similar agreements were made in Japan on different occasions, from the end of the twelfth century between the adïris, spiritual chiefs of that country, and the djogoons or tycoons who were the temporal chiefs.[3]—It is a remark not new that concordats are treaties of peace between the spiritual and temporal power. They have been brought about in reality only after long struggles between the papacy, which pretended to establish its rights to universal dominion, and the princes whose interest it was to restrict this action within the domain of ecclesiastical affairs. They had no object but to put an end to these disputes equally dangerous to both powers.—Treaties of this kind can not in any way be reconciled with the principles of the Catholic church. Two powers of the same nature, whatever in other regards their respective importance may be, can of course terminate their disputes by mutual concessions. This can not be the case between the spiritual and temporal powers, because from the point of view of the Catholic church there is no equality between them, since the first was instituted by divine right to govern and direct the second. "If the holy see," says Gregory VII., "has received the right of judging in spiritual things, why should it not have the right of judging temporal things? Laymen perhaps believe that the royal dignity is above the episcopal dignity. The difference between them may be seen from the origin of the one and the other. The former was invented by human pride, the second established by divine goodness." Long before, St. Ambrose had proclaimed that the episcopacy is as much superior to royalty as gold is to lead. Such is the Catholic doctrine. It is not a question here of judging, but of stating it.—I know well that there is a large number of persons who create for themselves a fantastic Catholicism, imagining they can rise above the Catholic church itself, and who flatter themselves they can convert the holy see to their theory. If history has not been able to disabuse them, it would be very useless to show them that they are the dupes of an illusion. Catholicism is an historical fact; it must be taken as it is; it is not in the power of any man to make it other than it has been made by a tradition which reaches back beyond the eighth century of our era; it could not itself modify itself, without perishing altogether.—According to Catholic principles, princes and people have but to submit humbly to the decisions of the church, as to orders emanating from God. How under these conditions can the head of the church abandon a part of his rights to the temporal power? How can he let it judge what is good and what is not good for the church? Never, therefore, have the sovereign pontiffs asked for concordats unless to

[1] Under the word CONCORDAT is found an explanation of this question from the liberal Catholic point of view.

[2] *Encyclopédie de Courtin*, article "Concordat."

[3] Thunberg, *Voyage en Afrique et en Asie, principalement au Japon*, translated from Swedish, 353-355, *et Voyage au Japon*, translated by L. Langlois, vol. iii., p. 206.

regain, under circumstances favorable to their interests, privileges which the misfortunes of the times had snatched away from them. Such were the motives which caused Leo X. to ask of Francis I. the concordat of the 15th of August, 1516, which abrogated the pragmatic sanction of 1438.[1] They never acquiesced in those unfavorable to them except when constrained by force or by feeling the impossibility of obtaining better conditions for the moment. Thus Pius VII. declared that he would not accept the concordat of July 15, 1801, were it not for the extraordinary circumstances of the time, and in view of the advantages of peace and the unity of the church.[2] —What is to be concluded from this, except that the holy see observes only those concordats which are advantageous to it, in order to advance to greater conquests, and that it observes those that are burdensome to it only on account of concessions made to it and to which it submits momentarily, waiting for better days and reserving all its rights. Treaties of this kind then have in the eyes of the contracting parties, at least in the eyes of one of them, only a provisional value, and can not constitute an order of things regular and constant.— Would that concordats could, during their more or less ephemeral existence, eliminate the difficulties raised by the varied and sometimes opposing interests of the two powers. But they do nothing of the sort. The struggle continues under the régime of concordats in nearly the same forms as before the establishment of that régime. In France recriminations of parliament against the pretensions of the holy see have not been less lively since the sixteenth century than before it; they have been even more frequent. The opposition of the civil power has even been at a certain time so powerful that it might have provoked a schism. I refer to the declaration of 1682, the execution of which, though the contrary has been asserted, would have created an impassable abyss between the Catholic church in France and the court of Rome.—Germany presents an analogous spectacle; in spite of the concordat of 1447 between Nicholas V. and Frederick III. and all those which followed, the German empire has not always lived on good terms with the holy see; and we have seen in these later times with what rapidity concordats were made and abolished in Austria.—Concordats are not treaties capable of regulating disputes finally, because they never entirely satisfy either of the two contracting parties, each one of which thinks that it makes more concessions than it ought, and strives more or less openly for greater advantages. This takes place not only because they have no sanction and can not prevent one or the other of the two adversaries from obeying the principles on which its own authority rests, principles which ordinarily are in complete opposition, and which in any case have nothing in common; but still, and above all, because in the order of things which the régime of concordats supposes, and when there is a church in the case which like the Catholic church lays claim to universal dominion, it is impossible to fix the moral limits which should separate the two powers.—This explains why no concordat can be final. In the countries where this régime has been adopted it has been necessary to modify unceasingly existing treaties by successive amendments, or replace them continually by new ones. Since the beginning of this century France has had three different concordats. It is by the twenties that those must be counted which were concluded during three or four centuries between Germany and the holy see. These incessant changes are a decisive proof of the impossibility of giving a fixed and solid basis to this régime. If we examine the relations of church and state from a general point of view we shall be brought to this conviction, that their alliance under any form whatever is an annoyance, a source of embarrassment as well for the state as for the churches.—By putting itself under the patronage of civil government, a religion, whatever it may be, yields up its independence in whole or in part. Thenceforth it can no longer take counsel of itself alone; it commits a part of its interests to a power which has not precisely the same end in view that it has. it wishes in vain to be inspired only with its own principles, to have regard only for its own interests; it must take account also of the interests and the principles of the associate it has chosen, I was going to say of the master under whose protection it has placed itself.—The ministers of religion, therefore, are placed by a concordat in an embarrassing, equivocal position between opposing views and duties. An emergency may arise which the state judges favorable to its interests and which the state church finds dangerous to the interests of religion. Must the wishes of the government be yielded to? Must they be resisted? The danger is perhaps equal on both sides. A decision, however, must be made, and either religious principles be sacrificed to the desire of remaining in the government's favor, or the clergy exposed to the displeasure of a powerful ally by obeying the voice of conscience. The bishop of Baltimore does not run the risk of finding himself in this difficult position. He has to think only of his religion and his flock. He has to take into account only spiritual interests.—Even outside of the contingencies of which I have just spoken, contingencies more frequent than is believed, in the ordinary course of affairs, every state religion is bound to continual sacrifices. It has not the right to modify and extend, as it judges opportune, its rules of discipline and its dogmatic definitions. Almost everywhere the pope's bulls are only published at the good pleasure of the government; and changes of discipline are not per-

[1] Des Odoards-Fantin, vicar general of Embrun, *Dictionnaire du gouvernment, des lois, des usages et de la discipline d l'Église*, t. 11, p. 238, and following.

[2] *Quæ extraordinariae temporum rationes atque bonum pacis et unitatis Ecclesiæ a nobis postulaverunt.* (Bull of Pius VII. of the 18th calends of September, 1801.)

mitted if such changes displease it. In France the council of Trent has been received only in so far as concerns faith; all the rest is considered invalid. The state thus becomes in reality the judge of controversies and the head of religious affairs.—The Protestants of France have not been better treated. Far from it. The government itself changed the ecclesiastical organization which was peculiar to them by the organic articles of Germinal, year X., which it imposed without even consulting them. Despoiled of the right of consulting each other on their common interests by the suppression of the national synod which gave offense no doubt to the civil administration, their churches have passed, contrary to their will, from the synodal to the independent régime.—There are many other sacrifices to which every church united to the state must resign itself. It must renounce the right of meeting without authorization and surveillance; the right of forming pious associations whose existence seems to it useful for the maintenance and development of religious feeling; the right of establishing centres of prayer where it thinks it necessary, and of placing ecclesiastical directors where it sees fit, even in the case where it asks no assistance of the state. In one word, it is no longer master at home; it divides an authority which can not be divided, with the government which is not a competent judge in religious matters, and which is guided by other principles than its own.—And what does it gain by all these sacrifices? Bread for its ministers and a protection for itself of which it can scarcely be sure unless in so far as it is not an obstacle in the way of the interests of the state.—On the other hand, a government is deceived in believing itself interested in protecting several state religions. We understand what importance it may attach to giving itself a support in the ecclesiastical power. There are very few princes who have not sought to render it favorable to them by the concessions of great temporal advantages. Is there a single one of them, at least in modern Europe, whose sacrifices have not been followed by the most deplorable disappointments? How could it be otherwise? Every church, no matter what it be, on which the state wishes to lean, looks upon the use of the public power as an instrument to rule if not to oppress its opponents or rivals whom it treats as disturbers of the public peace, as the price of its co-operation. We know in modern times, the hatred which a ruling clergy brings upon itself. When this hatred has penetrated the masses it includes both the clergy whose yoke is odious and the government which supports their cause.—The alliance of church and state has not always had such fatal results for the latter; but we can assert that it is never of any real advantage to it; that it is to it the cause of solicitude which turns the state from the end it should have in view, and which exhausts the living force which it has to dispose of and which obliges it to make more effort to live in harmony with the ecclesiastical power than it would have had to make for the public prosperity. It is not rare that in the union of church and state each one of the two parties cherishes the secret design of making the other an object of its domination. Under the appearance of an *entente cordiale* there arises between them a silent continuous struggle to deceive each other, and uninterrupted efforts to escape the traps which each side sets for the other. The state would succumb infallibly before an adversary long trained by acquaintance with the subtleties of scholastic theology in the art of overcoming difficulties, were it not, at least in our times, for the powerful support of public opinion.—If we wish to become convinced of the reality of difficulties inherent in the union of church and state, let us look at the epochs of French history when the throne and the altar had the desire and felt the need of supporting each other sincerely. Surely the feelings of attachment which Louis XIV. had for the Catholic church will not be denied; but how often was he obliged to resist the holy see. In 1667 he forbade the publication of the decree of Clement IX. against the New Testament of Mons. The following year he prohibited the nuncio's publishing the papal ordinance of April 9th against the ritual of Alet. In 1673 began the long discussions between this prince and the court of Rome on the subject of the right of the crown to receive the revenues of vacant bishoprics. In 1688 the interdict of the church of Saint Louis at Rome raised a quarrel between France and the pope, a quarrel which led to the seizure of the district of Avignon. When Innocent XI. died, in the middle of the following year, there was a great number of churches in the kingdom deprived of pastors, because, since the assembly of the clergy in 1681 and 1682, the pope had refused his bulls to those who had been named to benefices. This state of things lasted till 1693.—When such quarrels and many others disturbed the reign of a king who carried his condescension for the Catholic church so far as to promise bishops independence of royal justice even in case of the crime of treason,[1] how should harmony between the spiritual power and the civil authority not be shaken many a time under the reign of princes who, however zealous they might be in the interest of religion, could never be supposed to make such astonishing concessions as Louis XIV.? We shall then witness the singular spectacle of a government believing that it ought to make every effort to save the church from its own excesses, or at least from those which seemed to merit that designation, while the church, caring little about being saved in spite of itself, looks upon the government only as on an imprudent friend plunged in profound error, and, consequently more dangerous than an open enemy.—We can understand that as long as a state recognizes but a single church and proscribes all the others, it should bind itself by treaties with that church, and that in return for the pref-

1 *Abrégé chronologique de l'histoire ecclésiastique* par Marquer, vol. iii., p. 508.

erence which it gives it above its rivals, it should demand certain sacrifices of it, claim the right to take part in its affairs, and interfere partially in its administration. It would run too great a danger if it left complete liberty to this only church which, by the fact itself of representing alone the religious sentiment, exercises an enormous power over consciences still incapable of governing themselves. Whatever difficulty there may be in the way, it is its most pressing interest to exercise over the church a sort of control, endeavoring at the same time not to make it an enemy. But the face of everything changes entirely the moment liberty of conscience is proclaimed and admitted, at least in principle, and that the state recognizes and engages to protect, not a single but several different religions, lately enemies and still arrayed against each other. Such is the present state of things in nearly all the countries of Europe. How is it in countries where there is no longer, properly speaking, a state religion, and where several religions are authorized and protected? Can the government undertake, I will not say, to administer them with an equal justice, but in such a way that this justice itself shall not appear to each one of them an excess of favor to its rivals and a species of injury to itself?—Would it be boldness to suppose that in this case strict impartiality is a pure fiction? I do not doubt the intention of the government to hold an equal balance between the churches. But will it not be drawn by the very force of things, by sympathy, by some public necessity, by some secret pressure of which it is itself unconscious to incline toward one, in preference to the others, probably toward the one which will seem to it the most powerful or the best fitted to favor its tendencies and enter into its views? It will not persecute the others, I admit; persecution is no longer the order of the day; but the government will not show them the same kindness as it shows to the one which seems most useful or the best. And the favors which it heaps on this one will be likely to alienate the others, while it may happen that the simple toleration which it accords them will be enough to displease the church which it wishes to gain over by its benefits.—But let us suppose the state to have the most complete impartiality. Let us carry this supposition even to the point of impossibility, and suppose that all these religions live in peace side by side, that they are converted to the idea of liberty of conscience, that they have learned mutual respect and esteem. Even in this case the position of the state which protects them and administers their affairs would be false, full of embarrassments, if not of dangers, and would poorly serve the prosperity of these religions and consequently not effect the good expected of it. How could it manage them understandingly? How could it have an intimate acquaintance with their different principles often opposed, and accord to each one precisely that which belongs to it? Take an administrator reared a Catholic, an absolute stranger to the spirit and traditions of Protestantism; how could he manage the affairs of dissenters holding, as he does, opinions directly opposed to theirs; or a free thinker called to direct the different religions in a state He will promise, no doubt, to set aside his personal opinions in his administration; but how far can he succeed? Will he not come to consider as an enormous demand that which is really but an unavoidable necessity for this or that church? In truth, each church only can understand what is fitted to it. A stranger to a church is lost infallibly in deciding what to do or to leave undone in respect to it. Although his intentions be the best in the world, if he is an administrator of religious affairs, he will make mistakes at every step which will deeply wound the churches committed to his care.—There is against the principle of church and state another consideration, which, though of a lower order, has nevertheless some value. Justice requires that every citizen should contribute only to the church to which he belongs. With what right, unless it be the right of the strongest, will you force him to maintain with his property a church which is hateful to him, which he considers harmful, which is perhaps to him a declared enemy? It is this, however, which takes place when there is a union of religious affairs with the state.—For a long time the Protestants of France have paid, not only the clergy who preached against them but also the dragoons who cut their throats, burnt their houses, violated their wives and daughters and carried off their children. They have to fear these horrors no longer; but they pay for religion much more than the maintenance of their own church demands from the budget.—There is, says Vincent, in Europe, a great people, a living example of the excess to which this injustice may be carried and the evils which result from it: it is Ireland. The distress of this unhappy land, the abyss of misery into which it is plunged, an abyss from which the most expert do not know where to find an escape, its moral degradation and its invincible ignorance, arise far more from this source than from the nature itself of the religion to which its inhabitants are so strongly attached. It arises from the tithes with all their rigor, from the coalition of a fanatical aristocracy with a fawning clergy, which is the great and perhaps the only cause of the desperate suffering with which Ireland terrifies the nations. The Anglican religion appears as a vampire attached to this great body, sucking it unceasingly and leaving it just blood enough to live and go on producing. Thus the substance is devoured and the generous sentiments of this people are perverted to gorge with gold a clergy whom it does not want. The example is extreme, doubtless; it is unique, perhaps, but it exists; and it alone suffices to show us to what length vexation and injustice may go before the clergy will draw back.—IV. *Régime of the Liberty of Worship.* The only régime capable of eliminating all these difficulties and in accordance with all

the principles of liberty of thought, and which answers to the present multiplicity of religions, is that which leaves to all religious societies the care of managing and regulating their own affairs themselves, aside from all interference of the state. This solution is so simple that we can only blame habits and prejudices if it has not been generally accepted before now in all countries where any value is attached to liberty of conscience.—The régime of entire liberty of worship is rejected either in the name of religion, which, it is said, will perish or at least decline as soon as it is left to its own resources, or in the name of the state, which will find itself continually menaced by the spiritual power the moment it ceases to weigh directly upon it and keep it within just limits. These fears, inspired by sentiments which contradict and therefore mutually destroy each other, are entirely chimerical. A few hasty considerations prove this.—People fear that the régime of liberty will be fatal to religion. They think, therefore, that it has no vital force of its own, and that it can only exist on condition of being sustained and protected by the civil authorities. This is indeed a poor idea of religion, and those who admit it seem to me little authorized to plead in its favor. If its case were such as they think, it would be merely a matter of convention, without root in human nature, invented, without doubt, to serve as an instrument of despotism and to lead the people on like a low herd. In such a case its loss should not excite very lively regrets. —But we can not accept this idea. Even a superficial analysis of the spiritual nature of man shows that he has an unconquerable aspiration toward the ideal. This aspiration is exhibited under the most varied forms according to the degree of general culture, under strange forms among nations in their childhood, in pure and noble forms among men who have arrived at the maturity of reason; but it always appears under one form or another. It is an undoubted fact, that there is no nation and no people without a religion. If it is an integral part of human nature, it will not disappear under any régime.—It only remains to seek that which is most favorable to its purest manifestations. It certainly can not be the one under which it is fettered with hindrances, nor where it can not live except through arbitrary rules. Between a regulated religion and a free religion there is the same difference as between trees which the scissors of a stupid gardener, pretending to be an artist, gives the form of a fan or a vase, and the trees growing in the full liberty of the fields. —Will it be said that we must save it from its own excesses and prevent it from degenerating into superstition and empty formalism? Without doubt; but it is not the hand of the state that will direct it best in its development. Irrespective of its unfitness to judge religious matters, the state is naturally led by its own interests to keep religion in what is called order, that is to say, in a fixed immobility. Governments are not fond of activity of thought and sentiment; they see in them elements of disorder. They are perhaps right in one sense and from their own point of view. But under this guardianship religion becomes a pure formality, with many ceremonies, few feelings, and still fewer ideas. The statesman is satisfied with this condition; the truly religious man is less satisfied; he prefers life to this state of somnolency.—Add to this that the state which protects a church impels men to hypocrisy, without wishing it. There is no trouble and there may be some profit in professing the religion of the state. Even in France, under the empire, little calculations of this kind were made. What is more general, without being less fatal to religious life, is, that classification by religion becomes fixed in countries where the affairs of religion are in the hands of the government. A man belongs to this or that religion by birth and not by conviction. I know well that in the state of indifference which predominates in religious matters, men fear to appear singular by abandoning the religion in which they were born, to join one which they find preferable. But, besides, this general indifference constitutes a species of hypocrisy, since men continue to belong in fact to a church whose doctrines they reject and whose discipline they do not observe. This is a consequence of the desire of governments, protectors of one or several religions, to maintain that which is established. It may be that in truth these governments are very little concerned whether people are Catholics, Protestants, Jews, Mussulmans, orthodox or rationalists; but changes of religion would trouble the established order in some point, they would establish a bad precedent. Nothing of all this can please a well regulated governmental administration, and we can not find fault with it for this. We should be permitted, however, to blame an administration which of necessity produces such effects whether they are desired or not; and religion, it seems to us, has no reason to congratulate itself on an order of things which is in reality so fatal to it.—To elevate religion, to make it a serious thing, an affair of conscience and not of expediency, make it independent! As soon as there shall be no more profit in belonging to one church rather than another, men will join a church only because they have adopted its principles sincerely. The profession of a religion will be a truth; the members of a church will belong to it in reality. Such a church may see the number of its adherents diminish, but what it loses in quantity it will gain in quality. This change, far from injuring it, will be entirely to its advantage. The lukewarm and unbelieving, which the church drags in its train, are only an inconvenient burden, which hinders its progress and chills the life in its breast.—This condition of independence can alone enable each church to live and develop according to its own principles. Free from all restraint, being no longer bound by the sacrifices imposed on it by its connection with the state, it will have to take counsel only of its beliefs, and will decree doctrines as it

understands them; it will impose on its members the discipline which is the consequence of its doctrines.—The objections raised against the separation of church and state in the name of public order and great social interests, are not better founded than those raised in the name of the prosperity of religion. Far from being a danger to states, religious independence would be a great advantage to them. And first of all, it would free them from the embarrassments without end, brought on by the administration of ecclesiastical affairs. It is needless to insist on this point. It is but too well known how many false measures governments are engaged in, either through the desire to become popular with one or another religious party, or merely through the protection which they think themselves obliged to yield to one church or another.—Let it not be said that even under the régime of religious independence the state will always have an interest in looking after the religion of the majority of its citizens. What is meant by that? That it should protect it to the detriment of others? But that would be to return to the union of church and state once more, and we have supposed this régime abolished. Let it be well understood what it is that the separation of church and state brings with it in the social order, and immediately all the objections will be seen to disappear which do not start from the point of view of the actual state of things. The régime of church independence supposes that the government will not interfere in religious affairs at all, neither to oppress, protect nor guide them. It will be for the churches to provide for their own wants as they understand them, while conforming, however, to the general measures relating to public order. I do not say that the cessation of the protection of religion by the state should not bring with it the cessation of many other kinds of protection, and many regulations which treat citizens as if they were incapable of struggling alone with advantage against the difficulties of life; we can not, however, but congratulate ourselves on this progress.—The opponents of the separation of church and state repeat unceasingly that the result of this system would be to create a state within the state, and to incur a danger menacing to the public peace. Nothing could be more unfounded than these fears. It is not under the régime of liberty, it is under that of concordats, that a church forms a state within the state. The concordat itself is a proof of this, since the concordat is a treaty between two powers. The state, in treating with a church, recognizes publicly that it is a power similar to that which it represents itself. And this power is more formidable since the state lends it arms, puts itself at its service, and endeavors to increase its prestige.—Separated from the state, the church commands only the resources that belong to it, and finds itself confined altogether to religious affairs. Willing or not, it can no longer do anything but practice the medicine of the soul, and if it has any desire to influence the course of affairs there are no other means of action for it than free discussion and persuasion.—It will be said this is a great error; that a church, and particularly the Catholic church, will always have means of action which can not be possessed by a philosophical school or any other association. Very true, but, without stopping to discover whether in a state of independence it will not have to use all its activity in providing for the needs of worship and church administration, I ask what action it could wish to exercise on a government which has nothing to give it but what it gives all the rest of its citizens, that is to say, security and the opportunity of living without annoyance. Is it wished to consider it as a permanent conspiracy against the state? But why should it conspire? To get possession of the government and change the order of things to its own way of thinking? Let the world be at rest on that point. It is not in this direction that the breeze of modern civilization is blowing. In a state where liberty really exists, and with it education and prosperity, conspiracies are chimeras; no one even dreams of forming them except among an enslaved people. Whatever may be the fickleness of men and the caprices of the crowd, change is neither sought for nor desired where every one is satisfied. There is a preventive, an infallible remedy against conspiracies from whatever side they come—to spread education and well being, to put each citizen in a position to think, to reflect, to judge soundly; and at the same time to encourage labor, to honor it, and to make it loved.—But if a nation placed in these conditions does not know how to appreciate its happiness, and prefers slavery to liberty, ignorance to development of mind, misery to well being, the institutions of the middle ages to those of the age of independence and maturity of reason, I do not see how its loss could be regretted. Let such a nation perish, since it is not worthy to live.—These extremes are not to be feared, however. We have not yet arrived at this era of despair. Everything is moving toward liberty, the church and the rest, although it does not seem very much inclined at this moment to follow the general movement. Its independence would give it better counsel than its present position. The régime of separation of church and state will bring about altogether a different order of things from that which has reigned for centuries in most countries. In France the continuous exclusive dominion of Catholicism has accustomed Frenchmen to think of only one church. Men will tell us that there is no other church but that of Rome. In reality there are as many churches as there are ways of understanding Christianity, and the ways of understanding Christianity are very numerous, I was going to say almost infinite. If they have not yet appeared in France, it is simply for want of freedom. There has never been liberty of worship in France, in the true sense of the word. But if religious affairs ever come within ordinary law,

if it comes to pass that every man can express his opinions in religious matters, and preach them publicly, be sure the church will break up into a number of separate churches which will counterbalance each other, and have no more important occupation than to surpass each other in zeal, in morality and learning. In default of this breaking up, which, however, is unavoidable, the dissident religions, reduced to silence to-day, will be able to compete with the Catholic church in a way which will not be without danger for the latter.—It is not that this church would be menaced in its existence by the separation of church and state, and would be unable to endure the régime of liberty. It represents the principle of authority in religion; there will always be men, and many of them, who, distrustful of themselves or little capable for one cause or another of venturing on the examination of difficult religious problems, will feel the need of a support and will be happy to find it in a church which, to the prestige of a pompous ceremonial, unites the prestige, not less imposing to certain minds, of a dogmatism absolute in its affirmations. It may happen, nevertheless, that this of all the different churches should be the one which by reason of the considerable expense of its worship, the princely habits of its high dignitaries, the difficulties in organizing the numerous personnel of the clergy, would lose the most by losing the support of the state; and perhaps this feeling has something to do with the repugnance with which the separation of church and state seems to inspire it.—Men seem alarmed at the division which would naturally take place in religious institutions in consequence of an absolute liberty of conscience, of the discussions which would arise between different religions, and of the troubles which it is supposed would arise from these controversies. Let there be no alarm. Theological discussions become dangerous only when one party can invoke the aid of the secular arm. We do not see the public peace troubled in the United States by the controversies of sects, no matter how excited some of them are.—You will see the door open to all follies, those will be sure to say who only understand order born of constraint. It is possible, indeed, that extravagant opinions may appear, but they will die out of themselves very soon. Follies do not last except where they are persecuted. The American revivals are only transitory, without influence on the public peace and the general course of affairs. The Tûrlupins, the Beghärds and the Flagellants excited storms solely because, instead of letting these feverish movements disappear of themselves, it was held a duty to rage against and repress them. Moreover, attacks of mental delirium are not without compensation. From time to time the youth of Sparta were treated to the spectacle of drunken men, in order to excite in them disgust for debauchery and love for sobriety. Religious follies will cause us to feel the worth of sound doctrines and of a piety sanctioned by right reason.—If we now draw right conclusions from the considerations which we have just presented we shall be able to establish, it seems to me, the following propositions: 1. The course of affairs itself always leads to the separation of church and state. In the beginning religion rules all human affairs; a second state follows when the state seeks to guard social interests against the encroachments of the church, either by submitting it to its own authority or by restricting it in a circle more or less contracted through an agreement with the church itself. The movement which is made in the sense of limiting the action of the church in the state, should naturally result in separating it altogether from public affairs. 2. The régime of state rule of religion takes away all independence from the religious sentiment, and in that way all dignity and real life. It is an unhappy system, because it completely stifles thought. 3. The régime of concordats is disadvantageous both to church and state. It keeps up a continual struggle between the two contracting parties, a struggle which exhausts without utility the forces of both, and prevents the state from devoting itself entirely to its mission, which is to labor for the increase of public wealth, by occupying it unceasingly with questions which have no relation to this end; which prevents the church from carrying on its work in peace which is to console, to edify and to spiritualize, by turning its attention toward plans of earthly power. 4. The only régime proper to the spirit of our time is the separation of the two powers, leaving to each its proper sphere. The objections brought against this system arise altogether from an erroneous conception of the order of things which it might produce. By placing one's self at the standpoint of this new régime all difficulties disappear, and at once is found, not absolute perfection, of course, which is not to be looked for in human affairs, but a just distribution of functions, a proper liberty left to the expression of religious opinions, the final suppression of importunate cares, such as the administration of ecclesiastical affairs has been to governments for centuries past; in one word, an organization in which the various interests will find all the satisfaction desirable without coming into collision and without injuring each other. MICHEL NICOLAS.

CHURCH, Anglican. (See GREAT BRITAIN.)

CHURCH, Catholic. (See ROMAN CATHOLIC CHURCH.)

CHURCH, Greek. We shall not undertake to explain the origin and different phases of the operation of the Greek from the Roman church, but will confine ourselves to explaining as briefly as possible how the Greek or Oriental church is constituted. The Oriental church is divided into four patriarchates, with sees at Constantinople, Jerusalem, Antioch and Alexandria. Greece, before its emancipation, belonged to the patriarch-

ate of Constantinople; since the war of independence, it has been freed from this subjection, and the constitution of 1844 has converted this fact into a principle. The supreme authority is vested in a permanent holy synod, composed of five members; this synod sits in the capital and is presided over by the metropolitan; the other four members are called counselors. The sovereign is represented in the holy synod by a royal commission, which attends all the sittings, and countersigns all decrees, but has not the right of participating in the deliberations. In what concerns purely religious questions the holy synod acts in the plenitude of its independence; in matters of a mixed nature it acts in concert with the government. It is intrusted with the censorship of books for the young; it sees that the religious holidays are celebrated according to the orthodox rite, and that the clergy take no part in politics. In applications for divorce the bishop declares the dissolution of the marriage, after the sentence of the court has been transmitted to him. The metropolitan's salary is 6,000 drachmas; each of the ten archbishops receives 5,000, but the bishops receive only 4,000. The bishops are named by the king, upon the presentation of three candidates chosen by the holy synod from among the clergy of the kingdom of Greece.—Of the four great Oriental sees, that of Constantinople is the only one that has maintained its importance; the provinces subjected to Turkey and to Austria are subject to its direction in spiritual matters.—In what concerns the Græco-Russian church it is well known that after the capture of Constantinople by the Turks the Russian clergy have considered themselves independent of the supremacy of the Oriental patriarch, and that his influence increased to such a point as to give umbrage to the Muscovite sovereigns. The accession of Peter I. put an end to this state of things; he knew that his clergy were opposed to the reforms which he contemplated. He, by his own authority, deposed Nicon, the patriarch of Moscow (1681). He afterward suppressed this dignity and confided the direction of everything relating to ecclesiastical affairs to a college composed of bishops and civil counselors, called the directing holy synod, which sat first at Moscow, and afterward at St. Petersburgh. The members of this synod now take rank immediately after the senators. It is presided over by an archbishop, who can not quit the imperial residence. The sees of the four great dioceses are St. Petersburgh, Kief, Kasan and Tobolsk; but the holy synod has *branches* in Georgia, Imeretia, and Mingrelia, whose chief towns are episcopal sees.

CHOPIN.

CHURCHES AND RELIGIONS, Politico-economical Aspects of. Why place such an article in this work? What can churches have in common with political economy? This question will doubtless present itself to the minds of some readers, who, before examining the question, will censure us for having considered from the point of view of material utility a side of human life in which, to their thinking, calculation should play no part.—Their censure would perhaps be well founded if, being imbued in regard to churches in general with that philosophic, or pretended philosophic indifference on which radical thinkers pride themselves, we should pretend to weigh the different beliefs in the worldly balance of material interests and assign to economic considerations any influence in the choice of religion by individuals or nations. But such is not our idea. We know very well that a church is adopted from conviction, on account of religious beliefs of which it is the external manifestation, and not in consideration of what it costs, or what it brings in; and we should consider the statesman senseless whose views on the question of public worship should be determined by motives of economy alone.—Let religious men, therefore, divest themselves of prejudice in reading what we write, and they will not be slow in recognizing with us that churches come naturally within the domain of political economy, first as exercising an influence more or less direct upon certain economic phenomena, then as applying a part of the wealth produced to the satisfaction of a social want.—Political economy does not embrace the totality of human interests; it does not undertake to indicate to man, individual or collective, the means of happiness, even here below. Its only object is to explain the phenomena of production, circulation and distribution of wealth, to discover the laws according to which these phenomena take place. Finally, its object is to formulate the general theories which should direct nations in their economic development, that is to say, in seeking the advantages which have wealth for their cause or principal element.—Thus when exact data permit us to compare the economic condition of a country with the productive powers at its disposal, it belongs to political economy to decide in what degree the results of this comparison are in accordance with the general laws which preside over the development of wealth, and indicate the causes which might have accelerated or retarded the progress of this development in the country in question. If, among these causes, it finds certain precepts or certain usages forming part of religious worship; it takes note of them, with no other object than to explain the complex phenomena of which it must render account, without expressing any judgment at all as to the religious, moral or even simply political propriety of the practices or the observances in question.—Now who can deny the influence which certain churches have exercised on economic phenomena at different times, notably on the quantity of productive forces set at work and on the direction which was given them? Must we not seek in the religious beliefs of the people of the east, and in the practices derived from these beliefs, one of the principal causes of the profound difference existing between the material civilization of these peoples and that

of the western nations? Should we not attribute a considerable part, in many economic results in the political and social régime in France, to the precepts and usages of religion then dominant, especially to monastic institutions, to the celibacy of priests, to the great number of holidays, to abstinence in Lent, etc., etc.?—We do not wish, however, to occupy ourselves here with these effects peculiar to certain churches and resulting from variable practices. Among the civilized nations of our time the economic influence of which we have just spoken has become, or tends to become, almost nothing or purely accidental. But between churches and our science there exist relations of another kind, to which we must call the attention of the reader.—Religious beliefs common to a great number of individuals demand an external manifestation, collective and public; in other words, a worship more or less solemn. This is a universal fact in support of which any demonstration would be superfluous.—It is another no less undoubted fact that this social want is one of those which the state is almost always obliged to provide for by means of an organization whose expenses are defrayed by society. From this two questions arise which evidently belong to political economy: 1. Are religious wants better and more completely satisfied by the intervention of the state than they could be by the spontaneous action of society itself? 2. Which of these two possible modes of satisfaction, all other things being equal, imposes the least material sacrifice on society?—Before approaching the examination of these questions let us begin by stating that if we consider the two modes as equally possible, it is because they have both been tried. There exists in our time a great nation, highly civilized and at the same time very religious, in which churches are altogether private institutions. In the United States the state is absolutely a stranger, in law and in fact, to the external manifestation of religious belief. Religious wants are satisfied there, completely and liberally, without any intervention either of the public treasury or of the law. It was almost the same in France before the revolution of 1789, as the Catholic church had its own property at that time which relieved it of the necessity of asking anything from the state, and an organization which did not emanate from the civil power; while the other churches were not recognized.—In political economy those who labor for the satisfaction of a social want are called *producers*, and those who make use of the product intended for this satisfaction *consumers*. When the state assumes the rôle of producer, it arrogates to itself a monopoly: it excludes all competition in the kind of production to which it devotes itself. In the contrary case, that is to say, when the satisfaction of a social want is left to the free and spontaneous action of society itself, or to the parts of society which feel this want, it necessarily happens that the corresponding production is undertaken competitively by several individuals or several private associations. Sometimes it is manufacturers who thus apply their labor in view of an eventual pecuniary profit; sometimes consumers, who associate together to obtain, by their united efforts or their individual sacrifices, the satisfaction of the want which they feel in common. On both hypotheses each producer, individual or collective, is evidently interested in increasing his product, since he finds, on the first hypothesis, an increase of profit, and on the second, the combination of a greater number of individual efforts and consequently a more and more complete satisfaction of the wants which he intended to satisfy.—Now the producer has two methods of increasing the number of consumers whose wants he provides for, and of outstripping his competitors by increasing his production at the expense of theirs. The first is to improve the quality of his products; the second, to lower their price to consumers. The certain effect, therefore, of competition is to induce producers to improve their products and to furnish them at the lowest possible price.—In the case of an absolute monopoly the stimulant of which we have just spoken does not exist, or, if it does exist, it is in a much lower degree and under certain exceptional circumstances, namely, when it is a question of material products, destined to satisfy the wants of luxury, the consumption of which may be extended or restricted indefinitely. We can affirm, then, that any social want will be satisfied more completely and economically in proportion as the competition of producers fitted to provide for it is freer and more extensive.—Such is the general law laid down by political economy for the solution of the questions which occupy us. Does this law, evident in theory, and confirmed moreover by the daily experience of practical life, admit of exceptions? Are there special social wants which can be satisfied only through the intervention of the state? We do not hesitate to answer affirmatively, and we shall cite at once as special exceptional cases, the wants of security, justice, coinage, ways of communication for persons and things, etc., etc.—Should religious wants be ranged among the exceptional cases or remain submitted to the general rule? This remains to be examined. But we must first establish a distinction which governs our whole subject.—The Christian world from a religious point of view, has for three centuries been divided between two opposing principles, which we shall call the principle of unity and the principle of diversity. Those who admit the first, form but one single church, submitted to one single authority, practicing one and the same rite prescribed by this authority. Those who admit the second principle, form an indefinite number of distinct churches, capable of differing from each other in forms of worship, and, up to a certain point, in their beliefs.—It will be seen that we describe Catholicism and Protestantism by their purely external and in some sense material aspect, because it is the only one, as we have already said, of which our science can take account.—Examined under

this aspect the principle of unity becomes identical with that of monopoly. Catholicism excludes all internal competition. Whether the state interferes or not, there is but one *entrepreneur*, one single producer charged with providing for the religious wants of Catholics. if it is not the state it is the church, a body exclusively monarchic according to some, mixed with aristocracy according to others, but whose will is always one and homogeneous with reference to what we may call *religious production*.—There would be no further question then with reference to Catholicism than to decide which is preferable, the monopoly of the church or that of the state: a great question, which it is our duty to examine here only in its economic aspect, putting aside all political or moral motives which might militate in one sense or another. Now from this restricted point of view, the monopoly of the state appears to us preferable to that of the church for the following reasons: Among Catholics the acting church, the church which administers the worship and which disposes of the material means collected for this purpose, is not confounded, as among Protestants, with the religious community itself; it does not embrace the totality of believers; it is composed exclusively of members of the clergy, that is to say, of an organized hierarchy, which recruits its own ranks and which is consequently animated in the highest degree with the spirit of unity and perpetuity, of unity in time and space. The result of this, in the first place, is that the immovable property which the church has acquired, and the amount of which it is always interested in increasing, to assure its own existence more and more firmly and its means of action in the future, becomes inalienable in its hands and is withdrawn from circulation. Not only does it cease to belong to lay society; but it is withdrawn from its action, withdrawn from that commercial movement which, under the impulse of interest, tends to render the working of productive capital more and more profitable to the general interest, by causing it to pass through hands the best fitted to make use of it. The first consequence produces a second still more disadvantageous.—If to satisfy the personal wants of its members and those of the church with which it is charged, the hierarchy had only the periodical contributions and casual offerings which laymen might voluntarily make, it would, although exercising a monopoly, be interested in arousing the zeal of believers in keeping up among them religious sentiments and habits. Can it be the same when once the church is possessed of considerable property which renders it independent of the zeal of the faithful? Evidently not. The stimulant of interest then becomes weaker, if it does not altogether disappear; and as that of duty, unfortunately, is not always of such constant efficacy, we may hold it for certain that the satisfaction of religious wants will become, under such a régime, more and more imperfect and insufficient for Catholic populations.—The truth of what we advance was confirmed in a remarkable manner by the experience of France. Before the revolution of 1789, the church possessed one-fifth of all the territory of France and the rest was burdened with tithes for its profit, the annual product of which reached 133 millions francs. In this way a very great part of the soil of the country was either withdrawn from circulation, consequently from the fructifying and improving action of private interests, or weighted with a real burden, which, of all those that land can bear, is the most irrational, the most contrary to the progressive development of agricultural industry.—In saying that all these ecclesiastical estates belonged to the hierarchy, that is, to the clergy considered in their totality as a moral body, we give expression to what was everywhere considered wrongly as of right, rather than what was really the law. We must agree with the greater part of the jurists who have gone to the bottom of this question, notably with the celebrated Savigny, that the subject of these rights of property, the real proprietor of these ecclesiastical estates, was the religious communities, the churches, in the primitive sense of the word (*ekklêsiæ*). In the sixth century this had not yet become a question, as is shown by the constitutions of Justinian, in particular the 26th in the code *De sacrosanctis ecclesiis*. But the influence of the canon law was not slow in introducing on this point a confusion of ideas which continued to grow and develop from that time.—The error had become so general and so complete at the time of the first revolution that it formed the only ground upon which the partisans and the adversaries of the confiscation of ecclesiastical property met. When Mirabeau contended that the corporate existence of the Catholic clergy being once suppressed, the property of which this moral being had been the owner was left without a proprietor, and belonged, for want of an heir, by right to the state or to the nation as was then said, the Abbé Maury and other champions of the church opposed to this reasoning nothing but quotations and distinctions without significance. They did not think of disputing the principle, so eminently open to dispute, upon which the legality of the proposed secularization rested.—The confusion in question results, as we have said, from the very essence of the Catholic organization; it is inherent in the institution of a sacerdotal hierarchy, and we think it will be necessarily reproduced to a greater or lesser degree wherever the church organized in this way preserves under any conditions and limits the power of acquiring property.—It is not part of our plan to explain the principles on which the Catholic church has been successively reconstituted in France since the commencement of this century—principles which, to tell the truth, were vague enough in the minds of the legislators and statesmen charged with applying them. All we have to establish is, that the state as a rule undertook to provide for the religious wants of the Catholic population of France, and in

fact substituted its own monopoly for that of the church. The direct grants of the state are not sufficient, it is true, for the entire support of the Catholic church in France; but the remainder is furnished either by subsidies from the departments or the communes; or by the revenues of church property; or by means of real property or capital, composing what several French laws, in consequence of the above mentioned error, very improperly called *dotation du clergé;* or by lands belonging to the state, the departments or the communes; or by property belonging to the congregations and authorized religious corporations. Now this last category of property is the only one really removed from circulation and subjected to ecclesiastical mortmain; all the rest is comprised in the domain of the state or administered under its direct control or by purely civil authorities.—The territory of France, therefore, with the exception of a small fraction, is freed from that mortmain which had formerly covered so large a portion of it, and from those burdensome tithes which hindered the development of agricultural industry at every point.—However vicious the French system of direct contributions may be in principle, it is impossible to compare it in economic results with those two plagues, the tithes and the mortmain which it has replaced. It must be recognized then that the country has realized a great economy in the satisfaction of its religious wants by substituting the monopoly of the state for that of the church.—Are these wants themselves better or worse satisfied than formerly? If there is a fact generally admitted by all at the present time, it is this, that the Catholic clergy are better fitted morally and intellectually for the exercise of their functions, are more worthy in their private life, more zealous in the exercise of their pastoral duties, than they were in the last century. But, without wishing to attribute this amelioration exclusively to motives of material interest, we believe that it might have, in every case, and in the absence even of nobler motives, resulted from the insufficiency of the grants given by the state, the priests finding themselves in this way obliged to count on local assistance, as well as upon the liberality and the offerings of the faithful; that is to say, on resources whose product, essentially variable, must naturally increase and decrease in proportion to the degree of faith and religious fervor with which each minister of the faith may inspire his flock.—Let us now apply the questions proposed above to churches governed by the principle of diversity, and we shall recognize at first that competition may exist in them and exhibit its effects in two ways.—In the first place, as the churches established on this principle do not recognize any common superior, there is no reason to prevent persons professing the same belief and practicing the same rite separating into a number of communities distinct and independent of each other. This has taken place in all Protestant communions in the United States; also in Europe, especially in England among the dissenters, who are neither recognized nor salaried by the state. Now administrators and pastors of these competing associations would have to cease to be men were this state of things not to arouse among them a spirit of rivalry and emulation eminently fitted to stimulate their zeal and activity.—In the second place, the separation and reciprocal independence of the churches which do not profess the same belief, or which do not practice the same rite, establish among them an inevitable competition the more active and efficacious in this, that the spirit of sect and proselytism adds its stimulating energy to that of simple rivalry.—Are there reasons for thinking that the régime of free competition will not produce its ordinary effect in regard to worship? We do not know of any, and therefore we think we can affirm, that under such a régime the religious wants of a Protestant population will be as well and as economically satisfied as possible. — The interference of the state can only tend to diminish this satisfaction. First, by organizing and paying the churches, the state places the administrators and the pastors of each church in a position which renders them independent, in all their material interests, of the zeal and faith of their flock. The parishes of the different churches being limited by law, the salaries fixed in consequence and subtracted from the mass of public revenue, religious production will in its growth merely increase the burden of producers without adding anything to their profits, or to the importance of their position.—The principal inconvenience of state monopoly here is that, in organizing, at the expense of the entire nation and for all parts of its territory, a very limited number of recognized religions, it hinders, if it does not absolutely prevent, the manifestation of religious beliefs which can not be satisfied by any of the favored religions. Supposing even that dissenters enjoy the most complete legal toleration, it is impossible that their opinions should not labor under a certain disfavor; besides, they find themselves obliged to support alone the expenses of their own church at the same time that they contribute their quota to the dominant religions.—The monopoly of the state, in other terms the system of *established churches*, can assure but a very incomplete and costly satisfaction of the numerous wants which arise from the liberty of examination. Religious production here is, in the case of the greatest number of believers, either of poor quality or too high a price; in a word, insufficient.—The way in which sects multiply under the régime of free competition shows well enough that religious wants are various and tend to become more and more diversified when the minds of men have once shaken off the yoke of authority and broken definitely with absolute unity of belief and worship, of organism and of action, the idea of which, as well as that of liberty, does not cease to have a powerful attraction for the human mind.—We might examine

the case in which the two principles, of unity and diversity, meet among the same people; but we do not see how this circumstance could modify the theory which we have explained. in the countries at least where Catholics form a considerable portion of the population, above all, in those where they are in a great majority, as in France. —In closing this article we think it our duty to insist once more that our readers should not forget the narrow and closely circumscribed province to which we have confined ourselves in the examination of the questions which we had to solve. To conclude from our reasoning that economists, and particularly the writer, are absolute partisans of one system or another in the question of religious worship, would be to make us say something different from what we have said or wished to say. The problems of legislation and politics are always complex. Economic motives should be taken into consideration, without doubt, but together with motives of a nature altogether different; and if the error has often been committed of giving too small a place to the first, it would not be by giving it too great a place that the progress of our science would be favored, and injurious prejudices, which are still entertained by so many statesmen and administrators, dispelled. A. E. CHERBULIEZ.

CHURCHES, Protestant.[1] The organization of churches is the only thing in religious matters which comes directly within the province of politics. It seems proper, therefore, to begin with a glance at the nature of Protestantism, the organization of a church naturally depending upon the principle on which that church is founded. And as Protestantism has given birth to many communions differing from one another in many respects, and founded upon different systems, it will also be proper to indicate the dogmatic differences which distinguish them from one another; we will therefore indicate, in their general traits, the constitutions which govern the principal among these churches.—I. *The Principle and Essence of Protestantism.* Protestantism is not, like the Greek church, distinguished from Catholicism solely by differences of belief, ceremonies and ecclesiastical institutions. There is a more profound difference between them; it concerns the very principles which are at the foundation of the two religions. Both are equally derived from the teaching of Jesus Christ and the apostles, and consequently, in their final analysis, from the biblical books which contain this teaching. But while in Catholicism the interpretation of these books, and, consequently, all that concerns religious life, belong exclusively to the clergy united in council,[2] and the faithful are bound to accept simply and without any more ample information, as positive declarations of the Holy Ghost, the decisions of the ecclesiastical body regularly assembled; in Protestantism, the interpretation of the Bible is of right for all the faithful, who, after surrounding themselves with all the light they may need, determine their own belief according to what they find in the sacred scriptures.—This is the essential difference between the two forms of Christianity, and it is a radical one. It is in religious matters a system of authority in the one case, and a system of liberty in the other. Each has its advantages and disadvantages, and considering them from an historical and philosophical point of view, we may say they correspond to and agree with different states of culture and civilization. One imposes itself by the very force of circumstances upon nations too little developed to be able to direct themselves, as also upon individuals who, not wishing or not daring to accept the responsibility of their acts, their thoughts and their sentiments, invoke assistance to help their weakness; the other is introduced, naturally, at a time when man, more enlightened, aspires to maintain his individuality, and feeling himself capable of freely determining his own resolves, has no longer any need of a strange hand to guide him in the difficult paths of life. Considered from this point of view Protestantism and Catholicism may be compared, the former to a free state in which each citizen participates, in a certain measure, in the legislative power which makes the laws that govern him; the second to a state, monarchical by divine right, whose subjects have but to obey, and be silent.—Hence it follows that Protestantism can not aim at that unity of doctrine, rites and institutions of which Catholicism boasts, and which it gives as a proof of its divine character. Freedom of investigation must necessarily lead to a great variety of opinions, and, as a consequence, give rise to a host of different churches; this is what has occurred within the pale of Protestantism. All Catholic controversial writers have, with Bossuet, offered these variations as a decisive argument against free investigation, and, consequently, against Protestantism, which is based upon it. Protestants themselves have believed in the validity of this objection; many still believe in it. Let Protestants reassure themselves. All the fragile scaffolding of Catholic controversy will fall to the ground the very day Catholics cease to confound, as they have nearly always done, religion and theology, and begin to distinguish the church from the school. Religion is an affair of sentiment; unity of sentiment is all it asks for. Christian sentiment necessarily ought to be common to all Christians. It is the mark by which they are recognized. Dogma, undoubtedly, is not an indifferent matter, since it is a need of the mind, and thus serves to nourish religious sentiment; but the object of our reflections is susceptible, like everything within the scope of our intelligence, of an infinite variety of appreciation and conception; for each man views abstract and metaphysical propositions in

[1] This article is treated from the liberal Protestant point of view.

[2] More properly to the pope since the declaration of papal infallibility.

a different light —Unity of opinion is far from possessing the value attributed to it. It is also, and even more frequently, the mark of error than of truth. Witness the Mussulmans and Buddhists, among whom it obtains with no less intensity than among Catholics. It is, in all cases, the sign of spiritual death, as variety and versatility of opinion are the sign of spiritual life. As Leibnitz said, long ago, universal peace can be found only in the grave. Diversity of dogmatic conceptions in unity of Christian sentiment; this should be, this would be, in fact, the device of Protestantism if its followers had a clear conception of their own principles —But, be this as it may, to reproach Protestantism for the variety of opinions which divide it, is to reproach it for being Protestantism; to wish to impose unity upon it is to re-convert it into a new Catholicism, or, we should rather say, to suppress it. Without variety in dogma, there would no longer be any liberty in religion, which is the true manifestation of individuality from a religious point of view.—It was not, therefore, for the sake of the mere theoretical principle of private investigation that the reformers rebelled against the Catholic church. In reality they proposed to themselves no other end than the re-establishment of Christianity in its primitive purity; as Zwingli expresses it, by freeing religious truth, such as it is taught in the sacred scriptures, from the alterations introduced by the failings of the church and the errors of tradition. Private investigation was in their eyes but an instrument. They even thought to abandon it when they would have re-established the true doctrine; but from the dogmatic point of view, from which they considered it, they could not imagine that any one could freely study the Bible, and not see in it precisely what they themselves saw. Matters did not, however, turn out as they expected. Most marked differences were discovered upon points which seemed to them to be beyond all question, and instead of admitting that variety of opinion was the consequence of the principle of private investigation which they had appealed to, and that the new dissenters did nothing, in reality, but follow the example which they themselves had set them, and use toward them a right which they had claimed for themselves against the Catholic church, they would recognize in them but perverse and rebellious spirits who must be compelled by the fear of punishment to render homage to truth. The reformation at once changed its language and its conduct. The constraint in religious matters which it had condemned and continued to condemn as an insupportable tyranny, when it emanated from Rome, it exercised immediately after, as a God-given right to itself, over those whom it had called to liberty.—We must say of this inconsistency what a Geneva professor replied to a Catholic who reproached Calvin with the burning of Servetus· *Reliquiæ papismatis;* it was a remnant of the Catholic education of the reformers. Protestantism has been at great pains to free itself of these remnants, and even to this day it has not entirely succeeded, though it has labored without ceasing to this end. All its internal contests have been, in fact, but one long and constant effort to escape from the equivocal position of half-Catholic, half-Protestant, in which it was placed by the circumstances attending its birth, and to free from the yoke of tradition, which its founders had broken only in part, the religious liberty which they had called all Christians to enjoy. Under one form or another, even where the despotism of confessions of faith seemed most solidly established, Protestants have aspired to individual convictions, and have claimed the right to base their belief upon a personal study of the Bible. This tendency, always the same, and always active, should alone suffice to prove that private investigation is the soul of Protestantism.—It is often said that Protestantism may be summed up in the doctrine of justification by faith. The orthodox sects in particular are pleased to present it in this light; and we must confess that they are in the right: their only fault is that they take a part for the whole. It was by restoring the doctrine of justification by faith, that the reformers combated the Catholic doctrine of justification by works, a doctrine which, as is always the case in the field of religious beliefs, becoming more and more materialized, was scarcely anything more in the sixteenth century than the doctrine of salvation by external observances. To this not very spiritual idea of Catholicism, to this belief that in practicing the ceremonies of religion one acquires mechanically, by a sort of *opus operatum*, a right to salvation, Protestantism opposes the far nobler idea, that salvation is the result of an interior labor of the soul under the influence of Christian sentiments; that is to say, of sentiments which are inspired in the believer by the thought of the love which God has manifested for us by sending us his Son, and allowing him to be sacrificed for us.—But, though this doctrine may be the very heart of Protestant theology, it does not constitute the entire work of Protestantism; it presents but one side of this work, an important side, no doubt, but not the most important. By this doctrine Protestantism speaks only to believers, and acts only in a purely religious field, while, in reality, it speaks to all men without distinction, and exerts a universal influence as well in the moral as in the social world, as well in the domain of philosophy as in that of literature; in a word, in the whole field of activity of the human mind, by making known the rights of individual liberty, and proclaiming private investigation, which, by an inevitable consequence, must extend, and in fact does extend, from religious questions to all that concerns human existence. By the dogma of justification by faith the Christian is freed from that spirit of religious mechanism which constituted Catholicism at the end of the middle ages; by private investigation, man, liberated from the empire of prejudice, of routine, and of every species of

blind and unconscious servitude, is restored to himself, and to the legitimate exercise of his intellectual faculties.—Nevertheless these two doctrines are most intimately connected with each other. Private investigation and the doctrine of justification by faith spring from the same source, and tend to the same end, and are, in reality, but the one same manifestation of the soul in two orders of action, different, yet connected together, like everything which really belongs to human nature. The latter is an internal principle of moral life. Calvin repeats incessantly, and not unreasonably, that justifying faith is at the same time sanctifying faith; the former is an intimate principle of individual intellectual life. It is, in the one case as in the other, my own individual activity, substituted for the state of passivity in which it is held as well by the faith imposed by authority, as by the Catholic doctrine of salvation by works. In the one case, we have the free inspiration of a soul purified by Christian sentiment, in opposition to the direction of consciences, which the Catholic church claims for herself; in the other, we have the individual action of the mind seeking for itself a solution more and more satisfactory of the great problem of human destiny, as opposed to a theory forever fixed, determined, decreed by an authority which allows neither contradiction nor control.—II. *Dogmatic Differences between the principal Protestant Churches.* The *Lutheran church* and the *Calvinist church.* The opponents of Catholicism, outside the Anglican church of which we have nothing to say here (see GREAT BRITAIN), formed themselves, from the very earliest days of the reformation, into two great communions, that of the confession of Augsburg, so called from the celebrated document which the German reformers presented to Charles V. at the diet of Augsburg in 1530, and that of the Helvetic confession, which owes its name to the confession of faith drawn up at Basle in 1536, by the theologians delegated by the cities of Zurich, Berne, Schaffhausen, Saint-Gall, etc., and adopted by the Swiss cantons which had declared in favor of the reformation. The first is often called the Lutheran church, from the name of the great reformer who was in some sort its father, and who still remains its doctor *par excellence;* it is also styled the Protestant church, from the "protest" which some free cities and some states that had declared themselves for the cause sustained by Luther, entered in 1529 against the second diet of Spires, which placed restrictions upon the liberty of conscience accorded by the diet held in the same city three years before. The second is likewise known under the name of the Calvinistic church, Calvin having been its most eminent theologian, and having expounded its tenets with great talent, in his "Christian Institutions;" it is sometimes designated also the Reformed church, by a sort of opposition to the title Protestant church given to the Lutheran communion.—The church of the confession of Augsburg established itself in the north of Germany, and in several other parts of the same country; that of the Helvetic confession in Switzerland, France, along the banks of the Rhine, in the Low Countries, and in Scotland.—Of the points upon which they are divided, the most important is that which concerns the sacrament of the eucharist. The Reformed church, breaking away completely from the doctrine of the Catholic church on this point, sees in the sacrament only a symbol of the death and sacrifice of Jesus Christ; this was the belief professed by Zwingli, Bucer, Œcolampadius and Capito; this is more extreme than the teaching of Calvin, who, endeavoring to take a middle course, taught that Jesus Christ is present in the species of the holy communion, not only symbolically or spiritually, but really and substantially for the believer, who thus becomes, in the communion, a participant in the body and blood of the Saviour. The Protestant church, ruled on this point by Luther, approaches still nearer than Calvin to the Catholic theory. For transubstantiation it substitutes consubstantiation, that is to say, it admits that the species of the holy communion, without losing their own proper substantiality to be transformed into the real flesh and true blood of Jesus Christ, as the Catholic church teaches, and still remaining bread and wine, contain really the body of Jesus Christ, just as heated iron contains heat, without, however, ceasing to be truly iron, and without losing the substance which constitutes it. The reformers in vain endeavored to agree upon this point; the difference of teaching continued, and assumed very great importance, especially in the eyes of the Lutherans, who, for more than a century, regarded the Calvinists as nothing else than heretics.—We may add that the separation was also maintained by differences in the forms of worship, which were more pompous among the Lutherans, and characterized by an extreme simplicity among the Calvinists; in the organization of the corps of pastors, who were in a certain sense hierarchical among the former, but absolutely on an equality among the latter; finally, in the administration of ecclesiastical affairs, in which the laity participate to a much greater extent among the Calvinists than among the Lutherans.—Apart from these differences, which do not concern fundamental points, the teaching of the two churches was substantially the same. Identical in the main with that of the Catholic church in what concerns God, creation, Providence, the Trinity, it differed from it in what concerns anthropology, and the means of salvation; upon these points, it differed but very little in any respect from the system which St. Augustine used in combating Pelagianism. The starting point of this system is a profound sentiment of the sinfulness and moral misery of man. With St. Augustine, Luther and Calvin held that man was of himself absolutely incapable of doing good, or even of conceiving the wish to do good. This deplorable state is the consequence of the sin of Adam, which has corrupted morally and

physically the entire human race. Without going as far as Luther, who taught that original sin is substantial, that is to say, that it constitutes a part of man's very essence, Calvin thought that the divine image was completely effaced in us by the fall of Adam, that all religious and moral strength is taken from our souls, and that a radical perversity has invaded our whole nature. Eternal damnation would be the deserved portion of all human creatures, if Jesus Christ the God-man had not suffered in our stead the *punishment* intended for us, and, by his expiatory death, satisfied divine justice. This satisfaction, however, effects nothing of itself as an exterior act, it is of value to the sinner only inasmuch as he applies it to himself by faith. But how can man, in whom all is evil, be able to apply to himself by faith the merits of the Saviour, and thus escape the condemnation he deserves? Even this does not come from him, but from the grace which gives him the desire to be partaker in the faith which justifies and sanctifies. Is this grace given to all men? By no means, but only to those whom God has chosen: as for the others, he abandons them to the condemnation, which is the necessary consequence of their perverse nature. And if you ask the reformers why God has destined some to salvation, and abandoned others to damnation, they will refer you, with St. Augustine, to the will of God, *arbitrio suo*, as Calvin says, adding, however, that the judgments and the ways of God are unfathomable, *investigabilia judicia ejus, et investigabiles viæ ejus.*—How could a doctrine, as offensive to conscience as to reason, and so opposed to the spirit of Christianity, be adopted by the reformers as the expression of absolute religious truth? Many different circumstances serve to explain their conduct here, to two of which we would for a moment direct the reader's attention.—A task at once so considerable and so full of peril to its authors as the reformation of the church could be undertaken only under the influence of extraordinary religious enthusiasm. Now, of all religious systems, there is none more completely religious, if I may be allowed the expression, than that which does away with man entirely, the more to exalt divine action. If we reflect that religion is after all but the sentiment of our total dependence upon an infinite power which rules us, we will understand that the more profound religious sentiment is, the more ought he who professes religion to regard himself as a mere nothing in the presence of God. This system has been taught by all the mystics of all times and all places without any exception. It inevitably re-appears in all great religious crises. It could not but manifest itself in the great religious revolution of the sixteenth century.—On the other hand, this system just referred to came as a necessary reaction, not so much from the sale of indulgences, which was less the cause than the occasion of the reformation, as from the general tendency of Catholicism, of which this scandalous traffic was, in reality, a consequence, remote no doubt, but still a logical one. Placed by her principles upon a slippery descent the Catholic church has been too often forced, so to speak, to accord to acts what belonged only to the feelings of which acts are only the internal expression and for which they can not be substituted. It has been too often forced in actual cases, to confound, if not in theory, at least in practice, penance with repentance. It was in view of this tendency, that the reformers protested, in the name of the religious feeling, against the efficacy attributed to acts which frequently had no merit. From the worthlessness of penance they inferred the insufficiency of repentance for the pardon of sins. Divine grace appeared to them the only refuge of the sinner; and, going from one extreme to the other, from opposing the Pelagianism of the Catholic church they denied the doctrine of Augustine.—This system, a veritable metaphysical and religious drama, may be suited to an epoch of strife, or to ardent souls greatly agitated and distressed, to a St. Paul, an Augustine, or a Luther; it has no place in the ordinary course of life. But the doctrine of Luther and Calvin disappeared as rapidly as Augustinianism had, in the fifth century, been transformed into a species of semi-Pelagianism, and as Paulinism had been effaced in the beginning of the second century by a sort of eclectic system. Melancthon had already protested against it in the second edition of his "Loci Communes," after having upheld it in his first edition; and the *Formula of Agreement* (1579) held that God wishes to save all sinners who oppose no obstacle to the action of grace, and that those who are to be saved are not predestined to salvation, except inasmuch as God foresees that they will follow the inspirations of his grace, and that those who are to be lost are not predestined to damnation, but inasmuch as he foreknows that they will voluntarily persevere in evil. From that day to this the doctrine of predestination and that of unconditional salvation have never been without opponents in the Lutheran church.—*Arminian Church.* Now it was that strife grew fierce in the Reformed church. The dogma of absolute predestination had given rise to scruples in the minds of many pastors in Holland, when J. Arminius (who died in 1609) proposed to explain or replace it by a theory which soon won numerous adherents. He held that election and reprobation could not be arbitrary, but that they had for condition the perseverance of the elect in good, and the persistence of the reprobate in evil, which God, from whose eyes the future is no more concealed than the past or the present, knows from all eternity. Moral liberty being thus given to man, there could no longer be any question either of irresistible grace, for those who had received it by way of salvation independently of, and even against their will, as Calvin maintained, or of the unconditional gift of this grace to some, and its equally arbitrary refusal to others. Hence it follows that the Christian has some part in the working out of his own salvation; that he depends

upon his own efforts to maintain himself in the grace which is offered him, as he can also, after having received it, render himself unworthy of it by abandoning himself to evil. Finally, Arminius denied that Jesus Christ died only for the elect, the merits of the Saviour being imputable, according to him, to all who lay claim to them, and render themselves worthy of participating in them.—It must be admitted that this doctrine is far inferior in force and logical sequence to that of Calvin, whose system forms a complete whole. But the inconsistencies with which it abounds are largely compensated for by the humane sentiment which pervades it throughout, and we could scarcely understand how it was that it did not gain the assent of all Christians if we did not know how difficult it is to change belief. The situation of Holland at this epoch opposed new difficulties to the triumph of Arminianism. Religious discussion became entangled with a political question. The partisans of Arminius, called from his name Arminians, and also Remonstrants, from a remonstrance in five articles which they presented in 1610 to the states of Holland and Friesland, as a summary of their doctrine, were sustained by the chiefs of the republican party; while their adversaries, the rigid Calvinists, who were styled Contra-Remonstrants, because they declared themselves against the remonstrance of the Arminians, or Gomarists, after the theology of Gomar, who was the principal antagonist of Arminius, had with them the great majority of both pastors and people, and were supported by the prince of Orange.—The troubles to which this theological quarrel gave rise in Holland are well known. Barneveldt forfeited his life for his attachment to republican principles and Arminian opinions. Grotius would probably have shared the same fate if he had not succeeded in escaping from the prison in which he had been confined. The Arminians were abandoned to the fury of a people blinded by fanaticism. The persecution soon abated, however, and from the year 1625 the Arminians were tolerated in Holland; they there had separate churches and a theological school, at the head of which we find some eminent men, such as Episcopius, Courcelles, Limborch and John Leclerc. Arminianism had many adherents in England, who professed its tenets without separating themselves from the Anglican church. It particularly flourished at Cambridge, where it was taught by Chillingworth, Tillotson, Cudworth and other theologians, whose influence combined to modify very greatly the intolerant spirit of the Anglican church. In France, the theologians of the academy of Saumur in the seventeenth century inclined toward this doctrine.—Arminianism also made its way into Germany. A great number of Arminians, driven from Holland by persecution, took refuge in Holstein, where the king of Denmark allowed them to build a city, since grown into a place of considerable importance under the name of Friederichstadt. From there their principles were diffused over different parts of Germany. Still it was not to Arminianism that we must directly attribute the reaction which commenced in the first half of the seventeenth century in the churches of the confession of Augsburg, against the scholastic theology founded on the absolute authority accorded to the symbolical books. It was the result of a variety of circumstances, among the first of which we must reckon the syncretic tendencies of a certain number of theologians, especially of Callixtus. A liberal thinker, he, more than any other theologian of his time, undertook to establish between the different Christian communions a true religious peace, and to convert the hatred which they bore toward one another into mutual love and support. It was with this end in view he proposed to restrict the articles essential to Christian faith to the apostles' creed, and leave opinion free upon all other points. He claimed, and not without some show of reason, that the several churches had all preserved enough of Christian truth to enable their followers to attain salvation in them if they led upright lives. Considered from this point of view, they were to him but different members of the true church. This proposition looking to toleration and concord was premature; it was not accepted, but it found supporters, and certainly left its impress on the minds of men.—A little later Pietism urged the same point. It boldly proclaimed that Christianity did not consist in an arid orthodoxy, and that it is less important to engrave dogmatic subtleties upon the mind than to impress Christian sentiments upon the heart. The leader of this party which never formed, as is often imagined, a separate church, did not aim at division, and never, at any time, dreamt of abandoning the Lutheran church. P. J. Spener was not exacting in matters of opinion, but was a very severe judge of acts. He devoted his attention to the cultivation of heartfelt piety, and to removing everything that might serve as an obstacle to its development. While combating the caviling spirit of the Lutheran theologians, he attacked with no less spirit and success the superstitious respect which they had for their symbolical books, and, in this manner, labored in the cause of toleration and freedom of investigation. To-day the denominations Lutheran, Calvinist and Arminian have but an historical existence. The differences in point of dogma, which separated the churches, have disappeared. They together profess a common body of doctrine, which does not differ much from the Arminian theology, and which is designated by the vague but generally adopted name of orthodoxy. Their union goes still further; the Lutheran and Reformed churches are distinguished from one another in France by their methods of administration, which are not precisely alike. But in Germany the two churches are almost perfectly united into one, which goes by the name of the Evangelical church. The duchy of Nassau set the example here. A general synod held at Idstein in August, in 1817, decided upon the union

of the two communions. The king of Prussia, by a circular of the 17th of September of the same year, invited the Lutherans and Calvinists to reunite in one church. There was considerable opposition in different places, particularly in Breslau, but in general the fusion was easily effected. Since that time the union of the two churches has been brought about in the principality of Hanau, in the duchy of Fulda, and in Rhenish Bavaria in 1818; in 1820 in the duchy of Anhalt-Bernebourg; in 1821 in the principality of Waldeck and Pyrmont, and in the grand duchy of Baden; in 1822 in Rhenish Hesse; in 1823 in the principality of Anhalt-Dessau. In the other states it has been adopted in principle; the particular circumstances which are opposed to its immediate realization will disappear, either of themselves or under the pressure of public opinion which is nearly everywhere favorable to the measure. — *Socinians, Anti-Trinitarians, Unitarians.* The reformation was from the beginning more radical in Switzerland and France than in Germany. On penetrating into Italy, it assumed a form more radical still, and immediately and unhesitatingly rejected such of the ecclesiastical dogmas as seemed contrary to reason, among others those of the Trinity, original sin, and predestination. The members of this sect are known by the name of Anti-Trinitarians, their denial of the doctrine of the Trinity being the most marked feature of their belief, as also the one which rendered them odious to all the other churches without exception. They are also called Socinians, Lelius Socinius and his nephew Faustus Socinius having been, if not the founders, at least the most eminent theologians of this sect, and the Polish Brethren, because it was in Poland alone that they were tolerated at first.—The Socinians regarded Jesus Christ as a divine being, as the first-born of God, but not God in the exact sense of the word; and the Holy Ghost they did not regard as a divine person having a distinct existence, but merely as a virtue, an activity of God. Despite their anti-Trinitarian notions they did not desist from offering to Jesus Christ the worship of adoration, as all other Christians are accustomed to do. Faustus Socinius even wrote several treatises against those of the Anti-Trinitarians, who, more consistent than he, maintained that we should adore God alone. This opinion, however, as might have been expected, finally triumphed among them. In rejecting the Trinity they equally rejected, or at least greatly modified most of the other Christian doctrines, among the rest that of original sin, which they did not regard as an actual sin, that is, as an act for which we are responsible, but simply as a proneness to evil, which, however, is not such as to render us absolutely incapable of any good thought or good act, as the Lutherans and Calvinists hold. In conclusion let us add, that they admitted no other symbol of faith than the apostles' creed, and ever professed the greatest toleration for individual opinion.—But this toleration was never practiced in their regard. Odious alike to Lutherans, Calvinists and Catholics, pursued on all sides as impious, they did not succeed in founding establishments anywhere but in Poland, and in 1658 they were expelled even from there. The only flourishing churches they have to-day are in Transylvania, but their opinions continue constantly to attract to them new adherents. They are actually professed, with some modifications, by the Unitarians, whose influence is constantly increasing, especially among the enlightened classes of America. Like the old Socinians, the American Unitarians prefer the practical side of Christianity to metaphysical speculation; like them too, they wish to be guided in the interpretation of the sacred scriptures by the dictates of sound reason, whose rights they never cease energetically to defend.—Unitarianism also numbers many disciples in England. The English Unitarian Society for the Propagation of the Knowledge of Christianity gave a résumé of its own faith in the preamble to its rules, in 1791. That résumé is substantially as follows: The fundamental principles of this society are that there is but one God, sole creator, preserver and ruler of the universe, the only true object of public worship, and that there is one mediator between God and man, the man Jesus Christ, who received from God the mission of instructing men in their duties, and revealing to them the doctrine of a future life.—The Unitarians have organized churches in England as well as in the United States, and reckon among their number men estimable alike for their character and their talents. The celebrated chemist, Priestley, was one of their ministers in England, and in our times Channing and Parker performed the same function in the United States of America.—Besides the great Protestant churches which we have now considered, there are several others of much less importance, but which however had, at the time of their origin, a reason for their existence. There is not one of them which does not correspond, in a certain sense, to a particular form of religious sentiment, and which has not produced, together with the lamentable disturbances which are inevitable in human affairs, some happy development of religion and even of religious science, although these churches are not specially distinguished in the latter field. We may consider them, in a Protestant sense, as playing a part analogous to that of the different lay congregations, which a devotion, venerable and profound no doubt, but in general puerile and unenlightened, has founded in great number in the Catholic church. It will suffice to mention here those which are the most important, namely, the Anabaptists, the Quakers, the Moravians, and the Methodists. — *Anabaptists.* The Anabaptists date from the earliest days of the reformation. Their doctrine was an exaggeration of the principles of liberty preached by the German Protestants, and, at the same time, a violent, but almost inevitable reaction against the intolerable yoke

which weighed down not only the consciences but the entire life of the lower classes in Germany. Their supporters were drawn mostly from the peasants and the laboring classes. Their history, from 1521 to 1535, is too well known to need to be repeated here. But what is not so generally known is that, after the bloody defeats which they sustained in 1535, they submitted to the reform which a pious and enlightened man, Menno Simonis, began in 1536, to introduce into their doctrines, their discipline and their morals. From that time, they have formed, under the name of Baptists, or Mennonites, a sect animated by a pacific and practical spirit, avoiding controversies, and attaching little importance to science, although they have produced some distinguished writers. They have some communities in Alsace, Holland, England, Prussia and Russia; they are still more numerous in the United States. Disagreeing among themselves on some points of discipline, they all agree in not admitting to baptism any but adults, believing, like the Catholics, that this sacrament has a hyperphysical virtue, that is to say, that it produces in the neophyte an infusion of divine grace, which renders him capable, thenceforth, of performing the good works necessary for the neophyte's salvation. They are likewise unanimous in condemning the taking of oaths, in refusing to bear arms, and in declining public offices. In the doctrines of original sin and redemption their belief nearly resembles that of the Arminians. Finally, they reject all authority in matters of faith, and admit the individual interpretation of the scriptures. — *Quakers.* The Quakers were, at first, but a sect of fanatics. It was founded in 1647 by George Fox, a man devoid of education, but accustomed from infancy to contemplative meditation. His disciples combined the severity of the ancient Montanists with the mysticism of the Fraticelli, and gave themselves up to many extravagances. They were brought back to reason by the wise Robert Barclay (who died in 1690), who systematized their doctrine, and, together with the celebrated William Penn (who died in 1718), contributed to its diffusion.—The system of the Society of Friends (it is by this name that the Quakers delight in styling their church) formulated by Barclay, was strongly imbued with mysticism. He placed by the side of the sacred scriptures the interior illumination, which alone can enable us to understand them. This interior illumination is not a new revelation, but the light of God manifesting itself by Jesus Christ in our hearts, and causing to spring up therein an irresistible inclination to good; this light of Christ in us, which illumines and sanctifies us, is the supreme law of faith. Christian life is all interior; it needs neither dogmatic formulas, nor ceremonies, nor even baptism, nor the holy eucharist: it consists in listening to the spirit, and following its impulses. In such an organization a clergy would be useless. No one presides at their religious meetings; each one is free to address his exhortations to the members present; it sometimes happens that no address disturbs the meditation to which each one devotes himself. In the system of Barclay, the life of Jesus Christ, as he is described in the gospels, was offered simply as an allegorical representation of the action of Christian feeling. The Quakers of to-day admit the reality of the gospel truths, and accord the Bible a greater importance than they did formerly. The proverbial mildness of their manners is well known. There remains of their primitive excess only a praiseworthy and extremely decorous religious zeal. They are renowned for their probity and philanthropy, and, like the Baptists, avoid public offices, condemn war, and refuse to take an oath. To the Quakers belongs the glory of having inaugurated liberty of worship at the same time with civil liberty in Pennsylvania, a colony founded in 1681 by William Penn. — *Moravians.* Some descendants of the ancient Moravians,[1] persecuted in their own country, took refuge, in 1721, in the territory of the count of Zinzendorff, and there founded the society called *Herrnhut* (Guard of the Saviour), by which name they are sometimes designated. Zinzendorff introduced among them the spirit of pietism, which he had imbibed from Spener, of whom he was an admirer, and, seconded by Watteville and Spangenberg, he made of the Moravian Herrnhuters a sect which he organized very much after the fashion of a monastery, and which soon had establishments in nearly every part of the world. Their tenets differed but little from those of the Reformed church, except that they insisted upon the doctrine of original corruption as the consequence of Adam's fall, and the expiatory sacrifice of Jesus Christ. Nevertheless, they made religious unity consist, less in a conformity of ideas, than in a unanimity of feeling. They appeal, in religious matters, rather to the affections than to reason. They have not a single eminent theologian, and the fact seems to occasion them very little uneasiness. Their piety, simple, but narrow, the uniformity of the education which they give their children, the monotonous rigor of their life, are little calculated to develop the intellect, and will always prove obstacles to any influence they might aim at exercising over modern society. But this is not the point in which they have manifested the greatest activity. Their zeal is particularly devoted to the spreading of religious and moral truths among barbarous peoples. At the beginning of this century, this sect, with comparatively very few adherents, had 29 mission establishments, and something like 150 missionaries.— *Methodists.* The cradle of Methodism was a society of pious young men, who, urged by their religious needs, established among themselves in Oxford, in 1729, reunions for mutual edification. It has many striking points of analogy with the

[1] The Moravians here referred to belonged to the dissenting churches founded in the fifteenth century by John Huss, in Bohemia and Moravia.

pietism of Spener. It has, like him, its conventicles (*Collegia pietatis* of Spener), wherein the faithful devote themselves to preaching, prayer, and the chanting of psalms. Like him it insists upon the corruption of human nature, redemption by the expiatory death of Jesus Christ, and salvation by faith. Like him also, it delights in exciting terror in the soul of the sinner by the most material and fantastic pictures of hell. The two can hardly be distinguished except by the disciplinary organization of Methodism, which is much more concise, and more perfect of its kind, than that which governed the *colleges of piety*.—Methodism, as Haag remarks, (*Histoires des dogmes*, vol. i., pp. 124, 125), has not and can not have any scientific tendencies. Even its mysticism has nothing very elevated about it. Its sole merit consists in its indefatigable efforts to improve the morals of the lower classes, by preaching repentance in a tone and in an order of ideas not above the level of their intelligence. The adherents of Methodism are confined almost exclusively to England and the United States. Since 1741 they have been divided into two parties. The disciples of George Whitfield are rigid Calvinists; those of John Wesley are, in point of doctrine, identical with the Arminians.—III. *Different Modes of Organization of the Protestant Churches.* Setting aside the churches of the Baptists, the Moravians, the Quakers, etc., which are not capable of any considerable development, we find in the churches born of the reformation of the sixteenth century only three systems of organization, the consistorial government, which may be regarded as an aristocratic system, adopted by the churches of the confession of Augsburg, and in our time by the Evangelical churches; the presbyterian or synodal government, which might be characterized by the modern name of representative, adopted by most of the Calvinist and Reformed churches; finally, the congregationalist, or independent government, a system of more recent origin in use in several churches of different denominations.—1. *Evangelical Churches.* Luther and Melancthon, as well as Zwingli and Calvin, were of opinion that religious society has the right to govern itself; that the holy ministry belongs to all Christians without distinction (*omnes aequaliter esse sacerdotes*); and that no one can exercise it but by the consent of the community, and by election (*eligite quem et vos volueritis, qui digni et idonei visi fuerint*). But, in practice, it did not seem to them either proper or possible even, to intrust the direction of religious matters to the ignorant and vulgar crowd. "The church," said Melancthon, "ought not to be a democracy. Everybody can not be allowed to come there to agitate dogmatic questions. It must be an aristocracy." (*Corpus Reformatorum*, Melancth. opera, vol. iii., p. 470.)—But of what elements should this aristocracy be composed? The German reformers here found themselves in great perplexity. They would have wished it were possible to preserve, by divesting it of its character of divine right, and considering it merely as a human institution, established simply for the maintenance of good order, the old organization, that is to say, the bishops with their council, and their retinue of priests. This was, in reality, what was done in Sweden and Denmark, where the Catholic bishops, having joined the reformation, continued, after changing their religious views, the exercise of their functions. But in Germany the bishops nearly everywhere declared themselves against the new doctrines; their withdrawal brought disorganization into the churches. How was order to be restored? There remained only the authority of the temporal rulers. To this authority it became necessary to resort. Civil authority became also, by the force of circumstances, ecclesiastical authority, and they adopted this direful maxim: *Cujus est regio, ejus religio*, the religion of the ruler is the religion of the land.—Luther and Melancthon do not seem to have been deceived as to the consequences of this system. "Tyranny will, in consequence, become more intolerable than it was before," wrote Melancthon to Camerarius in 1530. These sad forebodings pervade a host of passages in his later writings. Luther expresses himself even still more forcibly: "If the courts wish," he wrote to Cresser of Dresden, in 1543, "to govern the churches in their own interests, God will withdraw his benediction from them, and things will become worse than before." "Either let them make pastors of themselves," he says of the princes and lords, "preach, baptize, visit the sick, administer communion; in a word, let them fulfill all the ecclesiastical functions, or, ceasing to confound the two vocations, let them occupy themselves with civil affairs, and leave the churches to those who are called to edify them, and who must render an account of them to God. Satan still remains Satan. Under the popes he made the church meddle in politics; in our time he wishes to make politics meddle with the church."—As the *jus territorii* combined the *jus episcopale*, and also—as recognized by the peace of Westphalia—the *jus reformandi*, that is to say, the right of the prince to impose his own religion upon his subjects, the sovereign was by right the head of the church, and the ecclesiastical administration was, in Protestant Germany, but a part of the general administration of the country. This continues so even to this day. Fortunately, contrary to what is too often witnessed elsewhere, the German princes have been, as a rule, better than the laws, and real liberty of conscience has obtained in the very countries in which intolerance and constraint in matters of religion were recognized by law.—The direction of ecclesiastical matters was early intrusted to councils called consistories. The first council of this kind was established at Wurtemburg in 1539. It was created to settle the numerous difficulties caused by dissolutions of the marriage tie; but it was not long before its jurisdiction was extended to all ecclesiastical matters. Similar councils were soon established in all the Protestant coun-

tries of Germany. They generally consisted of two theologians, two doctors of law, one public minister, and a secretary. All the members were appointed by the civil power. One of the doctors of law was generally president. In places where there was a general superintendent the presidency was sometimes given to him. Each diocese had its consistory, which was supposed to take the place of the ancient councils of bishops.—Under the consistories, acting as their representative and their agent in the province, was a superintendent, whose special duties were the inspection of churches and schools, as well as the looking after the different edifices used for divine worship, as residences for the pastors, and for primary schools. In Bavaria, the grand duchy of Baden, and some other countries of Germany, these functionaries bore, and still bear, the name of deacons, or elders. In the Lutheran church of France they are styled ecclesiastical inspectors. The superintendents, deacons, or ecclesiastical inspectors, are always the chief pastors of their districts. In some parts of Germany there were, and are still, general superintendents who are above the superintendents, and perform only some of the duties performed elsewhere by them, such, for example, as the conferring of ordination on young ministers. The general superintendents are always members of the consistory, and when they do not hold the presidency, are seated next after the president.—This condition of things has been a little modified in our day, either by reason of the union of the Lutheran and Reformed churches, or on account of the continual complaints raised against a form of government, which, in theory at least, is a lamentable slavery of the church. Not that the Evangelical church has obtained autonomy; it has not ceased to depend upon the civil power; its administration still continues, after all, an affair of bureaucracy in the hands of the ministers of worship; but it has been placed, by the law, in possession of certain liberties, which must inevitably secure for it still others. It is besides helped on by public opinion, which is nowhere so independent in religious matters as in Germany.—The movement originated in Prussia; but it was not there that its most marked results were manifested. In 1819 Prussia, feeling the necessity of allowing the churches a share in their administration, while retaining the supreme control of them all, called together the provincial synods, for the purpose of consulting them upon a plan of ecclesiastical organization, in which it had hoped to unite and conciliate the synodal and consistorial régimes. There was great diversity of opinion. Some of the synods demanded more than the government was disposed to accord, that is to say, the very establishment of the synodal system itself with all its consequences. The government feared the ecclesiastics would aim at forming a hierarchy independent of the state, and confined itself to asking the churches to name councils of presbyters, whose powers were not definitely determined. The synodal system was allowed only in the duchies of Julich, Cleve and Berg, and in the district of La Mark, where, however, it had been established since the earliest days of the reformation. We should also remark that the nomination of two bishops, in 1816, one for Berlin, the other for Königsberg, worked no change in the former system. This title added nothing to the authority of those who received it, who are but general superintendents under another name. The supreme control of the churches of Prussia, therefore, still remains entirely in the hands of the government, of which the consistories, the bishops and the general superintendents are mere agents.—In Bavaria, where the Protestants form nearly one-third of the population, the Evangelical church has been reorganized by an organic law of May 26, 1818, and the explanatory decrees of the same date. A higher consistory, established at Munich under the minister of the interior, is the organ through which the government exercises its supreme authority over all the Evangelical churches of the kingdom. Under this higher consistory are three consistories, one at Anspach, one at Beyreuth, and one at Spires. Finally, each of these three consistories embraces under its jurisdiction the deaneries of its district.—A diocesan synod is held every year in each deanery. It is made up of two-thirds ecclesiastics and one-third laymen. The latter are appointed by the consistory, from nominations made by the ecclesiastics. A general synod is held every fourth year in the sees of the consistories. Each deanery sends to this synod two ecclesiastics, the dean and one pastor, and one layman, selected by the ecclesiastics.—This organization is a mixture of the consistorial and the synodal systems. But the synods are not a true representation of the churches, since they neither directly nor indirectly elect the members — This system has undergone some beneficial changes in the district of the consistory of Spires. They there organized councils of presbyters, the indispensable wheel-work of the synodal system, but, at the same time, accorded to the churches the nomination of the lay delegates to the synod. As a consequence of this last modification the lay delegates acquired considerable influence in these assemblies, although they formed only one-third of it. They are the true representatives of the churches; their voice has a great moral weight. This system, founded on a most rational basis, was not slow to produce its fruit. Taken together, the Evangelical churches of Rhenish Bavaria stand pre-eminently first, according to all reports. The consistory of Spires, composed, since 1832, of partisans of the old confessions of faith, has endeavored in vain to instill a different spirit into them; it has not succeeded in destroying the liberal tendencies of the pastors and churches of the province.—In the consistorial circuits of Anspach and Beyreuth also they recognized the convenience of the councils of pres-

byters as the basis of the synodal system, and wished to follow the example of the Palatinate. Unfortunately some pastors, among others Lehmus, dean of Anspach, proposed to give to this council the right of inspection and the censure of the lives of the faithful. There arose one common outcry against an organization which threatened to bring back the old ecclesiastical tyranny. In the face of this general opposition the decree establishing the council of presbyters was suspended. It was afterward determined to leave the churches at liberty to appoint councils of presbyters for themselves, or to follow the old system, as they chose. In the two circuits of Anspach and Beyreuth the churches have remained as they were, without representatives freely chosen by themselves in the religious synodal assemblies; and it is to this cause that Gieseler, in his Ecclesiastical History of the Nineteenth Century, not unreasonably attributes their relative inferiority.—In Wurtemburg there are two annual synods; but they are composed only of the presidents of the consistories, and the six general superintendents of the kingdom. These persons, being appointed by the government, are public functionaries, and not representatives of the churches. Thus all ecclesiastical administration depends upon the government, although article 71 of the organic decrees promises the churches independence in their private affairs. In the diets of 1833 and 1834 it was proposed to grant the Evangelical church a synodal and presbyteral organization; but to the present time these propositions have not been adopted.—In Saxony, from 1831 to 1834, a synodal and presbyteral organization was earnestly petitioned for but without success. What seems most surprising is, that such enlightened men as Bretschneider, Krehl, Rudelbach and Jaspis should declare against the representative system in the church. Superintendent Grossman, on the contrary, undertook to defend the cause of the independence and liberty of the church, both in his writings, and in the upper chamber of which he was a member.—The grand duchy of Baden offers a far different spectacle. When the two communions were united in 1821 they gave the new Evangelical church a presbyteral and synodal organization. Each parish has a council of presbyters. The diocesan synods are made up of all the pastors of the district, and of half as many laymen chosen by the councils of presbyters. The general synod is composed of a certain number of pastors, elected by the ecclesiastics of all the parishes of the grand duchy, and of half as many laymen named by the lay members of the diocesan synods, and besides of two members of the higher ecclesiastical council, a member of the theological faculty of Heidelberg, chosen by the professors, and finally a government commissioner, who is its president.—It is to be regretted, perhaps, that the laymen are not equal in number to the ecclesiastics in the diocesan synods, and in the general synod. But, aside from this defect, this organization is excellent, and accords with the spirit of Protestantism. At first, no time was set for the meetings of the general synod, but its convocation was left to the arbitrary will of the government; and after the synod of 1821, another was not convoked until 1834. But in this assembly it was resolved that the general synod should convene regularly every seven years.—The ancient duchy of Nassau, which is actually an administrative province of Prussia, has enjoyed, since 1817, a presbyteral and synodal church organization very similar to that of the grand duchy of Baden. The churches there have at their head a bishop, who performs the duties of general superintendent.—In Sweden and Denmark the Lutheran church is episcopal, and organized under a system similar to that of the Anglican church. In the first named country the bishops are reckoned as part of the consistories, which are subordinate to them, and in the second the title of general superintendent is substituted for that of bishop.—The Lutheran churches have a constitution, which scarcely differs in anything from the organic articles of the eighteenth of Germinal of the tenth year, which governed the Reformed churches of France before the decree of March 26, 1852. The most considerable, we might almost say the only, difference is, that the Lutheran churches of Holland have a general synod which meets every two years. It may not be amiss to add that this general synod has the good sense to occupy itself only with administrative affairs, and to leave aside all dogmatic discussions, which, in the actual state of things, can work only discord and dissension.—In France the church of the confession of Augsburg is ruled by the decree of March 26, 1852, and the ministerial decisions of Sept. 10, of the same year. Each parish has a presbyteral council, composed of the pastor or pastors of the parish, and from four to seven lay members, chosen by a general vote, and elected one-half every three years. The consistories extend over several parishes, and look after their general interests. They are made up of all the pastors of the district, the lay members of the council of the principal town, and a certain number of lay delegates from the parishes. The consistories are, in their turn, grouped into various supervisory bodies; at the head of all the churches is placed a higher or general consistory, which constitutes the legislative power, and a directory, which is the administrative power. The general consistory meets at least once a year. It is composed of two lay deputies of inspection, all the ecclesiastical inspectors, one seminary professor and one lay member of the directory appointed by the government, who is, of right, the president of the consistory. The directory is a permanent body, and consists of a president, one lay member, one ecclesiastical inspector named by the government, and two deputies named by the higher consistory.—This condition of things will undoubtedly be modified. Alsace having been taken away from France, there remain to the church of the confession of Augsburg only two

inspection districts, those of Paris and Montbéliard. Will it receive a new organization? Will it unite with the Reformed church? The future must tell.—2. *Reformed Churches.* In principles, the constitution of the Reformed churches is presbyteral and synodal. All their particular churches or parishes are equal. "Let no church pretend," says the ancient discipline of the Reformed churches of France, "to primacy or power over another, nor one province (the combined churches of one province) over another." Their pastors are likewise equal; there is no hierarchy among them. The presidents of the different assemblies, who are always pastors, are either chosen by the votes of the assembly, or owe this honor to their long service in the pastoral function; in some places all the pastors are called to preside, in turn. Each parish has a council, called either by the presbyteral council, or presbytery, or consistory; it is the last named which is used in the ancient discipline of the Reformed churches of France; these same churches now employ the first (presbyteral council). This council is composed of the pastor or pastors of the parish, and of a certain number of laymen, chosen by all the faithful who have attained their majority; the number of these laymen always exceeds, and frequently very much exceeds that of the ecclesiastics. A certain number of contiguous parishes form what is now called a consistory (it was formerly called a colloquy). It is composed of a number of laymen, proportioned to the number of parishes represented, an equal number being allowed to each. The colloquies or consistories of a province, have over them a provincial synod, assembled annually, or semi-annually, at which are present at least one pastor, and one or two elders from each parish of the province, all of them regularly delegated by their consistories. Finally, a national synod or general diet of all these ecclesiastical republics, united, not merely by a common language and national sentiment, but also by a community of interests, memories and faith, crowns the whole edifice. To this assembly, which meets every year or at greater intervals, but always at a fixed time, and which sits in each province successively, each provincial synod sends two pastors and two elders. It is in this assembly that the general interests of all the churches are discussed, and the appeals and questions remaining unsettled in the provincial synods, settled.—As we have seen, the lay element is found represented in every degree, and that element is drawn, in the first instance, from the parishes themselves. This is a true representative government. All the Reformed churches —except the independent churches, which we will consider presently—are, in general, organized after this model. It is adopted by the churches of Holland, by those of Scotland, and by the Presbyterians of the United States. It was in vigor in the Reformed churches of France, before the revocation of the edict of Nantes. During the persecutions, the national synods were absolutely impossible, but provincial synods were held as often as circumstances permitted. Upon the restoration of religion, the government, which had imposed upon them the organic articles of the eighteenth of Germinal of the eighth year, without consulting them, suppressed the national synod. It allowed, it is true, the provincial synods, and the decree of March 26, 1852, has made no change on these two points. But the provincial synods being but a useless piece of machinery in the absence of the national synod, were almost entirely abandoned; hence, the reformed church of France can no longer be classed among those which have a synodal organization, and are transformed, in fact, into congregational and independent churches, with this difference, however, that they have not the liberty of governing themselves absolutely in all things, and that their direction is in the hands of the minister of worship, although, to tell the truth, they enjoy a great deal of independence in what concerns the private affairs of their parishes.[1]—In Switzerland, where the Reformed churches are divided according to cantons, there is no need of either provincial or national synods; the consistory which meets in the capital of the canton takes their place, and forms a sort of permanent synod.—We should add that, in this system, the parish itself chooses its own pastor or pastors, a right most precious and rational, and conformable in all respects to the spirit of Protestantism. The Reformed churches of France, Switzerland and Holland, and the Presbyterian churches of the United States, have always enjoyed and still enjoy it. It is not so, however, with the Presbyterian church in Scotland; there exists there, as in several countries of Germany also, what is called patronage—a most absurd system, of which it may be well to say a few words in explanation, and which caused in this church, about the year 1840, a division which it is important to know.—At the time of the reformation, in pursuance of a principle founded on the feudal right, and somewhat similar to what in Germany is styled the territorial right (*cujus est regio, ejus religio*), the lords nominated the pastors in the territory which belonged to them, and from that time they have considered these nominations as pertaining to them, of right, turning a deaf ear to the continual complaints of the Scottish church. When the ecclesiastical government was altered, after the expulsion of James II. in 1690, patronage was abolished. It was re-established 22 years later, in 1712, under the reign of Anne, and from that time has continued uninterruptedly. One-third of the Presbyterian churches are under royal patronage; the patronage of all the others is in the hands of particular private individuals, and this privilege is acquired and lost just as any other property.—When a pastorate becomes vacant, the patron presents a candidate. If the presbytery, that is to say, the synod of the district, raise no objection, the candidate preaches before the com-

[1] A general synod was convened at Paris in 1872.

munity. Some days later, a pastor, already exercising his functions, in turn ascends the pulpit and invites the parish to sanction the call of the candidate presented. This act of the assembly, which was, in principle, an acknowledgment of the right of the faithful to choose their spiritual guide, has little by little fallen into disuse. The signature of one single member of the church is made to suffice, and even this formality is not unfrequently dispensed with. It should be noted, too, that this custom of the nomination of pastors by patrons is even more objectionable than that practiced in the Episcopal church, for the Presbyterian pastors of Scotland are thus nominated in great part by men who are strangers to their church.—In 1830 a most spirited opposition was inaugurated against patronage. Thomas Chalmers, professor of theology at Edinburgh, was at the head of this movement. They at once addressed themselves to the house of commons, and demanded from it the repeal of the law of queen Anne. The general assembly (national synod) of 1834 decreed, by a decision known under the name of the act of veto, that the church had the right to reject every pastor presented by a patron. This decision found many upholders. Several parishes rejected the candidates presented by patrons, and would not even listen to their trial sermon, although they had no fault to find with the candidates. The Scotch church was thus divided into two parties, the adherents of the act of veto, or non-intrusionists, and the moderates, who sustained the rights of the patrons.—Some of the patrons and rejected candidates entered complaint in the court of session (the supreme court of justice in Scotland). This tribunal declared in their favor. The general assembly persisted; it suspended a presbytery (synod of a district), which, conformably to the decree of the court of session, had accepted a candidate presented by a patron. Thus it became a contest between the highest ecclesiastical authority and the supreme court of justice. A decision of parliament became necessary. The case was, however, allowed to drag wearily along, with the hope that time would have the effect of calming minds.—The general assembly at length appealed to the queen, complained to her of the attacks of the civil court upon the rights of the church, and demanded the complete abolition of patronage. The address was presented in June, 1842. The government temporized for some time, still cherishing the hope that the movement would die out of itself. But the committee of the general assembly, complaining of this delay, and reproaching the government with a want of consideration for the church, James Graham replied, at last, that the decision of the court of session was perfectly legal. He, at the same time, remarked that the existing organization offered the church every desirable guarantee, since patrons could present only candidates whom it had already approved, and to whom it had accorded the right to preach; that, even after the presentation, the candidates were submitted to the approbation of the presbytery; and, finally, that the parish had a right to make good its objections before this body, which pronounced definitively upon the admission of the candidates presented.—This did not satisfy the non-intrusionists, who demanded that each parish should nominate its own pastors, and the law sanction this order of things. The government persisting in its support of patronage, the general assembly which met at Edinburgh May 18, 1843, received, at the opening of its first session, the protest of the non-intrusionists. In view, they said, of the pretensions of the civil power to regulate affairs purely ecclesiastical, a legal and free reunion of the Scotch church was impossible. And thereupon the non-intrusionist members immediately retired from the assembly, and founded the Free Presbyterian church, which renounced all the advantages of the National church. More than four hundred ecclesiastics ranged themselves on its side; upward of £250 were subscribed for the foundation of the new church, and it established 687 parishes (free church associations). In many places they encountered great difficulties in erecting church buildings, the land owners refusing to give their land to the new associations; but they were not deterred by these obstacles; they held their services under tents, and sometimes even in the open air. The Free church is now solidly established, and has proved to old Europe, on the one hand, that a religious society can live and prosper without the support of the government, and, on the other, that a free church is in no wise dangerous to the state.—3. *Independent or Congregationalist Churches.* We call by this name all churches that are independent, not only of the state, but also of one another. In them every parish constitutes a body absolutely free, choosing its own pastors, maintaining itself by its own resources, and governing itself by its own laws. Several, even a great number, may have analogous doctrines and similar worship; nevertheless each one of them none the less preserves its independence; there are between them no ties but those of universal toleration and charity. This ecclesiastical form was that of the primitive Christian churches; but it was short-lived. As soon as the churches multiplied and acquired some stability, they established among themselves a sort of hierarchy, in imitation of that of the civil administration of the provinces of the empire. It was not until about two centuries ago that the congregational form of church government reappeared among some of the Protestant sects in the United States.—A great many objections have been raised against this ecclesiastical system; nor can we presume to say they are all frivolous. It may be feared, among other things, that it is not best suited to engender those lofty ideas and sentiments which raise nations above themselves, and urge them toward a new ideal. It seems calculated to retain in men's minds the conceptions which are most readily accessible to the great majority, and which favor narrow-mindedness in religious

matters. It may also engender petty rivalries among neighboring congregations, and make religion, if I may be allowed the expression, a matter of business. It might be possible, in fine, that it would, at certain times, create a state of excitement, not necessarily dangerous, but ridiculous, and therefore fatal to religious sentiment. But, without having recourse to the reflection, that in this imperfect world what is most beautiful is never without some defect, we must acknowledge, on the one hand, that these defects can be removed, at least in part, and, on the other, that they are counterbalanced by the advantages which this system unquestionably possesses.—In places and ages in which a rational spirit of toleration and intellectual progress are found side by side, human thought not confined within the narrow limits assigned to it by a dominant church, would take a flight, the grandeur of which we can not now measure, because our prejudices do not permit us to do so. A complete liberty in religious life would create at once conditions of intellectual existence other than those by which minds have hitherto been surrounded. But let us not dwell upon this view of the question; let us confine ourselves, in conclusion, to indicating some of the practical consequences of the congregational system.—It certainly is the only one which allows a real and unlimited liberty of conscience. Each one unites himself to the congregation whose doctrines, worship and principles best answer the needs of his heart and his intelligence. In this church he brings up his children; but they, when they have reached the age of reason, using the same privilege, may either remain in it, or leave it to join another, according to the promptings of their religious feeling. In this church, where no torture is inflicted upon the conscience, either by the laws, or by public prejudices, there can be no motive to entice one to disguise his opinions; there is no longer any room for that hypocrisy which traffics in holy things, which is inconsistent both with honor, piety and virtue. All other systems offer some temptations of this kind. Besides, where entire liberty reigns, ignorance and superstition, the sad results of the slavery of thought, must soon disappear. In fine, under this system, religious life becomes a truth. One attaches himself to a church because he thinks it the best, or the least defective; and this is the only motive with which one can ever sincerely join a church. This choice being, moreover, rational, men are intelligently religious, and not blindly so, as it happens nearly always in official churches, in which men remain simply because they happen to have been born in them.—It is needless to remark that this ecclesiastical form can not exist except where the churches are entirely distinct from and independent of the state. We would add also, that so far as we can judge, nations are progressing toward a final separation of church and state. We do not indeed pretend that it is the final form of the manifestation of religious sentiment, nor even the best in an absolute point of view. We merely mean to say that it seems to us the most in harmony with the marked tendencies and inspirations of society as it exists to-day.[1]

MICHEL NICOLAS.

[1] The following statistics show the comparative strength of the Protestant denominations in the United States, January, 1881: *Baptist:* 24,794 churches, 15,401 ordained ministers and 2,133,044 members, or 1 minister to each 139 members in the United States.—*Methodist Episcopal:* 16,721 churches, 9,261 ordained ministers and 1,680,779 members, or 1 minister to each 181 members in the United States.—*Methodist Episcopal* (south): 3,593 ordained ministers and 828,013 members, or 1 minister to each 230 members in the United States.—*Lutheran:* 5,556 churches, 3,102 ordained ministers and 684,570 members, or 1 minister to each 221 members in the United States.—*Presbyterian:* 5,338 churches, 4,920 ordained ministers and 573,377 members, or 1 minister to each 117 members in the United States.—*Christian (Disciples of Christ):* 4,861 churches, 3,658 ordained ministers and 567,448 members, or 1 minister to each 155 members in the United States.—*Congregational:* 3,689 churches, 3,589 ordained ministers and 323,876 members, or 1 minister to each 100 members in the United States.—*United Brethren in Christ:* 2,207 churches, 2,200 ordained ministers and 155,437 members, or 1 minister to each 71 members in the United States.—*Reformed Church in U. S.:* 1,384 churches, 752 ordained ministers and 154,742 members, or 1 minister to each 206 members in the United States.—*United Evangelical:* 366 churches, 363 ordained ministers and 141,000 members, or 1 minister to each 396 members in the United States.—*Presbyterian* (south): 1,928 churches, 1,031 ordained ministers and 119,970 members, or 1 minister to each 116 members in the United States.—*Protestant Methodist:* 1,501 churches, 2,120 ordained ministers and 118,170 members, or 1 minister to each 56 members in the United States.—*Cumberland Presbyterian:* 2,474 churches, 1,386 ordained ministers and 111,855 members, or 1 minister to each 81 members in the United States.—*Mormon:* 654 churches, 3,906 high priests and 110,377 members, or 1 high priest to each 28 members in the United States.—*Evangelical Association:* 1,332 churches, 1,340 ordained ministers and 99,607 members, or 1 minister to each 74 members in the United States.—*The Brethren (Dunkards):* 710 churches, 1,665 ministers and 90,000 members, or 1 minister to each 54 members in the United States.—*Six Principle Baptist:* 20 churches, 17 ordained ministers and 2,075 members, or 1 minister to each 122 members in the United States.—*Independent Methodist:* 13 churches, 14 ordained ministers and 2,100 members, or 1 minister to each 150 members in the United States.—*Shaker:* 17 churches, 68 ministers and 2,400 members, or 1 minister to each 35 members in the United States.—*American Communities:* 14 churches, 8 ministers and 2,838 members, or 1 minister to each 355 members in the United States.—*New Mennonite:* 31 churches, 44 ministers and 2,990 members, or 1 minister to each 68 members in the United States.—*Primitive Methodist:* 121 churches, 50 ordained ministers and 3,370 members, or 1 minister to each 67 members in the United States.—*New Jerusalem:* 91 churches, 81 ministers and 4,734 members, or 1 minister to each 58 members in the United States.—*Reformed Presbyterian:* 41 churches, 31 ordained ministers and 6,020 members, or 1 minister to each 194 members in the United States.—*Seventh Day Baptist:* 87 churches, 103 ordained ministers and 6,606 members, or 1 minister to each 84 members in the United States.—*Reformed Episcopal:* 55 churches, 68 ordained ministers and 10,459 members, or 1 minister to each 154 members in the United States.—*Adventist:* 91 churches, 107 ministers and 11,100 members, or 1 minister to each 104 members in the United States.—*Free Methodist:* 287 churches, 601 ordained ministers and 12,120 members, or 1 minister to each 20 members in the United States.—*Jews* (total pop. 230,457): 269 synagogues, 202 rabbis and 13,683 members, or 1 rabbi to each 68 members in the United States.—*Seventh Day Adventist:* 608 churches, 138 ordained ministers and 14,733 members, or 1 minister to each 107 members in the United States.—*Mora-*

CINCINNATI, Order of the (IN U S. HISTORY), a society founded by the officers of the revolutionary army just before their final separation. The name was taken from Cincinnatus, like whom the members had left the plow at the call of their country, and were now returning to it when their services were no longer needed. Membership in the order was to be mainly confined to the officers, to their eldest male descendants, and, failing these, to collateral male descendants; and this feature stamped the order, in the popular belief, as an imitation of European orders of knighthood and an attempt to create an aristocracy. Ædanus Burke, a South Carolinian, published a pamphlet against the order; the governor of South Carolina denounced it in his address to the legislature; the legislatures of Massachusetts, Rhode Island and Pennsylvania censured it by resolution; and those revolutionary leaders who had not been in the army considered the hereditary principle an unwise one. At the first general meeting, May, 1784, Washington persuaded the order to abolish the principle of hereditary membership, and with this modification it still survives, its membership being recruited by election.—See 3 Hildreth's *United States*, 443; Mattox's *History of The Cincinnati Society;* 6 *Pennsylvania Historical Society's Publications.* ALEXANDER JOHNSTON.

CIPHER DISPATCHES AND DECIPHERMENT. The art of deciphering secret manuscripts has at all times played an important part in political matters. If we are to believe Comiers d'Embrun, the Hebrews were acquainted with cryptography or the art of using ciphers, therefore with decipherment which is its immediate consequence. The early Christians, according to P. Alex. de Rhodes, used conventional signs to keep a knowledge of their affairs from the curiosity of their persecutors.—Suetonius informs us in his life of the first Cæsars that the emperors wrote to their generals and confidants, transposing the letters of the alphabet. If this be the case, it is quite possible that Julius Cæsar invented the system of ciphers which bears his name. The following is a sketch of the system: A number of conventional signs are made to correspond to the letters of the alphabet, or, better still, with these same letters arranged in a different order, for example:

a,	b,	c,	d,	e,	f,	g,	h,	i,	j,	k,	l,	m,
l,	m,	n,	o,	p,	q,	r,	s,	t,	u,	v,	x,	y,

n,	o,	p,	q,	r,	s,	t,	u,	v,	x,	y,	z.
z,	a,	b,	c,	d,	e,	f,	g,	h,	i,	j,	k.

Thus if we wish to write in cipher, "Put a vase of roses on your balcony; I shall see that it is time to march;" we should write: "bgf l hlep aq daepe az jagd mlxnazj; t eslxx epp fslf tf te ftyp fa yldns." The same result will be obtained by conventional signs corresponding to the letters of the alphabet. It is needless to add that in the first case the letters in changed order, in the second the conventional signs, form the secret of the cipher, which should always be known by the person who wishes to use this mode of writing.—The Japanese and Chinese were instrumental in causing a further development in cryptography without knowing it. The signs used in the writing of these people run vertically from above downward and from below upward; from this originated the idea of the Japanese method, as calculated to puzzle Europeans, whose writing is horizontal.—Here is an example of this method. "The liberty of man imposes on him as many duties as it gives him rights."

t	s	e	a	s	
h	o	s	s	i	
e	p	o	e	t	
l	m	n	i	g	s
i	i	h	t	i	t
b	n	i	u	v	h
e	a	m	d	e	g
r	m	a	y	s	i
t	f	s	n	h	r
y	o	m	a	i	m

These are simply the letters used in writing the above sentence, placed in order after each other from above downward and from below upward. This cipher becomes, as we see, mere child's play unless it is complicated by some combination.—In the steganography which he published, Scott considers the method of count Gronsfeld and that of lord Bacon as undecipherable by any one who has not the key to it. Of these two systems we shall take that of lord Bacon, whose originality strikes us, while at the same time we acknowledge its tediousness of execution. The following is its conventional alphabet, each letter of which answers respectively to the ordinary letters of the alphabet:

vian: 74 churches, 96 ordained ministers and 16,112 members, or 1 minister to each 167 members in the United States.—*Wesleyan Methodist:* 260 churches, 472 ordained ministers and 17,847 members, or 1 minister to each 38 members in the United States.—*Unitarian Congregational:* 342 churches, 394 ordained ministers, and 17,960 members, or 1 minister to each 50 members in the United States.—*Church of God (Winebrennerians):* 569 churches, 498 ordained ministers and 20,224 members, or 1 minister to each 41 members in the United States.—*Universalist:* 776 churches, 724 ordained ministers and 37,945 members, or 1 minister to each 52 members in the United States.—*Anti-Mixed Baptist:* 1,090 churches, 888 ordained ministers and 40,000 members, or 1 minister to each 45 members in the United States.—*Second Adventist:* 583 churches, 501 ministers and 63,500 members, or 1 minister to each 127 members in the United States.—*Friends:* 621 churches, 876 ministers and 67,643 members, or 1 minister to each 77 members in the United States.—*Methodist Episcopal* (colored): 1,031 churches, 648 ordained ministers and 74,195 members, or 1 minister to each 115 members in the United States.—*Free Will Baptist:* 1,485 churches, 1,286 ordained ministers and 76,706 members, or 1 minister to each 60 members in the United States.—*Reformed Church in America:* 489 churches, 519 ordained ministers and 78,917 members, or 1 minister to each 152 members in the United States.—*United Presbyterian:* 793 churches, 658 ordained ministers and 80,236 members, or 1 minister to each 122 members in the United States.

A .....aaaaa.	N.....bbbab.
B .....aaaab.	O.....bbbba.
C .....aaaba.	P.....bbbbb.
D .....aabaa.	Q .....baabb.
E .....abaaa.	R.....babba.
F .....baaaa.	S.....babbb.
G .....baaab.	T.....abbbb.
H.....baaba	U.....aabbb.
I .....babaa.	V.....aaabb.
J .....bbaaa.	W..... ....ababa.
K .....bbaab.	X.....bbabb.
L .....bbaba.	Y .....abaab.
M.....bbbaa.	Z ..... aabab.

If we wished to write this sentence: "The enemy is there, be on your guard," we would do it as follows: "abbbb baaba abaaa abaaa bbbab abaaa bbbaa abaab babaa babbb abbbb baaba abaaa babba abaaa, aaaab abaaa bbbba bbbab abaab bbbba aabbb babba baaab aabbb aaaaa babba aabaa."—This style of ciphering is surely original. Besides, it has this advantage, that it can be carried on under the appearance of a document not having any importance, the letters of which, marked or not by a conventional sign, indicate whether they represent a or b; thence a grouping by fives, the translation of which becomes easy by the aid of the alphabet. This system has a certain resemblance to that attributed to Julius Cæsar, differing from it, however, essentially by the repetition and mingling of the letters *a* and *b;* this mingling is well adapted to puzzle the most careful research.—It is not necessary to say that other signs may be substituted for the letters of the alphabet used in the method we have just mentioned, such for instance, as the Arabic numerals.—Secret writings being of frequent use in political life, it is often important to be able to find the secret of the cipher which hides the thoughts or projects of its author. We can not here give the reader a complete treatise on *cryptography;* we must confine ourselves to placing at his disposition certain linguistic observations which become so many means of arriving at the understanding of the greater part of secret writing; the rest is an affair of sagacity and patience.—*Remarks on the construction of words. The German Language.* The only letter standing alone is *o;* monosyllables are very rare; double letters quite frequent at the end of words; the *e* is often repeated especially in long words; *i* always in the middle of words of three letters; *ck* most frequent at the end of words; *sch* united to *l, m, n; r* united to *e* and *a* to *bb* in the middle of words; *t* united to *ff; oth, ich,* very often at the end; *ch* frequent; *b, l, g, k, p, q, x, z,* the rarest of consonants. — *English.* The words of one letter are *I, a, O; y* often appears as final; *o* doubles and shares this peculiarity with *e,* from which it will be easily distinguished if attention be paid to the fact that it is always united to *f* in the word of two letters *of;* it is often found also with *w; e* is distinguished in cipher dispatches from double consonants, because it is repeated oftener than any other letter.— *Italian and Spanish.* Italian has a strong resemblance to Spanish, but is distinguished from it by the length of certain words and by the frequency of double letters in the middle of words. *O* is oftener repeated than any other letter; *e, i,* next, the latter sometimes doubled, the same as *o, u.* In Spanish, *o* is very often followed by *s; u* by *e;* but the latter principally in the middle of words, the other chiefly at the end; the words of one letter are *a, o, y.*— *French.* French words end most frequently in *e,* which is often followed by *s* or *nt; ou* is met in words of four syllables; the vowels, especially *e,* are repeated oftener than any other letter; there is no word without a vowel; a word of one letter is always a vowel, or a consonant with an apostrophe; *q* is always followed by *u.*—It is evident that the process of deciphering without the key differs somewhat in each language, varying with its characteristics.—Let us try to decipher the sentence: "bgf l hlep aq daepe az jagd mlxnazj; t eslxx epp fslf tf te ftyp fa yldns," according to Cæsar's method. We first make a list of the letters in the sentence, noting how often each recurs, as follows: b, once; g, twice; f, 6 times; l, 6 times; h, once; e, 6 times; p, 5 times; a, 5 times; q, once; j, twice; m, once; x, 3 times; n, twice; z, twice; t, 4 times; s, 3 times; y, twice; d, 3 times. Remembering that *a* and *I* are the only words (except *O* which would be rarely used in a cipher dispatch) of one letter in English, we know that *l* and *t* must be these two. Suppose *l* is *a,* then *t* is *i; t* being *i, f* must be *n, s,* or *t* in *tf* because these are the only letters which can follow *i* in a word of two letters except *f* which is the cipher letter. We shall call it *t; e* in *te* may be *s; a* in *fa* must be *o,* for only *o* can follow *t* in a word of two letters as may be seen by experiment; *pp* in epp is *ee* for *e* and *o* are the only vowels which can be doubled, and *oo* could not form a word after *s.* Now we know that *l, t, f, e, a* and *p* are *a, i, t, s, o* and *e.* After making the changes the sentence becomes bgt a hase oq doses oz jogd maxnozj i ssaxx see tsat it is tiye to yadns. In the word ssaxx it is most probable that *xx* is *ll,* for a double vowel could not follow *a,* and by using the *ll* and changing the second *s* to *h* we have *shall* instead of ssaxx, and *that* instead of tsat. In tiye *y* could in any connection be only *d, l, m, n* or *r;* here it is clearly *m* which gives *time: q* in *oq* whatever be the connection would be either *f, n, r* or *x;* here we shall use *f:* and the z in *oz* is either *r* or *n;* call it *n.* In the first word bgt *g* must be the vowel *u,* for we know the others; *b* is either *c* or *p,* let us use *c;* we have now *cut* instead of *bgt* and the word jogd becomes *joud.* Now *d* can not be *n* or *t,* for we know these; it is *r,* for this is the only letter left that could follow *ou* here; *j* is either *p* or *y;* let us take *y.* We have now *your.* Knowing or supposing that:

l, t, f, e, a, p, s, x, y, q, z, b, g, d, j stand for a, i, t, s, o, e, h, l, m, f, n, c, u, r, y,

we make the substitutions and the sentence stands: "Cut a hase of roses on your malcony; I shall see that it is time to marnh." It is clear that *h* in the third word stands for *v,* that *malcony* is

balcony, and *marnh* march; *n* being *c*, *b* can not be *c*, therefore the first word is put, not *cut*.—If we wished to send the following dispatch in French: *Placez un vase de fleurs sur votre fenêtre; nous saurons qu'il est temps de se mettre en marche*, we would write it in this way according to the first cipher alphabet given above: "Bxlnpk gz hlep op qxpgde egd hafdp qpzpfdp zage elgdaze cgtx pof fpybe op ep ypffdp pz yldnsp."—To decipher this we proceed as follows, remarking only that the reader, by study and experience, might find some other way to decipher it. We make a list of the letters contained in the dispatch, noting the number of times each letter is repeated, thus: b, twice; x, 3 times; l, 4 times; n, twice; p, 16 times; k, once; g, 6 times; z, 5 times; h, twice; e, 9 times; o, twice; q, twice; d, 7 times; a, 3 times; f, 6 times; c, once; t, once; y, 3 times; s, once. We may remark that p occurs 16 times, hence it is very likely a vowel, and probably the letter *e*. Let us see whether this hypothesis is well founded, and take the shortest words: *op*, *ep*, *pz*. If *p* is an *e*, let us suppose, to shorten our demonstration, that *pz* represents *en*, since it is one of the French words of two letters beginning with *e*; then *z* is an *n*; *op*, *ep*, will therefore be one of the words *ce*, *de*, *je*, *le*, *me*, *te*, *se*, the only words of two letters in French ending in *e*. But in the dispatch we see *op*, immediately preceding *ep* which has only two letters, and *de* is the only word that can go before a word of two letters: therefore, if *p* is an *e* in the word *op*, *o* must be a *d*.—Let us now try to find out what *e* is in the word *ep*. It is not a vowel. As *e* is found at the end of many words in the dispatch, we may presume that it is an *s*; *ep* would therefore stand for *se* until proof to the contrary. *Gz* is another word of two letters, the last letter of which we know to stand for *n*, whence we conclude that *g* can be only a vowel, and consequently *gz must be* one of the following words, *an*, *in*, *on*, *un*, the only French words of one syllable ending in *n*. We may reject *in* which means nothing; in French, *an* never occurs after a word so long as *bxlnpk*; therefore, there are left only *on* and *un*. *G* is therefore either *o* or *u*; but which? We can not yet decide. Let us take a word in which it occurs, and select, as far as we can, a word which contains the letters presumed to be known. Say the word *zage*. Substituting in this word the letters already known, we have *naus*; *naus* has a close resemblance to *nous*; we may conclude that *g* is *u*, and we may also add that *a* is *o*.

We know	*p*,	*z*,	*o*,	*e*,	*g*,
To be	*e*,	*n*,	*d*,	*s*,	*u*.

—Let us take the little word *egd*: the third letter *d* is either a *c* or an *r*, for only *sur* or *suc* can have this form. We shall see this further on. In *pef*, the first two letters are *es*; we are led to think that the last is a *t*, for the word *est* is the only word of three letters in French beginning with *es*.—Let us now take longer words, say *hafdp*. We know *afdp* which suggests *otce* or *otre*, but only the latter can be taken. Then the word becomes *h* . . . *otre* which has only two analogues in French, *notre* and *votre*. Now, as we have seen, *n* is represented by *z*, therefore *h* is necessarily a *v*. We may therefore add to the foregoing letters, instead of *f*, *d*, *h*, their values *t*, *r*, *v*.—In the word *ypffdp*, *y* is the only unknown letter. Substituting the equivalents already known, we have *y* . . . *ettre*, which can mean only *mettre* or *lettre*: after *se* "lettre" does not mean anything. Everything leads us to believe that *y* is an *m*.—The word we have just deciphered almost translates *qpzpfdp*, for we find *q* . . . *enêtre* or *fenêtre*; in like manner *qxpgde* becomes *fxeurs* or *fleurs*; in like manner also *fpybe* stands for *tembs* or *temps*. —We have deciphered the letters *p*, *y*, *o*, *d*, *f*, *z*, *a*, *e*, *g*, *q*, *b*, *h*, *x*; with this key let us try to decipher the whole dispatch. By the substitution of known for unknown values, we find *pllnek un vlse de fleurs sur votre fenêtre, nous slurons cutl est temps de se mettre en marnse*. This is not so obscure as it may seem at first. With a little study it becomes apparent that *l*, *c*, *t*, stand for *a*, *q*, *i*. And thus we have: *nous saurons qu'il est temps*. But *pllnek un vase de fleurs*, stands, *a priori*, for *placez*, etc. No great effort of imagination is required to translate "se mettre en *marnse*," into *se mettre en marche*.—What we have just explained will suffice to show the reader the possibility of deciphering. This method is without doubt purely empirical, but it appears to have been sufficient for the cases presented up to our day.—To prevent the deciphering of dispatches, combinations of every kind have been imagined, books of signs, even special dictionaries have been published by means of which the secrecy of a dispatch is guaranteed. One of these dictionaries, which seems well planned, has appeared in Paris, published by Berger-Levrault & Co., under the title of *Dictionnaire pour la Correspondance télégraphique secrète*, by a secretary of legation.[1]

HENRI LEGEAY.

CIRCULATION OF WEALTH. The word circulation (of wealth) is one of those politico-economical terms which has been most misused. The framers of systems have often employed it to build upon the data which it expresses airy castles in which nothing was wanting to make the world supremely happy but a basis on which the structure might rest. But the circulation of wealth is none the less an important fact well worthy of being observed, and one which has not been studied, perhaps, as much as it deserves. If utopists, while mistaking its laws, have too often exaggerated its importance, this is no reason for estimating it below its real significance. —The circulation of wealth, says J. B. Say, "is the passage of a thing having value from one hand to another."—The passage of merchandise from one hand to another is the first elementary fact which constitutes, by its repetition, the general phenomenon of the circulation of wealth. But it is nec-

[1] We believe that the author is Mr. Brunswick.

essary to give circulation a broader sense, and J B Say himself, in the sentence which immediately follows that which we have just quoted, gives it a broader one. He says: "Every article of merchandise is in circulation when it is ready to pass into another hand, that is to say, when it is offered for sale." It is evident that here circulation means not merely the passage of merchandise from one hand to another, but the general movement of goods or values. It is even more than this; it is the readiness of merchandise to be moved. Mr. Fr. Skarbek, who has treated this subject at much length and with care in his Theory of Social Wealth, understands by circulation the general movement of wealth passing from one hand to another; but he adds that it is less the movement of things than the movement of values.—Circulation, he says, is not a movement of the mass but a movement of the value of things; just as production is not a creation of things but a creation of values. Things which have value may undergo a rapid and continuous movement without circulation taking place. A sum of money, for example, sent by mail may pass through many hands without circulating; for then it is only transmitted or confided to several persons consecutively in order that it may be made to reach the one who has the right to dispose of it. The effect is the same as if the person who sends the money should deliver it to him to whom it is sent. All those who have served as intermediaries to facilitate the transmission of this sum have had no profit from the sum itself, and could not have been able to employ it as a productive force. Value may circulate rapidly and the thing which contains it remain motionless. Such is the circulation of the value of real property, the ownership and the enjoyment of which may pass from one to another, although it is not capable of undergoing any movement whatever. Even personal property may circulate without any change of place. A merchant who has paid a landed proprietor the price of wheat stored up in the granary of the latter, may resell this wheat without moving it. Thus this value will have circulated twice without taking the wheat from one place to another. —In a savage state, when man works only for himself and is limited to the consumption of what he produces himself, there are no exchanges, consequently no circulation, though certain products may sometimes be transported from one place to another by a person who is both a producer and consumer. Circulation begins when men commence to exchange what they possess over and above what they possess sufficient to supply their own wants; but as long as they confine themselves to simple exchange of their superfluities, it is still inclosed within very narrow bounds. It is only really active and great when the division of labor, having become the common law of industry, brings men to exchange not only their superfluities, that is to say, the excess of what they produce respectively above their own wants, but almost all the values which they produce, for almost all those which they consume.—In the state of civilization to which the greatest part of the peoples of Europe have advanced, division of labor having been introduced everywhere, circulation has become an important fact. There are few values in reality consumed on the spot and by those who produced them. They pass from hand to hand by successive exchanges, and sometimes it is only after a great number of transmissions or migrations of this nature that they arrive at their final destination. It is not only to pass from the hands of the producer to those of the consumers that products are exchanged and circulated. They circulate still and sometimes for a considerable period among their producers, when they need, as is generally the case, several successive preparations before being entirely finished. To say that in virtue of the division of labor each man connects himself with a particular industry the fruits of which he afterward exchanges, is not to say enough. It should be added that there is scarcely a producer from whose hands a finished product comes. Men confine themselves for the greater part to the execution of one or another of the articles which the product requires, turning it over afterward to other manufacturers who are to continue the work or finish it. Through how many changes has cloth passed, through how many hands has it gone, before the tailor converts it into clothing? A bale of cotton does not become printed cloth in a moment. It must first be converted into thread, then into texture, and between these principal manipulations how many intermediate ones there are; each one of these is performed not only by different hands but also in different places. The bootmaker, no matter how simple his work may appear, does not make a boot until the tanner has prepared the leather. A boot then is the result of several kinds of successive labor; it reaches its final condition only after several exchanges. It is the same with the greater part of other products and particularly with manufactured articles, some of which undergo so many different modifications and become the object of so many exchanges before coming to the condition of consumable values that it would be difficult to follow them in their migrations. Thus, in a state of civilization exchanges are multiplied and circulation is widened, not only by reason of the various products which industry gives birth to, but also by reason of the vastly greater number of processes which these products demand.—This circulation, we say then, becomes so important a fact that none of the particulars connected with it should be overlooked.—It is, in the first place, easy to understand how important it is to society in general that this circulation should be carried on without trouble, without confusion, without disorder, and that no foreign obstacle should stop its course. Should its stoppage really take place for a moment, production, one of the essential conditions of which it has be-

come, itself would stop, and society would find its very existence in peril. It is true that an absolute stoppage of circulation is almost impossible, for this reason alone, that it would be fatal; since if any cause should tend to produce it, there would be immediately, on the part of threatened society, such a general and powerful reaction against this cause that the obstacle would recede or at least be half removed. But if it is not to be feared that circulation will ever be stopped entirely, it may sometimes be disturbed or retarded in its course. This happens in practice almost always in consequence of civil troubles, political revolutions, foreign invasions, and all serious disorders, whatever their nature may be. At such times there is generally a twofold obstacle to the easy circulation of products, one physical, the other moral. The first arises from material disorders which prevent products from journeying peaceably toward their respective destinations; the second, more serious and difficult to overcome, arises from the mistrust of producers toward others and the lack of credit which affects every one. In all these cases, if society does not perish it endures at least cruel suffering. Production is retarded for want of nutrition; consumption is narrowed, savings previously accumulated are consumed: in addition to the present evils endured men see the accumulated fruits of several years of labor lost in a few days.—Commercial crises which so often afflict modern nations, and particularly those in which industry exhibits its greatest power, are nothing else, considered in themselves, than checks if not absolute stoppages of circulation. There may be a difference of opinion as to the causes, perhaps yet ill defined, of these calamitous accidents, but whatever their origin they have always the same character at bottom, that of retardation, more or less great, in the exchange and circulation of products. From this, and from this alone, come all the evils which these crises give birth to: so true is it that circulation is the life of modern nations.—Without speaking of the accidental troubles to which circulation is sometimes subject, and which will be particularly treated under the words COMMERCIAL CRISES, looking at it only under its ordinary conditions, in that which forms in each country its normal condition, it still gives occasion to a large number of observations full of interest. Its conditions are not the same in every country; it is more or less general, more or less active according as local circumstances are more or less favorable to it; and we should hasten to add that it is the relative activity of circulation which constitutes, more than any other circumstance, the industrial superiority of this or that country.—Under the word CAPITAL we spoke of the importance of the increase of capital to the industrial activity of nations; but at the same time we took care to distinguish active from dormant capital by adding, that the industrial superiority of one nation over another depends much less on the sum total of the capital which it possesses than the relative sum of its active capital. This is the place to insist on this distinction, which most economists have neglected, and which appears to us fundamental.—If capital is useful, it is only in so far as it passes into the hands of those who can put it to work. While it lies idle, or, what comes to the same thing, while it remains in the hands of those who can not make use of it, it is of no real utility; it aids in no way the increase of production. M. Ganilh, going a little further in this direction, says that idle capital is not capital at all, since it is useful to no man, not even to him who possesses it. He was wrong, no doubt. Idle capital is always capital, for it is at least a reserve, which can be of use later; often it needs but an insignificant circumstance to rouse it from its torpor. But it is true that a value at rest renders no actual service, and if there is much of such capital in a country no matter how great the sum of this real capital which the country possesses, labor will show little activity there.—To say nothing of actual stoppages, if it happens that in a given country capital, or values intended for reproduction, occupy twice as much time in passing from one hand to another as would be necessary in a well ordered state of things, it is easy to understand that production would be less by one-half than it might be. It is important, therefore, that circulation be at once general in the sense of embracing all products, and of being active in the sense of causing products to pass rapidly from the hands which possess them to the hands of those who can give them useful employment.—This truth, we say, has not always been adequately understood by economists. It must not be thought, however, that they have entirely misunderstood it. Their only fault is in not having brought out its importance, nor given it all the attention which it merits. This, for example, is how J. B. Say expresses himself on the subject: "Values employed in the course of production, can not be *realized* in money and be employed in a new production until they have arrived at the state of a complete product and are sold to the consumer. The sooner a product is finished and sold, the sooner also can it, as capital, be applied to a fresh productive use. Capital used for a shorter time pays less interest; there is economy in the cost of production. Next it is of advantage that the transaction which takes place during the production should take place quickly. Let us follow the effects of this activity of circulation, in the case of a piece of printed calico. A merchant of Lisbon imports cotton from Brazil. It is of moment to him that his agents in America should make his purchases and shipments quickly; it is also important for him to send his cotton to a French merchant promptly, in order to be reimbursed for his outlay as soon as possible, that he may begin a new and equally profitable operation. Portugal, up to this point, has reaped the benefit of this activity of circulation. Now it will be France; and if the French merchant does not

keep this Brazilian cotton in his storehouse long, but sends it promptly to the spinner; if the spinner, after having made it into thread, sends it promptly to the weaver, and if the latter sends the cloth without delay to the calico printer, and if he sends it to the retail merchant quickly, and the retailer to the consumer, this active circulation will have occupied for a less time that portion of the capital employed by the producers. Consequently there will be less interest lost, less expense, and the capital can be employed in new production."—The utility of an active circulation is certainly indicated in the preceding lines, but we do not believe that it is felt strongly enough; and we are the more authorized to believe so, since the passage just quoted is the only one which J. B. Say has devoted to this important subject, at least in his treatise. There is certainly more to say on such a subject. It is true, that the relative activity of circulation is that which constitutes, more than any other circumstance, the industrial superiority of a people? This should have been examined first of all. Then it should have been inquired what the principal causes are which influence the rapidity or the retardation of circulation.—Mr. Fr. Skarbek, who has treated this subject more at length and with care, is more explicit on all these questions. Instead of a few lines he devotes several chapters to the subject. He concludes the first chapter thus: "What we have stated up to the present concerning social wealth, authorizes us to lay down the principle, that the mass of values and bases or sources of wealth possessed by a nation, do not in themselves constitute its wealth, because they are inert by nature and do not turn into a cause of well-being and improvement of a people, *except in so far as circulation imposes on them a productive movement capable of bringing out all the advantages which society extracts from the values*, before they become objects of consumption." —The lines we have underscored in the preceding are also underscored in the original text, and it can be seen that the author there justly makes the circulation of products the *sine qua non* of their utility. Nothing is truer with regard to industry at the present time when exchanges and division of labor have become universal. It is not enough, however, that products should circulate; it is necessary, also, that circulation be as rapid as the work of production will permit, in order that there may be no interruption in the service they render. This, Mr. Fr. Skarbek brings out with much force in the following passage: "The advantage which society gets from circulation consists, as we have seen above, in this, that by each transfer of value, from one hand to another, a profit is gained by him who disposes of it, and a power of working is attained by him who acquires it. This advantage is all the more considerable in proportion as circulation becomes more extensive and rapid. From the moment that all exchangeable values are put in circulation, and circulate with the greatest rapidity possible, the inhabitants of a country make as much profit as they can possibly make from them. They are able to give continual employment to all the productive forces which they are able to put to work; and whatever be the mass of value produced by a nation, it is evident that in this case it returns all the advantages and all the services which can be expected of it. This is why *national wealth consists* not only in the great mass of values which can be produced in a country, but *in the general productive movement, continuous and rapid, of these values.*"—In the lines which precede, the activity of circulation is presented in all its importance, but it is perhaps still better done in the passage which follows, where the author supports his assertions by an example. We only regret that he has taken as his example the circulation of a piece of money; and we believe it our duty to remark in advance, that the same reasoning would apply to every productive value of whatever nature it might be. "Let us suppose that a one franc piece is given in the morning of the first day, by an inhabitant of the capital, to a milkwoman, in exchange for milk which she is taking to market; that she uses it immediately in buying an ell of cloth; that the cloth dealer lays in with this same piece of money his stock of meat at the butcher's shop; that the butcher spends it at a wine store; that the wine merchant employs it in buying bottles; that the bottle dealer spends it for bread; the baker for wood; and the timber merchant lays it up for future expenses and leaves it without employment during the next day. The difference of the services rendered by this piece of money in the course of two days is very considerable and may be expressed by figures; for it is as 7 to 1. During the first day the one franc piece performed the function of 7 francs because it served to make seven consecutive purchases, whereas on the second day, it represented only a unit in the hands of the timber merchant. If the latter made no use of it in the course of the second day, it might be said with truth that, for society in general, the differences of services rendered by the piece of money in the two days is as 7 to 0, because, having remained inactive in the hands of the timber merchant, it did not fill its office as an instrument of exchange, and the effect is the same as if it had not existed at all. Its value the first day is equal in services rendered to that of 7 francs, and it is easy to become convinced of this by collecting all the products which were bought by its means; for by estimating the value of the milk, the cloth, the meat, the wine, the bottles, the bread and the wood bought consecutively with the same one franc piece, we can easily see that it would be necessary to spend 7 francs in order to buy all these things at once."—This reasoning, certainly exact in reference to a piece of money, is just as exact, as we have said, with reference to any other kind of value. Let us suppose, indeed, that any kind of raw material, iron, for example, which must

pass, we will suppose, through the hands of 20 or 30 different producers, in order to receive as many different modifications before arriving at its final form, accomplishes this series of migrations in one month instead of 12; it is evident that in the 30 days it will have rendered all the services that it could have rendered in a year. It is not less evident, that if all the capital of a nation could be employed in this manner and with this relative activity, that the nation would have an immense advantage over all others. With an equal capital it would create 12 times as much wealth; or even with a much smaller capital, it would still succeed in surpassing them in the labor of production.—But are such great differences in the relative value of circulation possible? Why not? In theory there is nothing simpler. As a general rule, for each producer, the work of production, which, properly speaking, consists almost always in a single modification to be given the material submitted to him, does not take long to accomplish. Generally he requires more time to sell his products than to finish them. The spinner who makes his thread in a few days, keeps it sometimes for several months in his storehouse before selling it to the weaver, who is to make it into cloth, and this is the case with nearly all other productions. Now these periods of stopping and waiting between the finishing and the sale of products being so many accidental stagnations, so many interruptions in the service of capital, it is easy to see that they may be and are more or less frequent according to the country; and in this way is explained in theory the enormous difference which may exist between one country and another in the productiveness of capital. As a matter of fact it is certain that these differences exist, as great at least as we have just supposed them to be. It seems to us beyond doubt, that capital acts more than 12 times as fast, for example, either in the United States, or in England, as in Turkey. Why? Because there are fewer delays in sales, as there is also an incomparably greater rapidity in the transportation or transmission of products; and it is this circumstance which explains, to our thinking, much more than the real abundance of capital, the extreme superiority of the first two countries over the other.—Now what are the two chief causes which influence the activity or the slowness of circulation? Here again we find in the work of Mr. Fr. Skarbek more satisfaction than we have met elsewhere. Among the causes which, according to this writer, contribute to render circulation active may be mentioned the following, which are the principal: the extent of production and the abundance of products; the density of population and the concentration of population in a certain number of cities; the number and convenience of means of communication, such as roads, railways, canals, etc.; freedom of trade under all its forms, as well at home as abroad; security in all transactions; and, above all, confidence and credit, which alone render possible a rapid transfer of products for sale, and without which even all the other conditions are present in vain.—That the extent of production contributes to hasten the circulation of products, is a truism. But this signifies particularly—and it is a truth which it is well to note—that activity of circulation does not increase simply in proportion to the extent of production, but in a greater proportion still, in the sense that it is always much greater where production is abundant and large than where production languishes. It is true that it is difficult, in this case, to distinguish the effect from the cause. If the abundance of production influences the activity of circulation, which is not at all doubtful, the activity of circulation in turn, and in a very energetic manner, influences the increase of production. The two circumstances are connected; they are at once cause and effect. But all this amounts to saying what is literally true, that products circulate in a more general manner and more rapidly in wealthy countries, provided with large capital, and which work on a large scale, than in poor countries which operate with small means and for medium results.—That the density of population, and above all the concentration of population, in certain cities contribute also to quicken circulation, and consequently to increase the services which products may render, is another truth much less generally understood than the first, and consequently very proper to be mentioned. It is all the more important since it must be taken into account in the theory of population in which it is often ignored. It is beyond doubt, to our thinking, that dense populations, that is to say, those grouped in considerable masses on narrow spaces, have certain great disadvantages in comparison with scattered populations, and this especially that they obtain in less abundance, with less ease and at a higher price, certain products, and particularly raw material. But they enjoy this great advantage which compensates for many drawbacks, that the circulation of products among them is easier, more active, quicker, and that consequently every product which they obtain renders them incomparably greater service. This is rather a new view in political economy, which has not been sufficiently examined by men devoted to the science, and which merits, nevertheless, the most serious consideration. Mr. Fr. Skarbek seems to have realized it more than the greater number of economists before him, but perhaps no writer has thrown more light on it than Mr. H. Carey, of Philadelphia, in an important work published in 1848, (The Past, the Present and the Future; by H. Carey, Philadelphia, 1848). In this work the American publicist tries to prove, and in this he has succeeded in a certain measure, that the condensation of population in certain countries, far from creating for the men who inhabit these countries a relative disadvantage, is for them, on the contrary, extremely advantageous, through the facility and multiplicity of relations which it

engenders; and that, taking everything into consideration, a dense population, other conditions being equal, should be richer and better supplied than one which is scattered over a vast space of land. We will not enter here into a minute examination of this question which would require a separate study, but in whatever way it be solved, the influence of the density of population on the activity of the circulation of products is none the less a demonstrated fact. As to the influence exercised by the number and convenience of the ways of communication, it is so easy to understand it that it suffices almost to mention it. Let us merely say that a good system of roads, canals and railways is itself the first fruit of an industry already powerful; that if it contributes to stimulate circulation, it is nevertheless the fruit of a pre-existing circulation, and that it supposes in the country where it is established a well understood public administration, well directed, well managed. It supposes also a great store of wealth previously acquired.—Freedom of trade under all its forms is not less necessary to the activity of circulation than the other conditions.—"No matter what the primitive sources of a country's wealth may be, no matter what its population and its capital may be, no matter how powerful may be the influence of these bases of its wealth on circulation, the latter can be neither extensive nor rapid if there are not in the country circumstances favorable to exchange; or if the power of exchange is limited either by prohibitive regulations or the lack of outlets. For it is this power of exchange which exercises the most potent influence on circulation, since values circulate for the most part by means of exchange. Supposing then in a country a concurrence of circumstances favorable to the production of value, they will not be able to constitute the well-being of the inhabitants if there are causes which limit or hinder the exchange of products." The causes which may limit or hinder exchange are varied. Restrictive or prohibitive regulations at home and abroad, form one of the most serious. The absence of credit is another, not less powerful though less easy to define.—Finally, we have as the last cause of the circulation of products, confidence or credit, which renders exchange possible whenever it is useful and can be carried on without danger. Let us hear again Mr. Fr. Skarbek, whose ideas on this matter fit in perfectly with ours.—"In order that exchange should become the motor of circulation, it is necessary, other things being equal, that it be accomplished with the greatest facility, that is to say, that all goods should find an easy and instant sale, and that all the inhabitants of a country should sell their goods on the shortest time possible. The sale of goods depends on three circumstances: first, a demand corresponding to the amount of goods offered; in the second place, on the facility and freedom of delivering the goods where they are demanded; and last, the power possessed by the purchaser to give always the equivalent of the merchandise demanded by him. Demand is more considerable in proportion as there are more purchasers, and as they are richer; the facility of sale becomes greater in proportion as commerce enjoys greater liberty and as there are easier means of transport and communication between the countries which maintain commercial relations with one another. But all this is not yet sufficient to give circulation the extent and degree of rapidity of which it is susceptible, for it is necessary besides that every value offered for exchange should be really exchanged at the moment it is offered and demanded: for this purpose it is necessary that the purchaser should possess a value which the seller consents to receive, in exchange for this merchandise, and that he should be in a condition to give it immediately and as often as he desires to make an exchange. As exchange is generally effected by means of money, it follows that if sale is to hasten circulation, it is necessary that the power of paying should always equal the extent of the demand. Now, as the value of the goods of every country surpass by far the value of the money which is found therein, it may often happen that a man who possesses a considerable fortune finds it impossible to make an immediate payment for the values which these means allow him to demand. The result of this is a species of stagnation which takes place in the circulation of values. The value of the merchandise demanded will remain inert until the person demanding it shall have acquired the power of paying, or he will be deprived of an enjoyment or of a means of employing his productive powers profitably. However, there is always a decrease of activity in the circulation and a loss of time and values to the national wealth. To remedy this drawback, to obviate a default in power of payment which does not come from a lack of revenue and fortune, and to facilitate exchange as much as possible, men have had recourse to a *social* virtue, *confidence*, which, applied to exchange, has given birth to credit; and credit to-day is the most powerful motor of exchange and the circulation of social wealth.—By a sort of ultra reaction against the exaggerations of the utopists, many distinguished economists are only too much inclined to misunderstand the admirable power of credit. It is well therefore to put it before them whenever a natural occasion presents itself.—Unfortunately these are the same ideas which have been misapplied to build up vain projects. Foreseeing vaguely the power of credit as well as the advantages of an active circulation, but without rendering to themselves an exact account of the nature of these two phenomena, a great number of men have endeavored to inflate credit, if it be permitted to say so, and to hasten circulation by artificial means.—They did not consider, that after all, the practice of credit supposes confidence, and that circulation, no matter how active they may wish to have it, should not and can not run ahead of production. To complete the misfortune they

have never imagined a better way to arrive at their end than to multiply without measure the instrument of exchange, money, or, in default of money, that which they call representative signs of its value, in other words, paper. The general examination of these different projects will find its place under the heads CREDIT and PAPER MONEY. Let us hasten to say, in a few words, that they rest ordinarily on a two-fold error, in this that, on the one hand, credit, such as they pretend to establish, would crumble quickly for want of a basis, and, on the other, circulation, such as they conceive it, even supposing that it could be established, would be still barren circulation. (See CRISES, COMMERCIAL.)

CHARLES COQUELIN.

CITIES, Administration of American. When the constitutions of the Union and of the several states were framed, but few cities were already in existence the charters of which antedated the revolution. These cities are in this country the only exceptions, historically considered, to the rule of law to which all municipal administration is subject in the United States, and which received the sanction of two successive decisions of the supreme court of the United States—in the cases United States *vs.* Railroad Company, 17 Wallace, 329, and New Orleans *vs.* Clark, 95 U. S., 653—that a municipal corporation is a subordinate branch of the governmental power of the state; it is one of its creatures, made for a specific purpose to exercise within a limited sphere the powers of the state. The state may withdraw its local powers and government at pleasure, and may, through its legislature, or other appointed channels, govern the local territory as it governs the state at large. It may enlarge or contract its powers or destroy its existence.—This doctrine distinguishes American cities very widely, both in theory and in practice, from the cities of other countries. A retrospective glance at the political origin of other cities may be of service.—When men were nomads, wanderers in search of food, their settlements, like those of our Indians, were made with a view to contiguity to fresh water and a hunting ground, located like tourists' camps, at some spot near fish or game. The city, if such it may be called, of the tribes, was not only the seat of government, but the gathering spot of the tribe, and wandered with the tribe when emergency called for its departure. The city, as such, first had its origin and became a permanent fact when agricultural pursuits attached men to a spot of earth for which they would fight and die, and to take them thence was to deprive them of the means whereby they lived. To protect this spot of earth and to provide a refuge, in the event of attack, for the agricultural settlers of the tribe, some elevated spot near their flocks and farms was selected which could be inclosed with a wall, and where cattle could be congregated in a moment of danger, and a common defense made against the common enemy. In the progress of civilization, whatever was deemed sacred by this community, or whatever was symbolical of its religious belief or æsthetic culture, was permanently inclosed within that wall. There the temple was raised; there the theatre was erected; there the government was administered; there within that wall could the freeman take his part in determining upon the persons who were to wield absolute sway over him. The city was the government, the country around it was tributary to the city. Almost all cities of antiquity had this origin, this extension and growth; and the old republics were city governments which in process of time had become sufficiently formidable to conquer vast territories, both contiguous to the city and situated across seas. But all these territories were tributary to the city and to the institutions of the city. Even the empire of Rome was the government of the world by a city. There was no Latin nation, in the modern acceptation of the term, having its seat of government at Rome; but the Roman aristocracy, originally as citizens and subsequently as equestrians, centurions, senators, consuls and emperors, governed the wide world through the power placed in their hands in the small territory upon which the city of Rome was located. Rome was in no sense the capital of the ancient world, as Paris is of France or London of England.—The cities of the middle ages owe their origin to the mark organization, and to harbor facilities. The location of a minster or cathedral is one of the causes of the origin and development of cities. As the cities of the middle ages grew in size, they became the homes of manufacturing and commercial industry, which in turn developed wealth and which invited attack both from kings and warrior nobles. The guild, which is another term for combination, was the organization of each particular trade, by which the elders of a trade regulated the mode of its conduct and determined upon admissions to its mysteries and the rules which were to govern it. The only analogy between the trades union of the present day and the guild of the middle ages is, that they were both trade organizations for the government of hours of labor and methods of administration; but here the analogy stops. The middle age guild was an organization of employers as well as the employed; indeed, the employed could not become members of the organization until they had served a number of years as skilled workmen: the employers were the governing body and the rules of the trade were determined by them. The several guilds within a community would select eldermen of their own number for general conference with other guilds; and thus in time the guilds became formidable and powerful bodies of citizens within the cities, to the sturdy arms of the members of which, and their training and skill, the political government of the city, or the bishop of the town, if the origin of the city happened to be a religious seat, was compelled to look in mo-

ments of danger. The trained band of the guilds were the militia of the middle ages, and maintained the integrity of the city, prevented its capture, and repelled attacks instigated by the desire for plunder or territorial aggrandizement. From mixed motives, therefore, of conciliating these guilds and humiliating the nobles, the cities could and did obtain, from time to time, large concessions—in Germany called *freibriefe*, and in England patents—by which a certain amount of local independent government was secured; and they were permitted to establish courts of leet, which had criminal jurisdiction within the borders of the city, and succeeded in obtaining the establishment of civil courts for the adjudication of questions involving smaller amounts, independent of the imperial or regal courts. At the time of Edward I. the ingenious device suggested itself to that politic prince, to obtain the moneys which he needed as a free gift from the cities, boroughs and towns of England. He caused two deputies from each borough within the county to be sent to parliament along with the two knights of the shire, with power to consent to what the king and his council would determine; and this is supposed to be the origin of popular representation. The boroughs derived popular representation from the council called by Simon de Montfort in 1265, in the war with the barons against king Henry III. He also caused the knights of the shire to be accompanied by representatives of the boroughs; these boroughs included the cities, towns and incorporated districts which by that time had already grown to considerable proportions, and which wrested from the kings of England large concessions in the way of local government. London had, as early as Henry I., acquired a patent; many cities of England were chartered before the thirteenth century. The merchants' or chapmen's guilds, which were to be found throughout the towns and cities in the middle ages, were bound to each other by oaths and pledges; they paid a common contribution to the purse of the brotherhood; they built by their joint purse the guild hall, wherein they met to transact their affairs and occasionally to feast together; they punished fraud committed by one guild brother upon another; they assisted each other in times of sickness and adversity. When charters could not be obtained from the fear of kings and lords, they bought them out of the common purse. Being composed of freemen, and including all the more energetic and thriving and able inhabitants, these merchants' guilds became, by successive steps, what were subsequently called a corporation of boroughs. The courts leets were transferred from the barons to them, as an organized part of the community; they were the men who were styled, in charters and public documents, the "burgesses and good men of the town." In the "History of Leicester," by James Thompson, an account is given of the earliest days of these guilds, which opens up to us the functions and details of modern municipal officers. A meeting of the guild was originally known in the rules by the name of "Morwenspeche." As among the Germans, all consultations were connected with some convivial feast; a common building was constructed, in which the rude banquets and deliberations of the less wealthy freemen were held; and thus the Saxons brought the guild hall with their other customs into England. At their head stood the eldermen or alderman; at the head of the aldermen stood the mayor or oldest alderman. The form of the oath is preserved by Mr. Thompson, which is interesting as illustrating the fact that the guild is the primitive city government. It runs as follows: "This hear ye, Mayor and Brothers of the Guild: That I lawfully the laws of the guild will keep, and my guild in all respects will follow, whether among my brethren of the guild or whether I scot in the bishop's fee; and that I will warn my mayor and the good people of the commune if I know of any man who merchandises in the franchise who may be able to enter into the guild; and that I shall be obedient and observe all the commands of the mayor and his sons; and the franchises and the good customs of the town according to my power I will maintain. So God and his saints help me! Amen."—The charters of the English cities were as various as their sites, but they all involved local self-government and wide suffrage in the selection of the government. At the time of queen Elizabeth, however, the courts held that, although the right of election was, by the original constitution or charter, in the whole assembly, still from usage, even within the time of memory, the by-laws may be presumed giving the right of election to a select class, instead of the whole body. This decision was extorted from the judges by the crown with a view of establishing its own select classes in the various municipalities, the more readily to control the municipalities, which had by that time become formidable and had answered their purposes of checks against the nobles, but were intended to be shorn of their power to be checks against the prerogatives of the throne. As a result of this, the right of election being conferred upon a select few instead of the whole body, and the numerous changes which were brought about by the revocation of city charters in the reign of Charles II., the English municipal corporations, down to the great reform act of 1835, were close corporations, in which nepotism, wastefulness, ignorance and a considerable degree of venality governed the community; in which there was complete severance between the interests of the governors and the governed. There was no uniformity in their constitution or powers, the corporation was not the town or place, but a corporate body situated within it: and Glover says, in his historical summary of the corporate system of Great Britain and Ireland, as to the condition of the municipal corporations prior to 5 and 6 William IV., chap. 76, that the number of corporators in some of these municipalities

varied from 12 to 5,000, but usually averaged from 50 to 200. The titles to freedom or citizenship generally comprehended those arising from birth, servitude, imperial purchase, gift or election.—The governing bodies were formed by the close and corrupt system of self-election. In a great majority of municipalities the corporate officers, such as the mayor, or the other head of the corporation, the recorder, were frequently unprofessional, and the town clerks were appointed by the self-elected governing body from its own conclave. The most common and most striking defect in the constitution of the municipal corporations was, that the corporate bodies existed independently of the communities among which they were found. The most flagrant abuses arose from the perversion of municipal privileges to political objects. Thus the inhabitants had to complain, not only that the election of their magistrates and their municipal functionaries was made by a special class of citizens whose state in the community was no larger than their own, or by persons unconnected with the town, but also of the disgraceful practices by which the magisterial office was frequently obtained, and wherein those who, by character, residence and property, were best qualified to control its municipal affairs, were excluded from any share in the election or management. The councilors were self-elected and held their office for life. When a death occurred, the remaining councilors supplied the place of the deceased. The commissioners, therefore, who were appointed by parliament to investigate the subject, reported that the municipal corporations of England and of Wales neither possessed nor deserved the confidence or respect of his majesty's subjects, and that a thorough reform must be effected before they could become what they ought to be — useful and efficient instruments of local government. During the same year of the report, lord Brougham succeeded in causing the passage of the municipal corporation act, already referred to. (Dillon on Municipal Corporations, 3rd ed., p. 49.)—This act of 5 and 6 William IV. inaugurated a general scheme of municipal government for all the cities therein named, exempting therefrom London city alone; which by reason of its immense size, multifarious interests and vast government machinery, to deal with that corporation—or rather, conglomerate of corporations—made a special act necessary for its government; which was passed in 1849.—The administration of the cities of continental Europe bears no analogy whatever to either English or American conditions. The city is part of the imperial system, or it may be a free city, independent of the imperial system; in any event, it is not what the supreme court of the United States has declared American municipal government to be, a subordinate branch of the state government, exercising, at a locality, in conformity with the American theory of the decentralization of power, the functions of the state government. While we still speak of city charters, it is clear that the weight of judicial authority in this country has crushed out all charter rights or special privileges on the part of the city; that the laws organizing a city government are precisely like other legislative enactments, subject to modification, change or repeal, as the will of legislatures may direct; and that cities may be created or extinguished, as the legislative body of the several states may determine. This absolute right of the legislature is limited, of course, in many states, by the constitution of the several states imposing restrictions upon the legislature as to interference with local self-government. The constitution of the state of New York and the constitutions of various other states, recognize the county, town and city of the state as regular subdivisions of the state for purposes of government, and thus prevent their extinction. Certain officers are recognized and their election or appointment provided for within the different localities, and thus the legislature can not appoint officers for the localities or authorize their appointment or selection by any but the local authority, nor take away the election of the officers who are to hold sway in the locality from the voters thereof. These are important constitutional limitations upon legislative authority, which, however, as we shall presently see, can be largely evaded and made nugatory for good, by devices but too well known to the members of our legislative bodies. —There is, therefore, no longer any close corporate right on the part of the city, as the middle ages presented to us, nor independent, sovereign existences, such as the cities of antiquity were. We have lost in fact, though not in name, our chartered privileges as binding contracts with the state; and the acts which, from time to time, are intended to secure our municipal self-government, although called charters, are constantly subject to sinister and ill-advised legislative interference. On the other hand, however, we have gained a constitutional polity of state which, to some extent, secures decentralization of political forms of power, and immunity from having a foreign element imposed upon the city government.—We shall briefly examine the New England town system, the forms of administration of American cities, the advantages of these forms of administration, the defects which flow therefrom, and the possible remedies for these defects.—The most succinct account of the New England town system is to be found in the last edition of Dillon's Municipal Corporations. He says: "In the New England town proper the citizens administer the general affairs in person at the state or corporate or town meetings, through officers elected by themselves. The towns are charged with the support of schools, for the relief of the poor, the laying out and repairing of highways; and are given power to preserve peace and good order, maintain internal police, and direct and manage generally, in a manner not repugnant to the laws of the state, their prudential affairs. And for defraying these and all necessary and lawful charges,

they may levy and collect taxes. The New England town affords, perhaps, an example of as pure democracy as anywhere exists; all of the qualified inhabitants meet and directly act upon and manage and direct the management of their own local concerns. These meetings are held annually in February, or March, or April, and other meetings at such times as the selectmen of the town may order.—As the town, however, grew populous and large, the system of meetings of the electors in their original capacity became inconvenient and impracticable; and hence, in New England, towns gradually merged into cities, and that which was done by the direct meeting of citizens is subsequently attempted to be accomplished by representatives.—In the case of People *vs.* Detroit, 28 Michigan, 228, we have presented to us a case showing the necessity for a representative system in a populous place. The legislature had provided that an important question should be decided by a vote of the citizens' meeting. Two meetings were held, but the noise, confusion and violence prevented discussion and determination; and this provision had to be repealed.—In the case of Eastman *vs.* Meredith, 36 New Hampshire, 284, the distinctive differences between the New England town—indeed, it may be said the American city—and the English municipal corporations, was clearly and well stated by chief justice Perley, who says: "It is to be observed that municipal corporations in England are broadly distinguished, in many marked respects, from towns in this and the other New England states. There is no uniformity in the powers and duties of the English municipal corporations; they were not created and established under any general public law, but the powers and duties of each municipality depended upon its own individual grant or prescription. Their corporate franchises were held of the crown by the tenure of performing the conditions upon which they had been granted, and were liable to forfeiture for breach of the conditions. They, indeed, answered certain public purposes, as private corporations do who have public duties to perform, and some of them exercised political rights; but they are not like towns (or cities) with us—general, political and territorial divisions of the country, with uniform powers and duties defined and varied from time to time by general legislation. Towns in New England do not hold their powers ordinarily under any grant from the government to the individual corporation, or by virtue of any contract with the government, or upon any condition, expressed or implied. They give no standing, in their corporeal capacity, to the laws which impose their public duties or fix their territorial limits." And referring to the case then before the court, he added: "In all that is material to the present inquiry, municipal corporations in England bear much less resemblance to our own in this country than to private corporations which are charged with the performance of public duties; and for these reasons the English authorities are but remotely applicable to the present case."—The charters of cities—charters so called, but really mere acts of the legislature of the various states of the Union—are frameworks of government made by the legislature for the city, as a necessity either of the city's growth, or as political party necessity may dictate. The general form is, investing the inhabitants of a particular territorial limit with corporate functions; defining the territory, dividing up the city into wards or districts; fixing the time for holding elections of city officers, setting forth who they shall be and what their functions respectively shall be; enumerating the powers of the city councils, and, with more or less precision, the powers of the respective heads of departments; clothing the mayor, or the mayor and the common council, with power of appointment and removal of heads of departments, sometimes with and sometimes without the consent of the governor, and sometimes with and sometimes without the forms of a trial; clothing the common council with power to punish infringements of its ordinances, and laying down regulations for the grading and opening of streets, and providing a method and machinery of taxation. In many of the states of the Union there are general acts for the incorporation of villages, towns and cities, and in some of the states there are constitutional requirements imposing upon the legislature of the state the passage of such general acts, instead of special incorporations. Ohio, Illinois, Tennessee, Missouri, Indiana, Pennsylvania and Michigan have such general acts for the incorporation of towns, cities and villages. The constitutions of several states make provisions against too arbitrary interference with the rights of these localities, so as to secure decentralization of power. (New York and Illinois.) These provisions have, however, failed to accomplish their end.—Two mistaken roads seem to have been followed in all legislation in this country as to cities, and which have resulted in disaster. Insufficient analysis has prevented our people from seeing that a city is at one and the same time a decentralized portion of the general government of the state and a co-operative organization of property owners for the administration of private property. The mayor, when he enforces an ordinance for the preservation of the public health, or when he sits, as he does in some of the cities, as a civil committing magistrate, punishing those who have committed a crime against the laws of the state and the rights of its citizens, performs a state function at a locality, and is a public state officer deriving his authority from the suffrages of the citizens in whose midst he holds sway. The mayor, when he signs an ordinance for the grading and regulating of a street between certain avenues, involving the payment by the owners of property on such street of an assessment covering the expense thereof, is a mere instrument to make and enforce a contract between property owners for mutual convenience as to such regulation of a street, which by reason of the diversity of interests

and the perversity of some exceptionally ill-conditioned human beings, it is inexpedient to leave entirely in the hands of individual property owners; and therefore the law makes contracts through the instrumentality of the mayor for them. The police department of a city is part of the general governmental function of the state. The department of public works, except so much of the activity of that department as may be connected with the care of docks, water-fronts and the removal of encroachments from public highways, is mainly occupied with this general co-operative work for real estate owners in the city. Almost all the larger expenditures of a city government, the consequences of which are imposed as a burden upon property by way of assessment, were, in times not very remote, borne by property owners without calling upon the government to perform that function for them. Not a century ago most of the cities of Europe were not lighted, and persons who desired to enjoy the luxury of a light at night in the streets, either employed servants to walk before them with torches; or, if they wished to afford easy access to their houses at night, they employed servants to stand with torches or hung up lamps before their houses after sundown. When the desire for lighting became general, the character of this service or function was not changed, only instead of each particular property owner bearing his own expense, the city was uniformly lighted, and the expense borne evenly between the owners of property. At first it was only a few streets that were thus lighted, and the expense borne by the inhabitants of those streets. And thus with paving, sewering and other matters strictly appertaining to the management of real estate, as contradistinguished from governmental functions. —In applying the doctrine of universal suffrage indiscriminately to the management of mere property interests as well as to governmental functions, a state of affairs has been created in American cities by which the great mass of non-taxpayers and unthrifty inhabitants obtain the control of all these expenditures relating to property, in which they have, it is true, a remote interest, but no direct pecuniary interest, and which puts the tax payers at the mercy of the tax eaters. It gives the handlings of vast sums of money (in the city of New York upward of $30,000,000 a year) to the political organizations of the cities and state; makes the city offices the largest source of revenue to the various political parties; and makes the possession of the more important municipal offices largely the turning point of success or non-success of one or the other political party in the state. Hence, however carefully may have been framed the constitutional provisions intended to prevent the interference by the legislature or of the state officers with the city government, the American politician has found means to make such constitutional provisions almost wholly nugatory and waste paper. For instance, the citizens of a city elect a democratic mayor and a republican at the head of its public works, and a republican common council. By the organic law of the city government the mayor is clothed with power to remove the chief of public works, and has a large amount of discretionary power in relation to the other departments of the city government, and he is the dispenser of patronage within the city. The republican legislature, determined to have in the hands of its own party the expenditure of the $30,000,000 raised and expended in a city like New York, thereupon passes a law amending the charter of the city of New York, by which, without changing in the least the names of the officers or depriving the citizens of New York of the right to elect their officers, they completely redistribute their functions, strip the mayor of all substantial power, place thenceforth the power of appointment and removal of officers in their republican common council, give to the head of the department of public works all the executive power which had theretofore been possessed by the mayor; and while the people still have their mayor whom they have elected, he is a mere shadow, a political form wholly disemboweled, so far as the legislature could effect that result, and his whole vital force transferred to other departments.—A notable instance of these devices was performed by the charter of 1870. A contest was then waged to dethrone the infamous ring which held sway in the city of New York. The ring became apprehensive that the people might, under the leadership of what was called "the young democracy" oust them from power, toward which the first step had been taken by the removal of Mr. Tweed, who was then deputy street commissioner, by the then street commissioner, Mr. George W. McLane. The loss of his office threatened, of course, his political influence. The Tweed charter was immediately thereupon passed by a legislature subservient to the ring, vacating the office of street commissioner, annihilating the Croton department, vesting all the powers in the commissioner of public works within five days after the passage of the act, and requiring Mr. A. Oakey Hall, the then mayor and one of the ring, to appoint that commissioner. The term of the new commissioner was to be for four years, two years, therefore, beyond the time of the mayor's own election. The common council was stripped of all legislative function, the power of the governor to remove city officers on charges was repealed, and all powers of removal were taken away from the city government. Impeachment was restricted by the condition that the mayor alone could prefer charges; a trial could only be had if every one of the six judges of the common pleas were present; the offices of three of the five heads of departments were granted for five years under the form of appointment by the mayor, and of course it was prearranged who the appointees were to be, to Peter B. Sweeney, Thomas C. Field and Henry Hilton, thus superseding Mr. Green and removing Messrs.

Stebbins, Russel and Blatchford. The department of police was remodeled and the terms extended to from five to eight years, with the power of the mayor to appoint; and he accordingly appointed Messrs. Henry Smith, B. F. Manierre, Bosworth and Brennan. The departments of health, fire, excise, charity, taxes and building, by an amendment passed a few days later, were also remodeled. Mr. Connolly and Mr. O'Gorman, who had already been respectively the comptroller and corporation counsel, were reappointed for terms extending long beyond the period of the mayor's term for which he was elected. Of the men who were thus appointed many of them proved public thieves. The Mayor, Tweed and Connolly were a board of special audit for the purpose of determining the validity of outstanding bills against the city; and the first result of the amendment to the charter was a meeting on the fifth day of May, 1870, at which an order was made for the payment of six million three hundred and twelve thousand five hundred dollars ($6,312,500) of which only about 10 per cent., as was subsequently shown in evidence in the trials against the ring, had any valid basis whatever. Of these six millions of dollars, Tweed got about 31 per cent., a brother of Sweeney, 10; Watson, 7; 20 went to other parties in the interest of the ring; 33 nominally went to mechanics, but two-thirds of the nominal amount of their bills was inflation and was again subdivided with other knaves. During the year 1870 these public officers of the city of New York stole not less than $15,000,000 outright, and the amount could not have aggregated less than $25,000,000 or $30,000 000. If to the amount stolen outright is added the amount extravagantly and wastefully expended in sinecure offices, the performance of unnecessary work, fraudulent contracts, and what not, it is safe and within the mark to say that one-half of the city debt of $130,000,000 represents absolute plunder. This would have been largely impossible if the line of demarcation had ever been strictly adhered to, of intrusting to the property owners who were immediately to be affected thereby, the expenditure of public moneys relating to property only. Many of the more mischievous legislative interferences with municipal government would have been impossible had the powers to be wielded by public officials, as well as their mere official names and a description of the locality of the voters who are to elect them, been intrenched and imbedded in the constitutions of the states.—The ills from which New York suffered were borne by other cities of the Union to a lesser extent, but still to some considerable degree. The United States census of 1880 exhibits the startling fact that the total bonded indebtedness of the cities of the United States is $682,096,460, of which the amount created before 1860 is $51,222,598; adding to that sum the whole total of $71,071,140, represented by the refunding of accruing indebtedness during the 20 years, and we have a total of $122,293,738 of indebtedness in 1860, as against $682,096,460 in 1880, "a trembling contribution" not appreciably counterbalanced by either increase of population or increase of wealth during the past 20 years.—The commission appointed in 1877 by the governor of Pennsylvania say, in their report, "that a carefully prepared table, showing the increase of population, valuation, taxation and indebtedness of 15 of the principal cities of the United States, from 1860 to 1875, exhibits the following result: increase in population, 70.5; increase in taxable valuation, 156.9; increase in debt, 270.9; increase in taxation, 363.2." Every increase in population of a city and enlarged area of assessment should normally result in a decrease of debt per capita, and a decrease in taxation; because both the natural increase of the population and the increase in taxable valuation of properties would naturally create economies in all the services rendered to a great city which the municipal administration undertakes to supply.—To cite a few examples of the growth of debt from 1867 to 1875, we shall take such cities only the public works of which were, in the main, already constructed before 1867. The debt of New York in 1867 was about $33,000,000; in 1875, about $123,000,000. The public debt of Philadelphia in 1867 was $35,000,000; in 1877, $64,000,000. St. Louis, in 1867, about $5,500,000; in 1877, $16,500,000. Pittsburg, in 1867, $3,000,000; in 1877, $13,000,000. Chicago, in 1867, $4,750,000; in 1877, $13,456,000.—In 1876 a commission was appointed in the state of New York to consider the evils incident to city administrations, and to devise a plan for the government of the cities of the state of New York. The commission were unanimously of opinion that some radical change in the method of selecting officers and giving fixity of power in the hands wherein it was lodged for city government, must be made, and that nothing short of constitutional amendments would reach the evil so as to prevent this mischievous legislative interference from year to year. The commission drew attention to the fact that the debt of the city had grown from 1850, when its population was 515,000 and its indebtedness $12,000,000, to $18,000,000 in 1860, and to upward of $100,000,000 in 1871. The expenditures of the city were, in 1853, $3,230,000; in 1870, about $30,000,000. Of this debt, the commission says, "the larger part of it represents a vast aggregate of moneys wasted, embezzled or misapplied." The cost of opening and improving highways or for putting sewers in streets is, of course, not included in this vast aggregate of moneys annually levied and debt rolled up, because the cost of those improvements are by way of assessments levied directly again upon the land, and they never figure as part of the ordinary expenditures of the city. The main causes of the existing evils, the commission found to be, first, incompetent and unfaithfully governed boards and officers; secondly, in the introduction of state and national

politics into municipal affairs; thirdly, in the assumption by the legislature of the direct control of local affairs. To prove to what proportions the evil of the multiplicity of laws relating to the city of New York had grown, the commission quoted a remark made by chief justice Church in a judicial opinion: "It is clearly unsafe for any one to speak confidently of the exact condition of the law in respect to public improvements in the cities of New York and Brooklyn; the enactments with reference thereto have been modified, superseded and repealed so often and to such an extent that it is difficult to ascertain just what statutes are in force at any particular time." (62 N. Y. R., 459.)—The remedies suggested by the commission were contained in a series of sections of a proposed article of the state constitution, by which the legislature was prohibited from passing any law for the opening, making, paving, lighting or otherwise improving or maintaining streets, etc., and all such authority was conferred absolutely upon the city government; and except by vote of two-thirds of all the members elected to each legislative chamber it could not impose any charge of any kind on any city or civil division of the state. The proposed amendments required that all local work or improvement in and for a city, before it becomes a charge upon the city, shall be passed by the board of aldermen of the city. The legislature was intended to be made powerless to make any change in the organization or in the distribution of powers in the city government or in the terms of tenure of office, unless by an act passed upon the application of both the board of aldermen and of the board of finance, respectively, to be first approved by the mayor; or, in lieu of such application by the city authorities, the act making such a change was to receive the sanction of two successive legislatures. The commission, recognizing the fact that a city administration was in part the administration of private property and in part a government, sought to organize a board of finance, to be elected by payers of upward of $250 rent a year, or owners of $500 worth of property on which taxes are paid. This board of finance, however, was to have no initiative as to expenditure, but simply to exercise a veto power on proposed expenditures by other departments of the city government and a confirming power as to the appointment of the two officers only, the comptroller and the corporation counsel, who, by their combined acts of mal- or non-feasance, might heavily charge the city with debt. The commission, recognizing the fact that the passions engendered by the annually recurring party strife for the election of state officers prevented its citizens from calmly considering the merits of city officers who may at the same time be voted for, recommended and framed a section of the proposed article to secure spring elections, so as to separate city politics from state and national politics. Restrictions were imposed on the creation of debt, and an amendment to the state constitution was suggested, by which minority representation could be fairly tested in city government. This effort at reform failed, because the legislature for 1878 neglected to submit the constitutional amendment to the people. In the interim between the submission of the report, which had been received at the time of its issue with considerable favor, and its proposed submission by the legislature, a demagogic cry of "disfranchisement" had been raised against the scheme, because of the creation of a board of finance; and politicians of both parties were apprehensive that any step taken by them to forward the commission's plan by voting for it in the legislature or aiding in having it submitted to the people might result in harm to them; they therefore united in ignoring the work of the commission in the legislature next succeeding the submission of the report; and it thus failed of adoption.—Other states, notably Pennsylvania and New Jersey, moved by the same pressure, (Elizabeth, N.J., having actually become insolvent in consequence of the load of its public debt), appointed commissions to devise a plan for the general government of their cities. Both these commissions, warned by the cry which had been raised against the plan of the New York commission by politicians and demagogues, refrained from making any recommendation involving a discrimination, if not a limitation, of the suffrage, as to the financial offices of the city, but in other respects dealt with the subject very much in the same spirit as the New York commission, and the labors of which unfortunately met with the same disastrous result.—The other mistaken step which has been taken is, that in changing from the pure democracy of the New England town to the representative system, we have not in the representative system preserved the pure democracy by the representation of the whole community, instead of a mere majority.—The mistaken course here referred to is one from which our representative system suffers as a whole, the most injurious consequences of which are, however, felt where population is most dense Modern democracies must use the representative system for the taking of the sense of the community, for reasons already referred to. While in the representative body so selected, the majority, of course, should govern, it by no means follows that the majority only should be represented; but, on the contrary, no true majority government can be had by means of the representative system unless all are represented. All the varieties of minority representation which, since the labors of Mr. Fisher in this country, and Mr. Hare in England, have been suggested, the cumulative plan, the list system, the single vote, the preferential plan, etc., with which students of political economy and government are more or less familiar, have in view the representation of the whole of the community instead of a part; so that taking the sense in the representative body is virtually taking the sense of the whole instead of a mere majority. Had, by any accident, such a system prevailed in our cities, so that common

councilmen and boards of aldermen had been elected upon a general ticket, and each voter had been permitted to vote for but one, or each voter to have as many votes as there were persons to be elected which he could cumulate and distribute as he saw fit, the tax payers could at all times, even without exclusive representation, have secured from among their number a proportion of representatives to sit in the board of councilmen or aldermen. This would have injected into the boards of aldermen or councilmen of cities a conservative element sufficiently powerful to have checked the reckless extravagance and peculations which have marked the administration of American cities within the past generation. Such a reform would not create the prejudice and opposition that is awakened by the suggestion of a limitation of the suffrage; indeed, it is more thoroughly democratic than is the prevailing system, and in all probability American cities will have to look to this method of representation as the only practicable way of securing a reasonably adequate representation in the municipal representative bodies of tax payers or men who have a stake in the community. The tentative efforts that have hitherto been made in the way of minority representation, by giving to the majority party two out of three aldermen to be run in a district and the minority the remaining one, is, on the whole, worse than the prevailing majority system; because it makes a nomination equivalent to an election, and makes the party caucus supreme, as they have nothing to fear from the adverse votes of the people. This system has been tried both in Illinois and in New York, without real success, to reach the deeper seated evils of our municipalities. Every sincere advocate of the reform known under the general term of "minority representation," should repudiate such party representation schemes, as in fact minority representation, and refuse to have the failure consequent upon such efforts laid to the door of totality or minority representation.—In the New York charter proposed by the committee of seventy for the government of the city of New York, and which failed of adoption by the interposition of governor Hoffman's veto, the plan of minority representation proposed was to create a board of 40 aldermen, electing eight in each of the five senatorial districts in the city of New York by the cumulative plan, giving to each voter in the district eight votes and allowing him to cumulate them upon one or to distribute them among the eight, as he saw fit. This plan was intended to give freedom of election within party lines and would have enabled, had it been adopted, the tax paying voters in the district, independent of party lines, to get together and secure the nomination of at least two or three aldermen in each district: this result would have so disintegrated the political machines that, in all probability, within a short time after its adoption municipal politics would have been independent of federal and state organizations, by the introduction of a set of independent officers in the administration of the city, whose positions were acquired and held independent of the political machinery of both parties.—The defects of administrative machinery of American cities lies generally, 1. In the appointment of departments not responsible to a central authority. The mayor, though made nominally responsible for the good conduct of the city government, is generally so hampered as to appointments and as to removals from office, that no true responsibility for malfeasance and malversations can be said to attach to him, if the nominally subordinate but really independent officers fail to perform their duty. The objection that is ordinarily raised against clothing the mayor with sufficient power to hold the subordinate officers responsible, is that by means of such power he can secure his own re-election. This evil, formidable as it is, is less mischievous, however, than the one which has been created in its place, the existence of a set of officers elected or appointed without direct responsibility to anybody. 2. The failure to intrust to the legislative body of the city sufficient legislative power. The city of New York is an illustration of this, where the chiefs of any one of the seven principal executive departments have larger discretionary power, greater patronage, and are more important officials than the whole board of aldermen. 3. The arbitrary interference of the legislature with city affairs and city officials, actuated in the main by purely party considerations, or personal interests. This creates such a multiplicity of laws in relation to the city administration that the legal condition of all the departments is one of hopeless confusion, and imposes debt charges one after another upon the inhabitants of a city, upon the assumption or necessity of which they have never had an opportunity to express an opinion.—The course to be taken to reform these evils is: 1, Constitutional limitation upon the power to create indebtedness; 2, Constitutional inhibition on the legislature to interfere with the cities' administration, unless such legislation is demanded by the inhabitants of a city in some formal manner; 3, Remodeling of city charters so as to centre responsibility in the mayor and the board of aldermen, and to subordinate the executive heads of departments to the central executive and to the legislative department of the city; 4, The introduction of minority representation, by which all the citizens may be fully represented in council or aldermanic chambers, or the creation of a board of tax and rent payers in lieu of minority representation, to act as a check upon extravagant expenditure.—In the cities of Australia, where the democratic spirit has had almost as free scope as in the cities of the Union, a plan has been recently introduced by which, although all citizens are permitted to vote, additional votes are given to the larger tax payers in proportion to the amount of their ratable property. In an elaborate report on this plan made by Sir Charles Dilke and Mr. Ware to the Cobden club in 1875,

it is claimed that this system works admirably. It is proper to add, however, that the additional votes arising from increased wealth have been limited to four at most in any one individual, so that the community has no reason to complain of any very serious discrimination in favor of the richer as against the less fortunate citizen.

SIMON STERNE.

CITIES AND TOWNS. I. *How towns originate—Circumstances which determine choice of location or lead to its abandonment.* Towns are aggregations of people and of industries, and they are formed under the natural impulsion of certain wants. Their development is in no way arbitrary. Sometimes rulers have entertained the illusion that they had only to pronounce a magniloquent fiat, to make a new city rise and flourish; but experience has rarely failed to convince them that they had presumed too much on their power. Without doubt, a monarch may, by changing the seat of his empire, as did Peter the Great, for example, create a centre of population and wealth. The public functionaries of all grades and those who aspire to these positions, being obliged to live in the capital and to expend there their salaries or incomes, necessarily attract around them a population of tradesmen, mechanics and menials; but, unless the new city presents a location favorable for certain branches of production (and in this case the intervention of the government is not necessary in order to found it) there will be no considerable development. Here, however, one exception should be made. If the government continually enlarges its functions, if it centralizes power at the expense of the liberties of the country, and, in consequence, increases the number of persons in its employ, the town where it has established the seat of its power will not fail to grow and to acquire wealth: but it is questionable whether the country will have reason for self-gratulation, in this case, at the prosperity of its capital. If, on the contrary, the government has only limited powers, if it has but few persons in its employ, its capital, in case no other industry can be advantageously established there, will be forced to occupy a very modest position in comparison with the centres of manufacturing or commercial production. Such is the case with Washington, the capital of the American Union. J. B. Say has clearly shown in his *Traité* this powerlessness of governments to establish cities and towns and make them prosperous. "It is not sufficient," he says, "to lay out a town and to give it a name. for it to exist in fact, it must be furnished by degrees with industrial talents, with implements, raw materials, and everything necessary to maintain the workmen until their products may be completed and sold; otherwise, instead of founding a town, one has only put up theatrical scenery, which will soon fall, because nothing sustains it. This was the case with Yekaterinoslav, in Taurida, as the emperor Joseph II. foreshadowed, when, after having been invited to lay in due form the second stone of that town, he said to those around: 'I have finished a vast enterprise in one day, with the empress of Russia; she has laid the first stone of a town, and I the last.'—Nor does moneyed capital suffice to establish a large manufacturing business and the active production necessary to form a town and make it grow: a locality and national institutions which favor that growth are also necessary. There are perhaps some deficiencies connected with the location of the city of Washington, which prevent its becoming a great capital; for its progress has been very slow in comparison with what is common in the United States. while the situation of Palmyra, in former times, rendered it populous and rich, notwithstanding the sandy desert by which it was surrounded, simply because it had become the entrepôt of the commerce of the Orient with Europe. The prosperity of Alexandria and Thebes in Egypt was due to the same cause. The decree of its rulers would not alone have sufficed to make of it a city with a hundred gates and as populous as Herodotus represents it. The key to its importance must be sought in its position between the Red sea and the Nile, between India and Europe. (Treatise on Polit. Econ., by J. B. Say, book ii., chap. 11.)—Let us now attempt to give a brief outline of the necessities which have determined the establishment of towns and the choice of their location. The necessity of providing a place of security must, more than any other cause, have originally prompted men to create towns. They comprehended that by combining together in fortified places, they would be more secure than while scattered over a vast extent of territory. To this necessity, which was felt by mankind in the earlier ages, were joined the special advantages of manufactures and commerce. While agricultural production extends, from its nature, over a considerable surface, most of the branches of industrial and commercial production require, on the contrary, a certain concentration. Let any one examine them in the various civilized countries, and he will find they have collected about a few centres. Thus, in France, the silk industry has its principal seats at Lyons and Saint Etienne; the cotton industry at Lille, Rouen and Mulhouse; the wool industry at Rheims, Elbeuf, Sedan, etc.; and the fashions are at Paris. What particular causes have determined the establishment of any industry in any particular locality rather than another, is of itself an interesting subject of investigation. Sometimes it has been the vicinity of the raw material, or of a market, sometimes the special aptitudes of the people, and again a combination of these various circumstances.—The localization of the industries does not stop here: in the towns where they become established, we see them select certain quarters and certain streets as their centres. This sub-localization by quarters and streets is notably observable in Paris; and one may find some interesting remarks on the subject in the "Investigations (*Enquête*) in regard to Pa-

risian Industries," undertaken under the auspices of the chamber of commerce.—"When the industries are destined to provide for daily consumption," we read in the *Enquête*, "they are located within reach of the consumers; when they contribute their products to commerce, they are situated with especial consideration of the means of production. The industries which supply food are almost all of the former class; those which are devoted to the manufacture of articles known in trade as *Parisian articles—articles de Paris*—are in the second. Among the furniture industries there are also certain ones whose work is offered directly to the consumers, and others which are more particularly devoted to manufacture. Consequently we find upholsterers in all parts of the city, while the manufacture of furniture is situated, on the contrary, almost exclusively in the eighth *arrondissement*, as the making of bronzes is located in the sixth and seventh. Of 1,915 cabinet makers, doing a business of 27,982,950 francs, 1,093, with 19,679,835 francs, are in the eighth *arrondissement*. And of 257 makers of chairs, doing a business of 5,061,540 francs, 197, with 3,373,950 francs, are also in the eighth *arrondissement*. To the same *arrondissement* belongs also the preparation of pelts and leather. The tanneries and the places for dressing leather are nearly all situated in the quarter of the Gobelins, on the banks of the little river which takes this name, on entering Paris. Chemical products are not manufactured much in the heart of Paris, but those which are made there and which require space, water and air, come from the eighth and twelfth *arrondissements*. Of this number are starch and fecula, and candles of wax, spermaceti and tallow. The manufacture of pottery is also found there. Work in the metals and in the construction of machinery is found especially in the eighth, sixth and fifth *arrondissements*. As to the manufacture of what are generally known as *articles de Paris*, it extends through the whole of an important part of the city, on the right bank of the Seine, to the north of the streets of Francs-Bourgeois and Saint Merry, and in the belt comprised between the streets Montorgueil and Poissonnière on the west, and the Place des Voges and Roquette street on the east. It is there that are made articles of gold and silver, fine jewelry as well as imitation; there are manufactured the work boxes, reticules, brushes, toys, artificial flowers, umbrellas and parasols, fans, fancy stationery, combs, portfolios, pocket books and all the multitude of various small articles." (*Statisque de l'Industrie à Paris.* Introduction, pp. 43, 44.)—The same fact is observable in civilizations which have little analogy with ours. To cite only one example: a Spanish traveler, Don Rodrigo de Vivéro, who gave, in 1608, an interesting description of Yeddo, the capital of Japan, mentions this distribution of the industries through certain quarters and streets as the most salient feature which had attracted his attention. "All the streets," he says, "have covered galleries, and each one is occupied by persons of the same business. Thus the carpenters have one street, the tailors another, the jewelers another, etc. The tradesmen are distributed in the same manner. Provisions are also sold in places appropriated to each kind. Lastly, the nobles and important personages have a quarter by themselves. This quarter is distinguished[1] by the armorial bearings, sculptured or painted over the doors of the houses." (Memorials of the Empire of Japan in the Sixteenth and Seventeenth Centuries, edited by Thomas Randall.) With the exception of a few slight differences, is not this description applicable to most of the capitals of Europe? Thus the same economic necessities are felt in the most varied civilizations, and give them a common impress.—Numerous causes, however, are constantly at work, to change the location of industries, and in consequence, of the centres of population supported by these industries. The ordinary result of every industrial or commercial improvement is to change the place of production. When the route around the cape of Good Hope was discovered, Venice lost much of her importance. Later, the invention of machines for spinning and weaving cotton built up the prosperity of Manchester at the expense of that of Benares and other cities of India, which had previously been the centres of cotton manufactures. In like manner we to-day see steam locomotion give rise to new cities or communicate an impulse to old ones which were remaining stationary. The city of Southampton, for example, acquired in a few years considerable importance, because its port was thought well adapted to be a centre to some lines of ocean steamers. Let a new system of navigation appear, and perhaps Southampton will be abandoned for another port whose situation is more in harmony with the particular requirements of the new system. Thus cities and towns experience, to their advantage or detriment, the influence of causes which modify from day to day the conditions of existence and production.—We said above that governments have only in a feeble measure the power to create new towns, and, above all, to render them prosperous. We might add that neither do they possess to any higher degree the power of destroying existing towns or changing their location. In vain did the victorious barbarians employ fire and sword in the cities they had conquered; in vain did they plow up the ground of these proscribed cities and sow salt thereon: as it was not in their power to destroy the natural advantages which had led the people to centre there, in a few years the mischief was repaired and life circulated more freely than ever in the very places that a foolish pride had devoted to eternal solitude. Trammels on the free circulation of men and things have unfortunately been more efficacious than projectiles or incendiary torches, in destroying the centres of population and wealth. Many a flourishing city has been transformed into a veritable necrop-

[1] All this has been rapidly changing since the abolition of the feudal system in Japan.—E. J. L.

olis by restrictions depriving it of its commerce or of a market for its products. In the seventeenth century we find a notable instance of this. The Dutch, jealous of the prosperity of Antwerp, succeeded in obtaining the closing of the Scheldt and this barbarous measure, which was continued in force for two centuries, gave a mortal blow to the commerce of Antwerp and to the industries of the Flemings, of which the Antwerp merchants had been the active intermediary agents. More recently, we have seen the port of Bordeaux, formerly one of the most frequented in France, deserted in consequence of the prohibitory system. — Population and wealth are not alone changed by transference from one town to another; they change from place to place in the same town. New quarters arise within the towns or in their suburbs, while the old are abandoned and fall to decay. These local changes are brought about by causes, manifest or latent, whose action modifies in course of time the necessities or conveniences which had determined the choice of the first location. General advance in security may be considered the most important of these causes.—Let us dwell a moment on this point.—The old towns of Europe were, for the most part, built on elevated plateaus or on hills more or less steep; so that their inhabitants had constantly to ascend and descend, which occasioned a considerable waste of force in the daily transportation. Besides, these towns were usually restricted to a narrow enclosure, the dwellings pressed upon one another like the cells in a hive. Why was it that our ancestors dwelt in a manner so devoid of economy, so uncomfortable, and sometimes so unhealthy? To explain this curious fact we must take into account the condition of Europe after the invasion of the barbarians. Insecurity was then universal. The conquerors had built retreats for themselves in the most inaccessible places, and they darted forth from these vulture nests, over the neighboring regions, to pillage or levy contributions. Too weak to resist, the former inhabitants of the country, who were the victims of their depredations, compounded with them, as one compounds with bandits in countries where the government is without power. They secured the protection of the most powerful bands by paying them a regular tribute, and they had their dwellings as near as possible to their protectors. They generally settled around strong castles, so as to be able to take refuge in them in case of danger. The first houses were situated just below the castle, and the others were disposed lower and lower in succession on the slope, like an amphitheatre. As soon as the inhabitants became sufficiently numerous, they surrounded their city with walls and towers to complete their system of defense. Thus were built most of the towns which originated in the middle ages.—When we consider the necessities of the times, the narrowness of the streets is also explicable. It was due to the fact that the fortifications had been made within as restricted a circle as possible, in order to make the defense more easy and at less cost. When the population increased, they were consequently obliged to build their houses higher and to diminish the width of the streets, in order to keep within their original limits. Sometimes, indeed, they moved the walls back; but it was only as a last resort that they submitted to a measure so costly. —But by degrees general security increased. The feudal system disappeared, and with it intestine wars ended. Then began a movement which resulted in changing the location of the city population. From the heights to which care for their safety had obliged them to confine themselves, they descended to the plains, where they could dwell more comfortably and at less expense. The *faubourgs* owe their origin to that increase of security which allowed peaceable men engaged in the industries to live henceforth outside of fortifications. This progress has not yet been realized everywhere. The Calabrian peasants,[1] for example, instead of dwelling in the open country, are obliged to remain in the towns, to be safe from the bandits who infest the country. We select the following fact from the correspondence of Paul-Louis Courier: "In Calabria at present," he says, "there are woods of orange trees, forests of olive, hedges of lemon. All these are on the coast and only near towns. Not one village, not one house in the country: it is uninhabitable, for lack of government and laws. But how do they cultivate it? you will say. The peasant lodges in the city and tills the suburbs; setting out late in the morning, and returning before evening. How could any one venture to sleep in a house in the country? He would be slain the first night." (Paul-Louis Courier, *Correspondence.* Letter to M. de Sainte-Croix, dated at Miletus, Sept. 12, 1806.)—Accelerated, moreover, by another cause, which we shall consider later, this displacement of the town population has become generally more and more general: everywhere we see the inhabitants of the old towns leave the abodes they have dwelt in for ages, to occupy new homes, less expensive, more commodious and more healthful —II. *Of the proportion between city or town and country population—Causes which determine and modify it.* The foundation and choice of location of cities and towns are determined, as we have just seen, by the state of civilization and of the arts of production. The same is true of the proportion between the population and wealth of towns and of rural districts. This proportion is essentially diverse and variable. It differs according to the countries and the time. When production has made little progress, when men are obliged, in consequence, to employ the greater part of the productive forces at their disposal in procuring for themselves the necessities of life, the industries which provide for less urgent wants can not be developed, for lack of consumers. The towns where these industries centre because of their nature and their special fitness for them,

[1] This is now changed, and Calabria is comparatively secure.—E. J. L.

progress in that case only with extreme slowness. It is then in countries and at times when production, and especially agricultural production, has realized the most progress, that the town population must be, and in fact is, the greatest.—Let us take for examples two countries whose positions in the scale of production are very unlike, viz., England and Russia. In England, where the town population exceeds by far the rural population, the number of families engaged in agriculture was estimated in 1840 at only 961,134, while that of families engaged in manufactures, commerce, etc., was 2,453,041. The 961,134 families engaged in agriculture furnished 1,055,982 effective laborers, who produced enough food to sustain the greater part of the English people. In countries where agriculture is less advanced, two or three times as many hands, relatively, are required to give an equivalent product: and the natural result is that the town population can not be so numerous. The backward state of Russian agriculture is certainly the primary cause of the small growth of urban population in Russia. The peculiar organization of the industries there has also had somewhat to do with the result.—"The manufacture of small articles," says M. Tegoborski, "such as are made in the various trades, is located, in Russia, in the rural districts rather than in the towns: it is carried on by village communities, which take the product of their labor to the fairs: this is why the fairs in Russia are of more importance than in other countries. In other countries the workmen in the towns, for the most part, supply the demands of the rural districts: with us, it is often the reverse, and the shoemakers, joiners, and locksmiths of the villages provide for the wants of the townsmen. * * * Any one may obtain convincing proof of this lack of artisans in Russia, in most of our towns, by examining the statistics of the trades of other countries and taking some of the most common as a basis of comparison. Thus, for example, in Prussia, the trades of shoemakers, glovemakers, joiners, wheelwrights, glaziers, blacksmiths, locksmiths and braziers numbered, in 1843, 322,760 masters and journeymen for a population of 15,471,765, being 21 workmen to 1,000 inhabitants: and when we take the statistics of the towns, this proportion rises in the large towns, to 40 workmen, masters and journeymen, belonging to these various trades, to 1,000 inhabitants of the total town population, which is three, four, or even more times the proportion we find in the towns of Russia." (*Etudes sur les forces productives de la Russie.*)—In our day improvements which effect an economic change in production result in a rapid increase of the town population. From what has heretofore been said we may conceive that it would be so. "In France, for example," says M. Alf. Legoyt, "the population increased, from 1836 to 1851, 6.68 per cent. for the entire period, or 0.44 per cent. per annum. In 166 towns having 10,000 souls and over, the increase in the same interval was 24.24 per cent. or 1.616 per cent. a year. In 10 years the increase of the town population was then 16 per cent., while that of the total population was only 6 per cent. (*Mouvement de la population de la France pendant l'année* 1850, par Alf. Legoyt. *Annuaire de l'Economie politique et de la statistique pour* 1852.—The case is similar in England. According to the tables of the last census, the town population of Great Britain (England and Scotland), which was in 1801 only 3,046,371, attained in 1851 the number of 8,410,021. This is an increase of 176 per cent., while the total increase of the population in the same period, was only 98 per cent. And if we observe in what towns the increase has been the most considerable, we find in the first place the great manufacturing towns and the commercial ports. While the population of the county towns increased only 122 per cent., that of the manufacturing ones increased 224 per cent., and that of the seaports, London excepted, 195 per cent. In the towns devoted especially to iron industries, the increase was 289 per cent., and in the centres of cotton manufacture, 282 per cent. Every improvement in the arts of production can only accelerate this increase of the town population. Should we lament it, or rejoice at it? This is a much contested question, but the economists agree in deciding it in favor of the cities. Adam Smith and J. B. Say, notably, prove that the multiplication and the enlargement of towns are desirable, even looking at the matter with reference to the interests of the rural districts. Adam Smith, who examined this subject with his usual penetration, concludes that the rural districts have derived three principal benefits from the development of manufacturing and commercial towns. "1. By affording a great and ready market for the rude produce of the country, they gave encouragement to its cultivation and further improvement. This benefit was not even confined to the countries in which they were situated, but extended to all those with which they had any dealings. 2. The wealth acquired by the inhabitants of cities was frequently employed in purchasing such lands as were to be sold, of which a great part would frequently be uncultivated. Merchants are commonly ambitious of becoming country gentlemen; and when they do, they are generally the best of all improvers. A merchant is accustomed to employ his money chiefly in profitable projects; whereas a mere country gentleman is accustomed to employ it chiefly in expense, etc. 3, and lastly. Commerce and manufacturers gradually introduced order and good government, and, with them, the liberty and security of individuals, among the inhabitants of the country, who had before lived almost in a continual state of war with their neighbors, and of servile dependency upon their superiors." (Wealth of Nations, by Adam Smith, book iii., chap. 4. How the commerce of the towns contributed to the improvement of the country.)—The development of the town population is not

then a fact at which we need be troubled. Doubtless temptations are greater and bad examples more numerous in towns than in the country; but how much more abundant and within the reach of all are the means of enlightenment and moral improvement! The statistics of criminal justice show, that the town population does not furnish a proportionally greater contingent of criminals than the rural population; and yet it is worthy of note that the police is much more effective in towns than it can be in the rest of the country. —The following are the statistics in regard to this matter, of the administration of justice in France, from 1826 to 1850: "More than three-fifths of those charged with offenses had a domicile; 612 in 1,000 resided in the rural communes; 388 dwelt in the town communes. In the entire population, the proportionate number of the inhabitants of towns is not perfectly ascertained; but approximate estimates put it at only one-fifth of the total population. The preceding proportions differ according to the nature of the crimes. Of 1,000 charged with offenses against individuals, only 566 were inhabitants of the rural communes; 434 dwelt in towns. If we investigate the various kinds of crimes, we find variations still greater. Among those charged with incendiarism, the highest number, relatively, is found to be from the inhabitants of the rural districts; next come those charged with poisoning, infanticide, false testimony, parricide, and obtaining titles and signatures by compulsion. These are probably the only crimes in which the country people have a larger share than they should have, considering their total number in the whole population. The proportion of country people charged with political crimes, abortion, robbery, forgery, counterfeiting money, violation of the person and criminal outrages upon children, is, on the contrary, very small. (Report of the minister of justice, *Annuaire de l'Economie politique et de la statistique pour* 1853, p. 108.)—The same improvements which increase the town population, tend also to improve their dwellings. Under the influence of improved security, we have seen towns descend from the summit of plateaus and the sides of hills, to the plains: we shall see them, according to all appearances, extend over a wider and wider surface, as means of communication become less expensive and more rapid. Great improvements have already been realized in this direction, as well as in the cleanliness and repair of streets, and the internal comfort of dwellings and economy in their management. Who can predict what the future may yet have in store for us?— III. *The administration of cities and towns— What it is, and what it ought to be* Towns have commonly an administration of their own. Sometimes each quarter even has its own. This administration emanates sometimes from a superior authority, in other cases from the inhabitants of the city. This latter mode of choice, which obliges the administrative body to answer for its acts to those under its jurisdiction, is ordinarily the better. As to the course to pursue in order to govern a city well, it does not differ from that which should be pursued in the government of a nation. A city government, like a national one, should exercise only such functions as can not be left to the competition of private citizens. Now these functions are not numerous, and they become less and less so, as progress causes the obstacles to disappear which either prevent or obstruct the action of competition. In fact, whatever the zeal or the devotion of a municipal administration, it is not in the nature of things that the services which are performed by the common organization of a city should be of as much importance as those which are left to private individuals. Doubtless the desire to merit public consideration should incite those who administer the government to do well: but does this motive ever prove as powerful as the interest which stimulates private enterprise? We may prefer the intervention of municipalities to that of the government for the organization of certain branches of service, and the establishment and maintenance of certain regulations of public utility; but it is well, as far as possible, to dispense with both. — Unfortunately, municipal administrations have the defect of all governments; they like to assume importance, and, with that view, they are constantly enlarging their powers and, in consequence, the amount of their expenses. In our times they are especially possessed with a mania for undertaking public works and buildings. They appear convinced that by demolishing old quarters at the expense of new; by raising edifices upon edifices; by giving, on the least pretext, balls, concerts, and grand displays of fire works, they contribute effectively to the prosperity and greatness of their cities. Need we say that they are going directly away from the end they wish to attain? These public works, these edifices, these sumptuous entertainments, cost dear, and recourse must always be had at last to taxes, to cover the expenses. Then they tax a multitude of things which serve to feed, clothe, shelter and warm the population, among whom exists a class, unfortunately the most numerous, who barely possess the means of providing for the absolute necessities of existence. In a word, the expense of city living is artificially increased. And with what result? Population and manufactures remove as far as possible from a locality where lavish public officers have permanently established high prices: they settle in preference outside the limits where that economic pest rages. And (and it is a point worthy of note) this change of location, so fatal to landowners in the old towns, has become more and more easy. At a time when lack of security forced people to concentrate in localities which nature had fortified and where art came to the aid of nature, when, on the other hand, the difficulty of constructing artificial ways of communication and maintaining them in good condition rendered the natural

ways, such as navigable rivers, more valuable, the number of locations suited to become centres of population, was very limited. At the same time the slowness with which private dwellings and public edifices were constructed, (years were sometimes devoted to the building of a house, and centuries to the construction of a cathedral), condemned the people who changed their location, to endless privations and discomforts. Circumstances combined to give existing towns, considered as places of residence, a veritable *natural monopoly*. But, influenced by the progress already mentioned, this monopoly is disappearing more and more, and as a result, it daily becomes more easy for the people to rid themselves of the burden which a bad administration imposes upon them. Nor do they neglect to do so; for we see them abandoning towns where the expense of living is too great, (commencing in the quarters less favorably situated), and enlarging the faubourgs or creating, farther away, new centres of activity and wealth. Thus, by drawing largely on the purses of tax payers and unscrupulously issuing any number of bills of credit on future generations, prodigal executives, far from adding to the prosperity of their cities, end by precipitating them into inevitable ruin. Economy in expense should be the supreme rule in the government of cities, as well as in the government of nations. By observing this rule, much more than by increased demolitions, constructions, and festivities, municipal administrations may acquire serious and lasting claims to public gratitude.

E. J. LEONARD, *Tr.* G. DE MOLENARI.

CIVIL ADMINISTRATION. In its broadest sense, in public affairs, administration means the carrying of the government into effect, by the practical exercise of its authority, through the several officials for which it has provided, and in conformity to the constitution and the laws. But according to a usage quite general, administration only refers to those functions of government which are exercised through the executive and judicial departments. "The administration" is a phrase used, popularly, in this country, to designate, collectively, those officials — being the president and the members of his cabinet—who advise together in the conduct of the executive department. In Great Britain the phrase is used in much the same sense, except that there—the members of the cabinet, of which the number is not fixed by custom, having seats in parliament, and the usage being in other respects somewhat different—the administration takes the lead in the most important measures of legislation as well as in executive affairs. And, generally, its members resign in case of an adverse vote of parliament upon one of those measures.—The constitution of the United States vests the executive power in the president alone, and also makes him commander-in-chief of the army and the navy, and of the militia when in actual service. Neither the constitution nor laws of the United States, or those of Great Britain, make provision for members of a cabinet, or for any meetings of officials, in the nature of the cabinet meetings which regularly take place in both countries. Yet these meetings consider the most important questions, and practically guide the executive policy, both foreign and domestic, of both nations. No official records are kept of these meetings, and they are without formal legal sanction of any kind. In legal contemplation, the paramount responsibility, in matters of administration, with us, rests upon the president alone, and in England upon the king. The constitution of the United States, however, authorizes the president to require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, which strongly tends to harmonize efficiency of administration. But, on the other hand, large and varied authority has been conferred by law upon the heads of the respective departments, which such officers exercise directly, if not quite independently of the president: a course of legislation which has tended to impair the harmony and vigor of the administration, and to augment the influence of congress at the expense of the executive.—In the civilized states of modern times public administration is carried forward under three divisions—civil, military and naval—each directly in charge of officials, in legal contemplation at least, selected in reference to their special fitness for their duties. Convenient and salutary as these divisions are proved to be, they have been fully developed only in modern times and as the ripest fruits of political civilization; Greece, Rome, and the other great nations of antiquity, having established them only in a very limited degree. In fact, these divisions are not complete nor can they be made so, in the most enlightened states; the provisions of our constitution, under which the same legislative body makes laws and the same executive gives orders for each of the three divisions, mark their essential limitations and their ultimate union in every country.—The division of civil administration into three great departments—the legislative, judicial and executive—is equally the result of a slow development, which has been made complete only in the most enlightened states of modern times. In no state of ancient times did these divisions exist, except in a very imperfect form; and everywhere at the present time the completeness of these divisions measures the degree of liberty and justice which government secures.—In Russia and Turkey, for example, the separation exists only in rudimentary form; the executive department subordinating both the others. Even in Great Britain the appellate judicial power of the house of lords and the union of judicial and executive functions in the lord chancellor are strikingly incompatible with the principle of separate departments.—Nowhere is this separation theoretically more com-

plete than under our constitutions, both state and federal. Yet we allow several striking exceptions. The consent of the executive, in analogy to that of a king, is necessary to give validity to a legislative enactment, except that the legislature may give the force of law to its acts by a two-thirds vote over an executive veto. The senate and the executive co-operate in the making of treaties and in appointments to office, (see CONFIRMATION BY THE SENATE), and the senate, with the chief justice of the supreme court acting as presiding officer, is the judicial body for the trial of impeachments; thus following the analogy of the British house of lords. The legislatures of various states in earlier years were authorized to grant divorces. In the same spirit congress is authorized by the constitution to make rules for the government and regulation of the land and naval forces—a power, perhaps, essentially executive, and easily brought in conflict with the constitutional authority of the president as commander-in-chief. The same observations might be extended to the power claimed and exercised by congress of making rules and regulations—and of authorizing heads of departments to make and enforce them—for the government of the civil service. These rules and regulations may readily be made to impair the essential functions and independence of the executive, and they have constantly tended to that result.—It hardly need be pointed out that all the reasons which, in their creation, required these three great departments in the government, also require that, in the development of the administration, their due proportion and counterpoise should be maintained. Upon the preservation of the equilibrium in which they stand in the constitution the strength and perpetuity of the government depend.—While there have been no deliberate changes under our system, which have materially affected the relative influence of the departments, the administrative methods, which have prevailed since Jackson's presidency, have steadily tended to subordinate the executive to the legislative department. More and more, members of congress have usurped the control of appointments and removals in the executive departments; and more and more the members of the senate have used their authority in the matter of confirmations, for the purpose of coercing all appointments, for service in the states they represent, in their own interests or that of their political party. (On these points see CONFIRMATION BY THE SENATE, SPOILS SYSTEM, PATRONAGE, CIVIL SERVICE REFORM.)—Under no form of government is civil administration, in its principal arrangements, so complicated as under a republic like that of the United States; though the criminal and repressive methods under despotic institutions are far more complicated than under our institutions. The greater liberty enjoyed in a republic is incompatible with those centralized, direct and coercive methods which exist under despotic systems. But beyond these facts, the existence of state governments leads to a duplication of departments and to administrative methods unknown under other forms of government. Not only is the official force thus vastly increased, and the sources of responsibility multiplied, but all questions growing out of the relations of public offices to political parties are made more complicated and embarrassing. True, party issues are national, and yet there is generally something like a state party; so that both state and national officials are subject to duplicate, if not incompatible claims of allegiance and duty. These facts have also greatly facilitated that partisan despotism and that vicious dealing with appointments and removals which have disgraced our administrative system. (See SPOILS SYSTEM, CONFIRMATION BY THE SENATE.)—Regarding civil administration in the United States, even in that limited sense which excludes the legislative department, it falls under three classes—federal, state and municipal; and, in addition, there are the systems of country and town administration.—In each of these classes, three fundamental divisions—legislative, judicial and executive—exist, though in an imperfect form in most municipalities. In each of these classes and divisions, and in dealing with the great variety and vast number of official places, all the perplexing and unsettled questions of administration arise. How far are political opinions of officeholders material? To what extent, if at all, may an officer use his official influence in aid of his party? What qualifications for office should be insisted upon? How shall fit qualifications for office be ascertained? How long should be the official term of the various offices? (See TENURE OF OFFICE.) What should be regarded as good causes of removal? (See REMOVALS.) Should officials be protected against political assessments? (See ASSESSMENTS.) What officers should give security for their good behavior? What claims has a political party, in the majority, to have its opinions represented in official places? To what extent are our administrative organizations and methods the best that are practicable under our constitutions and in the present state of political intelligence and virtue?—The last question is a great and vital issue in administrative affairs, and it raises inquiries as scientific, philosophical and important as any that can arise in politics. Yet it has not been discussed in our literature; a fact which, taken in connection with the diverse tenures of officers having the same functions, and the discordant methods of doing public work of the same kind in the different states and municipalities, furnishes the most decisive evidence of our neglect of administrative problems, and of the need of making them the subjects of our discussions and of the teaching in our institutions of learning. The judges of our state courts, for example—some of them elective and some appointive—hold under a motley variety of terms, varying from a single year in some states to good behavior in others. There is the greatest variety in the organization and methods of our city gov-

ernments, and in their official service; yet the subject has received no thorough or scientific discussion. There is probably no people, equally enlightened, who have given so little thoughtful attention to administrative questions, and no statesmen who have so much neglected them, as those of this country. And, as a natural consequence, the people of the United States, while they are better satisfied, perhaps, than any other with the principles of the government under which they live, yet complain more than any other free people of the character of the administration they tolerate. Our history suggests a belief on our part that republican institutions have saving virtues which supersede the need of the thoughtful attention of statesmen and patriots being given to administrative methods; a belief as delusive as it is foreign to the convictions of our early statesmen. Washington, expressing the views of his contemporaries, felt the need of a national university, of which he declared, in a message, "a primary object should be the education of our youth in the science of government. In a republic what species of knowledge can be so important?" he asks. And in his last will, he left a bequest in aid of such an institution, in which instruction, "in the principles of politics," were to be taught. Such convictions gave birth to the military school at West Point and to the naval school at Annapolis, which have prevented those branches of the public service from becoming the prey of partisans; but the principles of civil administration having never been the subject of instruction, the civil part of the administration has readily become the spoils of party warfare. Our youth inclined to politics have drawn their theories of public administration from the caucus, the convention, and the secret councils of spoils system politics, while our thoughtful men have neglected administrative affairs altogether, holding them to be ignoble or unimportant. In the meantime these affairs have developed a potency and a corruption, which, while almost revolutionizing the character of the government, have deprived character, attainments and true statesmanship of their just influence in political and official life.—As a people we are beginning to comprehend that the practical benefits of a government are far more dependent upon the manner in which it is administered than the last generation believed. We are taking notice, more than ever before, that some great principles underlie the sphere of administration which deserve the attention of statesmen and thinkers, because they involve the conditions of political morality and national safety. The more advanced nations of Europe have earlier apprehended these vital facts. For quite a century—from Burke to Gladstone—nearly every eminent English statesman (and much the same have been the facts in France and the other leading states of Europe,) has given careful study to administrative problems. But in this country, since the framers of the original constitutions, hardly a statesman, except Mr. Jencks of Rhode Island, has made a study of such subjects. It is therefore a hopeful sign that many thoughtful minds now (1881) turn to them as involving the prosperity if not the life of the nation. Two of the higher institutions of learning—Columbia college, New York city, and Michigan university—have, within the present year, taken measures for opening a course of instruction in political science, in which the methods of good administration are to have a leading place. And, within the last six months, associations for creating a more enlightened public opinion on this subject have been formed by patriotic citizens in as many as fifteen different places, including the larger cities, in eight different states of the Union, beginning with New York, where the greatest abuses have existed.

DORMAN B. EATON.

CIVIL LIST. This expression, by which is meant the sum allotted for the annual expenses of the crown, is of English origin, and goes back to the reign of Charles II., when parliament assigned him a revenue of £1,200,000. The civil list exists only in constitutional states, where financial measures are submitted to the vote and control of the people's representatives. An absolute sovereign has no civil list, and needs none, since he disposes of the public revenues at will. But even absolute governments, when they permit the publication of a budget, have to include a special provision for the private expenses of the prince. The civil list is usually a fixed amount for the whole duration of the reign; and if it is voted every year, this is simply a formality. The prince is not obliged to render any account of the use he makes of his civil list.—The amount of the civil list, or the allowance for the prince, is naturally in proportion to the importance of the state. The relative proportion is, however, not always the same, because, on the one hand, more or less account is taken of the revenues of the national domains or of the crown, which are at the disposal of the sovereign, and on the other, because all countries are not equally rich.—According to calculations made for 19 countries the proportion of the amount of the civil list to the net amount of the budget varies from 0.86 to 18 per cent. For great nations, such as England, Austria, France, Prussia, the Netherlands and Belgium, the proportion does not reach 3 per cent.—The first civil list in France dates from the time of Louis XVI., and was fixed, in 1790, at 25,000,000 francs, this sum being confirmed by decree of May 26, of the following year. Under Louis XIV. the expenses of the court had reached 45,000,000 francs. Nevertheless, Versailles, together with Trianon and Marly, constructed for the pleasure of the king, had cost fully 157,000,000 francs, from 1674 to 1690. Article 10, of the constitution of Sept. 3, 1791, (part III., chap. ii., sec 1) which contains the principle of a fixed civil list, is couched in the following terms: "The nation provides for the becoming maintenance of the throne by a civil list, whose dimensions shall be determined at each change of reign for the

whole duration of such reign by the legislative body." Napoleon, as life consul, had only 500,000 francs per year to defray the *cost of representation*. When emperor, he received 25,000,000 francs, the sum paid Louis XVI., plus 3,000,000 francs for the appanage of his family. These sums do not include the summer residences and other domains of the crown. To the civil list maintained at 25,000,000 francs under the restoration, there were added 8,000,000 francs for the royal family. The law of March 2, 1832, gave Louis Philippe only 12,000,000 francs. The duke of Orleans, heir apparent, obtained an annual allowance of 1,000,000 francs, which was doubled after his marriage. Besides, the law stipulated that in case the private list was insufficient, the allowances of the sons and daughters of the king should be regulated by special laws. In this manner a portion of 1,000,000 francs was given the queen of the Belgians. The civil list of Napoleon III. reached the old figure of 25,000,000 francs, in virtue of a senatus-consultum, Dec. 11, 1852. As under the first empire, certain expenses of the civil list may be met by special funds.—Upon the £1,200,000 of England's first civil list, in 1660, the sovereign was obliged to maintain the army both by land and sea, so that there remained to him but £462,115, the amount in 1676. The same system was pursued, with more or less modification, under the following reigns. Since 1831 the civil list, however, has only to provide pensions and relief outside of the regular expenses of the crown. Its receipts during 1855–6 were £396,457 plus the patrimonial revenues of Lancaster and Cornwall, estimated to be £50,000. The allowance of the late Prince Albert, husband of the queen, was £30,000. "It is established by 1–2 Vict., c. 2, that during queen Victoria's reign, all the revenues of the crown shall be a part of the consolidated fund, but that a civil list shall be assigned to the queen. In virtue of this act, which received the royal sanction Dec. 23, 1837, the queen has granted to her an annual allowance of £385,000 'for the support of her majesty's household, and of the honor and dignity of the crown of the United Kingdom of Great Britain and Ireland.' By the same statute the application of this allowance is limited in a prescribed form. The lords of the treasury are directed to pay yearly £60,000 into her majesty's privy purse; to set aside £231,206 for the salaries of the royal household; £44,240 for retiring allowances and pensions to servants, and £13,200 for royal bounty, alms and special services. This leaves an unappropriated surplus of £36,300, which may be applied in aid of the general expenditure of her majesty's court. It is provided that whenever the civil list charges in any year exceed the total sum of £400,000, an account of the expenditure, with full particulars, shall be laid before parliament within 30 days. The queen has also paid to her the revenues of the duchy of Lancaster, which in the year 1879 amounted to £76,186, being £498 less than in the preceding year. The salaries, law charges, taxes, charities and other disbursements in 1879, amounted to £30,900, and the payment made to her majesty for the year was £41,000, or £3,000 less than in the preceding year. The payment to her majesty in 1867, amounted to £29,000; in 1869–71 to £31,000; in 1872 to £40,000; in 1873 to £41,000; in 1874 to £42,000; in 1875 to £41,000; in 1876 to £43,000; in 1877 to £45,000; and in 1878 to £47,657.—The annual grant of £385,000 to her majesty is paid out of the consolidated fund, on which are charged likewise the following sums allowed to members of the royal family: £25,000 a year to the duke of Edinburgh; £25,000 to the duke of Connaught; £8,000 to Prince Leopold, £8,000 to princess Friedrich Wilhelm of Prussia; £6,000 to princess Christian of Schleswig-Holstein; £6,000 to princess Louise, marchioness of Lorne; £6,000 to the duchess of Cambridge, £3,000 to the grand-duchess of Mecklenburg Strelitz; £5,000 to princess Teck, formerly princess Mary of Cambridge; and £12,000 to duke George of Cambridge.—The heir-apparent of the crown has, by 26 Vict., c. 1, settled upon him an annuity of £40,000. The prince of Wales has, besides, as income, the revenues of the duchy of Cornwall. Previous to the year 1840 these revenues amounted to between £11,000 and £16,000 per annum; but since that period they have greatly risen. The income of the duchy of Cornwall in the year 1879 was £96,781, the salaries and other expenses came to £28,054, and the sum of £65,258 was paid over for the use of the prince of Wales. In 1867 the sum paid over amounted to £54,927; in 1870 to £62,547; in 1871 to £62,484; in 1873 to £62,515; in 1874 to £65,901; in 1875 to £67,141; in 1876 to £70,375; and in 1877 to £96,860. The princess of Wales has settled upon her, by 26 Vict., cap. 1, the annual sum of £10,000, to be increased to £30,000 in case of widowhood. Both the parliamentary grants of the prince and princess of Wales are paid out of the consolidated fund, which bears a total yearly charge of £156,000 for annuities to members of the royal family."[1]—In the German states, where the feudal system took deepest root, the expenses of sovereigns and their families were chiefly defrayed by the income from allodial estates. These amount to considerable sums, in certain countries, even to-day. In Austria a wealthy nobility, surrounding the sovereign, compose for him a brilliant court at small cost to himself. His civil list is 7,300,000 florins. In 1862 it was 6,127,200 florins, and before 1856, 6,420 623 florins. 1,500,000 florins of the present amount (1872) are for the allowance of the royal family, and nearly 500,000 florins for unforeseen expenses.—In Prussia, as in Bavaria, Wurtemburg and a few duchies, the amount for the civil list is raised almost entirely from the income of domainal estates In the first of these kingdoms it is 4,495,278 thalers. Any real property that the king may acquire returns to the crown, as in France. Frederic II. himself fixed his civil list at 220,000 thalers, not

[1] Statesman's Manual, 1881.

only for his private expenses, but also for whatever presents he might have to make. In consequence of the creation of the German empire and the annexations of 1866, the allowance of the king of Prussia has been increased by a million since 1871, but for the German emperor no provision is made on this score.—In Bavaria, a law of July 1, 1834, fixed the civil list permanently at 2,350,580 florins. But there are appanages, allowances and dowries, regulated by the family statute of Aug. 5, 1819. The civil list and appanages amount to 3,156,807 florins in the budget of 1873. In Wurtemburg the civil list is 913,059 florins per year (1872). In the kingdom of Saxony the domains of the crown constitute a trust committed by the king to the government in return for a civil list amounting, in 1862, to 864,000 thalers or 23 per cent. more than in 1831; 570,000 thalers constitute the civil list properly so called, and the surplus is composed of 30,000 thalers for the queen's private purse, 235,000 for appanages of the royal family, and 29,000 for the expense of maintaining public collections. In the budget of 1872-3 we find the figures to be only 675,000 thalers.—In the grand duchy of Saxe-Weimar the domain assigned to the crown and directly maintaining it gives the sovereign a civil list of 250,000 thalers, nearly half the budget of the state. The duchies of Saxe-Gotha and Saxe-Altenburg have respectively civil lists of 115,892 and 100,700 thalers. As in the case of the grand duchy of Saxe-Weimar, the grand duke of Oldenburg and the duke of Brunswick are supported by the domains of the crown.—In the budget of 1857 for the grand duchy of Baden, the civil list amounted to 985,419 florins, and in the following year to 1,085,226 florins, whereas we find it reduced to 838,204 florins in 1872. The grand duke of Hesse has a civil list of 777,057 florins (1872). As for the two Mecklenburgs, since there are no budgets in these states there can of course be no civil list.—The civil list of the king of Sardinia was 4,000,000 lire (francs) in 1856, not including appanages and royal residences. After Italy became a kingdom, a law of June 24, 1860, made the king's allowance 10,500,000 lire, augmented to 16,254,000 lire by the law of Aug. 10, 1862, in consequence of the incorporation of the kingdom of the Two Sicilies. It amounted to 12,250,000 lire in 1872, or to 13,850,000 lire, including appanages. The specification of the crown's domain includes, among other things, some 20 royal palaces at Milan, Monza, Cremona, Modena, Reggio, Parma, Colorno, Florence, Pisa, Arezzo, Leghorn, Siena, Lucca, Naples, Caserta, Palermo, and Messina.—Spain's civil list, budget of 1853, was 47,350,000 reals ($2,377,917). King Amadeus', in 1872, was 6,000,000 pesetas ($1,205,280). That of Portugal is placed at 590,000 milreis, (1854–5,) and at 612,000 milreis, budget of 1871–2, but with a contingent fund of 87,400 milreis.—In Russia the annual revenue of the crown is derived from vast domains, and from patrimonial estates. Conformably to a family law of Paul I., 1797, always in force, a tax, which weighs upon the peasants of the crown, serves to support the widows, princes and princesses of the imperial family. In the accounts for 1870, the household expenses of the emperor figures for 10,317,000 rubles, and in the budget of 1872, for 8,953,000 rubles.—In Turkey the sultan has a civil list of nearly 18,000,000 francs, besides his private treasure, composed of sums amassed, and objects of great value left by his predecessors. He alone provides for all the expenses of his court, of which the personnel has been greatly diminished. The total allowance presented in the budget of 1873 is 383,353 purses, of 112½ francs each, or more than 43,000,000 francs.—The civil list of Otto, of the house of Bavaria, first king of Greece, was fixed, conformably to article 35 of the constitution, at 1,000,000 drachmas per year, (one drachma equals $0 16½), for a term of 10 years, and without the appanages. The civil list of the second king (George,) of the house of Denmark,) was fixed, in 1864, by the national assembly, at 1,125,000 drachmas, not including: 1, £10,000 per year, which was to be paid by the Ionian isles after their reunion with Greece; 2, £12,000 per year, the sum guaranteed by France, England and Russia, to be deducted from the interest of the Greek loan due these three protective powers, all in conformity with protocol No. 3 of the conference held in London, June 5, 1863.—The two civil lists of the king of Norway and Sweden amount to the following sums, voted in 1860: 630,000 rixdalers for Sweden and 64,000 for Norway, plus the appanages of the members of the royal family (respectively 400,000 and 33,000 rixdalers), the maintenance of the palaces (203,400 and 9,000 rixdalers), and the royal stables (45,000 rixdalers) in Sweden; total, 694,000 rixdalers of the civil list proper, 433,000 in appanages and 257,400 for palaces and horses. The grand total, 1,384,400 rixdalers, shows an increase of 83,000 rixdalers over that of 1857. The figures in 1872 were 1,417,000 dalers riksmynt, ($0 26 each).—In Denmark the civil list in 1872 was 713,524 rixdalers ($0.52 each). Besides, the king has at his disposal, for his private use, all the palaces and royal dwellings belonging to the state. The appanage of the princes and princesses of the royal family is regulated by law, and paid from the state treasure.—The civil list of the reigning king of the Netherlands, fixed by the law of Aug 10, 1849, is 600,000 florins ($0.39 each), plus 50,000 florins for the maintenance of the summer and winter palaces. The allowance of the hereditary prince amounts to 100,000 florins and to 200,000 florins when he marries. The queen-dowager receives 150,000 florins per year.—The civil list of the king of Belgium and the allowances of the princes, his sons, have already been indicated elsewhere (See BELGIUM.) At the marriage of the princess, daughter of the king, to a prince of the imperial family of Austria, the legislature voted her a wedding portion of 258,000 francs.—In Brazil the emperor's allowance (law of Aug. 28, 1840,) is 800 *contos de reis* (2,400,000

francs); with the allowances of the imperial family, the civil list reaches a grand total of 1,083 *contos de reis* (3,249,000 francs).

XAVIER HEUSCHLING.

CIVIL RIGHTS BILL, The (IN U. S. HISTORY), was introduced in the senate Jan. 29, 1866, and passed Feb. 2, by a vote of 33 to 12. In the house it was passed March 13, by a vote of 111 to 38. An abstract of its several sections is as follows: 1. All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, were hereby declared to be citizens of the United States, having the same right as white citizens in every state and territory to sue and be sued, make and enforce contracts, take and convey property, and enjoy all civil rights whatever. 2. Any person who, under color of any state law, deprived any such citizen of any civil rights secured by this act was made guilty of a misdemeanor. 3. Cognizance of offenses against the act was entirely taken away from state courts and given to federal courts. 4. Officers of the United States courts or of the freedmen's bureau, and special executive agents, were charged with the execution of the act. 5. If such officers refused to execute the act, they were made subject to fine. 6. Resistance to the officers subjected the offender to fine and imprisonment. 7. This section related to fees. 8. The president was empowered to send officers to any district where offenses against the act were likely to be committed. 9. The president was authorized to use the services of special agents, of the army and navy, or of the militia, to enforce the act. 10. An appeal was permitted to the supreme court.—There is a curious likeness, *mutatis mutandis*, between some of the sections of the bill and the fugitive slave law of 1850.—The bill was vetoed March 27, and again passed, over the veto, in the senate April 6, and in the house April 9. The constitutional objection to the bill was that the power to pass it could be found nowhere in the constitution except in the 13th amendment (prohibiting slavery), and that this in no way involved the assumption by congress of the duty of protecting the civil rights of citizens, which had always belonged to the states; and, further, that, while the decision in the Dred Scott case stood unimpeached, negroes might be freed but could not become citizens. Various amendments were proposed in February and March, 1866, for the purpose of overturning the Dred Scott decision. April 30, after the conflict between congress and the president had become flagrant, Thaddeus Stevens, of Pennsylvania, in the house, reported from a joint committee that which was afterward modified into the 14th amendment. Its first section contained the gist of the resolutions above referred to. It was passed in the senate June 8, by a vote of 33 to 11, and in the house June 13, by a vote of 138 to 36. (See CONSTITUTION, IV.; RECONSTRUCTION.)—Senator Charles Sumner, of Massachusetts, was the special champion of an amendment to the preceding act which should prevent common carriers, inn-keepers, theatre-managers, and officers or teachers of schools, from distinguishing blacks from whites; should prevent the exclusion of negroes from juries; and should give federal courts exclusive cognizance of offenses against it. A bill to this effect was offered by him as an amendment to the amnesty act in 1872 (see AMNESTY), but failed by a single vote, 29 to 30. The same bill was introduced in the house Dec. 9, 1872, and referred. April 30, 1874, shortly after Mr. Sumner's death, it passed the senate, but failed in the house. In February, 1875, the bill finally passed both houses, and became a law March 1. (See RECONSTRUCTION, FORCE BILL.)—See 14 *Stat. at Large*, 27; 16 *Wall.*, 36; 92 *U. S.*, 542; 1 *Hughes*, 536; 92 *U. S*, 90; 100 *U. S*, 310, 345.

ALEXANDER JOHNSTON.

CIVIL SERVICE REFORM. I. In its general and most comprehensive sense, civil service reform means the removal of abuses in the public service — federal, state and municipal — and the enforcement therein of such just and sound principles and methods as will most contribute to good administration. — This reform, therefore, has a double aspect, and two somewhat separate spheres of duty; the one being destructive and prohibitory, relating to the best means of eradicating existing evils and of preventing their repetition by the exercise of public authority; the other, being constructive and educational, relating to the development of such a public opinion and adoption of such methods for doing the work of public administration as will be effective for purity, efficiency and economy. The principal abuses and evils referred to appearing in the articles on the SPOILS SYSTEM, CONFIRMATION BY THE SENATE, POLITICAL ASSESSMENTS, REMOVALS, PATRONAGE, PROMOTIONS, and TENURE OF OFFICE, it is unnecessary to repeat them here. This article will therefore deal mainly with remedies.—A complete civil service reform would have to deal directly with the abuses connected with our elections, our legislation and our elective and partisan judiciary. Since, however, civil service reform has thus far been treated as specially referring to matters which, with some few exceptions, pertain to the executive department of government, this article will explain it in that sense. In general the offices referred to will be those which are filled by appointment; of which those in the federal service number about 100,000, and perhaps there are a much greater number under the state and city governments. But there are no adequate statistics, the census not having attempted the enumeration of officials.—It should, however, be borne in mind that the same methods and principles, applicable to the selection and promotion of appointed officers in the executive department, are appropriate and should be applied to the selection and promotion of the appointed officers in the houses of congress, in the

state legislatures, in the courts and in the municipal departments; though they can not, from their nature, be applied to the selections of officers by the ballot or any form of election. Still, it should be noticed that a thorough civil service reform, by leaving few offices to be filled by favor or to be won as spoils, would effectively suppress bribery at elections through the promise of places and promotions. It would also leave but little opportunity for members of congress or of legislatures to barter places for votes, or to coerce executive appointments in their own interest. It would, in other words, determine the bestowal of nearly all the official places which have been at once the capital of the partisan chieftain and the fuel of his machine.—Though penal and prohibitory laws are in their nature but imperfect and inadequate agencies of reform, yet with reasonable support from public opinion, they may be made highly beneficial. Intrinsically, there is no reason why a wise law, in aid of good administration, shall not be as effective as any of the numerous wise laws in aid of good morals; and such has been proved to be the fact in Great Britain, where a reform of the civil service, quite as difficult as that needed in this country, has been greatly strengthened by laws upon which several of the following suggestions of those we need are based.—1. The exaction of political assessments from public officials and employés, enforced as they are by fears of losing their places, is a flagrant act of injustice, a degradation of those who submit to it, and an insult and disgrace to the government itself.—If practiced by those in office, it is a corrupting and oppressive exercise of usurped authority, and if by those representing the power of great parties, it is extortion through conspiracy and intimidation; and, in either event, it should be prohibited by law. A prudent bill for that purpose, introduced by Mr. Pendleton, is now pending in the national senate.—2. The use of official authority or influence for controlling elections or coercing political action in any form is both a breach of a public trust and an invasion of private right and public safety, which should be made penal.—3. The willful removal of officials known to be worthy and the willful appointment of those known to be unworthy, for mere personal or partisan reasons—the former of which Madison held would justly subject an officer to impeachment—are despotic and demoralizing abuses of official power, as well as acts of gross injustice to the persons removed or to the people; which, by extending the provisions of section 1705 of the revised statutes of the United States—a law forbidding certain removals without good cause — should be made a criminal offense. In morals, there can be no more right to use the public authority of appointment and removal for selfish and partisan ends than there is to use the public money for the same purpose.—4. Carefully guarded legislation, in the same spirit and sanctioned by the same reasons, might, perhaps, be extended to combinations on the part of members of congress, in the use of their authority, to coerce nominations or removals, and to the prostitution of the trusts of their offices on the part of senators, in the matter of confirmations in obedience to what is called the "courtesy of the senate." (See CONFIRMATION BY THE SENATE.)—5. The bribery laws, which now only make penal the use or promise of money, or of something of pecuniary value, to induce the violation of official duty, should be so extended as to clearly cover the much more frequent and pernicious abuse of giving, or promising to give, appointments in the public service for votes or influence.[1]—6. The laws of 1820 and later statutes, which reduced the constitutional tenure (which was during efficiency and good behavior) of collectors, postmasters, surveyors and various other officers, to a term of four years—and thereby added to the spoils to be won in every presidential election and increased the evils connected with confirmations—should be repealed, and the constitutional tenure be thereby restored. 7. The military school at West Point and the naval school at Annapolis were established to prepare for the public service those who should bring into it mental and physical qualifications of the highest order. Every consideration of duty, justice and public interest requires that selections for these schools should be made on the basis of free public competitions of merit, which are most certain to disclose those qualifications. But members of congress have made nearly all selections for those schools a part of their own official patronage. That abuse should be prohibited, and such competitions be established by law for the selection of military and naval cadets as they are now established by regulations for selecting cadet engineers for the navy.—II. In considering the educational and constructive work of reform, there are some fundamental facts and principles, a clear apprehension of which is important both for the removal of misconceptions and for opening the way to those sound practical methods without which no adequate results are possible. Some of these principles are so simple and elementary that were they not habitually violated in our politics, their statement here could hardly be excused. 1. Public office is a public trust, created only for the common benefit; and there is no more right to exercise the power of appointment, promotion, discipline, or removal, no more right to give salaries or to require or allow the use of the time of officials needed for public work, for any private or party purposes, than there is to take and apply the money in the public treasury for such purposes. And the facts that this rule of duty is very generally disregarded with impunity, and that the great body of the people take little notice of the abuse—while the politicians habitually practice it under the claim of right—are ample evidence of the need of a better political educa-

[1] The instructive British statutes bearing on several of these points may be found collected in Mr. Eaton's work on Civil Service in Great Britain.

tion as one of the conditions of a thorough civil service reform.—2. To appoint by favor a public officer known to be unworthy, to bestow an official place on the condition of work for a party or a chieftain, are higher offenses than to deposit public money in a bank known to be unsafe, or, by deliberate neglect, to allow public property to be destroyed; for, in the first cases, the pecuniary loss may be greater, while the bad example is at least equally corrupting, and it is far more seductive and permanent in its bad effects.—3. In the exercise of the power of appointment, removal, promotion and discipline in the public service, there can be neither honest patronage nor justifiable discretion beyond this: that in every instance, it is the duty of the official to do that which, in his judgment, will most promote the general welfare, irrespective of relatives, friends or parties; and the public opinion which fails to condemn, and the official conscience which fails to feel the guilt of whatever conflicts with this rule, are a part of the causes of our political corruption and of the difficulties in the way of its removal.—4. The acceptance of an official trust, or of a salary for serving the public, imposes upon the official moral and legal obligation as absolute to remain at his post of duty and to devote his time and skill to the public matters in his charge, as can rest upon an officer of a bank, or upon a person employed in any private business. There is, therefore, no more right in the one than in the other to desert his proper place of duty or the cares that need his attention, or to give his time and thoughts to partisan politics; and the marked difference in the conduct which we tolerate in public and private servants—allowing, for example, collectors, postmasters and other subordinates to desert their posts to manage politics—but illustrates a common responsibility for our abuses and the need of a more discriminating and exacting public opinion.—5. It is not true, as president Jackson declared in a message, that every citizen has an equal right to office, but, on the contrary, the just claim of every citizen for a place in the public service is measured by the amount of character and capacity he may possess for the discharge of official functions. There can be no just discrimination between applicants on any other basis. He, therefore, who is best qualified —who can and will serve the people most usefully —has the highest claim; and it is the duty of those having the authority, to appoint or elect him rather than any other applicant.—6. Experience in official duties increases the capacity to perform them well; and, as a general rule, increases the probability that they will be best performed by the officer so long as his mental and physical abilities remain unimpaired. The right and interest of the people to have the public work well done are paramount to the claim of any citizen to an official place or of any party to have its favorites in office; and, therefore, any theory of short terms or rotation in office, which would turn out experienced and efficient public servants in order to make places for fresh claimants, is disastrous to the public interests.—7. A stable tenure also strongly tends to bring good men into office, as well as to make them efficient while there; but the public interest requires that the period of holding office should depend upon both fidelity and efficiency; and therefore precludes a life tenure, and requires a right and duty of removal for cause. And, in the case of legislative officers, who represent local interests and opinions liable to frequent changes, and of presidents, governors and some other high officials, who stand for the principles and policies on the basis of which they were elected, there is a manifest propriety in providing for short terms of office. (See TENURE OF OFFICE, REMOVALS.) —8. The existence of such claims and duties, in connection with filling official places, plainly imposes upon the government the obligation of providing the best means practicable for ascertaining fit qualifications for entering the public service and for promotion in all its grades. The man among the applicants having the highest claim to office can only be ascertained by his proper examination in comparison with the others. To refuse that examination is to do injustice to the most meritorious. So long as there were no departments or great offices where the subordinates were too numerous to allow selections to be made by the officers at the head of them upon adequate personal examination as to fitness, no special instrumentality for that purpose was needed. They were so selected in the early periods of the government; but the inability to do so, in later years, by reason of the vastly increased numbers of officials—so numerous in many offices as not to be known by name or sight by those at their head, there being more than 3,000 in the treasury department alone, more than 1,300 in the New York custom house, and more than 1,100 in the New York city postoffice —has greatly facilitated the supremacy of partisan and corrupt interests in their choice. Thus in justice and in sheer inability to avoid them, we find the need and the foundation of those examinations for admissions and promotions in the public service which every other leading nation has made a powerful agency, both for giving efficiency and purity to its public service and for stimulating the education of its people. But there are other elements involved in these examinations which we must consider.—9. Political parties are both useful and inevitable under liberal institutions; and every theory of reforming the civil service is faulty and likely to fail to the extent that it interferes with their true sphere and activity. But parties are not ends in themselves, and can claim no rights or interests paramount to those of the people at large. To arouse, embody and express public opinion and sustain political principles and policies until they are made effective in laws, is the very object and end of a party. Hence, no party should be allowed to control the selection

of any officials except those as to whom it can be shown that their sharing the views of that party will cause them to be better qualified to discharge their official functions and not less inclined to do so. Difficult, and doubtless impracticable as it may be, in the present state of public opinion, to completely enforce this rule, it is yet sound and useful as a standard, and its fit practical application is not difficult to point out. —Members of legislative bodies are selected to represent the interest and opinions of their constituents, and for that reason their political principles are an essential part of their official qualifications. Governors and presidents being a part of the law-making power come within the same reasons. It is also an important part of their duties to carry into execution the policy and principles which the people have approved at their election, and in which, to secure their efficient execution, those high officers need to have faith. From the very nature of government these officers must be held under obligations to be faithful to such policy and principles, and hence to their party which upholds them, in so far at least as is compatible with the constitution and national safety. The spirit of this reasoning would include the members of the cabinet, such of the foreign ministers as may be put under instructions to carry out part of that policy abroad, and, perhaps, a few other high officials should also be included. In that small measure, if any, in which party politics may be involved in municipal affairs, the same reasoning would also include the mayors of cities.—These higher officials have the authority and duty of instructing and securing obedience from all the grades of public servants below them, through whom such policy and principles are carried into effect and the public work is done. The subordinates must obey instructions, and should do the public work in the same way, whatever party may be in power. For these reasons their opinions are not material and are no qualifications for office It is a mere prostitution of the authority of government and a plain usurpation and oppression for a party, or its leader, to require that every postmaster, collector, bookkeeper, lighthouse tender, washerwoman and errand boy, in the service of the government, shall accept the opinions of the party in power or leave his place. There are very few among the vast numbers of subordinate officials—federal, state and municipal—who would not serve the people better if they recognized no party allegiance whatever, and, as a rule, they are bad public servants in the same degree that they are active partisans. For these reasons, no tests of political opinion are justifiable, in the selection, promotion or removal of these subordinates, but tests of personal fitness alone should be applied, irrespective of partisan politics. Such a rule would leave the true and honest sphere of parties undisturbed. They would still control the high affairs of the nation and guide all its great activities; their majorities enacting all laws, electing presidents and all governors, carrying their policy and principles into execution in every official place where they should be felt; commanding obedience from every servant of the government through the whole range of official life. All the strength and all the honor which can be the fruit of statesmen brought into high places, of wise laws and sound principles everywhere enforced of pure and vigorous administration everywhere exhibited before the eyes of the people—all these any party would, under such a merit system of office, be free to gain. Nothing would be lost to a party but partisan spoils—opportunities of removals without cause and of appointments without merit—money pillaged from the servants of the people, and voters bribed by the promise of places. If in some quarters there would be fewer inducements to partisan work and a less feverish political activity, it would not be on the part of those who act from a sense of duty or seek office by worthy means, but among those whose exertions, as things now are, are measured by their hopes of corrupt gain and their fear of losing places held at the mercy of others. The portion of our accustomed partisan work which might be left undone would be just that which is most useless, oppressive and corrupt; while true party vitality and efficiency would be strengthened rather than enfeebled, as the example of Great Britain has abundantly shown.—10. There is, therefore, nothing in the just relations of parties which should prevent the test of personal fitness for the public service being made by examinations wherever examinations would be intrinsically appropriate. Now, examinations are by far the most important of all the special instrumentalities by which civil service reform may be advanced and the spoils system overthrown. They are, we repeat, manifestly inappropriate either in the case of elected officers or for the selection of any others whose political opinions are as we have seen material. And the need of examinations is manifestly much the greatest in those offices where the appointed officials are the most numerous and partisan pressure is the most formidable. They are also highly just and useful in most cases of promotions. —After all proper limitations have been made, a vast body of the civil servants of the government, federal, state and municipal—those holding nearly all those official places which have been treated as spoils of partisan warfare—may be selected on the basis of qualifications which have been tested by thorough and just examinations. We have space for but the merest outline of their history; and it is quite impossible to give even a summary of the evidence which has demonstrated their great utility.—It has been more than 40 years since they were found indispensable in Great Britain and in all the most enlightened European states. The abuses in the administration of Great Britain had, for the most part, been of the same nature as our own; but there, as in the other European states, they had been in various ways far more aggravated than with us. The kind and conditions of

the first examinations, then provided for, were in several particulars defective and inadequate. Though from the first, as in all subsequent examinations, the object had been to secure such answers and information as would show not mere literary attainments, but whether, in capacity, information and character, the applicant was competent for the official place he sought, it was never the aim of those examinations to test personal accomplishments or knowledge not important in the public service. The original defects were of quite another sort. The first examinations were made independently, in each office, and but one person was examined at a time. This limited kind of examinations, which afforded no opportunity of comparing the merits of one applicant with another, were known as *pass*-examinations. The examiners had little direct support from high authority and were left separately exposed to the joint pressure of all those seeking office, backed by partisan members of parliament, patronage mongers, great politicians and great lords, who were hostile to every person and every method which stood in the way of the favorites and henchmen whom these champions of the British spoils system pushed for the vacant places. And what was yet more important, there were, at first, no provisions connected with the examinations, which prevented these same spoilsmen from selecting all the persons who were allowed to be examined, and, consequently, from excluding from all chances of entering the public service every one who was not among their favorites and henchmen. These causes were not only sufficient to keep the grade examinations far below the standard essential to thorough competency for the public work, but they allowed a monopoly of appointments. The old monopolists, therefore, still had it in their power to decide upon every person who should get an appointment, the examinations only serving to exclude a portion of the incompetents who had formerly freely entered. Yet even such examinations, in a few years, so greatly improved the quality of those who got places in Great Britain, that the examinations not only gained strength there, but they attracted attention in this country, and were made the basis of our federal statutes of 1853 and 1855, (now Rev. Stat. U. S., § 164), under which these defective examinations have since been required and conducted in the principal departments at Washington. Owing, however, to the rapid development of partisan supremacy and machine politics in this country, such examinations have been even more inadequate here than in Great Britain. Still they have excluded many of the most unworthy who were pushed upon the examiners, and have prevented yet more, who were office-seeking incompetents, from being presented at all. But they have allowed that despotic monopoly under which no man or woman, however worthy, could secure an examination without the consent and recommendation of some great politician or member of congress or other high official. And, generally, the potent monopolist granting the favor has been able to push his man past the members of the local board of examiners; the loss of whose place might be the consequence of rejecting a strongly backed dunce or henchman. For these reasons, partisan politicians have made very little objection to mere *pass*-examinations thus conducted. — In Great Britain the *pass*-examinations speedily tended to make the old patronage and monopoly more conspicuous and consequently more odious. The high executive officers began to see and the people to feel that a great injustice was thus being done both to the public and to the most worthy applicants for office. They plainly saw that if the gates of the examinations were but freely opened and the spoils system gate tenders were ejected, the government could have its choice from among the great numbers who sought examinations for its service, and that the monopoly would at the same time be broken up. These causes soon led to the introduction of *open competition*, as it is called— that is, to examinations for the public service *open and free to every applicant of proper age* and apparent capacity, as the regulation should provide. To this rule of freedom and justice, making the consent of no official or party a condition of being recommended, there was added the provision that the appointments should be made from those showing the highest qualifications in the competition.—These open competitive examinations began, in a very limited way, about 1850, and from the first their great superiority was manifest. Many persons were examined at the same time; and as the examinations were public, and the first and highest prizes would be gained by those showing the highest qualifications in the competition, and all who fell below a certain standard were to be excluded, the rivalry was naturally intense.—In 1854-5 the British government made a thorough investigation and report concerning the best means of improving its civil service, which resulted in the appointment of a permanent *civil service commission* in 1855, with a duty of taking direct charge, under the executive, of the whole subject of examinations for admission to the public service and promotion therein; to which other analogous duties have been since added. Under that commission (which is still in vigorous operation, and one of the most vigorous and respected agencies of British administration), open competition was extended, uniformity and regularity were given to the examinations, and an authority was brought to their support which politicians could not overawe. Ample testimonials of good character, the truth of which could be investigated, were made the condition of being examined. But it was soon found that the publicity of the examinations, and the fact that *every man, in the scale of the merit marks gained in them, was interested in exposing any defects in the character of any man above him,* rarely failed to be sufficient to deter all persons of bad character from entering the competitive contest.—

It was made a rule that no person should receive a formal appointment until his practical capacity and disposition had been tested by a *probationary* trial of six months, at the end of which, if not satisfactory, he was dropped.—It hardly need be said that the new system encountered the fierce opposition of all partisans and patronage mongers, and especially that of members of parliament, whose long enjoyed patronage it threatened to take away. Wherever the new system was applied it was fatal to the old monopoly. Any young man or woman could go and be examined without the favor or consent, or even the knowledge, of any officer, politician, nobleman or bishop.—The reform was also powerfully opposed for reasons which do not exist in this country. For it enabled the sons and daughters of the common people to work their way to places in those parts of the public service which had for centuries past been monopolized by the sons and dependents of the aristocracy. It said a man's right to an office depended on merit and not on birth or opinions. Open competition is in spirit and principle thoroughly democratic and republican; because it rests on character and equal rights; and to allow it to bring the promising sons of the middle and humbler classes into the subordinate places, from which, through competition for promotion, they might rise to the higher, would soon develop a dangerous element in an old aristocratic monarchy. These fears have been shown to be well founded; for the great body of those whom competition has given places in British service, have been the worthier and more intelligent sons of the middle and lower classes, whose education had been obtained in the public schools and academies.—But even this kind of resistance, united with that of the partisans and the patronage mongers, was overcome in less than 20 years. Superior men entered the public service. The public mind appreciated the justice and utility of the new merit system of office holding, and rejoiced. It gladly saw the old spoils system undermined, and aristocratic and partisan monopoly broken up. Members of parliament lost their patronage, and became ashamed to battle against open competition as they had formerly done. Lords and bishops could no longer get places for their sons except through victory in open competition. Popular education was greatly stimulated. A demand for free, open competition throughout the public service, and for popular education sustained by general taxation, grew vigorously together; *and in the same year*—1870—both these results were achieved in Great Britain. In no decade in our history has popular education so rapidly advanced as in Great Britain since 1870. Since that date there have been no partisan politics and no monopoly of the privilege of examination in her public service, but open competition for appointments, and in all proper cases competitive examinations for promotion also. There is now hardly more politics in the customs, internal revenue or consular services of the British empire, than in the regular army or in the colleges. The new system has also been extended to her naval and military schools, to the militia, and is now being applied to banks and great business corporations.—The great postoffice has long applied the same competitive methods which so greatly aided Mr. James in reforming the postal service at New York city. The expense of revenue collection is far less than with us. The consular service is greatly superior to that of this country. Subordinate places in the public service no longer depend upon the result of an election. Removals are made only for cause; except that the fate of the cabinet and that of a few other high officers—hardly 50 in all—are involved in the elections. Beyond the selection of his private clerk, not even the head of a department, or a member of the cabinet, can make an appointment, except from the most worthy, among those who have openly competed before the civil service commission. As a consequence the public service has taken a far higher place in public estimation, and the abuses which had prevailed are almost unknown.—It is worthy of special notice that these results have been attained without injuring the vigor or utility of political parties, or lessening the interest which all good citizens take in the party to which they belong. On the contrary, since 1870, party contests have been as vigorous and absorbing in Great Britain, as in any period in her history, and more than ever before they have turned upon great principles and been decided by appeals to the reason and to the conscience of the people. In that time the elective franchise has been repeatedly extended, and more voters have gone to the polls than ever before. Yet hardly more than 50 official places, except seats in parliament, but only the triumph of great party principles, depended on the result of the election.—The *merit system* of appointments and promotions thus established in the British civil service, and a more vivid sense of the peril of our spoils system, and of the inadequacy of mere pass-examinations to remove them, led to an enactment in March, 1871, which authorized the president to cause the proper means to be taken for ascertaining the fitness of candidates in respect of age, health, character, knowledge and ability for entering the public service; to make rules for its regulation; and in effect, to create a civil service commission to take charge of the examination and aid the work of reform under the president's discretion.—Under that law president Grant appointed such a commission, which still exists. Through that commission he instituted open, competitive examinations in the departments at Washington at the beginning of 1872; although there had been a competitive examination conducted in the city of New York (by Silas W. Burt, Esq., the present naval officer at that place), in March, 1871, the earliest example of the kind in this country.—Such examinations were, soon after their introduction at Washington, but in a most faulty and imperfect

manner, conducted at the custom house in New York city. It hardly need be said that they were fiercely opposed by the machine politicians of that state; yet collector Arthur officially reported their useful effects. This new method of getting into the public service, and of promotion in it, which here, as in Great Britain, allowed any man or woman of proper age and apparent capacity to be examined, without the consent of a politician or a patronage monger, had no sooner begun to be efficient at Washington, by taking away patronage and spoils and securing appointments for the most meritorious, than all the old monopolists, every member of congress who had promised places for votes, party leaders whose control of patronage is their strength and their hope—all the partisan mercenaries whose chances of selling themselves were in peril—united to embarrass, misrepresent and overthrow it. The experience of England was repeated in the nature of that opposition; except that president Grant, having little of the spirit of a reformer, did not, like lord Palmerston and Mr. Gladstone, stand firmly by the new system; but after considerable resistance, yielded to the opposition of members of congress and the great politicians. He had prohibited political assessments, but failed to take any fit measure for enforcing his regulation. It is but justice to president Grant, however, to say that he repeatedly requested appropriations for carrying on the work under the commission, which the partisan and patronage-mongering members of congress refused to make, though they had neither courage to conduct a debate or to record the ayes and nays upon the question. He informed congress that the new methods had "given persons of superior character and capacity to the service," * * and "that they had developed more energy in the discharge of duty"; and he finally declared in his last message on the subject that "it would be a *source of mortification* to himself and those associated with him in enforcing the civil service rules," if congress should refuse to make the further appropriation which he asked in aid of the work. His request (opposed by Mr. Conkling) was in vain. Congress refused all appropriation after 1874, and president Grant suspended the rules early in 1875 (thus apparently suppressing the reform). This action of congress is in humiliating contrast with that of the British parliament, under analogous circumstances, ten years earlier, which voted the appropriation requested by the British executive and has continued them without a dissenting vote within the last eight or nine years. It, however, soon became apparent that the demand for reform had all the time been gaining strength among a thoughtful class in both the great parties. The example of competitive examinations encouraged the responsible executive officers, in self-defense, to make the old pass or limited examinations — to which the government had reverted in 1875—somewhat more efficient. Public opinion speedily forced the civil service question into the foreground of politics. The national conventions of both parties, in 1875, made strong pledges in favor of reform, however reluctantly or insincerely that portion of their platforms was adopted. — During the term of president Hayes the cause of reform made considerable progress, though it was very unequally sustained. In various particulars, for which he deserves the gratitude of the country, he resolutely and persistently exercised his authority for the removal of abuses and for the enforcement of better methods of administration. His messages on the subject of reform are of permanent value. Little was done, practically, under him for suppressing political assessments, though they were strongly condemned in his message. Contrary to the first conditions of reform and to the spirit of the act of 1871, already cited, each head of a department was, apparently, allowed to have his own way as to examinations, promotions and removals; and the competitive methods were applied only in the office of the secretary of the interior, where they contributed to the great success with which Mr. Schurz administered his department.—A well intended order of president Hayes for preventing interference with elections and party politics on the part of federal officials, through being too sweeping and radical and not being vigorously supported, in great measure failed of useful results. In a subsequent message he laid down the true rule on the subject. President Hayes gave open and steady support to Mr. James and to the reforms which were carried forward in the postoffice at New York city, where the method of open competition was pretty thoroughly tested and with the most salutary results. — In consequence, that postoffice has ceased to be a political office. At a less cost, within the past few years, a third more business has been done than under the last years of the partisan spoils system. Mail deliveries have been made a third more frequent, scandals have ceased, and the office gives a public satisfaction never known in former years. Its administration has become as good as that of the best British postoffice and superior to every other in this country. Mr James has won a national reputation which has made him postmaster general under president Garfield. But the greatest administrative work for which the country is indebted to president Hayes has been the reform instituted in the custom house at New York city. The principles of this were at the same time extended to the naval office and that of the surveyor and appraiser at that place. The obstructions interposed by Mr. Conkling, the republican senator from New York, through appealing to the courtesy of the senate, delayed the appointment of a new collector, and consequently the enforcement of open competition, until the beginning of 1879, when it was established, and continued to the end of Mr Hayes' administration. Our space does not permit any detailed statement of the results, but the improvement of the administration was very

great. Abuses and scandals rapidly subsided. The revenue was collected at less expense and with more satisfaction to the public than ever before. Custom house officials gave more attention to their business and less to partisan politics. Superior men were brought into the customs service, and promotions in it, as well as admissions to it, were made on the basis of a competition of merit. The questions asked on the examinations covered the practical qualifications for the public work, and caused nearly all the appointments to fall to those who had the common education of the intelligent citizen united with aptitude for business. No removals were made but for cause; being about 50 in all in two years; yet the party whose president resolutely sustained the reform, carried New York in 1880, though it had been lost in 1876, after the relapse of the spoils system under president Grant. The national conventions of both parties, in 1880, again declared the duty of reforming the civil service. But up to this date (July, 1881) the administration of president Garfield has done no act and made no declaration which makes its policy on the subject of civil service reform very clear. The interior department has not followed the example of Mr. Schurz. The collector, the naval officer and the new postmaster at New York have gone steadily forward enforcing the *merit system*, with open competition at their respective offices. It is not possible yet to say whether the appointment of Mr. Robertson, the new collector at that city, is to be favorable or unfavorable to the cause of reform, or what record president Garfield's administration is likely to make on the subject. But, in the meantime, the resignation of the two senators of New York, because their claim to control appointments from that state was not admitted, and the attempt, by a disappointed office seeker, to take the life of the president, have made a profound and painful impression upon the public mind which can hardly fail to lead to important results in favor of administrative reform in the not remote future; there being, at this time, more attention given to the subject of reform than ever before in this country.—In estimating the utility of competitive examinations in the service, these two considerations should be kept in mind: first, that they substitute a public competition of capacity, attainments and character for an otherwise secret and inevitable competition of partisan and official influence, of solicitation, of threats, and of selfish interests. And second, that while on the only true foundation of equal rights in the matter of office, they reduce the whole matter of getting into the subordinate public service to a procedure of great simplicity and justice in which capacity and character are decisive. Any one wishing to enter the public service can have his qualifications tested by a fair public method. From among a few of those shown to be the most worthy, the selections are to be made under fixed rules. The official having the appointing power can say to every importunate applicant and to his backers: Go into the examination; if you show yourself among the most worthy, you may get an appointment in due time. If you are not among them, you deserve no place. That is all I can do for you. Office seeking is thus defeated by being made futile. The merits of the applicant, and not his begging, his threats or the pressure of his backers, is what must give him a place. Hence the new system has been fitly called the *merit system*, as contrasted with the spoils system.—If the applicant is defeated, the causes clearly appear in the records of his examination, which are preserved and may be any time referred to. Any man who may complain of partiality or corruption can have the truth of the charge at any time investigated. —The enforcement of the *merit system* presents the government before the people as seeking and rewarding the most worthy; as rejecting intrigue and refusing to be overborne by threats or persuasion; as encouraging education and inviting young men and women to seek places in its service on the strength of their own qualifications and not through subserviency to great politicians.—We have no space for citing any part of the overwhelming evidence at hand—both English and American—which proves that such a system not only gives the most reliable and efficient public servants, but enables the public administration to be carried on with far greater purity and economy than under the old system. The six months' probation before actual appointment excludes the applicants—if any shall have passed the competition successfully — who are found wanting in practical ability for work. Men, who thus win their places by their own merits, are not servile partisans, nor have they incurred in securing them any obligation to chieftains, members of congress or partisan bodies, for the discharge of which they need to pledge a part of their salaries or to prostitute the authority of their offices, as is more or less the case with nearly every official who gets his position through favor, solicitation and subserviency. An experience of about 25 years in British India, where the highest executive capacity is essential, and of more than half that period in the British departments at home, has proved that open competitive examinations with probation, as explained, secures the *best practical talent* and fills the lower places with men worthy and sure to rise, by promotion, to the higher, with immense gain both to the efficiency and economy of the administration. DORMAN B. EATON.

CIVILIZATION. Civilization is the aggregate of the material and moral progress made and still making by man. The source of this progress is to be found in the faculty which has been given to man of knowing himself and the world in which he lives, and of accumulating and transmitting information, as well as of combining the different branches of his knowledge. Thus material progress is the result of the more and more extended knowledge which observation gives us of

the natural resources of our globe, and of the means of developing them; moral progress likewise is developed by means of the more and more exact and complete ideas which observation suggests, of our nature, our destiny, and the society in which we live.—Man's wants are the powerful stimulants which urge him to increase his observation and to accumulate knowledge. Nature furnishes him the material necessary to satisfy these wants, but this material he must collect and fashion for his use. None of his appetites can be satisfied without exertion and labor. Now, this exertion, this labor, by the very nature of his organization, implies suffering. It is his interest, consequently, to reduce his labor as much as possible, while increasing his gratifications; it is his interest to obtain a maximum of satisfaction with a minimum of labor. How can he reach this end? By one means, and by one only—by applying more and more perfect processes to the production of the things he needs. And how can he discover these processes? Only by observation and experience.—Urged by hunger, primitive man attacked the animals that were least able to defend themselves, and devoured them. He discovered that the flesh of some of these animals was fit to appease his hunger, and agreeable to the taste; but it was hard for him to procure a sufficient quantity of it regularly, for most of these animals were swifter of foot than he was. Spurred on by want, he endeavored to overcome this difficulty, and succeeded. A savage more intelligent than the rest, noticing the property in certain kinds of wood which allowed them to be bent without breaking, and to straiten out again with a violent recoil after being bent, thought of utilizing this force to hurl projectiles. The bow was invented. It at once became easier for man to subsist. He could now turn his thoughts to observation in another field and combine his observations so as to increase his enjoyments and diminish his pains. At the same time his moral wants, awakened by a multitude of mysterious phenomena, urged him onward in this direction, as well as his physical wants. Must not the terrible phenomenon of death, for instance, by filling his soul with curiosity, dread, and sometimes with grief, have incited him to penetrate the secret of his destiny? Thus, incessantly urged onward by the increasing and irresistible wants of his nature, man has never ceased, since the beginning of the world, to pile observation on observation, one kind of knowledge on another, and thus to improve his material and moral condition.—Civilization, therefore, seems to us a natural fact; it is the result of man's very organization, of his intelligence and wants. Its source is in *observation* stimulated by *interest*, and it has no limit but that of the knowledge which is given to man to accumulate and combine under the pressure of his wants. Now, this limit we can not see; whence it follows that it has been possible to say with truth that progress is indefinite. —Civilization, however, although inherent in human nature, has not equally developed among all nations. Certain peoples have remained, even to our day, plunged in the darkness of primitive barbarism, while at their very side we find civilization arrayed in all its power. To what is this inequality of development to be attributed? We must attribute it to the inequality of the physical and moral faculties of the different races of men; we must attribute it also to the surroundings in the midst of which each race is developed. We must attribute it, to use the language of economists, to the amount of natural goods, both external and internal, which the Creator has bestowed upon each people. Now, these raw materials of civilization are very unequally distributed: between the stupid Botocudo and the Anglo-Saxon, who has become his neighbor, the distance, from both a physical and a moral point of view, is immense, and between these two varieties of the human species, who seem to form the extreme links in the chain of the varieties, of man, we find a whole multitude of races all unequal, all different; just as, between the sands of the Sahara and the alluvial soil of Senegal there are many degrees of fertility.—We must carefully examine how these natural inequalities have acted upon civilization. If two nations, unequally favored with natural gifts, be placed in similar environments, it is evident that the one best provided with this natural capital, will develop more rapidly and more completely than the other. It is also clear that if two nations, equally favored with internal gifts, be placed amid unequal environments, their development also will be unequal. The influence of internal gifts, and of their unequal distribution upon civilization, has not as yet, we believe, been sufficiently studied and appreciated. On the other hand, the influence of external surroundings has been much better recognized and more attention has been called to it. Jean Bodin, Montesquieu and Herder, clearly demonstrated its importance. They might even be accused of having exaggerated it.—However this may be, by taking well into account these natural elements of civilization, we can readily understand how certain races have reached a very high degree of civilization, while others have remained plunged in barbarism. If, for instance, we but study the natural history of the various races of men who inhabit the archipelagoes of the Pacific ocean, and their physical surroundings, we will comprehend why they have remained the most backward of the human species. In the first place, these tribes are generally of very weak intellect; they have but a small share of that faculty of observing, and of accumulating and combining their observations, which constitutes the essential motor of civilization. In the second place, the mildness of the climate and the natural fecundity of the soil enabling them to satisfy, without labor, their grossest wants, leaves their intellect without any stimulant to action. Finally, their topographical situation, by isolating them from the rest of mankind, has restricted them to the development of their own resources,

to their own limited elements of civilization. To obtain other resources or elements of civilization, they would have had to cross the abyss of the ocean. But to traverse the ocean, they would have had to know the art of navigation, to be acquainted with the compass, etc., a knowledge beyond the reach of their intellect. These tribes of men, lost in the immensity of the ocean, were thus condemned to languish for a longer time than the rest of mankind in the darkness of barbarism. In all probability they would still be plunged in this darkness had not light come to them from without, had not nations already advanced in civilization begun to visit them.—But suppose that these tribes, instead of being separated from civilization by the depths of the ocean, had lived on or near the main land, their condition certainly would have been very different. In the course of time they would have communicated with one another, they could have intermingled, they would have exchanged their discoveries and their products. This contact and this intermingling of tribes differently endowed, would have resulted in a civilization, coarse and incomplete, no doubt, but which would have produced a social state far superior to that of all the isolated tribes of the Polynesian archipelagoes. This is one example of the influence of natural gifts, internal and external, upon civilization. Let us give another illustration. At the opposite extremity of the scale of civilization is Great Britain. The inhabitants of Great Britain are a composite people, the product of six or seven races, which successively invaded British soil, whose different aptitudes united and combined to develop it. The natural conditions of the soil, climate and topographical situation of Great Britain, admirably seconded the work of civilization. The soil is fertile, but its fecundity is not exuberant enough to allow those who cultivate it to become the victims of indolence. The climate, although not exceedingly rigorous, renders clothing and shelter necessary to man. Lastly, Great Britain is separated from the continent by an arm of the sea, which, while it protects the inhabitants from foreign invasion, allows them easy communication with other nations abundantly provided with the elements necessary to progress. Favored by such a concurrence of natural advantages, civilization could not but develop rapidly. Let us suppose, however, that the inhabitants of Great Britain had been cast upon the shores of New Zealand; that, consequently, they could not intermingle with such people as those who successively came to settle beside them, nor communicate with a continent on which civilization had already shed its light, is it not likely that they would to-day differ very little from the natives of New Zealand?—Now that the influence which the distribution of natural gifts, both internal and external, exercises on civilization is clearly recognized, let us see what influence the state of the relations which men bear to one another may exercise on their progressive activity; under what social circumstances they are most stimulated to utilize the elements of progress at their disposal. —If civilization be a product of the human intellect, stimulated by human events, it is evident that it will develop more rapidly in proportion as man may more freely employ his faculties in channels suitable to them, and in proportion as he is himself certain of enjoying the fruit of his endeavors. If I have an aptitude for mathematics, and am forced, without any regard for my talent, to devote myself to painting, the most active and powerful part of my intellect will remain almost inactive. I might have been able to solve a number of mathematical problems; but as I was forbidden to devote myself to this work, for which I was naturally fitted, the problems which I might have solved will not be solved at all, or at least they will be solved later, and civilization will be thereby retarded by so much. On the other hand, I may paint, but, as I have little talent for the art of painting, I shall contribute nothing to its progress. A good mathematician has been spoiled in me to make a bad painter. To interfere with the liberty of labor, therefore, is to nullify and to suppress the forces which would have stimulated human progress; it is in some sense to do away with that part of human intelligence which would have contributed most effectually to the advancement of civilization. The progress of civilization is permanently hindered by the restrictions which close the ranks of certain professions to men who might excel in them, or when admission to them is rendered expensive and difficult, when immutable rules prescribe for each the career he must follow. All attacks on the right of property are another cause which retards civilization. Why does a man condemn his intellect to the labor of accumulating, combining and applying observations to the satisfaction of his wants? Is it not because this labor procures him enjoyment or spares him trouble? He has no other aim. But if he be deprived of this enjoyment, in whole or in part; if the fruit of his self-imposed labor be consumed by others, what reason would he have left to labor intellectually or otherwise? If, for instance, another compels this man to work for him, to cultivate his field, to grind his corn, and leaves him barely enough of the fruit of his own labor to subsist upon; if, in a word, he be a slave, what interest can he have to improve the cultivation of his land or the grinding of corn? What will it avail him? Does he not know that the fruit of his laborious research will belong entirely to his master, that is, to his natural enemy, to the person who each day robs him of his legitimate wages to appropriate them to himself? Why, then, should he add to the gratification of a man who unjustly deprives him of his own? Slavery, therefore, which is, however, but one of the innumerable forms of spoliation, appears as one of the most serious obstacles that impede human progress; in like manner, every arbitrary or legal act which injures or menaces property, natural or

acquired, delays the progress of civilization, by weakening the incentive which urges men to extend the circle of their knowledge and their acquisition.—Liberty, which allows every man to draw the utmost possible benefit from the gifts with which nature has endowed him, and the right of property, which entitles him to the absolute enjoyment of these gifts, and of the fruit which he can derive from them, are the necessary conditions of human progress. Spoliation, under the multitude of forms which it assumes, is the great obstacle that retards, and has, from the beginning of the world, retarded the development of civilization —This being the case, it would seem that men should have, from the very beginning, contrived some means of maintaining inviolable their rights of liberty and property. Unfortunately they have learned only after a long and rude experience, how essential respect for liberty and property is to their well being. If we try to leave this experience out of consideration, and examine the natural conditions in which men were placed in the beginning, taking into account their instincts, their wants, and the means which they had of satisfying them, we will be convinced that they could not begin except by spoliation.—Ignorant men, fresh from the hand of nature, with no other guide than their instincts, no acquired experience either of the world or of themselves, were obliged to supply wants felt anew every day, and which had to be satisfied under pain of death. Unprovided with the instruments and knowledge necessary to assure them a regular subsistence, they were incessantly exposed to the hardship of extreme hunger. When one of these ignorant and famished beings met one of his fellowmen, who, more fortunate than he, had succeeded in getting some prey, a struggle for it was inevitable. Why should not a starving and destitute man attempt to possess himself of the booty which came in his way? Not scrupling to rob the bee of its honey and to devour the sheep, why should he respect man? There is undoubtedly a natural instinct which prompts beings of the same species not to injure one another, but must not this instinct, whose intensity varies in different individuals, have yielded before the all-powerful pressure of want? Let us picture to ourselves what would happen even in our day, notwithstanding the great progress we have made, notwithstanding our acquisitions in the physical and moral order, if there were no superior power established to suppress individual cruelty, and society were abandoned to anarchy. The most frightful disorder would inevitably result from this condition of things. Robberies and assassinations would increase in a frightful manner, until such time as men had reorganized a repressive force. For still stronger reasons must not the result have been the same in the first ages of the world?—History proves, moreover, that abuse of power was general in these first ages, whose innocence has been so loudly vaunted by the poets. The liberty and property of the weak were always at the mercy of the strong. Every one was thus incessantly exposed to be robbed of the fruit of his labors. Consequently, no one took any interest in increasing his possessions or accumulating property. Progress was impossible under this system. What was the result? The *experience* of the evils of anarchy led men to combine together in order to better protect their liberty and property. Societies were formed everywhere, and in them assassination and robbery were forbidden and punished. Still the pacificatory action of these societies of mutual protection was at first very limited: if men appreciated clearly enough the necessity of living at peace with their immediate neighbors, the inconveniences of a war with men a little farther away did not impress them so forcibly. They often even believed it to their interest to conquer and plunder them. Experience had gradually to extend the domain of peace, that is, the systematized and organized respect for liberty and property. Little by little, nations dwelling in close proximity to one another, and nearly equal in strength, became convinced, by the results of their various encounters, that they lost more than they gained by making war. They, therefore, agreed to suspend their hostilities, to make truces, particularly, if they were employed in agriculture, especially during seed-time and harvest. They finally entered into mutual alliances offensive and defensive. Between these nations who had declared truces or concluded treaties there was regular communication. They imparted to each other the knowledge they had acquired and accumulated. Exchange of products and exchange of ideas took place at the same time. Thus we find that civilization developed in proportion as the experience of the evils of war enlarged the sphere of peace. The same result was obtained when a nation extended its dominion over other nations, for the conquerors soon perceived that it was to their interest to maintain peace in the countries submitted to their rule. Under Roman rule, for example, the most civilized nations of the world ceased to make war on one another, and magnificent roads united these nations which had so long been strangers and enemies. The progress made by each of them in its isolation extended to all. The Christianity of Judea, the philosophy and arts of Greece, the legislation of Rome spread to Africa, Spain, Gaul and Germany, and reached even to Great Britain. At the same time commerce was developing, and the useful plants, together with the art of cultivating them, passed from one country to another: the cherry was imported from Asia Minor into Europe, the vine was transported into Gaul; in a word, civilization under all its forms progressed from the east to the west —Nevertheless, in these first ages of humanity, peace could be neither general nor lasting: in the midst of peaceful nations, slavery in all its degrees appeared as a permanent cause of conflict. From without, hordes of barbarians coveted the wealth accumulated by these civilized peoples. All the early

centres of civilization, Persia, Egypt, the Roman empire, after a thousand intestine struggles, became, as is well known, the prey of barbarians. —The great invasions which occupy so large a place in the history of the world had not everywhere and always the same results. They were, according to circumstances, favorable or disastrous to the progress of humanity. In order to appreciate the influence they exercised from this point of view, we must ascertain first, what amount of material and immaterial capital was destroyed in the course of the invasion; we must examine also whether, the conquest once completed, the victors and the vanquished gained by their contact with each other more liberty and security; whether they increased their means of progress. Anarchy, slavery and war are the great obstacles in the way of civilization; but frequently these obstacles either destroyed or weakened one another. Sometimes slavery put an end to anarchy, and sometimes war to slavery. There was retrogression wherever the result of the conflict was a diminution of the liberty or security acquired, and, on the other hand, there was progress whenever the sum total of liberty and security in the world was increased by the conflict: at least whenever the destruction of capital caused by the conflict was not great enough to counterbalance the gain made —We can not say, for instance, whether the invasion of the Roman empire by the barbarians of the north hastened or retarded the progress of civilization; whether or not the immense destruction of material and immaterial capital occasioned by this cataclysm was compensated for by acquisitions of another nature; whether or not, if the Roman empire had lasted, the different varieties of men who to-day inhabit Europe would have been so advantageously intermingled; whether or not slavery would have continued for a longer time. We have not the data necessary to solve this historical problem. We can, however, conjecture that, if the establishment of Roman domination over nations, most of which had adopted slavery, could still serve the cause of civilization by causing peace to reign among these nations, by increasing, consequently, the amount of security which the world enjoyed, without sensibly diminishing the sum total of its liberty; in like manner, the establishment of the barbarians upon the ruins of the Roman domination contributed to the progress of civilization by hastening the abolition of slavery, and thus increasing the amount of liberty possessed by the human race. —Be this as it may, liberty and security have been making constant progress ever since the downfall of the Roman empire, and especially since the end of the feudal barbarism which was substituted for it. This progress, whether quickened or not by the invasion of the barbarians who overran the old civilized countries, wonderfully aided the development of modern civilization. Thenceforth, as man had greater liberty to employ for the increase of his well-being the elements of progress at his disposal, and felt more assured of being able to preserve the fruit of his labors, he gave greater scope to his activity. He explored the material and the moral world with a power and a success of which he before had no idea. He discovered all at once the means of better preserving his old acquisitions, and of multiplying and propagating new ones more rapidly. Some of these discoveries have exercised such an influence upon the march of civilization that we must dwell upon them for a moment.—We will mention first the invention of gunpowder. The immediate effect of this discovery was to change the proportion between the labor and capital necessary to the exercise of what we may call the military industry. It required less labor and more capital, fewer men and more machines. One piece of cannon served by eight men took the place of a hundred archers. What was the result? Civilized nations acquired an enormous advantage over barbarous peoples from the point of view both of attack and defense. The superiority of their implements of war, together with their superiority in the capital necessary to put this costly machinery in operation, assured them predominance. Thenceforth new invasions of barbarians coming to destroy the previous acquisitions of civilization were no longer to be feared. Moreover, now that they were freed from the corruption of slavery, which might in time render invasions useful, the civilized nations acquired in this respect a security which they did not enjoy in ancient times. Instead of being subjugated anew by the barbarians, they everywhere began to subject the barbarians to their rule.[1]— Thus were the accomplished results of civilization permanently assured, while a process was soon after discovered whereby to propagate, at small expense and with marvelous rapidity, the knowledge accumulated by the human mind: we refer to the invention of printing. But a short time ago, the diffusion of the immaterial capital of humanity was difficult and costly; sometimes even a part of previously acquired knowledge was lost. Thanks to the printing press, it became possible to reproduce indefinitely the same observation, the same thought and the same invention, and to send it thus multiplied through the immensity of the ages.—Nor is this all. Civilization in ancient times was local. Each nation, separated from neighboring nations, either by physical obstacles, or by the hatred or prejudices of centuries, had its own narrow and isolated civilization. Thus, in the first place, a more and more extended experience of the evils of war, together with the progress of moral and political sciences, began to draw nations together by showing them that it

1 "Force will probably be found in the future on the side of civilization and enlightenment; for civilized nations are the only ones which can have enough wealth to maintain an imposing military force. This fact removes, so far as the future is concerned, the probability of the recurrence of those great upheavals of which history is full, and in which civilized nations became the victims of barbarians." (J. B. Say, *Traité d'Économie Politique*, liv. 3, ch. 7.)

was to their interest to dwell together in peace, and exchange with one another the products of their industry. Thus, again, the application of steam and electricity to locomotion, by annihilating space, so to speak, renders more and more practicable this exchange, which is now recognized as useful. Thus, thanks to this material and moral progress, local civilizations, formerly isolated, hostile, and without regular communication, began to unite, preserving in a general civilization their own peculiar characteristics.—But if we seek out the origin of this great progress which has assured and accelerated the march of civilization, we shall find that it comes, like all other progress, from the employment of the human intellect in the observation of the phenomena of the moral and physical world; an employment which has become more general and more fruitful in proportion as men have been more interested in engaging in it. The men who have systematized the method of observation, and first among them chancellor Bacon, have been objects of great laudation, and surely this is but just. We must not, however, forget that this method was known and practiced from the very beginning of the world, since it is to observation, and to experience which is but another form of observation, that all human progress is due. If it was less fruitful in ancient times, it was, primarily, because the aggregate of anterior knowledge which could be used to acquire new knowledge was less; it resulted also from the fact that, as liberty and property were less generally guaranteed than now, fewer men were interested in observing and in utilizing their observations. The material arts, for instance, which were abandoned for the most part to slaves, remained of necessity at a standstill. What interest would the slaves have had in improving them? But must not this lack of progress in certain essential branches of human knowledge in turn weaken the spring of all the others? Do we not know that all progress is connected, and that discoveries made in any part of the domain of industry lead to others, frequently in an opposite extremity of this domain? There is certainly little connection between the manufacture of glass and the observation of celestial bodies; and still, how much has the progress in the art of glass-making advanced the progress of astronomy! In ancient times the lack of progress in the material arts, which slavery had degraded, deprived men of the ideas and instruments necessary to enlarge the circle of their knowledge. In consequence, the method of observation was less effective in their hands, and sometimes even remained sterile. What was the result? Men, pressed for the solution of certain problems, and not perceiving how to solve them, declared the method of observation powerless, and built, upon the fragile basis of hypothesis, systems to which science was destined to do justice at a later day. The method of observation was discredited, especially when certain classes believed themselves interested in maintaining the solutions given by hypotheses; but this discrediting of the method of observation which had its first source in slavery, was inevitably bound to disappear with it. In proportion as slavery disappeared, and the gap in the progress of the material arts began to be filled up, the method of observation, provided with new instruments, acquired a range which no one would before have imagined it capable of. Its efficacy in solving problems which had before been regarded as above human intelligence, then became manifest to all. The honor of being the first to recognize this fact belongs to Bacon; but does not the credit of popularizing and universalizing the method of observation belong still more to liberty than to Bacon? Did not observation increase its endeavors and obtain its most marvelous results, after and from the very day that it acquired liberty as an all-powerful auxiliary; increase these efforts and obtain these results in proportion as liberty was greater? Since the advent of industrial liberty, for example, has not the domain of civilization extended more, in one century, than it had in twenty centuries before?—By becoming more general, under the influence of the progress we have just described, the power of civilization has increased in an incalculable degree. Formerly, each isolated nation was confined almost exclusively to its own resources to develop its knowledge and increase its prosperity. Now, as the aptitudes of men are essentially different, according to race, climate and circumstances of place; as the qualities of the soil are no less so, and the same piece of land is not equally well adapted for all kinds of crops; each isolated civilization necessarily remained incomplete. Only certain privileged individuals could use for the satisfaction of their wants, products brought from other parts of the globe. The mass of the people were obliged to content themselves with the products of the country, and the small extent of the market proved an insurmountable obstacle to the progressive developments of these products. The lack of communication was to a certain extent compensated for by artificially increasing the number of national industries, by learning the industries of foreign nations. Unfortunately, this assimilation, useful when restricted within certain limits, was carried too far. Countries wished to produce everything, even those things which cost less when bought from foreign countries; and in this they partially succeeded by interdicting the use of imported goods. But they still failed to attain the desired result, which was to increase the amount of things calculated to satisfy the needs of their inhabitants. Instead of increasing the number of their satisfied wants, they diminished them. Instead of advancing in civilization, they relapsed into barbarism. We must add, however, that observation and experience are constantly endeavoring to do away with this error, as they have already done away with so many others. The more enlightened nations begin to perceive that it is their interest to obtain

the greatest possible amount of satisfaction (the word satisfaction is here used in its politico-economical sense), for the smallest amount of labor, and that they can never attain this end by barricading themselves against the cheapness of goods. The time will come when they themselves will tear down the artificial barriers with which they have surrounded themselves in place of the natural barriers which the steam engine had broken down. On that day the elements of civilization which God has placed at the disposal of the human race, and the material and immaterial capital which man has accumulated in the course of the centuries, will be best and most fruitfully employed; on that day also will the natural division of labor among the different nations, now impeded by artificial restrictions, be fully developed. We do not know, and it would be superfluous to conjecture, to what height civilization thus universalized will rise, and to what degree it will increase man's moral and material satisfactions, while diminishing his labor and his suffering. All that we can say is, that considering the progress which civilization has already made, human intelligence, provided with a capital which increases so much the more rapidly the more it accumulates; provided with all the instruments necessary to preserve and propagate what it has required; urged on by wants which have never yet been satisfied, and which seem insatiable, will continue incessantly to advance with a more rapid and a surer step until it reaches the undefined limit beyond which it is not given to it to go.—Nevertheless, some minds are still in doubt as to the future of civilization, and present various objections on this point which it will be well to answer. Their principal objection may be thus stated: if civilized nations have no longer to fear the invasions of barbarians from without, are they not, on the other hand, daily more and more exposed to be overrun by the barbarians in their own household? Do they not run the risk of falling back into barbarism, or at least of remaining a long time stationary, by becoming the prey of those men who have not ceased to wallow in primitive ignorance? Doubtless civilization may be retarded in a country by ignorance, or, what amounts to the same thing, by the mistaken interest of a dominant class. Nevertheless, this cause, antagonistic to civilization, has not so much influence as is attributed to it. If it is a multitude, imbued with chimerical ideas, that seizes upon the government of society, *experience*, or even the simple discussion of these theories, readily proves to them their emptiness, and, as the multitude is most interested in the good government of society, a reaction takes place in its midst; it divests itself of its dangerous illusions, and civilization at once resumes its onward march. If society is, on the contrary, under the domination of a class attached to the maintenance of old abuses, the evil caused by these abuses—after a greater or less delay, according to the more or less advanced state of intellectual communications — finally becomes manifest to every one. Then the pressure of public opinion puts an end to it.—A grave question here presents itself incidentally. Is it well to crush, if necessary, the resistance of the class attached to established abuses, to resort to revolutions to destroy these abuses, or is it better to wait till they disappear of themselves under pressure of the progress made outside the range of their baneful influence? This question plainly admits of two solutions, according to the circumstances of time and place. It may be affirmed, however, that in our day the peaceful solution is generally the better. Think, indeed, with an unprejudiced mind, of the results of certain events of but recent occurrence, the enormous amount of capital they consumed, the active forces they absorbed, the dire calamities they produced; take into account, at the same time, the progress made since the invention of printing, and the application of steam to locomotion, and be convinced that revolution is too high a price to pay for progress in our day, and that it is best, therefore, to abstain from it, even in the interest of civilization.—A second objection, no less frequently urged, is the following: material prosperity is not developed except at the expense of public morality; men become morally more corrupt, in proportion as their condition improves materially, and their civilization, so brilliant on the surface, is only a whited sepulchre. Nothing could be more false. In the first place, the history of civilization proves that the branches of human knowledge which concur in improving the moral nature of man, do not develop less rapidly than those which tend to develop his material prosperity. Religion, for instance, has never ceased, in the course of ages, to grow in perfection and purity, and to exercise, for this very reason, a most effectual influence over human morality. How far superior is not Christianity to Paganism in this respect! And can we not easily perceive a progress in Christianity itself? Is not the Christian religion of to-day a more perfect instrument of moralization than it was in the days of the St. Dominics and the Torquemadas? Do not the philosophical sciences also, and political economy in particular, labor more effectually every day to improve men's morals by showing them every day more clearly that the observance of the laws of morality is an essential condition of their existence and well-being? In the second place, ought not material progress of itself, far from being an obstacle to the moral development of the human race, contribute, on the contrary, to sustain it? By rendering man's labor more fruitful, and his existence easier, must it not tend to diminish the force and frequency of the temptations which impel him to violate the laws of morality in order to satisfy his material appetites? Experience, moreover, confirms these deductions drawn from the observation of our nature. The criminal records prove that the poorer classes commit, other things being equal, a greater number of crimes than the

richer classes; they prove also that crime decreases and morals improve in proportion as the comforts of life are extended to the lower ranks of society. This objection, based upon a pretended demoralization of nations occasioned by the development of material prosperity, is therefore at variance with observation and experience.—The third objection pretends that the progress of industry has increased inequality among men. It holds that the tendency of industrial progress is to agglomerate, on the one hand, masses of capital, and, on the other, multitudes of men whose condition becomes every day more miserable. Historical facts give the lie to this assertion. Compare the social inequality which exists in our day with that which existed in the time of the Roman empire; contrast with the slaves of the *latifundia* and the powerful head of a patrician family, the poorest workman with the richest of our bankers; and say whether the extremes of the social scale, far from having become more widely separated, have not come nearer together! Progress favors equality, or at least its continual tendency is to reduce social inequalities to the level of natural inequalities. We notice, in fact, that liberty and property are better guaranteed in proportion as civilization gains ground, and that the progress made in guaranteeing liberty and property, is the essential condition of all other progress. Now, if each man is obliged to depend upon his own industry for a livelihood; if there is no longer any spoliation, open or secret, to give to one man the fruits of another's labor; if, in a word, the most powerful and active causes of inequality disappear, must not social differences inevitably end by coming down to the level of the differences which nature has made between men? The only cause that could maintain and even aggravate these inequalities, by attributing to those who control the means of subsistence and the instruments of labor an unwarranted predominance, is the permanent excess of population. Fortunately, the multiplication of the human species does not depend solely upon man's prolific power; it depends also upon his foresight. Man has the power to control the production of beings like himself; he can quicken or slacken this production, according as he foresees that his own condition and that of the beings whom he brings into the world will be improved or impaired thereby. But this foresight, which puts a beneficial limit to generation, naturally acquires greater strength and greater control in proportion as man becomes more enlightened.—In his *Esquisse d'un tableau historique des progrès de l'esprit humain*, Condorcet demonstrated that there would be less and less reason to fear an excess of population, owing to the natural development of foresight under the influence of civilization. "Suppose," he says, "the limit (at which population pressed on the means of subsistence) reached, no dreadful consequences would result, either to the well-being of the human species, or to its indefinite perfectibility; provided we suppose that before that limit was reached the progress of reason kept pace with the progress of the arts and sciences; * * * * men would then know that, if they had duties to beings not yet in existence, these duties consist, not in giving them existence, but happiness; these duties have for their object the general well-being of the human species, or of the society in which those who are bound by them live or of the family to which they belong; and not the puerile idea of loading down the earth with useless and unhappy beings. There might, therefore, be a limit to the sum total of the means of subsistence, and consequently to the possible maximum of population, without its resulting in the premature destruction of a portion of living beings, which is so contrary to nature and social prosperity."—We see that the different elements of our nature, and of the world in which we live, are so disposed that civilization appeared as an inevitable and irresistible fact. There is nothing, however, of fatality about it, inasmuch as it continually feels the influence of our free will. If it is not in the power of any one to stop it, or cause it to retrograde, each one can nevertheless exert an influence over its progress, and perhaps also over its definitive extent. Raise your hand against the liberty and property of others; do not utilize as much as you might the productive forces at your disposal; be indolent, ignorant and prodigal; and you will retard civilization. On the contrary, set an example of moral virtue, of respect for liberty and property, of the spirit of research, of ardor and assiduity in labor, and you will contribute your share toward advancing it. Each individual acts upon civilization for good or for evil, within the more or less extended sphere of his activity. Only, each one being more and more interested to act in such a manner as to contribute to its progress, the number of the acts which advance it surpass every day more and more the number of those which retard it. The general impulse given to civilization depends upon the aggregate of the faculties and wants of man, and upon the natural resources which have been placed at his disposal; but it remains, on this account, none the less subject, in the accidents of its course, to the influence of man's free will. Civilization is the creature of Providence, not of fate.—Now that we have described the elements of civilization, and have shown with the aid of what material and moral instruments the great work is carried on, how it can be accelerated and how retarded, let us sum up in a few words the economic marks by which civilization is recognized, and the end toward which it tends.—Civilization is seen to be the development of the power of man over nature. Now, there is an external sign by which this development may be recognized: the division of labor. The country in which labor is most divided in all its branches, where, for this very reason, social relations are most developed, is therefore evidently that in which civilization is most advanced.—Civilization has for its end the

better satisfaction of our material and moral wants. It leads us, by progressively ameliorating the conditions of our existence, toward the ideal of the power and of the beauty adapted to our nature and the resources which the Creator has placed at our disposal.—The idea of an indefinitely progressive civilization is modern. In ancient times, when material progress was impeded by slavery, men could not conceive of any other progress than that of the sciences and the fine arts. Still the sight of the dangers to which civilized people were exposed, the destruction of so many local civilizations by the invasion of barbarians, must have eradicated all ideas of general and uninterrupted progress. This idea could hardly appear until after the invention of gunpowder and of printing. Its germination was slow. Vico prepared the way for it by collecting, in a systematic manner, the observations which he had made upon the development of civilized nations; but Turgot was the first who enunciated it, supporting it by positive data (in his *Discours en Sorbonne*, and in his *Essais de géographie politique*). Condorcet, with some differences, amplified the ideas of Turgot. In Germany, Kant discovered civilization in the spread of human liberty; Herder studied, somewhat vaguely perhaps, its natural elements; the economist Storch undertook to propound the theory of it. Although incomplete, and faulty in certain respects, this theory is still worthy of study. At a later period Guizot drew a picture of the progress of civilization in Europe, and especially in France; but the insufficiency of his economic knowledge is seen in his work, which is otherwise one of the most remarkable of the French historical school. Lastly, civilization has also had its romances. Taking no account either of the nature of man, nor of the conditions of his development, as observation and experience reveal them to us; the socialists have built up imaginary civilizations, as false or incomplete as the data upon which they rest. Observation, which is the first instrument of civilization, is also the only instrument we can use to recognize and describe it. G. DE MOLINARI.

CLAY, Henry, was born in Hanover county, Virginia, April 12, 1777, and died in Washington city, June 29, 1852. He was admitted to the bar in 1799, was a senator from Kentucky 1806–7 and 1809–11, and was a representative almost continuously 1811–25, being chosen speaker of the house six times. He was secretary of state 1825–9, and was again senator from Kentucky 1836–42, and from 1849 until his death. His first prominence was as one of the war leaders of the dominant party, (see DEMOCRATIC-REPUBLICAN PARTY), 1811–15. In 1825 he took part in the "scrub-race for the presidency" (see DISPUTED ELECTIONS, II.), out of which grew a charge of having sold his influence in the house to Adams in return for the position of secretary of state, which was commonly considered the stepping stone to the presidency. The reader will find the charge very fully considered in Colton's Life, referred to below. It never was supported by any proof; its only declared authority repudiated responsibility for it; and yet it was a considerable item in political argument for 25 years. Upon the formation of the whig party, whose distinctive principles of protection and internal improvements he had announced very clearly and ably in 1818–20, he became its beloved leader. He was nominated by the whigs for the presidency in 1831 (see WHIG PARTY, I.), and 1844 (see WHIG PARTY, II.), and in other years the party unwillingly adopted other candidates, Harrison, Taylor and Scott, from considerations of political expediency. With the exception of Jefferson, no party leader in the United States has ever received such enthusiastic and devoted support as Henry Clay. The story, generally believed, that John Tyler, while a delegate to the whig national convention of 1839, could not restrain his tears at the failure to nominate Clay, may serve to show the intensity of the party's feelings toward its leader. Even in 1851 his private correspondence shows that active preparations were being made to bring him up again as a candidate in 1852. His name is most closely connected with the Missouri compromise and the compromise of 1850 (see COMPROMISES, IV., V.), which were both mainly of his contriving. (See DEMOCRATIC PARTY, III.; INTERNAL IMPROVEMENTS; ADMINISTRATIONS, X.; DISPUTED ELECTIONS, II.; WHIG PARTY, COMPROMISES; CONSTRUCTION, II.; CONGRESS.) —See Mallory's *Life and Speeches of Clay;* Prentice's *Life of Clay;* Greeley's *Life of Clay;* Colton's *Life and Times of Clay* (to 1846), *Private Correspondence of Clay, Last Seven Years of the Life of Clay,* and *Life, Correspondence, and Speeches of Clay;* Ormsby's *Whig Party;* 1 von Holst's *United States*, 412.

ALEXANDER JOHNSTON.

CLEARING, AND CLEARING HOUSES. *Clearing* is the settlement of mutual claims by the payment of differences. The total of the claims to be settled is the *clearings*, and the differences are called *balances*. *Clearing house* is a place where clearing is done.—The greatest use of clearing is to facilitate the daily payment of the checks held by the banks of a city against one another. Clearing is used in Great Britain to adjust the complicated accounts of the through traffic of connecting railroads, and to simplify the fortnightly deliveries of stock on the London stock exchange. England has three bank clearing houses; France, one; Austria, one; Australia, one, and the United States, 28. There are two railway clearing houses, one in London for the English and Scotch railroads, and one in Dublin for the Irish railroads. The only stock exchange clearing house is in London.—*Clearing* between banks is a simple process, done in substantially the same way in all the clearing houses. At a certain hour in the morning every bank sends a

clerk and messenger to the clearing house, where each bank has its desk. Its clerk sits at this desk and receives from the messengers of all the other banks in turn, all the checks, or "exchanges," held against it for payment. As the messengers deliver their exchanges they take receipts. When all the messengers have made the tour of the room each bank will have received through its clerk all the checks held against it by the other banks in the clearing house, and will have delivered through its messenger to every other bank all the checks, or "exchanges," it holds for payment. If it receives more than it has delivered, it is a "debtor" bank, and has a balance to pay; if it delivers more than it has received, it is a "creditor" bank, and must be paid a balance. In the New York clearing house this process of delivering "exchanges" and taking receipts usually consumes about ten minutes. Without the clearing house, the messengers would need six to eight hours to do the same work. Proof sheets are made, under the supervision of the manager of the clearing house, to see that everything balances, and no clerk is allowed to leave until any error made has been discovered and corrected. At a later hour—before 1.30 in New York and 12.30 in Chicago—the debtor banks must pay to the clearing house for the creditor banks the balances due. It sometimes happens that, at the clearing, checks are delivered to a bank which it does not consider itself bound to pay. For these the clearing house makes no allowance. Balances must be paid as if the checks were all good. Claims arising from disputed checks are adjusted directly between the banks interested.—In the London and Philadelphia clearing houses no money is used for the payment of balances. Every clearing house bank in London, and the clearing house itself, keep accounts with the bank of England, and differences are settled by transfers from one account to another. In the Philadelphia clearing house the debit balances are paid either by certificates issued by the assistant treasurer of the United States for legal tender notes deposited, or by certificates issued by the clearing house association for *gold* deposited in their safe. Thus no loss can possibly occur in paying balances to the clearing house; the banks give their due bill for the odd amount under $5,000. These due bills the manager deposits in a bank and gives his checks to the creditor banks for the odd amounts due them. The manager who has had charge of the Philadelphia clearing house for over 23 years, Mr. George E. Arnold, has received and paid out over $3,000,000,000, and is not bothered with one cent of money. In the New York, Chicago, and other clearing houses generally, balances are settled in legal tender paper or coin, and to some extent in clearing house certificates.—London originated the clearing house. It was formed spontaneously by the clerks of the London private bankers, who, to save themselves the trouble of going about to each bank, got into the habit of meeting in a room to settle their mutual claims. A similar practice arose among French merchants, in old times, of making their bills payable at the great annual fair at Lyons, where they met to balance their debts, and pay the differences. In this way, says Boisguillebert in his *Dissertation sur la Nature des Richesses*, transactions to the amount of 80,000,000 francs were settled without the use of a sou in money. Edinburgh bankers claim the credit of having established the first clearing house. It was formed to put a stop to the malicious practice that had grown up among the rival banks of suddenly presenting large amounts of notes on each other in the hopes of forcing a suspension. An agreement was made to meet twice a week to adjust their respective claims, and no demands were to be made at any other times. In 1775, after the London bank clerks had cleared among themselves for some years, a common centre of exchange was agreed upon by the bankers—then all private—in Lombard street, in the City. Bankers in the West End cleared through the City banks, and this practice still continues. For 20 years after the joint stock banks had been formed, the jealousy of the private banks excluded them from the benefits of the clearing house, and they were not admitted until 1854, after the intolerable inconvenience to which they were subjected for the lack of clearing house facilities had driven them to plan a clearing house for themselves. The bank of England has never been admitted to the London clearing house. In 1810 the London clearing house numbered 46 members; in 1840, 29; and lately, but 26. In 1858, on the suggestion of Sir John Lubbock, the operation of the clearing house was extended, to include country bankers.—Besides the London clearing house there are, in Europe, clearing houses at Manchester, (which Prof. Jevons thinks has a better method than is used at London), Newcastle, Vienna and Paris. At Paris, owing to the limited use of banking facilities and to the large proportion of settlements made through the bank of France, the clearings are no larger than in Cincinnati, St. Louis, or Baltimore. Melbourne, Australia, has a clearing house which ranks with the St. Louis clearing house in amount of clearings. Liverpool, though one of the greatest centres of commercial exchange in the world, has no clearing house proper, and the use of checks has been almost unknown there until within the last five years.—The largest clearing house in the world is in the United States, and that country has the greatest number of clearing houses.—New York now surpasses London, the oldest clearing centre, in the amount of its average daily clearings. In 1880 the total clearings of the London clearing house were, in dollars, $28,197,659,227; those of New York were $38,614,448,223.06. But the largest clearings in one day up to the end of 1880 were those of Nov. 17, at London, which amounted to $302,900,000. The transactions of the New York clearing house in 1880 were the

largest ever made in any room on earth, and exceeded the sum of the payments ($18,334,854,202) and the receipts ($18,570,348,647) of the United States government since its foundation. All this immense business was done without the loss of a cent, and with no errors. The largest clearings made in New York, before 1872, were $35,541,088,264, in 1869, when one-third of them were due to gold speculation. London's largest clearings were $29,544,268,442 in the year 1873. The New York clearing house was founded Oct. 11, 1853, with 52 banks. This number was reduced after the panic of 1857, to 47; rose to 60 in 1873; in 1880 was 57; and in June, 1881, was 59, at which time the capital of the clearing house banks was $60,875,000. New York does 78 per cent. of all the clearings made in the United States.—"The American," Mr. Ellis said, in his paper on 'The Clearing House System,' read before the English Bankers' Institute, Feb. 16, 1881, "seems to be the character most suited to the adoption of centralizing and clearing principles." There is a clearing house in every important city in the United States, and the smaller cities are rapidly adopting this financial labor-saving device. In 1853 the first American clearing house was started in the United States. In 1877 there were 23 clearing houses in the country, including 409 banks; and in 1880 there were 28 clearing houses, of which 26 contained an aggregate of 394 banks, with a capital and surplus of $336,895,432. Twenty-three of these reported their clearings, which footed up, in 1880, $50,724,616,647. The American clearing houses that report are those at New York, Boston, Philadelphia, Chicago, Cincinnati, St. Louis, Baltimore, New Orleans, San Francisco, Louisville, Pittsburg, Milwaukee, Providence, Indianapolis, Kansas City, Cleveland, Hartford, New Haven, Columbus, Worcester, Springfield, Lowell, and Syracuse. Those that do not report are at St. Joseph, St. Paul, Norfolk, Memphis, and Portland. The total clearings of all the American clearing houses since the establishment of that at New York, in 1853, down to the end of 1880, are, as far as reported, $701,127,832,344. Clearings not reported are estimated by Mr. Dudley P. Bailey at $9,000,000,000; making the grand total, $710,127,832,344.—Clearing saves time, trouble and money. Mr. William A. Camp, manager of the New York clearing house, states that when it was formed, the banks were able to close 2,500 bank ledger accounts, in each of which numerous daily entries had to be made. The London and Westminster bank stated in evidence before the house of commons, that before they joined the clearing house they were obliged to keep in hand £150,000 in notes for negotiating their exchanges. The Bullion Report of 1810 records that 46 bankers in London made average daily clearings of £4,700,000, with a payment of only £220,000 in bank notes. Mr. Babbage shows in the Journal of the Statistical Society for March, 1856, that the clearings were made with the use of less than 4 per cent. in cash. In the New York clearing house, in 1880, the average daily exchanges were $121,000,000, and the average daily differences, or "balances," paid in money, were $4,900,000, equal to $4\frac{1}{10}$ per cent. of the settlements. The gold coin actually paid through the clearing house in 1880 weighed 598 tons. Had all the payments made during the year been in gold coin, without the aid of clearing the gold used would have weighed 74,000 tons. (*The Public.*) The ratio of balances paid in money to the clearing houses in different cities for a term of years were as follows: Boston, 11.8 per cent.; Philadelphia, 9; St. Louis, 20; Cincinnati, 14.5; New Orleans, 11.2; Milwaukee and Pittsburg, 18. Dudley P. Bailey calculates in the Bankers' Magazine for June, 1881, that since the establishment of the clearing house system in this country it has effected exchanges amounting to the enormous sum of $710,000,000,000, with the use of only about $48,000,000,000, or 6.8 per cent. in money or certificates. All business movement is quickened by the clearing house. Before it was established in New York, the banks on account of the enormous labor involved, made their settlements but once a week. The clearing house makes settlements possible every day. Since the use of money has been discontinued in the London clearing house, two or three dozen clerks clear every day, without the use of a coin or note, checks and bills to the average amount of $100,000,000. If gold were to be used instead of the clearing house machinery the weight to be moved every day would be 200 tons, over distances varying from yards to miles.—Something more than the economy of time, trouble and money is gained by the clearing house. It is developing a new economic and social force that will have mighty consequences. The clearing house establishes a fellowship between banks that has already proved in more than one crisis to be of great importance to the community and themselves. When the war of the rebellion broke out in the United States in 1861, the united action of the New York clearing house banks enabled the government to raise the funds with which to maintain its credit, and, as its manager, Mr. Camp, claims, the regularity and exactness of the clearing house machinery, and the union of the banks in the clearing house, were great factors in tiding over the financial embarrassments of those dark days. The New York clearing house banks, encouraged by their experience during the war, checked the demoralization of the panic of 1873 by combining their entire resources by the issue of loan certificates to the extent of over $25,000,000. Banks in the clearing houses have a disciplinary power over each other. One of the banks in a large American city was compelled by its associates to withdraw, in 1881, from the clearing house, on account of fraudulent returns of taxable deposits, made to the United States internal revenue commissioner. The constitution of the clearing house of New York city provides that for sufficient cause any bank whatever may be expelled from the clearing

house by a majority of its associates, and at the same time vests a still more summary power of instant suspension in a standing committee. Similar provisions are found in the constitutions of the clearing house of Chicago and other cities. In Philadelphia each member of the clearing house is required to make a full statement of its condition every day for the information of its associates, and in New York similar reports must be made weekly. Clearing houses usually have an arbitration committee to determine all disputes between banks submitted by both parties.—Not less important is the effect of the publicity given, especially in America, to the clearing house returns, which are published daily in most of the cities.—Every week a summary of the statements of the American clearing houses that make reports is prepared and telegraphed, with explanatory remarks, over a large part of the United States, by the associated press. These statements are looked for by business men and capitalists with as much interest as the weather reports. They are financial weather reports. This work of collation and explanation is done by Mr Wm. M. Grosvenor, editor of *The Public*, of New York, whose statistical genius was the first

BANK CLEARING HOUSES OF THE WORLD.

PLACE AND DATE OF ORGANIZATION.	Clearings first reported for a full year.	Highest Clearings up to 1873, inclusive.	Lowest Clearings since Panic of 1873.	Clearings of 1880.
London.....1775	$4,644,595,386 in 1839	$29 544,268,442 in 1873	$23.776,877,095 in 1879	$28,197,659,227
Manchester.....1872	346,000,000 in 1873*	346,000,000 in 1873*	362,000,000 in 1874	488,000,000
Newcastle.....——				
Melbourne.....1867				525,000,000
Paris.....1872	413,406 000 in 1873	413,406,000 in 1873	387,729.000 in 1874	740,197,260
Vienna.....1872	22,290,969 in 1873	22,290,969 in 1873	19,398,819 in 1874	61,000,000
New York.....1853	5,798,643,577 in 1854	36,369,571,503 in 1872	21,476,655,924 in 1876	38,614,448,223
Boston.....1856	1,395, 344,685 in 1857	2,667,477,740 in 1873	2,215,655,502 in 1878	3,326,343,166
Chicago.....1865	453,798 648 in 1866	1,047,027,828 in 1873	967,184,093 in 1878	1,725,684,894
Philadelphia.....1858	1,026,715,543 in 1859	2,189,368,911 in 1873	1,315,837,297 in 1878	2,354,846,429
Cincinnati.....1866	601,464,398 in 1866-7	695,952,682 in 1872-3	508,936,000 in 1878-9	758,292,700
St. Louis.....1868	321,794,648 in 1869	551,951,451 in 1873	478,634,441 in 1878	711,459,489
Baltimore.....1858	579,545,000 in 1875		504,089,159 in 1878	682,904,019
San Francisco.....1876	519.948,803 in 1877		486,725.953 in 1880	486,725,953
Milwaukee.....1868	178,578,544 in 1869	302,585,906 in 1873	215,666.729 in 1878	316,309,007
Louisville.....1876	203,564,662 in 1876		203,564,662 in 1876	299,114,426
New Orleans.....1872	501,716,239 in 1872-3	501,716.239 in 1872-3	372,651,150 in 1878-9	433,011,636
Pittsburg.....1866	97,157,556 in 1867	295,754,858 in 1873	189,771,695 in 1878	297,804,747
Providence.....1866	177.681,400 in 1877		155,328,100 in 1879	199,629,300
Kansas City.....1873	47,584,929 in 1874		41,000.317 in 1878	101,330,000
Indianapolis.....1871	42,000,000 in 1872	45,000,000 in 1873	56,215,635 in 1878	85,951,025
Cleveland.....1858	65,668,271 in 1877		58,177,750 in 1878	85,696,156
Hartford.....1872				
New Haven.....1867	30,703,999 in 1877		30,703,999 in 1877	50,361,513
Columbus.....1868	19,665,415 in 1875		19,665,415 in 1875	44,068,189
Worcester.....1861	6,593,102 in 1862	29,021,671 in 1873	25,169,157 in 1876	33,648,550
Springfield.....1872	31.495,171 in 1873	31,495,171 in 1873	22,313,256 in 1878	31,847,911
Lowell.....1876	12,958,422 in 1877		12,958,422 in 1877	19,981,950
Syracuse.....1877	17,299,123 in 1877		14,908 455 in 1879	17,296,588
Memphis.....1879				47,860,740
Portland.....1865				40,000.000
St. Paul.....1874				
St. Joseph.....1877				
Norfolk.....——				
	*Estimated.	*Estimated.		

to see the application that could be made of these representative figures which reflect the changing conditions of business as closely as the barometer measures the pressure of the atmosphere. Bank clearings at London, New York, Chicago and elsewhere rose with the swelling tide of prosperity before the crash of 1873, sank with the industrial ebb that followed, and are now steadily rising all over the world. Mr. Grosvenor's weekly and yearly analyses of the American clearings show that they register the growth of cities, the rise and fall of speculation—in stocks at New York, of grain at Chicago, and of cotton at New Orleans. Clearings are affected by such episodes as the gold speculation in New York in 1869, with the collapse of Black Friday and the yellow fever in Memphis in 1879. Extraordinary winters like that of 1880–81, the cessation of navigation on the American lakes, the approach of the holidays, the condition of the money market and of general trade, such a shrinkage of prices in merchandise and stocks as took place in the spring of 1880—all these modify the figures of the clearing house. Declining yield in the great bonanza mines of Nevada affects the clearings of San Francisco; and a break in wheat, like that of December, 1880, the clearings of Milwaukee. Pittsburg clearings show the recovery of its great iron industry. The wheat corner in Chicago increases the clearings of July 1, 1881. When stock speculators, to produce a break in Wall street, flood the country with rumors of disaster to all business interests, the weekly reports of rising clearings disprove the false assertion and act a great part in the maintenance of confidence.—The fullest compendium of clearing house statistics yet made may be found in Mr. Dudley P. Bailey's article on "The Clearing House System," Bankers' Magazine, New York, June, 1881. Consult, also, the files of *The Public;*

Mr. Arthur Ellis' paper on "The Clearing House System applied to Trade and Distribution," read before the London Institute of Bankers, Feb. 16, 1881; Sir John Lubbock, in the Journal of the Statistical Society, September, 1865; Mr. Babbage, in same journal, March, 1856; Geo. H. Ellery's "The Banks of New York, and the Panic of 1857"; article "Clearing House" in *Johnson's Encyclopædia*, by W. A. Camp, manager New York clearing house, and the following in periodicals: "Clearing House of New York," (J. S. Gibbons), *Bank. Mag.* (N. Y.), 14:41; "Clearing House," *Bank. Mag.* (N. Y.). 8:344,445; 9 409; 32:341; *Internat. Rev.*, 3:395; "Clearing Houses in 1857-8," *Bank. Mag.* (N. Y.), 13:6; "Clearing House Associations," *Bank. Mag.* (N. Y.), 18:217; "Clearing House Methods," *Bank. Mag.* (N. Y.). 30·10; "Clearing House System," *Bank. Mag.* (N. Y.), 13·882; 29:929; "Clearing Houses of the U. S.," *Bank. Mag.* (N. Y.), 31: 332 — *The Railway Clearing House.* This is the most complex of all clearing houses. It determines the amount due each one of the many connecting railroads of Great Britain and Ireland for its part of the through freight and passenger business. It is independent of each company, but under the control of all. There are four main departments: merchandise; passengers and parcels; mileage of rolling stock; lost luggage. Employés at each station forward every week to the railway clearing house at London the through passenger tickets taken up, and every month make reports of the weight, destination and payment of through freight. At every railroad junction the clearing house has its agents, who make weekly reports of the number, condition and destination of every car that passes from one line to another. All these returns and the passenger tickets forwarded are cleared by the clearing house, which ascertains the balance due by or to each company. Balances on passenger business are payable within 5 days, and balances on freight business within 23 days after the receipt of the clearing house advices. These are sent out monthly to the companies. The railway clearing house arbitrates between the companies on claims for damages to rolling stock, or in cases of disputed liability on freight or passenger business. The processes of the railway clearing house are simple, but the vast amount of detail to be attended to requires the employment of a large central staff to check accounts, determine balances, and settle them. There are two railway clearing houses in Great Britain and Ireland, formed under the provisions of the railway clearing act of 1850. Ninety-three English and Scotch railways clear in London, in a building in Seymour street, near Euston station. The Irish railways have a clearing house in Dublin —*Stock Exchange Clearing House.* The stock exchange, London, has the only stock exchange clearing house. Only a part of the members of the London stock exchange belong to it, and it clears for them alone. In the settlement of securities not transferable to bearer, it has caused little short of a revolution. Each broker who belongs to the clearing house submits a statement, and all but the balance of stock deliverable or receivable is canceled. The clearing house keeps a record of intermediate liabilities in case of dispute. The stock exchange clearing house system is not as perfect as that in other clearing houses, but it saves an immensity of trouble, and in departments of the London stock exchange where clearing is practiced, complaints of the onerousness of settling the half-monthly accounts are not as frequent as in those where it is not used.

H. D. LLOYD.

CLERICALISM. This new word, used only in religious and political discussion, is said to have been first employed by Belgian journalists, about the year 1855.—The words "clerk," "clerical," "clergy," suggest ecclesiastical functions. "Clericals" and "clericalism," suggest the abuse of those functions.—Abuse of priestly power is manifested, either by a tendency to an unlimited control of the faithful, or by encroachments of the clergy in the domain of civil and political authority. These usurpations of the clergy are possible only in churches which recognize the authority of a priesthood. They are dangerous only in those churches, which, united to the state, are really *political* establishments, whose only object, as such, is to increase their privileges, and whose aim, consequently, is to transform the government into a theocracy pure and simple. Those among the laity who declare themselves partisans of this religious mysticism, are termed "clericals" and accused of "clericalism." Religion, however, must be carefully distinguished from clericalism. If we compare the tendency of clericalism with that of Christianity, it seems to us that the salutary influence of the latter on modern civilization is much more beneficial when acting independently of any church establishment, which, following the example of Rome, puts itself in opposition to the liberal tendencies of evangelical doctrine, with its respect for the sovereignty of conscience. This tendency of Christianity, broad, tolerant and humanitarian, affords us the glorious spectacle of an interminable struggle against ignorance and superstition, and of its efforts to restore to conscience the feeling of individuality and liberty by the assimilation of the religious truth which propagates itself unaided by any external power. It is only by persuasion, unassisted by force, that Christian truth can influence morality and effect a moral reformation. In that way truth may prevail, even against those who arrogate to themselves the right to hold the exclusive monopoly of truth, and to propagate truth among the nations.—The policy of clericalism, on the other hand, is sectarian and intolerant. In spite of the evidence of facts, priestly power persists in maintaining that, existing by divine right, itself and religion are identical, and that it is the church in all its original purity and integrity. By means of this confusion of the

ideas of the temporal and spiritual power, of the times of the primitive church, and the time of the decay of its ecclesiastical institutions, clericalism troubles and demoralizes the timid, weakens character, and attracts to itself the weak by saving them the necessity of distinguishing between right and wrong, truth and falsehood. For the authority of the priest is ever present to the conscience of the true believer. It becomes a sort of artificial substitute for conscience itself, assuming to be an infallible criterion of religious truth.

C. HUMANN.

CLIENTÈLE AND CUSTOM. The word *clientèle* is used to designate a number of persons having confidential relations with a counselor, an attorney, a notary, or a physician. A clientèle may be considered capital. It grows gradually by industry, and once obtained, it yields, to speak in the language of political economy, a certain product.—The counselor, for instance, endeavors to extend his acquaintance by writing good works on law. He pleads in the courts, and strives to convince those who may need his services, of his merits. As soon as he is retained in a case he devotes to it all his attention, studies it with care, and if he displays talent in pleading it, he secures a client, that is, a person who has confidence in him and will always return to him in case of need. One client brings another, the lawyer's name becomes known, his fame spreads, a greater number of people intrust their business to him, and thus his clientèle is formed. From that time he possesses an amount of capital, so to speak, which he can use and which repays him for all his past trouble, with interest. It is true that he can not convey it to another, for he alone can use the labor he has, as we may say, saved. But he can turn it to account, and this fact proves its value. The young lawyer whom another and older one has trained to the bar, and to whom he intrusts the simple cases which he has no time to attend to himself, who will perhaps succeed his teacher in public favor, and is perhaps as diligent and painstaking, has, let us suppose, the same talent and eloquence. What he has less than his teacher is a clientèle.—In like manner, and by hard work, a physician or a surgeon makes a name for himself. He serves in the hospitals, and devotes himself to the care of the sick during epidemics. He gradually inspires confidence and obtains a clientèle. What has he more than another who has just commenced his career, and has the same learning and skill? A clientèle.—A clientèle in any form, whether transferable or not, is the result of an accumulation of services rendered, of labor past. It is capital. Like all other capital, but in a greater degree, this kind of capital tends to extinction by inaction. To maintain it in its full value, it is necessary to devote to it a large share of the care which was taken to form it. Otherwise, clients depart one after another; confidence is lost; the name of the lawyer or physician relapses into obscurity, and the clientèle is gone.—*Custom* is, in commercial and industrial pursuits, what clientèle is to the liberal professions. The custom of a store or shop is the aggregate of those who patronize it. In such custom there is a value which the manufacturer, for instance, has created by unremitting work, and by a long course of honesty. The public has confidence in him, and goes to him. If a merchant sells out his business he will be paid not only for the value of the material, the stock and the fixtures, but for something more, for his custom. The value of this custom is sometimes considerable, though very uncertain. The patronage of a business always depends upon real merit. It arises from favorable location, good faith and low prices. Although more easily preserved than acquired, it must always be deserved.—To resume: Clientèle and custom are capital, since those who possess them derive from them a revenue which other persons of equal talent can not obtain without a clientèle or custom. Besides, in many cases, the value of this capital may be so exactly determined that it may be purchased for a definite sum.

LÉON SAY.

CLIMATE. We have, after a struggle of thousands of years, broken away from the ancient belief in fatalism. Inexorable fate has been laid in the quiet graveyard of human institutions. When the European hears the eastern fatalist murmur his formula of blind submission to "that which was written," he smiles, and congratulates himself on having been born after Voltaire's time. But this does not prevent the same European from admitting that the laws which govern matter govern man; that the Oriental is, was, and will be, a polygamist; that for many reasons, excellent in themselves, southern nations will always be governed by arbitrary rulers, while republicanism will flourish in the north. The European rests his argument on the authority of the "spirit of laws." The more he rejects religious fatalism, the more likely he is to accept, at least in theory, the doctrine of the materially inevitable.—It is, indeed, true that climate exercises on organic and inorganic bodies an influence extending even to man, whom it modifies from the physical, the moral and the intellectual points of view. For our vices and our virtues, our weakness and our strength, are so closely connected with our physical constitution, that one can not be altered without change or modification of the other. Climatology, notwithstanding the numerous and noteworthy treatises written on it, is still in its infancy. It is so many sided; its points of contact with other subjects are so numerous; facts so often refute theories which had been constructed with the greatest labor, that the synthesis of the science can not be formulated. The reader must not expect here a treatise on climatology. He will find the subject treated ably and at length in the works of Humboldt, Michel Lévy, Toissac, Virey and Wilson.—Our business is only to consider

to what extent climate influences political institutions; which is equivalent to asking, "can man break the chain that binds him to the soil; or does the fact of his being born within a certain degree of latitude necessarily and definitively limit his social condition?" In other words, the object of research is the relation of climatology to sociology. Let us confine ourselves to facts. Humboldt, who by the study of the isotherms laid the true foundation of climatology, defines this science as "The aggregate of all those atmospheric modifications which sensibly affect our organs of sense, such as temperature; moisture; the variations of barometric pressure; the stillness of the air; the effect of the winds; purity of the air, or its admixture with more or less unhealthy gaseous exhalations; the degree of usual diaphaneity, the brightness of the sky, so important in its influence, not only on the fertility of the soil, the development of organic tissues in plants, and the ripening of fruits, but also in its effect on the aggregate of the moral sensations which men feel and which differ from day to day."—Climate exercises a direct influence on the moral and physical characteristics of the individual, by the necessities to which it subjects him, the habits it gives rise to, and the advantages it procures him. Vegetius expressed this fact when he wrote *Et plaga coeli non solum ad robur corporum, sed etiam animorum facit.* (Climate contributes not only to the strength of the body, but to that of the mind.) Before him, Hippocrates, in his treatise on water and air, noticed the influence of climate on the character of nations, and therefore on their destiny. Modern science has not belied this testimony. Its classification of climates, and the different moral and physical effects which they cause are the following. We, of course, concern ourselves with the greater divisions.—Climates are: the warm, temperate, or cold. The inhabitant of the north is generally tall and strong.[1] His fine, white skin reveals the color of the blood circulating beneath it. The severity of the work which imperative necessity compels him to perform involves a considerable expenditure of force. The need he feels of restoring his strength when exhausted, engenders material appetites. As, in cold countries, labor is the prime condition of existence, the love of gain and the means of satisfying man's many wants, is almost universal. The sexual appetite is developed only late. The individual, whose entire activity is taken up in the production of wealth, finds in woman an assistant and a companion. In making her a participant in his labors he learns to consider her his equal. Besides, woman here grows old at about the same rate as man. Monogamy is the rule. The slowness of organic functions explains the longevity of the inhabitants of northern countries. Their leading mental characteristics are thoughtfulness and precision. They must have invented the mechanical sciences and been the first to apply them.—In warm climates, on the contrary, man is small in stature, and his muscular development not great. The relaxation of the tissues gives rise to apathy. The earth produces without toil, the wherewithal to satisfy his hunger and thirst There is no struggle with material obstacles, and hence no industry. Man seems to follow nature in its prodigious fecundity. Sexual desire is developed early and reaches a degree of violence unknown elsewhere. Woman's consent is not asked there. Rather is she overpowered; she becomes an instrument of pleasure, and the number of wives may be increased at will. Woman is nothing; man is everything. The foundation of the family is paternal tyranny. The ignorance maintained in the family circle gives rise to superstition in society. People live fast, and die young. In southern climates the activity of the passions takes the place of the physical activity of men of the north.—If we are to believe the learned Mr. Virey, who expatiates, not without a certain complacency, on the advantages and merits of the climate of Europe, the temperate zones are most favored. We quote his exact words: "In the temperate climate, the happy equilibrium of muscular vigor and nervous activity has united in the same people the gifts of body and of mind. In countries where such a climate exists, courage has been able to ally itself to moral sensibility, mental culture and the fine arts have not excluded warlike ardor and physical training. The base flattery, perfidy and servility of the south are as much abhorred as the ferocity, rudeness and outrageous excesses of the arrogant and reckless north. Delicacy of sentiment is associated with masculine energy. The mind takes a bolder flight. The arts and sciences give to the nations that cultivate them an immense superiority over all other nations. Puberty not so early developed as in the south, nor so late as in the north, evokes the most delicate feelings of love, without exaggerating or weakening them."—These are the main physiognomical features of the inhabitants of the different climates. We must not, however, lose sight of the fact that man comes into the world with certain idiosyncrasies, which explains how the inhabitants of the same climate vary so much in character. It is clear that certain faculties are developed more especially under the influence of certain climates. Manners and customs which are nothing but the frequently repeated exercise of the faculties peculiar to a certain aggregation of men, must certainly feel the influence of climate. Religious forms, if not religious faiths, depend on manners and customs, as manners and customs depend on climate. For, as Voltaire tells us, "the lawgiver to whom the Indians listened when he bade them bathe in the Ganges, would have been badly received if he had given a similar command to the inhabitants of the Arctic regions." Voltaire says further: "Climate has some influence; government a hundred times more; religion, united to government, more still "—After

[1] Except in the polar region. It is a known fact that the Laplanders, Esquimaux and Samoieds are undersized.

Jean Bodin, who led the way in the fifth book of his "Republic," came Montesquieu, who does not hesitate to make climate the sole cause of all the effects which, in any way, influence mankind. This theory would tend to deprive man of all moral freedom.—The north has scarcely any fauna. Vegetation breaks with difficulty its prison of ice and snow. Domestic animals are rare, and their species are but few. Here, according to Montesquieu, man, whose wants as above mentioned, are in inverse ratio to the resources at his command, attempts to obtain what he is in need of by the integral development of his activity.—In the south the fertility of the soil fatally entails the dependence of the race as a consequence. Tyranny prospers in fertile lands, while other countries, by the same law, select the form of government best suited to their needs. Montesquieu's theory, violently combated at the time of its first appearance, has found more convincing opponents among the moderns to whom the advance in the arts and sciences has furnished many serious arguments. Mr. E. Toissac, while recognizing the influence of climate on national character, thinks that Montesquieu, in maintaining absolutely that a positive relation exists between climatology and forms of government, did not sufficiently take into consideration the teachings of history. Besides, events which have occurred since the death of that great writer have completely overturned his theory. Mr. Toissac calls our attention to the fact that in little sequestered Europe every form of government has found a place. Greece, where the climate has not changed, has very much modified its institutions. Turkey has a government almost identical with that of Russia, and yet it is situated in the same latitude as Greece, Italy or Spain. "Forms of government," says Mr. Toissac, in conclusion, "seem to depend more or less on the degree of enlightenment in a nation. Therefore, to dispel ignorance is to destroy despotism; to enthrone intellect is to establish the rule of liberty and law."—We think that man, whatever latitude he may be born in, whatever be the color of his skin, is advancing toward a goal that recedes and grows greater as man advances toward it, to wit, physical and intellectual liberty. In some places he goes on step by step, scarcely ever stopping or looking back. He is working out the problem of his own development. In another degree of latitude man goes forward with great bounds, remains stationary for long periods, and then advances again. We believe that climate determines the nature of man's advance, but not the goal which is the object of his aims. Material progress, which we can not think of as separate from intellectual progress, is a means of emancipation from first influences. Again we say, it does not show us the goal, but it traces out the road, removes the obstacles, fills the ravine, and unites ocean to ocean. Is it necessary for us to call attention to the extent to which machinery, railways, and electricity, have already, in many places, lessened the influence of climate?—As regards forms of government, which are in themselves but means to hasten or retard the progress of nations, experience shows us that climate has but a meagre influence on them In all the countries of the world those in authority seek to extend the limits of their authority, while the governed strain every nerve to conquer freedom. Cold has no more to do with it than heat. The matter must be decided between the principle of authority and the principle of liberty. (See CIVILIZATION.)

HECTOR PESSARD.

CLIMATE, Politico-economic Aspects of. From an economic point of view the influence exercised by the different climates deserves considerable attention. Up to the present time human industry has made constant and increasing progress only in the temperate regions; outside these regions it has remained stationary, or acquired but a feeble development. These facts prove that the same conditions of development are not met with in all temperatures, and to seek out and state the causes of the differences is by no means unimportant.—Evidently the greater or less abundance of the natural elements of wealth does not determine the different degrees of prosperity reserved to a people; for the equinoctial countries, which certainly possess these elements in greatest abundance, are among the poorest and most backward. That a people may flourish, it is not enough for them to have within their reach abundant means of production; they must, besides, be incited to make good use of these means. In the success which they achieve everything depends principally upon their progress in intelligence, activity and wisdom in employing the fruits of their labor; and it is because local circumstances do not everywhere equally favor this progress, that it has not everywhere been equally sure and rapid.—The temperate zones enjoy a superiority in this respect. There everything combines to recommend to the inhabitants the active and vigorous use of their productive faculties. Numerous and various wants incessantly beset them; they have to defend themselves in turn from the scorching heat of summer and the prolonged severity of winter. They require clothing suited to the most opposite atmospheric conditions, appliances for heating, houses securely closed, and built solidly enough to bear the weight of the snow and withstand inclemencies of every kind. It is only by means of labor, of ingenious inventions, and of experiments upon the most different materials, that they are enabled to resist the extreme severity of the climate; and hence the necessity for them of the mental and bodily activity, the habit of which they acquire, and which becomes the very life of their continued prosperity.—On the other hand, everything combines to form in them habits of economy and foresight. The harvests they reap are slow to mature, and require long continued care. They must be husbanded so as to serve

for the consumption of the entire year. Woe to him who would forget in the summer season the needs of the winter that is to follow, and neglect to provide for them! Now there is nothing so rouses and develops the spirit of industry; nothing so surely leads to the reproductive employment of acquired wealth, as the necessity of reckoning with the future, and including it in the combinations and preoccupations of the present.—The climatic conditions of countries which lie within the tropics or are contiguous to them, are far from acting thus happily upon the ideas and inclinations of the population. Changes of season are almost unknown, and a perpetually serene sky spares men the greater part of the sufferings against which they have to contend in climates of a changeable temperature. A hastily constructed cabin affords all the shelter they require either against the rays of the sun, or against the storms which occur at rare intervals; the least covering serves to preserve them from the inconveniences resulting from nudity, and as soon as they have provided themselves against suffering from hunger, they can enjoy the sweets of repose.—Nor is there anything in the nature and succession of the labors which they are obliged to perform which is calculated effectually to remove the inconveniences resulting from the simplicity of their wants. Even agriculture requires of them but very little labor. The land hardened and dried by the excessive ardor of the sun, can be worked only during the five or six weeks which follow the rainy season each year; and the long season of idleness which it forces on those who cultivate it, does not fail to nourish their inclination to indolence. Nor is this all. There is no very evident necessity to calculate for the future. As the difference between the various seasons is but a difference of temperature scarcely appreciable, they have not to prepare in one season the resources and provisions which the other will require, and their from-hand-to-mouth subsistence is easily obtained. Thus, nature has in vain lavished the means of production upon the soil on which they dwell; she has not given them the only thing which could teach them to make good use of these means, that is, numerous wants for which they would have to provide under pain of severe privation.—The effects of a diversity of climate manifest themselves also in the more or less useful direction given to the industrial arts. In countries subject to extreme climatic differences, everything, in the habitual use of wealth, concurs to give to labor a direction useful to all. Among the expenditures of the wealthiest there are few that have not for their object the satisfaction of real wants, or the increase of the well-being acquired; and even the seeking after the improvements of which articles of luxury are susceptible, becomes the source of a number of discoveries, which, in proportion as they come into general use, add to the effective power of the labors destined to supply the wants of general consumption. It is not thus in countries where the rigors of cold are not experienced. Life is there of a sweetness which one little cares to increase. Wealth is employed chiefly to gratify a taste for ostentation and display, and the puerile enjoyments of vanity; and the industries which its expenditures encourage are lamentably sterile. The princes and grandees of the east cover themselves with pearls and diamonds, and gold glitters even on the trappings of their horses; they are surrounded by a host of servants. But their palaces, though covered with the most costly ornaments, contain scarcely any furniture, and were it not for contact with Europeans, they would still be unacquainted with the use of our carriages and the possibility of eating otherwise than with their fingers.—It is not the absence of imperious and varied wants which checks the development of wealth in the more northern latitudes. On the contrary, man's wants are nowhere so numerous; but nowhere either are there more obstacles to oppose his efforts. Beginning with the sixty second degree, the very short summers do not allow the cereals to mature, and the races whom the thankless soil compels to live upon the fruits of the chase and fishing can not possibly attain to a high degree of prosperity and civilization. In like manner where a less severe climate begins to render cultivation possible the meagreness of the crops, and the immense amount of land that must be reserved for forests to supply fuel, hinder the population from concentrating, and their dissemination deprives them of instruction, desires and emulation, without which men lack the stimulants essential to the energetic use of their resources and faculties.—The excessive duration of the winters is another obstacle to the progress of labor. In northern countries the earth remains for six or seven months buried under the snow, and the extreme duration of this period inevitably leads those who cultivate it to form habits of idleness, which they can with difficulty abandon when the time for labor returns. Not that they do not endeavor to make use of the time of leisure which they are forced to accept. Far from it: they employ this time in making most of the things they use. Their furniture, clothing, shoes, household utensils, implements of labor, almost everything they need is the work of their own hands. But no matter how natural or conformable to their interests such a development of domestic industry may be, it always has the ill result of keeping a great many of the arts in a sort of infancy. There is little occasion for commerce in a country in which the rural families themselves produce nearly all the objects of their consumption. In like manner the large manufactories, those which, by means of the division of labor and the employment of machinery, besides the advantage of considerably reducing the cost of production, possess the additional recommendation of collecting the information most profitable to the application of human forces, have not sufficient room for their establishment and suc-

cessful operation.—These are the causes which, in countries that are subjected to extremes of climate, have to this day prevented the progressive increase of wealth and of the industry which produces it. The privilege of conferring upon the peoples which inhabit them all the qualities which the continued success of human activity requires, seems to have been reserved for the regions which we call temperate. It is these peoples who now *collect* all the discoveries of science and apply them practically; it is to their efforts that we are indebted for all the improvements which contribute to make labor more fruitful; it is they alone, in fine, who forge and collect all the arms which humanity needs to extend its conquests over the material world, and force it to supply more ample means of triumphing over the misery of its original state.—We must, however, bear in mind that things were not always thus. The plains washed by the waters of the Euphrates and the Tigris, India and Egypt, and the shores of ancient Phœnicia, witnessed the birth and earliest developments of the arts. Later on, Greece acquired a knowledge of them, and gave them a new and more brilliant flight; later, Italy and the banks of the Mediterranean became their principal home. Only during the last three centuries have the countries in which industry is now most richly rewarded begun to carry it to a degree of power and activity of which the world had had no example.—These facts are easily explained, and, far from weakening, serve to confirm what we have said of the influence of climate. In the beginning the nations which found the least difficulty and met with the fewest obstacles in obtaining the necessaries of life were, despite their ignorance, the only ones which had the leisure which is indispensable to the progress of the human mind. Hence it was that those parts of the world where there was the greatest abundance of spontaneous productions of the soil, added to a warm temperature, became the cradle of industry and the arts. Men could there devote their entire attention to the few wants which absolutely demanded to be satisfied, and they soon found means to avoid suffering from them. But the very circumstances which in extremely warm countries most favored the first impulse to discovery, afterward became an obstacle to its advancement. As the climate added no formidable requirements to those which hunger made, as soon as a certain amount of prosperity was acquired by these nations, they no longer actively applied themselves to increase it.—It is possible and even very probable that, without the aid of the light which came to them from the countries upon which civilization had shed its first rays, the nations which were weighed down with numerous wants would have been much slower in shaking off the overwhelming burden of their ignorance. But history clearly proves that, once in possession of the means of production discovered by other nations, they have made use of them with an activity hitherto unknown. Animated by the desire and hope of escaping from the sufferings which continued to pursue them, they brought to their work a spirit all the more inventive the more prosperity they had to achieve, and they imparted to the very arts, a knowledge of which they had just received, an impulse which rapidly increased their fecundity. Thus it is that industry multiplied and improved its appliances in proportion as it advanced from the south toward the north. If to become acclimated in the regions wherein such aggrandizement was reserved to it, industry required forces which perhaps it could not find there, it is at least certain that it met with conditions of development which had hitherto been wanting, and there extended more and more the circle of its conquests.—May we infer from these facts that industry will eventually acquire, in the climes in which it has hitherto remained undeveloped, a degree of development to the attainment of which nothing is contributed by the climates in which it makes the most rapid advancement in our day? This would be to deceive ourselves. If it be possible that north of the line where it now shines with its greatest brilliancy, industry is to overcome many of the obstacles which have opposed its progress, it is evident that there will still remain enough others to limit its progress. As to the countries in which the simplicity of their wants retains the masses in a state of indolence opposed to their development, the influences at work there are not such as yield entirely to the action of time. Thus everything goes to prove that those nations upon whom is imposed the two-fold task of protecting themselves in turn against the inconveniences of summer and the rigors of winter, will continue to open to the rest of mankind the ways to work and to wealth, and to advance toward this goal with a most firm step.

H. Passy.

CLINTON, De Witt, nephew of George Clinton, was born at Little Britain, N. Y., March 2, 1769, and died at Albany, N. Y., Feb. 11, 1828. He was graduated at Columbia, in 1786, practiced law, was United States senator (democrat) 1802–3, and thereafter remained in the politics of his state (see New York, Bucktails), of which he was governor 1817–22, 1824–7, holding other offices in the state and city of New York in other years. He was the anti-Madison candidate for president in 1812 (see Federal Party, II.), and his wing of the democratic party thereafter maintained a general, though tacit, alliance with the federalists, which developed into the national republican, afterward whig, party, though Clinton personally preferred Jackson to Adams in 1828. One evidence of Clinton's peculiar federalist-democratic tendencies was his devotion to internal improvements, but as a measure for the benefit of the state, not of the nation. To him New York is indebted for the successful completion, if not for the original idea, of the Erie canal, which was at first contemptuously called "Clinton's Ditch,"

but which developed New York's domestic commerce.—See 1 Hammond's *Political History of New York;* Hosack's *Memoir of Clinton;* Renwick's *Life of Clinton;* Campbell's *Life and Writings of Clinton;* Jenkins' *Governors of New York;* S L. Mitchell's *Discourse on Clinton;* 4 W. H. Seward's *Works* (Biography of Clinton). A. J.

CLINTON, George, was born in Ulster county, N. Y, July 26, 1739, and died at Washington city, April 20, 1812. He was governor of New York 1777–95 and 1801–4, and was head of one of the three great families which controlled the state. (See NEW YORK.) He opposed the constitution, hoping to make New York the most powerful of thirteen separate commonwealths, was defeated for the vice-presidency in 1789 and 1792, and was vice-president 1804–12. (See DEMOCRATIC PARTY II., III.; ELECTORAL VOTES.)—See 1 Hammond's *Political History of New York;* Jenkins' *Governors of New York.* A. J.

CLÔTURE. (See PARLIAMENTARY LAW.)

COASTING TRADE, the trade or intercourse carried on by sea between two or more ports or places in the same country.—Much doubt has, for a considerable time, been entertained in regard to the policy of the monopoly of the coasting trade, and, in England, in 1849, it was proposed that it should be thrown open. It is not easy, indeed, to see any grounds on which this monopoly could be satisfactorily vindicated. In considering this question it is needless to refer to countries destitute of a commercial marine, for without the aid of foreigners they could have no coasting trade. And the shipowners of countries that have such a marine, and which also have any considerable facilities for carrying on navigation, have so many advantages on their side, that it is difficult to imagine that they should ever be superseded, in any considerable degree, by foreigners, in carrying on the coasting trade. But while the admission of the latter to the privileges of engaging in that trade hinders the native shipowners from availing themselves of any peculiar circumstances to charge oppressive rates of freight, it at the same time subjects them to that wholesome competition by which alone their inventive energies can be fully developed. The probability consequently is, that the introduction of a free system will be as advantageous in all that respects shipping and navigation as in most other things. J. R. M'C.

COCHIN CHINA. The empire of Anam forms part of the peninsula beyond the Ganges. It extends from 9° to 22° north latitude, and from 100° to 107° east longitude. It is bounded on the north by China, on the east and south by the sea, and on the west by the kingdom of Siam. It is composed of three grand political divisions: Tong King in the north, Cambodia in the centre, and Cochin China proper. Between Tong-King and Cambodia is a vast stretch of territory called the kingdom of Laos, which is tributary both to Cochin China and to the kingdom of Siam. A chain of mountains, beginning in the lofty peaks of Thibet, runs north and south parallel with the sea. Several rivers water the different parts of the country. The most important of these is Mekong, which, rising in the Chinese province of Yun-nan, runs through Laos, Cambodia and lower Cochin China, and empties into the sea by several different mouths. It was opposite one of these mouths that Camoëns was shipwrecked about the year 1561, returning from Macao to Goa, and saved the manuscript of his poem, The Lusiad, by holding it above the water with one hand, while with the other he swam toward the banks of the Mekong.—We have no exact information as to the number of inhabitants in the Anamite empire; we only know that the country, especially in the interior, is relatively much more thinly settled than China. The people of Cochin China very closely resemble the Chinese: they possess almost the same characteristic traits, the same manners, the same customs, the same written language, though with a different pronunciation. The greater part of them profess Buddhism.—The country is fertile, especially in the provinces of lower Cochin China. Rice, sugar-cane and the mulberry grow there in abundance; still the population is generally poor and miserable. There is scarcely any foreign commerce, and very little progress has been made in industry.—At the beginning of each reign the new emperor sends an embassy to Peking; this is rather the rendering of a traditional homage than the solicitation of official investiture. Although, in the proud language of the court of Peking, the empire of Anam is still numbered among the states tributary to the Celestial empire, the bond of vassalage has been gradually weakened, and to day the destiny of Cochin China is independent of that of China. Nevertheless, the similarity of their institutions and manners, and their repugnance for all contact with Europeans, have served to maintain between the two countries a sort of political solidarity, Cochin China experiencing the consequence of the conflicts which disturb its old suzerain. In Cochin China, as in China, the government, founded on despotism and served by a powerful hierarchical organization, has witnessed the gradual exhaustion of its principal resources, and seems to be hurrying with mighty strides toward dissolution. If we may judge of the condition of the country from the accounts left us by the Catholic missionaries who penetrated into Cochin China in the seventeenth century, it then showed signs of prosperity and almost a certain air of grandeur. Even allowing for the pleasing illusions of these first apostles, we may believe that such was the case. All these oriental countries have had their days of splendor and civilization. Judging them such as they appear to us to day, stripped of the prestige of remoteness, and so easily penetrated by European conquest, we can

discover in them nothing but symptoms of decrepitude.—The annals of Cochin China date back to a period anterior to the Christian era. But we may say that this is a fact of scarcely any importance. Notwithstanding the care with which some learned men have endeavored to compile a chronological list of the different dynasties, no great reliance can be placed on the discoveries of such oriental erudition. Cochin China has sometimes been directly subject to the Chinese empire, sometimes separated from it; it has been frequently at war with the kingdom of Siam, with Cambodia and Tong-King; it has had its periods of revolution and insurrection: this is, in brief, what we can glean from the historical recitals relating to this country. In the second half of the thirteenth century, Marco Polo directed his steps toward some provinces of Cochin China, especially Tsiampa; but his very incomplete account throws only an uncertain light on the political state of the empire of Anam. We do not receive any more exact notions of the country until the period when the Catholic missionaries, first those from Portugal, then from France, penetrated into Cochin China. These first communications date from the end of the sixteenth century. Europe had no direct relations with the empire of Anam except in the second half of the eighteenth century, which was owing to the influence that the bishop of Adran had acquired at the court of the emperor Gya-long, an influence which he endeavored to use for the advancement of the political interests of France.—Gya-long had had to contend, from the very commencement of his reign, against a formidable insurrection, which had for a time deprived him of his crown. Following the counsels of the bishop of Adran (Monseigneur Pigneaux), he resolved to invoke the support and protection of France, and for this purpose he sent an embassy to Louis XVI. This embassy, which was accompanied by the bishop of Adran, was favorably received at the court of Versailles. Independently of the Catholic religious interest it was greatly to the political interest also of France to cultivate relations with the countries of the extreme east, in which she was outstripped by England, Spain and the Low Countries. A treaty was therefore signed at Versailles Nov. 28, 1787, by de Montmorin, then minister of foreign affairs, and by the bishop of Adran as the representative of Gya-long, in virtue of which the emperor of Cochin China ceded absolutely to France the port of Tourane, and the island of Poulo-Condor, on condition that the French king would send without delay a squadron and a body of troops to assist Gya-long in reconquering his states. Orders were immediately issued to the governor of the French establishments in India for the carrying out of this agreement; but the revolutionary disturbances which broke out soon after in France and throughout Europe interrupted the preparations for the projected expedition. Some officers, and a small number of volunteers, recruited by the bishop of Adran, went to Cochin China, where they disciplined the small army of Gya-long after the manner of European armies, and enabled that monarch to subdue the rebels. The emperor ever remembered the service they had rendered him; and the bishop of Adran and the French officers, raised to the dignity of mandarins, enjoyed the highest favor at his court. To the end of his reign (1820) Gya-long protected Europeans, and favored the propagation of the Catholic religion.—His example was not followed in this by his successors, Ming-Mang (1820–41), Thieu-tri (1841–7) and Tu-duc. The Europeans were driven from the country, and the Christians were subjected to the most cruel persecution, inspired not by religious fanaticism, but, as in China, by political feeling. Ming-Mang feared that Catholicism might lead to European conquest, and he meant to absolutely forbid all entrance of strangers into his kingdom. At different intervals, from 1820 to 1855, France and England sent ships of war into the bay of Tourane, either to open commercial negotiations in an amicable manner, or to protest against the ill-treatment inflicted on missionaries and on the Christians. These attempts, sustained at times by the voice of cannon, were of no avail. Shut up in his capital of Huć-fou, the emperor felt that he was beyond the reach of European vengeance, and did not trouble himself about the destruction of the miserable town of Tourane.—Nevertheless this state of things could not continue. The number of martyrs increased; several French priests, and a Spanish bishop, Mgr. Diaz, having been put to death, the French and Spanish governments combined to send an army corps into Cochin China. This expedition, under the command of vice-admiral Rigault de Genouilly, took possession of Tourane in 1858, and of Saïgon in 1859. Tourane, a very unhealthy seaport, and of no commercial importance, was soon evacuated, and all the efforts of the allies were directed against Saïgon, the situation of which, at the mouth of the river Mekon, seemed to have great natural resources. The Cochin Chinese were successively driven out of the provinces adjoining Saïgon, and, in June, 1859, the emperor Tu-duc consented to sign a treaty of peace, which ceded to France the provinces of Biéu-hoa, Saïgon and My-tho. The French colonies now seem firmly established in this part of Cochin China. The commercial situation between India and China is a favorable one; the soil is fertile; the native population, to whom are added a great number of Chinese immigrants, furnish the labor for its cultivation; finally, the revenues of the new colony are increasing. The government of Cochin China, after having endeavored to disturb the new French establishment by insurrections, seems to have become resigned to the loss of its southern provinces.—Thus has the empire of Anam been forced to bow before Europe, and been drawn, like China, into a political movement entirely new to it. Will its contact with strangers and the contiguity of a French colony

instill new life into it, or will they deal it its death blow? This is a question we may ask today of all the old nations of the extreme east, into which European civilization has at last determined to enter and to extend its rule.—BIBLIOGRAPHY: Veuillot, *La Cochinchine et la Torquin*, Paris, 1859; Pallu, *Histoire de l'expédition de Cochinchine en* 1864, Paris, 1864; Aubaret, *Histoire de la Basse Cochinchine*, Paris, 1867; Taillefer, *La Cochinchine, ce qu'elle est. ce qu'elle sera, Deux ans de séjour dans ce pays. de* 1853 *à* 1855, Perigueux, 1865; Bouilleoaun, *L'Annam et le Cambodge*, Paris, 1875. C. LAVOLLÉE.

COINAGE. Coinage is fashioning pieces of metal and impressing them with suitable devices to fit them for use as money.—The necessity of some convenient measure or representative of value must have been apparent to mankind as soon as mutual dealings and exchanges were undertaken.—While values at first, especially among barbarous tribes, were estimated by taking such articles as beads, feathers, shells, salt, cattle, and even the perishable products of the earth, for standards, at a very early date metals seem to have been selected for that purpose by every nation whose records have been preserved in history. —On account of their greater convenience, durability, beauty, or desirability for use or ornament, gold, silver, copper, tin pure or alloyed, and even iron, and, at later periods. nickel and platinum, have been used for money; and gold and silver are now universally preferred to all other substances.—It is generally supposed that previous to the invention of coined money the metals subsequently used in coinage had already been adopted as standards, and that a given weight of the metal had become the unit of value, the coins being pieces of the metal conforming to such weight or multiples of it.—This supposition is in harmony with the fact that the names of many early coins are identical with denominations of weights, as the pound, livre, mark, ounce, talent, sheckel, drachma, toel, etc.—The earliest writers and historians also give values in definite weights, of bronze, copper, iron, silver or gold, at periods prior to their mention of coined money.—Upon his invasion of Great Britain Cæsar found the ancient Britons using bronze and iron bars adjusted to a certain weight. (DeBello Gallico, liber v., cap. 12.)—The invention of coined money has been claimed for the Lydians by Herodotus, and the coins of Sardes, B. C. 800, are thought to entitle them to the honor. It has also been attributed to the Persians and Ionians, but is more frequently ascribed to Pheidon, the ruler of the island Ægina, a dependency of Argos in Greece, 750 B. C.—The Chinese, however, assert a still higher antiquity for their coins of copper and iron, of which one collection in the United States (Lake Forest, Ill.) contains genuine specimens of the issues under every dynasty from B C. 250 to the present time. But the national archives of their government contain catalogues not only of these coins but descriptions of others issued by previous dynasties commencing with Fuh Hi, B. C. 3289. Visual evidence of such early coinage is not accessible at this day, and the existence of many of the emperors who are said to have issued them is considered somewhat mythical. Williams, however, who from long residence in China, was able to obtain very valuable information, in an address delivered by him on Chinese coins, describes those issued from the time of the Yaon dynasty, B. C. 2356, to the Wing dynasty, A. D. 1642, at which time the emperor Kanghe made a catalogue of his collection, which claims to embrace coins of all the subsequent dynasties commencing with the Yaon dynasty.—To make delivery of the exact weights of metal used or referred to in buying and selling, it became necessary to cut or mould and adjust the pieces, so that they would be of the precise weight and in convenient form for handling. The shape was not material, and the earliest rude pieces of metal used as money were of a great variety of shapes—square, hexagonal, octagonal, round, oblong, flat, discs, solid or perforated, circular rings, etc. Those found more portable and convenient and best adapted for use, gained greater currency, gradually superseded others and finally became recognized by custom or law, as definite weights of metal and current money. The mechanic or person fashioning these better forms began to impress them with some characters, names or devices to certify their weight and indicate their proper name. And thus probably coins came to be made and stamped at first by private individuals, and finally by the state or royal authority.—"Coinage," said Jefferson, "is peculiarly an attribute of sovereignty." The interests of the people require that the right to coin money should be reserved as a governmental prerogative, for the public faith is the best guarantee of its honesty. The coins of empires and monarchies bear the likeness of the sovereign reigning at the date of their issue, while those made by republics or free cities have usually some device, emblematic, or indicative of the people or state authorizing their coinage.—The devices upon coins are of varied character, from simple letters or figures stamped or punched in the rudest manner to the most graceful lines and beautiful forms that can be impressed upon metal by the highest skill of the engraver's art.—Coins may very properly be divided into two classes, ancient and modern, although some writers distinguish a third, the mediæval.—Ancient coins comprise the coinage of Europe, Egypt and western Asia, to the period when the barbarians invaded Europe and put a stop to all the arts, including that of coinage. Among the ancient coins, the most noted for their beauty and excellence are: 1, Those of Greece, her colonies and others having Grecian inscriptions; 2, Roman and all coins having Latin inscriptions to the time of the Eastern empire, which forms the 3rd class, or Byzantine coins; and 4, All with Arabic or other

inscriptions.—The Greek are the oldest coins extant, and were first struck in gold and silver; they were issued by upwards of 500 kings, and by free cities numbering about 1,600. They are of various designs and styles of execution, from the rudely struck didrachm of Ægina, bearing upon one side a crude representation of a tortoise and on the other the mark of the punch with which it was driven into the die, to the highly finished and perfect gems coined 400 to 200 B.C., with raised devices upon both sides and long and elaborately worded inscriptions. — The earliest Roman coins were struck in bronze about 400 B.C. Silver was introduced about 250 B.C., and gold a half century later. The "as" was the unit of value, was upward of three inches in diameter, and was equivalent to 12 ounces. The emperor Augustus Cæsar commenced the imperial series of gold, silver and copper coins, which lasted nearly 500 years, and included about 300 emperors with their wives and children. Colonial coins were struck in many provinces of the Roman empire, and in nearly the same lands as those of the Greek class.—The Byzantine coins, so called from Byzantium, the Greek name of Constantinople, formed the greater part of the currency of the middle ages; the gold coins are the most noted, and are termed "bezants;" the copper pieces are large in number and possess but little interest. The oriental coins are very numerous in types, and extended from Persia and Hindostan on the east to Spain and Morocco on the west.—Among modern coins those of England form the longest continuous series, and exhibit a gradual improvement in artistic designs and mechanical execution.—In tracing the advance in the art of coinage it will be instructive to contrast Roman coins and methods of manufacture in their best days with the coins and processes employed at the present time. A coin, to best fulfill the purposes for which it is intended, should be of the most convenient form for counting and handling; it should be of an alloy of the metals in such proportion as will make the hardest metal for resisting wear compatible with being struck by dies; it should bear engraved devices of such a character as guarantees the fineness and value, and the devices should be properly protected from abrasion by a raised rim, which also enables a number of single pieces to be arranged in piles of uniform height. The engraved devices should be sufficiently elaborate to render counterfeiting difficult, but not so minute and delicate that the coins will soon become smooth from abrasion.—Under the Roman empire, even at the time when the art of coinage was brought to its highest development, the process of manufacturing coins was a laborious operation and required many artists and workmen. First was the *optio*, or director; then *exactores* or *nummularii*, assayers; *scalptores* or *cælatores*, die engravers; *cenarii*, refiners; *fusarii* or *flatuarii*, melters *equatores*, adjusters; *signatores*, who certified the same; *suppostores*, who placed the pieces on the dies; and *malleatores*, who struck the blow. The metal was assayed, refined and cast into bullet-shaped pieces. This was necessary to bring out the high relief, the busts on Roman coins being very prominent. The bullets were placed between the dies which were struck by hammers. As the edges were unprotected, or not confined by a collar, they spread out into an irregular circular form; such pieces could not be piled, and the high relief of the devices rapidly became abraded, while the irregular outline afforded opportunity for fraud by clipping off portions of the metal.—This rude and imperfect mode of coining continued without any improvement of importance until about the middle of the sixteenth century, when the screw press was employed for striking coins. This consisted of a screw carrying the upper die and worked by a revolving arm or lever, the lower die being firmly fixed beneath. The edges of the coin were, however, still left in a ragged, unfinished state, and the collar was introduced to confine the piece at the time the impression was made. The collar also imprinted upon the edge of the piece, as it expanded under the blow, whatever devices or legends were engraved upon the inside.—The next improvement in the art of coinage was the invention by M. Castaing, in 1685, of the milling machine. This not only placed upon the edges the intended devices, but raised them so as to protect the face of the coin from abrasion.—The use of steam for coinage machinery, and the invention of the toggle joint press, left nothing to be desired in rapidity of execution of the coins and uniformity in the blow or pressure given to the planchet. The method of receiving, melting and coining gold bullion, as conducted in the United States mint, or that of any other well appointed mint, will show the greater superiority in accuracy, mechanical skill, and rapidity and economy of manufacture, attained at the present day, in contrast with that in vogue among the Romans and Grecians.—Gold bullion as received at the mint is weighed in the presence of the depositor, and a receipt or certificate of the weight of the deposit is given him. The bullion is then melted and cast into a bar. In this process the base metals contained, if any, are, by the use of oxidizing fluxes, to a greater or less extent removed. A sample is cut from the bar for assay, and from the fineness thus ascertained and the weight after melting, the value is calculated and paid from the bullion fund to the depositor, less the mint charges for parting, refining and toughening, or for such of these operations as are required to fit the bullion for coinage, and also the charge for the amount of copper alloy required to bring the bullion to standard fineness.—The deposit now becomes the property of the government, and if containing partible silver is sent to the refinery, in order that the silver and gold may be separated In the United States mint this operation is conducted by means of acids which have no effect upon the gold, but unite with and hold in solu-

tion the silver and such base metals as remain after melting and fluxing. After the solution containing the silver has been drawn off, the gold which remains in the form of a fine powder is washed and pressed by hydraulic pressure into cakes, which are dried, melted, cast into bars and assayed, preliminary to manufacturing the ingots for coinage. In some foreign mints the separation is accomplished by passing a current of chlorine gas through the metal while in a melted condition, converting the silver into a chloride, which is decanted or otherwise removed from the gold. The result obtained by either operation is the same, procuring ductile gold, nearly or quite pure, to be alloyed with copper in the proper proportion to make standard metal. Sufficient copper is added to the gold to reduce its fineness to 900 thousandths, and the metals are melted, thoroughly stirred, and poured into moulds, which form it into ingots of from 10 to 12 inches in length, $\frac{5}{8}$ of an inch to 1$\frac{5}{8}$ inches in width, and $\frac{3}{16}$ to $\frac{1}{2}$ of an inch in thickness, the size depending upon the denomination of coin that is to be made. After the metal has solidified in the moulds the ingots are removed, cooled in water slightly acidulated with sulphuric acid, the edges filed smooth, and the sunken tops cut off with shears.—Each melt of ingots is carefully assayed, and if the fineness is not safely within the legal tolerance, it is remelted. —Rolling is the next step in the process The ingots are passed several times between heavy rolls of chilled iron or steel, until the strips produced are brought nearly to the proper thickness for the desired coin, the distance between the rolls being adjusted and reduced each time by screws and an index guide.—After rolling, the strips are annealed by being heated to redness and plunged in water; one end of each is tapered by the "pointing rolls," and the pointed end is introduced between two fixed dies of hardened steel on the draw bench; it is grasped by iron jaws which connect with an endless chain and the strip is forcibly drawn between the dies. The result is that all irregularities left by the rolls are removed and the strip is rendered uniform in thickness. This operation requires the most delicate adjustment of the draw bench dies, for the nearness to standard weight of the pieces cut from the strips depends upon the accuracy of the machinery as well as the skill and judgment of the workmen.—The strips are then taken to the cutting press, in which a punch of steel of the same diameter as the desired coin descends into a steel bed, and the strip being introduced between the punch and bed, at every stroke a blank or "planchet" is cut out and falls into a catch box below. The blanks are then cleaned, and, in the case of those for the gold coins and standard silver dollar, each one is weighed on a delicate balance; those found too heavy are filed to the proper weight, while those too light are returned, together with the strips from which the planchets were punched, called clippings, to the melting pot.—Subsidiary silver and minor coins are not adjusted by hand, reliance being placed upon the accuracy with which the draw bench does its work, to bring the blanks within the legal limits for weight.—To protect the engraved surfaces of the coin from abrasion, the blanks are now "milled," which consists in raising the edges. The milling machine is a steel disc with grooved edges revolving horizontally, and a cheek of steel also grooved, that can be fixed by set screws at a distance from the disc slightly less than the diameter of the blanks, which are placed in an upright tube and carried one by one between the cheek and disc, and as the latter revolves the piece is rotated and finally delivered into a suitable receptacle. The pinching rounds the sharp edges left by the cutting punch and thickens the whole circumference at the expense of the diameter.—The milled planchets from the various operations of rolling, annealing, etc., have become discolored by the oxidization of the copper alloy, to remove which they are heated in an annealing furnace to a red heat and immersed in a bath of sulphuric acid and water, which removes the oxide of copper and leaves the pieces bright and clean; they are then dried in sawdust containing no resinous matter and are ready for the coining press.—In the United States mint the coining press used is what is known as the "toggle joint" press. The blanks to be struck are put into an upright tube on the press, from which they are successively taken by the feeders, two pieces of steel which clasp the lowermost blank in the feeding tube and carry it forward and deposit it in a circular ring or collar in which it is struck; the collar not only prevents the blank from expanding in diameter under the force of the blow, but on the inside is fluted or grooved, which gives the finished coin its grooved, or, as it is termed, the "reeded" edge. At each revolution of the press the upper die descends and strikes the piece within the collar; the lower die then ascends and pushes the coin out of the collar, and it is carried forward by the feeders, as they bring another blank to the collar, and it drops into a box placed below the press. The dies with which the coins are struck are made of steel engraved with the devices and inscriptions in intaglio, which appear upon the coin in relief.—*American Colonial Coinage.* During the early days of the American colonies the metallic circulation consisted chiefly of foreign coins. A coinage, authorized by the colonial assembly of Massachusetts, was commenced at Boston in 1652, and continued for 34 years, consisting of shillings and of six and three pence pieces. At first they were irregular in shape, with the denomination stamped on one side in Roman numerals and the initials N. E. on the other. These pieces being little better than planchets afforded opportunity for fraudulent clipping of the edges, and the designs were soon changed; on the obverse was a pine tree in a double ring, containing the inscription "Massachusetts in," and on the reverse the date and denomination in the centre and "New England

An. Dom." between the rings —In 1722, during the reign of George I., coinage of pieces known as the "Rosa Americanas" was made by authority of the British government for circulation in the American colonies; and in 1773, in the time of George III., a copper coinage was executed for Virginia. From 1778 to 1787 the congress of the confederation had the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority or by that of the respective states. In June, 1785, Vermont granted to Reuben Harmon, Jr., the right to coin copper money for that state. Connecticut, on the 20th of October, 1785, authorized Jas. Hillhouse, Jos. Hopkins, Samuel Bishop and John Goodrich to coin copper pieces to an amount not exceeding 10,000 pounds. In June, 1786, New Jersey also issued a grant to Walter Mould, Thos. Goodsby and Albion Cox to coin 10,000 pounds; and on the 22nd of October authorized Thos. Goodsby and Albion Cox to coin two-thirds of the same amount. Massachusetts, on Oct. 17, 1786, passed an act establishing a mint which coined cents and half cents.—The earliest coins struck by authority of the United States are known as "Fugios." The following resolution of the congress of the confederation, adopted July 6, 1787, authorized their coinage and specified the devices and inscriptions: "*Resolved*, That the board of treasury direct the contractor for the copper coinage to stamp on one side of each piece the following device, viz, thirteen circles linked together, a small circle in the middle, with the words 'United States' round it; and in the centre the words 'we are one;' on the other side of the same piece the following device, viz., a dial with the hours expressed on the face of it; a meridian sun above, on one side of which is to be the word 'Fugio,' and on the other the year in figures, '1787,' below the dial 'mind your business.'" Besides these, a variety of copper pieces were coined by private enterprise both in this country and abroad.—*Coinage of the United States.* The constitution of the United States (Art. 1, Sec. 8) vested in congress power to coin money and regulate the value thereof, and of foreign coins. Shortly after the organization of the general government a mint, for the purpose of national coinage, was established by the act of April 2, 1792, to be situated and carried on at the seat of government of the United States, then at Philadelphia.—Upon the removal of the seat of government to Washington it was provided that the mint should remain in the city of Philadelphia until March 4, 1801. By similar provisions in subsequent acts, the period was extended from time to time until 1828, when its location in that city was made permanent until otherwise provided. All the coinage of the United States, prior to 1835, was executed at Philadelphia. By the act of March 3, of that year, branch mints were established at Charlotte, N. C., and at Dahlonega, Ga., for the coinage of the gold mined in the vicinity of those places; and at New Orleans, for the coinage of silver imported from Mexico. Shortly after the discovery of gold in California, by the act of July 3, 1852, a branch mint was authorized to be established at San Francisco, Cal.—The discovery of gold in the Colorado placers secured a mint for Denver in 1862, and the rich deposits of the Comstock lode induced congress, in 1863, to authorize the establishment of a mint at Carson, Nev Although a coiner was appointed, no machinery for coinage was purchased, and no national coins have been struck at the Denver mint.—By the coinage act of 1873 the Denver and Charlotte mints were changed into assay offices. Coinage was suspended at New Orleans from the commencement of the war in 1861, until 1878.—Besides the mints mentioned, assay offices for the accommodation of the mining and commercial interests of the country have been established at New York, Boisé City, Idaho, Helena, M. T., and at St. Louis, Mo., where gold bullion is received and its net value paid to the depositor, less the charges, as at the mints. At the New York assay office silver as well as gold bullion is received for manufacture into fine bars and for separating the gold and silver Neither of these operations is carried on at the other assay offices or at the Denver mint.—The coinage act of 1792 established the silver dollar as the unit. It contained 371¼ grains of pure, or 416 grains of standard, silver; this proportion made a fineness of about $892\frac{4}{10}$ thousandths, and was deduced from the supposed average contents of the Spanish milled dollar as then current. This act fixed the relative value of silver to gold in the coinage as 1 to 15, and the fineness of the gold coins at 11 parts pure gold and 1 part of alloy. This fineness corresponded to the standard of British gold, 916⅔ thousandths: the eagle contained 247½ grains of pure, or 270 of standard, gold.—The act of June 28, 1834, reduced the amount of pure gold in the eagle to 232 grains, and fixed the weight at 258 grains; the consequent fineness, therefore, was $899\frac{225}{1000}$. —The act of Jan. 18, 1837, established 900 as the fineness for both gold and silver, but did not change the standard weight of the eagle, which therefore increased the pure gold contained to 232.2 grains. This act also reduced the standard weight of the silver dollar to 412½ grains; but as the fineness was increased proportionate to the reduction in weight, the amount of pure silver contained remained the same.—By these changes 25.8 grains of gold and 412½ grains of silver could each be coined into a dollar, and the relative value of silver to gold in the coinage became as 25.8 to 412.5, or 1 to 15.98 nearly. As France was then coining silver and gold at a relative valuation of 1 to 15½, and other European nations at a valuation of silver also higher than that of the United States, an ounce of French or English gold taken to the United States would buy 15.98 ounces of silver, of which silver taken to France but 15½ ounces would be required to purchase another ounce of gold, leaving .48 of an ounce, or

3 per cent., for profit and expense of transfer. In consequence of this the full-weight silver coins were exported, causing a scarcity of United States fractional silver coin, so that the silver circulation consisted mostly of smooth, abraded Mexican and Spanish silver coins. In order to prevent exportation of United States fractional silver coins the act of Feb. 21, 1853, reduced their weight to 384 grains of standard silver to the dollar's worth, and further provided that no deposits of silver bullion should thereafter be received for coinage into fractional coins, which were to be manufactured solely on government account from silver purchased for that purpose. The coinage of silver dollars, though commenced in 1794, amounted, up to 1840, to but $1,501,822, having been wholly suspended for 30 years originally in 1806 by executive order. They continued to be coined for depositors of silver bullion until discontinued by the coinage act of 1873, which authorized the coinage of the trade dollar of 420 grains in its stead. This coin was not intended for circulation but for export to oriental nations; 35,959,360 were struck, of which 27,089,877 were exported. When, however, from the decline in the value of silver, 420 grains became of less value than a dollar, it was profitable to owners of silver bullion to have it coined into trade dollars for circulation. Their coinage was therefore limited by joint resolution of congress, of July 22, 1876, to the actual export demand. Since April, 1878, their coinage, except for specimen pieces, has been suspended.—The coinage act of 1873 created the mint bureau as a special division of the treasury department, with the director of the mint as the chief officer, under the general direction of the secretary of the treasury. Prior to the passage of this act the chief officer was the director of the mint at Philadelphia, and the other mints were branches of that institution; they are now independent of each other, and each is in charge of a superintendent who reports to the mint bureau.—The coins authorized by the coinage act of 1873 are; in gold, the double eagle, eagle, half eagle, quarter eagle, three dollar and one dollar; in silver the trade dollar, half dollar, quarter dollar and dime; and in base metal, the five, three and one cent pieces.—The act of Feb. 28, 1878, authorized the coinage of the silver dollar of 412½ grains, and made it an unlimited legal tender.—All United States gold and silver coins are of the standard fineness of 900 parts of fine metal and 100 parts of copper alloy, of which, in the case of the gold coins, not more than one-tenth may be silver, and in the silver coins consists wholly of copper. The unit of coinage is the gold dollar of a standard weight of 25.8 grains, and the other gold coins are multiples of this weight. The trade dollar weighs 420 grains, the standard silver dollar 412½ grains, and the divisionary parts of the dollar—the half, quarter and dime—weigh, respectively, 12½, 6¼ and 2½ grammes. The minor coins are as follows: the five and three cent pieces, composed of an alloy of three-fourths copper and one-fourth nickel, weigh, respectively, 77.16 grains and 30 grains; the one cent weighs 48 grains, and is 95 per cent. copper and 5 per cent. tin and zinc.—It being impracticable to make every coin rigidly conform to the prescribed standard, a deviation is allowed in the fineness of gold coins, of one thousandth, and in silver coins of three thousandths. The legal tolerance for weight for the double eagle and eagle is one-half of a grain; for the half eagle, quarter eagle, three dollar piece and dollar, one-fourth of a grain; and for each silver coin one and a half grains. The minor coins can not deviate more than twenty-five thousandths in the proportion of nickel, nor vary in weight from the standard more than three grains for the five cent piece, and two grains for the three and one cent pieces.—The gold coins of the United States are a legal tender in all payments at their nominal value, when not below the standard weight and limit of tolerance provided by law for the single piece. The standard silver dollar has unlimited legal tender, and the silver coins of lesser denominations are legal tender in all sums not exceeding ten dollars, in full payment of all dues public and private. The minor coins are legal tender at their nominal value for any amount not exceeding twenty-five cents in any one payment.—The total coinage of the United States mints, from their organization to the close of the fiscal year 1881, amounted to $1,545,508,866.65.—The following table shows the amounts coined, during the different periods named, at the various standards of weight and fineness:

COINAGE OF THE UNITED STATES MINTS BY PERIODS OF CHANGES OF STANDARDS.

PERIOD.	Gold.	Full Legal Tender Silver.	Subsidiary Silver.	Trade Dollars.	Minor Coins.
1792 to 1834	$ 11,825,890	$36,275,077 90			$ 658,591.58
1834 to 1853	224,965,730	42,938,294 00			787,885 81
1853 to 1873	544,864,921	5,538,948.00	$57,413,719 20		9,979,361 16
1874 to 1881	430,180,645	91,372,705 00	50,455,249 50	$35,959,360	2,262,438 45
Total	$1,211,837,186	$176,125,024.90	$107,899,018 75	$35,959,360	$13,688,277 00

HORATIO BURCHARD.

COLFAX, Schuyler, was born at New York city, March 23, 1823. He became a newspaper editor in South Bend, Ind.; was a representative in congress, 1855-69; was speaker of the house 1863-9; and was vice-president of the United States, 1869-73.—See Martin's *Life of Colfax;* Moore's *Life of Colfax.* A. J.

COLONIZATION SOCIETY. (See ABOLITION.)

COLORADO, a state of the American Union. It was organized as a territory, Feb. 28, 1861, about two-thirds of it being taken from Utah and Kansas territories, and the remainder from Nebraska and New Mexico. An enabling act was passed March 21, 1864, and a state constitution formed under it was rejected by popular vote. In September, 1865, a second constitution was ratified by popular vote. Under it two acts for the admission of Colorado as a state, May 15, 1866, and Jan. 29, 1867, were vetoed by president Johnson. March 3, 1875, another enabling act was passed, and a state constitution formed under it was ratified by popular vote, July 1, 1876. Aug. 1, 1876, as directed in the enabling act, the president, by proclamation, announced the admission of Colorado to the Union. Its boundaries were as follows: "Beginning at the intersection of longitude 25° west from Washington and latitude 37° north; thence north to latitude 41° north; thence west to longitude 32° west from Washington; thence south to latitude 37° north; and thence east to the place of beginning."—The governor was to hold office for two years, and the capital was fixed at Denver. Provision was made that electors in 1876 should be chosen by the legislature, and, as this body proved to be republican, the vote of Colorado really decided in advance the presidential election of 1876. (See DISPUTED ELECTIONS, IV.) The state has since been republican in politics.—*Governors:* John L. Routt (1877-9), F. W. Pitkin (1879-81).

ALEXANDER JOHNSTON.

COLOMBIA. (See NEW GRANADA.)

COMMERCE. If we examine, in detail, the operations of commerce, while some impress us by their grandeur the greater part seem insignificant and commonplace. But they appear in a totally different light when we consider them in the aggregate, and in their results. The exchange of products and services is, in the last analysis, the very foundation of human society. The diversity of products and productive faculties is the bond which unites to one another the inhabitants of the same locality, the city and the country, the provinces of the same country, different nations, and even the most widely separated parts of the globe.—Virgil expresses this idea in beautiful verses, and Addison in prose, no less classical. But what was true in their time is still more so in ours. The products by the means of which commerce brings nations into close relations are, in the "Georgics," a few articles of luxury, perfumes and ivory. What brings them together in the "Spectator" is the toilet of a fashionable woman—her arsenal of coquetry, supplied by a hundred countries.—We might say that the effect is produced in our day by the same articles, but there are others of much more general consumption. The breakfast of the most humble inhabitant of our temperate zone is furnished him by the torrid, to which Providence has allotted the production of tea, coffee, cacao and sugar. A filament, cultivated some thousands of miles from Europe—cotton—forms an important part of the clothing of all Europeans, rich and poor; while, on the other hand, Africans, Americans, Asiatics and Australians wear for the most part cottonades, woolens, linens and silks from the factories of Europe. Such is the close solidarity which the commerce of our age has established among all parts of the world.—The history of commerce is not, properly speaking, that of civilization—not even of purely material civilization; it does not especially treat of industry, nor of agriculture, finance or public administration. It comprehends, nevertheless, all of these, more or less. We can not describe the operations of commerce without speaking at least briefly of the condition of the agriculture and manufactures which sustain it, as well as of the governmental measures which encourage or paralyze it. The history of commerce is scarcely distinguishable in some respects from that of our entire civilization. What, then, are the chief principles and essential result of commerce? First, the division of labor between the inhabitants of the same place; then the division of labor between neighboring places; finally, that between all the different countries of the earth. Exchange of products has its origin in the diversity of products and occupations. Becoming more active, and increasing in the course of centuries, in turn it promoted this diversity. Under its influence different places, different countries, found it to their advantage to produce certain articles by way of preference, and to purchase others. This harmony, the proper equilibrium of productions, is not yet realized in the world; to bring it about, tentative and protracted effort is still necessary. But it is a fact to-day that the progress of commerce corresponds to, and is identical with, that of the division of labor. But the progress of the division of labor is the progress of civilization itself. This fruitfulness of the division of labor, asserted by political economy, is not confined to workshops and factories; it extends to all the works of man; it is found in the sciences and the fine arts, just as in industry. And so we can not give a history of commerce without at the same time giving somewhat of the history of civilization itself.—The history of commerce is interesting on account of the lessons we may draw from it. It furnishes a refutation of that spirituality which disdains or reproves commerce,

and in general that material labor without which commerce could not exist, and which could not exist without it. Argument shows that material labor is a work of the intellect; that far from degrading it, it gives the mind control over matter; that without the ease and leisure that it guarantees, nations could never have cultivated letters, science and the fine arts. History shows, moreover, that wherever commerce has prospered, letters, science and the fine arts have flourished. We know nothing of their cultivation in Tyre or Carthage, but what were the most brilliant centres of ancient Greece, if not the busiest commercial centres—Ionia first, then Corinth and Athens, and, in latter times, Alexandria? The genius of the Arabs, aroused by religious enthusiasm, appeared with equal splendor in the material and the moral order. It was the commercial prosperity of Venice, Genoa and Florence that prepared the Italy of the Medicis. The Flemish and Dutch schools had their origin among the merchants of Bruges, Antwerp and Amsterdam. Under the general impulse received from Louis XIV. and Colbert, France has already enjoyed three centuries of commercial and industrial, as well as scientific and literary grandeur. The French, the Anglo-Saxons in Europe and America, and the Germans, are to-day the most commercial, the most industrial and the richest nations in the world; they are also the most enlightened.—The history of commerce shows what are the conditions of this prosperity. From it we learn that nature has done much for commerce; for not only has she distributed her gifts among the different countries, as irresistible magnets to attract their inhabitants toward each other, but she has distributed land and water over the globe in such a manner as to facilitate and incite them to intercommunication. She has disposed the islands in certain seas like the links of a chain; she has regulated the currents; she has detached the peninsulas from the continents, and formed isthmuses between them; she has established ways of communication in the interior of countries, by hollowing out the beds of streams and rivers. She has studded the deserts with oases, and prepared roadsteads and ports on the coasts. She has created those living vehicles, the ox, the ass, the horse and the camel. She has endowed certain races of men with a taste for traffic, the Semitic race, for instance, which produced the Phœnicians, the Carthaginians, the Arabs and the Jews; and she has invited and even forced into commerce and navigation those dwelling on the banks of rivers, and on the seacoast. But history teaches that all these gifts of nature would have been sterile, if men had not known how to make use of them, and that commerce could flourish only under certain conditions which depend upon their wisdom and their will.—If commerce were to reserve its gains for the most fertile soil and the finest climate, it would never cease to vivify this region of western Asia, which has lost nothing of its natural magnificence since ancient times, since it was made famous by the Arabs. If commerce exhibited any such favor, it would prefer to-day the sun of Spain to the mists of England. Events of greater importance may, undoubtedly, cause it to abandon the parts which it once frequented and enlivened the most, thus Italy can no longer be, by itself, what it was from the time of the crusades to the discovery of the cape of Good Hope. But, in the end, it is the intelligence and the labor of man that attract and retain it. Civilized man draws wealth from the most ungrateful soil; he accumulates treasures on a rock, in lagoons or marshes, the possession of which he obstinately disputes with the sea. He transplants from one country to another the vine and the silk-worm, and makes wine and silk important articles of European commerce; he constructs highways and canals; he excavates basins and builds docks; he braves the frost of the polar regions, and the heat of the tropics. With the compass and the sail, he fearlessly crosses the ocean; with steam, railroads, and the electric telegraph, he annihilates time and space.—The labors of man whereby commerce lives and increases, suppose security as a fundamental condition. Commerce flourishes only when, as in the time of king Solomon, each one reclines without fear under his own vine and fig tree.—This security, which the individual could not alone obtain for himself, is the fruit of association; it depends upon the good order and power of the state. Within the state, it is destroyed by anarchy, or by those silly despotisms, such as exist in our day, which do not even know how to protect persons and property. From without it is menaced by war and barbarity. During the greater part of the centuries that have elapsed, commerce has been constantly exposed to their threats, and has escaped them only by infinite pains. In many countries religion has taken it under its protection; it became a pilgrim, and established its markets and bazaars near the sanctuaries of Meroë, the mosques of Mecca, or the pagodas of Benares. In order to preserve itself from pillage or piracy, it made use of caravans, convoys and military escorts. When warlike hordes ravaged the mainland, islands, or points naturally fortified, afforded places of shelter. In the middle ages the cities leagued together and maintained an obstinate struggle against brigandage and feudal exactions. In our day, thanks to the political system of modern Europe, and to the progress of international law and of enlightenment, the security of commerce is perfect, or disturbed only by accidental causes, throughout all the vast domain of modern civilization.—But there are other conditions necessary. The question is asked, which is the more favorable to commerce, authority or liberty; or, to speak more clearly, an enlightened despotism or a wise political liberty? The reply which history furnishes varies according to the temperament of the people under consideration, their progress in civilization, and other circumstances.

Aside from the security which both equally guarantee, an enlightened despotism in the hands of a Cromwell, a Louis XIV., a Peter I., or a Frederic II., imparts a vigorous impulse to commerce. It may degenerate into blind and violent tyranny; but liberty also degenerates into license. The prolonged rule of despotism leads, however, to stagnation, inertness and decay, as is witnessed by the Roman empire and the kingdom of Spain. Liberty preserves the life and progress of commerce, and has its great citizens, as authority has its great monarchs. Under the two-fold excitement of religious and warlike zeal, the Arabs, though subject to caliphs possessed of absolute power, were regenerated, and became a great commercial race. But most wonders of commercial prosperity have been the work of liberty. It was liberty that gave prosperity to Tyre, Carthage, and the principal cities of Greece. It was liberty that, in the middle ages, animated the mercantile republics of Italy, as well as the communes of Flanders and Germany. It is to liberty that Holland is indebted for its extraordinary prosperity two centuries ago. The three great commercial powers of our times, England (since the year 1688), the United States (since 1783), and France (since 1815), are the offspring of liberty.—The history of commerce admits of the same division as political history, into ancient, mediæval and modern. The first period extends from the earliest times to the fall of the Roman empire in the year 476 of the Christian era. The second embraces the centuries from 476 to 1492, the year of the discovery of America. The third period begins with 1492 and extends to our own time. We shall endeavor, successively, to run over, or, to speak more correctly, to give a simple outline of the history of these three periods as well as the restricted limits of our present work will permit. —We need not here begin with the night which preceded the earliest dawn of civilization, nor go back to the primitive times in which exchange alone, in the restricted sense of the word (barter) was practiced among men, and when the division of labor, by causing the creation of money, gave birth to commerce properly so called. Commerce was originally restricted to the land, and practically remained so during the first and even to the end of the second period, that is, until the discovery of America. The earliest homes of commerce were Asia and Africa; its invigorating influence was not felt in Europe until somewhat later. In Asia and Africa, it was gradually developed by the aid of caravans or troops of merchants, who combined their forces to defend themselves against the common dangers of the journey. Thus regular routes were marked out through the deserts; stations, markets, and afterward more or less important commercial centres, were established. In the midst of these often barren solitudes the camel was of great service as a beast of burden. The special objects of commerce were things easy of transportation but of great value, such as spices, perfumes and precious stones. The three continents of the old world form one compact whole, whose different countries could communicate with one another without the aid of navigation. Navigation, however, came in its turn. It originated on the coasts of Asia and Africa. It was for a long time confined to the coasting trade, and men were very slow to overcome the fear with which the sea inspired them. The Mediterranean, on which all three continents border, affording, at a relatively moderate distance a multitude of islands, bays, sounds, peninsulas and projections of land, became, from the pillars of Hercules to the Black sea, the principal theatre of the maritime commerce of the ancients. Its domain was afterward extended to the Persian and Arabian gulfs, and then to the Indian ocean.—In the beginning, commerce was naturally timid and uncertain. It had to contend against rebellious elements, it was paralyzed by incessant wars, and fettered by a defective social state, which was lacking in security; in some countries castes existed, and slavery was found everywhere. Capital was rare, credit unknown. The merchant always traveled with his merchandise, and his profession was generally held in contempt. Still, notwithstanding all these obstacles, we find noble efforts of human intelligence in the way of commerce, and memorable results achieved by them.—The first nations to engage in commerce were the Hindoos, the Arabs, the Chinese, the Babylonians and the Egyptians. In India, which is ruled by castes, the merchants, farmers and artisans form the lower classes. The great pilgrimages near the holy places, such as Benares, Ellora, etc., concentrated the commerce of the interior around the temples and bound it to the worship of the country. Possessed of immense natural wealth, and of remarkable industry, India was in no way dependent upon other countries. In her exterior commerce, therefore, she left the fatigue and perils of long voyages to the strangers who came to her frontiers to buy her products with gold, and still more with silver. But because of certain products which the west could not raise and which it could not do without, such as spices, dye-stuffs, cotton, steel, precious stones, ivory and fine woods, India offered irresistible attractions to the merchants of the west. The inhabitants of India were not navigators. The foreign merchants who visited them landed at a certain point on the western coast —The direct commerce with India was controlled mainly by the Arabs. While the Arab of the desert was a nomad, the Arab of the coast became a navigator. Confined within a narrow province bordering on the desert, he turned his eyes toward the sea, and the country lying beyond it. While other nations brought silver into India, but rarely any merchandise, the Arabs possessed in their spices and perfumes the richest elements of an active commerce.—It was not with the west alone that India cultivated commercial communication. It also had important relations, though less is known of them, with

China from that country it imported silk for use in India, where the great and the rich were clothed with this material There were several commercial routes uniting the two countries.—In the fertile country of Asia also, we should mention Babylon, situated between the two great rivers, the Tigris and the Euphrates, which, at an epoch when Europe was still plunged in obscurity, was a rich and populous city, a grand commercial metropolis, and the emporium of all western Asia, with which it communicated by several well-built roads. — In Africa. Egypt—civilized in ancient times, though submitted, like India, to the system of castes—had, thanks in particular to the Nile and its canals of every kind, a most active internal commerce. But its mariners navigated only the streams of the interior; for down to the time of Psammetichus and of Necho, superstitious Egypt had a horror of the sea. She abandoned her maritime commerce and her foreign exchange to the Phœnicians, and in part to the Arabs. Her commerce by land followed two principal routes in the interior of Africa, one of which crossed the desert of Barca, and the other followed up the Nile, and then shaped its course by the great and the small oases toward Ethiopia, and the eastern coast of Africa. In the seventh century before Christ foreign influence, particularly that of the Greeks, began to make itself felt in Egypt. Up to that epoch the suspicious policy of the Pharaohs and the intolerance of the priests had hermetically sealed the entrance to the country against them. King Psammetichus, in 656, was the first to put an end to this isolation, and their maritime commerce was developed, but through the intervention of the Phœnicians and the Greeks, because the country had no wood fit for ship-building.—The people of antiquity most skilled in commerce and navigation inhabited a narrow strip of territory which formed part of Syria. The history of the Phœnicians seems to date back to 1800 years before Christ. It comprises three periods. In the first, Byblus, Berytus (Beyrout) and Aradus extended their operations along the eastern part of the Mediterranean. In the second, from 1600 to 1200, the Phœnician cities, with Sidon as their capital, extended their sphere of operations, and their ships passed the pillars of Hercules. Finally, in the third, from 1100 to 750, the supremacy passed to Tyre, and the commercial grandeur of Phœnicia attained the zenith of its glory; but it declined little by little, and was eclipsed after the Persian conquest.—The geographical position of the country, the possession of the woods of mounts Libanus and Anti-Libanus, the sterility of the soil, and the vicinity of the opulent continent of Asia, led the Phœnicians to engage in shipbuilding and commerce; they began by piracy. Sidon is mentioned several times in the Old Testament. The prophet Isaiah calls Tyre "the city which distributes crowns and whose merchants are princes." Homer likewise often speaks of the commercial operations of the Phœnicians, and of the cunning which they displayed in them. The Phœnicians had founded colonies in Africa as early as the twelfth century before Christ. Carthage, the most celebrated of the cities established by them, dates from the year 818, and in Solomon's time, about the year 1000, the route along the southeast coast of Spain was quite common. The Tyrians occupied the island of Cyprus near by, which, independently of its importance as a commercial point, became, by the wealth of its products, the great supply market of a barren coast.—The geographical discoveries of antiquity may, almost without exception, be attributed to the Phœnicians. In truth, from their expeditions down to those of the Portuguese and Spaniards, the chart of the eastern hemisphere, at least so far as its coast was concerned, did not undergo any perceptible change. Did they penetrate as far as the Baltic sea for the trade in yellow amber? Whether they did or not, they navigated south along the entire Arabian gulf and the west coast of India, as far as the island of Taprobane (Ceylon). The routes overland passed by way of Damascus and Palmyra, until they joined the great commercial route which extended from these cities to Babylon, Persia and the interior of Asia. They communicated with Egypt by a route which extended as far as Memphis. But their greatest progress was toward the west. They did not fear to brave the high seas in this direction. In all probability the island of Madeira and the Canary islands (the Fortune islands) were not only visited but colonized by them. Their establishments along the western coast of Africa extended to cape Blanco, if not to cape Verde, and the Carthaginians only followed in their wake. The voyage of Hercules (who was their principal divinity) around the ancient world, is the poetic picture of the immense expansion of their navigation and commerce.—With the history of Phœnicia, that of Carthage, the most powerful and most noted of its colonies, is intimately connected. There was but little mention of Carthage during the first centuries of its existence. From the time of the subjugation of Tyre by the Persians, it rapidly increased in wealth, territory and influence. Most of the Greek and Phœnician colonies on the northern coast of Africa were forced to recognize its power, and it soon passed the straits of Gibraltar, acquired fixed stations in Spain, occupied the Balearic isles, Corsica and Sardinia, closing with Sicily and Malta the circle of its dominions The principal theatre of its mercantile activity was the west of the Mediterranean, where it regarded itself as the legitimate heir of Tyre. Of all its possessions, Spain was, especially after the loss of Sicily, by far the richest and most important. The rich mines of silver that were discovered and worked by the Phœnicians were the powerful magnet which attracted the Carthaginians thither They possessed themselves of all the ancient commerce of the Phœnicians beyond the straits of Gibraltar, and increased it They also traded

directly with the interior of Africa overland by means of caravans —We come now to the Greeks Inhabiting a country washed on three sides by the sea, indented by numerous bays, and surrounded by numerous islands, this people early and successfully applied themselves to navigation. The Greeks were not as skillful and enterprising merchants as the Phœnicians; but the extent and versatility of their genius were manifested even in their commerce. From the point of view of progress in civilization, the commerce of the Greeks among themselves, though confined within a comparatively small radius, is by far the most interesting of antiquity. The spectacle presented by the southeast of the Mediterranean between the shores of Asia and Greece, and in the numberless islands of the Archipelago, is unique of its kind. The commercial intelligence of the Greeks is attested by their regulations concerning insurance, loans on bottomry, freighting, etc., which originated in Athens, and by the maritime laws of Rhodes, which remained the accepted maritime code down to the middle ages.—Attica, and the neighboring isthmus of Corinth, form the chief theatre of the traffic of continental Greece. The most important object of the commerce of Athens was the grain necessary for the consumption of that city, for the soil of Attica does not seem to have been much more fertile at that epoch than it is now. This grain came from the countries bordering on the Black sea, particularly from the Tauric Chersonesus, or Crimea, which were, twenty-two centuries ago, as they are to-day, inexhaustible granaries. Corinth also deserves special mention. Its commerce was even more extended and more varied than that of Athens. It was the great warehouse of Greece.—The commercial domain of Greece comprised, moreover, not only Hellas, Thessaly, the Peloponnesus and the islands of the Archipelago, but also Asia Minor, lower Italy or greater Greece, Sicily, and the numerous colonies on the coast of the Black and the Mediterranean seas. Among the cities which commerce rendered flourishing in these different countries at different epochs, we should mention Miletus, which ranked after Tyre, Phocea, Rhodes, Marseilles, and Alexandria under the Ptolemies.—We shall not here dwell long upon the Romans, for they can not be ranked among the commercial nations. Still, they should be mentioned in a history of commerce, because of the immense extent of their empire, which created a vast market, and because of their grand system of communication, which, although established for military and administrative purposes, served also for the transport of merchandise. Under the empire, Rome and Italy, whose agriculture were ruined, could not subsist but for the importations from the provinces, especially of their grain. After the devastations of war and the rapine of proconsuls, labor and commerce, protected by a regular administration, served again to restore the wealth of the civilized countries of the east, at the same time that, under the domination of Rome, they gave life to the hitherto barbarous nations of the west. Alexandria was one of the richest commercial cities of this period, the great storehouse of the trade with India, and indispensable to the commerce of the Romans. But, by the continuous weakening of the empire, commerce languished and perished gradually, until the invasion of the northern tribes finally destroyed it.—The fall of the empire of the west left after it, in the west of Europe, the barbarism of the middle ages; but the empire of the east preserved ancient traditions and commerce in the east. Constantinople which, thanks to its admirable situation, had already enjoyed great prosperity under the name of Byzantium, replaced Rome both as the commercial and political metropolis. Not that commercial activity animated its degraded population; for, without foreigners, Constantinople never would have become a great commercial centre. The trade in the products most necessary to human life were declared a monopoly of the state, and the other branches of internal commerce were no less obstructed. But the Italians, Arabs, Germans and Slaves made a rendezvous of this great market, and made of it quite a business centre. The Byzantine commerce may be divided, according to the routes which it followed, into three branches: the eastern, the western and the northern commerce. Its relations with the east were of great importance. During the reign of Justinian, two monks brought from India to Constantinople silk-worms' eggs carefully inclosed in a cane or staff, and introduced into Greece that new industry, which was not slow to prosper there. The manufacture of silk was begun at Constantinople, Athens and Corinth, and from thence it passed into Italy.—At this epoch, a people, composed in great part of nomadic tribes, but on whose shores navigation and commerce had long flourished, extended their dominion with unheard-of rapidity; on one hand to the Atlantic ocean, and on the other to the frontier of China. At the same time it extended its commerce over this immense space. The Koran recommends commerce and industry as occupations pleasing to God. Thus each conquest made by the Arabs was also a conquest for commerce; wherever they penetrated they carried with them life and progress. Caravans were allowed to travel unmolested in the midst of their armies. The association of religion and commerce, which had existed in antiquity, especially among the Hindoos and Egyptians, was restored among the Arabs on a still larger scale. In the principal places of the provinces mosques were erected and schools established. This served to increase the population of these places, and they became religious and commercial centres. Pilgrims came from a distance, as well to fulfill their religious duties as to exchange their merchandise. The most celebrated of the pilgrimages was that of Mecca. Various wise regulations afforded the caravans the assistance which was so necessary in Asia and Africa, which were the principal thea-

tres of the commerce of the Arabs. Thus the government contributed considerable sums for the construction and improvement of roads. It caused wells to be sunk and caravansaries to be built, and erected mile-stones to mark the distances.—The most prosperous period in Arabian history is that of the Abbasides, from the eighth to the tenth century. This was almost the entire length of time during which their vast commerce lasted, and during this time it constituted almost the entire commerce of the world. Spain, Sicily, Sardinia, and part of the southern coast of Italy, were subject to the Arabs. In Africa their dominion was more extensive than that of any other people before or since. They explored the interior of the country with greater care and success than the Carthaginians and the ancient Egyptians. In Asia the standard of the prophet stopped only before the natural barrier of the great steppes, inhabited by nomadic tribes. Following the Indus, extending to the Himalayas, and thence to lake Aral and the Caspian sea, the empire of the Caliphs embraced, besides the Greek provinces of Asia Minor, the whole historic zone of that part of the world. In this immense domain, what a diversity do we find in the productions of the soil, as well as in the faculties, the tastes and the wants of the inhabitants! What grand conditions for exchange! The connecting link between the two extremities of the old world, the Arabs have brought us the compass from China.—During this time western Europe was buried in darkness, which Charlemagne endeavored in vain to dispel; it only increased after his death, and the feudalism which he established proved fatal to commerce. But the commercial spirit still survived in a race possessed of rare tenacity. Deprived of their nationality, the Jews play a very important part in the history of commerce. There is no state in Asia, Africa or Europe, known in the least to commerce, in which Jews are not to be met with. Persecuted, often with cruel intolerance, the objects of public contempt, they resisted, notwithstanding the fewness of their numbers and the fact of their being so scattered, and exhibited great mercantile activity. This activity they applied by preference to loaning operations, which, being for a long time interdicted to Christians, were monopolized by the Jews, loans which, because of the scarcity of money, were effected under exorbitant conditions. The Jews are credited with the invention of bills of exchange, as a more convenient and a surer means of settling their credits and their debts in distant places, than sending the coin. But recent research proves that the real inventors of bills of exchange were the papal tithegatherers in foreign countries. — The crusades succeeded in rousing western Europe from its lethargy, and indirectly exercised a most powerful influence upon commerce. The west was brought again in contact with the east, appreciated its productions, and thus conceived wants which commerce alone could satisfy. Customs and the manner of living were changed; the consumption of spices and silk stuffs increased. In the cities, especially, fortunes were amassed with rapidity, and worked a complete change in the condition of the middle classes.—The commercial advantages of the crusades were first manifested in Italy. Although it had been the most devastated of all the countries invaded by the barbarians, this country was already re-invigorated by the emancipation of its cities, and it had not lost the advantage of its geographical situation. When the east had resumed its relations with the west, the Mediterranean and the Black seas exhibited the animation of ancient times. These seas, with their gulfs, their islands and their shores, were the principal theatre of the exchange established between the three parts of the then known world, and they so continued until the discovery of a new hemisphere had entirely changed the aspect of the globe, and created an entirely new state of things.—Venice, Amalfi, Pisa and Genoa were then illustrious in Italy. The prosperity of this country began with the end of the twelfth century, and attained its zenith at the middle of the fifteenth. The crusade, in which Constantinople was taken in 1204, becoming for fifty-six years the seat of the Latin empire, assured to Venice, which had, by the aid of its fleet, taken an active part in this conquest, the almost absolute monopoly of the commerce of the Levant. Genoa, which had long been the rival of Venice, was at last obliged to yield her this territory. In the Italian cities which we have mentioned, to which we must add Florence, industry soon increased, and manufactories were established. They adopted commercial laws and regulations, whose authority was recognized at a distance. The importance of the bourgeoisie grew; the omnipotence of the landed proprietors was destroyed; the brilliant prosperity of the cities relaxed the bonds of feudalism; commerce, hitherto treated with contempt, obtained consideration.—Commerce ceased, little by little, to be the monopoly of the south and the east, and extended to the north and west. On this new territory, deprived of all precedent, it had to educate and form itself. The old military routes of the Alps became commercial routes, by which the merchandise of the Levant, imported by Venice and Genoa, was carried into Germany, France, the Low Countries and England. At points on this side of the Alps, where the roads crossed each other or reached a river, old Roman colonies began rapidly to flourish, or new cities sprang up. Such were Basle, Strasbourg, Ulm, Augsburg, Ratisbonne, Nuremburg and many others. The maritime cities of Italy had branch establishments in these places, which afterward became independent houses, acting on their own account. Industry prospered by the side of commerce; and here, as in the communes of Italy, well-being engendered the spirit of independence and liberty.—Venice and Genoa had established important commercial centres in the Low Countries; and Bruges and Antwerp were, during

three centuries, the greatest markets of Europe All the articles then known were brought thither from all countries, and the stores which received them afforded the richest assortments. The Italians sent there the merchandise of the east, and took in exchange the products of the north, among other things the renowned woolens of Flanders and Brabant. This exchange of products with so many nations, rapidly developed the material prosperity of the country, and served also for the furtherance of enlightenment. Commerce enjoyed in the Low Countries a liberty which did not exist elsewhere: nowhere else was it so little burdened with taxes, privileges and monopolies.—It is to the crusades, likewise, that the northeast of Europe is indebted for its civilization.—They had given birth to the Teutonic order, which, to convert the pagans, conquered Prussia in the thirteenth century. The order of the Porteglaive knights, who were closely allied to the Teutonic order, pursued the same object in Livonia. These two institutions which were of German origin, helped to enliven German commerce. The best-known products of these countries supplied material for the export trade to the west and south, where other merchandise, adapted to the wants of the north and east, was advantageously given in exchange. Cities of importance were founded on the German coast of the Baltic; they were speedily peopled, and devoted themselves to commerce and navigation. They often combined together for enterprises in common, aided one another, and thus prepared the way for that powerful commercial league, which, under the leadership of Lubeck, soon extended over a vast domain. The Hanseatic league is a glorious monument of the spirit of association in Germany. The principal theatres of its activity were the islands and coasts of the North and Baltic seas. Their favorite ports were those of England, from which they exported wool, which they brought back turned into cloth by the German weavers. But not one of their ships ever ventured out upon the ocean.—England and France occupy places of but secondary importance in this period of the history of commerce. In France, however, we should except Marseilles. Marseilles is, after Cadiz, the oldest commercial city of Europe; and, during an existence of two thousand five hundred years, its name has never ceased to figure with more or less splendor in the annals of commerce. It seems to have been the only French port which then entertained direct relations with the Levant. Its incomparable situation preserved to it, through the greatest disasters of the invasion, all the commerce indispensable to the barbarians themselves; and it is probable its traffic with the coast cities of France, Spain and Italy and the neighboring islands was never interrupted. As a great part of the crusaders took passage at Marseilles for Palestine, it was an easy matter for this city to renew its relations with the east, its cradle.—Toward the end of the crusades, under Charles of Anjou, its glory was eclipsed, inasmuch as the city of Montpelier, which was the centre of the operations of Jacques Cœur, Aigues-Mortes and Avignon surpassed it in commercial importance and in wealth. The import and export trade of the south of France was, moreover, principally in the hands of the Italians, who, since the transfer of the holy see to Avignon, had established themselves there in great numbers. Under the name of Lombards, they, conjointly with the Jews, carried on important banking and monetary operations. They instilled new life into industry, especially that of Languedoc and Lyons, whose products were carried to the markets of Beaucaire.—The proximity of Flanders exerted a similar influence on the north of France, to that of Italy on the south, but with less energy. The fairs of Troyes, the capital of Champagne, were frequented. The maritime activity of the port of Dieppe deserves special mention. The merchants of Dieppe seem to have been the first navigators of the middle ages who visited the west coast of Africa. The wine trade of the maritime cities of the southeast, particularly in Bordeaux wine, was very active.—We must not omit to mention the busy port of Barcelona, on the Mediterranean, the commercial centre of Christian Spain.—The middle ages had seen the development of commercial intelligence in Europe. Commercial and maritime codes, bills of exchange, loan and discount banks, and the use of the compass, do it honor. Still, its operations had not extended beyond the limits of the commerce of antiquity: they were always confined to commerce by land and to mere coast trade.—The modern period of commerce was inaugurated by the discovery of a new world, which Christopher Columbus made, believing that he had landed on the eastern coast of India. Since then, the new continent became daily better known: it was named America after Amerigo Vespucci, who first gave a description of it to astonished Europe.—Mexico was conquered in 1521; Peru and Chili, from 1529 to 1535. Toward the middle of the sixteenth century the coasts of South America were known throughout almost their entire extent. About the year 1500 the Portuguese navigator, Cabral, on a voyage to the East Indies, was carried to the west by a tempest, and landed on the coast of Brazil. In 1520 Magellan discovered, at the southern extremity of the continent of America, the straits which bear his name, passed through them, and then, traversing the Pacific ocean, and discovering on his way the Marianne, the Ladrone, and the Phillippine Islands, completed the first voyage around the world.—While the Spaniards were making discovery after discovery, and conquest upon conquest in America, the Portuguese were not idle in the east. They had for a length of time been advancing along the coast of Africa; in 1487 Bartholomew Diaz had, without knowing it, doubled the Cape of Good Hope; but the circumnavigation of Africa, and the direct passage from Europe to the Indies, were not accomplished until ten years later, under Vasco de Gama. The

Portuguese extended their explorations in the Indian sea more and more, and joined to them the expeditions sent toward the west. They doubled Cape Cormorin, visited Ceylon in 1506, sailed along the coast of Coromandel, and, crossing the gulf of Bengal, reached India beyond the Ganges, Malacca in 1509, the Sund islands in 1512, the Moluccas in 1513, China in 1516, finally Japan in 1542.—This is not the place to enumerate the discoveries which followed; suffice it to state here that by them the earth was made double what it had been in ancient times and in the middle ages; and this fact marks a capital revolution in the existence of commerce. Since navigation has quitted the coasts, which it had timidly followed hitherto, and now braves the high seas and skims under full sail over the element which establishes the swiftest and easiest communications between the most distant points, there really exists an international commerce, and this commerce has acquired a universal character.—Two characteristic traits distinguish ancient from modern commerce. The former was the age of coast trading and transport by land: the latter is that of long sea voyages and maritime transport.—The enormous increase in the importation of tropical products has extended the consumption of them to the lower classes, and very much changed the manner of life of those classes. In proportion as the Indies became better known, men discovered there a multitude of products hitherto unused, or even entirely new, which were well fitted to increase a commerce which had depended almost exclusively on spices, precious stones, pearls, dye stuffs and cloth of very fine texture. Rice, sugar and sago were known; the Italians had brought small quantities of them into Europe: but these articles were so bulky, and relatively of so little value, that they did not pay the expense of a long transportation by land and water and numerous transshipments. As to sugar, it was cultivated by the Moors in Spain and Sicily, but was not exported. Honey still continued to be generally used in sweetening food. But, after the establishment of continuous navigation, the transportation of these products into Europe was recognized as profitable; and the capacity of vessels was more and more increased. Freight charges were lowered, and sugar in particular became one of the principal staples of transatlantic navigation, especially when the culture of the cane, transferred into the American colonies, had there acquired so vast a development. Tea is an entirely modern article of commerce. Acquaintance with many other products, such as drugs, medicinal substances, dye stuffs and woods, was also acquired at this epoch, or at least they were brought directly from the places where they are produced, without having recourse, as formerly, to numerous intermediaries. In the production of sugar and coffee for the use of Europe, America had surpassed Asia by the end of this period. Various other products, moreover, such as cocoa, tobacco, potatoes, vanilla and certain dye woods, were indigenous to her soil.—The importance of commerce increased immensely; a greater number of countries and cities engaged in it. A centre like Bruges, to which all European commerce might resort as to a common rendezvous, was no longer possible, since they could import their merchandise directly from the country in which it was produced. Men more and more preferred these natural roads to the artificial ways of indirect importation; and the mere fact of the foundation of colonies by nearly all the maritime powers could not fail to develop the commerce of each of them and maritime navigation generally. At the same time the different operations of commerce were more distinctly separated one from the other: there were, as before, different specialties, the import and the export trade, banking and commission, ship building, insurance, the carrying of merchandise, and the carrying of specie. —One great difference between the two epochs is that of the theatre upon which international commerce was displayed. The new world was situated in the west; it was discovered from the western coasts of Europe, and all transatlantic voyages had their point of departure and their point of arrival on these coasts. Hitherto the southeast had possessed commercial as well as political dominion. From Phœnicia to Venice, the Mediterranean, including its numerous bays and the seas bordering it, had, with the overland routes which connected it with the Arabian and Persian gulfs, constituted the narrow limits within which the international commerce of the old world was restricted. At the end of the present period, in the short space of three centuries, how the scene changes! Asia, with the exception of India, is plunged in the most profound lethargy, and barbarism has extended as far as the southeastern extremity of Europe. Without having been subjugated like Greece, Italy had also lost her power and her prosperity. The two great meteors of the grand period of the Mediterranean, Venice and Genoa, are now but mere souvenirs of their departed grandeur. On the contrary, what a wonderful creative activity is displayed by western Europe, what an unheard-of development of power and wealth all its maritime countries attain, one after another. The west of Europe has become the centre which receives and dispenses all the currents of the new life; and its situation on the very shores of the vast sea that now connects the countries which it formerly separated, assures it a decided advantage over the east.—Political and social influences concur with these geographical causes. We find them in the strong constitution of the great states on the basis of nationality, with absolute power and a centralized administration in the hands of a monarch. The essential characteristic of the middle ages was the predominance of individualism: the predominance of nationalities is that of modern times. The most powerful nationalities were formed in western Europe: Spain, after the reunion of Castile and Aragon; France, after the

reign of Louis XI.; and England, after the accession of the house of Tudor. Later appeared the republic of Holland. Powerful and centralized states could alone enter successfully on the new career of discovery and ultra-marine operations, and satisfy the wants of a world which had been so immensely enlarged. Commerce became a national affair. The government intervened as regulator by its laws and institutions, and national politics produced commercial systems. What had hitherto interested only a class or a corporation, now occupied the attention of the state. Each nation believed itself the chosen people, and labored to achieve greatness and prosperity. Antagonism was inevitable; commercial jealousy, which had existed at all epochs, now acquired the energy of national hate; states sought, by means of monopolies, to paralyze each other's trade, and hold one another in check; they promulgated commercial interdicts against one another, and these led to declarations of war. Customs duties served as offensive and defensive arms.—Monopolies are another distinctive feature of the present period. The government assumes the right to regulate all the industrial and commercial movements of the country. The concession of privileges to large companies for the carrying on of ultra-marine commerce, originated at a time when commerce was so new, so difficult and so expensive as to exceed the resources of private individuals. In countries which were far removed from any considerable establishment, a number of men, and often an armed force, were necessary to secure the beginnings of trade. Companies were then of great service: they gave solidity to international commerce. But, after having been an instrument of progress, they became a hindrance, and, at the end of the eighteenth century, were generally on the decline.—In the regulation of commerce, ignorance and arbitrariness committed many faults. Men professed the maxim that the profits acquired by one nation in foreign commerce were losses to another. They established the principle that exchange with other nations was advantageous only inasmuch as the exports exceeded the imports, and the difference was paid in money. They misunderstood the mission of gold and silver. They did not understand the solidarity of foreign commerce; and, led astray by its brilliant results, gave it a blind preference. However, we must not judge this epoch by the ideas of our own; and, in the protection of industry particularly, it is proper to distinguish between wise and efficacious measures and those which are senseless and unproductive.— The means of communication which are so necessary to commerce by land, remained far behind the progress of navigation. This period, however, produced the canals of the Low Countries of France, and, later on, of England. On the other hand, commercial and maritime rights were perfected; maritime insurance was greatly developed; and similar progress was made in credit and banks, as is proved by the banks of England, of Holland and of London. Law's enterprise in France should not be cited except as proof of the ignorance of the epoch. Another commercial institution, that of the "exchanges," originated in the Low Countries.—The commercial spirit of the present period finds its most energetic expression in the colonial system, which has been defined as the monopoly for the benefit of the mother country, of the production and consumption of the colonies. This system was founded by Spain. The Spanish colonies were nothing else than domains of the crown; and this idea of a supreme right of ownership which the crown always preserved over them, serves to explain all the commercial restrictions which were imposed. The colonial population of other states was governed by the same principle, applied with more or less consideration. We must, however, except the colonies of the East Indies, where a large native population, an acquired political development and a comparatively advanced state of civilization, prevented the mother country from arrogating to herself a similar right of ownership. The commercial interest of the colonies consisted in the difference between their products and those of the mother country. Without the colonial products there would have been no colonial system. Under colonial products, not only coffee, tea, cocoa, sugar and spices were understood, but also cotton, dye stuffs, certain kinds of wood, drugs and medicinal substances, none of which were cultivated in Europe. Most of them came only from tropical countries, as most of the colonies were in the torrid zone. We may say that all the great maritime commerce of Europe at this epoch was colonial commerce; for the principal commercial countries, Portugal, Spain, England, Holland and France, had colonies. Italy and Germany alone had none; and this fact compelled them to have recourse to foreign markets, both for their importations of ultra-marine goods, and for the export of their own products to those countries.—The exploitation of the colonies restored an odious traffic, which had been one of the most considerable of ancient times, and which had not been unknown to the middle ages; the traffic in slaves. The negroes of Africa, whose strong arms were soon recognized as eminently well fitted for the cultivation of plantations, supplied the material for this vast trade, the horrors of which are well known.—We shall terminate this general exposé by mentioning the development of the great fisheries on the coast of Spitzbergen and along the shores of North America.—The different nations who took part in the commerce of this period were successively the Portuguese, the Spaniards, the Dutch, the English and the French. We shall take a rapid glance at each of them.—Called to navigation by her geographical situation, the mission of Portugal was to realize what the centuries had predicted of her. She had the good fortune, at this epoch, which is called her golden age, to be

governed by a line of princes, among whom we may mention Henry the Navigator and Emmanuel the Great. From the first years of his reign Emmanuel attained the end toward which his predecessor had gradually approached. Vasco de Gama made the voyage to India by water, and landed, May 18, 1498, on the coast of Malabar. The king then took the title of master of the navigation and commerce of Africa, Arabia, Persia and India; and his subjects were possessed of an enthusiasm which conquered everything before them. In 1505 Francis Almeida, with a fleet of twenty-two sail, the largest ever equipped up to that time, set out as viceroy of India, charged to destroy the commerce of the Arabs. From this time there is unrolled before our eyes a tableau of commercial history which seems like a romance; for the most brilliant feats of arms and religious proselytism are mingled with mercantile speculations. Almeida and his successor, Albuquerque, acquired immortal glory. The latter, after a long and difficult siege, carried by assault, Nov. 25, 1510, on the coast of Malabar, the city of Goa, which soon acquired extraordinary prosperity as a commercial centre. In a few years the entire coast, from Ormuz to Ceylon, acknowledged the authority of the Portuguese, whose dominion also extended even beyond cape Cormorin as far as the Moluccas.—Then began for Portugal a maritime commerce, placed under the direction of the government, but open to all Portuguese. Fleets, starting at regular intervals, made the voyage between Goa and Lisbon, which latter city attained a high degree of splendor.—In 1500 chance had led to the discovery of Brazil by the Portuguese Admiral Cabral. This country was at first made a penal colony. Then it acquired commercial importance by the cultivation of sugar, which at this epoch was first introduced into the ports of Europe in considerable quantities. Later, the gold and diamond mines of Minas-Geraes and Cerro da Rio were discovered. During the whole of the sixteenth century Portugal enjoyed the monopoly of the commerce of India, and Lisbon was the great centre of this trade. But the decay of this power began when Portugal was submitted to Spanish rule. The Spanish decree which, in 1594, closed the port of Lisbon against the Dutch, founded the empire of this latter nation in India, as well as their commercial preponderance, and commenced the ruin of the Portuguese. —The Spaniards, though not possessed of the commercial spirit, had however been called upon to play an important part in its history. The Catalonians are about the only ones among the inhabitants of Spain who can be said to have any aptitude for commerce. Two ingenious races, the Jews and the Moors, gave life to the Peninsula; but Spanish fanaticism drove them from it. On the other hand, the chivalrous and heroic spirit, which they had acquired in their conflicts with the Moors, led the Spaniards to do great things in the new world, whither they had been led by Christopher Columbus. Their exploits here resulted in the conquest of Mexico and Peru, the occupation of the greater part of South America, and, consequently, in the foundation of an imposing colonial system. But the thirst for gold was almost the only motive of these enterprises; and the most fertile country, blessed with the most beautiful and healthy climate, was disdained when it did not show traces of gold and silver. The extraction of the precious metals was not without its advantages for Spain itself; but, above all, it exerted a considerable influence on the commerce of the world.—A colossal aggregate of countries situated in the most different climates, and increased, besides, under Philip II., by the Portuguese possessions, opened to Spanish commerce the richest and most extensive market that can be conceived, yet it profited but little by it. Two royal squadrons went every year, or at least every two years, to America; one was called the fleet; the other, the galleons. The galleons carried on the commerce with Chili and Peru; the fleet, that with New Spain or Mexico and the adjacent provinces. The squadrons were escorted by ships of war. The vessels were chartered by the merchants of Seville and Cadiz. Soon after the arrival of the galleons the South-American merchants brought by water to Panama, and thence by land to Porto Bello, the products of their mines, and other precious objects to be exchanged for manufactured articles. The city, abandoned and deserted at other times, was then filled with an innumerable crowd, and the market remained open for forty days. But it was not open to free competition: everything was foreseen and regulated in advance. The prices were fixed by delegates appointed by the merchants of the two hemispheres, on board the admiral's vessel, in the presence of the governor of Panama. During this time the fleet had arrived at Vera Cruz, to proceed, in New Spain, with the same operations and under the same conditions. After dispatching some ships to trade with the islands, the squadrons met at Havana, and thence returned to Europe. Under Philip II. their cargoes comprised, besides the precious metals, indigo, cochineal, sugar, vanilla, logwood, cinchona and tanned hides. But, afterward, these products were more and more disdained, and the cargoes were composed almost exclusively of gold, silver, Panama and California pearls, and precious stones. The chief products imported into the colonies were woolen and linen stuffs, furniture, agricultural implements, works in metal, objects of luxury of all kinds, oil and provisions.—The commerce of the Spanish colonies, though submitted to all the rigors of the colonial system, was soon invaded by the smuggling trade, whose operations were carried on on a grand scale, and which the government was compelled to tolerate. This smuggling was systematically practiced by Holland, England and France; and nine-tenths of the merchandise used in the colonies was of foreign manufacture. Soon, however, beginning with the reign of Philip II, despotism

gradually enervated commercial activity in the whole Spanish monarchy which had undergone only a slight improvement in the eighteenth century, under the Bourbons.—When the Dutch constituted themselves a republic, under the name of the Republic of the Seven United Provinces, at Utrecht, Jan. 23, 1579, they had not only shaken off the Spanish yoke, but they had laid the foundations of extraordinary commercial greatness. They had already acquired the preponderance in the Hanseatic trade in the northeast of Europe. Their fisheries were flourishing. Possessed, by reason of their commerce with the northeast, of the best material for ship building, and, by their fisheries, of the best sailors, their power on the sea soon surpassed that of other nations of Europe; and it was this superiority that enabled them to resist Spain, and finally to overcome her. They found, in the element which surrounded them on all sides with its terrors, and frequently invaded their fields and their cities, the palladium of their independence and the source of their wealth.—It is a remarkable fact, that, in order to become the first commercial power of the world, it was necessary that they should have for an enemy the king of Spain, on whose vast dominions the sun never set. If they had not conquered the Spanish and Portuguese colonies, their commerce and navigation would have amounted to but very little more than that of the Hanseatic towns; the sphere of their activity would have been confined to Europe, and, on the most favorable hypothesis, they would have been nothing more than intermediaries between the northeast and the southwest.—After the downfall of Antwerp its commerce passed to the already prosperous city of Amsterdam. This city, as the heir of Antwerp, sought above all things to preserve the advantages of the commerce with India, by keeping up relations with Lisbon, the only port which then received direct importations from that country. Spain, which was then at war with the rebellious provinces, used every endeavor to destroy this traffic, but without effect. As long as Portugal preserved its independence, it took no part in the struggle between Spain and Holland, and the merchants of the Dutch republic were made perfectly welcome to the market of Lisbon. But when, in 1580, it passed, with all its transmarine colonies, under the dominion of Spain, Philip II. believed he could not better punish the hated republic than by depriving it of the products of India, which its ships came to buy at Lisbon. In 1594 he caused fifty Dutch vessels to be seized in this port, and forbade his new subjects, under the severest penalties, all intercourse with the revolted provinces. This blow, apparently so terrible, was the foundation of the commercial prosperity of the Dutch. They understood that there was no other means of extricating themselves from the difficulty than to import the products of India from India itself. The perils of remote navigation did not frighten the enterprising genius and persevering energy of this little nation. After some abortive attempts, they finally succeeded. The route to India was opened by a Dutchman, Cornelius Houtman, who had already made several ultra-marine voyages in the service of Portugal, and who was liberated from a prison in Lisbon, where he was detained for debt. After a few years the commerce of Holland, incited by her accumulated hatred of the Portuguese, controlled the shores of the sound The commerce with India was centralized and declared expressly a state affair by the creation of a large company, which began its operations March 20, 1602.—It was necessary, first of all, to find a suitable centre of operations in India itself. The Dutch manifested great wisdom by casting their eyes from the first upon the Indian archipelago rather than upon the continent, and by choosing an island. Among the products of India then most sought after in Europe, spices were the most important. The Dutch conceived the desire of possessing themselves of this commerce, and to this end took possession of the Moluccas. But the Moluccas were too remote to serve as a commercial centre; for this purpose they chose Java, which they conquered from the English, and there founded Batavia, the seat of a general government and of a central administration, which, by its commercial prosperity, won for itself the title of the pearl of the east. By a rapid series of successes, the dominion and commerce of Holland in the East Indies reached their zenith at the end of the seventeenth century.—The commercial genius of the Dutch was too universal to allow the east to make them lose sight of the west. A great West India company was formed, and this company effected the conquest of Brazil, which, however, was soon after retaken by Portugal. Among the other possessions in America which the Dutch retained were some of the Antilles, particularly Curaçoa, besides Guiana, where their most important establishment was Surinam.—The extraordinary extent of the maritime navigation of Holland enabled the Low Countries to secure to their flag a large proportion of the intermediary commerce. The products of India re-exported from Amsterdam, were reputed products of the metropolis, and obtained free access into all the states which were without colonies. Even the states which had them were obliged to admit at least spices, of which Holland had the monopoly. The products of the industry, the agriculture and the fisheries of Holland furnished material for transportation, in large proportion. She everywhere found return cargoes: the wants of Holland, especially in grain and northern products, had increased immensely, and foreign markets were ready to receive what she did not need. Her commercial superiority rendered her indispensable even in those states whose legislation was most exclusive against her. Such were, in the first place, Spain and Portugal; but England and France could not, any more than they, dispense with Dutch navigation; and the insufficiency of their own marine obliged them, despite

their restrictive tendencies, to give her their freight. England was freed from this necessity by the navigation act, but France continued subject to this servitude some time longer.—Independently of its commerce in merchandise, Holland was the centre of the money and credit markets. Banks of deposit and transfer were established at Amsterdam and Rotterdam. The commerce of the world had accumulated so much capital in the country that money was nowhere at a lower price than in Holland; and the stock exchange of Amsterdam was the general market for the titles to all the loans of the time, and for the shares of all commercial and industrial enterprises, both home and foreign.—But this commercial greatness of a small state, undermined by terrible and ruinous conflicts, began to decline at the beginning of the eighteenth century, when France, and more particularly England, with their much greater resources, devoted themselves to commerce. — The commerce of England, beginning with the time when it first acquired some importance, may be divided into three periods. The first begins with the reign of Elizabeth. At home it, an adult nation, frees itself from the commercial guardianship of the Hanseatic towns, and acquires a commerce of its own: abroad it triumphs over the Spanish armada, vindicates the liberty of the seas, and founds colonies. This first period shows but a very small amount of progress. The second, which begins with the navigation act, and creates the maritime power of England, is more remarkable; but the most fruitful is the third, which, dating from the peace of Utrecht, shows an equal energy at all points and in every sense, in the metropolis and in the colonies, in commerce as well as in industry, in agriculture as well as in navigation. —The manufacture of woolens was a natural employment for a country which then abundantly produced the raw material. Edward III. had encouraged it as early as the fourteenth century. Its progress, however, was slow. The nobility preferred to sell their wool abroad, and the English manufacturers found rude competitors in their brothers of the Low Countries. The English were, on the other hand, aided by the Hanseatic towns, whose interest it was to create a rivalry for Flanders, because they realized greater profits by exporting from England unbleached cloths, which they afterward dyed and dressed themselves, than upon articles entirely finished in Flanders or Brabant. English industry was thus gradually extended; but its shipments consisted exclusively of cloths of a common quality. To free the country from the mediation of the Hanseatic traders, and export cloths fully finished, was the special object of the society of merchant adventurers. This object was not attained until the reign of Elizabeth. After she had restricted the exportation of unbleached cloth, and suppressed the Hanseatic competition, the queen sought to introduce other industries into England. A decree of 1563 prohibited the importation of arms, saddlery, needles, thread and various articles of metal and leather. Attention was turned to mines, and skilled miners were brought from Germany. Commercial enterprises were conducted by companies, and their relations were with the Low Countries. The commercial greatness of London was foreshadowed. Elizabeth also endeavored to encourage the merchant marine. The great explorations in the north and the voyages of Drake and Cavendish around the world, in 1581 and 1586, aroused in the people a taste for navigation, and extended their nautical knowledge. If the plans of colonization attempted by Walter Raleigh failed, at least the first stone of the grand edifice of the English dominion in the East Indies was laid in the last years of Elizabeth's reign. Philip II., by closing the port of Lisbon against the English as well as the Dutch, had forced them to establish direct communication with India. At the close of the year 1600, the society of London merchants for trading with the East Indies was established, and obtained of the crown, for the space of fifteen years, the privilege of the commerce with all the countries of Asia, Africa and America, from the cape of Good Hope to the straits of Magellan.—In the epoch which follows we find the prohibition of the exporting of wool, the manufacture of cotton cloth at Manchester—which are first mentioned in 1641—the first attempts at the manufacture of iron, and the extraction of coal.—The navigation act, promulgated by Cromwell in 1651, confirmed and completed in 1660 by Charles II., which so long remained the maritime charter of England, built up her navigation upon the ruins of that of Holland. About the same period the conquest of Jamaica was accomplished. The revolution of 1688 soon after, by establishing public liberty, gave a lasting foundation to the commercial supremacy of England, and the union of Scotland with England made Great Britain a great market. Then, after some groping, the final East India company, for which so grand a destiny was reserved, came into being, and credit was established by the creation of the bank of England.—The eighteenth century presents, in England, under the rule of the constitutional monarchy, a remarkable development in agriculture and manufactures, by reason of the commerce and navigation which they supported. This was the age that saw the inventions of the Watts, the Hargreaves, the Arkwrights, the Wedgewoods, and others. This was also the age of the foundation of the Anglo-Indian empire, due to the genius of Clive and Hastings. It was this century, too, that witnessed the rapid development of the colonies founded by the successive immigrations to North America during the preceding century. But these colonies, in consequence of dissensions with the mother country, rebelled, and achieved their independence, under the name of the United States, recognized by the peace of Versailles, in 1783.—The civil wars which dis-

tracted France during the first century of modern times could not but prove discouraging to her commerce and industry. The accession of Henry IV to the throne revived them by restoring peace and concord to the country. During the reign of this prince the Briare canal was completed, and the cultivation of the mulberry was encouraged. But the active participation of France in the commerce of the world dates only from the time of Colbert.—"Colbert," as Henry Martin has said, "thought that a great nation, a complete society, ought to be at once agricultural, industrial, and sea faring, and that France had received from nature, in a most eminent degree, the conditions of this triple function: his whole life was spent in seeking the realization of this thought." From this point of view, this great minister conceived and executed, at least in part, the plan of suppressing tolls in the interior of the country, of transferring the custom houses to the frontiers of the kingdom, of uniting all France under one and the same tariff system, and of adding economic centralization to the political centralization which it already possessed. In order to develop national industry, Colbert had taken for the basis of his customs tariff. "to reduce the export duties on provisions and merchandise produced in the kingdom, to lessen the import duties on all raw materials, to oppose, by raising the duties, the importation of the products of foreign manufacture." To this programme was added the plan of a close and strong organization of the industrial corporations, and of a permanent and rigid state surveillance over labor. Notwithstanding some lamentable acts of violence against the liberty of labor, French industry made undeniable progress under his influence. Colbert employed considerable sums of money to restore languishing industries and to establish new ones: at great expense he induced foreign manufacturers to come into the country. Five hundred Dutch cloth weavers were established at Abbeville, in Picardy, and introduced there, as well as at Sedan and Elbeuf, the manufacture of the finest woolens. By establishments such as those of the *Gobelins* (tapestry manufactories), and of extensive glass works, Colbert, while flattering the tastes of his master, assured the future of French manufacture of articles of luxury. The empire of France in objects of taste dates from this period. Her products of this kind were more and more sought after by foreign nations, in proportion as Louis XIV. extended his influence. —The French marine had already been freed, under Mazarin, from the preponderance of the Dutch marine, by the differential tax of fifty sous per ton. Colbert maintained this tax, and by the system of maritime inscription, he created the military and merchant marine of France. Languedoc is indebted to him for its canal. The reform of the consulates, and a treaty of commerce concluded with the porte in 1673, instilled new life into French commerce with the Levant. —Unfortunately, after the death of Colbert, the revocation of the edict of Nantes, which deprived France of so many industrial hands, with the disasters which marked the close of Louis XIV.'s reign, and the follies of the regency, arrested the development of the great minister's work. But they did not destroy it entirely; after a lamentable eclipse, the industry and commerce of France gradually regained their splendor in the course of the eighteenth century.—Colbert also did much for the colonies. The French had taken but little part in transatlantic navigation. We find mentioned only some private adventures in the beginning of the sixteenth century, especially that of James Cartier, to whom is really due the credit of discovering Canada, or New France. In spite of Holland and England, this country had remained French, and Quebec and Montreal were established in 1606. Colbert took measures to assure the existence of the colony, and to improve its material condition. The French domination extended as far into the interior as Louisiana. Among the Antilles, which were colonized by freebooters, Colbert obtained for France, Martinique and Grenada, and established there a form of government in conformity with the ideas of the epoch. It was under Louis XIV., and above all at his special desire, that a large company was formed to carry on the commerce with the East Indies. France thus possessed the elements of a vast colonial empire; but she allowed herself to be deprived of them one after another. At the peace of Utrecht, Louis XIV. ceded to England the Hudson's bay country, Newfoundland and Arcadia. In the treaty of Paris, in 1763, Louis XV. abandoned Canada to the same power. In the Indian ocean, about the middle of the eighteenth century, La Bourdonnais wrought wonders in the island of France, and Dupleix in Pondicherry; but, in consequence of the jealousy that sprang up between these two men, and the prodigious success of the English, the colonial empire of the French almost disappeared from India. The Antilles, at least, were prosperous, especially St. Domingo, and supplied a vast commerce of produce.—The peace of Versailles ends the first part of modern times, and commences the second, which extends to our own day. This second part is subdivided into two sections, separated from each other by the general peace of 1815. The first of these periods is, properly speaking, the eclipse of commerce, while the second forms the most brilliant period of its history.—We shall only mention the first period, filled throughout with wars, in which England is the almost absolute mistress of the seas, and in which Napoleon opposes her with the *continental blockade;* but we shall endeavor to sketch the wonders of the second. —In this epoch of rare fecundity the territory of commerce increases enormously. Already, in the previous period, the emancipation of the United States had added a great part of North America, and the separation of Brazil from Portugal, a vast country in South America. Then Mexico and all Spanish South America, throwing

off the yoke of the mother country, abolished the restrictions of their old colonial system, and were thrown open to the commerce of other nations. France, by conquering Algiers, substituted a safe market for a nest of pirates. England extended and consolidated her rule in India, and opened up China; while the United States obtained access to mysterious Japan, which is now open to all the world.—Throughout this vast domain, which recognizes no limits, commerce enjoys a security heretofore unknown, the precious fruit of universal peace. This peace has been several times disturbed by wars more or less destructive, but whose limits are always circumscribed. It has been shaken, also, by revolutions. But its majestic course has, in reality, experienced but little interruption. Thus it is seen to multiply at all points, the benefits of which it is so prodigal. Human activity is applied to agriculture and manufactures; the spirit of invention increases industry; production, as well as consumption, is immensely augmented; and commerce henceforth assumes grand proportions.—The improvement of the ways of communication and of the means of transportation powerfully contributes to its extension. But the ordinary roads and the numerous and well-built canals are not all. Fulton applies steam power to navigation, which had hitherto employed nothing but sails. Steamboats appear on rivers, streams and lakes; they cross straits, they steam along the maritime coasts, and end by making the longest voyages on the high seas. To transatlantic steam navigation is added, for the security and rapidity of maritime commerce, a profound acquaintance with the different currents which furrow the ocean. Another invention that transforms commerce by land, and assures it an importance which it had never before known, is the marvelous invention of railroads, over which locomotives impelled by steam put in motion trains of innumerable cars, and whose immense network covers the soil of all countries. Finally, the electric telegraph annihilates distances both by land and sea.—While, at the commencement of modern times, the precious metals of the new world came to aid in the development of a trade which had greatly increased in proportions, the gold of California and Australia helped to supply the necessities of a commerce which was increasing every day. At the same time, moreover, the institutions of credit, whose paper supplies the place of money, are developed on a grand scale.—The different nations successively establish the unity of their home market. The revolution of 1789, completing the work of Colbert, had thrown down the barriers which still subsisted in France, and created its custom house territory. Already, at the beginning of the century, Great Britain is commercially united with Ireland. In the epoch of which we are writing, this movement was imitated throughout Europe. The various small states of Germany were united into a fruitful association of customs (the Zollverein) before they were formed into an empire. Spain had overturned the barriers which isolated its northern provinces; and Austria those which separated the eastern from the western portion of her territory. Switzerland, after accomplishing her political centralization, centralized her commerce also, by substituting for her numerous cantonal tolls one single tariff for all her frontiers. Italy, after attaining political unity, confirmed it by commercial unity, under one tariff of duties.—The commercial policy toward foreign nations long retained its restrictive features. England, the ablest among nations, in commerce, industry and navigation, was the first to perceive that the impediments created by the protective system must disappear. She gradually accomplished, in this direction, the reforms that were connected with the names of Huskisson, Cobden, Robert Peel and Gladstone. England, now retains only her fiscal rights. These reforms attracted the attention of the other states to their own commercial systems; and many of them also reformed them, if not in the same proportion as England, at least to a greater or less extent. It is the commercial treaty between France and England that seems to have hastened the movement. Prohibitions have been removed, and ever-increasing facilities are granted to commerce. Some countries, however, particularly the United States, still persist in maintaining a strong system of protective duties; but the desire of paying its debt has much to do with this action on the part of the American republic. The protective system, moreover, is there made the incessant object of attack. Commerce is now no longer, as in other times, the special occupation of a few; it is more or less engaged in by all. But it is mainly in the hands of peoples belonging to Christian civilization. Eastern nations are, for the most part, inactive, passive; and their commerce is carried on by the merchants of the west. Among the various Christian nations the share is more or less brilliant. The first place must unquestionably be ceded to England: after her, setting aside the United States, a high rank is due to France, with the small states along her eastern frontier, and to the German empire, which has absorbed Hamburg and Bremen. The chief commercial centres of the world are London, Paris and New York. HENRY RICHELOT.

COMMERCIAL CRISES, disturbances of the course of trade at given times, arising from the necessity of re-adjusting its conditions to the common standard and measure of value. The common standard of value is money, and the conditions of trade which require to be adjusted to it are the prices of commodities, and contracts and obligations of all kinds. Contracts and obligations are almost always expressed in money. They call for the payment of dollars, pounds sterling, francs, etc., which signify a certain weight of gold or silver. Contracts and obligations are entered into on the basis of the scale of prices prevailing at the time, which may be too-

high or too low. Prices are susceptible of great elasticity. If they are too high at a given time as compared with the cost of money (*i. e.*, the cost of producing gold and silver), it follows that the person who has obligated himself to pay money at such a time has not actually received an equivalent in return, and that he is in danger of loss or failure. This he may avoid by selling the commodities he has purchased for money sufficient, or more than sufficient to meet his obligation, or by taking the obligation of another person for an equal or greater sum. In the latter case it is evident that the situation of the community is not changed by substituting A in the place of B as the obligor who undertakes to deliver a certain number of grains of gold in exchange for a certain amount of cloth or iron, or a certain piece of land, or a certain amount of labor. If the element of equivalency is wanting between the money agreed to be paid and the thing received in exchange, there must be eventual loss, and possibly such loss as to cause bankruptcy. It does not alter the state of the case that the obligation to pay money may be lawfully discharged with paper, even irredeemable paper, since such paper must be resolvable into gold at some ratio.—Contracts and obligations, agreements to pay money at a future time for something presently received, are the "credit system" of modern commerce. Innumerable phases and complications arise under the credit system, but analysis will show that they all resolve themselves into the agreement of A to sell goods, houses, lands, labor, etc , to B for money to be paid at a future time. If B, instead of borrowing goods, houses, etc., from A, borrows money from C, it is only to buy the goods, houses, etc., from A. The only difference is that C, instead of A, is the payee when the obligation matures. Inability to meet the obligation constitutes bankruptcy, and a great multiplicity of bankruptcies occurring simultaneously constitutes a commercial crisis. A commercial crisis may be confined to one country, or it may extend to the whole commercial world, but it can not extend to places where there is no credit system. If all persons were in the habit of paying immediately for everything received, there could be no debts, consequently no failures, no money panics, no crises. In proportion as debts are few and small and of short duration, so will bankruptcies be infrequent and commercial crises brief and inconsiderable. Those nations among whom the credit system has received its widest development, and where consequently the spirit of commercial adventure and speculation is most rife, are most exposed to the ravages of recurring periods of bankruptcy. It is an observed fact that nations of Teutonic origin (including the English, American, German, Dutch and Scandinavian) are those most frequently and severely afflicted with commercial crises. These nations are also noted as the most enterprising of all, in the commercial sense. They habitually assume greater risks for the sake of expected profit than their neighbors, and consequently are more exposed to periodical disaster.—Since the introduction of the credit element into trade, which began to assume a systematic character early in the seventeenth century, commercial crises have been of frequent occurrence among civilized nations. The symptoms by which they are preceded, and which always give fair warning of their approach, are a rapid advance of prices and wages, great activity of trade, a multiplication of new enterprises of every sort, such as factories, buildings, banks, railways, mines, shipping, colonies—what is termed, in short, a period of general prosperity. Fortunes are made, or appear to be made, in a day. A spirit of speculation pervades all the trading classes. Everybody is buying, in order to sell at a higher price. All who have capital are seeking to place it where it will gain the highest possible return. These periods of alluring prosperity generally run a course of ten years in England, *e.g.*, 1816, 1825, 1837, 1847, 1857, 1866, 1875, in each of which years there was a commercial crisis in that country. In the United States the periodical return has been less regular and less frequent, the most noted crises having been those of 1819, 1837, 1857 and 1873. Each period of abnormal and exciting prosperity is followed by a violent collapse, whose phases are a money panic, a sudden rise in the rate of interest, a run on the banks, and most frequently a suspension of cash payments; then a fall of prices of commodities, securities and real property; failures of mercantile and manufacturing houses and corporations, a partial suspension of industry, a fall of wages and the enforced idleness of great numbers of laborers, often culminating in riots and social anarchy. The money panic is generally of short duration, but the crisis is frequently protracted through a series of years, being marked by a continued and inexorable "shrinkage of values," general stagnation and lack of confidence, dearth of employment for labor and capital, and an abnormally low rate of interest. It has become a maxim among business men, that in such a period more profit can be made by locking money up in a close vault than by investing it in anything whatsoever; which signifies merely, that, when prices of all things are declining, it is best not to buy till they reach their minimum. The pendulum will swing back in time.—These undulations of trade, of alternately high and low prices, of alternate activity and depression in business, have their root in the mental and moral constitution of mankind. The price of a thing is the amount of gold it sells for in a free market. The prices of commodities generally—*i. e.*, the scale of prices prevailing at a given time—are the ratio existing between commodities in general and gold bullion, in a free market. We know, as a matter of fact, that general prices are subject to great variations within comparatively short periods of time, as, for instance, between the years 1873 and 1877, the conditions of gold production and the annual output

remaining substantially the same. The cause of these rapid variations must be sought for in something else than the gold supply. Some writers seek an explanation in bank issues and bank credits. Excessive issues and excessive credits are invariable concomitants of the swelling gale of prosperity which precedes and ushers in a crisis. They are part and parcel of the speculative fever which pervades the community, but are no more to be accounted the cause of it than the excessive multiplication of spindles and of railways going on at the same time. The true cause of advancing prices is the competition of buyers in the market: the true cause of declining prices is the competition of sellers. When there are more buyers than sellers, prices will rise: when there are more sellers than buyers, prices will fall. The love of gain causes the competition of buyers; the fear of loss, the competition of sellers. The former is a state of speculation; the latter of panic. Now, it is demonstrable from history, and, indeed, obvious to all persons of adult age, that there are times when the whole community are buying this, that and the other sort of property, with the purpose and expectation of selling it at a higher price. There are other times when they are selling with like unanimity, in order to avoid an apprehended loss. Such a period of general speculation prevailed in the United States during several years prior to 1873. A corresponding period of panic and depression prevailed from 1873 to 1879. The pendulum has now (1881) begun to swing back, and there are many signs that the country has started on a new career of prosperity, to be succeeded by another crisis, another period of commercial depression, revulsion, stagnation. Prices and wages are advancing, employment for labor and capital is abundant, fortunes are made rapidly, new railway enterprises are multiplying on every hand. But the ordinary channels of trade are not yet choked with debt to any considerable extent. The debts of 1873 have been pretty generally wiped out, but the credit system has not wholly recovered from the shock of that year. Both borrowers and lenders are still cautious. So long as this spirit of caution prevails, the community will be in no danger of a commercial crisis, although there may be stock panics and "Black Fridays" now and then, affecting particular classes of traders and speculators. When this spirit yields, as it probably will, to the enticing prospect of large profits and rapid gains, and when rising prices and increasing liabilities are observed to be moving hand in hand, the ingredients of a new crisis will be gathering explosive force. Those who are able to discern the real conditions of trade hidden under the guise of general prosperity, and able to resist its fascinations, will get out of debt while they can, and content themselves with such profits as are to be made without borrowed capital. Then, when the storm comes, they will escape. They may meet with losses—people who owe them may be unable to pay—but the gale will pass by and leave them standing. The "shrinkage of values" will signify nothing to them but a marking down of prices, while to those who are much in debt it will mean bankruptcy, sheriff's sales, and a sudden descent from affluence to poverty. Unfortunately, neither prudence nor foresight can avail to any great extent to protect the wage-working classes from the effects of these fearful visitations. They are powerless to resist the advance of prices, they are impelled by necessity and by the competition of employers to demand higher wages for their labor, and higher wages again necessitate higher prices for commodities. When the tension of prices against the standard of value can no longer be borne, and a crisis supervenes, the worst horrors of the calamity fall upon them in the loss of employment. What savings they have accumulated during the period of prosperity, to shelter themselves in sickness and age, are generally consumed during the succeeding period of depression, and they begin again the battle of life with no other resources than their hands, and not seldom with bitterness in their hearts against the social order which allows such sore distress to fall upon them —It has been remarked that commercial crises have their root in the mental and moral constitution of mankind The love of gain is the foundation stone upon which political economy builds itself as a science. This motive is more nearly universal than any other in the whole category of human impulses. The greatest amount of gain with the least amount of effort is what all but an imperceptible fraction of mankind are striving for. It is this omnipresent desire which incites people to buy whatever they think they can sell at an advanced price, and to buy on credit, or with borrowed capital, when they can not command sufficient means of their own. Buying with one's own means, however imprudently, would never bring on a commercial crisis, because nobody could fail. The competition of buyers would cause prices to advance exactly as under the credit system, and the reaction would come as surely. The elasticity of prices would enable speculation to run its course for the usual period, until the strain could be borne no longer, *i. e.*, until the difference between the prices of commodities generally, and the cost of dollars and pounds sterling at the gold mines, became too great to admit of further speculation. Then there would be a decline of prices resulting from a common desire to sell and avoid loss, but the marked and distinguishing feature of the modern commercial crisis, bankruptcy and total ruin, would be wanting. The credit system supplies this ingredient. It furnishes the explosive material of which the great crises of the past two centuries have been mainly composed, viz, contracts, obligations, debts, piled upon each other mountain high, contracted upon a fictitious scale of prices, a scale which the whole community has for the time being conspired to make fictitious, but payable in matter of fact dollars and pounds sterling, or their true equivalent, and not other.

wise.—One of the earliest crises mentioned by Dr. Max Wirth, in his *Geschichte der Handelskrisen*, is the tulip mania of Holland, in the years 1634–8. This celebrated speculation in the products of horticulture bore all the marks of a genuine commercial crisis. A delusion difficult now to understand, though not more absurd than many others which have at times infected an entire people, gradually led the inhabitants of the Netherlands to consider the tulip plant to be worth its weight in gold, while certain varieties were esteemed much more valuable. The whole population, merchants, farmers, nobles, politicians, sailors, day-laborers, serving men and serving women, joined in an eager and exciting trade in tulips. There was a tulip exchange in Amsterdam, with a board of brokers, presenting all the features of a modern stock exchange. The price of tulips rose from a mere trifle, or about the price of onions, to 5,500 florins each, the latter being the quoted value of the variety called "Semper Augustus." The rage lasted four years. Contracts for the purchase and sale of tulip plants at these extravagant figures, plastered the whole country, and were so numerous when the collapse came that the courts of justice were unable to adjudicate a tithe of them. A tulip bulb was intrinsically worth no more then than it is now; that is, a few pennies for common varieties, and a few shillings for the rarer. It was inevitable that a time would come when they must sell for their intrinsic value in coin. That time did come, and the nation was plunged at once into a whirlpool of bankruptcy. Panic terror swept all the market places. Misery, madness and ruin entered thousands of Dutch homesteads. The country was strewn with every species of commercial wreckage. The consequences of the disaster afflicted a whole generation, and the memory of it revives with every recurrence of a commercial crisis in any part of the world.—The tulip crisis of Holland was of the same breed as the modern commercial crisis, differing in size, but not in ferocity. The crises of different periods and different countries have distinguishing features in this, that there is generally some form of speculation more rampant than any other at a given period, although it frequently happens that the leading rage begets other varieties equally pernicious. In the French crisis of 1720, it was John Law's Mississippi scheme around which the speculation gathered. In the contemporary English crisis it was the South sea bubble, which also produced a progeny of lesser bubbles so numerous and ludicrous that the period has ever since been known as the "epoch of the bubble companies." In the American crisis of 1837, land speculation was the principal craze. In the English crisis of 1847, it was railway building. But in these and all the others, the features of the tulip mania are discernible—a whole community betting that certain kinds of property are worth more gold and silver than they are really worth, and entering into contracts and obligations based upon erroneous estimates of value. It generally happens during the speculative period, that the prices of some commodities are pushed up to a higher point, relatively, than others, speculation being particularly directed into those channels, thus attracting an undue investment of capital and labor in particular trades, as in the cultivation of tulips in Holland at the period mentioned. This was the case in the iron and coal trades and in many branches of manufacture in the United States prior to the panic of 1873. The equilibrium of labor is disturbed; and, when the crisis comes, the greatest distress falls upon those branches of industry which had formerly been the most prosperous. An immediate glut of the market is felt because an abnormal production had been stimulated. Neither the laborers nor the capital employed in particular lines of trade can change their vocation suddenly. But change they must sooner or later. The equilibrium of industry must be restored; prices must fall back to the level of *equivalency* between money and goods; superfluous mills and mines and factories must close, or work on half time, till a re-adjustment takes place. If the prevailing rage has been for foreign trade, as it was in England in 1825, there will be a mushroom growth of manufactures and shipping, and when the collapse comes, weavers and sailors will be out of employment. If it is for new railways, as in the United States in the years prior to 1873, iron furnaces will go out of blast, coal companies will fail, puddlers and miners will be brought to dire distress, and it will be wonderful if riots and public disorder do not follow in the train of idleness and misery. It results from the view here taken, that the displacement or misplacement of labor, so often noticed as a feature of commercial crises, is a consequence and not a cause of the temporary delusion or *entraînement* of the public mind, which is the real origin of the trouble. —What causes this *entraînement* has been partly answered already. Anything which acts strongly upon the imaginations of traders, always keenly alive to the prospect of gain, is sufficient to set a general speculation on foot. There can be no doubt that the gigantic war indemnity collected by Germany from France stimulated the imaginative powers of the former in the highest degree, and led to the extravagant speculations which ushered in the crisis of 1873 in that country. The English crisis of 1816 was due to a misconception founded upon the overthrow of Napoleon and the reopening of the continent of Europe to British trade. It was assumed that the continent was bare of goods, and that an unlimited demand would spring up as soon as trade restrictions were removed. The imagination of the British merchant was fired. Great quantities of manufactures and colonial produce were accumulated to meet the expected demand, and prices rose rapidly in consequence. No account was made of the fact that those countries, impoverished by long wars, were unable to pay for the commodities they would gladly purchase. When the ports

were opened, English goods were crowded upon the continental markets in such quantities that presently "they were selling for less in Holland and Germany than in London and Manchester, while in most places they were lying a dead weight on the market, without any sale at all." (Lord Brougham, quoted in Tooke's History of Prices.) In consequence of this miscalculation, 6,616 failures took place in the agricultural, commercial, manufacturing, mining and shipping interests of Great Britain, and so many laborers were thrown out of employment, that the country seemed for awhile to be on the eve of revolution. The commercial history of both Europe and America is sprinkled with commercial crises from 1799 to 1816, having their origin in the distempered imaginations of traders unduly excited by military events and the commercial regulations of governments. The Hamburg crisis of 1799 was caused by the French occupation of Holland in 1795, which threw into the lap of the former the continental trade which had previously belonged to the latter, causing such a tremendous speculation and rise of prices and extension of credit in Hamburg during the succeeding four years that presently a crash came, in which 82 houses failed, with liabilities amounting to 29,000,000 marks. Thus the very event which seemed likely to contribute to the prosperity of Hamburg, serving to inflame the greed of her capitalists and obscure their vision, ended in her impoverishment. It is needless to multiply instances showing that every great speculative movement has an ascertainable starting point. Referring to the last one which afflicted our own country, there can be little doubt that the most potent contributing cause was the unwise liberality of congress in offering immense grants of land to corporations as a free gift on condition that they would build railways through them. No less than 170,000,000 acres were flung out to the cupidity of capitalists after the close of the war. Such an alluring bait had never been danced before the eyes of a whole nation, not of one nation merely, but as many as chose to participate, for capital knows no boundary lines. England, Germany and Holland are believed to have invested $250,000,000 in our railway bonds between 1865 and 1873, which afterward defaulted, not to mention those which managed to pay their interest and keep out of bankruptcy.—We will now consider some of the theories which have been advanced on the subject of commercial crises, more or less in conflict with the one here outlined. The one most commonly accepted ascribes all the mischief to paper money, to bank agencies of various sorts; to irredeemable paper, where such paper is current; to the medium of exchange, rather than to the things exchanged. Interminable statistics have been compiled to sustain this view, all going to confuse the reader and darken counsel. The bank is so necessary a part of modern trade, it is so great an object of interest in a financial panic, its system of loans, issues and deposits is so great a mystery to the general public, that it answers all the purposes of a witch when a commercial distemper sets in. As the issue of circulating notes is no necessary function of a bank, we will first consider it without that function. Banks were first established to keep people's money in places of safety. Their sphere of duty was afterward enlarged, in order to assimilate the various sorts of money brought to them, so that their customers could deposit dollars, pounds sterling, livres, florins and ducats, some of full weight, others of short weight, and draw out one particular kind of money, as for instance, dollars always of full value, thus furnishing a sure basis for trade, and enabling buyer and seller to make their bargains understandingly. In point of principle the modern bank differs but little from the ancient one. It receives people's money in order to keep it safely and pay it back on demand. It also undertakes to melt down and hold in a state of "solvency" all the instruments of exchange that experience has found useful in facilitating the transfer of property, such as bills of exchange, checks, drafts, etc., so that its customers depositing such instruments, secured by commodities or otherwise, can draw out their equivalent in money as occasion requires. Bank deposits consist for the most part of these written instruments, which are merely the title deeds of property circulating between buyers and sellers, producers and consumers. The amount of cash kept on hand by a bank is usually a very small part of its deposits, since in practice the deposits offset and counterbalance each other through the instrumentality of checks and clearing houses. Experience has shown that a certain average amount of the deposits will always be on hand, and that it will be safe and profitable to lend these at the current rate of interest, a capital being provided by the bank itself as a safeguard and guarantee against sudden and unexpected demands from depositors. It is obvious that a bank has no power to create property; therefore, it can not cause drafts, bills of exchange, etc., to be drawn; therefore it can not cause depos ts to be made. Nor can it lend more deposits than the average amount which it has on hand. It may unduly trench upon its own capital. It may put beyond its immediate reach more of its means than prudence would dictate. Bankers frequently make this mistake, but not oftener than other men. They are subject to the same influences and motives as other members of the trading community, they breathe the same atmosphere, they are as ready to make hay while the sun shines. If others are making unusual profits, they are not slow to participate, and when their customers are habitually taking large risks, they are apt to take large risks also. If we expect them alone to be prudent and conservative, while everybody else is enterprising and dashing, we shall expect too much. The community will always find bankers to their liking. In times of prosperity all croakers are unpopular, and bank-

ing croakers most of all. The popular banker at such a time is the one who accommodates most liberally and is not too particular about his securities. He will draw the largest train of customers and make the greatest profits, while his croaking neighbor will have only a constituency of curmudgeons and old fogies. A banker's risks are somewhat greater than a merchant's, because his liabilities are payable on demand; therefore bankers ought to be more prudent than merchants, and, as a general rule, they are so. But they are liable to become infected by their surroundings, and to lend more of their capital in good times than they ought, in exactly the same way and for the same reason that a merchant extends too much credit to his customers, and borrows too much money from his banker. In short, bankers are not sinners above others in paving the way for a commercial crisis. They have no occult power to swell their own deposits or to force loans upon the community. Their contribution to the general mischief is precisely similar to that of other people, attempting to do too much business on a given capital.—When a bank, in addition to the function we have been considering, is vested with the power to issue notes, it merely displaces an equivalent amount of gold from the circulation. No more notes will circulate than are needed to pass from hand to hand among buyers and sellers. Any excess will come back to the bank's counter for redemption: any deficiency will be supplied by gold from the mines or from foreign countries. Banks are powerless either to add to or subtract from the circulation of the country. Nor is the case different when their notes are redeemable in government notes, which are themselves irredeemable. So far as the banks are concerned, all the principles which govern when gold is the standard, govern when greenbacks are the standard. If more bank notes are out than are really wanted, and therefore serviceable to the public, the surplus will come back to them in spite of all their efforts to the contrary. It is an observed fact, that, at times immediately preceding a panic—that is, during a favoring gale of high prices, large profits and active speculation—there is an abnormal increase of bank note issues; whence it has been concluded that the bank issues have caused all the trouble. *Post hoc, ergo propter hoc.* Bank issues are large at such times, because business is active, because prices are high, because the conditions of trade demand and require and *will have* an augmented circulating medium. If they can not have paper they will have gold; and their having gold instead of paper would not stave off the crisis. A commercial crisis has no better appetite for one kind of money than for another; nor does one kind of money favor the oncoming of a crisis more than another, with a single exception to be noted hereafter. This is abundantly proved by the history of these disasters, which have fallen with perfect impartiality upon countries having an exclusively metallic currency, upon those having a mixed currency, and upon those having an exclusively paper currency The tulip crisis in Holland came at a time and place where paper money was unknown. There was a genuine crisis in England in 1692, two years before the bank of England was established. (Bagehot's Lombard Street, c. 6.) The crisis of 1873 in the United States came during a protracted suspension of specie payments, as did also the English crises of 1811 and 1816. These facts prove that the kind of currency prevailing is not necessarily the producing cause of a crisis. It may have its influence one way or another, but there are no facts to show that the adoption or rejection of any particular medium of exchange would banish the phenomenon from the commercial world.—The single case where a crisis may be produced by a vicious currency is that of irredeemable legal tender paper. When government commences issuing such paper the experience of mankind suggests that the first issue will probably be followed by a second, and the second by a third, and so on. It is a necessary consequence that prices of commodities and real property should rise, there being no foreign outlet for the excess of notes forced upon the community by the government's disbursements. This is sufficient in itself to incite speculation. Most commonly there is a further incentive furnished by the government's heavy purchases of the goods it stands in need of, and general speculation takes its start in the branches of trade which supply these articles. A commercial crisis may or may not ensue. The legal tender notes may become utterly valueless, as our continental currency, the French *assignats* and the notes of the southern confederacy did, or they may be restored to gold value, as bank of England notes were in 1821, and as our own greenbacks were in December, 1878. Whatever may be the disasters consequent upon such pernicious meddling with the standard of value, it is obvious that they do not belong to the category of the true commercial crisis, which is a disturbance due to commercial causes alone without extraneous influence of any kind. It is hardly necessary to add that all the ingredients of a commercial crisis can be gathered under a *régime* of irredeemable paper, as readily as under a metallic or mixed currency. The quantity of such paper afloat always has some limit; and, as long as it possesses the character and requisites of a currency at all, it must have some value quotable in gold. Prices of commodities will be reckoned in paper, contracts and obligations will be payable in it, and the undulations of trade as previously described will move on for all the purposes of crisis-breeding, in the same way as under the *régime* of metallic money. —Another theory, which has the support of respectable authority, assumes that the improvident investment of capital during a period of general speculation is the cause of commercial crises. Improvident investment is, for the time being, the same thing as total loss, and it is contended

that the aggregate of losses becomes so great eventually that the fabric of industry can not support the burden, and is crushed beneath it. This doctrine seems to be open to a short *reductio ad absurdum*. Let us suppose that mankind have accumulated a year's stock of goods, and that everybody starts, as most people do start after one commercial crisis has spent its force, measurably free from debt. Then, if all the surplus products of a country or of the world—that is, all the wealth produced beyond annual consumption and seed—were collected together and burned on the last day of every year, would any commercial crisis be produced thereby? The world would merely remain *in statu quo*. Wealth would be neither increased nor diminished, since only the surplus of production had been lost; but, as nobody would owe more than he could pay, there would be no crisis. This is another instance of the argument, *post hoc, ergo propter hoc*. The conversion of circulating capital into fixed capital goes on rapidly in "good times." As the production of wealth is rapid, means must be found for investing the surplus—the portion not consumed in the process of production—and such seasons of prosperity are always marked by the multitude of new enterprises, such as railways, mines, factories, buildings, ships, and the bringing of new land under cultivation. A great part of these enterprises turn out to be premature and improvident, perhaps wholly wasteful, and for all present purposes the capital invested in them might as well have been burned at the outset. But if it had been burned at the outset, no commercial crisis would have resulted. It is contended, however, that the conversion of circulating capital, (wheat, cloth, iron, etc.) into fixed capital has gone on at such a reckless and headlong pace that there was not a sufficiency left for the requirements of trade. Hence the distress. The answer is, that nature has provided abundant checks against the too rapid conversion of circulating into fixed capital, for, if too much food and clothing are thus withdrawn from the market, a portion of the community must starve and go naked; if too much iron and timber are withdrawn, the requirements of everyday life will impose such obstacles, in the shape of enhanced prices, to the further conversion that it will be sharply arrested. Finally, it is an observed fact, that a rapid increase of fixed capital is always accompanied by a great increase of circulating capital. J. S. Mill doubts if a single instance can be found to the contrary. (Political Economy, book i., c. 6.)—A third doctrine, which has found more or less support, assumes that commercial crises proceed from a sudden and spasmodic want of confidence, and that if confidence could be restored as suddenly as it was destroyed, all the evil consequences would disappear. The want of confidence which upsets commercial calculations and brings on a crisis is the disturbance or rupture of a commonly received opinion that fifty cents' worth of goods are equal to a dollar in gold. This opinion, which finds its expression in high prices of commodities, labor and real property, is gradually undermined by the departure of gold to countries where it is rated at a higher value. The exportation of the precious metals is signalized by a rise of the exchanges and of the rate of discount; and general uneasiness ensues. The outflow of gold continues, money becomes scarce, and the rate of interest rises, till the weaker and more venturesome traders fail. Then the public discover all at once that their "confidence" in the value of property was misplaced. Everybody will rush to his banker to draw out money, lest others should get the start of him and break the bank. It is not necessary to recount the usual features of a panic. Like other stampedes they are cruel and destructive, and not amenable to argument, but they are likewise of short duration. Banks and other depositories of money are either broken at once by the onset of depositors, or they are relieved from the pressure in a few days or weeks. But "confidence" is gone. People no longer believe that fifty cents' worth of goods are equal to a dollar in gold. Nor is it possible that they should so believe when once their eyes have been opened to the real facts. "Want of confidence" at such a time is mere inability to believe an exposed falsehood. People have been confident at certain times and places that clipped shillings were equal to whole ones, and that brass money was equal to silver. When they discovered the contrary, they were perhaps upbraided for their want of confidence, but history does not mention that any efforts to restore confidence in this particular ever met with much success. When want of confidence is well founded, as it always is in a commercial crisis, there is no cure but a re establishment of the true par of exchange between money and goods.—Money is the pivot around which the vast mechanism of exchange revolves. As already shown, money is either gold coin and bullion or something referable thereto and deriving its potency therefrom. Every commercial act, whether for present or future execution, every business transaction, from a government loan to the purchase of a jackknife, is expressed in money, is enforceable in money, is computable in money, and not otherwise. It is not our purpose to consider whether any better system can be devised and agreed upon by mankind for gauging and estimating their dealings with each other. No other has yet been suggested that would not entail more evils and inconvenience than it would cure, and it is extremely doubtful whether any other (Mr Poulet Scrope's Tabular Standard of Value, for instance) could command the assent of a sufficient number of people at one time to serve the purposes of experiment. What we have to consider here is the fact that goods and money must be equivalent to each other in a healthy state of trade, and that any wide divergence from equivalency is a state of disease, which, when sufficiently prolonged and aggravated, ends in convulsions.—Much has

been written about the remedies for commercial crises. There is no remedy except in the concurrence of mankind to keep out of debt and to avoid all temptation to make gain without equivalent labor. Civilization is so interlaced with the credit system that it is idle to talk of abolishing it. The interests of mankind require that it should continue, even at the cost of its abuses and of the miseries of an occasional crisis. The desire for gain without labor, or of much gain with little labor, is so universally diffused and firmly planted in the human breast that it is equally idle to think of uprooting it. Nor is it, upon the whole, a thing which ought to be uprooted. Nine-tenths of all the inventions and discoveries that have advanced mankind from the stone age to the age of steam and electricity have had their origin in this desire. But while we may not hope, and should not wish, to eliminate from the mental and moral constitution of mankind those motives which drive the commercial world now and then into a state of crisis, much may be done to lessen and mitigate the evil by diffusing correct knowledge of the principles underlying these painful phenomena. When the public shall be well instructed as to the genesis, growth and external indications of an approaching crisis, each captain of an industrial craft will be moved to take in sail before the storm strikes him; and, if all captains take heed in time, little mischief will be done. Speculation will be checked, prices will recede, losses may be felt; but the cataclysm may be avoided. At present, it must be admitted that economists themselves are not sufficiently agreed upon the fundamental principles of commercial crises to command strict attention from the unprofessional classes.—The literature of our subject is not extensive. Among the works most worthy of examination may be mentioned Max Wirth's *Geschichte der Handelskrisen*, 2nd ed., Frankfort, 1874; *Le Marché monétaire et ses Crises*, by Emile de Laveleye, Paris, 1865; *The Commercial Crisis of* 1847–8, by D. Morier Evans, London, 1849; *History of the Commercial Crisis of* 1857–8, by the same author, London, 1859; *Les Crises Commerciales*, by Clément Juglar; and the article by the same author in Block's *Dictionnaire de la Politique*, Paris, 1880; *the History of British Commerce*, by Leone Levi, London, 1872. Tooke's *History of Prices* is a mine of information, and the contributions of his co-laborer and literary executor, Wm. Newmarch, in the *London Economist's Annual Review*, are extremely valuable. James Wilson's *Capital, Currency and Banking* (London, 1847), contains important suggestions; indeed, nowhere else can be found a more rigid analysis or sounder conclusions upon the relation between prices and the circulating medium. Mr. R. H. Patterson's *Science of Finance* (Edinburgh, 1868,) gives a good account of the London crisis of 1866, but the views advanced by the writer are misleading. Since the crisis of 1873 there has been an active discussion of the subject in magazine articles. The most important contribution of this kind is that of Maurice Block (*La Crise Economique*) in the *Revue des Deux Mondes*, March 15, 1879. Mr. Robert Giffen's article in the *Fortnightly Review*, entitled "The Liquidations of 1873–6," (republished in his volume of *Essays in Finance*), and a recent article on "Over-Production," by Mr. George Chesney, in the same periodical, are also noteworthy. The house of commons' report on the commercial distress (1848), and other parliamentary inquiries, contain a great mass of undigested material, as does also the evidence taken by the house committee on depression of labor and business in the United States (1878–9).

HORACE WHITE.

COMMISSION, Constitutional. (See CONSTITUTIONAL CONVENTION. *ad finem.*)

COMMITTEES. (See PARLIAMENTARY LAW.)

COMMON LAW. (See LAW.)

COMMONS, House of. (See GREAT BRITAIN.)

COMMUNE, Paris. The municipal authority in the city of Paris has been twice usurped—once in 1792, and again in 1871, by an insurgent power known under the name of the *Commune de Paris.*—On Aug. 10, 1792, while the mob was invading the Tuileries, several chiefs of the movement, presenting themselves as delegates of sections, occupied the *Hotel de Ville*, and there constituted themselves into a commune, with all the political and administrative attributes of a government. The commune notified the national assembly of its revolutionary existence, demanding powers without limit, and the creation of an extraordinary tribunal authorized to pass judgment without appeal on the "crimes committed on the 10th of August, and on other crimes and circumstances relative thereto." The commune of Paris became all powerful under the influence of Danton, Robespierre and Marat.—In vain did the assembly try to break its tyranny. It passed a decree dissolving the insurrectionary commune, and providing for the election of a new municipal council. The commune was the stronger: it issued decree after decree; "it ordered that the bells should be turned into cannon, and iron railings into pikes; that the silver of the churches should be melted down, and that wages and arms should be given to the indigent; that domiciliary visits should be made to discover arms and arrest suspected persons." During this time the enemy had crossed the frontier; in Paris, exasperation had reached its height, and the leaders of the commune took advantage of this to arouse the vengeance of the people against the assembly and the royalists. After hearing the news of the capture of Verdun, on Sept. 2, the crowd rushed to the prison and massacred about a hundred captives: priests, nobles, sextons, guards of the king, whom the commune had arrested as suspected persons.—The national assembly, which was about to make way for the convention, was pow-

erless to repress those crimes. The convention itself was obliged to reckon with the commune, and to endure, side by side with itself, in the capital in which it was in session, this revolutionary power which knew no government but that of terror. The clubs, the feeling in which found expression in the stormy meetings of the convention, urged men on in the way of folly and disorder. The commune, after having destroyed, under the pretext of liberty, the political and administrative hierarchy of the city, could not fail to attack religion, which it looked on as a creation of the old régime. It closed the churches, turned Notre Dame into the "temple of reason," and even published a decree providing for the demolition of steeples, "which, because they towered over other buildings, seemed to be in conflict with the principles of equality." This lasted till July 27, 1794 (9 *thermidor*). The commune fell at last in consequence of a reaction, which could not but be bloody. Robespierre, Couthon, Saint Just and eighty-two of their colleagues, most of them obscure men, whom blindness and revolutionary caprice had brought into the commune, perished on the scaffold. The commune of Paris left in history a memory so odious that no one could have imagined it would come to life again, with its name, its doctrines, its terror and its blood. And yet it re-appeared and reigned anew in 1871. Our own generation has looked on the Paris commune.—In 1871, as in 1792, the commune was born of a political revolution, under the pressure of a great national defeat in the presence of invasion. It took advantage of popular exasperation, and we may say that it was guilty of every species of crime as well as every species of folly. It had its clubs, its proclamations, its vagaries, its suspected persons, its massacres of prisoners, its hatred of religion, and the liberty, equality and fraternity practiced in 1793. Perhaps, during its shorter reign (from March 18 to May 24), it was still more cruel without being less stupid. The history of this lamentable period is written in the memories of men as well as in tombs and ruins. It is useless to retrace its details; but it seems important to note the starting point of the commune of 1871, to seek in written documents the thought which inspired its acts, and bring into bold relief the pretended belief which it appealed to.—The fall of the empire, on Sept. 4, 1870, left France and Paris without a regular government. From that moment revolution, ill restrained by improvised authority, had free rein. Paris was soon besieged by the Germans, and cut off from all communication with the rest of the country. History will pay a proper tribute to the patient energy with which the whole Parisian population endured this rude trial; but it will also tell with what ease the seeds of anarchy and disorder were scattered about during the four months of the siege in the great capital. The amnesty was far from calming the passions of the multitude, embittered by the physical sufferings of hunger and cold. The people would not admit that they had been conquered; they accused the signers of the capitulation—which, however, was delayed as long as possible—of incompetence or treason. The entry of a part of the German army into Paris was a bitter humiliation to them. Later, however, when intercourse with the provinces had become free, and especially when the results of the elections to the national assembly at Bordeaux were made known, elections which seemed opposed to Parisian opinion, a great part of the population thought, that, after having been abandoned in their distress, they were again betrayed in their political aspirations. The decision by which the national assembly established its seat at Versailles also exasperated Parisian feeling, not only among the lower classes, too easily given to excitement, but also among the middle classes, who thought their interest sacrificed and Paris decapitated. The regular army had been disarmed, almost dissolved; the national guard had preserved its arms, and, under the direction of daring chiefs, the battalions of the suburbs had taken possession of the cannon which they had collected at Montmartre and Belleville. Disorder had paved the way for revolution. In vain did the scarcely formed government try, on the 18th of March, to recapture by force the artillery which threatened the city. The troops sent against Montmartre were repulsed, or laid down their arms in the face of the revolution; and two generals were assassinated after a sham trial. In the evening the whole government, and whatever regular troops remained, removed from Paris by the order of Thiers; a necessary measure, no doubt, but one which gave up the peaceful population to the mercy of the insurgents, and which could only fill the measure of general discontent. In short, Paris, barely freed from the Prussians, was about to be attacked by the army re-organized at Versailles. A civil war began. By what series of criminal instigations and deplorable misunderstandings was Paris again put in the condition of a besieged place? How was it that a considerable part of the population allowed itself to be induced to join the revolutionists, or endure them? The story of this very complicated situation is a long one. The commune of 1871 was, in a certain way, the result of a really marvelous accumulation of events and incidents, of a combination of the most diverse elements, and, as has been said, of a psychological state which at that moment defied good sense and reason.—We might believe, at first sight, that the commune movement was determined by a desire to preserve the republican form of government, attacked, as it was said, by monarchical manœuvres, and to acquire municipal independence in administration as in politics. These are merely pretexts and poor excuses: the republican form of government was not threatened at all in March, 1871; and, at that very moment, the national assembly was preparing to revise the legislation relating to the condition of the communes, in a liberal

sense. Moreover, the character of the men who had taken possession of the Parisian movement showed, that, under an apparent modesty there was hidden something very different. These were the men who since 1830 had figured in revolutions, in disturbances, in secret societies that were organized to overturn every government, the republic included. To these veteran conspirators were added the orators of clubs, some literary men of broken reputation, preachers of socialistic doctrines, the chief members of working men's associations, and, to complete the list, a whole army of foreigners, cosmopolitan revolutionists, who simply came at the call of disorder. Communal liberty was, for the greater number, merely a word devoid of meaning, a good word to inscribe on a banner to draw the crowd after them. In reality these men were seeking to seize upon governmental power at any cost, not only in Paris, but in all France, where the chiefs of the commune had numerous confederates. These men wanted power for its own sake alone, and endeavored to obtain it by the most violent means, guided by no rule but the principle that the end justifies the means. It was necessary to subvert the government, whatever it might be, and to overthrow everything which stood in the way — religion, laws, labor, the army, regular administration. It was, indeed, a universal revolution, masked at one time under the simple title of communal reform, at another appearing under the pompous title of social regeneration.— In 1871 the same arguments and shibboleths were used as in 1792. But, from 1792 to 1794, France was on the eve of a real revolution, a revolution which had abolished not only royalty, but also caste privilege, the remnants of feudal rule; and extreme parties might with some show of reason fear the return of the old régime. This was not the case in 1871. At that time there was neither privilege nor caste; and no party dreamed of restoring what had been destroyed since 1789. The revolutionary faction did not need to fight against what no longer existed. But it summoned to its aid the new interests which had been created in consequence of the emancipation of the *bourgeoisie*, and which were personified in manual labors. It claimed that the working classes had remained in a state of oppression, that their day of emancipation had come, and that they, too, had to win their rights. Such had been, for more than 30 years, the theme of socialistic preachers and political adventurers. The commune of Paris was, under a vague term, merely the expression of a revolutionary feeling, more developed in France than elsewhere, through the inflammable temperament and the ignorance of the people, by the premature granting of universal suffrage, and by the very frequency of revolutions, which, rightly or wrongly, have succeeded. Yet, we must know in what consisted the autonomous commune, of which the Paris commune claimed to be the type, and which served as a rallying cry for the revolutionary attempt of 1871. We here give a description inserted in a programme of the commune, dated April 19· "The absolute autonomy of the commune, extended to every locality in France, assures to each one of them the entirety of its rights, and to every Frenchman the full exercise of his faculties and his powers as a man, a citizen and a workman.—The autonomy of the commune should have no limit, but the equal right to autonomy of all the other communes which adhere to the contract, the association together of which communes shall assure the unity of France.—The inherent rights of the commune are to vote the communal budget, receipts and expenses; the determination and apportionment of the taxes; the management of local administration; organization of the magistracy and local police; education; the administration of property belonging to the commune; the choice by election or competition of communal magistrates and functionaries of every kind, with the permanent right of controlling and dismissing them; the absolute guarantee of individual liberty, of liberty of conscience and liberty of labor; permanent intervention of citizens in communal affairs, by a free expression of their ideas and by a free defense of their interests; the organization of local forces and the national guards, who, electing their own chiefs, alone watch over the maintenance of order in the city" * * * * "The communal revolution," added the programme, "inaugurates a new era of experimental, positive and scientific politics. It is the end of the old governmental and clerical world, of military and bureaucratic rule of spoliation, stock jobbing, privileges, monopolies, to which the proletariat owes its serfdom, and the country its misfortunes and disasters."—Thus every commune in France was to form a complete autonomous whole, dependent only on itself. Men did not stop at legislative reform which is really capable of giving municipal unity more or less of the attributes of liberty, according to circumstances and the progress made in course of time. To attain this end a revolution was not necessary. Men went further: it was a question of making the commune absolutely independent. Nationality was therefore suppressed. The fatherland existed no longer; and really, in the eyes of these revolutionists, assembled from every point in Europe and the world, the idea of fatherland had had its day. The fatherland was replaced by the universal republic, baptized with strange sponsors, some of them unknown; others too well known, who had selected Paris as their place of rendezvous, to commit, with deliberate purpose, monstrous acts which no party would avow, or excuse, even by a state of war.—The commune thought, that, to establish the universal republic, all means were good, even murder. Princes might be an obstacle in its way, they were merely to be done away with.—"Society has but one duty toward princes· death; there is but one formality· to ascertain

their identity." This is how a functionary of the commune expressed himself in an article which the commune published, with approval, in its official journal, March 27, 1871. In 1792 the commune of Paris admitted, at least, the preliminary formality of a trial: it wished the execution of Louis XVI., but intended that the king should first be condemned as a criminal. In 1871 the title alone of king or prince was a crime to be punished with death.—By suppressing conscription by its decree of March 29, the commune suppressed the army, which it replaced by the national guard, to which all ablebodied citizens were to belong. What use was there really for an army when there was no longer a country to defend? This abolition, moreover, was merely the result of declamation which had been heard for years, in the clubs, and even in the legislature, against military organization.—While proclaiming liberty of conscience, the commune closed or profaned the churches, caused the emblems of Catholic worship to be removed, imprisoned the archbishop of Paris, and shot him; and while wishing to make everything the common property of all, the commune decreed confiscation, the destruction of several public monuments, and even private houses. It revived the ancient law concerning suspected persons, and rendered it more grievous by a decree concerning hostages; and the victims were chosen from all ranks of life, and destined to death. It violated individual liberty daily, by forcing citizens to take up arms against the regular government, and by resorting to compulsory enrollment. It showed no more respect for the laws governing the constitution of the family, one of its decrees put illegitimate children on the same footing with legitimate children, and consecrated, so to speak, the free union of the sexes, which had been preached in the clubs.—Several members of the international society of working men formed a part of the commune, in which they had very great influence. They controlled a large army of workmen already well disciplined through strikes. The moment had come to put in practice the combinations which were to suppress wages and replace them by association. The commune created a labor committee which was commissioned with carrying out the high-sounding promises, by the aid of which the revolutionary politicians had led astray the minds of the laboring population, and introduced disorder into the workshops. They merely succeeded in drawing up some decrees in which the principles of the association were explained in vague terms, but there was nothing that could be applied, and in this matter the commune failed miserably.—In a word, if we review the different measures taken under the reign of the commune, we find no practical idea, no serious plan, no useful reform. Nothing could result from it but insensate and criminal acts, as in 1793. For a second time the commune of Paris gorged itself in blood. To the horrors of a foreign it added the disgrace of a civil war, and did not even know how to meet defeat with honor; its crowning effort was to burn Paris. Unfortunate indeed are the nations which witness such scenes and forget them. C. LAVOLLÉE.

COMMUNISM. We here propose to discuss communism both in itself and from an historical point of view. Such a plan is broad enough without introducing into it the various social utopias. We are here concerned exclusively with avowed and consistent communism, and not with what in our day goes under the vague name of socialism.—Communism is the system of doctrine which, in the name of the general interest and of absolute justice, most frequently sees the type of social perfection in a putting in common of persons and things. We purposely say persons and things. The distinction which certain communists pretend to establish between the two is in reality an empty one. The thing possessed is here the person, or at least a part and an extension of the person, who has put his labor into it and placed upon it the seal of his liberty. It is impossible to respect the producer and deprive him of his product. This first usurpation involves all the others, and ends in the complete monopoly of the human person.—Thus communism, whatever amount of logic it may have (and we shall see that it has not been lacking in this regard), is forced, inevitably, to speak to humanity in nearly the following words: "I shall first take possession of all material products in order to distribute them in accordance with the general interest; but that there should not be an over-abundance of some things, dearth of others, and consequently the impossibility of a just distribution, I shall direct production, which can not be done unless I dispose of the producers themselves as I think best. I shall, therefore, assign to each man his task; and to satisfy myself as to how he accomplishes that task, and that he does nothing else, I shall oblige him *to work in common*. And then, that he may not be suspected of depriving his brethren of any portion of the social part which comes to him, he shall also *consume in common*." Here we have the *family* transferred to the public square. But why let the family itself exist? Are we not acquainted with the jealous activity and watchful foresight of the father and mother for their children? To uphold the family is to create a permanent conspiracy against communism in the bosom of communism itself; it is to condemn communism to witness soon, under the deceitful names of liberty, emulation, economy, of conjugal, paternal, maternal and filial attachment, all the competition, saving, jealousy, favoritism, preference of self or of one's own to others, in one word, the wretched retinue of *individualism* and *familyism*. This is not all. There are evil inclinations in the bosom of every individual which resist communism by tending to persuade him that communism, or a community of goods, is not for the best. Hence, a love for communism must be instilled into him, of course in his own interest,

at an early day, by *education*, which consequently must be in common.—"Moreover we know how much religious systems, which pretend to concern themselves only with heaven, influence earthly affairs. What sources of division and struggles, beliefs and ideas are! Hence, no sects, no heresies, no individual opinion! *Religion* must, therefore, be a common religion for all, at least if we [communism] judge proper that there should be such a theory as religion, which is not very certain. Now, as all this can not be accomplished, and a certain number of individuals not think they have a right to complain, the state must be charged, on the one hand, with the task of carrying out this plan, and, on the other, with putting down the malcontents, unless speedily and completely converted. Hence, the state must be the sole producer, the sole distributer, the sole consumer; it must teach, preach, pray and carry on the work of repression; it must be the great agriculturist, the great manufacturer, the great merchant, the great professor and high priest; it must be spirit and matter, dogma and force, religion and the police—everything." This all shows how chimerical is the disposition which it sometimes pleases certain adherents of communism to make of things and persons, of property and family, of the action of the state, and of individual initiative. Properly speaking, communism knows nothing of persons. It knows only things. The forfeiture of property which it declares strikes at the last principle of liberty in its vital part. Communism drags into its sphere the moral and intellectual as well as the physical life; and man from whom it pretended to take but a single faculty and one order of products only, passes soul and body under its complete control. It is evident, then, that when communism says it wishes to destroy individualism,it means that it wishes to destroy the individual himself. To destroy liberty is, in fact, to destroy the individual in his very essence. A writer has defined man as an intelligence served by organs. From the economic point of view, it would perhaps be more correct to say: "man is a *liberty* served by organs;" and these organs include intelligence itself, physical power, land and capital. To liberate the organs, is to liberate the man; to reduce them to slavery, is to enslave the man himself.—Liberty is the moral basis of political economy. Now, what we find at the bottom of all communistic parties and systems is an attack on liberty. Communism is, therefore, directly opposed to political economy. Let us first say a word on the fundamental error of communism. It may, we think, be summed up in the preference which it gives to equality over liberty.—Now communism fails to insure equality for the very reason that it has a preference for equality.—Equality supposes something anterior to itself, something which may admit of equality. But in what are men equal? In intelligence? Take two men at random: they are different both in the degree and in the nature of their aptitudes. And so it is in the mental and physical, in the moral and material order. Do you wish to find the type, the basis, the rule of equality? Turn to liberty. The liberty of every man recognized and guaranteed, is true equality. We are equal in and through liberty. This truth is the absolute rule, the only source, in fact and in law, of equality between the members of the great human family. Outside of equality through liberty everything is chimerical and deceptive. To profess to put equality above liberty is therefore nonsense. To pretend to secure one by the suppression of the other is a monstrous contradiction. This contradiction is the starting point of communism.—Let us glance at the declivity which leads communism to the abyss.—Communism not knowing how to find equality where it exists, is led to place it where it is not. For the idea of equality is inherent in the mind of man, an imperative want of his heart, a necessary law of his development. Not having found equality in liberty where alone it exists, communism tries to enforce an equality of passions, ideas, wants, things; in one word, of everything which does not admit of equality. Moreover, having misunderstood the true nature of liberty, it plays the tyrant with it, when it meets it, as an obstacle in its way. It is the general tendency of false systems to suppress violently whatever stands in their way, and to replace it by arbitrary equivalents.—False ideas of equality and liberty are the starting point of communism; all the rest results from those false ideas.—Communism ignores and destroys both liberty and equality, and by this very fact sacrifices real rights to chimerical ones.—As a free being I have the right to dispose of my faculties, the right to work, with all that that right involves; such a right is nothing but the recognition of general liberty, and therefore it is evident that it oppresses no man. According to communism I have the right to labor, and all the other rights which are necessarily involved in this one right: that is to say, I may *demand* work, and force *others* to give me work. Here, then, we have a portion of humanity, not only obliged morally, but constrained physically, obliged by the authority of the law to furnish work to others. When I assist a poor man I merely pay him a debt which I owe him; to give him nothing when I can afford to give him something, is to be not only hard-hearted but wicked; it is to be a thief. I deserve then to be treated as such, that is, to be imprisoned or hanged. — Communism endows the individual with lying rights; and to satisfy these rights it burdens the state with impossible duties. A double germ of anarchy and despotism, this, which leaves no alternative to society than a desperate war of all against one, and of each against all, or the most grinding slavery.—The economic and moral consequences which are so closely connected with one another in the communistic system, flow no less logically from its erroneous premises. How can there be *merit* where individual liberty is sacrificed, where suc-

cessful effort is counted for nothing? Communism itself feels what a stranger to it *merit* is, and how fatal it would be to it. For the hallowed formula: *Each one according to his merit*, it substitutes the following, borrowed from the pretended holiness of instinct: *To each one according to his wants.* So that, whether a man works little or much, produces with more or less zeal, care, or in greater or less abundance, it does not matter. Does communism destroy the abuses which it pretends to radically abolish? It is easy to prove that it only aggravates them and renders them more general. We know how furiously it attacks *competition*, that is to say, liberty. But in the place of the legitimate, industrious, enlightened competition of interests which is profitable to all, it puts the blind, barren and disorderly competition of appetites. It complains of robbery in human society, and decrees universal spoliation in order to suppress it. It groans over prostitution, and makes a law of the promiscuous intercourse of the sexes. It is angered at seeing a number of men who, to enjoy themselves, had only to take, as it says, the trouble of being born; and the taking of this trouble, it claims, entitles them to a share in every social advantage! It impeaches slavery and exploitation of the proletariat, and it makes of every man a slave to be exploited by the state. Let us add that the slavery which it establishes is not merely a political and economic one, but a moral slavery which must perpetuate, indefinitely, both political and economic slavery. When free will and personal dignity, care for the future, the calculations and affections which make existence worth having, flights of imagination and innocent fancies, are abolished in men; what is there to replace these broken springs, or to compensate for the loss?—Communism, by enervating all the motives which constitute the essence, the health, the energy of the moral being, at one blow exhausts all the sources of wealth.—Communism has sought the principle of liberty, by appealing to *love*. With instinct as its basis, it seeks in instinct the means of correcting the evil effects of instinct. This twofold pretension is evidently chimerical. Instinct can not be tempered by its own excess. As to making *love* and *fraternity* the only springs of production, it is the most impossible of utopias. It is madness to suppose that a man will work, manufacture, sell, etc., with the perpetual enthusiasm which religion itself does not always produce.—Never has the saying of Pascal: "The man who wishes to imitate the angels becomes a beast," been better justified than by communism, which commences by supposing angelic virtues in man, and ends by always showing him gross and brutal in practice. What an illusion it is, then, to suppose that the individual will love everybody, will devote himself to everybody, when he is prohibited from loving his own family and devoting himself to it! Sympathy, like all other faculties, has need of practice and food. Men do not begin by loving the human race, but end there. And how much enlightenment, how much philosophical or religious elevation of mind, is supposed by so complicated a sentiment! It is a fact which has not escaped the most superficial observer, that affection becomes more intense by being restricted to a narrower circle; more sublime perhaps, but less energetic, in proportion as it extends to a greater number of objects. Communism, by opposing this elementary law, drowns, so to speak, sympathy and devotion in the depths of the limitless ocean called the human race, and buries the individual in the immense and vague abstraction which it calls society.—We have seen communism, considered as a system, plunging into every error and contradiction; aggravating the evils of which it complains by letting new ones loose on humanity; rousing the appetites and finding nothing to create the immense amount of capital it would need to carry out its plans, except the unproductive principle of fraternity; and rendering this very fraternity impossible by inviting each member of the community to seize a quantity of products which must necessarily grow less and less; or to bow under the hard law of a state which can live only by the skillful distribution of wretchedness. We may well be astonished that such a doctrine should find adherents. Still communism can appeal to a long tradition continued through all the centuries, through revolutions of every kind. The explanation of this strange phenomenon is instructive in more ways than one; and we are astonished to find that communism has often been but the logical development of the principles adopted almost universally by the nations which stigmatized it. Nothing is truer of ancient nations; and as to those which followed them, especially up to 1789, was not the principle of the right to landed property changed by conquest and civil legislation to such a degree, disregarded in law to such an extent by the doctrine that all property in land was held from the state, that communism became, if not justifiable, at least perfectly explainable? As a symptom, if not as a theory, communism still has an importance not to be underrated. Like all social utopias, it has its source in the imperfections of the social state; some of which are susceptible of amendment, others unavoidable; and is explained by a feeling of pity for human misery and by base passion.—Communism has been at work in the world, and it may be judged by its fruits. To begin with, it is an ugly thing that a doctrine held up as a charter of emancipation of the human race, should always appear in history based on and supported by slavery. How can we speak of communism without mentioning Sparta; and how can we mention Sparta without recalling what was most odious in ancient slavery? The régime of communism and labor are two things so incompatible that wherever the former has been established it has been necessary to condemn whole classes to forced labor. Thus the communism of the citizens of Lacedemonia

could be maintained only by making helots of those engaged in agriculture and the useful arts. Sparta reached the ideal of communism better than any other city, unless it be perhaps Crete. Sparta was not guilty of the error of making movable property and material products common property. It also made education and women common property. But, by one of those concessions which the reality always makes to logic, and which we meet everywhere in the history of practical communism; by one of those inconsistencies which make the existence of communism possible and its destruction inevitable, it retained something of individual property by providing that lands should be divided into equal portions. But how great the practical superiority of Spartan communism over the communism of the nineteenth century! It did not promise the members of the association wealth and enjoyment in common, but poverty and abstinence. It spurred the children onward, not by making labor attractive, but by the whip. By these means it was able to exist for a time. Their principles of morality, moreover, debarred the Spartans from the softening influence of the arts—a privation which their economic principles would have been sufficient to effect. The fine arts are impossible where there is not an excess of the wealth produced over the wealth consumed; and such an excess is impossible where communism prevails. The master work of Spartan legislation was to inspire the fanaticism of self-denial and a devotion to this state of things. Spartan morals were not the best. The Spartan, living on coarse food, trained for war, without luxury, without commerce, without a corrupting literature, was no less debauched than savage. Their rude power yielded at almost the first contact with civilized Greece, and could not withstand the wealth acquired after the war of the Peloponnesus. The people, who had rejected the institution of property, were famed for their rapacity, their avarice, and the venality of their magistrates. The people, who had sacrificed all to military prowess, fell to such a degree of weakness that they were forced to recruit their armies from among the helots, among whom they found their last great men. Occupied, like all ancient legislators, with the sole idea of doing away with revolution by destroying inequality, Lycurgus forgot that for states there is a worse danger than revolution—dissolution; and this is how Sparta ended. —The genius of Rome ignored communism. Everything vague, undetermined, is in keeping with the doctrine of communism, which in religion adores the all, in morality denies the person and sees only humanity, and in political economy absorbs individual property in the collective possession of the community. At Rome everything was well defined, the gods, virtue, the laws. Rome witnessed flourishing side by side stoicism which exalts the liberty and the dignity of the person, and property which assures that liberty and dignity. The institution of property might be abused without the right of property being denied, in Rome. That right was extended, under the rude authority of the father, not only to the slaves, but to the family. Usury appeared there without compassion. As to agrarian law, so frequently confounded with communism, we know that it was merely a claim (*revendication*) by the poor plebeians who had taken part in the conquest, for lands retained exclusively by nobles and knights The Gracchi did nothing, said absolutely nothing, incompatible with the right of property As to the revolts of slaves, what connection had they with communism? These unfortunates revolted not to have everything in common; they fought to own themselves.—We know how powerful an organization the family spirit and property received from the Mosaic law in Judea. Nevertheless, it must be remarked that if the law of the jubilee, which brought back to the same family alienated lands, was a sanctioning of the right of property, it was also an attack on that right: it sanctioned it by keeping it intact in the hands of the same families; it attacked it because it trammeled individual liberty and hindered the natural course of transactions between man and man. Each one lived "under the shadow of his vine and fig tree;" but for that very reason each one was, so to speak, made a parcel of the soil of his own patrimonial estate. Industry, commerce, the sciences, the arts, which have need of a certain surplus, and the activity which results from the frequent relations between men, remained foreign to this intelligent and energetic people. As where there is no right to property whatever there is no civilization, so an incomplete civilization is the result of every curtailment of the right of property, which can only show its full effects on condition of remaining an individual right.—Essenianism was the communism of Judea. In this country of religion communism was associated with the religious principle, as in Greece, the country of philosophy, it was associated with the philosophic idea, with Pythagoreanism, which was its partial realization. The school of Pythagoras was a community of sages living in accordance with the severest prescriptions of spiritual life, in self-denial, friendship, and the cultivation of the sciences, especially mathematics and astronomy. Their austerity and their labors suggest to us that it was a sort of pagan Port Royal, while their eagerness for rule and their political activity, which drove them out of most of the cities in which they had founded their establishments, remind us of the celebrated society of the Jesuits. In contrast with the Pythagoreans, who constituted, as it were, monasteries of philosophers, and whose political ideal was an aristocracy of enlightenment guiding and governing the obedient masses, the Essenes exhibit to us a little people, forming a kind of fraternal democracy; not that hierarchy was not respected among them, nor that ranks were not known and even sharply defined; but all were admitted among them on

the single condition of a pure or repentant life; and everything was held in common by the chiefs and the subordinates. It must be said to the honor of the Essenes that they looked on slavery as an impious thing, an exception, however, which means nothing in favor of communism. The Essenes were in reality a very limited and entirely voluntary association; they were like a small tribe of monks; and Pliny said of them, "They perpetuate themselves without women, and live without money. * * * Repentance and distaste for the world are the fruitful sources which keep up their number." Communism, thus understood, was only a form of free association; the community received only those who agreed to form a part of it. Labor was carried on among them, moreover, by men reared in the habits and teachings of the upper society; and like all religious communities, it was founded not on the principle of unlimited satisfaction of human wants, but on that of rigorous abstinence. We can say as much of the Therapeutics, a Jewish sect of Egypt, whose members lived in isolation, and had little in common but their practices of religion.— Christianity put an end to the old world. Was it favorable to communism in the time of its Founder and the first apostles? This is a question which has been much discussed in our time, and which the communists, anxious to have the greatest authority of the civilized world on their side, unanimously answer in the affirmative. This claim has been refuted to our thinking, with an array of reasoning which amounts to demonstration. To begin with, if Christ had intended to extol communism, he would not have maintained the most profound silence on the subject. Then the texts of the gospels, appealed to in favor of communism, have a meaning altogether different from that attributed to them. Jesus Christ recommended almsgiving, the *giving away* of one's goods, which is a *use* and not the negation of property. In a word, he makes charity a religious duty, not an act of constraint, which abolishes all virtue and all charity. He repeats the precept of the divine law: "Thou shalt not steal," which is a sanction of the right of property. He preaches the inviolability of the family so far as to condemn divorce, one of the few laws relating to civil life which he laid down. The language and conduct of the apostles are none the more on the side of communism. The spontaneous putting of all their goods in common by the first believers, was as much a means of resistance in their hands, and an instrument of propagandism, as a picture of Christian brotherhood. Liberty and the laws of morality and political economy find nothing contrary to their principles, in this free community of a religious sect pretending in no way to set itself up as a model of social organization nor to change the general conditions of the production of wealth. The example of the small Christian family, at Jerusalem, after the death of Christ, an example not followed to any extent by the other churches, has no weight as an argument.—We have to reach the second century and turn to a heresy severely condemned by Christianity, to see an instance of practical communism authorized by religion. The Carpocratians, who were confounded with the Gnostics, revived, a little earlier than two centuries after Christ, the infamy of the bacchanals that Rome had seen a little less than two centuries before his coming. The Christian communities, which were established with an ascetic object, had nothing to do with the history of communism. It is even certain that they could not have supported themselves in a communistic society, because they obtained their resources not from among themselves, but from outside. Moreover, these communities and the communists differ in every respect. Men came to join them, but were not born in them. Their object was almost always purely religious. The sexes, far from being together, lived separately; where marriage was permitted, its laws were strictly observed. The association of Herrnhuters, or Moravian brethren, is the sole exception to the above remarks. It was upheld by its evangelical spirit of humility, self-denial, hope in a future life, which rendered it less exacting in this one; in a word, by the very spirit most opposed to that of communism. While recognizing their virtues and their negative happiness, it must be recognized also that their narrow feeling of sect, their stationary condition, their want of arts, their proscription of everything lofty in science and all philosophical speculation, do not agree with the general character and the most necessary conditions of modern civilization.—When we follow the history of heresies in the Christian church, we find that communism was a stranger to most of them. Ecclesiastical authors, in order to brand them more surely, have been somewhat lavish of this reproach against them; and communistic writers have eagerly granted the truth of the reproach in order to gain for themselves a more imposing family tree. Bossuet, in his "History of the Variations," has not been sparing in this accusation against the heretics of the eleventh and twelfth centuries, especially against the Waldenses and Albigenses, whose innocence, in this respect, has been established, it appears to us, by the historian of communism, Sudre The same is the case with the Lollards and some other sects more theological than political. It needed all the partiality of contemporary history, written from the communistic point of view, to make a Wickliffe and a John Huss apostles of social fraternity. The germs of communism were developed, nevertheless, in certain sects, such as the Brothers of the Free Spirit in the thirteenth century, and perhaps among some others. But communism broke out with the Anabaptists in a bold and most terrible form. It does not enter into our plan to relate this tragic episode in the history of communism in which it appeared with all the retinue of false theories which it advocated and evil passions which it roused. "We are all

brothers," said Muncer, the chief of the Anabaptists, to the listening crowd, "and we have a common father in Adam; whence comes this difference in rank and possessions which tyranny has set up between us and the great ones of the earth? Why should we groan in poverty and be overwhelmed with misery while they are swimming in delight? Have we not a right to equality of goods, which, by their nature, are made to be divided among all men? Give up to us, rich men of the world, covetous usurpers, give up to us the goods which you keep unjustly; it is not as men alone that we have a right to an equal distribution of the advantages of fortune, but also as Christians." Spoliation, polygamy, the destruction of statues, of paintings, of books, with the exception of the Bible, followed these preachings, especially at Mulhausen and Münster.—After having shown how sensual and fierce it can make men, of itself, it remained for communism to show by the example of Paraguay how moral, mild and happy it may make them when joined to the religious principle. This last experience of which it boasts, does not appear, any more than the others, very brilliant or very enviable. The crowning work of the Jesuits in their colonies was to change a colony of men into a flock of obedient and timid children, without any ideas of their own, without vices, but at the same time without virtues. The Jesuit fathers had established a system of abs lute rule; they directed the production and distribution of wealth with that despotism without which communism is not possible. The happiness which they procured their flock was not, however, protected from the storm; and it is stated that the news of their departure was received with shouts of joy. The state of primitive innocence and even happiness under a superior authority can not be, at all events, the ideal of a civilization which prefers struggle, with its inevitable failure and the progress consequent on it, to this inert and stupid state of impeccability.—We must come down to our own time and to the New Harmony of Owen to find a fresh example of practical communism. The illusions of the modern reformer, who made irresponsibility his principal dogma, need not be recalled. It may be said that, on the whole, communism has done nothing considerable since the time of Paraguay, where it was able to survive for a time, owing solely to the change and modifications made in it by the religious spirit. Since then, it has appeared in the form of aspiration or conspiracy. Babœuf and his accomplices met the same fate as Muncer and John of Leyden, without having had the same success; and the records of the doctrine since June, 1848, and recently, have been only those of its defeats and disappointments.—To complete the review of communism it only remains to cast a glance over the utopias which it has produced, limiting ourselves to pointing out the chief trait of each, and the conclusions to be drawn from them all.—The type of all the communistic utopias has justly been found in the Republic of Plato. It is important, however, to distinguish carefully the communism of the Greek philosopher from the doctrines with which it is confounded. Plato has been too frequently thought of as a modern utopist who aims at reforming the world. The republic of Plato is a purely ideal application of his philosophy to society. As a philosopher he paid too little attention in his analysis of man to the moral fact of liberty. This defect appears with all its deplorable consequences in his imaginary society. As a philosopher he understood the idea of justice admirably as far as it can be understood when detached from liberty; and with a geometrical precision concealed under the freest and most brilliant forms he arrives at absolute equality, interrupted no longer by individual differences of effort and merit, but by the personal differences of intelligence and moral energy. In this way he reaches an aristocracy of philosophers and warriors. Let us not forget, either, that Plato, far from looking toward the future had his eyes constantly turned toward the east, a country of (more or less) collective property and theocracy. Except in a few views purely moral, as sublime as they were new, which contained in them the future of the human race, we may say that Plato in his Republic wrote simply the Utopia of the past. Let us observe also that, in this work itself, property and the family seem forbidden only to one class, that of the warriors. Do not European armies recall some of the traits of this organization, supported by the other classes of citizens? Have the soldiers a family? have they land to cultivate or a table apart? The republic attests with none the less force the irresistible inclination of communism, which, whether it takes its starting point in the brutal appeal to the instincts, or has its source, as here, in the principles of abstract justice shorn of the idea and the feeling of the freedom of the will, reaches the same result, and derives the negation of the family from that of property. But the smile of Socrates while exposing this impracticable system, is perhaps the refutation best suited to this brilliant play of dialectics and imagination combined, a logical and poetical deduction of an idea, and not a serious plan of social reform.—What could a regular explanation of the systems of Thomas More and Campanella add to what we have already said? It matters little that the Utopia and the City of the Sun differ in certain regards, but it is important to remark that they agree in some of the great negations brought about by that of liberty and property. More wishes the institution of the family might remain, but he wants slaves for great public works and to fill the voids left in production by the utopists. Campanella abolishes the family. Both make the state sovereign master of labor and sole distributer of products.—Communism assumed in the eighteenth century an exclusively philosophical form; it very nearly renounced allegory and symbolism to make use of analysis and reasoning. We do not doubt that

the constitution of the institution of property which communism had before its eyes was vicious, and that philosophy and political economy were to labor for its reformation; but if the excessive and unjust equalities of eighteenth century society explain communism, how can they justify a system which moved in opposition to the general aspirations for liberty and civilization? Rousseau was not a partisan of this d ctrine though he gave it weapons. In his "Discourse on Inequality," as well as in his "Social Contract," he recognizes the close solidarity of property and society, and while deploring the existence of the latter he declares it indestructible. In basing property on the law he fell into an error, general in his time, and from which Montesquieu himself was not free. Mably, who carried the principles of Rousseau to absurdity, and who changed his tendencies into systems, asks humanity to return to its natural state. In his *Legislation, or Principes des lois*, in his *Doutes sur l'ordre naturel et essentiel des Sociétés* opposed to the Physiocrates, in his *Entretiens de Phocion*, he is scarcely more than the servile commentator of Rousseau and Lycurgus. Labor in common, distribution by the state, abolition of arts, intolerance in matters of religion: these ancient consequences of the doctrine are deduced by Mably with a rigor which leaves little to be desired. The obscure Morelly goes farther yet, if possible, in his tedious *Basiliade* and in his hateful *Code de la nature*, which became the code of revolutionary communism. The boldness of Brissot de Warville, who, anticipating a celebrated saying, assimilated property to theft, and the inconsistent eccentricities of Necker and Linguet, could only repeat or extenuate these anathemas and theories. They were continued through the French revolution which deprived them of their *raison d'être*. A disciple of Rousseau, Robespierre was not a communist, though his principles put society on the incline which leads to communism. Babœuf, on the contrary, was. Morelly became a man of action. Philosophic and dreamy communism appeared only with Cabet, author of the *Voyage en Icarie*, and with the more advanced editors of the *Humanitaire*. These latter are much more consistent. In his communism founded on fraternity, and repeating all the arguments restoring the use of all the habitual methods of communism varied but little in its nature, Cabet, nevertheless, wished to retain the family. *L'Humanitaire* opposed this. We have shown on which side the logic was. Let us add also, in order to be just, that Cabet deceived himself with the fond delusion that each one would retain his cottage and his garden. He allowed his Icarians, after having well served the state which oversaw them strictly all the week, to be absolutely free every Sunday. This is far too much. A single Sunday in freedom would be death to Icaria. With these exceptions we recognize under the honey of the form the inevitable spirit of communism, that is to say, the purest despotism regulating industry, science, religion, etc.—Of what use is it to know that there are several varieties of communists in France in the nineteenth century? Some of them in a minority wish to act with mildness, just as if when property is once recognized as an obstacle to all progress, it is not necessary to destroy it at once. Some deny a God, the soul, responsibility; others mean to admit them, which is perfectly useless, since they conduct to the same practical materialism. There are others who wish to retain the fine arts, as if their economic system permitted the retention. Some are in favor of having towns, while others find it better to destroy them and force all to live in the country. These differences are of little interest. In reality there is only one and the same communism: consistent communism.—And now, if communism as an aspiration is a real disease of the social state, and if communism as an economic doctrine is merely a disease of the human mind, what are the remedies? After good moral training and instruction, to which we assign the first place, we know of but two: as to society, to apply in it more and more the great principles of economic science which indeed can not destroy its evils, but may gradually diminish them; as to minds, to imbue them continually more and more with the truths of political economy. Such is the best or rather the only real antidote against the threatening progress of communism.

HENRI BAUDRILLART.

COMPETITION. The word competition has been thus defined by a French lexicographer: "The aspiration of two or more persons to the same office, dignity or any other advantage." This is, indeed, in harmony with its etymological meaning. Two or more individuals aspire at the same time to the same position, to the same dignity, to the same advantage, no matter what; they vie with each other to obtain it; there is competition between them for its possession. But after thus giving the general meaning of the word, this same lexicographer attempts to give what he calls its commercial meaning, and here he seems to us less happy. He calls it: "The rivalry which exists between manufacturers, merchants, etc., whether concerning the quality of their products, their merchandise, etc , or concerning prices, with a view to sharing the profits of the same branch of commerce, industry, etc." What is rivalry concerning the quality of goods or their price? It is not true that in commerce and industry, competition always has these characteristics; and even if it were, they would not constitute its essence. The writer confounds the substance with the form, the principle with the changeable circumstances under which it is produced. Our lexicographer here seems to us misled by the desire to establish between commercial competitions and competition in its ordinary acceptation an essential and generic difference, which does not really exist. In reality they are the same thing. In commerce, as in everything else, by the word competition is meant the struggle of two or more

individuals who aspire to the same advantage, and vie with each other to obtain it; the end to be attained is different, and in many respects, the means of attaining it are different also. For instance, what a man is in search of in public life is an employment or dignity, from which he hopes to derive honor or profit; in industrial or commercial pursuits, it is the sale of his products from which he expects a profit. There is a difference in the manner, in the circumstances, but not in the principle. There is a still greater difference in the means employed to obtain the end proposed, because the positions are different. Whoever aspires to a public office which another man disputes with him, lays stress on his personal merit, his talent, and the services which he has rendered. He curries favor with the ministers, in whose gift the offices are; he obtains recommendations to them from some of his supporters; and it is thus that he endeavors to defeat his rivals. In commerce or industry the competitors no longer court power, because it is not on power that the sale of their goods depends. They court buyers, and the means they employ consist, less in proving their personal merits, than in laying stress on the cheapness or the quality of their products. Aside from this, all competition is the same. The endeavor always is to obtain an advantage which is disputed by competitors. To say that commercial competition is a rivalry between merchants as to either the price or the quality of their products, is as if we were to say, that competition in public life consists in the rivalry which exists between aspirants to office, in respect to either their personal qualities or the services which they have rendered. We have from the beginning of this article endeavored to establish the identity of commercial competition with that general competition which is found in all human activity, because there is in them a common principle. In whatever way it may be produced, competition has always the same point of departure, the same motive, although it has not always the same mode of action, nor the same effects. It is universal competition among men which, everywhere and in all the ways of life, prompts men to vie with one another to obtain advantages which are not equally and superabundantly given to all. This competition results everywhere from this fact alone, that mankind have not at their disposal a fund of inexhaustible wealth, a fountain of happiness, fortune and honor, from which each individual may draw at his pleasure, without ever exhausting it. In public life, as the number of offices, especially of easy and lucrative ones, is not as great as the number of men who aspire to them, there is naturally a competition among these men for their possession. In commerce, likewise, as the number of buyers never equals the number of things to be sold, there is competition between the sellers to obtain the preference in the market. Who does not clearly perceive here the identity of principle? In both cases competition is caused by the insufficient quantity of the goods wished for, and the natural desire of each one to obtain as many as he can of them. It is born with men, and it will not cease to exist until men discover the means of infinitely increasing all the objects of their desires.—But competition, as we have already seen, proceeds differently according to the course it follows and the end it has in view. In all cases, and in whatever manner it appears, it has its useful effects, to which, considering the imperfections of human nature, are attached certain inevitable inconveniences. Because of the competition which exists between those who aspire to public offices, they vie with one another in making themselves more deserving of them, by rendering better service to the government which employs them. If there were always only one man fit to fill each of the offices dependent upon the government, we may be sure that this one man would take his ease, and that public duties would, in general, be very badly performed. It is because each employé feels that he has competitors, either actual or possible, that he endeavors to perform his duties well, and especially to furnish no just cause of complaint. In commerce, likewise, it is because of the competition among sellers, that each one of them endeavors better to satisfy the public, by giving them products of a better quality, or at a lower price. If there were but one producer of each of the objects of human consumption, this one producer would also take his ease, and would hardly dream of improving either the conditions of his production or the quality of his products. This is but too often the case wherever there exists a monopoly. Competition is, therefore, here as elsewhere, a necessary condition that industry may be kept up and the public well served.—Connected with these advantages there are inconveniences, some of which are inevitable, because they result from the very nature of man, while others, sometimes more serious still, result accidentally from the unfavorable circumstances in which certain countries are placed.—In the case of government employés it sometimes happens that the competitors, instead of vieing with one another solely in talent, merit or services rendered, make use of deceit and intrigue, striving to obtain by favor, or by means still less reputable, what should belong to merit alone. They strive to win over, to overreach, and to deceive the men who control the patronage; they seek to influence them by recommendations they have obtained by begging, and sometimes even to bribe them. In like manner, in commerce or industry, intrigue, imposition and fraud too often usurp the favor which is due to real merit. The public are deceived by gaudy sign-boards or by fallacious announcements; they are attracted by the bait of cheapness, and are cheated with adulterated products. Nor are they deceived in the quality of the merchandise only, but sometimes in weight and measure as well. Thus it is, that in this common pursuit of public favor, the most crafty, the most intriguing, the most deceitful,

frequently get the better of the most skillful or the most deserving. If there be any difference to be made in this regard between commercial competition and that which occurs in public life, it is all in favor of the former; for the public, who, in the purchases they make from merchants, always act on their own account, and with a view to their own most immediate interests, are much less easily deceived than a government which never acts but through the medium of its chief agents, who have no direct interest in the selection which they have to make, and with whom petty considerations of vanity or personal ambition frequently take precedence of the public interest, which it is their duty to serve.—Although the disadvantages which attend competition are, to a certain extent, inevitable, since they proceed from the imperfection of human nature, and, in this sense, are almost the same everywhere, we must admit that they are more or less serious, more or less apparent, according as society is in an embarrassed or a prosperous condition. When society is prosperous, when there is abundant employment for labor, so that every individual easily finds an opportunity to use his faculties, competition, without being entirely stripped of its excesses, is everywhere more moral and keeps more within proper bounds. As every man is almost sure of receiving his share of prosperity, and of obtaining in return for the performance of his duties toward society a share of the goods which it distributes, he is less severe upon his competitors. Each one still strives to obtain as much as he can of social advantage, and competition never ceases to be earnest; but, after all, it is only a question of more or less; competition is generally confined within its proper limits If a person has the least feeling of his dignity as a man, he disdains to resort to dishonest means; it is by real merit that he endeavors to excel his competitors. This is no longer the case in a society that is disturbed, constrained, and ill at ease, and that can give employment to only a portion of those who crave it. In this society, as there is no longer enough for all, competition between individuals, whether in public life or in commercial pursuits, is no longer a simple question of pre-eminence; it is oftener a question of life and death. A man then must get the better of his rivals or perish. Here it is that competition becomes, at one time fierce and cruel, at another immoral and perfidious, and that we find everywhere, as well in public life as elsewhere, a great number of men, to whom all means seem good. In these critical situations, competition, under whatever form, and in whatever way of life it appears, often presents, we must admit, to the eye of the philanthropic observer, a very distressing spectacle. Nor must we judge too severely those men of a weak and unphilosophic spirit, who, witnessing these scandals, the causes of which they could not fathom, conceived the senseless, and besides impracticable project of suppressing competition itself. They did not see, blinded as they were, that, even if they had succeeded in their plans, they would not have destroyed competition; they would merely have removed it, without in the least correcting its abuses. Still less were they in a condition to understand to what degree this simple removal would have been, in other respects, unfortunate for the human race, all of whose resources it would have lessened, and all of whose labors it would have disorganized.—We would not have the reader imagine that in what we have just said our object was to defend industrial or commercial competition against the puerile attacks which have so frequently been made on it. It has always seemed to us as ill becoming economists to stop to defend such a principle; it is too entirely inherent in the primary conditions of social life; it is, at the same time, too great, too elevated, too holy, and, in its general application, too far above the attempts of the pigmies who threaten it, to need any defense. We do not defend the sun, although it sometimes burns the earth, which it should only illumine and warm, neither is there any need to defend competition, which is to the industrial world what the sun is to the physical world. The economist's task is merely to explain its action in the industrial sphere, and to show its marvelous effects. This is the best defense of it we can offer, and it is the only one which becomes it.—If industrial competition does not differ in principle from the competition to be found everywhere else, and especially in public life, it signally differs from it in its consequences which are far richer in results. Looking at it in the first instance only as a necessary stimulant of general activity, although it acts, in this sense upon government employés as well as upon merchants and those engaged in industry, it has incomparably greater effects upon this latter class.—The task of public officials generally consists in obeying, to the best of their power, the instructions they have received from those above them. They move in a circle traced out for them in advance, and which they can not leave, even to do more or to do better. The only effect of competition among them is, therefore, to render them more punctual, more exact in the performance of the orders given them by those above them. They can perform them, it is true, with greater or less intelligence, but they can not, as a rule, add anything to them of their own accord, nor, consequently, invent or change anything for the sake of improvement. Besides, in spite of this competition, of which we were just speaking, the administration of all the governments of the world are in their nature stationary, and almost inaccessible to progress. Their accepted forms and methods, no matter what vices they may conceal, are almost invariable. Hardly anything less than a revolution can change them. If a change in the way of progress is sometimes made, which rarely occurs, it can come only from those who are intrusted with the general direction of the government, and who inspire its entire policy. It is unnecessary to add,

that innovations fertile in results are at all times very rare.—It is not so with industrial pursuits, in which every individual, or at least every man of enterprise, acts on his own account and with entire independence. Here competition no longer appears merely as a prompter of activity, exactness, punctuality and order, although it produces these useful results here as well as elsewhere; it here appears also and especially as the principal agent of progress. And all these manufacturers, masters of their actions and responsible for their works, stimulated as they are by the incessant competition of their rivals, contrive how they may more and more simplify labor, improve its methods, perfect known processes and invent new ones. One man invents a machine to lessen labor and diminish the cost of production; another invents a chemical compound to improve the quality of his products; a third, a form of the division of labor so as to simplify its workings; a fourth, a system of accounts more convenient than the old ones; a fifth, a quicker or better way for transporting and distributing products; and so on. The question is, which one will surpass his rivals by the abundance and usefulness of his improvements. In this way, besides, application of these improvements generally follows close upon their invention, which is different from what is remarked in other pursuits: because here competition always makes itself felt. Progress, therefore, is here uninterrupted and lasting. If in the sphere of governmental administration useful improvements can come only from those in power, and occur but rarely; in the industrial sphere they come from all sources, and occur every day in all branches of labor. And what is it that prompts them? Always the same cause—competition. It is the first, we might say the only, cause of this upward march of mankind, and of the continued progress so visible in history, which would have continued ever uninterrupted were it not for the grave political disturbances which have at times broken its course.—Competition is, therefore, in fact, the true motive power of progress in human society. Suppress this necessary stimulant, and at once the movement slackens, activity dies out, progress ends. Much could still be said to bring this great truth into full relief; but it has been often explained, and is generally admitted by every one who examines and reflects. It is better, therefore, to insist upon another truth, no less important and much less generally understood, namely, that competition is, in the industrial world, which embraces the entire, or almost the entire social world, the principal cause of order. It here plainly takes leave of that other competition of which we spoke above. In the world of governmental administration everything moves, everything is regulated and ordered in obedience to the decisions of superior authority. In industry there is nothing of the sort: there are no orders to be received from higher authority. What then takes the place of this superior absent authority? Who governs this industrial world, in default of a directing power? Chance, some say. It is not chance but competition, which is here the one sovereign regulator. Men often believe they have said everything in favor of this immortal principle when they have recognized that it is a necessary stimulant for producers; but even then they are far from understanding its marvelous effects. Competition is the supreme guide, the infallible regulator of the industrial world; it is the first source of the providential laws by which this world is directed and governed; it is, if we may be allowed to say so, the legislator, invisible but always present, who introduces order and rule into industrial relations so extended, so varied, so multiplied, where, without it, would be but confusion, disorder, chaos.—Let us picture to ourselves this industrial world in its multiple and complex organization, as it has existed since the exchange of product for product and of service for service became its general law, and since the division of labor was everywhere established. In virtue of this division of labor no one in this industrial world produces, for himself, that is, to consume the fruits of his own production. Each man in it, on the contrary, chooses a special branch of production to which he applies himself, and which, taken in itself and isolated from the rest, would answer frequently to a very small proportion of his needs. In the savage state every man labors directly for himself, and consumes what he himself produces: he pursues a wild animal; he knocks it down with weapons which he himself has made; he tears it up with instruments which are of his own workmanship: he roasts it, with wood which he has gathered with his own hands, and devours it. The entire labor of production is performed by the same hands, and, moreover, the producer and the consumer are one. This savage may, it is true, associate himself with others in his work; but even this association does not effect unity of production, nor the identity of the producer with the consumer. This is no longer the case in our more or less civilized condition, which, thank God, is not of yesterday. In it each man works for his fellow men; he takes his products or his services to the general market; he offers them to all who ask for them, and counts only upon exchange to obtain in return the different objects he requires for his own consumption. One man is a boot maker, and produces boots only; another is a hatter, and makes nothing but hats. This man is a butcher; that one a baker; another is a smith, a distiller, a lamp maker, or a druggist. Of the thousands and thousands of things which human consumption constantly demands, each man produces but one, and adheres to that. He gives his services to whoever demands them, relying, for his own personal consumption, upon what he will obtain by means of exchange from all other producers. Still it rarely happens that any of these different individual labors produces a complete product. There is scarcely a product which is not the result of several successive elaborations, and generally each of those who have concurred

in making it can claim but a small portion of it; not to speak of those who never put their hand to any special production whatever, and therefore concur only in an indirect manner in general production. In this state of things, as is readily seen, each man is dependent upon the rest; as a producer, he is bound to an immense chain, of which he forms, so to speak, but one link; as a consumer, he expects everything from his fellowmen, and can obtain the satisfaction of his wants only by a great many exchanges. It is this division of labor which constitutes the strength, the wealth and the greatness of civilized nations, and raises them so far above the savage tribes of the new world; but from it also flow infinite social complications—complications such that it would be impossible for human foresight to unravel them, if they did not unravel themselves, in virtue of a higher pre-existing principle. What is this principle? Competition, which is, in this, truly the light, the guide and the providence of the civilized world.—And, first of all, since there is in the industrial world as it exists, a necessary, universal and constant exchange of products and services, all these products, all these services must be weighed and measured in some way, in order that we may know on what terms an exchange of them can be effected. Who can weigh them? Who can determine their measure? When we consider the infinite variety of the products which are every day displayed in the great market of the world, all different in their form, in their texture, and in the conditions of their manufacture; when we consider, besides, how many different hands have concurred in such unequal proportions, and in a thousand different places, in the manufacture of each of these products; when we take into account the still greater variety of services rendered which have not resulted in any material product whatever, and which must, nevertheless, be exchanged for real products; when we reflect that we must compare and measure all these products, all these labors, all these services, in order to establish an equivalence among them, we ask ourselves by what superhuman prodigy can this equivalence ever be determined? Is there a human power which would dare, we will not say to establish it, or even to undertake it, but merely to conceive the idea of formulating its laws?—We are told that men dared to do it at the time of the French revolution. They dared to do it, but under what conditions, and at what price? It was established, in the first place, only for a limited number of the commonest products, and those whose value seemed easy to estimate, without entering into the detailed appreciation of the thousand different kinds of labor which had contributed to their production. And even for these products they did not establish any precise value, but only a maximum, determined from their former value as fixed by competition. Besides, who does not know the results to which these senseless measures led? Incomplete as they were, and although scarcely ever carried into execution, they were none the less the cause of frightful disorder in all commercial relations If they had been pushed any further, they would have plunged all society into chaos.—In spite of the inevitable failure of these disastrous endeavors there are still in the world, we know, some discontented spirits, some crazed brains, which dream from time to time of a fixation of relative values by governmental regulation; but even those who cherish these chimerical projects in their unfortunate moments, would recoil, we may be sure, before the difficulties of the task, if they were ever bound by law to accomplish it. Every man possessed of common sense must clearly perceive that it is an undertaking far above the endeavor of any human power, to determine the relative value of all the products and of all the services which are daily exchanged in the world's markets. Who then will establish this regulation? Who will work this wonder? Who? Competition, which alone is able to accomplish it.—"It is competition," says Montesquieu, "which puts a just price upon goods." It is competition, and competition alone, which can put upon goods their just price. But it does this, not only for goods properly so called; it does it also for the thousand different labors which have contributed immediately or remotely to the production of these goods, as well as for the innumerable services which have not entered into any product whatever.—We should perhaps remark here, in passing, that when economists explain the laws by means of which the prices of everything that is bought and sold are determined, they do not ordinarily point to competition; they point to the principle of *supply and demand*, and we would by no means find fault with them for doing so. But the principle of supply and demand, as it is here understood, presupposes the action of competition; it supposes this action both in the sellers and in the buyers; for if we leave competition out of consideration, the principle of supply and demand has no longer any meaning; it ceases to produce any of the good results which are justly attributed to it.—The price which competition puts upon merchandise is, in general, equivalent to the cost of production, in which we must include the necessary profit of the producers. What is the cost of production? Of what does it consist? It consists of the sum of all the expenses, small or great, which have been incurred in a thousand different ways by a thousand different hands, and perhaps in as many different places, to bring a product to the point it reaches at the moment of sale. Who can compute exactly the cost of production? Nobody, not even the seller, who will give you, at most, an exact account of the expenses which he has personally incurred on account of this product, but who will never be able to tell you what it cost, before coming into his hands. If it were necessary to determine, in an official manner, the cost price of only one of the products which are daily offered

for sale in the market, a pretty thing it would be to see all the officers of the various governments at work! In vain would they assemble for this purpose the wisest statisticians, the most expert merchants, the most skilled manufacturers, and the ablest administrators; in vain would they add to these a re-enforcement of real economists: all these lights united could not accomplish such a task; there would necessarily occur a great number of errors in their calculations. But, what all the science of such a council could not do for one single product, competition does without an effort for the millions of products in circulation. It does it so well, according to principles so sure, and with a precision so infallible, that there is not anywhere, where competition exerts its full power, a single product which sells regularly either for more or for less than it really cost from the time of its first formation to its entire completion.—Not that it has not, in this respect, inequalities and variations, some accidental, others permanent. But even these inequalities have also their *raison d'être*. They are not determined by chance; far from it: they are governed by laws and rules, and all tend to the better ordering of this industrial world, which we have described.—When there are—as is usually the case, and as it is even essential that there should be—a certain number of producers who are engaged in the same kind of production, the price which competition puts upon their merchandise is not determined for each one of them by the cost price of the merchandise to him, which may and almost always does vary with different producers. The price which competition puts upon their merchandise, is the common or medium cost price. If there are among them some more skillful than the rest, who have been able, by means of better processes or greater attention, to economize more or less in the cost of production, these gain a little more by selling at the same price; they grow rich, and it is only just that they should; it is the legitimate reward of their skill. It is, at the same time, an incentive to all other producers. If there are, on the other hand, producers who, less attentive or less skillful, have allowed their cost price to exceed the medium, they suffer loss and ruin; it is the necessary penalty of their carelessness or their incapacity. Most producers keep their cost price at the ordinary level, and these maintain themselves; these do not grow rich, but then they are not ruined.—Besides these inequalities between producer and producer, which are a necessary stimulant to the activity of all, there are others consisting in variations of the selling price, which frequently occur without any corresponding change in the cost price. These variations are *the fluctuations of the market*. There is no product which is not subject to fluctuations of this kind; the difference between them, in this regard, is merely a question of more or less. Some are, it is true, for the convenience of consumers, marked at fixed prices in the stores where they are sold at retail, but they have, nevertheless, in the general market and at wholesale, prices which vary more or less according to times and circumstances. Why, it will be asked, these fluctuations in the selling price which should always be regulated by the cost price? Is not this a game of chance which destroys the equilibrium of things, and overturns the general law we have just stated? Is there not at least an *inaccuracy*, a defect in the picture? It is not a game of chance, there is no inaccuracy or defect; it is, on the contrary, one of the simple but providential means which competition employs to regulate the world. But to make this clear we must consider another phase of the marvelous order which it establishes.—It is something great to determine the relative value of products. Without it, as we have said, the industrial world would not last a day. But it is not enough to determine this value. If it is necessary that products be exchanged according to stated conditions, it is no less necessary that producers or workmen be regularly supplied to the innumerable sources of production; in other words, that labor producers be distributed exactly in proportion as they are needed. Here is another problem, as grave and important as the first, and which human wisdom would find itself powerless to solve, if there were not always present this mysterious power, which guides men without their knowledge. If in the industrial world products are innumerable and of infinite variety, the different kinds of labor which concur in the formation of these products are neither less varied nor less numerous. All these labors are, besides, necessary, and in almost the same degree. Their dependence one upon another is such that no one of them can be neglected without the others suffering thereby. How, for instance, could the baker make his bread if the miller had forgotten to grind his wheat? And how could the miller give the baker his flour, if the farmer had forgotten to sow, to reap, and to thresh his grain? How could the farmer, in turn, give the miller his grain, if the plowwright and the blacksmith had not made in time the necessary implements for plowing, harvesting and threshing this grain? The work of the blacksmith is no less dependent upon that of the miner who takes the iron from the mine, than that of the plowman is upon the work of the blacksmith. In addition, all are equally dependent upon the work of the carrier, who transports their respective products, as well as upon the services of the public agents who provide for the security of these products while being transported. Human industry is like an immense chain, all the links of which are united. Let one of these links be broken, and the whole chain gives way. It must, therefore, be so arranged that none of its works will ever be abandoned or omitted; that they will all be accomplished exactly at their proper time, and in proportion to the needs of every day. Who is charged to provide for such a want in society? Nobody; and we may add that nobody could do it. The different employments

of industry, the labors of all kinds which are performed in all the different degrees of production, are so numerous that no person could even count them, much less provide for them. To see that every one of these innumerable forces is kept daily at work, is a task so far above all human foresight that it would be absurd to dream of intrusting it to man.—It has, however, been dreamt of at times. Under the pretext that the satisfaction of the wants of society was abandoned to chance, it was seriously proposed to confide to a self-styled social power the duty of regulating the different employments, and methodically dividing all available forces among them. But before disposing of these forces, and apportioning them, let this power determine to attempt merely to name them exactly or completely; the sight of the insurmountable difficulties of this first task, will perhaps convince it that it has hardly understood, until the present moment, the incalculable extent of what it has dared to undertake.—Some have compared the organization of industry to the organization of an army, and thought that, as men had succeeded perfectly in regulating the movements of an army, they could, in like manner and just as easily, regulate the movements of industry. How pitiable a comparison! As if the organization of an army, where their occupations are all alike, and vary, at most, from one branch of the service to the other; which has but one object for all; which can and must be divided regularly and systematically into regiments, battalions, companies, etc.; which always resides in certain chosen places, and under the control of chiefs: as if the organization of such an assemblage, we say, could be for an instant compared to the organization of industry, whose employments are so numerous; which uses different processes and instruments in each of these employments; which must be divided among an infinite number of different places, so as to be at all the sources of production, and distribute its forces everywhere in unequal groups, according to the needs and resources of the respective localities; which, by its very nature, refuses all regular division and uniform movement; and for which unity of direction would be death. To compare these two things, is to compare an atom to a whole world.—We repeat, therefore, there is no human power which can foresee and know all the work to be performed in the different channels of industry, or which, for a still stronger reason, can provide for its doing. What then will do it? The same mysterious and sovereign power that has already regulated the relative value of exchangeable products, competition—a power much more enlightened, and much more active and vigilant than any of those to which the care of public interests is ordinarily confided.—The means which it employs are, moreover, very simple. The first is, to keep all its particular interests constantly on the alert, by according the favors of fortune in all things only to the most vigilant, the most active and the most skillful. The second is, to direct the particular interest of each man to the satisfaction of the wants of his fellowmen. As long, in fact, as competition acts alone, and violence or fraud do not interfere, the only way for a man to get the better of his rivals is to provide better than they the means of satisfying in a more prompt, more suitable and more complete manner the wants of those around him. Thus, by the aid of competition, if there are in society such as civilization has made it for us a million different wants, there are also several millions of eyes incessantly open to discover these wants, several millions of minds incessantly occupied in studying and understanding them, and several millions of arms ever eager to supply them. The duties to be performed in the various branches of industry are very numerous, it is true; but the eyes which watch them are still more numerous. There is no danger that any necessary or even useful employment will escape this active and general vigilance; no sooner does a branch strike or languish, than a crowd of competitors offer to take its place. Thus it is that in this long and multiple chain of industry, which coils about itself in a thousand different ways, and which is made up of innumerable links, there is never any break or gap. Thus it is that this incredible prodigy, before which human nature must bow, is accomplished in a manner so natural and so simple that we are no longer even surprised at it.—But it is not enough, however, that all the occupations of industry be filled continuously and completely, they must also be filled in the proper proportion, that is, the number of men who labor at them, and the amount of energy or capital consecrated to them, must always be proportioned to the real extent of the work to be done. Here again we propound ourselves this eternally recurring question: Who in the world could furnish this just proportion? And we are forced to reply once more No one, not even the producers. Competition alone can do it, and competition alone does do it, competition alone instructs the world in this regard, beginning with the workmen themselves, who could not determine, without its aid, the amount of labor necessary even in the special branch of production in which they are engaged. And how does competition instruct them? By increasing or diminishing the mean profits in each branch of production, according as the labor applied to this branch more or less fully corresponds to the extent of its wants. If there be too much labor applied to any certain production, at once, thanks to competition, wages decline, and the laborers are thereby warned to seek employment elsewhere. If, on the contrary, there be a scarcity of labor, wages go up, and this is a warning to those who are engaged elsewhere to betake themselves in greater numbers to where the scarcity exists. Thus, by the sole influence of high or low wages, labor is distributed and divided with an almost infallible precision among the different branches of production, according to the measure

of their needs, and equilibrium is always maintained between the work to be done and the labor assigned to it. Here it is that we most recognize the necessary and providential effect of those fluctuations of the market of which we spoke above.—The wants of society are not ever the same; on the contrary, they vary from day to day, in regard to most objects of consumption. Suppose, therefore, that by a marvelous effort of some public power, the equilibrium of the different branches of labor had been exactly established to a given day, so that, for each piece of work to be done there would be at hand a corresponding amount of labor; still nothing would have been done, if allowance had not been made for the fact that this amount of labor varies for each occupation, according to the variable measure of its wants. To day, for instance, a capital of 10,000,000 francs and a force of 1,000 workmen are applied to a particular branch of production, and they are nearly the exact measure of what it needs at present; but to-morrow its needs change; the product which this branch of industry supplies is most in demand where there is least of it. this is what happens every day, not only for articles of fashion, but for many others. The capital and labor devoted to this kind of production find themselves, therefore, all at once either insufficient or superabundant; they must be increased or diminished in order to preserve the equilibrium. Who will regulate these frequent and rapid variations? Sometimes, even without the wants being diminished, production may, with the same amount of capital and labor, become all at once superabundant, simply because the processes of manufacture have been simplified. Who will restore it to its proper proportion? Always the same principle, competition; and the means which it employs for this end consist precisely in these variations in price, in these fluctuations of the market of which we are speaking.—They are necessary and daily warnings for the producers. If prices rise, they understand that the merchandise is becoming rare, and that they must hasten to supply themselves with more of it; if, on the contrary, prices fall, they understand that the market is overstocked, and that they must slacken production. Thus production is constantly kept within bounds, and taught to limit itself in all its branches by the extent of man's wants. Hence that marvelous equilibrium of disposable resources and wants to be satisfied, which is the normal state of civilized societies, and at which we might well be surprised if we could experience surprise at anything we see every day. When the changes in the extent of the demand are considerable and sudden, as sometimes happens, it is not always possible, it is true, to reduce or increase the production instantly in the measure desired, and hence some accidental disturbances occur here and there; but in this case the change in the selling price, which continues as long as the derangement exists, does not cease to warn and annoy the producers, and to urge them to reduce or increase their labor to the desired proportion. —Economists generally say too little about competition, at least in express terms. They rarely even pronounce its name. They are incessantly invoking the principle, however, in disguised terms. It is impossible, in fact, to establish or to carry out any of the laws which political economy has produced, without the intervention of competition, for all these laws are based upon it. In the work of production, as in the distribution of wealth, competition appears throughout, not as an accidental fact, but as the sovereign regulator. It is competition that regulates the price of goods; determines salaries and profits; that fixes a ground rent when there should be one; which, in a word, establishes the rate of remunerations and values of all sorts. They say, and say truly, that it stimulates producers; but it does much more; it distributes, classifies and arranges them. If it is the stimulant of production, it is also its check. It is a light and a guide still more than an incentive. We may truly say that industrial order, as it exists, is its work. Imagine, if you can, even one economic truth, even one of the rules and laws which the science promulgates, of which it is not the source. Economists, it is true, invoke it incessantly, but they do so nearly always without naming it.—In some respects this matters but little. Whether they appeal to this principle by name, or designate it by the circumstances it implies, by its action and effects, it is ever in reality the same thing. It does not on this account lose any of its essential truths. In consequence of this reserve or forgetfulness of the masters of the science of economy, however, competition has not in their works the place. which is due to it; this immortal principle is not as clearly manifested as it should be, nor is its grandeur sufficiently understood. It is this, perhaps, which has given a certain credit to the puerile declamations of those who attack it; and this also explains how even the adepts in the science have sometimes dishonored it by the unworthy capitulations to which they have submitted it, or by the incredible feebleness of the arguments which they have used in its defense.—It has sometimes been said that industrial competition was a new principle, inaugurated in 1789, and one of the fruits of the French revolution. As if humanity could have reached the point of civilization, which it had reached at this epoch, without knowing this powerful lever, this sovereign guide, so necessary to the development of its activity. After what we have just said, it seems to us superfluous to demonstrate the error of such an hypothesis. Competition was not born in 1789; it was born in the very cradle of human society, which it has led step by step, from its state of primitive barbarity to the point of civilization which it has now reached. The truth in the case is, that competition, although it has never ceased to enlighten and govern the world, has been submitted at all times to restrictions of more than one kind, the sad effects of

the errors or evil passions of men; these restrictions were more numerous previous to 1789, at which period some of them were suppressed, though they did not, alas, entirely disappear.—If competition had always reigned without opposition, if it had been able to develop itself in all its plenitude in the midst of human society, such is its virtual strength, the power and inexhaustible fecundity of this principle that humanity would have marched from progress to progress, and with unceasing rapidity, toward a future of prosperity, wealth and general well-being, of which at present, perhaps, it has not the least conception. We can judge of this from the progress it made in certain countries during the intervals, always too brief, in which it enjoyed a satisfactory, if not complete, liberty. But this liberty was needed in the past, and is needed in the present. The action of competition supposes the liberty of man at least in his industrial relations. In fact, it supposes, first, absolute spontaneity and freedom between the contracting parties, between the seller and the buyer of an article, between him who offers a product and him who accepts it; for if one of the parties can impose his conditions on the other there is no longer any competition, there is no longer even a contract. It supposes, moreover—and this is also an essential condition—that each one be free to go to a third party, when he is not satisfied with the conditions offered him. Now, who does not know to how many obstacles this two-fold liberty has been subjected at all times? These obstacles arise sometimes from the spirit of anarchy and disorder, and from the absence of a tutelary authority able to protect the contracting parties, and sometimes from abuses of this authority. CHARLES COQUELIN.

COMPROMISES, (IN U. S. HISTORY). I.–III. COMPROMISES OF THE CONSTITUTION.—I. No census had been taken in America when the convention of 1787 met, but its debates were based on the following estimates of population, which the census of 1790 showed to be fair approximations: 1, Virginia, 420,000; 2, Massachusetts, 360,000; 3, Pennsylvania, 360,000; 4, New York, 238,000; 5, Maryland, 218,000; 6, Connecticut, 202,000; 7, North Carolina, 200,000; 8, South Carolina, 150,000; 9, New Jersey, 138,000; 10, New Hampshire, 102,000; 11, Georgia, 90,000; 12, Rhode Island, 58,000; 13, Delaware, 37,000. In the five southern states the entire population was slightly larger, only three-fifths of the slaves being included in the above list. Of the thirteen states New Hampshire was not represented in convention until July 23, 1787, and Rhode Island not at all. Of the remaining eleven states, a "large state" majority and a "small state" minority were formed almost from the convention's first meeting, the large states being Virginia, Massachusetts, Pennsylvania, North Carolina, South Carolina and Georgia, and the small states, New York, Maryland, Connecticut, New Jersey and Delaware. However greatly the votes varied on minor points, on the great and essential question of a national or a federative form for the new government, the vote was usually six to five as above given.—Had the two parts been strictly "large" against "small" states, according to the population above given, of course the vote would have stood three to eight; but North Carolina, South Carolina and Georgia, either from ambitious hopes of the future growth of their vast western territory, or from a desire to gratify the larger states and draw them into a union which should afford effective national protection against the southern Indians, habitually voted with the larger states, and made them a majority, since each state was entitled to one vote in the convention. Between the two parts of the convention the main question at issue was, whether the new government should be one in which each state's influence should be proportioned to its population, or one in which each state, however small, should have an influence equal to that of any other state, as under the confederacy. The large states naturally preferred the former, or "national" system, and the small states the latter, or "federative" system.—May 29, Edmund Randolph, of Virginia, offered the "Virginia plan" (see CONVENTION OF 1787), which formulated the demands of the large state majority. It consisted of 15 resolutions, whose main features were, that congress should consist of two branches, the representation in *both* based on population, that the representatives should be chosen by the people, the senate by the representatives, and the president by the senate and representatives together. The senate would have had 28 members, as follows: Virginia 5, Pennsylvania and Massachusetts 4 each, South Carolina, North Carolina, Maryland, New York and Connecticut, 3 each, and the other states 1 each. The three large states would thus have had nearly one-half (26 out of 65) of the house of representatives and nearly one-half of the senate, and, if united, could have controlled the appointment of the president and the policy of the Union. June 13, the committee of the whole reported the "Virginia plan" to the convention. June 15, Patterson, of New Jersey, offered the "Jersey plan," the ultimatum of the smaller states. It consisted of 11 resolutions, mainly intended to retain and amend the articles of confederation, to retain the congress of a single house and the equal vote of each state in congress, to give congress the powers of raising a revenue, of controlling commerce, of coercing any state which should refuse to pay its quota or obey the laws, and of electing an executive. June 19, the committee of the whole reported adversely to the "Jersey plan," and again in favor of the "Virginia plan." Two plans had thus been proposed, whose terms in almost every point were entirely incompatible. Before the rejection of the Jersey plan, Dickinson, of Delaware, had proposed to consolidate the two plans, if possible; and, June 21, Johnson, of Connecticut, had touched the vital point by proposing to give the

states an equal representation in the senate and a proportionate representation in the house. This proposal of a compromise he repeated and emphasized, June 29; and on the same day, Ellsworth, of Connecticut, formally moved that such provision be made. July 2, the motion was put, and lost by five small states to five large states, and one (Georgia) divided. The convention had now "got to a point where it could not move one way or the other," and the whole business was referred to a select committee of one from each state. This committee, July 5, reported Ellsworth's compromise, with two additional features: the house, which the larger states were expected to control, was to originate money bills, and three-fifths of the slaves were to be included in the population as ascertained for representation. The first proposal was intended to placate the large states in general, and the second to secure the votes of North Carolina, South Carolina and Georgia.—At first the compromise hardly found a favoring voice in the convention. The committee was declared to have exceeded its powers, and so moderate a delegate as Madison "only restrained himself from animadverting on the report, from the respect he bore to the members of the committee." Nevertheless, as step by step its items were brought up for debate and decision, the whole was adopted and became an integral part of the constitution, with the addition of the power given to the senate to propose amendments to money bills. The senate, therefore, whose conception has received warmer admiration than that of any other feature in the constitution, owes its existence, in its present form, entirely to an unwilling compromise of the conflicting demands of the large and the small states.—II. One of the incurable evils of the confederacy was that the states which had formed it, after withholding from congress any power to control commerce, had provided that their articles of association should only be amended by a unanimous vote. The commerce of the country was therefore the commerce of 13 separate states, each of which could levy any duties it saw fit upon exports or imports, provided it did not interfere with existing treaties, or touch the property of the United States or of any other state. The state of New Jersey, before ratifying the articles of confederation, had warmly objected to this feature, as one which might involve "many difficulties and embarrassments," and most of the delegates from the commercial states had entered the convention with an intention to give the new federal government this essential and absolute power of controlling commerce. Against this intention the delegates from other states were not disposed to array themselves, except upon one point. In several of the states a single article made up the mass of the exportation, as was the case in South Carolina with rice, in North Carolina with ship stores, and in Virginia and Maryland with tobacco. Should the new federal government be given the power to lay export duties on these, a hostile majority in congress might easily cripple or annihilate the whole wealth of a state at one blow. Before the question came to be considered, C. C. Pinckney, of South Carolina, had twice given notice that his state would not enter the new Union unless the power to tax exports was withheld. The Virginia plan, as originally offered, made no direct reference to commerce, but only proposed that congress should be empowered "to legislate in all cases to which the separate states are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation." Chas. Pinckney's plan, which was introduced also May 29, and whose "Powers of Congress" are very closely followed in the constitution, as finally adopted, distinctly proposed to give congress the power "to regulate commerce with all nations, and among the several states." But neither these plans, nor that of Hamilton, offered June 18, contained any restriction on the power of congress to tax exports: this first appears in the draft of the constitution as reported Aug. 6, in the words, "No tax or duty shall be laid by the legislature on articles exported from any state." With the omission of the words "by the legislature" this was adopted, Aug. 21, by a vote of 7 states (Massachusetts, Connecticut, Maryland, Virginia, North Carolina, South Carolina, Georgia) to 4 (New Hampshire, New Jersey, Pennsylvania, Delaware). New York's delegates, with the exception of Hamilton, had already left the convention because of the success of the first compromise. By this, the second, compromise congress was given complete control over national or inter-state commerce, with the exception of a restriction upon its power to tax exports.—III. The two days following the adoption of the second compromise were taken up by a stormy debate on the question of the slave trade, ending in an emphatic refusal by Georgia, South Carolina and North Carolina, to enter the new Union unless its Congress should be forbidden to prohibit this traffic, or to tax it more highly than the trade in other imports. Here again the convention was brought to a stand-still, and again the whole question was referred to a select committee which reported the third great compromise of the constitution. It consisted in forbidding congress to prohibit the importation of slaves, when allowed by state laws, before 1808, but permitting the imposition of a tax of $10 per head on such importations. The slave trade was thus brought at once under the revenue power of congress, and, within 20 years thereafter, under its commercial power also. As a make-weight for the northern states, a provision in the draft of Aug. 6, that "No navigation act shall be passed without the assent of two-thirds of the members present in either house," was stricken out, thus giving to a congressional majority complete control over commerce; and, as a make-weight for the southern states, it seems (from C. C. Pinckney's language to the South Carolina convention) to have been a

general understanding, though not a part of the compromise committee's report, that provision would be made for a fugitive slave law. That part of the report relating to the slave trade was adopted by a vote of 7 states to 4, Virginia, Delaware, Pennsylvania and New Jersey voting in the negative. The rest of the report, and the provision for a fugitive slave law a few days after, were adopted without any opposition.—No part of the constitution has been more warmly condemned than the two "compromises of a moral question," (I. and III.). Those who so regard them forget that to the members of the convention slavery was not a moral question at all; that in but two northern states, Massachusetts and New Hampshire, unless we include the *quasi* independent republic of Vermont, (see ABOLITION, I.), had public opinion advanced so far as to abolish slavery entirely; and that the erection of two or more separate nations on this continent, with their certain attendants of standing armies and international wars, was an evil which it was the convention's imperative duty to avoid. If the whole future history of the country, even through and including the war of the rebellion, had been laid open to the view of the convention, its present and pressing duty would still have been to make the compromises as cheaply as possible, to make South Carolina, North Carolina and Georgia permanent members of a union, and then to leave the question of slavery to the decision of events. It seems beyond question that, without all the three compromises just given, the formation of a single national government for the territory between the Canadas and Mexico, the Atlantic and the Pacific, would have been an impossibility; that two, or more probably three, confederacies would at once have been evolved; and that the present republic would never have existed even in imagination.—IV. MISSOURI COMPROMISE. The question of slavery was at first of only incidental interest in the political history of the country. The convention of 1787, whose work and plans were mainly confined to the fringe of states along the Atlantic coast, had really joined two nations, a slaveholding nation and one which only tolerated slavery, into one; but the union was physical, rather than chemical, and the two sections retained distinct interests, feelings and peculiarities. As both spread beyond the Alleghanies to the west, the broad river Ohio lay in waiting to be the natural boundary between the states in which slavery should be legal and those in which it should be illegal. When the tide of emigration began to pour across the Mississippi and fill the Louisiana purchase, the dividing line was lost and conflict became inevitable.—The territory of Missouri, formerly the district of Louisiana (see ANNEXATIONS, I.; LOUISIANA; MISSOURI), was organized by various acts of congress, 1812–19. Slavery had been legal by French and Spanish law before the annexation, had been continued by the laws of the territories of Louisiana and Missouri, and had not been prohibited by any of the organizing acts of congress. The territory was therefore in the straight road to become a slave state, as Louisiana had already become. March 16, 1818, a petition from Missouri for permission to form a state constitution was offered in the house, and April 3 a committee reported an enabling act, which slept until the following session. Feb. 13, 1819, the house went into committee of the whole upon the enabling act, when Tallmadge, of New York, offered the following amendment to it: "*And provided, also*, That the further introduction of slavery or involuntary servitude be prohibited, except for the punishment of crimes whereof the party shall be duly convicted; and that all children of slaves, born within the said state after the admission thereof into the Union, shall be free, but may be held to service until the age of 25 years." The Tallmadge proviso was added to the bill by an almost exactly sectional vote, the northern members voting for it and the southern members against it. The bill then passed the house. In the senate it was amended by striking out the proviso, but the house refused to concur in the amendment, and in the resulting disagreement the bill was lost. At the close of this congress, March 3, 1819, Missouri was therefore still a territory.—The Tallmadge proviso, in the eyes of most of the northern politicians who supported it, was merely an attempt to maintain the balance of power between the two sections. Kentucky had been offset by Vermont, Tennessee by Ohio, Louisiana by Indiana, and Mississippi by Illinois. The territory of Alabama had applied for authorization to form a state government, which, indeed, was granted at this session; and the Tallmadge proviso was a demand that Missouri, as a free state, should now offset Alabama. Accordingly, before the meeting of the next congress, the legislatures of Delaware and all the northern states (except those of New England, whose unpopularity as federalists would have made their open support of doubtful value, and Illinois, whose early settlers were largely southern) had warmly approved the Tallmadge proviso, and stamped it as emphatically a northern measure. In most of the legislatures the vote was unanimous, former party lines being entirely dropped. But, inextricably complicated with this sectional question, there were very many other fundamental questions, so that a full discussion of the Missouri case would almost involve a treatise on American constitutional law.—1 Even granting that congress had the power to govern the *territory* of Missouri absolutely, what power was there in congress to forever prohibit the future *state* of Missouri from permitting slavery within its own limits if by its own laws it should see fit to do so? While other states enjoyed the privilege of permitting or abolishing slavery at their discretion, was Missouri, while nominally entering the Union on equal terms with the other states, to be debarred the right of choice? On the other hand, if congress had the power to legislate for the territory, what power could prevent con-

gress from controlling and laying conditions upon the organization of the territory into a state? What right had Missouri to object to the absolute prohibition of slavery to which Ohio, Indiana and Illinois had submitted without a thought of complaint or objection? (See ORDINANCE OF 1787, TERRITORIES, STATE SOVEREIGNTY.) 2. The treaty by which Louisiana, including Missouri, had been acquired (see ANNEXATIONS, I.) stipulated that the ceded terrritory should be at once incorporated into the Union and that its inhabitants should be given *all* the rights of citizens of the United States as soon as possible. From this clause it was argued that any attempt to impose any such limitation upon the admission of Missouri was a breach of good faith and of treaty obligations. To this it was answered that the contracting powers to the treaty must have been aware that the treaty power could not in any way control the admission of new states, which must be by concurrent action of both branches of congress and the president. 3. A broader ground was taken by some southern members. They held that the compromise which gave the slave states representation for three-fifths of the slave population (see COMPROMISE, I.) had recognized slavery as a fundamental feature of their society; that the control of slavery was therefore one of the powers reserved to the states; and that congress could not constitutionally assume that power in the case of either a new or an old state. On the other hand, if this was really a compromise by which certain states were to be brought into the Union, why should Missouri now claim as a right that which had been originally granted only to a different and distinctly marked territory? Was it not enough that the southern states which were included in the bargain had received their stipulated fictitious representation for slave population, but must the same advantage be given to an indefinite number of new states in the future? 4. The above comprises, very briefly, the main arguments for and against the admission of Missouri as a slave state. A deeper feeling was at work among the people of the north, and is apparent in the speeches of some of the northern members, though not often referred to openly. Slavery, as an institution, seemed moribund everywhere in 1789, and could be safely left, it was imagined, to the process of gradual abolition in the several states. (See ABOLITION, I.). In the following 30 years it had really died in all the northern states, though it was not yet quite buried in some of them: in the south it had grown stronger, instead of weaker. Its hands had reached across the Mississippi into territory to which it had no title by the organic law on any interpretation. It had seized Louisiana, had organized Arkansas as a slave territory, and was now grasping after a new state, with the prospect of obtaining others in the near future, since the newly organized territory of Arkansas comprised the rest of the Louisiana purchase. Here was the place to make the final stand, to demonstrate that, even though a slaveholding population might settle a territory, its admission as a state was within the control of congress, and it must enter as a free state or not at all. Only one answer to this was attempted. Clay appealed to the northern members, as friends of the negroes, to allow them also the benefits of migration to the fat and fertile west, and not to coop them up in the starved lands of the older states; it seems not to have occurred to him that these territories, if left free, were the nearest and best location for the colonization society. (See SLAVERY; ABOLITION, I.)—A new congress (the 16th) met Dec. 6, 1819. Alabama was at once admitted as a state, Dec. 14, and the number of free and slave states was thus equalized. Missouri, through her territorial legislature, again demanded admission as a state. Maine, whose democratic majority wished to separate from federalist Massachusetts, had already formed a state constitution and now applied for admission also. The Maine bill passed the house, Jan. 3, 1820. In the senate, after a month's debate, Jan. 16 – Feb. 16, the Maine bill was also passed, but with a "rider," consisting of the Missouri bill without restriction of slavery. This attempt to compel the house to accept the Missouri slave state bill, or lose both, was passed by a vote of 23 (including 3 from the north) to 21. Feb. 17, Thomas, of Illinois (pro-southern), offered as an amendment to the bill the compromise afterward adopted, which had been suggested in February, 1819, by McLane, of Delaware, and which consisted, in effect, of a division of the Louisiana purchase between the free states and the slave states; and the senate adopted the Thomas amendment by a vote of 34 to 10. Although the affirmative vote in this instance contained the votes of most of the northern senators, this was not the first symptom of weakening in the northern vote; the organization of Arkansas as a slave territory (see ARKANSAS) had already shown that the slavery restrictionists had not learned the rule of *obsta principiis*, without which they could make no successful constitutional fight. (See DEMOCRATIC PARTY, III., V.) The southern vote was better disciplined, and had never wavered.—The senate passed the bill, with the Thomas amendment, by a vote of 24 to 20.—Feb. 18, the house disagreed to the senate bill as amended, the Thomas amendment having only 18 votes to 159. Both houses, by strong votes, adhered to their position, and the senate asked and was granted a conference committee, which reported, 1, that the senate should give up its union of the Maine and Missouri bills; 2, that the house should give up the Tallmadge proviso; and 3, that both houses should unite in admitting Missouri, with the Thomas amendment, as follows: "*And be it further enacted*, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36 degrees 30 minutes north latitude, excepting only such part thereof as is included within the limits of the state contemplated by this

act, slavery and involuntary servitude, otherwise than in the punishment of crime, whereof the party shall have been duly convicted, shall be and is hereby forever prohibited." A proviso for securing the return of fugitive slaves from the territory in general was added. The whole compromise was then passed by the house, the second part of it by a vote of 90 (76 from the south, 14 from the north) to 87, and the third part by 134 to 42, 35 of the nays being ultra-southern members, who refused to approve any interference by congress with slavery in the territories. (See STATE SOVEREIGNTY.)—The approval of the president was still necessary to make the bills law, and Monroe demanded the opinions of his cabinet on the questions, 1, whether the prohibition of slavery was constitutional; and 2, whether the word *forever* was a territorial "forever," or applicable also to states formed from the territory in future. The cabinet was unanimously in the affirmative on the first question, but divided on the second; but by an adroit suggestion of Calhoun the two questions were joined into one—was the Thomas amendment constitutional? To this every member promptly responded in the affirmative, and the bill was signed March 6, 1820.—The Missouri compromise of 1820, of which Thomas, of Illinois, was the father, and Henry Clay, of Kentucky, the active, zealous and successful sponsor, was thus completed in all its parts. At first sight it seems unfair, if any arrangement, with which both parties to a controversy are content, can be called unfair. In a territory, acquired by national action without the consent of its inhabitants, and therefore under national control, it is impossible to make out a case for the establishment of slavery, any more than of a territorial church, without the express action of congress; but the south, by persistently claiming this right as to the whole of the Louisiana purchase, had successfully established it as to a large, and the only present useful, part of it. There is, however, another view of the matter to which attention must be directed. For nearly 20 years congress had utterly neglected to assert or enforce its power over slavery in the territories. It had shut its eyes to the existence of slavery in the Louisiana purchase; it had admitted Louisiana as a slave state; it had allowed the territorial legislatures to legislate in favor of slavery; so late as 1819 it had organized the territory of Arkansas without restriction of slavery; and those who had brought slavery into the territories might, with considerable show of fairness, claim that congress had now no right to suddenly assert a power over their property in the case of Missouri which it had not claimed in that of Louisiana. The claim is so far well founded that it is difficult to deny the parallelism between Louisiana and Missouri. The north, therefore, in order to secure the rest of the Louisiana purchase in its normal condition of freedom, was compelled to pay for its 20 years' *laches* by surrendering the modern states of Missouri and Arkansas to the slaveholding settlers whom it had allowed to enter and possess them. It can not, however, be too strongly insisted that what Randolph called the "dirty bargain" had two sides, that the south had formally abandoned all future claim to establish slavery in territories north of 36° 30'; that the north had tacitly pledged itself not to exert the power of congress to abolish slavery *in the Louisiana purchase* south of that line; and that both sides had recognized the absolute power of congress over slavery in the territories, without which the compromise could never have been made. In 1836, when admitting Arkansas as a state, the north was strongly tempted to break its agreement, but refused to do so, even John Quincy Adams insisting that the admission of Arkansas as a slave state was "so nominated in the bond," and must be punctually fulfilled. In 1852–4 (see KANSAS-NEBRASKA BILL; DEMOCRATIC PARTY, V.), the southern leaders broke the agreement which their section had made.—Attention should also be called to the evil effects of the Missouri compromise. 1. It recognized by law that which every effort should have been made to blot out, the existence of a geographical line which divided the whole people into two sections, and it thus went far to establish parties on this geographical line. Jefferson's eye was quick to recognize this fact. In his letter of April 22, 1820, to John Holmes, he says: "This momentous question, like a fire-bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed, indeed, for the moment; but this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated, and every new irritation will mark it deeper and deeper." From this time parties were to be really national only so long as the question of slavery was kept under cover; when that question came to the surface, the whole controlling intelligence of the south spoke in the language of Dixon, of Kentucky, in 1854: "Sir, upon the question of slavery I know no whiggery and I know no democracy—I am a pro-slavery man." 2. In this compromise, however faithfully kept by both sides, lay the elements of future conflict. A comparison of the western territory of the United States with the country's steady rate of increase in population should have shown the statesmen of 1820 that the southwestern boundary was so abrupt a barrier to the movement of migration that it could not endure. When it should be broken down, and when new territory, not covered by the Missouri compromise, should be added to the United States, it was not to be expected that the south should then submit to a restriction upon slavery which it had successfully resisted in 1820. Bonds which can not restrain a child will not be very effective when he has grown to be a strong man, and, this principle of a division of territory once admitted, it was plain that future acquisitions of

territory would be for the benefit, not of the whole nation, but of a partnership of two, whose southern member would be certain to claim a full share.—The above is usually considered the Missouri compromise, though there were some few difficulties still to be settled. 1. In the presidential election of 1820, Missouri, though not yet admitted as a state, chose presidential electors, and many of the southern members sought to have their votes counted. This difficulty was avoided by counting the votes in the alternative. (See ELECTORS, STATE SOVEREIGNTY.) 2. The constitution of Missouri was found to discriminate against free colored persons, who were citizens in many of the states. The joint resolution of March 2, 1821, therefore, admitted the state on condition of the abrogation of this discrimination. (See MISSOURI.) — V. COMPROMISE OF 1850. The principle of the Missouri compromise, the supreme control of congress over the territories, even in the regulation or abolition of slavery, remained undisputed for nearly 30 years. It had been recognized in 1820 by 34 out of 44 in the senate (the vote on the Thomas amendment), by 134 out of 176 in the house, by president Monroe, and by all his cabinet, which included John C. Calhoun and Wm. H. Crawford from the south. It received a new indorsement in the joint resolution for the admission of Texas in 1845 (see ANNEXATIONS, III.), whose third paragraph forever prohibited slavery in states to be formed from the new territory north of 36° 30′ north latitude. The affirmative vote in this instance included such representative southerners as Armistead Burt, Howell Cobb, Cave Johnson, Rhett, Slidell, A. H. Stephens, Jacob Thomson, Tucker, and Yancey, though their vote was prompted, not by any desire to make any territory free, but by a determination to divide the new territory by the geographical line which Jefferson had so much dreaded, and thus by implication to extend slavery to the southern portion of it.—The Mexican war brought a new addition of territory (see ANNEXATIONS, IV.), and, from the first prospect (in 1846) of its acquisition, many northern delegates renewed the claim that it was normally free soil, and must not be opened to slavery. (See WILMOT PROVISO.) The Wilmot proviso was essentially the same as the Tallmadge proviso above mentioned, and was defended on the same ground, the normal freedom of national territory. Additional argument in its favor was drawn from the undisputed fact that the territory just acquired was already free by the organic law of Mexico; but this reasoning was unnecessary, unless as cumulative, for the case was strong enough already. (See SLAVERY; TERRITORIES; DRED SCOTT CASE, IV.) For three years, (August, 1846 – December, 1849), the struggle over the Wilmot proviso continued, regularly taking a sectional form. The new territories were repeatedly organized by the house, with the Wilmot proviso, and as regularly the bills were lost in the senate, where the southern vote was always aided by a sufficient number of northern senators to form a majority. But, though the south thus stood strictly on the defensive, the northern democrats had in the meantime elaborated a new party dogma, popular sovereignty, or squatter sovereignty, by which they hoped to retain in the party both its northern and its southern vote As at first enunciated it declared only that congress ought not (as a matter of policy) to interfere with slavery in the territories, as elaborated in the Kansas-Nebraska bill in 1854, it went to the further ground that congress had no constitutional right to do so During this period of contest the free soil party began its brief existence. (See also DEMOCRATIC PARTY, IV ; WHIG PARTY, II)—In the south the excitement among the controlling body of slaveholders had grown so intense that its culmination marks the year 1850 as the point where the theory of secession first began to shade into possibility. The people of the still unorganized territory of California, whose population had been suddenly and enormously increased by the discovery of gold, had formed a state constitution, June 3, 1849, expressly prohibiting slavery. During the year the excitement was increased by the action of the people of New Mexico, to which Texas asserted a territorial claim, in forming a state constitution, May 15, 1850. This was interpreted as an effort to add another to the growing column of free states, and an army was at once raised in Texas to extend the jurisdiction of that state over the disputed territory. A convention of slave state delegates met at Nashville, Tenn., June 2, 1850, and declared any exclusion of slaveholders and their property from the new territories to be an injury and an insult to the south; and the various southern legislatures had instructed their governors, in the event of the success of the Wilmot proviso, to call state conventions in order to secure concert of action against a common danger.—A new congress met in December, 1849 (See CONGRESS, SESSIONS OF) The senate was strongly democratic; in the house the free soilers held the balance of power between the democrats and whigs, so that there was no party majority, and the speaker was only elected on the 63rd ballot by a plurality vote. It was not until Jan. 11, 1850, that the house succeeded in choosing all its officers, and became ready for legislation. Ten days afterward a message from president Taylor announced that he had advised the new territories to apply for admission as states, and that California had already formed a state constitution. Southern members objected to the admission of California, ostensibly because of the unreasonably large amount of territory claimed by the new state; but California was only about one-third as large as Texas claimed to be, and the objection really lay to the anti-slavery clause in the California constitution. Many of the southern members were determined to compel California to become a territory before becoming a state, and a bill to organize "the territories of

California, Deseret (Utah) and New Mexico" was introduced, Jan. 16, in the senate. Jan. 29, Clay introduced a series of eight resolutions, the basis of the final compromise of 1850, which were in substance as follows: 1. The admission of California, "with suitable boundaries," and without any restriction as to slavery. 2. The organization of territorial governments in the rest of the Mexican annexation, without any reference to slavery, since "slavery did not exist by law, and was not likely to be introduced" into them. 3. That Texas should not include any part of New Mexico. 4 That Texas should be paid $——— for giving up her claim to New Mexico. 5. Non-interference with slavery, and 6. abolition of the slave trade, in the district of Columbia. 7. A more effectual fugitive slave law. 8. Non-interference with the inter-state slave trade.—These resolutions were debated for two months after Feb. 5, and the debate ended, April 19, by their reference to a compromise committee of thirteen, of which Clay was chairman. May 8, the committee reported the following propositions, which finally made up the compromise of 1850: 1, the admission of any new states properly formed from Texas, with or without slavery, as the people of the new state should decide; 2, the admission of California on similar terms; 3, the organization of New Mexico and Utah territories *without* the Wilmot proviso; 4, the passage of the last two measures in one bill; 5, the payment to Texas of an indemnity of $10,000,000 for the abandonment of her claim to New Mexico; 6, the passage of a more effective fugitive slave law; 7, the abolition of the slave trade, but not of slavery, in the district of Columbia.—Many senators desired to consider these measures separately, but the committee had decided to embrace them all in one bill, of four parts, commonly called the omnibus bill. Part 1 was in 39 sections: §§ 1–4 for the admission of California; §§ 5–21 for the organization of the territory of Utah, with a prohibition against the passage of laws "in respect to African slavery" by its legislature; §§ 22–38 for the organization (with the same prohibition) of the territory of New Mexico; and § 39 for the fulfillment of proposition 5 above. Parts 2 and 3, in three sections, carried out proposition 6 above, and formed the celebrated fugitive slave law. Part 4, in two sections, carried out proposition 7 above.—The omnibus bill was debated until the last day of July, when it was discovered that successive amendments had cut out all its provisions except the Utah bill, which was passed Aug. 1. By this time the martial preparations of Texas, backed by offers of aid from other southern states, had shown some compromise to be necessary, if war was not to follow. The other bills, which had failed together, were now passed separately by the senate: the Texas bill, Aug. 10, 30 to 20; the California bill, Aug. 13, 34 to 18; the New Mexico bill, Aug. 14, 27 to 10; the fugitive slave bill, Aug. 23, 27 to 12; and the District of Columbia bill, Sept. 14, 33 to 19. In the house the Texas and New Mexico bills were passed together, Sept. 4, 108 to 97; the California bill, Sept. 7, 150 to 56; the Utah bill, Sept. 7, 97 to 85; the fugitive slave bill, Sept. 12, 109 to 75; and the District of Columbia bill, Sept. 17, 124 to 47. All the provisions of Clay's scheme of compromise were therefore finally successful.—The gist of the compromise, as stated by Clay himself in debate, July 22, was, on the one hand, forbearance by the north to insist upon the application of the Wilmot proviso to Utah and New Mexico, and, on the other hand, forbearance by the south to insist upon the express introduction of slavery into those territories; all the other measures were only feathers to fly the arrow. The north was to obtain the effectual application of the Wilmot proviso to California, by its admission as a free state, and also the abolition of the slave trade in the District of Columbia; the south was to obtain an effective fugitive slave law, and an indemnity to Texas, of whose bonds many of the Southern leaders were holders. There was no application of popular sovereignty to the new territories, for their legislatures were forbidden to pass laws on the subject of slavery; nor was there any settlement of the status of slavery there, for the committee's bill, as stated by Clay on introducing it, did not decide whether slavery did or did not exist in Utah or New Mexico, only forbidding the legislatures to prohibit it if it existed, or to introduce it if it did not exist. Clay's own belief, as he then stated it, was that slavery did not exist there, having been abolished by Mexican law. The whole arrangement was evidently a mere make-shift, intended to avoid the question of slavery in Utah and New Mexico, in the hope that these territories would soon form state governments and decide the matter for themselves. There is not the slightest perceptible evidence, either in the omnibus bill or in the debates, of any intention to repeal, directly or indirectly, the Missouri compromise or its prohibition of slavery north of the parallel of 36° 30'; nor did the Texas bill make any repeal of the prohibition of slavery in new states to be formed from Texas north of the Missouri compromise line, which had been first imposed by the joint resolution admitting Texas. Had the compromise of 1850, as it was understood by its framers and by the two parties which formally indorsed it in 1852, been maintained, there seems to be very little doubt that the United States might have prolonged for many years the desperate effort to "endure one-half slave and one-half free." The Kansas-Nebraska bill was really as much a repeal of the compromise of 1850 as of the compromise of 1820.—VI. CRITTENDEN COMPROMISE. In 1860 senator John J. Crittenden, of Kentucky, introduced a proposition to amend the constitution by dividing the territories between the two sections on the line of the Missouri compromise. His amendment was approved by the legislatures of Virginia, Kentucky, Tennessee and New Jersey, in their instructions

to their delegates to the peace conference in 1861 (see CONFERENCE, PEACE), and was vainly urged by him throughout the session of 1860–61. In the house, Jan. 14, 1861, an attempt to substitute it for the report of the committee of thirty-three was lost by a vote of 80 to 113, in the senate it was brought up March 2, and lost by a vote of 19 to 20. Had it been adopted it would have been, in substance, as follows: XIII. *Section* 1. Slavery is abolished in all territory, present or future, north of latitude 36° 30′, south of that line it shall be recognized and protected by every department of government, and never interfered with by congress. When the territory becomes a state, its people shall settle its condition, slave or free. *Sec.* 2. Congress shall not abolish slavery in forts and other federal territory in slave states. *Sec.* 3. Congress shall not abolish slavery in the District of Columbia so long as Virginia or Maryland permit slavery, nor in any event without consent of the inhabitants, and compensation. Congressmen and federal officeholders at Washington shall never be prohibited from bringing their slaves thither. *Sec.* 4. The inter-state slave trade, by land, river or sea, shall never be prohibited. *Sec.* 5. The United States shall pay the owner the full value of any fugitive slave rescued by violence or intimidation; the United States may sue the county where the rescue took place, for the value paid; and the county, in like manner, may sue the wrong-doer. *Sec.* 6. No future amendment shall ever affect the five preceding sections, nor article I, § 2, ¶ 3, nor article IV, § 2, ¶ 3, of the constitution; and no amendment shall ever give congress power to abolish slavery in a slave state.—To this were added four resolutions: 1, asserting the constitutionality of the fugitive slave law; 2, earnestly requesting the repeal of the personal liberty laws; 3, promising the amendment of the fugitive slave law by making the commissioner's fee the same whether his decision was for or against the claimant, and by restricting the use of the *posse comitatus* to cases of resistance or rescue; and 4, promising the stringent suppression of the African slave trade. (See SLAVERY, SECESSION, REBELLION.)— See (I.–III.), authorities under CONVENTION of 1787; (IV.: MISSOURI COMPROMISE), 6 Hildreth's *United States*, 661; 1 Greeley's *American Conflict*, 74; 1 von Holst's *United States*, 356; 6, 7 Benton's *Debates of Congress;* 3 Spencer's *United States*, 322; 1 Colton's *Life and Times of Clay*, 276; Story's *Commentaries*, § 1316, and other authorities under TERRITORIES, Giddings' *History of the Rebellion*, 51; 1 Draper's *Civil War* (introd. chap.); 1 Wilson's *Rise and Fall of the Slave Power*, 135, 4 Jefferson's *Works* (ed. 1829), 323; 1 Benton's *Thirty Years' View*, 8; H. Wheaton's *Life of W. Pinkney*, 573 (the best argument for the southern view of the question); 2 A. H. Stephens' *War Between the States*, 131, 2 Garland's *Life of Randolph*, 118; authorities under SLAVERY; the act admitting Missouri is in 3 *Stat. at Large*, 645, and the proclamation announcing the admission is in 6 *Stat. at Large* (Bioren and Duane's edit.), 666; (V.: COMPROMISE OF 1850), 3 von Holst's *United States;* 1 Greeley's *American Conflict*, 198; 16 Benton's *Debates of Congress*, 384; 3 Spencer's *United States*, 476; Giddings' *History of the Rebellion*, 309; 2 Colton's *Life and Speeches of Clay;* 2 Benton's *Thirty Years' View*, 694, 742, and other authorities under WILMOT PROVISO; 5 Webster's *Works*, 324 (his 7th of March speech); Harvey's *Reminiscences of Webster;* 2 Curtis' *Life of Webster*, 381; 2 Wilson's *Rise and Fall of the Slave Power*, 241; 4 Stryker's *American Register*, 505, 582 (the latter being the proposed constitution of the state of New Mexico); Schuckers' *Life of S. P. Chase*, 105; 2, 3 Sumner's *Speeches;* 2 A. H. Stephens' *War Between the States*, 165, Buchanan's *Buchanan's Administration*, 19; 2 Story's *Life of Story*, 392, and other authorities under FUGITIVE SLAVE LAW; authorities under CALIFORNIA, TEXAS, SLAVERY; (VI.: CRITTENDEN COMPROMISE), 2 Coleman's *Life of Crittenden;* Chittenden's *Debates of the Peace Convention*, 454–460; Appleton's *Annual Cyclopædia*, 1861, 172.

ALEXANDER JOHNSTON.

COMPULSORY CIRCULATION, the obligation imposed upon citizens to accept, as the equivalent of coin money, the paper uttered by the state or by the banks. As applied to banks compulsory circulation means that the banks are not obliged to redeem their notes, or exchange them for specie at sight.—Compulsory circulation may be, at certain times, a measure of public safety for a country; but it is a very dangerous one, and should be abandoned as speedily as possible. — Compulsory circulation, being almost always the result of an extraordinary issue of irredeemable notes, leads to a depreciation of the paper, which no legislation can prevent. The commercial public avoid the difficulty with the greatest ease: they raise the price of goods in proportion to the depreciation of the paper. There is but one way to restore to the notes their former value, and that is, to diminish their number by specie resumption or by consolidation.

CH C.

COMPULSORY EDUCATION. (See EDUCATION.)

CONCESSION. By concession is meant the privilege which the government grants to an individual, or to a particular body of individuals, to undertake a certain work, or to carry on a certain industry, dependent by its nature upon the public power, or to enjoy which, in virtue of existing laws, a previous authorization must be obtained. Thus, the construction and operation by private corporations, of railroads, canals, bridges, and some other public works, are objects of concessions made by governments. The working of mines, in like manner, may be the object of a concession.—The system of concessions has been pushed very far in France, because the carrying on of a great

many industries which are left perfectly free in other countries, is there made dependent on governmental authorization. This system has frequently led to scandalous abuses.—In his *Traité de la propriété* Charles Comte expresses the opinion that concessions, instead of depending solely upon the good pleasure of the government, should always be made to the highest bidder. This, in his opinion, would put an end to the abuses, scandals and prevarications which are now but too often witnessed in connection with them. He advances some very powerful reasons in support of this proposition. But it would perhaps be better, if not to do away with the system of concessions entirely, at least to restrict it within just limits, by according full liberty to industry, in everything that does not essentially depend upon public power. CH. C.

CONCLAVE. Conclave is formed of two Latin words *cum*, with, and *clavis*, a key. The name conclave was given to the assembly of cardinals charged with the election of a pope, because they were kept under lock and key until they came to an agreement.—In 1049 pope Nicholas II., in a synod, caused to be conferred on the cardinals, alone, the right of conducting the election of the pope. The college of cardinals, which figures as a body since the eighth century, were obliged to ask the consent of the people and the clergy of Rome to the election of a pontiff. The popular vote, the vote of the clergy of Rome, and the consent of two-thirds of the members of the conclave, were necessary to the election of the pope. With these conditions the election of the pope had rather a broad basis; but several elections gave rise to dissension. Influences from abroad were brought to bear; and, on this account, the clergy and people of Rome were deprived of all participation in papal elections.—This revolution was accomplished under Gregory X., who, by new regulations, had the right of election conferred on the cardinals alone. Foreign influences, however, did not cease on that account; they were not less active although lessened. The conclave had in its body members belonging to the dioceses of every part of the Catholic world; the elections often took a long time; and, to force the cardinals to decide more quickly, coercive means were resorted to. If the cardinals, after three days of deliberation, did not agree on the choice of a pope, they were allowed only one dish for a meal and were kept in close confinement.—Later, a part of the usages of the ancient rule were modified. They were fixed as follows: before beginning their deliberations, the members of the conclave took an oath, of which the following is the formula: "I take to witness Our Lord Jesus Christ, who is to be my Judge, that I shall vote for him whom I should vote for before God." As soon as two-thirds of the votes are united on the same person, the election is accomplished. The signatures of the electors are verified, the new pope takes a name, and is *adored* (this is the word used) by his former colleagues. Then he is announced to the people collected outside, and is carried and enthroned on the altar of Saint Peter, and the work of the conclave is over.—Thus, as we have seen, it is the cardinals alone who elect the popes. On this account their office has great importance; for it is evident, as well from the history of the past as of modern times, how necessary it is that a pope should be elected in the interests of peace and conciliation. Every state is interested in this, and its cardinals can not, or should not, neglect the interests of their country.—In a conclave for the election of a pope, France, Austria and Spain can each demand the exclusion of one cardinal; but they can make use of their right of veto only before a majority of votes is assured to some one of the cardinals.

MAURICE BLOCK.

CONCLUSUM, a diplomatic note which recapitulates the demands of the power from which it proceeds. A conclusum admits of discussion. It is often merely a point of departure for negotiation. It is distinguished, therefore, from an ultimatum, which scarcely admits a reply. (See ULTIMATUM.) M. B.

CONCORDAT, a treaty concluded between the papal see and the government of a Catholic nation, to regulate, within the limits of the latter, the relations between the Catholic church and the state. This term is not applied to conventions between the pontifical government and any other power for objects purely political; such, for instance, as the treaty of Tolentino, in 1797. These conventions are ordinary diplomatic acts. In concordats the pope makes stipulations as sovereign pontiff, as the head and representative of Catholicity. Agreements *de rebus ecclesiasticis* between the papal see and a non-Catholic power are called simply *conventions.—General considerations.* The equitable adjustment of the relations between church and state, the reconciliation of the rights of conscience and the necessities of government, is one of the most difficult problems that can be presented for the speculation of philosophers or the solution of experienced statesmen. Three very different ways of effecting this adjustment may be imagined; and each way finds expression in a system of its own. In the first, the state is governed by the church; sovereignty belongs to the spiritual power and the temporal power is merely its instrument. In the second, on the contrary, the state governs the church, and the temporal power absorbs the spiritual. In the third, "the church is independent in the state, unheeded by it; the state has nothing to do with it, and the temporal power no right to take cognizance of religious belief; it permits them to live and govern themselves as they please: it has neither a right nor a legitimate motive to interfere in their concerns." So says M. Guizot. (Civilization in France, 3rd lecture.) In this last system, the state recognizes natural religion only,

and, professing a serene indifference to all forms of positive religion, it allows them to develop, unhelped and unhindered by government.—We do not think that absolutely any one of these three systems is practicable, at least in Europe. No matter what be done, unless worship is suppressed altogether, we find, in Europe, in the relations between church and state, three classes of matters which must be taken into account: matters purely temporal, which belong exclusively to the government, such as imposts, the army, etc.; matters purely spiritual, which belong exclusively to the church, such as dogma, worship; lastly, matters of a mixed nature, in which the church and state are constrained to meet, and in which both have certain rights to assert; for instance, public worship, the budget of public worship, and marriage.—All of the systems just mentioned are defective, because they fail to take into consideration one or other of these three matters. The first ignores the rights of the temporal power; the second, the rights of the church; and the third forgets that there are matters of a mixed nature, pertaining both to the church and the state. It would be useless to concern ourselves here with the first two systems: one of them has too few chances of being put in practice; the other is incompatible with the Catholic church. It prevails, it is true, in England and Russia, and the Christian communions which have accepted it are able to tell what they have gained by it.—As to the third, it deserves more attention; because, under the seductive formula, *a free church in a free state*, it has for some time past been often lauded, and because it has borrowed a rare prestige from the true principle of which it is an exaggeration. Both church and state can only gain from being free. The Catholic church particularly, would be benefited by the maximum extension of liberty in the world; because, by taking advantage, like every other church, of an unlimited power of expansion, it would, perhaps, be the only one that could stand the test of such a great expansion without losing anything of its cohesive power and unity. But the formula cited above does not truly describe the third system. It is not the *free* church, but the *separated* church, which should be spoken of here. But, if we admit complete liberty, we do not think it possible to have absolute separation in practice. The ideal proposed above could not be reached unless religion were restricted to a purely spiritual domain, unless worship were carried on only in the inner temple of the soul; in a word, unless matters of a mixed nature did not exist. But, made for men, that is for beings composed of soul and body, religion addresses the senses in order to reach the heart. Hence external manifestations of the religious sentiment; hence worship, properly speaking. Men are the ministers of religion; and these men can not live by prayer alone. Lastly, there are acts, such as marriage, over which the church extends her empire, and in which the state itself is too much interested to abdicate the right of regulating them by law. These are what we mean by matters of a mixed nature, and it is because they exist necessarily and will always exist, that it seems impossible to assign to the Catholic church and the state regions so distinct that these two powers should move in parallel lines, ignoring one another and never coming into collision. The freer a government becomes, the fewer, in truth, will be the points of contact between church and state. But, no matter how free it may be, it can not, at least in Europe, preserve on all points the indifference compatible with absolute separation of the state from the Catholic church.—It is of the essence of religion to bring its adherents together for the outward manifestation of their feelings. But what government has been, is, or promises to be, indifferent to meetings of the people. Worship must be supported; the state must needs provide this support or leave the faithful at liberty to provide it. Those who admit neither of these alternatives "forget one thing," says Jules Simon, "that the liberty of worship is a liberty just like any other, and should therefore be sacred even to those who do not believe in the legitimacy of any worship. To grant liberty and withhold the means of enjoying it, is simply to add hypocrisy to tyranny. It should also be taken into consideration that a shabby ceremonial and a needy clergy are at once a scandal and a public peril. It is a fault, both in policy and logic, to tolerate religion in a state, and to condemn it to misery and shame." Now, if the state furnishes the budget of worship, it must know to what use its money is put. If, on the other hand, the faithful furnish it, numberless questions arise full of interest to the state concerning its details, its collection, its distribution. Into these it is difficult to avoid entering. The state and religion have clashed no less frequently on the question of marriage, a matter essentially of a mixed nature. One creed admits divorce, another preaches polygamy. Ought the state to respect their precepts? Can it ignore them? It is said sometimes that the United States has solved the problem which occupies Europe. Is this absolutely true? Have not federal troops been sent (in 1871) to put an end to polygamy among the Mormons, where its practice is raised to the dignity of a dogma? Further, because a system works well in a new country, in the midst of free institutions, to conclude that it would be in place in the old states of Europe, whose machinery is so complicated, and which for the most part admit of such moderate doses of liberty, would be, as Jules Simon remarks, "*tabula-rasa* philosophy, not practical philosophy, and, above all, not legislation." "The church and state in Europe therefore must needs come to some agreement on matters of a mixed nature. This admitted, how shall the agreement take place? Sometimes the state, of its own motion concedes certain rights to the church, leaving it sufficient liberty, as in the United States. In this case, of course, a concordat is not required; but one is a bad judge in his

own cause, and so are governments in theirs. Moreover, governments change, or are modified, and with them the measures they have taken. Hence, oppressive or ill-considered laws, uncertainty and conflict. Out of this situation of affairs a régime for the Catholic church arose, a régime created by the force of circumstances, and which has been in operation for several centuries: the régime of *concordats*. The Catholic religion has a supreme head whose authority is recognized by all its churches, and who, if need be, has the right to represent them all. In virtue of this right and this authority, this head treats, whenever he wishes, with temporal governments as equal with equal. The chiefs of the two powers determine by positive conventions the limits of their respective domains, fix the rules to be followed on points most likely to occasion disputes, settle or anticipate existing or approaching differences, make mutual concessions, and endeavor to establish on the most lasting basis the state of things best fitted to assure peace in the spiritual and temporal order. This régime is not incompatible with any amount of liberty either in the church or state; for, in a concordat, the separation of the priesthood and the state may be stipulated for, as well as their union, and it has for the church the two-fold advantage not only of being feasible in free states, which are very rare, but of giving the freedom of spiritual interests in each country the solidity of a mutual contract, instead of the fragile and narrow foundation of a simple royal or popular concession." (De Broglie, *La souveraineté pontificale et la Liberté.*)—Sometimes the system of concordats has been accused of striking a blow at the liberty of conscience, by destroying the liberty and equality of forms of worship. This charge is ill founded. A concordat may contain intolerant provisions; but such are not an inherent condition of concordats, their essential object being only to assure the Catholic church a sum of liberty more or less great according to the country with which negotiations are made, but in every case sufficient liberty. It is an assertion of the right of the freedom of religion in favor of the Catholic church; and how could this be the negation of that freedom? As to the equality of creeds, one should not forget, that, liberty being a right, the creed which obtains it merely enters upon its rights. But it may be said, if this right does not exist for all, the one which obtains it enjoys, by that fact, a privilege above all others. This is true; but, then, it is not the suppression, but the extension of this privilege which should be demanded. To reason otherwise would be as if one should, in the name of equality, demand, in a country where serfdom existed, not that the bound should be set free, but that free men should be made slaves.—*History.* In the early ages of Christianity the conventions which settled the disputes between bishops and abbots of religious communities were called concordats. Later, the name was reserved to pacts concluded with the holy see. The quarrels of the popes and the emperors of Germany gave rise to a number of transactions of this kind. Among them may be mentioned the concordat of Worms, concluded between Calixtus II. and Henry V., which regulated the question of investitures. (1123.)—At the end of the thirteenth century, the history of Portugal gives an example of a concordat which is interesting by reason of its peculiar nature. In this case the contracting parties were, on the one hand, the king of Portugal, and, on the other, the Portuguese clergy. The pope appeared in it, less as a party than as an arbitrator, and to give his sanction to the agreement. A serious dispute had arisen between the king, Don Alfonso III., and the clergy of the kingdom, which continued under the reign of Don Diniz, his son. The pope intervened, the kingdom was under interdict, and the king excommunicated. Don Diniz resolved to put an end to this state of things. In 1284, in an assembly, preliminaries of agreement were arrived at, after which both parties had recourse to the pope. The king sent two deputies to Rome "with full powers to conclude a treaty by the authority of the pope, and to have it confirmed." The church of Portugal, on its part, was represented by an archbishop and tree bishops. The case was laid before a commission of three cardinals, delegated by pope Nicholas IV. to examine the affair. When all parties had come to an agreement, an act was drawn up by the commission, stating this fact, and a papal bull confirmed the concordat (1289).—Four concordats were concluded with France: in 1516, 1801, 1813 and 1817. The first lasted till the French revolution: the second is still in force. The other two did not live long. Before discussing the concordat of Francis I., it is necessary to mention two previous acts concerning the rules followed by France in her relations with Rome. Until the time of Saint Louis, there had existed on this subject merely rules, or, rather, traditions, not yet united into a code of doctrine. But between the crusade of Egypt and that of Tunis a grave conflict arose between Louis IX. and Pope Clement IV. on the subject of vacant benefices. The king, after this difficulty, wishing to avoid similar ones in future, published, as it seems, an edict known as the pragmatic sanction.—The first article maintains intact, for the churches of the realm, the right of collation and the jurisdiction of the ordinary; the second maintains with equal force the free elections of cathedral, and other churches; the third proscribes the crime of simony; the fourth relates to the rules taken from the common law, the councils, and the holy fathers, for the collation of dignities and ecclesiastical benefices; the fifth (wanting in some versions) prohibits the exaction or levy of money by the court of Rome unless sanctioned by the king, and unless for a pious and urgent reason. Article 6 confirms the liberties, immunities and privileges accorded to persons and places in the kingdom belonging to the church. The authenticity of

this ordinance, sometimes disputed, is more generally admitted. It is certain, at least, that the doctrines laid down in this document are those which Saint Louis took as a rule of conduct, and which he made it a duty to apply." (Boutaric, *France sous Philippe le Bel.*) At all events, the pragmatic sanction must have been forgotten after the reign of its author; for we find it mentioned only in documents posterior to Charles VII.—This prince issued a pragmatic sanction also, which occupies a much greater place in French history than the foregoing. It is well known what laxity there was in the church, and what trouble and scandal in Christendom were born of the schism which marked in so deplorable a manner the end of the fourteenth and the beginning of the fifteenth century. A double consequence was the result. The reformation so long needed, and which Saint Bernard had already called for so eloquently, had become still more urgent: *Satis constabat res in deterius flexisse, et in tanto schismate magis magisque in pessum ire.* (Bossuet.) Then the rivalry of opposing popes had rendered the authority of the holy see at once more encroaching in its nature and less respected. Yielding to the various exigencies of the struggle, the two rival sees strove to obtain subsidies from the nations which acknowledged their jurisdiction; and, to increase the number of their partisans, they made free use of the power of dispensation. For this reason the whole church desired to see the end of schism, and to engage quietly in the work of reformation. Each separate church wished in future to regulate its relations with the papacy. Hence the various concordats elaborated at the council of Constance, for the nations which took part in it, and published by Martin V. after the close of the council (1418). That intended for France was refused as contrary to Gallican liberties. But, when the council of Basle, wishing to restrict the pontifical power, engaged in a struggle with Eugene IV., and the schism was on the point of breaking out anew, France, inclined thereto by her traditions, and prepared for it by the assemblies of 1394 and 1406, undertook in the midst of the conflict to regulate her own affairs alone. Charles VII. convoked an assembly at Bourges, which, says M. Henri Martin, partook of the nature both of the states general and of the national council. Princes and peers, archbishops and bishops, abbots, doctors, representatives of chapters and universities, were there. The council of Basle sent deputies to solicit this assembly to adopt its decrees. Eugene IV. was represented in like manner; but the assembly issued a declaration by which it appropriated, while it modified in certain points, most of the decrees of the council. Letters patent of the king (July 7, 1438), registered in parliament the following year, gave the force of the law to these resolutions.—This pragmatic sanction is too lengthy a document to insert here. It proclaimed the principle that a general council is superior to the pope, and restricted the jurisdiction of the holy see. This law, therefore, so dear to the parliament, struck a severe blow at the pretensions of the papal see. It curtailed both its revenues and its authority. It is not hard, therefore, to understand why, ever afterward, it was the object of incessant complaints on the part of Eugene IV. and his successors. Charles VII. upheld it vigorously; and, while the emperor and German princes, abandoning the neutrality which they had observed during the struggle between the fathers of Basle and those of Florence, between Felix V. and Eugene IV., concluded with Nicholas V. the German concordat (1447), the Gallican church continued to be ruled by the pragmatic sanction. Pius II., apparently more fortunate, obtained of Louis XI. its solemn abolition. But the parliament refused to register these new letters patent, and Louis XI. whose relations with Rome had grown cool, was very little concerned to secure this registration. As long as he lived this crafty prince appears to have held the pragmatic sanction as abrogated or in force as best suited his whims for the moment. The preamble of the concordat of 1516 mentioned another concordat, concluded with French negotiators under the pontificate of Sixtus IV., but which does not seem to play any part in history. The pragmatic sanction observed under Charles VIII. was confirmed, on the accession of Louis XII., by a solemn act. Julius II., throughout his struggle with this king, endeavored to secure the condemnation of this document before the council of Lateran; and all its supporters, whoever they might be, kings or others, were summoned to appear before the council in its defense.—The death of Julius II. and, after him, that of Louis XII., put an end to personal animosity, and rendered an agreement more easy. Francis I. and Leo X. met at Bologna, and agreed to replace the pragmatic sanction by a mutual agreement, whose conditions the chancellor, Duprat, was commissioned to discuss with two cardinals delegated by the pope. When the negotiations were at an end, Leo X. had the agreement presented to the council, and sanctioned, by his approval, the bulls revoking the pragmatic sanction and publishing the new concordat.—The first title of the new concordat is merely an account of the negotiations had, and of the motives of the concordat. The second and third titles deprive the chapters of cathedral and metropolitan churches of the privilege of the election of bishops, and declare, that, in six months after the see becomes vacant, the king shall present to the pope a candidate satisfying certain conditions. If the king has not named a capable person, he shall name another three months after having been advised of the fact. If he fails, the pope will make the appointment. The nomination to bishopries vacant *in curia*, that is, whose incumbents died while in Rome, belongs to the holy see. The royal nomination is also substituted for elections in elective monasteries, without derogating from the special privileges of certain chapters and monasteries. The *expectant*

favors, (*graces expectatives*) and the reservations (*reserves*) are abrogated (IV.), as they had been by the pragmatic sanction. Title V. regulates the rights of persons obtaining benefices. There is a *devolutio ad sedem apostolicam*, if the ordinary of the diocese violate the established order. The four following titles relate to the apostolic mandates which the pope might issue in the matter of benefices. Titles X. and XI., *de causis et appellationibus*, contain almost the same provisions as the pragmatic sanction; and the following titles (XII. to XVII.) are identical. The concordat bears the date of Aug. 18, 1516. The last title, the date of which is posterior, contains only the confirmation of the council and the letters patent of the king. Nothing is said of the number of cardinals, which the pragmatic sanction pretended to limit, nor of annats, which were re-established by this very silence, the act which had suppressed them being itself abolished.—Such, in its essential provisions, is this celebrated concordat which has been exposed, both at the time of its appearance and since, to the most violent and even contradictory criticism. One party considered it as a most brilliant victory of the papacy, attributable to the frivolity or the weakness of Francis I. and Duprat. Others, on the contrary, see in it a triumph of royalty, a daring step toward universal dominion, which was then the object of its ambitious aspirations; and they accuse the pope of having sacrificed the spiritual to the temporal, the elections to the annats. This last accusation is not serious, for the annats were certainly not worth the sacrifice. M. de Pradt, who is not suspected of good will toward the papacy or the concordat, estimates, that, in the eighteenth century, they might produce annually 170,000 livres. Admitting that, in the sixteenth century, this income was greater, it could not have been of sufficient importance to influence the holy see. The object which Rome pursued was rather the abandonment of the principles of the council of Basle. The abandonment of the right of election is explained by the serious difficulties met in their application. Many abuses had crept into the practice, and it was not this innovation that roused the most lively complaints of contemporaries. But, justice done to the unmerited attacks, and justice done to the questions of fact which caused this change, it must be confessed that the substitution of royal appointment for elections opened a wide field to the interference of the state in the government of the church, a fact to be regretted from so many points of view. We should also add that the concordat had been prepared, discussed and signed without any participation of the church of France, while the pragmatic sanction had been drawn up with its co-operation. It was not, however, among the clergy that this convention met with the liveliest opposition. The resistance came more particularly from the parliament, which refused to enroll the letters patent giving it the force of law, and which did not yield till constrained thereto, and which, even after the enrollment, continued to judge according to the rules of the pragmatic sanction. To issue from these difficulties, it was necessary that the declaration of Sept 6, 1529, should turn over to the grand council the cognizance of all the disputes to which the application of the concordat might give rise.—From the concordat of Francis I., in 1516, to the concordat of Bonaparte, in 1801, there is a long stretch of time, nearly three centuries. The revolution found the concordat of Francis I. still in force, and shattered it, as it shattered everything connected with Catholicism. It would have crushed Catholicism itself, if the enemies of that religion had had power enough to annihilate it. It is certain that a violent hatred of the ancient national religion, a hatred which often rose to the pitch of delirium, characterized the revolutionary movement, and was common to the different parties which composed that movement. It is proper to indicate here the causes of this hatred The Catholic religion had been the religion of the state under an absolute monarchy and at a time when religious toleration was little understood and still less practiced, not more in Protestant England than in Catholic France. The church, therefore, found itself, by the force of circumstances, connected with a system of intolerance, and compromised in acts of despotism, against which the revolution was bound to react with a despotism more intolerant, more violent still. The clergy were a privileged body, and their privileges had become odious to the nation. The clergy possessed great estates, and it was the impoverished state of the finances that caused the revolution. These were the causes which might be called intrinsic; but there were others The philosophy of the eighteenth century had made the church appear a partner in all the wrongs of the ancient régime. Now it was a breath of this skeptical philosophy that raised the revolutionary tempest. To the zeal of philosophers was joined, in the constituent and legislative assemblies, the low-voiced but stubborn hostility of a large number of Jansenists And then, as if these old enemies were not enough, there arose in the wake of the revolution whole classes of men bound by passion or their interest to complete the ruin of the old church—the apostate priests, and those who had acquired the national property.—And still, at the dawn of the revolution, when all division seemed to die out before the first rays of nascent liberty, there were moments when impulse was so pure and enthusiasm so honest that men might have hoped for better things. But we know what followed. religious liberty was proclaimed in every successive constitution from 1789 to the year VIII., but, although thus always proclaimed it was never respected. The law which placed the property of the clergy at the disposal of the state, initiated the division between the revolution and the church. Nor did men stop there: the essential laws of the church were soon violated by the civil constitution of

the clergy, which "proves incontestably," says M. Jules Simon, "that, in the eyes of the constituent assembly, religious liberty had no existence whatever;" and from that day the rupture was complete. The civil constitution gave birth to schism, and soon after to persecution. The sad history of this persecution is known, and we shall not try to present it to the world anew. The reign of terror was followed by a régime less violent, which allowed men to draw breath, without, however, restoring freedom to religion or security to its ministers. But the faith which, in its infancy, did thrive under the whips of pagan anger, had, during long centuries, taken firm hold on French ground; and, the moment that lassitude in the governing powers, or a change in public opinion allowed the expression of religious feeling, striking proofs of its vitality became evident. "Numerous petitions are addressed to you," said Robert (*of the coté d'or*) to the five hundred, "from all parts of the republic; from all sides men ask you to restore religion." (Session of the 27th Prairial, year V.) At the same time Camille Jordan became the interpreter of the religious movement, and his report on religion produced a profound sensation. He demanded that religious liberty should cease to be a dead letter, and become a law. The generous words of Jordan found an echo in the councils, which the elections commenced to fill with new men; and the law of the 7th Fructidor, year V., abolished the laws punishing priests who had not taken the oath. But the directory and the greater part of the men in power who were the children of the revolution, had, as regards Catholicism, remained faithful to the tendencies of the convention. Rigorous measures, suspended for a time, were resumed after the *coup d'état* of the 18th Fructidor, and were continued until the 18th Brumaire. The régime born of this last day put the whole government in the hands of a single man. The genius of this man was so vast, and his will so mighty, that nothing could escape his all powerful action. On him, then, and on him alone, was to depend the régime to which the church was to be submitted. He, too, a child of the revolution, had, before he strangled it to his own advantage, defended it in a masterly manner against enemies from without and from within. He had been the protegé of Robespierre the younger, and of Barras. His ideas could not have been very favorable to Catholicism, judging from his celebrated proclamation of Alexandria, and yet in the face of this, whether it was by reason of his involuntary respect for the faith of his childhood, or through greatness of soul, or a presentiment of his future destiny, he had more than once broken completely with the traditions and views of the revolutionary government.—It only depended on him, in the year V., whether he would overturn the government of the pope; the directory wished it; the road to Rome was clear; and Miot, ambassador of the republic at Florence, strained every nerve to destroy the temporal power. (*Mémoires de Miot*, I. 91) Still, Bonaparte took upon himself to sign the treaty of Tolentino, which, while despoiling the pope of a part of his dominions, respected the principle on which his power was based. He even showed himself on this occasion prodigal of demonstrations of respect for the person of Pius VI. Some days beforehand, he had assumed the protection of the priests who had not taken the oath, and whom the French armies had found in the Roman states, and he obtained of the directory a decision authorizing the priests in France who had not taken the oath to seek an asylum in the possessions of the holy see.—The spirit of wise and humane policy which had guided the commander-in-chief of the army of Italy, was seen again in the acts of the first consul. On his advent to power transportation ceased, and the prisons were thrown open. A certain number of churches were restored to the use of religion, and a simple promise of fidelity to the constitution replaced all the odious oaths which had been repeatedly exacted from the clergy. Under the shadow of this newly granted liberty the church was seen to rise slowly from its ruins. But the designs of the future emperor reached far beyond these measures of reparation. It was not his purpose that religion should rise up anew by its own strength alone, and by degrees. He wished it to be restored at once by a brilliant, and as it were, providential act. He wished the restoration to be his work. He had powerful and varied motives for proceeding in this way. He desired to have some religion restored to France, because, having religious instincts himself, he felt the need of religion to a great nation. He wished this religion to be the Catholic, because it was the religion of the greatest number, that which a long alliance and ancient memories identified with the destinies of the people. He wished this restoration to be immediate, because his genius, essentially an organizing one, could not see with indifference the state of trouble which reigned in men's consciences, and because it agreed with his tastes as well as his plans to astonish men by brilliant strokes. To sum up, he wished the restoration to be his own work. Looking on religion as a means of government, he made it a point not to leave it outside his circle of action; and he thought to secure for himself in this way the gratitude of the devout, and the docile concurrence of the clergy. Such were the secret feelings of the first consul, of which he gave the earliest public indications in a discourse addressed to the clergy of Milan, June 3, 1800. — The following passages were noticed in it, "Persuaded that the apostolic Roman Catholic religion is the only one capable of securing real happiness to a well ordered society, and strengthening the basis of good government, I assure you that I shall devote myself to protecting and defending it at all times and with all means. * * * A society without religion is like a vessel without a compass. * * * France, made wise by misfortune, has

opened her eyes at last. She has recognized that the Catholic religion was as an anchor, which could alone steady her in agitation and save her from the power of the tempest; she has, therefore, called it back again to her bosom. I can not deny that I have contributed much to this good work. * * *." Some days later Napoleon, the victor of Marengo, felt his glory sufficiently dazzling and his power sufficiently great, to brave the ridicule of his generals and break the resistance of his environment. In an interview with Martiniani, bishop of Vercelli, he threw out some brief words on the possibility of a reconciliation with the church; and these words, transmitted to Rome in all haste, formed the point of departure for the concordat.—At that time more than two years had elapsed since the directory had taken possession of Rome, dragged the pope into exile, there to die, and ordered the dispersion of the sacred college. It seemed as though no conclave could be assembled, and that the papacy could not survive this shipwreck. Nevertheless, after the death of the prisoner of Valence, the conclave met at Venice, and in this assembly the best means for restoring peace to the church were adopted, and the envoy of cardinal Martiniani found the new pope at the threshold of Rome, into which he made a solemn entrance, July 3, 1800. —To understand the feelings with which Pius VII. must have received the overtures made to him, it is necessary to picture to one's self the state of religion at that time in France. At that very period the return of quiet rendered the wounds made by schism more visible. Two and even three kinds of clergy stood face to face. The constitutional clergy were generally despised, but the ex-revolutionists protected them out of hatred to the clergy who had not taken the oath. These pastors, without congregations, retained many churches, however; and, although their number was diminished through apostasy, death and retraction, the most zealous of them, united in council, showed themselves intriguing enough and sufficiently infected with the spirit of sect to be an occasion of scandal and an obstacle to the progress of the faithful clergy. The latter were themselves divided. The greater number of priests who had not taken the oath did not think they were lacking in duty by taking advantage of the toleration of the government and promising submission to the laws. But others, yielding to excessive scruples, or blending political with religious faith, refused adhesion to an act which, in their eyes, implied recognition of the new state of affairs and adhesion to the crimes of the revolution. The number of clergy divided in this manner, was also considerably reduced: the scaffold, massacres, the sufferings of transportation, the miseries attendant on a wandering life, had more than decimated them. Most of the bishops had taken refuge abroad. Many were living there yet, and corresponded as best they could with their dioceses. Those who had died could not be replaced, and the misery of the time did not permit the chapters to provide regularly for the administration of the vacant sees. Those priests alone who had promised submission to the laws were able to officiate in public in a limited number of churches, which they were often obliged to share with the constitutional worship and the ceremonies of the revolutionary decade. The others could celebrate worship only in a state of concealment in forests or private dwellings. Among laymen, several had felt their faith grow strong under persecution; but others, in great numbers, lost the habit of the practice of religion, from want of help from the clergy. The church was no longer called upon to baptize children, or to officiate at marriages and funerals. Many were even hostile to the church. To say nothing of the decay of religious edifices, and the want of things indispensable in the practice of religion, the clergy had nothing to live upon. Nothing remained to them of the patrimony which the devotion of past centuries had accumulated for the support of the church and the poor.—Pius VII. therefore received with joy the message of peace which caused him to hope for improvement in a state of affairs which was sad enough. But if a prompt remedy was necessary, it was difficult of application. "At Paris," says M. Thiers, "there was a party of scoffers, of sectaries of the eighteenth century philosophy, of old Jansenists turned constitutional priests, and generals imbued with vulgar prejudices. These were the obstacles on the French side. At Rome there was fidelity to ancient precedents, fear of violating dogma by interfering with matters of discipline, distrust of everything born of the revolution, and a sympathy for the royalist party with which the church had experienced so much suffering and had so many memories in common. * * * These were the obstacles on the side of the holy see." But if it be true that the spiritual and temporal powers had never been confronted under more serious circumstances, it is also true that "they were never more worthily represented."—"This young man, of such good sense, the governor of France, so profound in his views, so impetuous in his desires—this young man was placed by a strange design of Providence on the world's stage in the presence of a pontiff of rare virtue, of evangelical face and character, but endowed with a tenacity capable of martyrdom if he believed the interest of the faith or the Roman court compromised."—The negotiator sent by Pius VII. was Monsignor Spina, archbishop of Corinth, who had shared the captivity and closed the eyes of Pius VI. With him, as an assistant, came father Caselli, general of the Barnabites, a consummate theologian. The first consul had chosen the abbé Bernier, the able and fortunate pacificator of the Vendée, to treat with the representatives of Rome. Spina and Caselli arrived at Paris in the month of October, 1800, and negotiations commenced at once.—According to M. Thiers the original plan of the first consul was essentially the same or nearly the same, as that embodied

in the concordat: removal of all the old titulary bishops, new formation of dioceses, 60 sees instead of 158, a new clergy, formed of ecclesiastics of all parties, nomination of bishops by the first consul, confirmation by the pope, nomination of pastors by the bishops, promise of submission to the state, payment of the clergy by the state, renunciation of church property, complete recognition of the sale of this property, etc.—The court of Rome accepted certain of these provisions and rejected others, allowing itself sometimes to be guided by its traditions which it could hardly forget (thus, it insisted on obtaining for the church the title of state religion), but more frequently listening to a higher voice, as when it forbade despoiling old bishops of their sees, when they would not resign. It forebore to strike venerable prelates, who, through persecution and poverty, had shown an inviolable fidelity to the church; and it is doubtful if it thought it had the right to do so. As to the constitutional clergy, apart from a lively repugnance to intrust them with sees, Rome made a point of obtaining from them a complete retraction of their errors. As to the nomination of bishops by the chief of the state, Rome demanded a reservation in case one of the successors of the first consul should be a Protestant. With regard to the sale of church property, the Roman negotiator, while renouncing the recovery of what had been sold, opposed every formula implying moral approbation of what had been done, or the recognition of the right of selling. He demanded the restoration of property not yet alienated, and the power of acquiring new property.—The negotiations were long. The agents were full of good will; but Spina could not take it on himself to make certain sacrifices; and Bernier, an instrument of the first consul, full of dexterity, had not the authority necessary to modify the ideas to which his chief was attached. Notwithstanding marvelous sagacity and a penetration of unexampled keenness, Napoleon was a stranger to ecclesiastical questions, and could not appreciate at their value all the difficulties which he met. His imperious will, though still accessible to the voice of reason, was irritated at a resistance which he could not always account for. Moreover, there was no one at his side with authority and learning sufficient to clear his mind. The minister of foreign affairs, Talleyrand, alone could have done it; but, according to M. Thiers, Talleyrand showed himself, by reason of his personal situation, little inclined to assist in restoring the altars which he himself had forsaken. The end was hastened by an incident which at first appeared menacing. Impatient of delay, the first consul summoned the negotiators together, rebuked Spina for the assumed bad intentions of the court of Rome, threatened to cut off all negotiations, and sent to M. Cacault, his ambassador at Rome, an order to quit the city if the proposal which he sent should not be accepted within three days. Cacault, an honest and clear sighted minister, a warm admirer of the first consul, and sincerely devoted to the holy see, was stricken down by the news. It was no more possible for the pope to accept the project in its entirety than for the ambassador to disobey the orders received. In this extremity, Cacault, while retiring to Florence, prevailed on cardinal Consalvi, the prime minister, to depart with him and visit Paris to follow up the negotiations. He thought justly that this step would satisfy the first consul; and, on the other hand, he believed that Consalvi had, beyond all others, the ability and authority necessary to terminate the great work. The cardinal arrived at Paris very much disturbed, and greatly impressed by the task which had been assigned him; but at last, after three weeks of labor, discussion and painful struggle, it seemed that an agreement had been reached, and a decree of 23rd Messidor, year IX., appointed Joseph Bonaparte, Crétet, minister of the interior, and abbé Bernier to sign the concordat on behalf of France. The "first consul," wrote Maret, in sending a copy of the decree to Joseph, "desires this negotiation to be ended within 24 hours. He greatly desires that the coming convention should bear the date of July 14." In spite of this desire, the concordat could not be signed on that date, an incident related in the memoirs of cardinal Consalvi (Cretineau Joly, *l'Eglise romaine en face de la Révolution*, vol. i., p. 282) having reopened the discussion. Finally, at 2 o'clock in the night between the 26th and 27th Messidor, the concordat was concluded and signed, thanks partly to the honorable initiative of Joseph Bonaparte. Cardinal Consalvi set out almost immediately for Rome; and one month later a special courier arrived bringing the ratification of the holy father. On the demand of the first consul, cardinal Caprara was sent as a legate to watch over the execution of the concordat; for there were many details yet to regulate the dismissal of old bishops, the making out of new sees, the choice of new bishops. Portalis, minister of public worship, and the abbé Bernier, did what they could in these questions, but whenever their master had fixed ideas they were powerless. Thus it was, that, in spite of the legate and even of Portalis, the first consul gave the constitutional clergy a large share in the new appointments Two motives, entirely political, guided him in this. He did not wish to appear to repudiate altogether the heritage of the revolution, and, insisting on the dependence of men, he was much more sure of these clergy than of the priests who had not taken the oath. These negotiations, the preparation of the organic articles, and certain absurdities of opposition, which appeared in the bosom of the assembly, delayed the publication of the concordat. It was at last submitted to the chambers in an extraordinary session held in Germinal of year X. At the same time a law was presented on the organization of worship, known under the name of organic articles, and to which we must refer directly. A statement of

the reasons for this law, drawn up by Portalis, accompanied the law, which met with no serious opposition. The wish of the first consul was well known. The two bills became law on the 18th Germinal, year X. (April 8, 1802). The first consul assisted at the Te Deum solemnly chanted at Notre Dame, in honor of the fact of general peace and the reconciliation with the church.—We can not describe here, even in an abridged form, the struggle which the ambition of Napoleon, impatient of resistance, brought about between the empire and the papacy—a struggle which followed quickly after the friendly relations of the period of the concordat, and Napoleon's consecration. The person and the states of the pope came quickly and easily under the control of the all-powerful emperor, but for a long time all this power was broken by the passive resistance of the holy father. At last, a captive, weakened by moral and physical suffering, isolated from his counselors, beset with all kinds of suggestions, Pius VII. yielded to the personal ascendency of the emperor, and signed the concordat of 1813 (Jan. 25). This act involved a complete abandonment of the temporal power; and, as to the spiritual, it narrowed down the authority of the pope. In the matter of canonical institution, it limited the pope to a delay of six months, after which the right of confirmation devolved on the metropolitan. But after Pius VII. had regained his courage, in the presence of his counselors, and taken advice of Consalvi, Pacca, di Pietro, and others, he recalled the consent he had given in a moment of weakness (March 24, 1813); and, the fall of the empire coming soon after, the concordat of Fontainebleau was never carried out.—The restoration, in its first years, adhered to the concordat of 1801, but the number of dioceses created had become insufficient. The need of establishing new ones, and remodeling the old limits, brought about lengthy negotiations with the holy see. M. de Blacas concluded (June 11, 1817) a new convention, which re-established the concordat of Francis I. That of 1801 ceased to be binding, and the organic articles were abrogated in everything contrary to the doctrine and laws of the church. An endowment of real property and an income was to be assured to the sees already existing, as well as to those to be newly created, also to seminaries, parishes and chapters. The opinion of the chambers, strongly expressed before the discussion, caused the withdrawal of the proposed law, and the holy see was forced to renounce the carrying out of the new concordat. The law of July 4, 1821, was used as a supplement, which authorized the king, in accord with the pope, to establish 30 new archbishoprics or bishoprics. The concordat of 1801 remained in force, and is yet the law by which France is governed.—*Concordat of* 1801 A short preamble recalls the fact that the apostolic Roman Catholic religion is the religion of the state and the religion of the great majority of Frenchmen, and that the consuls have made a "special profession" of it. It is further stated, in article 1, that it shall be "freely practiced" in France, and its celebration shall be public, in accordance with the police regulations which the government shall judge necessary for public tranquillity. Articles 2, 3, 4 and 9 relate to the new boundaries of dioceses and parishes, to the dismissal of old incumbents, and the appointment of new bishops whom the first consul shall nominate, and whom his holiness may confirm according to the rules established in relation to France before the change of government.—By article 5 the nomination to bishoprics which shall become vacant hereafter shall be made by the first consul, and the *canonical* confirmation shall be given by the holy see, in conformity with the preceding article. Articles 6 and 7 relate to the oath of obedience and fidelity to the established government to be given by the bishops, and clergy of the second order; article 8, to the form of prayer to be recited for the government, at the end of the religious offices. According to article 10 "The bishops shall appoint the priests to parishes. Their choice must fall upon persons accepted by the government." By article 11 the bishops may have a chapter in their cathedrals, and a seminary for their diocese; but the government shall not be obliged to endow them. Article 12 treats of the restitution of churches not alienated; and 13, of purchasers of national property, whom his holiness and his successors will not in any way disturb. By article 14 the government promises to assure a decent maintenance to the bishops and priests; and by article 15, that Catholics may make donations in favor of the churches. In article 16 his holiness recognizes in the first consul of the French republic the same rights and prerogatives which the previous government enjoyed. In case one of the successors of the first consul should not be a Catholic, the rights and prerogatives mentioned in the above article, and the nomination to bishoprics, shall be regulated, as regards said successor, by a new convention.—This act gave rise to two grievances. It was said that the pope had exceeded the limits of his power by instituting new incumbents when the old ones had not thought it their duty to submit, and in promising, for himself and his successors, not to seek the restoration of church property. This opinion, held by a small number of ecclesiastics, and even by laymen, as devoted as they were obstinate, gave birth to a sect known under the name of *petite Eglise*, which did not wish to recognize the concordat. On the other hand, it was set forth that an excessive latitude in canonical confirmation in the case of bishops had been left the holy see, and that, in the right of refusal, it should have been limited to a fixed period. This is the modification which Napoleon wished to have sanctioned by the council of 1811, and which we have seen introduced in the convention of 1813. De Pradt, yielding doubtless to personal resentment, long sustained this thesis. M. Thiers answered him in these terms: "To fix

a delay of some months, after which the papal confirmation should be considered as made, would be to deprive the pope of his spiritual authority, and raise nothing less than the memorable question of investitures." Admitting that the religious authority of the holy see might at times systematically refuse institution, in order thus to obtain concessions from the government, this could only be a transient abuse, and less dangerous than if the choice of bishops were left absolutely to the civil power.—The organic articles raised more serious disputes, which are not yet terminated. They have been the object of protests from the holy see, and French Catholics have combated them on many occasions. As the greatest of these, we must cite the eloquent discourse delivered by M. de Montalembert before the chamber of peers, April 16, 1844, and a charge of Mgr. de Bonald, archbishop of Lyons, Nov. 21, 1844, which was suppressed afterward by royal command, in consequence of being challenged as an abuse of power. The anonymous author of a remarkable pamphlet, entitled "Religious Liberty and Present Legislation," has criticised it severely from a liberal point of view. The organic articles found also zealous defenders, among whom Dupin showed himself the most ardent. He makes them the foundation of public ecclesiastical law in France, and claims that the state would renounce itself could it ever renounce them. M. Thiers defended them also. He maintained that this law was, for the French government, an internal act altogether, which concerned it alone, and on this account should not be submitted to the holy see. It is enough that they contain nothing contrary to the concordat to deprive the court of Rome of a reasonable ground of complaint. It is true that subsequently these articles became one of the grievances of the court of Rome against Napoleon, but they were rather a pretext than a veritable grievance. They had, moreover, been communicated to cardinal Caprara, who did not appear shocked on reading them, if we are to judge by what he communicated to his court. He made certain reservations and counseled the holy father "not to be troubled by them, hoping the articles would not be executed rigorously." There is much to be said on this judgment. It seems certain that the legate, Caprara, had knowledge of the organic articles, but that, beset by difficulties and annoyances of every kind, he opposed them only feebly. At Rome, however, the matter was estimated differently. In an allocution addressed to the sacred college on Ascension day, 1802, and published immediately after, Pius VII., while announcing that the concordat had just been promulgated, declared, at the same time, that the "joy he felt at the restoration of religion in France, was embittered by the organic laws which had been drawn up without his knowing anything of them, and, most important of all, without his having approved them." At the same time representations were made to the French government to modify the articles. A decree of Oct. 28, 1810, redressed some of the grievances of the church. Thus the prohibition to ordain an ecclesiastic under twenty-five years of age, or without property yielding at least an annual revenue of three hundred francs, was repealed, as well as the law providing that vicars general of vacant sees should occupy their places even after the death of the bishop, and until the appointment of their successors. As to the provisions which still remain, it is evident that many of them do not in any way violate the principles of the concordat, and that some of them provide for its execution; such are the articles relative to the boundaries of dioceses, and the salaries of the clergy; but this is not true of all. If we agree with M. Thiers, that the government alone had the right of itself to make every home regulation, not contrary to the concordat, Catholics and friends of religious liberty ask how one can reconcile article 1 of the concordat, "the apostolic Roman Catholic religion shall be practiced freely in France," with the organic articles, which require the bishops to obtain a government authorization if they wish to meet, at home, or with the rest of the church in council, and which forbade ordination in any case without the consent of the government—an arrangement which enables the state to force the church to self extinction, and which puts dogma itself in the hands of the state, because no bull, no letter, no rescript or decree, either of the pope or a general council, can be received or printed in France without the permission of the government, and because on certain points, it forced in the seminaries the teaching of the doctrine most acceptable to itself. The defenders of the law of Germinal answer, on the one hand, that this same article 1 accords to government the right of framing "such rules as it shall deem necessary to public tranquillity," and, on the other, that the provisions said to be oppressive are nothing more than "the ancient maxims, traditions and usages of the church of France."—They do not consider that the restriction of this article is not applied in the text, as in reason it can not be applied, except to the *publicity* of worship, and not to its *liberty*, which can not depend on police regulations. Therefore there is no ground of complaint against article 45, which prohibits religious ceremonies outside the church, in towns where there are temples, devoted to different kinds of worship. As to the traditions and maxims invoked, it can be shown that, if they are attributed to the church, they form part of an order of ideas and facts at present destroyed, and outside of which they have no reason to exist.—They are the veritable ruins of the ancient régime, without right of survival. However it be regarded, the law of Germinal, year X, embracing the concordat and the organic laws, is still in force in its entirety, in spite of the protestations of the church.—*Concordats with other countries than France.* We here confine ourselves to saying something of the principal

concordats concluded since the beginning of the century. There existed, before 1859, various concordats between the holy see and several states of the Italian peninsula, notably with the kingdom of Sardinia (at different times), with the kingdom of the Two Sicilies (Feb. 16, 1818), and the grand duchy of Tuscany (April 25, 1851). It is known how the unity of Italy was brought about, and what are the present relations of that kingdom with the holy see. In this violent and provisional state of affairs it is useless or impossible to give the facts of the different treaties, or the régime which has succeeded them, or that which the future reserves for the church in that country.—Spain was governed by a concordat passed March 16, 1851, according to which the Roman Catholic apostolic religion shall continue, to the exclusion of every other, to be the only religion of the Spanish nation, and is to be maintained, so far as his Catholic majesty has the power, "in all the rights and prerogatives which it should enjoy according to the law of God and canonical sanction." Education in all the colleges, universities, etc., must conform to the Catholic doctrine, and the bishops, "whose duty it is to watch over the education of youth in regard to morals and faith," shall meet no obstacle in the performance of that duty.—The bishops, and the clergy under them, shall enjoy the same rights in all else that regards their functions, especially in what concerns the sacred office of ordination. The government shall assure the respect due them, and lend its aid, "notably in preventing the publication, introduction or circulation of immoral and harmful books." That concordat changed the boundaries of dioceses, regulated the affairs of territories dependent on military orders, ecclesiastical jurisdiction, chapters, benefices. The right of presentation to certain of the latter was reserved to the pope; others were left to the queen. Religious orders of men or women, who to contemplation add some work of charity or public utility, as education, care of the sick, missions, etc., are retained or re-established. An income is guaranteed to the bishops, the priests, the churches, and the seminaries. The right of the church to own and acquire new property is recognized in its integrity. As to property of which it had been previously despoiled, whatever has not been alienated was to be restored; but whatever the state has taken may be sold, and the price invested in government bonds, for the benefit of the rightful owner. The holy see renounces its right to property already alienated. With regard to unforeseen points, the concordat refers to the canons and the discipline of the church. The execution of this concordat was suspended for a short time by the difficulties which sprang up between the holy see and the Spanish government in 1855; but this dispute was settled, and the concordat re-established. The revolution of 1868 intervened to suspend anew the execution of the Spanish concordat.—On Feb. 21, 1857, a concordat was signed with Portugal, on the question of the right to presentation to sees in China and the Indies. This was ratified April 15, 1859, by the Portuguese chambers. In virtue of this right the crown of Portugal has the privilege of presentation to the sees of Goa, Malacca and Macao.—Catholic, and even Protestant, Germany has a large number of these treaties. The Bavarian concordat is dated June 5, 1817; that of Prussia, July 16, 1821, those of the ancient ecclesiastical provinces of the Rhine, Aug 16, 1821, April 7, 1827; that of Hanover, March 26, 1824.—A concordat dated Aug. 18, 1855, had put an end to the difficulties which the policy of *Josephism* had caused between Austria and Rome. This document, and the complementary articles added to it, are too lengthy to find a place here. They may be found in the ecclesiastical annals which form a supplement to abbé Rohrbacher's "*Histoire de l'Eglise,*" (Paris, 1861, Gaume). The right therein mentioned of the priest and people "to communicate freely with the holy see in spiritual and ecclesiastical affairs," may be referred to. The right of the church to hold property is recognized. The emperor has the presentation to bishopries and benefices. On account of the modifications in Austria, in its form of government, it became a question to revise the concordat in agreement with the holy see; but, not being able to come to an agreement, the Austrian government freed itself, purely and simply, from the provisions of the concordat. The rules, however, regarding the nomination of ecclesiastics continued to be practiced. Wurtemburg concluded a concordat June 22, 1857, and the grand duchy of Baden, June 28, 1859; but this last, rejected by the Baden legislature, never came into force.—The government of the Netherlands concluded a concordat June 18, 1827. It was not put into execution. Then followed the revolution which separated Belgium from Holland. In 1841 king William II resumed negotiations with Gregory XVI., but the state of men's minds caused them to be postponed.—At length, in 1853, a papal bull established, with the acquiescence of the government, the Catholic hierarchy in Holland, although the tendency of Dutch legislation is to separate the state and church as much as possible.—It is known what persecution the Roman Catholic church has suffered in Poland since the conquest of that unfortunate country. Pope Gregory XVI. published, July 22, 1842, a statement detailing his efforts "to remedy the ills of the Catholic religion in Poland and Russia," a document which made a sensation in Europe. Some years later Russia signed a concordat which relieved some of the grievances of the holy see (Aug. 3, 1847). The other points were to be settled by a subsequent convention, but this treaty, once signed, was laid aside, and, during the life of the emperor Nicholas, was not even published. It was made public only in 1856, and then but partially. An account of this publication and the manner in which the concordat was carried out may be found in the work of the priest Louis

Lescoeur, *L'Eglise catholique en Pologne.* Swedish legislation has, up to the present, been too much opposed to liberty of conscience for the Catholic church to have its existence in that country guaranteed by a regular treaty. There is no concordat in England, but, thanks to the freedom that there reigns, the Catholic church is now able to raise its head, so long bent under the weight of proscriptive laws.—The republic of Costa Rica concluded a concordat Oct. 7, 1852. The bishops have the right of supervising education, and the publication of books relating to the dogmas of faith, to the discipline of the church, and the public purity of morals. The bishops, as well as the clergy and the people, may communicate freely with the holy see. Compensation is assured the church in lieu of the tithes which were abolished by authorization of the holy see. The government has the right of presentation to the church of St. Joseph, and the greater part of the dignities of the chapter. The charges of parish churches are granted, according to the prescriptions of the council of Trent, through the agency of public examination or competition. All civil suits of the clergy are within the jurisdiction of lay judges, as well as criminal cases. But for the latter, the quality of the culprit involves certain special measures. Thus, the bishop must be informed at once of the arrest of an ecclesiastic. The right of the church to possess property is recognized. No obstacle to the establishment of religious houses shall be raised. The holy see renounces the recovery of ecclesiastical property which has been sold.—This convention was the first of the series of concordats concluded with the American republics of Guatemala (1853), Hayti (1860), Honduras (1861), Ecuador, Venezuela, Nicaragua and San Salvador (1862).—BIBLIOGRAPHY. Fleury, *Histoire ecclésiastique;* De Pradt, *les Quatre Concordats*, 1817; Thiers, *Histoire du Consulat et de l'Empire;* Ed. Laboulaye, *Des Rapports mutuels, de l'Eglise catholique et de l'état, à l'occasion des attaques dirigées contre les articles organiques du concordat de* 1801 (*Revue de législation*, vol. xii., p. 449; 1845); Jules Simon, *La Liberté de conscience*, Paris, Hachette, 1857; *La Liberté religieuse et la Législation actuelle*, Paris, Dumineray, 1860; Dupin, *Manuel du droit ecclésiastique français*, Paris, Plon, 1860; *Conventiones de rebus ecclesiasticis inter sanctam sedem et civilem potestatem*, Moguntiæ, 1870; Prince Albert de Broglie, *La Souveraineté pontificale et la Liberté*, Paris, Douniol, 1862; Warnkönig, *Die staatsrechtliche Stellung der katholischen Kirche in den katholischen Ländern des deutschen Reichs*, Erlangen, 1855. See also the *Deutsches Staatswörterbuch*, of Bluntschli and Brater, Stuttgart and Leipsig, 1860, vol. v., also the *Staatslexicon* of Rotteck and Welker, vol. iii., Leipsig, Brockhaus, 1859.

GASTON DE BOURGE.

CONFEDERATE STATES, The (IN U. S. HISTORY), a government formed in 1861 by the seven states which first seceded. Belligerent rights were accorded to it by the leading naval powers, but it was never recognized as a government, notwithstanding the persevering efforts of its agents near the principal courts. This result was mainly due to the diplomacy of the federal secretary of state, Wm. H. Seward, to the proclamations of emancipation in 1862–3, which secured the sympathy of the best elements of Great Britain and France for the federal government, and to the obstinate persistence of the federal government in avoiding, so far as possible, any recognition of the existence, even *de facto*, of a confederate government. The federal generals in the field, in their communications with confederate officers, did not hesitate, upon occasion, even to give "president" Davis his official title, but no such embarrassing precedent was ever admitted by the civil government of the United States. It at first endeavored, until checked by active preparations for retaliation, to treat the crews of confederate privateers as pirates; it avoided any official communication with the confederate government, even when compelled to exchange prisoners, confining its negotiations to the confederate commissioners of exchange; and, by its persistent policy in this general direction, it succeeded, without any formal declaration, in impressing upon foreign governments the belief that any recognition of the confederate states as a separate people would be actively resented by the government of the United States as an act of excessive unfriendliness. (See SECESSION, EMANCIPATION PROCLAMATION, ALABAMA CLAIMS.)—The federal courts have steadily held the same ground, that "the confederate states was an unlawful assemblage, without corporate power;" and that, though the separate states were still in existence and were indestructible, their state governments, while they chose to act as part of the confederate states, did not exist, even *de facto*.—Early in January, 1861, while only South Carolina had actually seceded, though other southern states had called conventions to consider the question, the senators of the seven states farthest south practically assumed control of the whole movement, and their energy and unswerving singleness of purpose, aided by the telegraph, secured a rapidity of execution to which no other very extensive conspiracy of history can afford a parallel. The ordinance of secession was a negative instrument, purporting to withdraw the state from the Union and to deny the authority of the federal government over the people of the state; the cardinal object of the senatorial group was to hurry the formation of a new national government, as an organized political reality which would rally the outright secessionists, claim the allegiance of the doubtful mass, and coerce those who still remained recalcitrant. At the head of the senatorial group, and of its executive committee, was Jefferson Davis, senator from Mississippi, and naturally the first official step toward the formation of a new government came from the Mississippi legislature, where a committee reported, Jan. 19, 1861, resolutions in favor of a

congress of delegates from the seceding states to provide for a southern confederacy, and to establish a provisional government therefor. The other seceding states at once accepted the proposal, through their state conventions, which also appointed the delegates on the ground that the people had intrusted the state conventions with unlimited powers. The new government, therefore, began its existence without any popular representation, and with only such popular ratification as popular acquiescence gave. (See DECLARATION OF INDEPENDENCE.)—The provisional congress met, Feb. 4, at Montgomery, Ala., with delegates from South Carolina, Georgia, Alabama, Louisiana, Florida and Mississippi. The Texas delegates were not appointed until Feb. 14. Feb. 8, a provisional constitution was adopted, being the constitution of the United States, with some changes. Feb. 9, Jefferson Davis, of Mississippi, was unanimously chosen provisional president, and Alexander H. Stephens, of Georgia, provisional vice-president, each state having one vote, as in all other proceedings of this body. By acts of Feb. 9 and 12 the laws and revenue officers of the United States were continued in the confederate states until changed. Feb. 18, the president and vice-president were inaugurated. Feb. 20–26, executive departments and a confederate regular army were organized, and provision was made for borrowing money. March 11, the permanent constitution was adopted by congress. It generally follows the constitution of the United States (see CONSTITUTION), substituting "confederate states" for "United States," "confederacy" for "Union," and (in Art. VI.) 'provisional government" for "confederation." The other changes are as follows. (*Preamble*): "We, the people of the confederate states, each state acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity —invoking the favor and guidance of Almighty God—do ordain and establish this constitution for the confederate states of America." (ART. I.): In § 1, "delegated" is substituted for "granted." In § 2, ¶ 1, the words "be citizens of the confederate states, and" are added after the words "the electors in each state shall." In § 2, ¶ 3, "fifty thousand" is substituted for "thirty thousand"; "slaves" is substituted for "other persons"; and the following change is made in the conclusion: "the state of South Carolina shall be entitled to choose six, the state of Georgia ten, the state of Alabama nine, the state of Florida two, the state of Mississippi seven, the state of Louisiana six, and the state of Texas six." In § 2, ¶ 5, there is added: "except that any judicial or other federal officer, resident and acting solely within the limits of any state, may be impeached by a vote of two-thirds of both branches of the legislature thereof." In § 4, ¶ 1, the words "subject to the provisions of this constitution" are added after the word "thereof"; and there is substituted "times and places" for "place." In § 6, ¶ 1, the word "felony" is omitted. In § 6, ¶ 2, there is added: "But congress may, by law, grant to the principal officer in each of the executive departments a seat upon the floor of either house, with the privilege of discussing any measure appertaining to his department." In § 7, ¶ 2, there is added: "The president may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objections, to the house in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the president." In § 8, ¶ 1, there is inserted "for revenue necessary," before the words "to pay," and instead of the words "and general welfare of the United States; but" there is substituted the following: "and carry on the government of the confederate states; but no bounties shall be granted from the treasury, nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry." In § 8, ¶ 3, there is added: "but neither this, nor any other clause contained in the constitution, shall be construed to delegate the power to congress to appropriate money for any internal improvement intended to facilitate commerce; except for the purpose of furnishing lights, beacons, and buoys, and other aids to navigation upon the coasts, and the improvement of harbors, and the removing of obstructions in river navigation; in all which cases, such duties shall be laid on the navigation facilitated thereby, as may be necessary to pay the costs and expenses thereof." In § 8, ¶ 4, there is added: "but no law of congress shall discharge any debt contracted before the passage of the same." In § 8, ¶ 7, there is added: "but the expenses of the postoffice department, after the first day of March, in the year of our Lord eighteen hundred and sixty-three, shall be paid out of its own revenues." Instead of § 9, ¶ 1, there are substituted two paragraphs as follows: "1. The importation of negroes of the African race, from any foreign country, other than the slaveholding states and territories of the United States of America, is hereby forbidden, and congress is required to pass such laws as shall effectually prevent the same. 2. Congress shall also have power to prohibit the introduction of slaves from any state not a member of, or territory not belonging to this confederacy." ¶ 2 thus becomes ¶ 3, and ¶ 3 becomes ¶ 4, inserting in it "or law denying or impairing the right of property in negro slaves," after "*ex post facto* law." ¶ 4 becomes ¶ 5, and ¶ 5 becomes ¶ 6, adding thereto "except by a vote of two-thirds of both houses." ¶ 6 becomes ¶ 7, omitting the last sentence "nor shall vessels, etc." ¶ 7 becomes ¶ 8, and ¶ 8 becomes ¶ 11, two new paragraphs being inserted, as follows: "9. Congress shall appropriate no money from the treasury except by a vote of

two-thirds of both houses, taken by yeas and nays, unless it be asked and estimated for by some one of the heads of departments, and submitted to congress by the president; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the confederate states, the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the government, which it is hereby made the duty of congress to establish. 10. All bills appropriating money shall specify in federal currency the exact amount of each appropriation and the purposes for which it is made; and congress shall grant no extra compensation to any public contractor, officer, agent, or servant, after such contract shall have been made or such service rendered." Amendments I.–VIII. of the constitution are inserted as ¶¶ 12–19, and a new paragraph added, as follows: "20. Every law, or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title." In § 10, ¶ 1, the words "emit bills of credit," are omitted. In § 10, ¶ 3, there is inserted, after the word "tonnage": "except on sea-going vessels, for the improvement of its rivers and harbors navigated by the said vessels; but such duties shall not conflict with any treaties of the confederate states with foreign nations; and any surplus of revenue, thus derived, shall, after making such improvement, be paid into the common treasury"; and there is added, at the end of the paragraph, "But when any river divides or flows through two or more states, they may enter into compacts with each other to improve the navigation thereof." (ART. II.): In § 1, ¶ 1, instead of the second sentence, there is inserted: "He and the vice-president shall hold their offices for the term of six years; but the president shall not be re-eligible. The president and vice-president shall be elected as follows." Instead of ¶ 3 of § 1 are inserted, as ¶¶ 3, 4 and 5, the three paragraphs of amendment XII. of the constitution. ¶¶ 4–8 thus become ¶¶ 6–10, inserting in the new ¶ 7, at the beginning: "No person except a natural born citizen of the confederate states, or a citizen thereof at the time of the adoption of this constitution, or a citizen thereof born in the United States prior to the 20th December, 1860, shall be eligible," etc., and adding at the end: "as they may exist at the time of his election." Before ¶ 3 of § 2 is inserted a new paragraph, as follows: "3. The principal officer in each of the executive departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the president. All other civil officers of the executive department may be removed at any time by the president, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty; and when so removed, the removal shall be reported to the senate, together with the reasons therefor." ¶ 3 thus becomes ¶ 4, adding to it: "But no person rejected by the senate shall be re-appointed to the same office during their ensuing recess" (Art. III.): In § 1, ¶ 1, "supreme" is changed to "superior." The latter part of ¶ 1 of § 2 is changed to read as follows: "between a state and citizens of another state, where the state is plaintiff; between citizens claiming lands under grants of different states, and between a state or the citizens thereof, and foreign states, citizens, or subjects; but no state shall be sued by a citizen or subject of any foreign state." (ART. IV.): In § 2, ¶ 1, there is added: "and shall have the right of transit and sojourn in any state of this confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired." In § 2, ¶ 2, there is inserted "against the laws of such state," after "other crime." § 2. ¶ 3, is altered to read: "No slave or other person held to service or labor in any state or territory of the confederate states, under the laws thereof, escaping or unlawfully carried into another;" and the words "to whom such slave belongs; or" are inserted after "on claim of the party." In § 3, ¶ 1, instead of the first eleven words there is substituted: "Other states may be admitted into this confederacy by a vote of two-thirds of the whole house of representatives and two thirds of the senate, the senate voting by states." In § 3, ¶ 2, the last twenty-three words are omitted, and there is substituted: "concerning the property of the confederate states, including the lands thereof." A new paragraph is added, as follows: "3. The confederate states may acquire new territory; and congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the confederate states, lying without the limits of the several states, and may permit them, at such times and in such manner as it may by law provide, to form states to be admitted into the confederacy. In all such territory the institution of negro slavery, as it now exists in the confederate states, shall be recognized and protected by congress and by the territorial government; and the inhabitants of the several confederate states and territories shall have the right to take to such territory any slaves lawfully held by them in any of the states or territories of the confederate states." § 4 is altered to read: "to every state that now is or hereafter may become a member of this confederacy." ART. V. is altered to read as follows: "Upon the demand of any three states, legally assembled in their several conventions, the congress shall summon a convention of all the states, to take into consideration such amendments to this constitution as the said states shall concur in suggesting at the time when the said demand is made; and should any of the proposed amendments to the constitution be agreed on by the said convention—voting by states—and the same be ratified by the legislatures of two-thirds of the several states, or by conventions in two-thirds thereof—as the one or the other mode of ratification may be proposed by the general convention—they shall

thenceforward form a part of this constitution. But no state shall, without its consent, be deprived of its equal representation in the senate." (ART. VI.): For § 1, ¶ 1, a new paragraph is substituted, as follows: "1. The government established by this constitution is the successor of the provisional government of the confederate states of America, and all the laws passed by the latter shall continue in force until the same shall be repealed or modified; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished." ¶¶ 1–3 thus become ¶¶ 2–4, and amendments IX. and X. of the constitution are added as ¶¶ 5 and 6. (ART. VII.): In this article "five states" is substituted for "nine states," and the following is added: "When five states shall have ratified this constitution in the manner before specified, the congress, under the provisional constitution, shall prescribe the time for holding the election of president and vice-president, and for the meeting of the electoral college, and for counting the votes and inaugurating the president. They shall also prescribe the time for holding the first election of members of congress under this constitution, and the time for assembling the same. Until the assembling of such congress, the congress under the provisional constitution shall continue to exercise the legislative powers granted them; not extending beyond the time limited by the constitution of the provisional government."—This constitution was ratified in all the states by the still existing state conventions, not by popular action. An examination of the changes which it introduced will divide them into two general classes, executive, and political. Of the executive changes, intended to amend the administration of government, there are a number fairly open to discussion, some which have since been proposed for adoption by the United States, and some which have been already adopted by several state governments. The political changes were evidently not merely declarative, intended to guard against false constructions of the constitution of 1787, but were actively remedial, intended to revive the state sovereignty of the confederation by withdrawing complete control over commerce and internal improvements from the central government, and, further, to rest the foundations of the new government (to quote vice-president A. H. Stephens), not upon Jefferson's "fundamentally wrong" "assumption of the equality of races," but upon "the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and normal condition." The confederate constitution is, therefore, itself a public confession that southern democratic politicians were consciously in error from 1840 until 1860 in claiming the constitution as the palladium of slavery; that, under the constitution's fair construction, slavery was in truth protected by the states, not by the nation; and that "We, the people," of 1787, must be changed by violence, and not by construction, into "We, the states," of 1861.—The internal legislation of the provisional congress was, at first, mainly the adaptation of the civil service in the southern states to the uses of the new government. Wherever possible, judges, postmasters, and civil as well as military and naval officers, who had resigned from the service of the United States, were given an equal or higher rank in the confederate service. Postmasters were directed to make their final accounting to the United States, May 31, thereafter accounting to the confederate states. April 29, the provisional congress, which had adjourned March 16, re-assembled at Montgomery, having been convoked by president Davis in consequence of president Lincoln's preparations to enforce federal authority in the south. Davis' message announced that all the seceding states had ratified the permanent constitution; that Virginia, which had not yet seceded, had entered into alliance with the confederacy, and that other states were expected to follow the same plan. He concluded by declaring that "all we ask is to be let alone." May 6, an act was passed recognizing the existence of war with the United States. Congress adjourned May 22, re-convened at Richmond, Va., July 20, and adjourned Aug. 22 until Nov. 18. Its legislation had been mainly military and financial. Virginia, North Carolina, Tennessee and Arkansas had passed ordinances of secession, and been admitted to the confederacy. (See the states named, and SECESSION.) Although Missouri and Kentucky had not seceded, delegates from these states were admitted in December, 1861.—Nov. 6, 1861, at an election under the permanent constitution, Davis and Stephens were again chosen to their respective offices by unanimous electoral vote. Feb 18, 1862, the provisional congress (of one house) gave way to the permanent congress, and Davis and Stephens were inaugurated Feb. 22. The cabinet, with the successive secretaries of each department, was as follows, including both the provisional and permanent cabinets: *State Department*—Robert Toombs, Ga., Feb. 21, 1861; R. M. T. Hunter, Va, July 30, 1861; Judah P. Benjamin, La., Feb. 7, 1862. *Treasury Department*—Charles G. Memminger, S. C., Feb. 21, 1861, and March 22, 1862; James L. Trenholm, S C., June 13, 1864. *War Department*—L. Pope Walker, Miss., Feb. 21, 1861; Judah P. Benjamin, La., Nov. 10, 1861; James A. Seddon, Va., March 22, 1862; John C Breckinridge, Ky, Feb. 15, 1865. *Navy Department*—Stephen R. Mallory, Fla., March 4, 1861, and March 22, 1862 *Attorney General*—Judah P. Benjamin, La., Feb 21, 1861; Thomas H. Watts, Ala., Sept. 10, 1861, and March 22, 1862; George Davis, N. C., Nov. 10, 1863. *Postmaster General*—Henry J. Ellet, Miss., Feb. 21, 1861; John H. Reagan, Texas, March 6, 1861, and March 22, 1862.—As has already been said, the provisional congress held four sessions, as follows: 1, Feb. 4 – March 16, 1861; 2, April 29 – May 22, 1861; 3, July 20 – Aug. 22, 1861; and 4, Nov. 18, 1861 – Feb. 17, 1862. Under

the permanent constitution there were two congresses. The first congress held four sessions, as follows: 1, Feb. 18 - April 21, 1862; 2, Aug. 12 - Oct. 13, 1862; 3, Jan. 12 - May 8, 1863; and 4, Dec. 7, 1863 - Feb. 18, 1864. The second congress held two sessions, as follows: 1, May 2 - June 15, 1864, and 2, from Nov. 7, 1864, until the hasty and final adjournment, March 18, 1865. In the first congress members chosen by rump state conventions, or by regiments in the confederate service, sat for districts in Missouri and Kentucky, though these states had never seceded. There were thus thirteen states in all represented at the close of the first congress; but, as the area of the confederacy narrowed before the advance of the federal armies, the vacancies in the second congress became significantly more numerous. At its best estate the confederate senate numbered 26, and the house 106, as follows: Alabama, 9; Arkansas, 4; Florida, 2; Georgia, 10; Kentucky, 12; Louisiana, 6; Mississippi, 7; Missouri, 7; North Carolina, 10; South Carolina, 6; Tennessee, 11; Texas, 6; Virginia, 16. In both congresses Thomas S. Bocock, of Virginia, was speaker of the house.—The only noteworthy feature of the political history of the confederate states was the insignificance of the legislative. The original revolutionary, or provisional, government was not the result of popular initiative, but was directly due to the energy of a senatorial clique, actively assisted by a few leading men in each state The demoralizing influences of a great civil war, which even the solidest and most firmly based form of popular government can only imperfectly resist, were almost instantly fatal to the inchoate political character of the confederacy. The strongest and most self-assertive spirit of the senatorial clique, having been chosen president, at once began to quarrel with his associates, and to drive them from his counsels; there was no popular strength in the provisional congress to resist him; and even before the inauguration of the permanent government, the confederacy had become a military despotism of the executive. The sittings of congress were almost continuously secret, and its acts, generally prepared in advance by the executive, the cabinet having seats in congress, were made conformable to his known wishes, or were interpreted by him to suit his own pleasure. As the war became more desperate, and the most capable leaders went into the army, the *morale* of congress further decayed, and this process was increased by the presence of a cohort of members from states which had never seceded, or had since been conquered, who represented no constituencies and were to a great degree dependent on the executive for their political future. The business of congress thus grew to be mainly the registering of laws prepared by the executive, the passing of resolutions to continue the war to the end, the debate of resolutions to retaliate or to fight under the black flag, and the preparation of addresses to their constituents, whose earnestness of tone may be estimated from the following sentence in one of them: "Failure will compel us to drink the cup of humiliation even to the bitter dregs of having the history of our struggle written by New England historians."—Outside of the ordinary powers conferred by the legislative, the war powers openly or practically exercised by the executive were more sweeping and general than those assumed by president Lincoln. The confederate treasury was held subject to executive drafts to any extent, and without audit or account, the state governments were expected to act, and state judges to decide, in conformity with the president's wishes in small or great matters, under penalty of presidential displeasure and punishment; not only individuals, but whole communities (as in East Tennessee), were held liable to summary military execution by the mere warrant of the executive; and his dictatory meddlesomeness in the management of the army was so notorious and so uniformly unfortunate that Foote, of Tennessee, did not hesitate to declare, in the house, in December, 1863, that "the president never visited the army without doing it injury—never yet, that it has not been followed by disaster." The interferences of the committees on the conduct of the war in the federal congress often seemed unwarrantable or unfortunate; but they justly represented the feeling of a people bent not only upon fighting but on keeping to themselves the control of the fighting, a feeling of which there is not a trace in the brief legislative history of the confederate states. The rout of Bull Run, and the expected advance of the triumphant enemy upon Washington, only extorted from the federal congress the resolve to vote every dollar and every man which the president might find necessary in suppressing the rebellion; a similar state of affairs in Richmond, early in 1865, drew from the confederate congress an angry vote that Davis' incompetency was the cause of the disasters, and a substitution of Lee as commander-in-chief with unlimited powers. This final and spiteful exposure of its own nullity was the only known instance of entirely independent action or initiative in important matters by the permanent congress during its three years of existence. The government was merely a military despotism, very thinly clothed in the forms of law, in which parties and party politics could have no existence. (See SLAVERY, NULLIFICATION, STATE SOVEREIGNTY, ALLEGIANCE, SECESSION, DRAFTS, REBELLION, UNITED STATES.)—See Jefferson Davis' *Rise and Fall of the Confederate States;* A. H. Stephens' *War Between the States;* Pollard's *Life of Davis, First Year of the War,* and *Lost Cause;* Draper's *Civil War;* Greeley's *American Conflict;* Victor's *History of the Rebellion;* Moore's *Rebellion Record;* Appleton's *Annual Cyclopædia* (1861-5); von Borcke's *Memoirs of the Confederate War for Independence;* Hitchcock's *Chronological Record of the American Civil War;* Centz's *Davis and Lee;* Lunt's *Origin of the Late War;* Bartlett's *Bibliography of the Rebellion,* and other authorities

under REBELLION; authorities under articles above referred to. For confederate constitution in full see *Confederate Statutes at Large* (1864), 5; Appleton's *Annual Cyclopædia* (1861), 627; McPherson's *History of the Rebellion*, 98, (with an index comparative of the confederate constitution and that of the United States); also Foote's *War of the Rebellion;* J. H. Gilmer's *Southern Politics;* Dabney's *Defense of Virginia and the South;* Daniel's *"Richmond Examiner" During the War.* ALEXANDER JOHNSTON.

CONFEDERATION. If this word be taken in its broadest sense, every association of peoples or of states formed in virtue of a treaty (*cum fœdere*) is a *confederation.* As among private persons, the nature, the object, the form and the duration of associations agreed upon are susceptible of being varied to infinity, so among nations; there is no form which international engagements resulting from treaties may not take. Alliances, leagues, coalitions, and political, religious, commercial or customs unions, are simply various kinds of confederations. Some of these are permanent, others temporary; some include many peoples at the same time, others comprise but a small number of states; there are even some limited to a single people, as when the confederation concerns the internal relations of the different provinces which together form one state, as regards foreign powers.—Before examining these distinctions we shall say a few words on the general principle which governs them. The mutual independence of nations is without doubt the fundamental basis of international law, but it would be a great mistake to suppose that this independence could have the effect of placing one nation or another in a sort of absolute isolation. Nations, as well as individuals, are made to live in society, and, so to speak, in the family. If they come in contact by their boundaries, they are still more closely drawn together by a thousand interests, by a thousand common wants, which put them, however independent they may be, in a kind of necessary and natural dependence upon each other. A theory of nationality which would suppress these mutual relations, would be not less contrary to nature than a theory of individual liberty which would suppress family or civic ties. Far from destroying, civilization increases and develops international bonds, but at the same time it regulates and harmonizes them; it evolves out of them that beautiful order which produces at home the harmony of liberty and authority, and abroad, union of force with pacific and moderate tendencies. From this point of view, the different modes of confederation concern at once public law and the law of nations. It is for the former to say how many states have gradually arisen from the successive aggregations of confederate provinces to show what were the advantages of these associations of many directing toward a single point elements of various kinds, without coming to a social revolution obliterating differences by a temporary or permanent fusion. If there is, in the unity of government in a vast empire, a force of more dominating influence in peace, and a vigor of enterprise more irresistible in war, the federal form is perhaps better adapted to preserve without display, liberty at home and peace abroad.—Among the various forms of confederation the Germans draw a sharp distinction between a federal state (*bundesstaat*) and a confederation of states (*staatenbund*). The former constitutes, like the United States or Switzerland, an absolute unity in relation to foreign states; the second preserves to its members, as did the Germanic confederation, a certain amount of independence and the essential attributes of sovereignty. But these are not the only forms which history has recorded —*History.* If we limit ourselves to the examples of antiquity, it would appear that this form was especially adapted to the government of small peoples, among whom the individual power of confederate cities was not capable of the sustained effort of violent struggles, and sought rather an equilibrium through a balance of social powers. The history of ancient Greece offers, in brief, examples of most of the combinations possible in *federal government.* A delegation of all or a part of political power to assemblies whose members represent each fraction of the confederate state, is of the essence of this form of government; and by this very fact it was destined to lead to that other form of government called, in our modern times, *representative, constitutional* or *parliamentary;* but, in the representative governments of modern times, the different assemblies often represent, either distinct categories of national interests, or different strata of the same people. This is a more advanced and scientific form than that of those assemblies, those diets, those federal congresses, in which each member represented only a territorial fraction of the country.—We have said that it was in the nature of federal governments to be organized for resistance rather than for attack, for peace rather than for war, or at least more for defensive war than for war of conquest. The history of ancient as well as modern times teaches this. It was by heroic resistance to the aggressions of the Persian kings, that confederated Greece began to win a name in the world; but when these cities, whose union had been their strength, were arrayed against each other, they wasted in a hundred battles, without decisive result and almost without glory, their genius, their blood and their treasure. Macedonia became conqueror, in turn, only after having subjected Greece itself to the sceptre of Philip, and then of Alexander. It was by confederating to shake off this domestic yoke that what was left of ancient Greece, under the name of the Achæan league, found some little energy afterward to resist the Romans, and not to succumb without glory. This leads us to define more closely the difference between confederations which belong

to public law and those which belong to the laws of nations. There is no policy in the world which invoked treaty rights oftener, and made more frequent mention of confederations and alliances, than the Roman policy, even in the very midst of its wars of invasion and conquest. Can we, nevertheless, say that this policy, even in a nominal sense, ever admitted the principle of reciprocal independence and equality, on which the confederations recognized by international law are founded? Doubtless not; for, instead of this equality, they laid down as a principle the supreme authority of the Roman senate, to finally decide on the fate of kings and peoples. The different kinds of confederations or of alliances which it distinguished with scientific minuteness and subtlety, were merely the successive stages through which foreign nations had to pass in order to reach gradual absorption into the great Roman nationality. The alliance proposed to them under pompous names was merely an invitation to slavery.—We must go back to ancient times, to the establishment of the Amphictyonic council, to discover the earliest origin of those diets to which the sovereign states sent their representative deputies to come to an understanding as to certain common interests, such, for example, as respect to be shown sacred things, and the settlement of quarrels between different tribes. From the point of view of international law, as well as that of moral philosophy, we certainly find in Greece more facts which seem to approach the civilization of modern times than in any other country. But to the Christian era belongs the honor of having developed, and, so to speak, fixed, this great principle of the union of nations, under the influence of mutual sympathy, acquired above all from a community of morals and religious beliefs, and capable of producing a political equilibrium between states. The advent of this new law is connected with the great religious movement of the crusades; and it is a remarkable fact that this first confederation of Christian peoples took place without preliminary agreement and without a treaty. The same feeling of faith, the common danger with which the encroachments of Islamism threatened Christianity, sufficed to unite so many different peoples under the banner of the cross, which was the banner of civilization and liberty. The crusades might resemble aggression, but they were in reality only resistance; for it was to prevent the invasion of Europe that they carried the war to the shores of Asia or Africa; and the recapture of the holy places was, in the eyes of Catholics, no more than a getting back of their legitimate territory. The councils, in which bishops representing the states of the whole Catholic world sat with an equal title, inaugurated the régime of collective deliberation which followed the reign of military force. This equilibrium and concert could, in the period we mention, be found only in religious society; for, in the political order, feudalism developed everywhere the opposite principle, that of antagonism and war.—The *feudal régime* constituted, it is true, a species of confederation, but one founded on a hierarchy of vassalage, that is to say, of subordination and dependence, and not on the principle of parity or equality of rank and power. And still, as at each degree of this hierarchy there existed a legitimate share of rights which, by its expansive force, tended to increase its authority and assure its independence; as there was, also, at the summit of every feudal system a suzerainty which tended to reduce, under its absolute authority, all its vassals, by decreasing or suppressing their respective rights—there resulted from these conflicts of rights certain transactions which, in time, created in Germany a political confederation, in which parts unequal in territory and in power co-operated in a federal diet for the direction of certain affairs of common interest.—The *Helvetic confederation* is one which, on a territory as narrow as that of the ancient republics of Greece, seems to reproduce best a certain image of them, by the glorious conquest of its independence; by the hereditary bravery of its troops; by its political attitude, ordinarily calm and dignified, though sometimes agitated by the ardor of democratic passions; finally, by that delegation of a part of the central authority to a diet, long since removed from Lucerne to Berne and Zurich, as the Amphictyonic council was transferred from the temple of Delphi to the little village of Anthela. (See SWITZERLAND.) —Like Switzerland, the *United Provinces of the Netherlands* have shown the power of a system of confederated states, either in establishing its own independence, or in defending it against concerted and violent attacks. Each province in the Netherlands was seen to constitute a state, with its own administration and government, although, in their relations with foreign nations, the states general of the United Provinces were considered as a single power, enjoying sovereign honors; and this separation of individual states, united only by the bonds of political confederation, continued even when the union had given itself a hereditary chief under the name of stadtholder. —The *Hanseatic league* resembled a commercial association rather than a political confederation, and still it has played a part in history to be compared with that of a power of the first order. In this regard this power had some resemblance to that great *English East India Company*, which we have seen even in our days, organized as a state, accomplishing great deeds in peace and war, and conquering for England one of the vastest empires of the world. But the East India company was only a national institution holding its privileges from the crown of England, under the form of a government, which, having created this powerful organization, finally absorbed it in the state itself. The Hanseatic league, on the contrary, at a time when the governments of Europe were not sufficiently well organized for the defense of private interests,

presented a strange assemblage of cities, only a few of which belonged to themselves, and the greater number of which formed portions of various states. These cities, united by an agreement based on a similarity of interests, had derived their rights, real or alleged, not from their own governments, but from their own initiative. These rights, which in the beginning had been only those of mutual assurance, or petition to obtain from foreign governments guarantees of protection or privileges of commerce, were extended so far as to make war on states which refused to submit to their commercial exactions; but the ties which united the heterogeneous parts of so complex a whole, were loosened under the pressure of interests contrary to those which had created them; and this great artificial body dissolved of itself, according as the governments with which the various groups of Hanseatic towns were connected acquired more force, and obliged them to return, as subjects, to the duties of dependents. Three self-governing cities (Hamburg, Bremen, Lubeck) alone preserved the name of this great federal league, without retaining any of its power.—Although at the same period the maritime cities of Italy appeared to present the spectacle of diminutive states divided from each other by rivalries and hatreds, there was, nevertheless, a common tendency which caused the greater number of these cities to understand the necessity of uniting against the ambitious enterprises of the emperors. The sentiment of national independence gave birth then to the party of the Guelphs, "who," says Ancillon, "beheld with pleasure the spiritual power of the pope checking the progress of the temporal power of the emperor."—We have seen that in antiquity the federal form seemed better adapted to small republics than to great states; but, in modern times, the history of America furnishes a proof of the vast proportions which a federal government may take, especially if it is formed of successive additions of new colonies, which, in proportion as they are born to political life, have only to attach themselves to a ready-made government, whose framework seems fitted to receive them, with their most marked inequalities. The same example is sufficient to make us appreciate the distance which separates a federal but unitary state from a confederation of distinct states. This distance may appear small in terminology, since the same word, that of state, designates the collective or central state and the particular states of which the body politic is composed; but, no matter how much that portion of the powers retained in common is weakened by the subtraction of that part reserved to each of the states united under a federal government, the very violence of the civil war of which America was the theatre during four years shows what power the federal bonds possess, since they supported, without breaking, the tension of a struggle the greatest and most envenomed ever seen in the new world, and because, in issuing from this terrible crisis, resources which had served to maintain so many armies could be employed for the active reparation, during peace, of the ruins and disasters of the war.—Former Spanish America, like English America, has had its examples of confederate states, either to shake off the yoke of the mother country, or to work at organizing themselves into regular governments under various republican forms, recognizing the common authority of a congress, a president, or a dictator The most celebrated were the confederation of *Central America* and that of the *United Provinces of Rio de la Plata*. But these aggregations of provinces, already many times modified in their composition and their elements, have more resemblance to a transitory than a definite form of government. We can not find in them either the cohesion, the force, or the permanency, of the United States of North America.—*General Considerations*. Above these special confederations, destined to uphold in the bosom of a composite state, what George de Martens calls individual equilibrium (*équilibre particulier*), should there not be, among civilized nations of the modern world, other confederate ties contributing to maintain the general equilibrium of peoples? It is in Christian Europe that, for the first time since the establishment of human society, we find realized on a large scale a system of states connected together, not by bonds of dependence or of subordination, but by their independence itself, their sympathies, tendencies and common interests, and, above all, by a conformity of religious beliefs and moral doctrines borrowed from the same divine source, the gospel. This union has been called the European system, political balance, etc. Ancillon would have liked to call it a system of counter-forces. The name of Christian confederation, which George de Martens gives it, would seem more appropriate; for evidently this system tends already to pass beyond the boundaries of Europe, since great Christian and independent states have been formed in the other hemisphere. Will there not be later only one equilibrium, only a single system? or will there be formed beyond the Atlantic an American equilibrium, as there has existed a European equilibrium since the sixteenth century? Without entering on the discussion of these questions of the future, let us say, that, in this great European system, based on an equality of rights, there is still, by the force of things, an inequality of position, of power and of influence. The title of *great power*, which at first was but the enunciation of a fact, has become almost a hierarchic degree at the summit of the Christian confederation. The admission of a new power into this sacred number, which for half a century seemed to constitute a sort of European pentarchy, has been spoken of and treated as a privilege. The secondary powers have doubtless, in principle, the same right to have their independence respected, but, in practice, this right has succumbed more than once before the ambition of great

states. The partition of Poland is one of the saddest examples of this. However it be, this system, resting on mutual independence, may be accidentally disturbed by war. Further, the greater part of European wars have as pretext or object the re-establishment of the system whenever the ambition of a single people threatens to destroy it in the interest of that people. The formation of leagues of attack or defense enters, then, as an indispensable element, into such a system, and the composition of these leagues should be modified according to the nature of the danger to be warded off.—If it is merely a question of resisting the ambitious projects of a power desiring disproportionate increase through conquest, the confederation of other powers menaced by these projects would assume, above all, the character of a political struggle. Thus, the first European league to which is referred the origin of a system of forces balanced by war in case of need, is that which was formed against France when Charles VIII. attempted the conquest of Italy (1495); as the object of the last coalition was to repress the encroachments of Russia on the Bosphorus (Anglo-French war, terminated by the treaty of 1856). In the interval, which comprises more than three centuries and a half, how often have the states of Europe entered into successive coalitions in groups variously composed, either to reduce the power of Venice (league of Cambrai, 1508), or to oppose the conquering enterprises of Louis XIV. (triple alliance of 1663; league of Augsburg, 1686), or to prevent Charles XII. from invading the European continent for the benefit of Sweden (great alliance of the north, 1697), or to combat the military preponderance of France under the first empire (European coalitions of 1806, 1807, 1809).—Again, to the political interests in restoring the material equilibrium of states, has been added the moral interest of maintaining or giving preponderance to the principle of justice or liberty. It was thus, in the name of religious liberty, that the league of Smalkalde (1530) was formed against Charles V., and that up to the nineteenth century those bloody struggles were renewed or continued, the political result of which was to weaken the power of the house of Austria, and to create a counterpoise to it in the rivalry of Protestant Prussia.—It was in the name of liberty of the seas that the neutral powers agreed at different times to resist the maritime preponderance of England (league of armed neutrality of 1780 and of 1800).—On the contrary, it was in the name of monarchic interests that the sovereigns of Europe made a coalition, in 1791, against the French revolution (coalition of Pilnitz); and, later, they adorned with the name of holy alliance (1815) that remodeling of Europe in which the victorious monarchs did not take sufficient account of the power of these principles which had excited so many wars and which must grow still stronger in times of peace. (See CONGRESS; ALLIANCE, THE HOLY).—By the side of the armed leagues which, for the purpose of restoring the compromised equilibrium, often subjected it to new perils, there are others altogether pacific in their organization and in their object, these are commercial unions, or customs unions. The *Zollverein* is a remarkable instance of these in our day. It has shown what may be expected from the development of internal industry and commerce, in drawing neighboring states together, giving victory to uniformity of interests over rivalries of every kind, and, through certain lines of custom houses, suppressing many causes of conflict and war Instead of banding together to increase their territory by means of conquest, we could wish that states might associate to develop, through the power of national industry, their internal resources! Everything is benefit and profit in these conquests of peace, while those of war exhaust the finances of the state as well as the blood of the people. (See ALLIANCE, THE HOLY.) E. CAUCHY.

CONFEDERATION, Articles of, (IN U. S. HISTORY). Nov. 15, 1777, the continental congress adopted *Articles of Confederation and Perpetual Union* between the thirteen colonies which had united in the declaration of independence. These were as follows, the more important being given in full. ART. I. "The style of this confederacy shall be 'The United States of America.'" ART. II. "Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the united states in congress assembled." ART. III. "The said states hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever." ART. IV. secured to the free inhabitants of each state the privileges and immunities of free citizens in the several states, and provided for the mutual extradition of fugitives from justice. ART. V. related to the organization of congress. It was to consist of one house, whose members were to be appointed annually by the state legislature, and were to be liable to recall by the legislature at any time. Each state was to have not less than two or more than seven delegates, paid by the states, but each state was to have but one vote. ART. VI. prohibited the states from alliances or treaties with any foreign state, or with any one of the United States without consent of congress; from granting titles of nobility; from laying imposts or duties which should interfere with treaties *already* proposed to France or Spain; from keeping vessels of war or soldiers, excepting militia; and from engaging in war unless declared by congress, or unless imminent danger should arise. ART. VII. allowed the states to name the army

officers except those of the rank of general. ART. VIII. directed congress to make requisitions upon the states for their respective quotas of the money necessary for national expenses, and ordered the state legislatures to levy the taxes necessary, "within the time agreed upon by the united states in congress assembled." ART. IX. gave congress the right to make peace and war, treaties and alliances, and prize rules, to grant letters of marque and reprisal, and to constitute admiralty courts; but no treaty was to restrain the state legislatures from laying prohibitory duties, or such duties as should be binding upon their own citizens. It made congress a court for the trial of territorial disputes between the states. It gave congress power to regulate the value of coin and the standard of weights and measures; to manage Indian affairs subject to the legislative rights of the states; to control the postal service, and direct land and naval forces and their operations; to borrow money; to make requisitions upon the states for their quotas of men and money; and to appoint a "committee of the states," consisting of one delegate from each state, and any other executive committees or officers as might seem necessary. But the more important powers, such as making war, peace, treaties, or requisitions, borrowing, coining or appropriating money, forming an army or navy, or appointing a commander-in-chief, were not to be exercised without the affirmative vote of nine states; nor should any other power, except that of adjournment from day to day, be exercised without the affirmative vote of seven states. ART. X. authorized the "committee of the states," nine of their number being present, to act for congress in its recess, except in the more important points above mentioned. ART. XI. authorized Canada to join the confederacy; but no other colony was to be admitted without the vote of nine states. ART. XII. "solemnly pledged" the public faith of the states for the payment of the money borrowed or appropriated by congress. ART. XIII. "Every state shall abide by the determinations of the united states in congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterward confirmed by the legislatures of every state."—These articles were ratified, upon the order of the state legislatures, by their delegates in congress, who "solemnly plighted and engaged the faith of their respective constituents" that the articles should be obeyed both by the state governments and by their people, and went into operation March 2, 1781. (See CONGRESS, CONTINENTAL.)—The relative viciousness of the articles above given is difficult to determine. Perhaps the palm in this respect should be awarded to the theory of article II., exemplified in practice by article IX. By article II. the new government was made in every sense a league, formed by state legislatures, ratified by state legislatures, and checked, controlled and dominated by state legislatures. Whence the legislatures derived their authority to form, *proprio vigore*, any such general league can not be known, for the question was never mooted at the time. They had never enjoyed any such authority under the British constitution, for there (see STATE SOVEREIGNTY) the treaty power was a royal prerogative, and not in the legislature at all. But the root principle asserted and maintained in the revolution was "the right of the *people* to alter or abolish" their governments, and to assume the royal prerogatives. It was the part of the people, then, and not of the state legislatures, to establish the new government, and, had the people framed these articles, the act, however unwise, would have been perfectly legal. But the seizing of the royal prerogative, in the confusion of war, by the state legislatures, was evidently usurpation, extra-legislative, and to be palliated only on the assumption that popular acquiescence gave popular consent. (See CONGRESS, CONTINENTAL.) The whole system must therefore be considered, in our political history, as a period of interregnum, covering the time between the downfall of royal authority under the British constitution in 1776–80, and the final establishment of the popular will in its place in 1789 under the American constitution.—Of the practical application of the general theory to the other articles it is difficult to speak temperately. Congress had no power to prevent or punish offenses against its own laws, or even to perform efficiently the duties enjoined upon it. It alone could declare war, but it had no power to compel the enlistment, arming or support of an army. It alone could ascertain the needed amount of revenue, but the taxes to fill the requisitions could only be collected by the state legislatures at their own pleasure. It alone could borrow money, but it had no power to repay. It alone could decide territorial disputes between the states, but it had no power to compel either disputant to respect or obey its decisions. It alone could make treaties with foreign nations, but it had no power to prevent individual state legislatures or private citizens from violating them at pleasure. Even commerce, foreign and domestic, was to be regulated entirely by the state legislatures. The complete nullity of congress was further assured by the provision which required the vote of nine states to pass important measures, for, the absence of a state delegation being as effectual as a negative vote upon matters affecting the interests of a state, the state legislatures, in order to avoid the expense of maintaining delegates, might safely take refuge in neglect to choose members of congress. The only guarantee for the observance of the articles was the naked *promise* of the states, and this was almost immediately found to be utterly worthless. The two essential requisites were supplied by the con-

stitution, which, first, provided that the supreme law of the land, above and beyond state laws or constitutions, should flow from it, and, second, created a system of United States courts, extending throughout the Union and empowered to define the boundaries of federal authority and to enforce its decisions by federal power. (See JUDICIARY.) The United States thus lost its factitious character of a league, and took on that of a national government based on popular will. The period of gestation, beginning in 1776 with the theoretical assertion of popular will as the basis of government, ended 12 years afterward with the birth of the constitution.—The short and inglorious history of the confederacy, covering a period of less than eight years in all, is a dismal record of requisitions by congress for money, of neglect or refusal of payment by the states, of consequent default in the payment of the principal and interest of the federal debt, of treaties violated with impunity by state legislatures, private citizens, and foreign nations (see JAY'S TREATY), and of foreign aggressions on American commerce, intestine disorders in the states, and Indian depredations on the western frontier, against which the impotent congress could give no protection. The public debt amounted, Jan. 1, 1783, to $42,000,375, the annual interest charge being $2,415,956. Seven years afterward, by Hamilton's report, it had increased, through fresh loans, lapsed principal and unpaid interest, to $54,124,463. In October and November, 1781, congress made requisitions for $8,000,000; in January, 1783, $500,000 had been collected. During the next four years, 1782–6, congress made requisitions for $6,000,000 to pay the interest on the public debt, and received $1,000,000. In 1787 the first installment of the principal of the foreign debt was to fall due, and as a preparation for this new demand the state legislatures of New Jersey and Rhode Island, in 1786, made their own paper currency legal tender for federal requisitions. Congress was justified in the declaration, in 1786, that any further reliance upon "requisitions" would be no less dishonorable to the understandings of those who entertained such confidence than dangerous to the welfare and peace of the Union.—The needful remedy, the grant of a permanent federal revenue, was very apparent. Feb. 3, 1781, before the final ratification of the articles, congress appealed to the states to give congress power to levy an *ad valorem* duty of 5 per cent. to pay the interest and principal of the debt. Rhode Island refused, and Virginia, at first consenting, afterward withdrew her consent. The second of Rhode Island's three objections, that the plan "proposed to introduce into that and the other states officers unknown and unaccountable to them, and so was against the constitution of the state," marks with singular clearness the utter lack at the time of even the conception of a real national government. March 15, 1783, after mentioning the "delay and repugnance" of the states in paying the public debt, the French minister informed the federal superintendent of finance that "without a speedy establishment of solid general revenue, and an exact performance of the engagements which congress has made, you must renounce the expectation of loans in Europe." April 18, 1783, congress again appealed to the state legislatures, this time for a grant of power to congress to levy duties for only 25 years, through officers appointed by the states but accountable to congress; and also for the establishment by the states of special taxes for the payment of $15,000,000 annually of the debt already due. The latter request proved so unpopular that it was very soon abandoned, and every effort was made to gain the necessary consent of *all* the states to the former. In 1786 New York, all the other states having consented, accepted the plan, but reserved the power of levying and collecting the duties, and appointing and removing the officers. Such an acceptance was of course a refusal, and New York's veto seemed for the moment to destroy all hope of the continuance of the Union. Congress, which was then in session in New York, twice appealed to the governor to re-convene the legislature, and the governor twice refused, on the ground that he had no right to do so except on "extraordinary occasions." It had become evident that some power stronger than the persuasions of congress was needed to wrest from the reluctant legislatures the control over the revenues and commerce of the country.—That the unpaid, half-fed and half-clothed continental soldiers should have disbanded at the close of the war without any attempt to obtain their dues after the manner of the Spanish regiments in the Netherlands, by forcible levy upon a portion of the country, is attributable rather to their own patriotism, and to the commanding influence of Washington and his lieutenants, than to the gratitude of the people or the fair dealing of the states. In 1778–9 provision had been made for half pay for the officers of the army; the soldiers had not even been paid since 1777, when their arrearages had been settled in continental money, the dollar being "worth about four pence." After the adoption of the articles in 1781, when the vote of nine states became necessary for appropriations, all prospect of liberality, or even of common honesty, toward the army disappeared. March 10, 1783, while the army was encamped at Newburgh, an anonymous address called a meeting of the officers, rehearsed their grievances, and advised, in case of further refusal of justice by congress, that "courting the auspices and inviting the direction of your illustrious leader, you should retire to some unsettled country, smile in your turn, and mock when their fear cometh on." Washington, by personal influence and entreaty, averted the danger, but his urgent representations induced congress, March 22, to make the army creditors of the United States to the amount of $5,000,000. With this act of doubtful liberality the army was perforce

content, and was disbanded with no further token of gratitude from the states whose independence it had won. Most of the states disapproved of the prodigality of congress, and the Massachusetts legislature solemnly protested against it as tending to "raise and exalt some citizens in wealth and grandeur to the injury and oppression of others." (For the retention by Great Britain of military posts in the west, see JAY'S TREATY; for the loss of the navigation of the Mississippi, see ANNEXATIONS, I.)—In April, 1783, before the formal conclusion of peace, but after the actual close of the war, the British parliament intrusted the regulation of commerce between the United States and Great Britain to the king in council. The council's design was to disregard congress, treat the several states as independent republics, and conclude consular conventions with each on England's own terms. In July, by orders in council, all American commerce was excluded from the West Indies, and, in trading with Great Britain, American ships were to carry only the produce of their respective states. April 30, 1784, congress asked the state legislatures to grant to congress power for 15 years to prohibit the entrance into the United States of vessels belonging to a foreign nation not having a commercial treaty with the United States. This grant was also refused, except on conditions, by ten states, and entirely refused by three. Apparently the states preferred to be subject to Great Britain rather than be subject to their own creature, the "fœderal" congress.—SHAYS' REBELLION. The close of the war found the people of Massachusetts with no money and little property, manufactures, fisheries or commerce, and distressed not only by state taxes but by suits for long dormant debts. During the autumn of 1786 tumultuous gatherings of people in western Massachusetts, roused by "the extortions of the lawyers," surrounded the court houses and stopped the operations of the courts. Congress, under the subterfuge of levying 1,300 men in New England to take part in a mythical Indian war, made a feeble attempt in October to sustain the state government; but, before the levy was made, governor James Bowdoin had borrowed money in Boston and sent a militia force under general Lincoln against the insurgents, who were now mustered into an army of about 2,000 men under Daniel Shays, lately a captain in the continental army. In February, 1787, Lincoln succeeded in scattering Shays' force, and driving the leaders into New Hampshire. No extra-political event had so strong an influence in compelling the formation and adoption of the constitution as this rebellion, for it showed that the state legislatures severally could not enforce that public order the care of which they had refused to intrust to the central government. (See INSURRECTION, DOMESTIC.)—A full congress would have consisted of 91 delegates. In practice the presence of 30 was an unusual event, and these were not the first rate men of the country. With some exceptions the state governments were most attractive to the able and ambitious. In June, 1783 (see CAPITAL, NATIONAL), Congress was driven from Philadelphia by a handful of dissatisfied and insubordinate militiamen. Dec. 23, 1783, by resolution congress informed the states that less than 20 delegates, representing seven states, had been present since Nov. 3, and that at least two more states must be represented to ratify the treaty of peace. The treaty was at last ratified Jan. 14, 1784, 23 delegates, representing nine states, being present. During the summer of 1787, while the convention which was to change the form of government was in session, (see CONVENTION OF 1787), congress passed the ordinance of 1787, which secured freedom to a large part of the country and furnished a model for the organization of future territories. July 14, 1788, congress announced the ratification of the constitution by nine states, and made arrangements for the day and place of its formal inauguration, at New York, March 4, 1789. After Jan. 1, 1789, congress was kept in formal existence by the presence of one or two delegates who adjourned from day to day. March 2, it flickered and went out without any public notice. During its existence as a continental and a confederate congress the American people had suffered distress great in comparison with the periods before 1775 or after 1789, but it had at least maintained the union of the states and prepared the way for a union more intimate than would have been practicable in 1776. The hand could not have been altogether nerveless which caught the sceptre as it dropped from the hands of the king, and transferred it in safety to a government of the people. (See UNITED STATES, REVOLUTION, DECLARATION OF INDEPENDENCE, CONTINENTAL CONGRESS, STATE SOVEREIGNTY, CONVENTION OF 1787.)—See 3, 4 *Public Journals*, and 1 *Secret Journals of Congress* (Confederacy), 10 Bancroft's *United States;* 3 Hildreth's *United States;* 2 Pitkin's *United States;* 2 Hamilton's *United States;* H. Sherman's *Governmental History;* Story's *Commentaries*, § 218; 1 von Holst's *United States*, 27; Blunt's *Formation of the Confederacy;* Frothingham's *Rise of the Republic;* Prince's *Articles of Confederation;* 1 Curtis' *History of the Constitution*, 124; 2 Rives' *Life of Madison;* 2 Marshall's *Life of Washington*, 108, 6 John Adams' *Works* (*Discourse on the Constitution*); Sheffield's *Observations on American Commerce; Addresses and Recommendations of Congress* (containing the *Newburgh Addresses*); 8 Washington's *Writings*, 396; 1 Sparks' *Life of Morris*, 253; 2 Hamilton's *Life of Hamilton*, 185, Minot's *History of Shays' Insurrection*, and other authorities under MASSACHUSETTS; authorities under REVOLUTION and CONTINENTAL CONGRESS. The text of the articles, with proceedings thereon, is in 1 *Stat. at Large* (Bioren and Duane's edition), 10–20; in 2 *Public Journals of Congress* (Confederacy); in 4 Elliot's *Debates;* and in Hickey's *Constitution*, 129, 483.

ALEXANDER JOHNSTON

CONFEDERATION, GERMANIC. (See GERMAN EMPIRE.)

CONFERENCE. It is difficult to give a complete definition of this term, since it is not always applied to the same thing. In general, conferences are understood to be diplomatic deliberations, either between members of a congress or between the ministers of several powers accredited to the same court. Conferences differ in their jurisdiction according as they have the power of deciding questions, or have merely a consulting voice. It is in the first case only that they can receive the name of congress. It would be difficult, however, to make a clear distinction between a congress and a conference; for a congress has been often made simply a succession of conferences, having no positive result, and conferences have frequently assumed the character of congresses. For example if the congress of Münster had not resulted in the peace of 1648, it would have received merely the generic term of conference given to congresses which fail of their object. Historical examples justify the different meanings which we have noted. Among celebrated conferences is that of Moerdyk in 1709, and of Gertruydenberg in 1710, which preceded the treaties of Utrecht, and, later, those of Vienna in 1855, intended to prevent the Crimean war. In these meetings, held while war was raging, cabinets strove to establish a basis of future peace. But this kind of conference always succeeds with difficulty, for the resolutions of plenipotentiaries are necessarily influenced by news from the theatre of war. Nevertheless, it is necessary most frequently to commence thus in a more or less ostensible way, unless military success takes from events their doubtful character. The treaties of 1648, 1713, 1763, and others, were preceded by negotiations carried on during the course of hostilities. Negotiations are less complicated when the conference, having reference to a special question, takes place in time of peace. In our own century conferences of this nature have been most frequent, owing to the improvement in diplomatic relations, and, above all, to the custom of submitting to the arbitration of the great powers difficulties pending between states of second rank. When a case of this kind presents itself, and the chief cabinets of Europe believe their moral intervention to be necessary, or when their arbitration is requested by the parties interested, it is agreed that the ministers of the great powers accredited, near one of the great courts, shall unite to decide on some course of action. It depends upon special circumstances of the dispute whether the states interested shall be represented in the conference or not. The conference then takes the name of ministerial conference. It is by such conferences that the affairs of Greece have been settled, those of Belgium and Holland, those of the east on many occasions, those of the ancient principality of Neufchâtel, and those of the Danish succession. The term *ministerial conference* is also applied to reunions composed of representatives of states of the second and third rank, having in view only the special interests of these states. It was by ministerial conferences, composed of representatives from the states of the Germanic confederation, which ended in the final act of May 15, 1820, that the internal organization of Germany was completed. Many other reunions, having a particular object in view, have taken place between the delegates of confederate states, similar to those of Germany, or between states foreign to each other. These conferences concern themselves either with political reforms, economical improvements or commercial interests. The more the life of modern nations develops, in the sense of a solidarity of interests, the more frequent and diversified do these conferences become. It would be too tedious to attempt their enumeration here.—The term *conference* is so elastic that it has been given even to the reunions of ministers of the same power. It is sufficient to cite the famous conference of Ostend, in which the ministers of the United States accredited to the courts of London, Paris and Madrid, met to define more clearly the meaning of the Monroe doctrine. But one may doubt the propriety of employing the term conference in this connection. If the term conference is to be applied to all kinds of diplomatic deliberations, it is only on condition that the ministers composing such conference shall belong to different states. (See CONGRESS, PROTOCOL.)

JULES GRENIER.

CONFERENCE, CONVENTION, or CONGRESS, Peace (IN U. S. HISTORY), met at Washington, Feb. 4, 1861, and finally adjourned Feb. 27. Ordinances of secession had been passed by several gulf states, and active efforts were making to force the border states into similar action, when Virginia, by resolutions adopted Jan. 19, 1861, invited all the states of the Union to appoint delegates who should meet at Washington and endeavor to arrange some equitable adjustment of the national difficulties. At the first meeting delegates were present from New Hampshire, Vermont, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Kentucky, Ohio, Indiana and Iowa, 14 states. During the conference delegates arrived from Maine, Massachusetts, New York, Tennessee, Missouri, Illinois and Kansas, making 21 states in all. Virginia had recommended the adoption of the Crittenden compromise (see COMPROMISES, VI.) in a slightly modified form, and this was agreed on by all the southern delegations and that of New Jersey in the north. Massachusetts and Rhode Island appointed delegates without comment, but the other republican states of the north agreed in refusing in advance to assent to the Virginia proposition, and in the assertion that the constitution, fairly construed and faithfully obeyed, was still fully competent for all the needs of the country. In the proceedings each state was

given one vote, to be determined by a majority of its delegates. As a result of its deliberations the peace conference presented to congress the following proposed amendment to the constitution "ARTICLE XIII.: SECTION 1. In all the present territory of the United States, north of the parallel of thirty-six degrees and thirty minutes of north latitude, involuntary servitude, except in punishment of crime, is prohibited. In all the present territory south of that line, the status of persons held to involuntary service or labor, as it now exists, shall not be changed; nor shall any law be passed by congress or the territorial legislature to hinder or prevent the taking of such persons from any of the states of this Union to said territory, nor to impair the rights arising from said relation; but the same shall be subject to judicial cognizance in the federal courts, according to the course of the common law. When any territory north or south of said line, within such boundary as congress may prescribe, shall contain a population equal to that required for a member of congress, it shall, if its form of government be republican, be admitted into the Union on an equal footing with the original states, with or without involuntary servitude as the constitution of such state may provide. SECTION 2. No territory shall be acquired by the United States, except by discovery, and for naval and commercial stations, dépôts and transit routes, without the concurrence of a majority of all the senators from states which allow involuntary servitude, and a majority of all the senators from states which prohibit that relation, nor shall territory be acquired by treaty, unless the votes of a majority of the senators from each class of states hereinbefore mentioned be cast as a part of the two-thirds majority necessary to the ratification of such treaty. SECTION 3. Neither the constitution nor any amendment thereof shall be construed to give congress power to regulate, abolish or control, within any state, the relation established or recognized by the laws thereof touching persons held to labor or involuntary service therein, nor to interfere with or abolish involuntary service in the District of Columbia without the consent of Maryland and without the consent of the owners, or making the owners who do not consent just compensation; nor the power to interfere with or prohibit representatives and others from bringing with them to the District of Columbia, retaining and taking away, persons so held to labor or service; nor the power to interfere with or abolish involuntary service in places under the exclusive jurisdiction of the United States within those states and territories where the same is established and recognized; nor the power to prohibit the removal or transportation of persons held to labor or involuntary service in any state or territory of the United States to any other state or territory thereof where it is established or recognized by law or usage; and the right during transportation, by sea or river, of touching at ports, shores and landings, and of landing in case of distress, shall exist; but not the right of transit in or through any state or territory, or of sale or traffic, against the laws thereof. Nor shall congress have power to authorize any higher rate of taxation on persons held to labor or service than on land. SECTION 4. The third paragraph of the second section of the fourth article of the constitution shall not be construed to prevent any of the states, by appropriate legislation, and through the action of their judicial and ministerial officers, from enforcing the delivery of fugitives from labor to the person to whom such service or labor is due. SECTION 5. The foreign slave trade is hereby forever prohibited, and it shall be the duty of congress to pass laws to prevent the importation of slaves, coolies, or persons held to service or labor, into the United States and the territories from places beyond the limits thereof. SECTION 6. The first, third and fifth sections, together with this section of these amendments, and the third paragraph of the second section of the first article of the constitution, and the third paragraph of the second section of the fourth article thereof, shall not be amended or abolished without the consent of all the states. SECTION 7. Congress shall provide by law that the United States shall pay to the owner the full value of his fugitive from labor, in all cases when the marshal or other officer whose duty it was to arrest such fugitive was prevented from doing so by violence or intimidation from mobs or other riotous assemblages, or when, after arrest, such fugitive was rescued by like violence or intimidation, and the owner thereby deprived of the same; and the acceptance of such payment shall preclude the owner from further claim to such fugitive. Congress shall provide by law for securing to the citizens of each state the privileges and immunities of citizens in the several states."—Section 1 was passed by a vote of 9 states to 8, and 3 divided; section 2, by 11 states to 8, and 2 divided; section 3, by 12 states to 7, and 2 divided; section 4, by 15 states to 4, and 2 divided; section 5, by 16 states to 5; section 6, by 11 states to 9, and 1 divided; and section 7, by 12 states to 7, and 1 divided. Iowa, Maine, Massachusetts and New Hampshire voted against every section, except that New Hampshire voted *aye* on the 5th and 7th, and Massachusetts *aye* on the 7th. New York was divided on all but the 5th (*aye*), and Kansas on all but the 5th, 6th and 7th (all *aye*). Each section was thus carried, but no vote was taken on the amendment as a whole. A resolution denying the right of any state to secede was laid on the table by 10 states to 7, and 1 divided. —The amendment of the peace conference was brought up in the senate, Feb. 27, 1861, by Powell, of Kentucky. It was unsatisfactory to the republicans, who objected to it on the ostensible ground of the incompetency of the conference to prepare amendments for congressional action, and to the southern senators, who preferred secession to any amendment without a

formal acceptance by republican votes, and was satisfactory only to the union-loving democrats of the middle and border states. On the last day of the session an effort made to substitute the conference amendment for senator Douglas' amendment, as contained in the house resolutions (see CONSTITUTION, III.), was voted down by a vote of 34 *noes* to 3 *ayes*. In the house various attempts were made from Feb. 27 until March 3 to introduce the conference amendment, but all were unsuccessful.—The proceedings of the conference are collected in Chittenden's *Report of the Debates and Proceedings in the Secret Sessions of the Conference Convention for proposing Amendments to the Constitution*. They are even more interesting and valuable than the congressional debates of the time, for all the delegates were not only able but moderate, and the irreconcilable ideas of even the moderate men in the opposing sections show clearly the impossibility of a peaceful settlement of the national difficulties.

ALEXANDER JOHNSTON.

CONFIRMATION BY THE SENATE, the action of a senate by which it expresses its approval of a nomination submitted to it by the president or by a governor. The usage is for the senate to refer a nomination to a committee, unless there be an exception made in cases where the nominee is a senator. If the nomination is approved, notice to the president is usually delayed for three days, during which a reconsideration can be moved. The provisions of the state constitutions upon this subject are generally closely analogous to those of the constitution of the United States. It will be sufficient, therefore, to refer to the latter, which declares that the president "shall nominate, and, by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but congress may by law vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments."—The theory of the constitution is to separate legislative and executive authority; all legislative powers granted being vested in congress, and the executive power being vested in the president. But to this general rule there are three great exceptions: 1, this requirement of senatorial confirmation of nominations; 2, the making of treaties by the executive by and with the advice and consent of the senate; and 3, the provision requiring the president's approval of a congressional enactment to give it the validity of law; unless re-enacted by a two-thirds vote, over a president's veto.—The appointment of officers, especially for service in the executive department, is an executive function of the most emphatic character. It being the paramount duty of the president to see that the laws are faithfully executed, he can only do so through executive officials subordinate and responsible to himself. To require the assent of one branch of the legislature, to these appointments, obviously gives that body a great influence within the executive department.—The fear of a dangerous centralization of power in the executive, and the hope that the scrutiny of the senate would tend to the selection of worthy officials, appear to have been the main reasons for conceding this share of executive functions to that body. There was much diversity of opinion on the subject in framing the constitution. In the form in which it was first completed, the senate was allowed no participation in appointments, except that the senate itself was to appoint both ambassadors and judges of the supreme court, without any act on the part of the president.—Congress has vested the appointment of a large number of subordinate officials in the heads of departments, and in the courts, as authorized in the language cited; leaving, however, those of the higher grade subject to confirmation by the senate. The latter number several thousands altogether; there being about 550 (including, for example, 112 collectors of customs and 126 collectors of internal revenue) in the treasury department alone, and 1,840 postmasters and several of the higher officials in the postoffice department, who are subject to confirmation. All postmasters who have a salary of $1,000 or over are nominated by the president and confirmed by the senate. Foreign ministers and consuls, judges and governors of territories, are an important portion of the nominations requiring senatorial confirmation. No small portion of the time of the president and of the members of the senate is absorbed by these nominations, and the debates and contests which grow out of them. The causes which gave this power to the senate, as well as the language in which it is conferred, make it plain that, in the theory of the constitution, the authority and duty of that body are little more than to take care that the nominees of the president are competent for the places for which they are selected. It would be a manifest abuse for the senate to use its authority to dictate executive policy or to compel the executive to yield to the political views of the majority of the senate or to the personal wishes of its members. The principles and policy which a president and an administration represent, have been approved by the people at his election; and, plainly, it was not intended that a majority of a senate, holding over under a six-year tenure, should use its power over nominations to defeat that policy or to coerce the president in the matter of taking care that the laws are faithfully executed.—"The senate has but a slight participation in the appointments to office. The senate is called upon merely to confirm or reject. The president is to nominate, and thereby has the sole power to select for office; but his nomination can not confer office unless approved by a majority of the senate. His responsibility and theirs are

complete and distinct. He can never be compelled to yield to their appointment of a man unfit for office; and, on the other hand, they may withhold their advice and consent from any candidate who, in their judgment, does not possess due qualifications for office." (Story on the Constitution, §§ 752, 1531.)—"Having no agency in the nomination, nothing but simply consent or refusal, the spirit of personal intrigue and personal attachment must be pretty much extinguished, from the want of means to ratify it." (Kent's Commentaries, 288.)—At the time chancellor Kent wrote (1826), there had been comparatively little in the action of the senate to discourage his hopeful view; but in judge Story's work, published seven years later, the author appears to have seen reason to think there may be cases in which the senate will act from 'party motives," but, "that they will be rare." He had seen Jackson's administration.—The question arose, in 1792, whether, in acting upon the nomination of a foreign minister, the senate had a right to go behind the question of his personal fitness and consider the policy of the president in instituting the mission and making the appointment; and it was decided by the senate that it had not; but, at a later period, it was decided the other way in reference to missions to Turkey and Prussia.—When, in 1832, the question of the confirmation of Mr. Van Buren as minister to England was before the senate, that body, in rejecting him, went quite beyond the authority of the constitution as expounded by Kent and Story; arraigning Mr. Van Buren's policy as disclosed in his instruction which he had prepared as secretary of state, and his political theories as to appointments and removals. He was charged with bringing the New York spoils system to Washington, and enforcing it in the federal administration. In defending him, Mr. Marcy, a New York senator, in answer to Mr. Clay, used this language about New York politicians, which has become celebrated: "When they are contending for victory, they avow their intention of enjoying the fruits of it. If they are defeated, they expect to retire from office. If they are successful, they claim as matter of right the advantages of success. *They see nothing wrong in the rule that to the victor belong the spoils of the enemy.*"—This new theory—that parties contend as enemies, and that the public offices are to be won and divided as spoils of the victor, and may be regarded as such by senators in voting on confirmations—was slowly developed. There was very early evidence that the senate would not long act, as a body, upon the merits of the nominations as contemplated by the constitution, but would be governed by the personal or partisan reasons which might influence its members from the states where the nominees were to serve. Within six months after Washington was inaugurated, his nomination of a naval officer for the port of Savannah was rejected—the first rejection made by the senate—not because the nominee was an unsuitable person for the office, but because he was unacceptable to the senators from Georgia. In a special message, dated Aug. 6, 1789, Washington set forth further evidence of the fitness of his first nomination, but at the same time submitted a new nomination for the office. This was the beginning of the practice which, in later years, has been designated as *the courtesy of the senate*. Practically, it treats all nominations of officers to serve within any state as matters to be submitted to the senators of that state (or, if there be but one senator belonging to the senatorial majority, to that senator), whose wishes on the subject are, as a rule, to be conformed to by the senate. To make these wishes effective, it is not understood that they need, as a rule, to be, nor are they usually, supported by reasons. It is generally decisive against the nominee, if he is objectionable to those senators. The fact that the senate shrouds its proceedings upon confirmations in secrecy makes it all the more easy to give effect to this pernicious courtesy.—How powerfully this courtesy appeals to the ambition and the selfish and partisan interests of every senator hardly need be pointed out; for it is plain that each senator, by conceding a controlling influence to the wishes of the other senators, secures for himself a despotic authority over all nominations for his own state. Indirectly, but not less surely, the courtesy extended to another is an act of self-aggrandizement.—This method of dealing with the subject has obviously defeated the purpose of the constitution, which was to secure the disinterested judgment of the senate, as a body, upon the merits of the candidate. All that is secured, under this rule of courtesy, is the favor of the local senators. By giving them directly the control of all the higher federal appointments for their state, and as a consequence, substantially, the control of the subordinates of their appointees, the senators have become more and more the dictators of state politics. They have become the great dispensers of patronage, and in a corresponding degree, have lost their independence and disinterestedness as legislators. In New York there are 191 postmasters, in Pennsylvania 168, and in Illinois 135, whose nomination must be confirmed by the senate, and whose places are, therefore, a part of the patronage of the senators from those states.—It was but a natural result of such a system that the senators, whose wishes would be decisive of the fate of a nominee, should attempt to dictate to the president the nomination he should make. And, since the president must see that to nominate a person objected to by senators, was likely to result in the defeat of his candidate and in hostility, if not in acts of retaliation, on the part of the senators, he is put under a dangerous temptation either to yield his authority altogether or to make his constitutional functions matters of barter and compromise with members of the senate. In this way, matters of legislation and of appointments have been drawn into demoralizing relations, the efficiency of the executive has been impaired; senators have attained a

mischievous influence in the departments, and have become a controlling power over patronage, to the great detriment of the federal administration throughout the Union. While the president nominally retains the right to designate the persons to serve the government in the states, their selection is, potentially, in the hands of the state senators, to whom those officials very generally recognize a paramount responsibility. In this way senators have acquired great control, not only of the means of their own re-election, but over all the local elections of the states; the subordinate officials dependent upon their favor being forced to give a part of their time and their salary to carry on the work of partisan politics.—This prostitution of senatorial authority has been forcibly illustrated in the late proceedings (1881) of the senators from New York.—Giving paramount importance to their usurped control of appointments rather than to their proper duties as legislators, these senators resigned their seats, in May, 1881, by reason of their dissatisfaction on account of the policy pursued by the president in regard to nominations of federal officers to serve in that state. He declined to make nominations in conformity to the wishes of these senators. They left their seats in the senate before that body acted on the nominations, and applied themselves to the New York legislature for their own re-election, which would approve the long continued usurpation of the senate, a usurpation tending to reduce the nation to little more than a confederacy of states.—There seems to have been but little forecast of the disastrous results which might flow from the abuse of this power of confirmation. John Adams, however, exhibited a remarkable prescience on the subject. In a letter to Mr. Sherman, written about the time the constitution was adopted, he gives clear warnings of the evils we now suffer. He says the senate will usurp executive functions. "Senators will be solicited by candidates for office. A senator of great influence will be ambitious of increasing his influence, and will use it to get out his enemies and get in his friends, perhaps his instruments." "He will naturally be tempted to make use of his whole patronage, his whole influence, in advising to appointments." "This defect of our constitution will have a tendency to introduce corruption of the grossest kind, both ambition and avarice, into all our elections." "*Officers, instead of having a single eye to the executive branch, will be factious, with the factious, partisan senate.*" * * * "You will find that the whole business of this government will be infinitely delayed by this negative of the senate on treaties and appointments."—There seems to be no power under the government, except the voluntary action of the senate itself, by which such evils can be averted. When, in 1834, president Jackson made the most vigorous protest against the arbitrary refusal of the senate to confirm his nominees for national bank directors, against whose fitness no objections were made, he expressly disclaimed all pretension of right on his part to inquire into or call in question the reasons of the senate for rejecting a nomination, and the senate refused to give any reasons. Its reasons and its action, save the final result, are its own secrets.—It is only a high and a formidable public opinion, therefore, which will be sufficient to bring the action of the senate into harmony with the spirit of the constitution and the safety of the country.—There have been occasions when the proceedings of the president and the senate in the matter of nominations and confirmations have been marked by the most intense partisanship and the most lamentable want of dignity. During Mr. Tyler's administration, there were instances in which the same nomination was made and rejected three times within a single day; and during the administration of Mr. Johnson, there were proceedings in much the same spirit. During the latter administration, tenure of office acts (of 1867 and 1869) were enacted which materially increase the power of the senate in the matter of appointments. These acts provi le that every officer who gained his place through an appointment confirmed by the senate shall be entitled to retain it during the term of his appointment, unless removed by the consent of the senate; except that, during a recess of the senate, the president may suspend any such officer, other than a judge, and fill his place until the end of the next session of the senate. It hardly need be pointed out that these acts give senators a still more disastrous influence throughout the executive department, and greatly embarrass and weaken the efficiency of the executive. (See CIVIL SERVICE REFORM, SPOILS SYSTEM.)

DORMAN B. EATON.

CONGREGATIONS. Monastic life had its origin in the east, but the monk, properly speaking, was not introduced there by Christianity. A love of contemplation, a disposition to solitude, a willingness to sacrifice self which hesitated at no bodily mortification, had peopled the deserts long before Christ, with ascetics and hermits. Cenobitism was the sole creation of the new religion. But if, in the east, desire for retirement, love of contemplation and the éclat of an open rupture with civil society, were the principal motives which led to monastic life, it was the horror excited by the state of public affairs that created the monks of the west. In the corrupt society of the Roman world, in its decline, when the most shameful exaction dried up the fruitful sources of labor, weariness and disgust drove into exile some of the men who still nourished in their hearts the love of liberty.—The beginnings of monastic life were strange. All those, men or women, who revolted against the abuses of the old Roman world, sought refuge either in isolated places or in a kind of fortress. Those proscribed or fugitives, the malcontent, philosophers, slaves who had broken their chains,—all sought, in these solitudes, refuge from the fury of the barbarians, an oasis where they might think and live in peace. Fixed rules of life were

not followed by these first members of a monastic community. A common belief and a common hatred for society in its decay, were the bond of union between these men.—St. Pachomius, who lived in the fourth century, was the first to establish regular monasteries for men and women, where they could abide under the authority of a superior. Later, St. Basil drew up monastic rules which became the law of all the eastern monasteries until the time of St. Benedict.—The monks at this period were not ecclesiastics, but laymen, who did not form a part of the clergy. Although sheltered from the numberless dangers of the civil life of that time, they did not keep entirely aloof from social action; and they took a willing part in the intrigues which disturbed the corrupt and almost barbarous courts of the last Merovingian kings. Their hands assisted in the overthrow of Brunehault, while they cleared the road to rule for Pepin of Heristal. Even in the bosom of the monastery there was neither calm nor order. Obedience was a thing unknown. The most worthless monk turbulently intrigued for the most important position. Ancient Roman society had crumbled, but nothing new had taken its place, and the monastery was a reflex of the disorder which was destroying the last remnants of social order. Such disorder would have been certain death to the system, if a fixed rule had not rescued the monasteries from inevitable ruin. St. Benedict, born in Italy, in 480, gave to the world, about the year 529, the famous rule which soon after governed all the monasteries of the west, and became so universal that, toward the end of the eighth century, "Charlemagne," says Guizot, "had inquiry made in the different parts of his empire if there existed other monks besides those of the order of St. Benedict." Among other laws, St. Benedict imposed labor on his followers as a religious duty, and, of all kinds of manual labor, he particularly recommended agriculture. There was in this a social reform. The order of St. Benedict replaced the labor of slaves by the labor of free men. "The Benedictine monks," says Guizot, "became the clearers (*défricheurs*) of Europe by the association of agriculture with preaching."—In turn inventors, laborers, writers, painters, or artisans, the Benedictines were the civilizers of five centuries.—We shall pass rapidly over the events which illustrate monastic life from the seventh to the fourteenth century, and call attention to the founding of military orders in the Christian world at that time. The templars were the most celebrated of the monks who put the sword in the place of the missal. It was upon them that civil authority in France made the first trial of its strength. The knights of the temple, who were numerous and powerful, had become a formidable body at the service of the aggressive despotism of the sovereign pontiffs. Civil right triumphed when the jurists of Philip the Fair sent Jacques Molay and his knights to the stake. Among the most celebrated military orders we ought to mention the Teutonic knights, in the north; the Calatrava knights in Spain; and the knights of St. John of Jerusalem, who afterward became the knights of Malta.—To the military orders succeeded the mendicant orders. *Franciscans* and *Dominicans*, in the name of equality and poverty, attained, the former, the extreme limits of human folly, and the latter, the limits of the most monstrous cruelty. The inquisition, as is known, was the offspring of the Dominican order. The creation of the mendicant orders was considered as a necessity, both political and religious. "Gregory IX.," says M. Theophile Lavallée, in his *Histoire des Français*, "wished to dip the clergy in the plebeian source from which they had come, and founded the mendicant orders of St. Francis and St. Dominic. These monks of a new species were supposed to lead, not a contemplative but a practical life, in order to replace the secular clergy in all their functions. They were to put themselves in the lowest of social conditions, to recall evangelical poverty and humility. They were to have no superiority except that of knowledge and devotion. They were to travel, and have no country. To crown all, they were to have but one master, the pope, and, devoted completely to him, were to be his missionaries and his messengers." By an inconsistency, to say the least, strange, the princes of Europe at first extended their protection to the mendicant monks. The reason was, that the nations of Europe had then had a touch of liberty and revolution, and that, cost what it might, it was imperative on kings to put a damper on the aspirations of their subjects, the realization of which would have been attended by all the dangers of the unknown in politics. And who better than the mendicant monks could perform this rude task? "Enemies of the national clergy," adds M. Lavallée, "withdrawn from episcopal jurisdiction, intrusted with the education of the common people, the mendicant monks were a formidable body of militia recruited from the people, who always mixed with them, wore the same coarse garments, ate the same black bread, and shared with them their joys and sorrows. Unrestrained, cynical, austere, popular, apostles of grace, theologians, clever and popular orators; full of mystic exaltation, of humility, and a spirit of penitence, they regenerated the church in the estimation of the people, and silenced their just murmurs against the wealth, the pride, and the debauchery of the clergy."—But Rome was threatened with the loss of her power which she had thus strengthened; and, from the seclusion of a German monastery, the reformation went forth full armed. Luther attacked monastic institutions in that which is most essential to them. The reformation extended to the north. It won England and Germany. The Theatins, and, later, the Jesuits, come forward to take up the defense of orthodoxy.—*The society of Jesus* is admirably adapted to the requirements of modern society. Jesuitism, the art of easy salvation, yet of moral restraint, alone

was capable of keeping within the bounds of belief men who were quite willing to be saved but only on condition of not surrendering the material advantages of this world. The Jansenists, a species of Benedictines, rose up against the worldly doctrine of the Jesuits; and these last, the chief defenders of the absolute power of the popes, did not surrender without a fierce fight. The society of Jesus had great vitality, since it was able to recover from the blows inflicted on it by the popes themselves.—It remains now for us to say to what legal restrictions religious congregations have been and are still subjected in France.—It was an invariable principle under the ancient régime, that no religious association could exist in France except in so far as it had been formally authorized. After the edict of Nov. 21, 1629, came that of August, 1790, ordaining that no religious establishment could be founded without the express authorization of the king, an authorization evidenced by letters patent, sealed with the great seal, countersigned by a secretary of state, and registered in the parliaments after investigation *de commodo et incommodo*. This authorization was always revocable. The constituent assembly, in virtue of a right sanctioned by usage, declared, Feb. 13, 1790, that it no longer recognized solemn monastic vows, and consequently suppressed the orders and regular congregations. The secular congregations, lay brotherhoods and confraternities, which, properly speaking, constituted mere corporations, were only affected by the law of Aug. 18, 1792, which suppressed all associations, no matter what their origin or aim. The concordat brought no amelioration to the state of religious congregations. Nevertheless, the decree of the 20th Prairial, year X., which suppressed the regular congregations in some departments, spared the establishments devoted to public education, and care of the sick. —Under the protection of this authorization, the regular orders made no delay in reorganizing. The decree of 3rd Messidor, year XII., brought back the orders to respect for the law. The decrees of Feb. 18, 1809, Jan. 3, 1812, and Jan. 23, 1813, had the same object in view.—In spite of the favor which the religious associations enjoyed under the restoration, the law of May 14, 1825, reserved to the legislative power the right to authorize religious orders of men; those of women might be established by royal ordinance, and continue to be recognized by decree. The civil law of France does not recognize perpetual vows. It does not annul, it simply ignores them. —The following words, spoken June 12, 1845, by president Portalis, sum up completely the opinion of the French government on the law in the matter of religious congregations. "It is asked if the laws at present in force do not give the government the power, and impose on it the duty, according to the urgency of the case, to dissolve non-authorized religious associations, when, originating outside, they endeavor to impose themselves on the country, and make themselves recognized independently of the laws. The answer can not be doubtful: Live in the interior of your own houses as you like. "Obey, while living under the same roof, the rule which you have chosen: that is for you legal and permissible: the state will not seek to know what it has no interest in knowing: public authority will supervise, but not trouble a pious and retired life: matters touching only conscience are sacred for the government: public demonstrations alone provoke, alone justify, its intervention.—But, if you wish the public informed of your existence; if you pretend to make your action felt, to exercise a collective influence without the influence of an association; if you proclaim yourselves connected with another religious order known and existing outside our borders; if you correspond openly and hierarchically with other houses similar to your own in France; if you acknowledge publicly regular administrative organization which embraces all the territory and forms it into a province of a religious order; then, if you can not produce a legal authorization, you fall under the prohibition of the law."—M. Billault, in 1861, interpreted the law as M. Portalis had done in 1845. The law has never considered the decree of the year XII. as abrogated. The government enforced it, in July, 1830, against the congregation of missions in France; in 1831 against the Trappists; in 1839 against the Capuchins of Lyons; in 1842 against the Trappists of Tarn; and in 1861 against the Capuchins of Hazebruck and the Redemptorists of Douai. More recently still, the society of St. Vincent de Paul was subjected to the necessity of authorization.

HECTOR PESSARD.

—The necessity of asking for an authorization imposed on religious communities by the laws of France and most other countries, has been frequently attacked. The arguments brought up as weapons to combat this restrictive measure are very imposing. It is in the name of liberty, and liberty of conscience, that the opponents of the measure speak. But as the congregations are reproached, either rightly or wrongly, with a tendency to aggressiveness, monopoly, and even undue influence, many are of the opinion that the weak should be protected against these influences, as they are, for instance, against excess of labor in manufactures. To protect men liberty of discussion would suffice. It might still be objected that convents for women, authorized or not, are not the only establishments which increase in a manner astonishing at an epoch decried as irreligious. These are very delicate questions, and many persons would prefer not to touch them if the religious feeling which founds convents were not intolerant (see SYLLABUS), and did not threaten those who are of a different way of thinking. The latter feel simply obliged to act in self-defense.

MAURICE BLOCK.

CONGRESS (IN INTERNATIONAL LAW). By congress is understood a meeting of ministers plenipotentiary or sovereigns of different states, having the power and mission to conclude a treaty of peace, determine the consequences of a treaty concluded, or settle undecided points of international law. The following are the most celebrated congresses: 1641–8, a congress at Münster and Osnabrück, which brought about the peace of Westphalia; 1659, the congress of the Pyrenees; 1663, the congress of Aix-la-Chapelle; 1681, the congress of Frankfort; 1712–13, the congress of Utrecht; 1748, the congress of Aix-la Chapelle; 1797, the congress of Rastadt; 1802, the congress of Antwerp; 1808, the congress of Erfurt, the first congress of sovereigns ever held; 1813, the congress of Prague; 1814, the congress of Châtillon; 1814–15, the congress of Vienna; 1818, the congress of Aix la-Chapelle; 1820–21, the congress of Troppau and Laybach; 1822, the congress of Verona; 1856, the congress of Paris; 1878, the congress of Berlin. We see by this simple enumeration, that a distinction must be drawn between *congresses* and *treaties of peace*. All congresses do not lead to treaties. And, although there is reason to connect these great meetings with the acts which have defined the territorial distribution of Europe, they must not be confounded with them. The dissolution of a congress without result has been frequently witnessed in modern times, and instances of such are easily cited. Among the number are the congresses of Cambrai, 1721–5; of Soissons, 1729; of Breda, 1747; of Focsani, 1772; of Bucharest, 1793; of Lille, 1797; of Rastadt, 1799; of Ghent and Châtillon, 1814. In our time a greater importance has been attached to congresses than in former ages. These great assemblies of diplomates or sovereigns first took place in the nineteenth century. In the middle ages gatherings of princes were frequent, especially in the time of the crusades, and on the occasion of the German diets. They became rare from the time that the intricate affairs of monarchs could no longer be discussed without the agency of ministers and ambassadors. The wars of the empire, by shaking states to their foundation, renewed direct relations among princes. Napoleon, at the height of his power, established the first precedent of this kind of meeting, so much in favor during the restoration. Still, the congress of Erfurt, in spite of the secret agreement of Oct. 12, 1808, which strengthened the ties of Tilsit, between France and Russia, was more a display made by the master of the west than a meeting for the transaction of business. The guests at Erfurt, with one exception, met at Vienna in 1815, but they alternated their negotiations with the splendor of the feast, and crowned heads appeared there attended by the chiefs of their cabinets. The international law of Europe, inaugurated by the treaty of Vienna, was reaffirmed in the congresses of Aix-la-Chapelle, Troppau, Laybach and Verona, which, like that of Vienna, but on a limited scale, were assemblies of sovereigns attended by their ministers. The restoration was, and endeavored to seem, in its principles and methods, the opposite of the French revolution. "The successive coalitions," says Wheaton in his "Elements of International Law," "formed by the great monarchies of Europe against France, after the revolution of 1789, were caused by the dangers with which the revolution threatened, both the social order of Europe by the dissemination of its principles, and the balance of power by the development of its military ascendency. Such was the principle of intervention in the internal affairs of France, acknowledged by the allied courts. France demanded non-intervention as a right, on the basis of the respective independence of nations. The final result of these coalitions was the establishment of a permanent alliance between the four great powers, Great Britain, Austria, Prussia and Russia, an alliance which France joined in 1818, at the congress of Aix-la-Chapelle. According to the powers which had already taken part in the alliance known under the name of the holy alliance, viz., Russia, Austria and Prussia, the object of this new alliance was to found a perpetual system of intervention among the different states of Europe, in order to prevent all change in the internal form of their respective governments, whenever such change should be considered as threatening to the existence of monarchic institutions under the legitimate dynasties of the houses reigning at the time. This general right of intervention has been used sometimes in times of popular revolutions, when the change in the form of government had not its origin in the voluntary concession of the reigning sovereign or been confirmed by him, under circumstances which excluded all idea of violence against him. In other cases the allied powers extended the right of intervention to every revolutionary movement which might be considered as endangering, by its immediate or remote consequences, the social order of Europe in general, or the individual security of neighboring states."—The preceding lines characterize the four congresses which took place from 1818 to 1822. The object of that of Aix-la-Chapelle, in 1818, was to deliver France from military occupation, which had been imposed on it in 1815, and to receive it into the agreement of the five powers. The contribution to be paid by France was reduced from 700 to 265 million francs, and its readmission into the European Areopagus was confirmed by protocol of 15th of November. Those of Troppau and Laybach, in 1820 and 1821, had for their object the establishment of an understanding between Austria, Russia and Prussia, as to the means necessary to put down the Italian revolution at Naples and Turin. England and France were represented at these congresses by ministers plenipotentiary. It was during the congress of Laybach that Great Britain, by a circular note of Jan. 19, 1821, raised the first protest against the system of intervention of the holy alliance. The congress of Verona, in 1822, un-

dertook to continue the war against the revolution in Spain; the Spanish constitution was overthrown by the army of the duke of Angoulême. England's protest was more energetic than in 1821, and Canning's note of Sept. 27, 1822, against the Spanish war, was one of the most important historic monuments of the period, though it was unable to prevent the restoration of Ferdinand VII. by a foreign army. The attitude of England contributed greatly to put an end to the use of congresses under the restoration. The advantages gained in France by the liberal opposition aided also in preventing their renewal. Although frequent interviews between sovereigns have taken place since then, we can only mention the meeting at Warsaw, Oct. 20, 1860, between the emperor of Russia, the emperor of Austria and the prince regent of Prussia, or that of Sept. 6, 1872, between the same sovereigns, the prince regent of Prussia having become the emperor William of Germany, as having any analogies with the sovereign assemblies of the restoration. This resemblance is remote, however, for the congresses of 1818 and 1822 rested on an evident principle, and had a definite object, while in 1860 the interview had an accidental character, which it continued to retain, since it had no consequences and resulted in no system of alliance, while the interview of 1872, if not accidental, had no avowed political object.—Mention should perhaps be made here of the congress of German princes which met at Frankfort in 1863, under the presidency of Austria, to reform the Germanic confederation, but which failed because Prussia refused to assist.—The congress of 1856, which put an end to the Crimean war, is celebrated on account of its declarations regarding *neutrality*. —As a general rule, every state has the right to bring about the meeting of a congress, and it is proper to receive the representatives of all the states interested in any way in the questions to be debated at such congress; but the initiative belongs to the great powers, and those of the second order interested are not always received. In order that a congress may take place it is essential that the parties should agree on the principles by which the negotiations are to be guided. Consequently, there should be a general preliminary understanding between the powers as to the method of solving the questions. The congress which was to regulate the affairs of Italy at the end of 1859, was not able, as we know, to assemble, on account of inability to reconcile opposing interests. The method pursued by congresses in their work is not uniform, and depends upon the more or less general character of the meeting, the number of states represented, and their reciprocal relations. The congress of Paris in 1856, did not embrace, in the decisions it had to take, the total of European politics, as did the congress of Vienna. Therefore it did not follow the same course. At the congress of Paris only seven states were represented, and the number of questions to be solved were limited. Questions, therefore, were not subdivided among different committees, whose sole work was to report to the assembly of the great powers. At Vienna all Europe was assembled, and everything had to be remodeled. To facilitate the transaction of business the work was divided among a number of special commissions, which reported to the great powers. The latter accorded or withheld their assent. Most frequently the decision was made in advance, in consequence of a preliminary exchange of notes. This method of action was favorable to the influence and the independence of the middling and small states.—The choice of the city where the congress is to meet is not without importance, for it is essential that no one of the interested parties should be able to exercise a predominant influence on the members of the congress. Therefore the custom of choosing cities in neutral, or at least disinterested, states, such as Belgium or Switzerland, is a good one. In case of failure to agree in this respect, the place in which the congress is held is declared neutral during its deliberations. Since, generally speaking, a congress is only convened for important purposes, each state chooses as its representative its ablest negotiators, and its officials of highest rank. When the sovereign does not appear in person at the congress, he sends his minister of foreign affairs, or at least an important person enjoying his special confidence. He takes care, besides, that his representatives at the congress be in possession of the necessary qualities and learning to succeed; and, as it rarely happens that these qualities and this learning are in the possession of a single man, the chief of the state constitutes the embassy of as many persons as are necessary for a full representation. He sends one with a talent for winning men, with insinuating manners, a great name, accustomed to great state entertainments; another, with a knowledge of history and international law, to act as a support to arguments; the third, a ready writer; and so on to the end of the chapter. It is the more necessary to provide beforehand, for everything, even for the unforeseen, since difficult questions may suddenly arise, and since problems for solution are numerous, and the time between sessions is occupied in preparing a favorable basis for future discussions. Questions of etiquette do not delay business as formerly. The congress of Utrecht is famous in this regard, as is well known. For the last 50 years questions of form have been simplified, and an unforeseen difficulty is avoided in one way or another. After the congress has met, the representatives of the different powers begin by making the customary visits; then the congress proceeds to the choice of a president. If the meeting takes place under the mediation of a neutral state, or on the territory of a great power interested in the negotiations, it is customary to elect as president the representative of the mediating state, or that of the interested power on whose territory the negotiations take place. This custom is purely one of

courtesy, and in no way deprives the plenipotentiaries of their right of selection. This operation is followed by an exchange of credentials and fixing the order of the day. Questions of secondary importance are usually decided by an absolute majority of votes; those of prime importance, unanimously. We must not omit to state that unanimity is the rule, for each state is sovereign and free in its decision. The decisions of other states can not be imposed on it against its will. An exact report of each session (called a protocol) is drawn up, which is submitted to the plenipotentiaries for approval, and signed by them. If one of them finds that his views have not been correctly or completely reported, he may have his vote recorded in the protocol. Each minister gives an account of the deliberations and decisions of the congress to his government; and, thanks to the telegraph, he can at present be in continual communication with his chief. The electric telegraph tends more and more to modify ancient usages, and very naturally, to restrain the power of diplomates, since each report of a session may be immediately followed by new instructions.[1]

JULES GRENIER.

CONGRESS (U. S.). "The congress" is the term used in the constitution of the United States to designate the legislative body of the nation. But, in popular usage, and in the later statutes, this body is called *congress* without the use of the definite article. While the continental congress and the congress of the confederation had but a single chamber, a congress of two chambers, elected for various terms and by a different constituency, was provided for by the constitution of 1789. The debates in the constitutional convention upon the formation, the numbers, the modes of election and the relative powers of the two branches of congress, are full of interest; and to them the reader is referred for details. The principal difficulty that arose concerned the relative power of representation of the larger and the smaller states in congress; the less populous states claiming equal representation, while the larger states insisted on representation in proportion to numbers. This was compromised by giving to all the states equal representative power in the senate, while the representation of each state in the house was graduated strictly in proportion to the number of its inhabitants.—This guarantee to the smaller states of a political power in the senate equal to that of the largest, is permanently fixed by the 5th article of the constitution, which provides that no state without its consent shall be deprived of its equal suffrage in the senate.—The constitution having fixed the term of two years for the duration of each congress, the times of meeting, as well as the length of the sessions, are left to the legislative body, except the requirement in the constitution that they shall assemble at least once in every year, and on the first Monday in December, "unless they shall by law appoint a different day." The fixing of the 4th of March in every second year as the period of expiration of the congressional term (as well as the 4th of March for the quadrennial term of the president, and the six years' term of the senators) has no foundation in the constitution. It originated simply in an act of the congress of the confederation (September, 1788), providing the first Wednesday in March of the ensuing year as the time for putting in operation the new government created by the constitution. This day happened to be March 4, 1789; though, in fact, there was no organization of the 1st congress until April 6, 1789, owing to lack of a quorum. The usage of December sessions closing the 4th of March following in the odd years, and some time between June and September in the even years, has become established, although frequently varied in former years by earlier, and, in later years, by extra, sessions. Its chief disadvantages are, 1, that there is an interregnum of nine months every other year, from March 4 to the first Monday in December, during which congress is unorganized; 2, that, for the same long period, there is no speaker of the house of representatives, who is by law one of the officers that may be required to assume the office of president of the United States; 3, that the whole legislative business of every alternate year is crowded, by the holiday adjournment, etc., into about 60 days, with pernicious results to the character of the legislation; 4, that the house of representatives, elected more than a year before taking their seats in congress, do not reflect the popular will as if fresh from the people. It has been suggested that all difficulty might be removed, were each congress to be organized (like most of the state legislatures) early in January following the November in which they were elected.—Congress may be convened at any time when not in session by proclamation of the president "on extraordinary occasions;" and this power has been ten times exercised since 1789. (See CONGRESS, SESSIONS OF.) He has no power to adjourn or to prorogue congress, except in case of disagreement between the two houses.—The sessions of congress are open to the public, except the executive sessions of the senate, which are secret. The senate also sat

[1] Attention should be here called to the congress of Berlin, held July 13, 1878. The treaty of Berlin contains the following stipulations: The principalities of Roumania (proclaimed a kingdom in 1881), Servia and Montenegro, to become independent states, Roumania to cede to Russia Bessarabia, and receive the Dobrudscha in return. Servia obtained Nish, Tirot, and almost the entire northern territory of the Morava. Montenegro received Nikschitz, Podgorizza and Antivari. Austria-Hungary was to occupy Bosnia and the Herzegovina. Russia obtained the largest part of Armenia, with Ordahan, Kars and Batum. The land between the Danube and the Balkan to be constituted into a Christian principality, Bulgaria, which, however, remains under the suzerainty of the porte. South of the Balkans a province of Roumelia, under a Christian governor, is to be formed. Turkey was thus left with 4,800,000 inhabitants, and a territory of about 170,000 kilomètres in Europe; while in Asia it retained 1,890,000 square kilomètres, with 17,000,000 inhabitants.

with closed doors during the first five congresses, and no report of its debates prior to 1799 has been preserved. Since that time the right of the public to witness or to report both the proceedings and the debates in congress, has been recognized; and for nearly 30 years past congress has furnished full verbatim reports by official stenographers. Moreover, the journal of the proceedings of each house is published by constitutional requirement. Though one of the rules of the house of representatives provides for secret sessions to consider confidential communications, there is no instance in which the house has excluded the public from its debates.—Both houses of congress meet at 12 o'clock M., the sessions continuing, when business is prepared, from four to six hours. But toward the end of each session, earlier hours of meeting and much longer sessions (including evenings) are customary.—Congress is, by the constitution, a salaried body, the present compensation of senators and representatives being $5,000 per annum, with $125 annual allowance for stationery and newspapers, and mileage allowance of 20 cents per mile of travel each way from their homes at each annual session. Absence without leave entails deduction from compensation. A majority of the whole number of members is in each house necessary to constitute a quorum to do business. The debates and proceedings may go on with a less number, but only by unanimous consent.—The seats to be occupied by members are drawn by lot in the house of representatives at the beginning of each congress. In the senate there is no drawing for seats; but the custom prevails of individual selection or pre-emption of seats about to become vacant.—Both houses of congress, by requirement of the constitution, meet in joint convention to count the votes for president and vice-president. There is no instance of the meeting of the senate and house in one body, except for this purpose, and for occasional ceremonial observances.—The concurrence of a majority of both houses present and voting is necessary to pass any law, joint resolution or concurrent resolution. Special resolutions, however, are often passed by each branch separately (more frequently by the house of representatives). But these have no validity except as expressions of the sentiments of the house in question.—Congress has a library of 400,000 volumes, and a librarian, who is also made by law register of copyrights of the United States. Each house elects a chaplain and from four to six principal officers, who have the appointment of a large staff of clerks, messengers, pages, etc. The total annual expenses of congress vary from five to six million dollars, inclusive of printing.—The members of congress must take an oath to support the constitution, and the principal officers must take the same oath, together with one for the faithful discharge of their duties.—Nearly all the legislative business of congress is prepared by standing committees, numbering (in 1881) 47 in the house and 32 in the senate, besides 10 select committees in the house, and 12 in the senate. The reports of committees are, in general, confirmed, but the most important measures undergo extensive amendment in both houses. The most potential committees are those on appropriations in both houses, the finance committee of the senate, and the ways and means of the house. These have the privilege of the floor to the exclusion of all other business, unless overruled by a heavy majority. All bills passing both houses must be signed by the president of the senate and the speaker of the house, and laid before the president of the United States in person, by one or more members of the joint committee on enrolled bills. If signed, they become laws, if retained by the president over 10 days (unless congress meanwhile adjourns), they are also laws, upon a note of the fact registered with the bill in the state department. If vetoed, a majority of two-thirds of both houses present and voting[1] is required to make them laws.—Those powerful organs of congress, the standing committees, are, by a rule of the senate, required to be elected by ballot, *unless otherwise ordered*. In fact, however, the senate committees have long been chosen by a caucus of the party having a majority, and elected *en masse* by a single yea and nay vote in the senate. In the house the rules provide that the speaker shall appoint all committees, unless otherwise specially ordered. This vast power and responsible duty usually occupies the speaker long after the organization of each congress.—Each house of congress acts under a system of rules, the original basis of which was Jefferson's Manual of Parliamentary Practice. But the present rules — numbering 78 in the senate, adopted in 1877, and 45 in the house, adopted 1880 — enforce a multitude of regulations as to the conduct of business, differing widely in either house. Thus: 1. Petitions and memorials are presented in open senate, and referred to committees; in the house, they are not publicly presented, but handed to the clerk for such reference as the member indorses thereon. 2. In the senate one day's notice must be given of a bill before it can be offered, unless by unanimous consent; in the house, any member may offer bills without limit, on every Monday. 3. In the house every Friday is set apart for private bills; but there is no such usage in the senate. 4. A house rule restricts debate within very narrow limits, first, by limiting set speeches to one hour; second, by giving the motion for the "previous question" (the effect of which is to close debate) precedence over all others. In the senate there is no one-hour rule, no previous question, and no limitation of debate, except that no senator can speak more than twice on the same question the same day without leave of the senate. 5. Both houses have very stringent rules excluding from

[1] So decided in the 1st congress, in contravention to the claim that the constitutional majority of two-thirds implies two-thirds of the whole number of members.

the floor all but certain privileged persons. In the senate, however, this rule is systematically disregarded; while in the house, it is of late years enforced with exemplary rigor.—The joint rules of the two houses, 22 in number, which were in force at the end of the 43d congress (1875), were pronounced, by a resolution of the senate, Aug. 14, 1876, to be no longer in force. The last of these rules provided a method of proceeding in counting the electoral vote for president.—Disagreement between the two houses on details of legislation is a constant occurrence, sometimes involving political questions, when the majority in each house represents a different party, and leading to a protracted dead-lock; more frequently the differences relate to new legislation, increased appropriations, etc, the senate being usually for larger, and the house for diminished expenditure. These differences are compromised by committees of conference (composed of three senators and three representatives), who exercise enormous powers, keeping in and thrusting out bills, vital measures of legislation, or appropriations amounting to millions. These conference reports, agreed to without amendment or discussion, under high pressure, in the expiring hours of the session, through fear of losing the important bills needed to carry on the government, virtually suspend some of the most important functions of the members of congress considered as a deliberative body.—The senate was designed, by the framers of the constitution, not only to secure to each state an equal voice in legislation in the body constituting half of the law-making power, but also, by the greater length of the term of service, to afford a check upon hasty legislation by a popular body subject to biennial changes. A persistent attempt to give the senate a life tenure of office was defeated in the constitutional convention. It consists (1881) of 76 senators, being two from each of the 38 states of the Union. Elected for six years, and endowed, in addition to the law-making power which they share with the house of representatives, with the sole power over treaties with foreign nations, and all the more important nominations to office, the senate holds the highest and most responsible rank in the national legislature. Constitutionally elected by the legislatures of the states, instead of directly by the people, the choice of senators is frequently effected or retarded by party controversies and intrigue. Notable instances of partisan unfairness have occurred in various states, where a democratic senate has refused to meet a whig house, and a republican senate has refused to meet a democratic house, thus defeating a senatorial election. This led to the enactment of the law of July 2, 1866, which first prescribed the manner and time of electing senators, by a uniform rule in all the states.—The vice-president of the United States is the presiding officer of the senate (having no vote, however, except in the case of a tie), and he is charged with no other duties. (For list of vice-presidents, see ADMINISTRATIONS.) The senate elects (usually at the beginning of each session) a president *pro tempore* (though this office has frequently been left vacant for some time), who presides in the absence of the vice-president. The presiding officer may name any senator to perform the duties of the chair, but such substitution must not extend beyond an adjournment for the day. (For the powers of the senate as a separate body, see CONSTITUTION.)—The house of representatives has as its presiding officer a speaker, elected at the beginning of each congress, for two years, by *viva voce* vote. This is the first business in order, presenting a question of the highest privilege, and is proceeded with immediately upon the roll of members having been called by the clerk of the last house of representatives, who is charged with the duty of calling the unorganized house of representatives to order, and of deciding all questions of order, preceding the election of a speaker. The title and many of the functions of the latter officer are borrowed from the usage of the house of commons. Several instances of protracted parliamentary "dead-lock" through the inability of the house to elect a speaker, owing to a peculiar distribution of parties, have occurred; the most notable having been in 1857 and in 1859, when the house remained for weeks unorganized, the clerk presiding. The speaker of the house possesses unprecedented and enormous powers, not only in wielding the sole authority to appoint all standing and select committees, with their chairmen, by which the whole legislation of congress is virtually shaped, but also in his ability to construe the rules, to award the right to the floor to any member, and to give the preference to this or that measure in the consideration of public business. (For list of speakers of the house, see CONGRESS, SESSIONS OF.)—The general conviction may be said to exist, that, under the great control over legislation and current business by the speaker, and by the powerful committee on appropriations, combined with the rigor of the rules of the house of representatives, there is less and less opportunity for individual members to make any influential mark in legislation. Independence and ability are repressed under the tyranny of the rules, and the practical power of the popular branch of congress is concentrated in the speaker and a few—a very few—expert parliamentarians. A. R. SPOFFORD.

CONGRESS, Continental (IN U. S. HISTORY). When the attempt of George III. to govern his American dominions through his British parliament had become patent, it was evident that separate resistance by the individual American assemblies would only result in failure, and that some representative body for all the colonies was a necessity for united resistance. Such a union had been attempted for other purposes in 1754 (see ALBANY PLAN OF UNION), and Franklin, who had then been a leading advocate of union, now first renewed the suggestion in a letter of July 7, 1773, to the assembly of Massachusetts,

of which colony he was the agent in London. The first step was taken by the Virginia assembly in May, 1774, upon receipt of news of the passage of the Boston port bill. (See REVOLUTION.) Its members advised the local committee of correspondence at Williamsburgh to suggest to the other colonial committees the calling of a continental congress, that is, a meeting of delegates from all the English colonies on the continent, for the hope was long cherished that the Canadian colonies would make common cause with their brethren south of the great lakes and the St. Lawrence. June 7, the Massachusetts assembly named a time and appointed delegates to the proposed congress. Other colonies followed the example, and the result was the meeting of the first continental congress (see STAMP ACT CONGRESS), "the delegates appointed by the good people of these colonies," which met at Philadelphia, Sept. 5, 1774, Georgia alone being unrepresented, though it took part in succeeding congresses. The North Carolina delegates did not arrive until Sept. 14.—In calling any such deliberative assembly of their own volition, and without the previous assent of him whom they still ingenuously acknowledged to be "their sovereign lord, the king," the colonies evidently took the difficult first step on the straight road toward rebellion and revolution. Neither the delegates nor their principals, however, thought of such a result. The powers given by the colonies were all alike advisory, and limited to the recommendation of such measures as would restore harmony between Great Britain and the colonies. The action of this congress was therefore confined to a declaration of the rights and wrongs of the colonies, the recommendation to their colonies of an agreement not to import British goods after Dec. 1, 1774, and not to export goods to Great Britain, Ireland, or the West Indies, after Sept. 10, 1775, unless their wrongs should be righted (see EMBARGO), and the preparation of addresses to the king, to the British people, to their own constituents, and to the people of the province of Quebec. But the germ of measures of a stronger nature may be seen in a resolution commending the people of Massachusetts for their temperate resistance to the objectionable measures of parliament, and declaring that if these acts "shall be attempted to be carried into execution *by force*, in such case all America ought to support them in their opposition."—The first congress recommended the immediate selection of delegates to a second congress, to be held at Philadelphia, May 10, 1775. Surely every man who, personally or by his acknowledged representatives, ratified the action of the first congress by choosing delegates to the second, with the resolution just cited staring him in the face, did so with the full consciousness that the proposed second congress was, in case of the application of force by the British parliament, to be a different body from the first, a revolutionary assembly, plenipotentiary in its nature, and empowered by its constituents, to use, if necessary, every means of resistance. The delegates, therefore, when first appointed, though nominally retaining allegiance to the British crown, were potentially members of a national assembly; and the first shot fired at Lexington, April 19, 1775, crystallized thirteen of the king's American colonies into a separate nation, with their own full concurrence previously and advisedly given. The new nation, it is true, was still bound to the old by the frail tie of allegiance to a common king, but the great appanages of sovereignty, the power to make peace, war, treaties and foreign alliances, to send ambassadors, to control commerce, and open the ports of the nation to all the world, to raise and equip armies and navies, to issue national currency, to authorize letters of marque and reprisal, to create a national postal system, many of which were never enjoyed by the rival parliament of Great Britain, were exercised by the second continental congress with the hearty acquiescence of the people at large, who thus continually re-confirmed their former grant to congress of temporary but unlimited power. Indeed, the impatience of the people outran the moderation of the congress. Provincial congresses called upon the continental congress for advice, direction and complete national action; and even when the king had proclaimed the American people out of his protection, and had declared war against them by land and sea, only a strong outside pressure at last impelled congress to assume before the world the station as a national assembly which it had held for more than a year in reality, to renounce allegiance to a tyrant, and to make the United States foreign soil forever to the king and people of Great Britain. (See ALLEGIANCE, I.; DECLARATION OF INDEPENDENCE.) The scission between the two nations was thus final; the union between the constituent units of the American nation on the one hand, and of Great Britain on the other, remained undisturbed and complete as before.—The appointment of the delegates to both these congresses was generally by popular conventions, though in some instances by state assemblies. But in neither case can the appointing body be considered the original depositary of the power by which the delegates acted; for the conventions were either self-appointed "committees of safety" or hastily assembled popular gatherings, including but a small fraction of the population to be represented, and the state assemblies had no right to surrender to another body one atom of the power which had been granted to them, or to create a new power which should govern the people without their will. The source of the powers of congress is to be sought solely in the acquiescence of the people, without which every congressional resolution, with or without the benediction of popular conventions or state legislatures, would have been a mere *brutum fulmen;* and, as the congress unquestionably exercised national powers, operating over the whole country, the conclusion is inevitable that the will of the whole people is the source of national government in the

United States, even from its first imperfect appearance in the second continental congress.—The power to select delegates to what might perhaps be called the third continental congress, Dec. 20, 1776, and to succeeding sessions until the adoption of the articles of confederation, was appropriated by the state legislatures. No such right could be drawn from the articles, for they were not binding until ratified by all the states in 1781. In eight of the ten states, by which constitutions were adopted in 1776–7, the power to appoint delegates to congress was vested in the legislature. But no such power was given by the new constitution of New Jersey in 1776; no such power was given in Massachusetts until 1780, or in New Hampshire until 1784; and Connecticut until 1818, and Rhode Island until 1842, remained under the royal charters, which of course gave no such power to the legislature. And yet the legislatures of these five states continued to exercise a power of delegation to congress to which they had no claim by the organic law of state or nation. In this respect, indeed, they were only imitating their sister legislatures, most of which had actually seized the power of delegation before it was formally granted by the state constitutions; and this whole course of legislative appropriation of ungranted powers is of interest and importance as explaining the manner in which the continental congress was becoming the creature of the state legislatures even before the close of the year 1776, and the underlying cause of the peculiar character of the confederation which follows. (See STATE SOVEREIGNTY.) — The "first" and "second" continental congresses have been so called, but after the first meeting of the second congress it is impossible to specify any other distinctive congresses. The state legislatures, from their first appropriation of the right to choose delegates, chose them for varying times, and recalled them at pleasure, so that congress became a body, theoretically in perpetual session, subject to perpetual change, but with no distinct period of renewal. From the first meeting of the first congress, the delegates of each colony had but one vote; not because the collective body of delegates from each colony were the ambassadors from a sovereign and independent state, but because, as the first congress was careful to specify, there was no present means of ascertaining the relative number of citizens in the separate colonies. By usage this mode of voting soon hardened into custom, and the smaller states finally claimed as a right, and embodied in the confederation, that which was originally due only to the lack of a census, and of which the constitution retained a remnant in the senate. (See COMPROMISES, I.) A comparison of the machinery and functions of the old Germanic diet with those of the continental congress would very plainly show the marked differences between an assemblage of ambassadors and the true, though imperfect, national government of the American revolution. —It has just been said that the revolutionary congress was a true, though imperfect, type of national government. It was imperfect in that it never ventured to claim three important functions of a national assembly: 1, it never attempted to lay general taxes, or control individuals, being content with recommendations to the states to lay the taxes and make the laws necessary for each case as it arose; 2, it made no attempt to regulate the mode of election or term of service of its members, leaving those matters also to the discretion of the states; and 3, it did not lay claim to the allegiance of the citizens of the whole country, but yielded that badge of sovereignty to the states. (See ALLEGIANCE, I.) On the slender foundation of these three omissions, which passed into the frame of the confederation, has been erected the whole argument against the national nature of the revolutionary government; and the mere statement of the basis of this objection, as compared with the mass of national power actually exercised by the continental congress, is sufficient to show the weakness of the argument. But it is necessary to notice, further, that the continental congress, to which the power of the sword had been confided by the will of the people, had an unquestionable right, by the laws of war, not only to regulate these three unregulated matters, but even to abolish slavery, to order a general draft, and to confiscate the last dollar in the country, so long as the country remained the theatre of a war which *the people* were bent upon continuing. The doctrine is harsh, but it is the recognized law of war, and controls, by the necessity of the case, the laws and constitution of every civilized nation in which war is flagrant. (See WAR POWERS.) Of course it does not apply to a country which is waging a war beyond its own limits; only the right of self-preservation can thus stand above the laws. The few omissions of the revolutionary government, then, to do that which it had a right to do, can not militate against the evident intention of the people to establish and support a national government.— Apart from its assumption of such national powers as the poverty of the country, the difficulties of communication, and the lack of material left feasible, the most important political work of the continental congress was its long continued effort to transform itself from a revolutionary assembly into a representative body limited by law. June 10, 1776, the day on which the committee was appointed to prepare a declaration of independence, a committee of one from each colony was appointed "to prepare and digest the form of a confederation to be entered into between these colonies." Its report was made July 12, debated until Aug. 20, and dropped until April 8, 1777. It was then resumed, debated and amended, and was finally adopted Nov. 15, and recommended to the state legislatures for ratification in a circular letter of Nov. 17. By instructions from the state legislatures the articles were signed by the delegates of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Con-

necticut, New York, Pennsylvania, Virginia and South Carolina, July 9, 1778; of North Carolina, July 21; of Georgia, July 24; of New Jersey, Nov. 26; of Delaware, May 5, 1779; and of Maryland, March 1, 1781. The delay of the last three states in signing was due to the omission of the articles to make any provision for dividing the western lands among all the states (see TERRITORIES), and they only signed at last in the full confidence that those states whose nominal boundaries extended indefinitely west would resign their pretensions to the lands which were conquered by the common exertions of all the states. New Jersey interposed the further and more far-sighted objection that the articles were defective in not giving the general government the control of commerce. March 2, the revolutionary congress changed its basis of existence, and began its short-lived career as the congress of the confederation. (See CONFEDERATION, ARTICLES OF.) —Most of the state legislatures, as has been said, originally usurped the power to choose delegates to congress. When we come to the further question of the right of the legislatures to ratify and make valid that which their new servant, the continental congress, had offered for their ratification—a scheme of government which was professedly a league or treaty between sovereign and independent states—the usurpation becomes yet more glaring. Whence did the legislatures derive those "competent powers" with which the congress invited them to invest the delegates of their states for signing the articles of confederation? They can not be found in the state constitutions, not one of which authorized its legislature to form any league or treaty with other states; nor in any claim of a revolutionary and unlimited character for the legislatures, for they were all expressly limited by the organic law of the states, their charters or constitutions; nor in the undefined boundaries of legislative power, for the treaty power is essentially an executive, not a legislative, power, except so far as the legislative is admitted to it by the organic law. If, then, we are not to consider the articles of confederation as the extra-legislative and usurping action of state legislatures, we must look for their basis in the revolutionary character of the congress which framed them and which chose to offer them to the state legislatures for decision; and thus we are forced back again to the will of the whole people as the source even of the clumsy national government of the confederation. [The many instances in which the particularist bias of the American people caused their actions, and those of their representatives, to swerve from the straight line of theory, are considered under DECLARATION OF INDEPENDENCE, and STATE SOVEREIGNTY.]—Appended is a summary of the successive sessions and locations (see CAPITAL, NATIONAL) of the continental congress, before and after the adoption of the articles of confederation. After Oct. 21, 1788, the congress was nominally kept in existence in New York city by occasional meetings of a few delegates for the purpose only of adjournment, until the inauguration of the new federal government under the constitution. Sept 5, 1774–Oct. 26, 1774. Philadelphia, Pa.; May 10, 1775–Dec. 12, 1776, Philadelphia, Pa.; Dec. 20, 1776–March 4, 1777, Baltimore, Md ; March 4, 1777–Sept. 18, 1777, Philadelphia, Pa.; Sept. 27, 1777, Lancaster, Pa.; Sept. 30, 1777–June 27, 1778, York, Pa.; July 2, 1778–June 21, 1783, Philadelphia, Pa.; June 30, 1783–Nov. 4, 1783, Princeton, N. J.; Nov. 26, 1783–June 3, 1784, Annapolis, Md.; Nov. 1, 1784–Dec. 24, 1784, Trenton, N J.; Jan. 11, 1785–Nov. 4, 1785, New York city ; Nov. 7, 1785–Nov. 3, 1786, New York city; Nov. 6, 1786–Oct. 30, 1787, New York city; Nov. 5, 1787–Oct. 21, 1788, New York city. (See UNITED STATES; STAMP ACT CONGRESS; CONFEDERATION, ARTICLES OF; REVOLUTION; ORDINANCE OF 1787; ANNEXATIONS, I.; STATE SOVEREIGNTY)— See 8 Franklin's *Works*, 63; 1 Pitkin's *United States*, 282; 3 Burk's *History of Virginia*, 379; 1 Gordon's *History of the Revolution*, 239; 1 Marshall's *Washington*, 29; 7–9 Bancroft's *United States;* 3 Hildreth's *United States;* 1 von Holst's *United States*, 1–30 ; 1 Schouler's *United States*, 1–56; 1 Curtis' *History of the Constitution*, 1–137; Story's *Commentaries*, §§ 198–228; Frothingham's *Rise of the Republic;* Niles' *Principles and Acts of the Revolution ;* Greene's *Historical View of the Revolution*, 78–135 ; 2 Adams' *Works of John Adams* (notes of debates in Cont. Cong.); 1–4 *Public Journals of Congress* (to March 3, 1789); 1 *Secret Journals of Congress* (domestic affairs, 1774–88); 1 *Stat. at Large* (Bioren and Duane's ed.) 1–60; 1 Stephens' *War Between the States*, 52–81; 1 Calhoun's *Works* (disq. on government); Pollard's *Lost Cause* (cap. 1); Poore's *Political Register*, and *Federal and State Constitutions;* and authorities under CONSTITUTION, IV.

ALEXANDER JOHNSTON.

CONGRESS, Peace. (See CONFERENCE, PEACE.)

CONGRESS, Powers of, (IN U. S. HISTORY). Many of the powers given to congress by the constitution, such as the power to provide and maintain a navy, fall necessarily outside of the limits of party and political discussion. But there are others, such as the power to regulate commerce, which constantly provoke party contest; and on these the law, so far as it has been settled by the courts, is given below (see CONSTRUCTION, III.), the principles being necessarily given in very general terms. I. As a preliminary it must be laid down that the powers of congress are enumerated, not defined, in the constitution; that those powers were granted, not by the states, but by the people; that any power not enumerated among those granted to congress or prohibited to the states is reserved to the states or to the people; but that, in the exercise of the powers which have been delegated to congress, its powers are plenary,

absolute and unlimited, and it is "as omnipotent as any other supreme legislative body within its own sphere." (See 4 Wheat., 316; 9 Wheat., 1; 27 N. Y., 400; 12 Wheat., 419; 1 Wheat., 304; 12 Wall, 457.) The manner and extent of the exercise of its powers are questions of party contest, not of constitutional law.—II. Congress has power (under Art. I., § 8, ¶ 1) to lay taxes to any extent, and in its discretion: except that 1, direct and capitation taxes shall be apportioned; 2, that duties, imposts and excises shall be uniform throughout the United States; and 3, that no duties shall be imposed upon articles exported from any state. If the taxes are oppressive, congress is responsible not to the courts but to the people. But as the federal and state governments are never to interfere with one another, congress can not tax state officials, state institutions, or the agencies employed by state executives, legislatives or judiciaries in the proper performance of their duties. (See 7 How., 283; 7 Wall., 433; 5 Wheat., 317; 15 Wall., 112; 8 Wall.,533; 22 Ind., 276; 11 Wall., 113; 1 Bush, 239; 17 Wall., 322)—III. Congress has power (under ¶ 2) to borrow money on the credit of the United States, and implied in this is the power to issue securities or evidences of debt, such as treasury notes. To increase the credit of the United States congress may make such evidences of debt a legal tender for debts, public or private, and may restrain the circulation as money of any notes not issued by itself. (See 27 N. Y., 400; 8 Wall., 533; 39 Barb, 427; 2 Duval, 20; 22 Ind., 282.)—IV. Congress has power (under ¶ 3) to regulate commerce, including in the word commerce every variety of intercourse for purposes of trade, by land or water, external or internal, the carrying of passengers or of freight, the ships, seamen and officers, railroads and telegraphs, and the individuals or corporations owning them. (See 9 Wheat., 1; 17 Johns., 488; 4 Johns. Ch., 150; 7 How., 283; 91 U. S., 275; 4 Denio, 469; 15 Wall., 232; 31 N. J., 531; 3 Wall., 168; 8 Cal., 363; 12 How., 299; 2 Story, 455; 10 Wall., 557.) The term includes also the control and improvement of navigable rivers, salt or fresh, employed in foreign or inter-state commerce. (See 4 Wash. C. C., 371; 3 Wall., 713; 10 Wall., 557, 1 Brown, 193; 20 Wall., 430; 93 U. S., 4.) But it does not include the intercourse of citizens within the limits of a single state, which remains under state control, so long as it does not affect general commerce. (See 20 How., 84; 9 Wheat., 1; 19 Wall., 581; 61 Mass., 53; 28 Ind., 257; Newb., 241, 256; 23 N. J., 206, 4 McLean, 286) Nor does it prohibit the exercise of police power by the states, when not aimed at the regulation of commerce. (See 11 Pet., 102; 6 Cow., 169; 16 Grat., 139; 18 How., 71; 4 Wash. C. C., 371; 6 McLean, 237) In the exercise of its discretion congress may so regulate commerce as shall best conduce to the general interests of the country. (See 2 Am. L J., 255; 9 How., 560; 10 Wall., 557; 1 Brown, 193). What regulations it shall make is a question of party contest, not of constitutional law.—V. Congress has power (under ¶ 4) to establish a uniform rule of naturalization, and uniform bankruptcy laws throughout the United States. The former power is, not to naturalize, but to lay down a uniform rule by which the states shall naturalize. (See 19 How., 393; 5 Cal., 300; 50 N. H., 245.) The latter power, when exercised, supersedes and suspends all state insolvent laws. (See 4 Wheat., 122; 2 Ired., 463. See also, 12 Wheat., 213, and Webster's argument, 6 Webster's *Works*, 24)—VI. Congress has power (under ¶ 5) to coin money, and by this is plainly meant metallic money. (See 27 N. Y., 400; 39 Barb., 427; 2 Duval, 20.) But this does not exclude the war power of congress to make treasury notes a legal tender. (See 12 Wall., 457; 22 Ind., 282; 27 N. Y., 400; 13 Wall., 604; 15 Wall., 195; and authorities under WAR POWER.) — VII. Congress has power (under ¶ 11) to declare war and to prosecute it by all the legitimate methods known to international law. It may suppress rebellion, confiscate the property of public enemies, foreign or domestic, may emancipate their slaves, may prohibit intercourse with them, and (see cases last above cited) may make treasury notes legal tender. (See 7 Wall., 700; 2 Black., 635; 11 Wall., 268, 331; 1 Blatch. Pr, 119; 2 Sprague, 123; 63 N. C., 131; 25 Ark., 625.) It may acquire territory, by conquest or treaty. (See 1 Pet, 511; 9 How., 603.) For the further power, as a result of civil war, to reconstruct rebellious states, see under XII.—VIII. Congress has power (under ¶ 12) to raise armies, and this includes the power to do so by draft or conscription, as well as by volunteering. (See 23 Wis., 423; 45 Penn, 238; 3 Grant, 465; 32 Conn., 118; 45 N. H., 544.) When congress (under ¶¶ 15 and 16) proceeds to call forth and organize the militia, it is no longer state but national militia. (See cases last cited, and 5 Wheat., 1; 80 Mass., 548; 27 N. Y., 400; 7 Wall., 700.)—IX. Congress has power (under ¶ 18) to make all laws which shall be necessary and proper for carrying its powers into execution. This carries permission for congress to legislate on the vast mass of incidental powers implied in the constitution. (See 4 Wheat., 316; 2 A. K. Marsh., 75; 9 How., 560; 2 Cranch, 358.) But it does not operate to limit or restrain the powers of congress; any law which is either indispensably necessary, very necessary, or simply *necessary*, may be passed under it. (See cases last cited, and 12 Wall., 457; 27 N. Y., 400; 16 Pet., 539, 16 Barb., 268; 10 Wheat., 51.) The governing principle is that assigned in McCulloch *vs.* State (4 Wheat., 316), that a government which has a right to do an act, and has imposed upon it the duty of performing that act, must, according to the dictates of reason, be allowed to select that means which seems to it necessary and proper. (See also BANK CONTROVERSIES, II)—X. Congress alone, not the president or any of his subordinates, has the power (under § 9, ¶ 2) to suspend the privilege of the writ of *habeas corpus*. (See 21 Ind, 370; 16

Wis., 359; 1 Deady, 233; 1 Abb. C. C., 212; Taney, 246; 3 Mart., 531.) But congress, by statute, may authorize the president to suspend the writ. (See cases last cited; 17 Wis., 681; and authorities under HABEAS CORPUS.) — XI. Congress has power (under Art. IV., § 3) to govern the territories, either by forming a territorial government, or directly by its own laws. (See 19 How., 393; 14 Pet, 526; 6 McLean, 517; 11 Mart., 309; 1 Pet., 511; 6 Cranch, 332; 1 Oregon, 418.)—XII. Congress has power (under § 4) to prescribe the terms on which a rebellious state shall be again recognized as a member of the Union, and when such a state has accepted the terms, and been recognized by congress, it is forever estopped to deny their validity. (See 7 Wall., 700; 7 How., 1; 39 Geo., 285, 425; 43 Ala., 469; 41 Mo., 63; 13 Wall., 646, 39 Geo., 306; 16 Wall., 46)—XIII. Congress has power (under Amendment XIV.) to interfere to prevent any denial of equal rights to all citizens which springs from state laws, or from the general conflict between the white and black races, but not to punish or prevent those crimes which spring from the ordinary felonious or criminal intent of individuals. (See 1 Woods, 308; 92 U S, 542; 16 Wall, 63; 100 U. S., 265, 310, 345. 385.) XIV. Congress has power (under Amendment XV.) to prevent the states from withholding the franchise on account of race, color, or previous condition of servitude, but not to prevent the states from withholding it for other reasons. (See cases last cited, and 7 Kans., 50; 3 Oregon, 568; 92 U. S., 214; 43 Cal, 43; 14 A. L. Reg., 105, 238; 95 U. S., 470.)—See, in general, Bump's *Constitutional Decisions*, and the copious notes of decisions on the separate sections of the constitution in Smith's *Manual of the House of Representatives*, taken from the *Revised Statutes*.

ALEXANDER JOHNSTON.

CONGRESS, Sessions of, (IN U. S. HISTORY). The first two sessions of the 1st congress were held at New York; until the end of the first session of the 6th congress, all the sessions were held at Philadelphia; since that time congress has met at Washington. (See CAPITAL, NATIONAL.) Below will be found the dates of the meeting and adjournment of each session of each congress, together with the names of the successive speakers of the house. Democratic speakers are printed in Roman; federalist, whig and republican speakers in italic. The presiding officer in the senate is the vice-president (see ADMINISTRATIONS). I.: 1. March 4 – Sept. 29, 1789; 2. Jan. 4 – Aug. 12, 1790; 3. Dec. 6, 1790 – March 3, 1791. F. A. Muhlenbergh, Pa.—II.: 1. Oct. 24, 1791 – May 8, 1792; 2. Nov. 5, 1792 – March 2, 1793. *Jonathan Trumbull*, Conn.—III.: 1. Dec. 2, 1793 – June 9, 1794; 2. Nov. 3, 1794 – March 3, 1795. F. A. Muhlenbergh, Pa. — IV.: 1. Dec. 7, 1795 – June 1, 1796: 2. Dec. 5, 1796 – March 3, 1797. *Jonathan Dayton*, N. J.—V.: 1. May 15 – July 10, 1797; 2. Nov. 13, 1797 – July 16, 1798; 3. Dec. 3, 1798 – March 3, 1799. *Jonathan Dayton*, N. J.—VI.: 1 Dec. 2, 1799 – May 14, 1800; 2. Nov. 17, 1800 – March 3, 1801. *Theo. Sedgwick*, Mass.—VII.: 1. Dec. 7, 1801 – May 3, 1802; 2. Dec. 6, 1802 – March 3, 1803. Nathaniel Macon, N. C.—VIII.: 1 Oct. 17, 1803 – March 27, 1804; 2. Nov. 5, 1804 – March 3, 1805. Nathaniel Macon, N. C.—IX.: 1. Dec. 2, 1805 – April 21, 1806; 2. Dec. 1. 1806 – March 3, 1807. Nathaniel Macon, N. C.—X.: 1. Oct. 26, 1807 – April 25, 1808; 2. Nov. 7, 1808 – March 3, 1809. Joseph B. Varnum, Mass.—XI.: 1. May 22 – June 28, 1809; 2. Nov. 27, 1809 – May 1, 1810; 3. Dec. 3, 1810 – March 3, 1811. Joseph B. Varnum, Mass.—XII.: 1. Nov. 4, 1811 – July 6, 1812; 2. Nov. 2, 1812 – March 3, 1813. Henry Clay, Ky.—XIII: 1. May 24 – Aug. 2, 1813; 2. Dec. 6, 1813 – April 18, 1814; 3. Sept. 19, 1814 – March 3, 1815. 1. Henry Clay, Ky. 2. Langdon Cheves, S. C.—XIV.: 1. Dec. 4, 1815 – April 30, 1816; 2. Dec. 2, 1816 – March 3, 1817. Henry Clay, Ky.—XV.: 1. Dec. 1, 1817 – April 30, 1818; 2. Nov. 16, 1818 – March 3, 1819. Henry Clay, Ky.—XVI.: 1. Dec. 6, 1819 – May 15, 1820; 2. Nov. 13, 1820 – March 3, 1821. 1. Henry Clay, Ky. 2. John W. Taylor, N. Y.—XVII.: 1. Dec. 3, 1821 – May 8, 1822; 2. Dec. 2, 1822 – March 3, 1823. Philip P. Barbour, Va.—XVIII.: 1. Dec. 1, 1823 – May 27, 1824; 2. Dec. 6, 1824 – March 3, 1825. Henry Clay, Ky.—XIX.: 1. Dec. 5, 1825 – May 22, 1826; 2. Dec. 4, 1826 – March 3, 1827. John W. Taylor, N. Y.—XX.: 1. Dec. 3, 1827 – May 26, 1828; 2. Dec. 1, 1828 – March 3, 1829. Andrew Stevenson, Va.—XXI.: 1. Dec. 7, 1829 – May 31, 1830; 2. Dec. 6, 1830 – March 3, 1831. Andrew Stevenson, Va.—XXII.: 1. Dec. 5, 1831 – July 16, 1832; 2. Dec. 3, 1832 – March 3, 1833. Andrew Stevenson, Va.—XXIII.: 1. Dec. 2, 1833 – June 30, 1834: 2 Dec. 1, 1834 – March 3, 1835. 1. Andrew Stevenson, Va. 2. *John Bell*, Tenn. —XXIV.: 1. Dec. 7, 1835 – July 4, 1836; 2. Dec. 5, 1836 – March 3, 1837. Jas. K. Polk, Tenn.—XXV.: 1. Sept. 4 – Oct. 16, 1837; 2. Dec. 4, 1837 – July 9, 1838; 3. Dec. 3, 1838 – March 3, 1839. Jas. K. Polk, Tenn.—XXVI.: 1. Dec. 2, 1839 – July 21, 1840; 2. Dec. 7, 1840 – March 3, 1841. *R. M. T. Hunter*, Va.—XXVII.: 1. May 31 – Sept. 13, 1841; 2. Dec. 6, 1841 – Aug. 31, 1842; 3. Dec. 5, 1842 – March 3, 1843. *John White*, Ky.—XXVIII.: 1. Dec. 4, 1843 – June 17, 1844; 2 Dec. 2, 1844 – March 3, 1845. John W. Jones, Va.—XXIX.: 1. Dec. 1, 1845 – Aug. 10, 1846; 2. Dec. 7, 1846 – March 3, 1847. John W. Davis, Ind.—XXX: 1. Dec. 6, 1847 – Aug. 14, 1848; 2. Dec. 4, 1848 – March 3, 1849. *Robert C. Winthrop*. Mass.—XXXI.: 1. Dec. 3, 1849 – Sept. 30, 1850; 2. Dec. 2, 1850 – March 3, 1851. Howell Cobb, Ga.—XXXII.: 1. Dec. 1, 1851 – Aug. 31, 1852; 2. Dec. 6, 1852 – March 3, 1853 Linn Boyd, Ky. —XXXIII.: 1. Dec. 5, 1853 – Aug. 7, 1854; 2. Dec. 4, 1854 – March 3, 1855. Linn Boyd, Ky.—XXXIV.: 1. Dec. 3, 1855 – Aug. 18, 1856; 2. Aug. 21 – 30, 1856; 3. Dec. 1, 1856 – March 3, 1857. *N. P. Banks*, Mass.—XXXV.: 1. Dec. 7, 1857 – June 1, 1858; 2. Dec. 6, 1858 – March 3, 1859. Jas. L. Orr, S. C.—XXXVI.: 1. Dec. 5, 1859 – June 18,

1860; 2. Dec. 3, 1860–March 3, 1861. *Wm. Pennington*, N. J.—XXXVII.: 1. July 4–Aug. 6, 1861; 2. Dec. 2, 1861–July 17, 1862; 3. Dec. 1, 1862–March 3, 1863. *Galusha A. Grow*, Pa.—XXXVIII.: 1. Dec. 7, 1863–July 2, 1864; 2. Dec. 5, 1864–March 3, 1865. *Schuyler Colfax*, Ind.—XXXIX.: 1. Dec. 4, 1865–July 28, 1866; 2. Dec. 3, 1866–March 3, 1867. *Schuyler Colfax*, Ind.—XL.: 1. March 4–30, July 3–20, Nov. 21–Dec. 2, 1867; 2. Dec. 2, 1867–July 27, Sept. 21, Oct. 16, and Nov. 10, 1868; 3. Dec. 7, 1868–March 3, 1869. *Schuyler Colfax*, Ind.—XLI.: 1. March 4–April 10, 1869; 2. Dec. 6, 1869–July 15, 1870; 3. Dec. 5, 1870–March 3, 1871. *Jas. G. Blaine*, Me.—XLII.: 1. March 4–April 20, 1871; 2. Dec. 4, 1871–June 10, 1872; 3. Dec. 2, 1872–March 3, 1873. *Jas. G. Blaine*, Me.—XLIII.: 1. Dec. 1, 1873–June 23, 1874; 2. Dec. 7, 1874–March 3, 1875. *Jas. G. Blaine*, Me.—XLIV.: 1. Dec. 6, 1875–Aug. 15, 1876, 2. Dec. 4, 1876–March 3, 1877. 1. M. L. Kerr, Ind.; 2. S. J. Randall, Pa.—XLV.: 1. Oct. 15–Dec. 3, 1877; 2. Dec. 3, 1877–June 20, 1878; 3. Dec. 2, 1878–March 3, 1879. S. J. Randall, Pa.—XLVI.: 1. March 18–July 1, 1879; 2. Dec. 1, 1879–June 16, 1880; 3. Dec. 6, 1880–March 3, 1881. S. J. Randall, Pa. (See CONTINENTAL CONGRESS.)—See Poore's *Political Register*, 4–204.

ALEXANDER JOHNSTON.

CONKLING, Roscoe, was born at Albany, N. Y., Oct. 30, 1829, practiced law in Utica, N. Y., was a representative in congress (republican) 1859–67, and United States senator 1867–81. He was one of the candidates for the republican nomination for the presidency in 1876, and is at present (1881) one of the leaders of the republican party. A. J.

CONNECTICUT, a state of the American Union. Its first or provisional government was formed under a commission from the Massachusetts legislature, March 3, 1636, to eight of the settlers on "the river of Connecticut." Jan. 14, 163$\frac{8}{9}$, there was formed a *quasi* constitution, directing all magistrates, including the governor, to be chosen annually by popular vote, a tenure continued until 1876 in the case of the governor though efficient officers have been usually re-elected. In 1876 the governor's term was lengthened to two years. Hartford and New Haven remained separate colonies until their acceptance of the charter of 1662, and the memory of the division was retained in the two capitals of the state, Hartford and New Haven, until 1875, when Hartford was made sole capital. April 23, 1662, Charles II. granted the colony a charter, which continued the popular election of governors and legislatures and gave to the colonial government the appointment of judges. The boundaries assigned were as follows: "Bounded on the East by Narraganset-River, commonly called Narraganset-Bay, where the said River falleth into the Sea; and on the North by the Line of the Massachusetts-Plantation; and on the South by the Sea; and in Longitude as the Line of the Massachusetts-Colony, running from East to West, That is to say, From the said Narraganset-Bay on the East to the South Sea on the West Part." (See TERRITORIES, NEW YORK, MASSACHUSETTS, RHODE ISLAND.) This very democratic charter was made the constitution of the "free, sovereign and independent state" of Connecticut in 1776 by statute. Oct. 5, 1818, by a close vote (13,918 to 12,361), a new constitution was adopted, whose main political change was an extension of the right of suffrage, which had hitherto been in those made freemen by the towns, to all white males, 21 years old, of good moral character, having a freehold of $7 annually or paying a state tax. The property qualification has since been abolished, and an educational requisite (ability to read) has been added, but the character qualification is still in force. (See CONSTITUTIONS, STATE. For the disputed title to Wyoming, see WYOMING, PENNSYLVANIA.)—In national politics the course of Connecticut has been almost unwaveringly anti-democratic. It has cast its electoral vote for the federalist, whig or republican candidates at every presidential election except four: 1820, 1836, 1852 and 1876. After the downfall of the federal party in 1800, Connecticut and Delaware were the only states which, so long as there were federalists to vote for, voted for federalists at *every* election. In 1820 these two states at last joined with all the others in voting for Monroe, but at the first opportunity, in 1824, both returned to a broad constructionist candidate, John Quincy Adams. In 1836 Van Buren's majority over Harrison was but 768 out of a total of 37,700 votes. In 1852 the state went to Pierce through the defection from the whigs of about 3,000 free-soil votes. In 1876 Tilden's majority over all was but 1,712 out of a total of 122,156 votes. But, notwithstanding this almost constant vote against the democratic party, the majorities have generally been proportionally very small, and the democratic organization in the state has always been strong and active. In 1818, after a struggle of many years, it forced from its federalist opponents the new constitution above referred to, with an extension of the suffrage. Since that time its existence in the state has been maintained by the almost even balance of success between the two parties in the annually recurring state elections. The state may therefore be classed in general as republican (in 1881) in national politics, and extremely doubtful in state politics. In one year (1868) the state chose republican electors and a democratic governor.—The name of the state was taken from the name of its principal river, an Indian word meaning *Long River*. The popular name is either *The Nutmeg State*, or *The Land of Steady Habits*. —GOVERNORS (since 1776): Jonathan Trumbull (1776–83), Matthew Griswold (1784), Samuel Huntingdon (1785–95), Oliver Wolcott (1796–7), Jonathan Trumbull (1798–1808), John Treadwell

(1809–10), Roger Griswold (1811–12), John Cotton Smith (1813 – 16), Oliver Wolcott (1817 – 26), Gideon Tomlinson (1827–30), John S. Peters (1831–2), H. W. Edwards (1833), Samuel A. Foote (1834), H. W. Edwards (1835–7), W. W. Ellsworth (1838–41), C. F. Cleveland (1842–3), Roger S. Baldwin (1844–5), Clark Bissell (1846–8), Joseph Trumbull (1849), Thomas H. Seymour (1850–53), Henry Dutton (1854), W. T. Minor (1855–6), A. H. Holley (1857), W. A. Buckingham (1858–65), Jos. R. Hawley (1866), Jas. E. English (1867–8), Marshall Jewell (1869), Jas. E. English (1870), Marshall Jewell (1871–2), Charles R. Ingersoll (1873–5), R. D. Hubbard (1876–8), Charles B. Andrews (1878–80), H. B. Bigelow (1880–82) — See Hildreth's *United States;* Barber's *Connecticut Historical Collections;* Hollister's *History of Connecticut; Connecticut Registers* (annual); *Tribune Almanac* (1838–81); *Connecticut Democratic Year Book for* 1880; Carpenter and Arthur's *History of Connecticut;* Dwight's *History of Connecticut;* Trumbull's *History of Connecticut;* Bushnell's *Work and Play;* and authorities under BLUE LAWS; WYOMING; Croffutt and Morris' *Civil and Military History of Connecticut during the War.* ALEXANDER JOHNSTON.

CONQUEST is a fact which has its place and its marked significance in the growth of humanity, and which, among civilized nations, is subject to certain rules. It has its philosophy as well as its rights, and should therefore be examined as well in its historical manifestations as from the point of view of international law.—I. Historically, conquest has demonstrated its *raison d'être* in all the grand phases through which humanity has passed. Whether it be a fatality inherent in the nature of man, or merely a transitory fact, as the disciples of the abbé St. Pierre hope, it is unfortunately not to be denied that it is through blood and ruin that great political and social changes are effected. Every nation forms its own code of laws by which it is governed as long as it endures; but above this code, formal and transient as the society which it serves as a rule, towers the great law of endless human progress. Nations are sometimes delayed in the performance of the mission with which they are charged. They finally accomplish it, but are unable in time to see that their task is over. Their regeneration is then effected by the intervention of another race or of a rival nation, which comes to occupy the vacant place, and to employ the ruins of the old in the building of the new, until such time as it itself disappears in one of the ceaseless evolutions of growing humanity. It is undoubtedly sad to be forced to admit that peace does not always attend the march of progress, and that a moment comes when the internal vital principle of nations no longer suffices for their development, and when conflict becomes a necessity in order to preserve the creative power of thought; but, on the other hand, there is a philosophic consolation in acknowledging that these violent struggles of one people with another, of one race with another, are almost never fruitless, and are beneficent in their final consequences. The wars of the Greeks against the Persians were among the most powerful agents of civilization in antiquity; and it is enough to recall the magnificent chapter of Montesquieu on Alexander the Great (Spirit of Laws, book x., chapter 14) in order to see how narrow is the view of those who find in the expedition of the Macedonian hero the mere caprice of a young man thirsty for praise and glory. Alexander was the apostle of Hellenism; but, at the same time, he initiated the west into the mysterious teachings of the east. He was the founder of that mixed society in which Greek, Egyptian, Jew, Phœnician and Persian, by blending their sacred mysteries, their philosophic and religious doctrines, prepared the world for the advent of Christianity. Alexander's empire brought men to see their moral unity and their common ties; and for this reason there are no more fruitful events in history than the triumphs of this man. But there was in his work, as in general there was in all the work of Greece, more genius than persistent force. With her sovereign grace and her youthful generosity, Greece sowed everywhere along her passage germs of marvelous fecundity, but she left their free development to the future; she created worlds, but she did nothing to reduce them to order. Organizing genius fell to the lot of Rome. From conquest to conquest, Rome forced the ancient world into the *orbis Romanus,* and stamped upon the nations so profound an imprint of her power that it is visible to the present day. The Greeks had brought together, and to a certain extent had blended, the east and the west: the Romans, although heirs of Greece, had as their special mission the founding of the western world. Their gift of command, their vocation to conquer and absorb, had so absolute a character, that, in spite of the numerous and indelible traces of their action, it is still debated whether their mission was a benefit to humanity or not. Rome assimilated the conquered nations to herself, but she did so only after she had crushed them to the earth.—She had received rich and populous countries under her administrative yoke, and depopulation extended by degrees over the provinces of the empire. But, notwithstanding her enervation, Rome did not dream of changing the motive principle of her policy, which consisted in absorbing the world into herself, and in consuming wealth without producing it. In the midst of her agony she went on further and further regulating and exhausting the provinces, but she did not cease to reign till after she had established the unity of Europe. It is during this period of exhaustion which marks the end of ancient society, that the third conquerors of the civilized world appeared. The Germans entered the deserted lands of the last of the Cæsars, as much in the character of colonists as of conquerors. With little of civilization about them, they allowed

themselves easily to be guided by that portion of Roman society which still stood erect, but they changed it none the less, by inoculating it with a principle unknown to Greeks and Romans, that of individual liberty. Although it appeared under the form of a privilege, this fruitful principle held within its bosom the whole future. It breathed life into Christianity, which had lost in the ancient world its regenerating virtue, because it had none to speak to but souls debased and trained in slavery. Charlemagne, by compromising between the genius of Rome and that of the German race, extended by his conquests the reign of Christian civilization over countries and peoples unknown to the ancient rulers of the earth, and laid the foundations of modern society. The middle ages lived on Carlovingian ideas, vibrating unceasingly between the instincts of liberty placed in their hearts by the infusion of German blood and the principles of authority represented by Rome, as well in imperial legislation as in the spiritual domain.—After having shaken off the spiritual yoke of Rome, in the sixteenth century, Germany remained subject to the yoke of *servitudes* created by the middle ages, or, in the course of time, by the doctors of Roman law. It was reserved for a nation whose universal mission was not yet known to do away with the antiquated forms of the middle ages, and to show what were the logical conclusions from premises laid down by preceding centuries. Uniting the dash and spiritualism of the Gauls to the organizing genius of Rome and the pride of the Germans, France, by her prolonged struggles in the sixteenth century, had saved the principle of intellectual freedom. Preserved in this way from the spiritual death of Italy and Spain, she presented to the world the new and astonishing spectacle of a society beginning its own regeneration by virtue only of its internal power. Until then, nations had perished rather than change. France inaugurated a new era by showing that the modern epoch possesses in itself the power of a second birth. This lesson, the first and greatest taught by the French revolution, did not prevent that revolution from passing beyond the borders of France, thanks to foreign aggression. During a war which lasted 20 years, all Europe was in convulsion, and the name of Napoleon was added to the names of Alexander, Cæsar and Charlemagne. In pushing the conquests of France beyond the limits traced by her in her most ambitious dreams, Napoleon became an instrument to spread the principles of the revolution. It matters little that his immense and numerous enterprises attracted the hatred of subjugated peoples as much as they did their admiration. The same measure can not be applied to grand and terrible characters like him as to other men. It remains true, in spite of every adverse denial, that the Napoleonic conquests were triumphs of modern civilization over an effete society; that everywhere they gave the death blow to the middle ages, shook up everything in Europe; and that the impulse they gave Europe continues yet. —This brief sketch shows that there are civilizing wars and conquests; but, unfortunately, there are others which bring no compensation. It is possible to find an historical significance in the conquests of Attila. In his wanderings he drew all the north in his train, and was at least an incident in the great invasion of the empire. But the mind is bewildered at the sight of the conquests of oriental despots, of Gengis Khan, Tamerlane or Bajazet. Why did these men cross a part of the habitable globe like a lightning flash, piling up ruins and heaping up victims, and yet do nothing, as Montesquieu expresses it, "toward paying the immense debt they had contracted toward humanity"? When Bajazet was brought, a prisoner, into the presence of Tamerlane, the latter, after looking at him for a moment, began to laugh. Bajazet, having reminded him of the instability of fortune, reproached him for not pitying his distress. "I know what you wish to say," said the conqueror, "and I have no desire to insult you in your defeat; but I say that all the kingdoms of the earth must have little value in the eyes of God or in themselves that they should be given up to a wretched one-eyed man like you, or to a wretched cripple like me." The contempt of humanity which these words breathe, the absence of an ideal which they denote, enable us to measure the distance which separates the barbarian from the civilized hero. The Turkish and Tartar conquerors, descended from the highlands of Asia, have exercised no influence on the history of humanity. By taking possession of China, India, Asia Minor, and even of a part of Europe, Gengis Khan, Othman and their successors simply drew near to civilizations relatively superior, which, at most, they assimilated only partially. When they did not destroy them, they added nothing to them. The only Asiatic conquerors whom it is proper to place on a higher level than this, and who during a certain period represented a special civilization, are the ancient Persians, after the time of Zoroaster, and the Arabs, after that of Mohammed. But, saving these two exceptions, Asia presents only the sad spectacle of a few nations that were arrested in their growth after they had attained at an early period a stage of culture in some respects advanced, and which did not receive from those who forced the way into their midst any new or fruitful germ We must come back to Europe to discover for events any reason but a purely external one, and to see them developed with that logical sequence and power of combination which marks the statesman. —Even wars of a secondary order come to have, on this account, some significance. When the German people settled in the provinces of the Roman empire, they did not settle at once within the limits in which they have been since confined. Not only did the several states not have their present frontiers, but, owing to the scattering of their forces brought about by feudal organization,

the distribution of their respective forces was in nothing analogous to what it is to-day. After the European states were consolidated internally, and had concentrated their resources, sovereigns began to look beyond their frontiers, to measure their forces and calculate their relative strength. From this originated the wars intended to bring about an equilibrium of power (see BALANCE OF POWER), and the conquest of provinces, with the view of increasing the defensive power of states and giving them better frontiers. Each state drew up for itself a series of diplomatic and strategic rules, endowed by tradition with the force of precedent, and their precedents controlled for a long time the policy of cabinets. The system of equilibrium is evidently right to a certain point; for it concerns the liberty of all Europe to prevent the predominance of any single power. Which of us has not been forcibly impressed by the first chapter of Gibbon, in which he pictures the Roman empire as a vast prison, opening throughout its vast extent not a single door to the victim of tyranny, and leaving him no other refuge than death, the last asylum of the free? A multitude of sovereignties is therefore a guarantee of human liberty, and the disproportionate increase of one power is a menace to all. But the system of equilibrium soon became a pretext for the most iniquitous conquests; and, although it found its origin in the interests of the liberty of Europe, there is no political theory which has led to such deeds of tyranny and arbitrariness. Francis I. and Henry IV., struggling against the house of Austria, and William III. against Louis XIV., acted in accordance with this salutary principle, but one which was caricatured at a later time; for it was in the name of the equilibrium of Europe that three spoliating powers effected the partition of Poland. The eighteenth century has been, moreover, a witness of the most glaring abuses of conquest, open or disguised. At no time have princes been seen to trade for or seize provinces with such eagerness, without troubling themselves in the least whether they obtained the consent of the people, and consulting only their own convenience. Frederick the Great is the best example of this; and he would have been surpassed by Joseph II. if the latter had had as much genius and the same opportunity as his rival and model. It is strange that, just on the eve of the French revolution, and during an age of generous philosophy, people should have been most treated like a herd of cattle.—It remains for us to speak of a third species of conquest, the conquest of barbarian nations by civilized peoples. Many authors have raised the question whether the same rules should be applied to them as to conquests made in Europe. This question is settled by the facts in the case. One of the historic phenomena of our century is the subjection of the globe to three great European powers. The aggrandizements of Russia, England and France in India, the extreme east and Africa, are not otherwise regarded than as the conquests by civilization of barbarism; and these heathen lands are considered the common property of Christianity and the white race, which is called to universal dominion. The reproach of ambition directed against England in India, Russia on the borders of China and in central Asia, France in Algeria, come to naught in presence of the imperative law which confers on great nations the mission of drawing humanity nearer its goal. The right of civilization over barbarism is not limited to nomad peoples, and hunters, which make no use of the soil which they are supposed to occupy, but it extends to every nation which pretends to ward off the influence of Europe or civilization by factitious barriers. People do not think that China, Japan, Madagascar, were founded to continue their existence apart; and public opinion has not blamed the efforts which have succeeded, at least in part, in making these countries a common patrimony of the nations. The right of civilization goes as far as to dispossess or put under guardianship peoples who do not accomplish their mission. The Ottoman empire and Mexico, situated at the connecting points of two worlds, which, instead of making their natural advantages of any value, to the benefit of all, live in a state of continual inertia, are destined to pass from the weak hands which hold them back, into those of some civilizing race. But this right of extension of civilization, as against barbarism or incapacity, is attended by duties to the conquered. It is to this kind of conquest that we may apply the words of Montesquieu: "I define the right of conquest in this way: A necessary, legitimate and unfortunate right, which always leaves an immense debt to be paid to humanity." The past offers us examples in which the evils of conquest have been more than balanced by the benefits which followed them, and others, in which the subsequent benefits have not compensated for the injury inflicted. Leaving Europe out of consideration, we may take the case of the English colonies in New England, and the French colonies in Canada and Louisiana, as illustrative of the first; and, of the second case, the Spanish colonies of the new world. Was the civilization of the Incas and the Aztecs of less value than that brought them by their conquerors? To avoid misunderstanding, therefore, let us say that we are far from approving conquest except as an evil sometimes necessary, and which is justified only by the good it produces.—II. Let us now pass to the right of conquest as admitted in civilized states. This right has been modified by the refinement of the customs of war, and it has in nothing preserved the absolute and stern character of ancient times. The ruling principle is, that conquest alone does not confer definitive and incontestable rights, and that the loss of possession by the fortune of war does not extinguish the proprietary right of the sovereign against whom the war has gone. The conqueror would therefore be considered as abusing his power and *de facto* sovereignty which has devolved on him

provisionally, if he should dispose, by gift or otherwise, of a conquered or usurped domain. Nevertheless, a distinction is made as to the property of the dispossessed sovereign. If it be a question of his private property, the principle which guards the property of subjects guards his also; but, if the conqueror take possession of the domain of the state, even temporarily, he may dispose of it without being accused of abuse of force, leaving it to the proprietor, in case of his return, to take advantage of the right of *postliminium*. But the same license does not extend to the authorization of the alienation of private estates or other real property, thus devouring the substance of the conquered country. The alienation of a conquered province in favor of a third party would expose the new possessor to a demand for restoration from the original owner, who might claim his property from all possessors of it without even the strict obligation of paying them anything more for it than the value of their improvements. It is clear, from what precedes, that military occupation is not sufficient to take away proprietary rights. But the privileges of the conqueror are not less important on this account. He exercises the rights of sovereignty; he uses the public revenue; he may perform every act resting on the persistence of the social tie, and of government as well as of private law. If the conquered country is a constitutional state, in which the sovereignty is divided between the prince and the people, the conqueror is not bound to respect this division: he has conquered not only the prince's part of the sovereignty, but also that belonging to the people. The conqueror, therefore, is free to govern according to the constitution established, or according to another régime of his own choice; and this latter takes place most frequently, considering that the character of the new authority is essentially military. The acts of the conqueror or conquering power become final if the treaty of peace which ends the war confirms him in the possession of the conquered country, and confers the proprietorship of it on him. The treaty of peace determines the conditions of this transfer. If, on the contrary, the conqueror does not retain the province occupied, either because he loses it during the war, or because he restores it when peace is restored, the original proprietor, on entering into possession anew, exercises the right of postliminium. In virtue of this right, property taken by the enemy is restored to its former status when returned to its former owner. It is then that the consequences and complications of the provisional condition which weighed on the country during the conquest, become evident. (See POSTLIMINIUM.)

JULES GRENIER.

CONSEILS DES PRUD'HOMMES, is the name given to a class of tribunals established by law in many of the important cities of France and Belgium, for the speedy and inexpensive settlement of certain specified industrial disputes, and the execution of certain laws and regulations affecting manufacture and trade. These tribunals are the outgrowth of the trade guilds that existed in France for centuries, and regulated trade and labor. These guilds shared the fate of all corporations during the French revolution, their suppression being decreed by the national assembly in 1789. Lyons alone retained some semblance of the old jurisdiction in its "common tribunal;" and out of this, forced by the confusion that followed the suspension of the guild function, grew the first "Conseil des Prud'hommes," which was established at Lyons by a decree of Napoleon I., dated March 18, 1806.—Under this decree, with but few material modifications, the conseils have acted until the present. The most important change has been in the relative influence of employers and employed, the preponderance, until 1848, being with the former, and then for five years, until June 1, 1853, with the latter. By a law passed at this date, under which the conseils now act, the perfect equality of employer and employed in the organization and working of the conseils is secured. In the earlier conseils, also, the officers were elected, in the latter, appointed, as stated below.—These conseils are judicial tribunals, established under the authority of the minister of commerce, upon the request of the chamber of commerce, indorsed by the municipal council of the city where the proposed conseil is to be located. The request sets forth the need of a conseil; the trades that will be represented in it, divided into categories of cognate trades; and other facts that guide the minister in deciding upon the application. The municipal council promises to provide for the necessary expenses of the conseil.—The officers of the conseil are a president and vice president, named by the chief of state, who hold office for three years; a secretary, appointed and removed by the prefect; and a certain number of members termed prud'hommes; the number in any conseil being not less than six, half of whom are employers and half employed, each class electing its own representatives. Certain qualifications as to ability, experience, age, residence and character, are required to be possessed, both by the prud'hommes, and, in a less degree, by those who elect them. The prud'hommes hold office for six years, and, together with the officers, are re-eligible. The members of the conseils serve without pay.—Each conseil is divided into two chambers, called the private bureau and the general bureau. The sole duty of the former, which is composed of two members only, and before which the proceedings are quite informal, is to conciliate, if possible, the members who come before it and settle disputes without a formal trial. Failing this, the case is taken before the general bureau, where an attempt is again made to settle the trouble by agreement; and this again failing, the case is tried and judgment given. The relative importance of these two bureaus is seen in the reports of cases settled, given below.—Not only

does the jurisdiction of the conseils extend to all questions that may result from the relations of employer, employed, foremen and apprentices, but they are charged with the execution of the trade-mark laws, the inspection of factories, and the general laws and regulations affecting manufacture and trade and its police. While certain disputes and differences growing out of industrial relations are excluded from its jurisdiction, even many of these may by consent be considered. There is no limit as to the amount of the claim in dispute that may be brought before the conseils. —The methods of procedure in the general bureau are those of a court, much simplified, and with no delay. The parties to a dispute can, by common consent, refer the dispute to the conseil for settlement; but generally cases are brought before it on complaint of one or the other party. A letter of invitation similar to a summons is sent to the party defendant. The case may be heard on statement or pleadings, or witnesses may be examined. A majority of the prud'hommes present decides the case. The decisions in which the amount in dispute does not exceed 200 francs are without appeal. In cases involving more than this, an appeal can be taken to the tribunal of commerce, or, in arrondissements in which no such tribunal exists, to the civil courts. The decisions have all the authority of a court, and are enforced by the same means as those of all other courts of law in France. The costs are very light in most cases, being, in those in which only the letter of invitation is issued, not over six cents. —The workings of these conseils, though they are confessedly imperfect and have some grave faults, have been of the highest value to French industry. In 1847 the 69 conseils then in existence had brought before them 19,271 cases, of which 17,951 were settled by conciliation in the private bureau, 951 more by advice of the conseil, and, in only 519 cases, was it necessary to enter formal judgment. In 1878 the number of cases brought before the conseils was 35,046. Of these, 18,415 were settled in private, 9,076 in the conseils, and formal judgment entered in 7,555. Of the causes of dispute in 1878, 21,368 were relative to wages, 4,733 to dismissals, and 1,795 to matters affecting apprentices. JOS. D. WEEKS.

CONSERVATIVE, a name generally adopted in free countries by the party opposed to sudden innovations. It is sometimes known, also, as the party of resistance. In England the conservative is almost identical with the tory party. The reform party was represented formerly by the whigs; but for sometime past a third party, known as the radicals, has existed. The whigs now form a sort of middle party between the radicals and the tories.—In France, under the monarchy of 1830, the name conservative was given to the party which supported the moderate politics practiced by Louis Philippe and his ministers. It was not really conservative in one sense, for it adopted the principles of the revolution of 1830, which excluded the elder branch of the Bourbons from the throne; but, within the limits of constitutional order founded by this revolution, it really merited the title, because it was occupied in preserving existing institutions while progressively developing them. It was against this party that the revolution of 1848 was organized, which established the republic in France, and which succeeded in re-establishing the empire at the end of three years. The time has not come to judge these events historically. Let it suffice to state, that, immediately after the fall of the constitutional monarchy, a conservative republican party was formed; and, immediately after the fall of the republic, a conservative imperial party. A similar thing happened with reference to the government which came into power after the revolution of Sept. 4, 1870. It is the essence of all governments to preserve their own existence, first of all. In republics having a less ephemeral existence than in France, such as Switzerland and the United States, there is also a conservative party, which assumes various names, but always with the same end in view. This party is sometimes victorious and sometimes beaten at elections, in proportion as the public mind inclines to novelty, or goes back to tradition. But it is especially in monarchies that the conservative spirit shows itself, because, in a certain sense, it is manifested in a person representing hereditary power. It is extremely difficult to lay down rules in a matter of this kind. The spirit of conservatism is obliged to conquer or yield, according to circumstances. Carried to excess, it becomes the triumph of immobility: reduced to helplessness, it leaves a dangerous void in society. All that may be laid down as a general rule is this: that, the less political liberty a country enjoys, the more dangerous conservatism is; and the freer a country the more salutary does the conservative spirit become. In the first case it represents the permanence of oppression; in the second it represents order, the first condition of liberty. It is for this reason that constitutional monarchies offer the best conditions of government yet known. Side by side with a broad liberty they place great stability. On examining the history of England we find that reform parties obtain power only at long intervals, and retain it but a short time. The conservative party maintains ascendency most of the time, and loses it only to re-appear with renewed force. In this way the need of change is reconciled with the need of stability, which is no less essential. When a new idea appears it is taken up by enthusiastic minds, but there are as many chances of its being bad as good. The instinctive resistance of the conservative party permits examination, discussion, putting to the proof. This delay is productive of more advantage than inconvenience, for, though it delays real progress somewhat, it gives time to separate the false from the true. In fine, when a new and correct idea has carried the day, the conservative element knows best how to repair the breach made, and

bring it into harmony with the whole national organization. If, on the other hand, no organized force is opposed to innovations, all things are in question every day, the most unfortunate experiences follow each other, a universal unrest seizes on men's minds. Whenever the past is not respected, confidence in the future disappears, for, as M. de Maistre has said, time respects only that which it has founded. Nothing is more contrary to the material and moral progress of a nation than the continual feeling of uncertainty.—The chief seat of conservative power in a constitutional country is generally in the second chamber, called the senate, or chamber of peers. The constitution of this body may vary: it may be hereditary, as in England; elective, as in Belgium; for life, as recently in France; but, in all countries, it is prudent to have one as a check to the precipitate action of a single house. Even in the United States and Switzerland this necessity has been felt. But the wisest institutions are of no avail unless public opinion guards itself against its own fancies. *Quid leges sine moribus?* It is useless to insert legal restrictions in a constitution: they will endure but a short time if national passions pay no attention to them. The mode of action most opposed to the conservative is the revolutionary. Popular as it is in our day, it is rarely for good. Seldom can a nation applaud itself for having caused a revolution. It is better to wait patiently for the success of legitimate improvements than to break down every obstacle at the first blow. The most obstinate conservative party does not resist forever; it ends by yielding to the pressure of necessity; but, unfortunately, to attain this result, it is necessary, while working for the legal triumph of one's opinions, to have a mixture of decision and patience, of firmness and moderation, rarely met with in nations. A revolution seems the shortest way, although in reality it is the longest There is no constitution in which resistance is more firmly organized than in England. The house of lords, besides having an absolute veto on all propositions of the commons, has a considerable influence in the house of commons itself, through the electors of the counties. Still, all the wishes of the commons have been embodied in laws whenever they have been maintained with persistence, without commotion, without revolutions, by the sole power of lawful weapons. For England liberty is a broad river which respects its banks. One of the most striking examples of the opposite disposition was shown in France during the revolution of 1848. In England the house of commons struggled for many years to obtain the electoral reform: it had to endure several adjournments. In France the electoral reform was on the eve of finding a majority in the chamber of deputies, and the chamber of peers had not power enough to stand in its way. The triumph of the reform was sure within a short time, without meeting one-half of the delays and difficulties which it encountered in England. There was not patience enough to wait for a few months, perhaps a few days. It is true that those who demanded the electoral reform in England wished only for electoral reform; while in France the majority of those who asked for reform wished for a revolution, and those who did not, allowed it to come. Never has France proved more clearly her lack of that conservative instinct which animates all English society, as well the reform as the conservative party itself. L. DE LAVERGNE.

CONSERVATIVE, (IN U. S. HISTORY.) I. In 1837–40, when support of the sub-treasury bill had become the test of democracy, those democrats who opposed it, as dangerous to the financial interests of the country, formed a temporary alliance under the name of conservatives, voting with the whigs on this single question, but in other cases generally with the democrats. (See INDEPENDENT TREASURY.)—II. After the suppression of the rebellion, and the inauguration of the plan of reconstruction by congress, the southern whites, who considered their state governments still legally in existence, and were opposed to a change by authority of congress, very generally took the name of conservatives, and in several states, particularly in Virginia, retained it until about 1872.—III. In the north, throughout the same period, the name was occasionally used as synonymous with democrat, for the purpose of attracting moderate republicans. (See WHIG PARTY, II.; HUNKERS; DEMOCRATIC PARTY, IV., VI.) ALEXANDER JOHNSTON.

CONSTITUTION OF THE UNITED STATES. (For its formation see CONVENTION OF 1787.) The constitution is given below, the sub-titles and other matter in brackets not being a part of the instrument.

[PREAMBLE.]

We the People of the United States, in order to form a more perfect Union, establish Justice, insure Domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE. I.

[*Legislative Department.*]

SECTION. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2. [1] The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

[2] No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[3] Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress

of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4 When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

5 The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION. 3. 1 The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

2 Immediately after they shall be assembled in Consequence of the first Ele tion, they shall be divided as equally as may be into three Cla-ses. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Yea , and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

3 No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

4 The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided

5 The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the office of President of the United States.

6 The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

7 Judgment in Cases of Impeachment shall not extend further than to removal from Office, and Disqualification to hold and enjoy any Office of honour, Trust or Profit under the United States; but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. 1 The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

2 The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. 1 Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

2 Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two-thirds, expel a Member.

3 Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

4 Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. 1 The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

2 No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States shall be a Member of either House during his Continuance in Office.

SECTION. 7. 1 All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

2 Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

3 Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary, (except on a question of Adjournment) shall be presented to the President of the United States; and before the same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8. The Congress shall have Power 1 To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

2 To borrow Money on the credit of the United States;

3 To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

4 To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

5 To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

6 To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

7 To establish Post Offices and post Roads;

8 To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

9 To constitute Tribunals inferior to the supreme Court;

10 To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

11 To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

12 To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

13 To provide and maintain a Navy;

14 To make Rules for the Government and Regulation of the land and naval Forces;

15 To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

16 To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

17 To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings;—And

18 To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION. 9 1 The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten dollars for each Person.

2 The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

3 No Bill of Attainder or ex post facto Law shall be passed.

4 No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

5 No Tax or Duty shall be laid on Articles exported from any State.

6 No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

7 No Money shall be drawn from the Treasury, but in consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

8 No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or 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.

SECTION. 10. 1 No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

2 No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States, and all such Laws shall be subject to the Revision and Controul of the Congress.

3 No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay.

ARTICLE. II.

[*Executive Department.*]

SECTION. 1. 1 The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

2 Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

[*The manner in which the electors vote has been changed by the 12th Amendment.*]

3 The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

4 No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States

5 In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

6 The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

7 Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—

"I do solemnly swear (or affirm) that I will faithfully "execute the Office of President of the United States, and "will to the best of my Ability, preserve, protect and de-"fend the Constitution of the United States."

SECTION. 2. 1 The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

[2] He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

[3] The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE. III.

[*Judicial Department*]

SECTION. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

SECTION. 2. [1] The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers, and Consuls; to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party; —to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

[*The Judicial Power has been modified by the 11th Amendment.*]

[2] In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

[3] The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION. 3. [1] Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

[2] The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted

ARTICLE. IV.

[*The States and the Federal Government.*]

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION. 2. [1] The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

[2] A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up to be removed to the State having Jurisdiction of the Crime.

[3] No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION. 3. [1] New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

[2] The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION. 4 The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE. V.

[*Power and Modes of Amendment.*]

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE. VI.

[*National Supremacy.*]

[1] All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

[2] This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

[3] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE. VII.

[*Establishment of the Constitution*]

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independance of the United States of America the Twelfth In Witness whereof We have hereunto subscribed our Names,

GO WASHINGTON—
Presidt and Deputy from Virginia.

NEW HAMPSHIRE.

John Langdon. [*John Pickering.*
Nicholas Gilman. [*Benjamin West.*]

MASSACHUSETTS.

Nathaniel Gorham. [Caleb Strong.]
Rufus King. [*Francis Dana.*]
[Elbridge Gerry.]

[RHODE ISLAND]
[No Appointments.]

CONNECTICUT.

Wm. Saml. Johnson. [Oliver Ellsworth.]
Roger Sherman.

NEW YORK.

Alexander Hamilton. [John Lansing.]
[Robert Yates]

NEW JERSEY.

Wil: Livingston. [William C. Houston.]
Wm. Paterson. [*Abraham Clark.*]
David Brearley. [*John Neilson*]
Jona Dayton.

PENNSYLVANIA

B. Franklin. Thomas Mifflin.
Robt Morris. Geo: Clymer.
Tho^{s} Fitz Simons. Jared Ingersoll.
James Wilson. Gouv: Morris.

DELAWARE.

Geo: Read. Gunning Bedford, jun.
John Dickinson. Richard Bassett
Jaco: Broom.

MARYLAND.

James M'Henry. [John Francis Mercer.]
Dan^{l} Carroll. [Luther Martin.]
Dan: of St. Thos. Jenifer.

VIRGINIA

John Blair. [George Wythe.]
James Madison, Jr. [James McClurg]
[Edmund Randolph.] [*Patrick Henry.*]
[George Mason]

NORTH CAROLINA.

Wm. Blount. [William R. Davie]
Hu. Williamson. [*Richard Caswell.*]
Rich^{d} Dobbs Spaight. [*Willie Jones.*]
[Alexander Martin.]

SOUTH CAROLINA.

J. Rutledge. Charles Cotesworth Pinck-
Charles Pinckney. Pierce Butler. [ney.

GEORGIA.

William Few. [William Houston.]
Abr. Baldwin. [*George Walton*]
[Wi liam Pierce.] [*Nathaniel Pendleton*]

[Under each state the names of the signers are given first; then, in brackets, those of delegates who attended but did not sign; then, in brackets and italics, those of delegates who never attended.]

—Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by congress, and ratified by the legislatures of the several states, pursuant to the fifth article of the original constitution:

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press: or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

ARTICLE III.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have Compulsory process for obtaining Witnesses in his favour, and to have the Assistance of Counsel for his defence.

ARTICLE VII.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

ARTICLE XII.

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct

lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this Article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction, the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; but Congress may, by a vote of two-thirds of each house, remove such disability.

SECTION 4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

—I. ADMISSION OF THE STATES. The dates given for the first thirteen states are those on which they ratified the constitution and became states of the Union. The remaining dates are those on which the admissions took effect. (But see OHIO.) 1. Delaware, Dec. 7, 1787; 2. Pennsylvania, Dec. 12, 1787; 3. New Jersey, Dec. 18, 1787; 4. Georgia, Jan. 2, 1788; 5. Connecticut, Jan. 9, 1788; 6. Massachusetts, Feb. 7, 1788; 7. Maryland, April 28, 1788; 8. South Carolina, May 23, 1788; 9. New Hampshire, June 21, 1788; 10. Virginia, June 26, 1788; 11. New York, July 26, 1788; 12. North Carolina, Nov. 21, 1789; 13. Rhode Island, May 29, 1790; 14. Vermont, March 4, 1791; 15. Kentucky, June 1, 1792; 16. Tennessee, June 1, 1796; 17. Ohio, Feb. 19, 1803 (see OHIO); 18. Louisiana, April 30, 1812; 19. Indiana, Dec. 11, 1816; 20. Mississippi, Dec. 10, 1817; 21. Illinois, Dec. 3, 1818; 22. Alabama, Dec. 14, 1819; 23. Maine, March 15, 1820; 24. Missouri, Aug. 10, 1821; 25. Arkansas, June 15, 1836; 26. Michigan, Jan. 26, 1837; 27. Florida, March 3, 1845; 28. Texas, Dec. 29, 1845; 29. Iowa, Dec. 28, 1846; 30. Wisconsin, May 29, 1848; 31. California, Sept. 9, 1850; 32. Minnesota, May 11, 1858; 33. Oregon, Feb. 14, 1859; 34. Kansas, Jan. 29, 1861; 35. West Virginia, June 19, 1863; 36. Nevada, Oct. 31, 1864; 37. Nebraska, March 1, 1867; 38. Colorado, Aug. 1, 1876.—II. RATIFICATION. In accordance with the desire of the convention (see CONVENTION OF 1787), the congress of the confederacy, by resolution of Sept. 28, 1787, referred the constitution to state conventions, to be called by the state legislatures, for their approval or rejection. As the main work of the new instrument was the creation of a stronger federal government, the people divided at once into federalists and anti-federalists. The ratifications were as follows: Delaware, Dec. 7, 1787, unanimously; Pennsylvania, Dec. 12, 46 to 23; New Jersey, Dec. 18, unanimously; Georgia, Jan. 2, 1788, unanimously; Connecticut, Jan. 9, 128 to 40; Massachusetts, Feb. 7, 187 to 168; Maryland, April 28, 63 to 12; South Carolina, May 23, 149 to 73; New Hampshire, June 21, 57 to 46; Virginia, June 26, 89 to 79; New York, July 26, 31 to 27 (on the final vote). North Carolina, Aug. 2, by 184 to 84, refused to ratify without a bill of rights and amendments. In February, 1788, the

Rhode Island legislature refused to call a convention, and referred the constitution to the town meetings, where it was rejected in March by 2,708 votes to 232. The ratification of the ninth state, New Hampshire, gave the constitution life, and announced that the confederacy was to be succeeded by a new form of government which, while retaining many league features, should rest upon national popular will as its basis.—It would hardly be inaccurate to say that the friends of the constitution would have been found between the coast and a line 50 miles west of it. West of the latter line lay the opposition. The states where ratification was easy were mainly commercial states. Of these, New Jersey had originally objected to the articles of confederation because they gave no protection to commerce; South Carolina's commerce was a far larger part of her wealth in 1788 than at any time since; Georgia was further influenced by her position as a frontier state, exposed to the powerful southern Indian tribes, and anxious for protection by a strong federal government; and Maryland and Connecticut, having large and vague claims to territory in the northwest, had solider hopes of justice from a firm federal government than from the confederacy. In the agricultural states ratification was difficult. Massachusetts was not then, as now, packed with manufactories. Her strength lay in agriculture, and her farmer delegates, with only Samuel Adams as a leader, and John Hancock as a doubtful ally, held their ground obstinately from Jan. 9 until Feb. 7 against the arguments of such able federalist advocates as Fisher Ames, Theophilus Parsons, Rufus King, Theodore Sedgwick, Dana, Gorham and Bowdoin. The final action was called the "Massachusetts plan," a ratification supplemented by a warm recommendation of certain amendments. Only one of these (Amendment X.) was afterward adopted. The New Hampshire convention met Feb. 17, a majority of its delegates being instructed against ratification, and adjourned until June, when a majority of 11 was obtained for ratification on the "Massachusetts plan." In Virginia the anti-federalists had able leaders, including George Mason, James Monroe, and the eloquent and popular Patrick Henry; the federalists were led by James Madison, John Marshall, and Edmund Randolph who had drawn up the "Virginia plan" for the convention, had refused to sign the completed constitution, but now decided to support it. The essence of the Virginia opposition may be found in two sentences in the debate: "Why are such extensive powers given to the senate? *Because the little states gained their point.*" It was only very reluctantly that Virginia, then more powerful than New York, gave up her commanding position of sovereignty for membership in the Union. In New York the agricultural delegates preferred a continuance of the privilege which they had enjoyed under the confederacy, of exempting themselves and their constituents from taxation by retaining to the state the power of levying duties at the port of New York. They were headed by governor Clinton, Robert Yates, and John Lansing (the last two having been delegates to the convention), and at first had a strong majority over the federalists, who were led by Alexander Hamilton, John Jay and Robert R. Livingston. The ratifications of New Hampshire and Virginia, weakened the opposition of the New York anti-federalists so far that they offered a conditional ratification, reserving to New York the right to secede if the amendments which she offered were not acted upon within six years. This was rejected as worse than no ratification, and the federalists, July 23, by a vote of 31 to 29, succeeded in changing the words "on condition" into the phrase "in full confidence" that New York's list of amendments would be acted upon. In this halting and ungracious form the ratification was finally passed, July 26. In Rhode Island the country or agricultural party were fanatical believers in the virtues of their state paper currency, and refused even to consider a constitution which would destroy their fetish. The city or commercial party were at first powerless, though they assured the convention of their sympathy; but they were enabled to bring the state into the Union in 1790 by virtue of the strong hints conveyed in propositions before congress for the restriction of Rhode Island commerce. North Carolina's action was due to her desire to compel a second general convention, which New York had demanded and Virginia had recommended.—III. AMENDMENTS. *A. Amendments ratified by the States.* (1: AMENDMENTS I–X.) Massachusetts had proposed 9 amendments, South Carolina 4, New Hampshire 12, Virginia 20, New York 32, and North Carolina 26, besides 14 offered by the Pennsylvania minority, 28 by the Maryland minority, the Virginia bill of rights in 20 articles and that of New York in 24 articles. Many of these were repetitions, but the mass of distinct propositions was sufficiently alarming. Such of them as were brought before congress in 1789 were summarily voted down, to the particular indignation of Virginia. In place of them all the house agreed upon 17 amendments. The senate compressed these to 12, which were passed by two-thirds of both houses, Sept. 25, 1789. The first two were not ratified (see III: *B*); the remaining 10, having been rejected or not acted upon by Massachusetts, Connecticut, and Georgia, and ratified by the other states, became the first 10 amendments, and were declared in force Dec. 15, 1791. None of them changed the structure of the constitution, and Livermore, of New Hampshire, declared them "of no more value than a pinch of snuff, since they went to secure rights never in danger." It is worthy of note, however, that the 1st seems to have made the sedition law unconstitutional (see ALIEN AND SEDITION LAWS), and that the 5th, 7th and 10th have proved very important restraints upon the action of the general government.—(2: AMENDMENT XI.) In the case of Chisholm *vs.* Georgia (2 Dall., 470)

the supreme court decided in general that, under Art. III., § 2, of the constitution, suit might be brought against a state by citizens of another state. The possibility of being thus arraigned as defendants before federal courts was by no means pleasing to the states. The 11th amendment was therefore introduced, passed by two-thirds of both houses March 5, 1794, and declared in force Jan. 8, 1798. Art. III., § 2, must now be construed to mean "between a state *as plaintiff* and citizens of another state," and this form of words was carefully adopted in the southern revision of the constitution in 1861. (See CONFEDERATE STATES.) The 11th amendment has been further construed in the case of Cohens *vs.* Virginia (6 Wheat., 264).—(3: AMENDMENT XII.) The election of 1800 (see DISPUTED ELECTIONS, I.; ELECTORS) showed that, under the original provisions of the constitution, party spirit would always give the two leading candidates a tie vote and prevent a choice by the electors. The 12th amendment was therefore introduced, failed to receive the necessary two-thirds vote in one congress, and was finally proposed by congress, Dec. 12, 1803, passing the house only by the speaker's vote. It was declared in force Sept. 25, 1804, the state vote in its favor being 13 to 4, just a three-fourths vote. Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont and Virginia ratified it, and Connecticut, Delaware, Massachusetts and New Hampshire rejected it.—(4: AMENDMENT XIII.) For the purpose of supplementing the emancipation proclamation (see also ABOLITION, III.) by making universal and permanent its abolition of slavery, the 13th amendment was introduced in 1864. Its phraseology may be traced back, through the Wilmot proviso in 1846 and the attempt to exclude slavery from Missouri in 1819–20 (see COMPROMISES, IV.), to the ordinance of 1787 (Art. VI.). It passed the senate, April 8, 1864, by 38 to 6, but failed in the house, June 15, 95 to 66, (not two-thirds). President Lincoln's re-election in November, and the brightening prospects of the war, encouraged the friends of the amendment to another effort during the second session of the same congress in the following winter. The vote of the house was re-considered Jan. 31, 1865, and the amendment was finally passed by a vote of 119 to 56. It was rejected by Delaware and Kentucky, the only states in which slavery was still nominally legal, was not acted upon by Texas, was conditionally ratified by Alabama and Mississippi, and was ratified by all the other states (31 out of 36, a three-fourths vote). It was proclaimed in force Dec. 18, 1865. (5. AMENDMENT XIV.) The 14th amendment was an essential element of the plan of reconstruction by congress. Its first section was intended to overturn the still binding principle of the decision in the Dred Scott case, that negroes, even though emancipated, could never become citizens of the United States (see also CIVIL RIGHTS BILL), its other sections were intended to make it the interest of southern states to allow the right of suffrage to negroes (see SUFFRAGE), to put the leaders of the rebellion under a temporary disability to hold office, to secure the payment of the national debt, and to void the confederate debt, general or state. It passed the senate, June 8, 1866, by a vote of 33 to 11, and the house, June 13, by a vote of 138 to 36. It was rejected by Delaware, Kentucky and Maryland, not acted upon by California, and ratified by the remaining 33 of the 37 states, a three-fourths vote. (See CONSTITUTION, I., for the states in the Union in 1867–8.) Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas and Virginia at first rejected the amendment at their legislative sessions between Nov. 9, 1866, and Feb. 6, 1867, whereupon the reconstruction act of March 2, 1867, declared their state governments provisional only until, among other conditions, the amendment should be ratified. The 10 states above named successively ratified the amendment and were recognized by congress, and the amendment was declared in force July 28, 1868. New Jersey and Ohio rescinded their ratifications when an adverse majority afterward gained control of their legislatures, and secretary Seward's proclamation of July 20, 1868, announced conditionally that, if the ratifications of New Jersey and Ohio were still to be taken as binding, the amendment had been adopted by 30 states and was part of the constitution. On the following day congress supplemented this by a resolution that the amendment had been lawfully adopted, and that the secretary of state should unconditionally proclaim its ratification, which he accordingly did by proclamation of July 28, 1868. The subsequent ratification of three other states, making 33 in all, cleared away any cloud on this point. (See also RECONSTRUCTION.)—(6: AMENDMENT XV.) The evident and complete inefficacy of the second section of the last amendment (see SUFFRAGE) was the reason for the introduction of the 15th amendment. Its object was not only to forbid the states from abridging suffrage by reason of race, color, or previous condition of servitude, but also to secure, if necessary, to federal courts, the cognizance of offenses against the amendment, through the power granted to congress to enforce it. It was proposed by congress, Feb. 26, 1869, passing the senate by a vote of 39 to 13, and the house by a vote of 144 to 44. It was not acted upon by Tennessee, was rejected by California, Delaware, Kentucky, Maryland, New Jersey and Oregon, and was ratified by the remaining 30 of the 37 states, a three-fourths vote. Ohio and Georgia at first rejected it, but afterward ratified it. New York rescinded its ratification. The amendment was declared in force March 30, 1870, the proclamation of secretary Fish mentioning the filing of a notice in the state department that New York "claimed" to have rescinded its ratification, but making no decision on the validity of the claim.—*B. Amendments never finally ratified.* (1: 1789.) In addition to the first 10 amendments ratified by the states

(see III.: *A.*) congress proposed two, as follows: "I. After the first enumeration required by the first article of the constitution, there shall be one representative for every 30,000 persons, until the number shall amount to 100; after which the proportion shall be so regulated by congress that there shall not be less than 100 representatives, nor more than one representative for every 40,000 persons, until the number of representatives shall amount to 200; after which, the proportion shall be so regulated by congress, that there shall be not less than 200 representatives, nor more than one representative for every 50,000 persons. II. No law varying the compensation for the services of the senators and representatives shall take effect until an election of representatives shall have intervened." — Delaware rejected the first of these, Pennsylvania rejected the second, and Massachusetts, Connecticut, New Hampshire, Rhode Island, New York and Georgia rejected, or did not act upon, both of them, and consequently both of them failed to obtain the necessary three-fourths vote.—(2: LOUISIANA.) In 1803 Jefferson's doubts about the constitutionality of his acquisition of Louisiana (see ANNEXATIONS, I.) led him to prepare the following amendment to cover the case: "XIII. Louisiana, as ceded by France to the United States, is made a part of the United States, its white inhabitants shall be citizens and shall stand as to their rights and obligations, on the same footing with other citizens of the United States in analogous situations: save only that, as to the portion thereof lying north of an east and west line drawn through the mouth of Arkansas river, no new state shall be established, nor any grants of land made, other than to Indians in exchange for equivalent portions of land occupied by them, until an amendment of the constitution shall be made for these purposes. Florida, also, whensoever it may be rightfully obtained, shall become a part of the United States; its white inhabitants shall thereupon be citizens, and shall stand, as to their rights and obligations, on the same footing with other citizens of the United States in analogous situations." Congress and the people, however, contentedly accepted Louisiana without an amendment, and Jefferson "acquiesced with satisfaction." (See CONSTRUCTION, III.)—(3: INTERNAL IMPROVEMENTS.) The surplus of revenues over expenditures led Jefferson to suggest in his message of Dec. 2, 1806, the preparation of amendments empowering congress, after the payment of the debt, to expend any surplus on "public education, roads, rivers, canals, and other objects of public improvement," on the ground that these objects, however deserving, were "not among those enumerated in the constitution." This suggestion was renewed by Jefferson, in his messages of Oct. 27, 1807, and Nov. 8, 1808; by Madison, in his message of Dec. 5, 1815; by Monroe, in his messages of Dec. 3, 1817, Dec. 3, 1822, and Dec 2, 1823, and in his Cumberland road veto of May 4, 1822; by Jackson, in his Maysville road veto of May 27, 1830; and by Polk, in his message of Dec. 15, 1847; but without result. Congress has frequently exercised, and now habitually exercises, the once doubted power without amendments. (See INTERNAL IMPROVEMENTS.)—(4: TITLES OF NOBILITY.) Congress proposed an amendment as follows, Nov. 27, 1809: "XIII. If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office, or emolument of any kind whatever from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them." This amendment was rejected by New York and Rhode Island, not acted upon by Connecticut, South Carolina and Vermont, and ratified by the remaining twelve states, but, lacking one state of a three-fourths majority, it failed to become a part of the constitution.—(5. SLAVERY.) The second session of the 36th congress, 1860–61, was prolific in propositions to amend the constitution. The most important of these were the Crittenden compromise (see COMPROMISES, VI.); the amendment proposed by the peace conference (see CONFERENCE, PEACE); the amendment proposed by representative Vallandigham, of Ohio; and the amendment proposed by senator Douglas, of Illinois. The Vallandigham amendment was never acted upon, and is too long for insertion in full. It divided the union into four sections, *The North*, *The West*, *The Pacific*, and *The South*; and the passage of bills, and the election of president and vice-president, were to depend on the affirmative vote of a majority of the congressmen or electors of each and all of the four sections. It also provided that "No state shall secede, without the consent of the legislatures of all the states of the section to which the state proposing to secede belongs," thus implying a permission to secede bodily to any section which should be unanimous in desiring it. (See SECESSION.) The Douglas amendment was as follows: "XIII. No amendment shall be made to the constitution which will authorize or give to congress the power to abolish or interfere, within any state, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said state." This was lost in the house, Feb. 28, 1861, by a vote of 123 to 71 (not two-thirds), and then reconsidered and adopted by a vote of 133 to 65; it was adopted by the senate the same day by a vote of 24 to 12. It was approved March 2, but the state of war which almost immediately followed prevented its consideration or ratification by the states. Feb. 8, 1864, a resolution was offered in senate to repeal the joint resolution by which the Douglas amendment had been proposed, but it was never brought to a vote.—(6: FEMALE SUFFRAGE.) At various times propositions have been made to so amend the constitution as to give the right of suffrage

to females of suitable age. As an example the following, offered by representative Julian, of Indiana, March 16, 1869, is given: "XVI. The right of suffrage in the United States shall be based on citizenship, and shall be regulated by congress; and all citizens of the United States, whether native or naturalized, shall enjoy this right equally, without any distinction or discrimination whatever founded on sex."—(7. RELIGIOUS AMENDMENT.) Since about 1865 many petitions have been offered that congress would amend the preamble to the constitution by inserting, after the words, "We the people of the United States," and before the words, "form a more perfect Union," the following: "Acknowledging Almighty God as the source of all authority and power in civil government, the Lord Jesus Christ as the ruler among the nations, and his will, revealed in the Holy Scriptures, as of supreme authority, in order to constitute a Christian government." (See CONSTITUTION, PREAMBLE.) (For other amendments offered but not ratified, see ELECTORS; JUDICIARY; CONVENTION, HARTFORD; EXECUTIVE.)—IV. The formation of the constitution (for its history see CONVENTION OF 1787) was due to the easily perceptible fact that one of the people's two great governmental agents, the states, had been given too much power, and the other, the central government, too little. That the basis of the constitution is the general popular will, is now so generally accepted that it may almost be stated as undisputed. The states, under the constitution, remained sovereign (in the narrow American technical sense of having no *political* superior, in their own sphere, however contracted that sphere may be; see also STATE SOVEREIGNTY), and the federal government became similarly sovereign in its own sphere; but all these nominal sovereignties were only manifestations of the ultimate sovereignty of the people, and flowed in a carefully bounded channel, from the whole people, not from the state governments, or even from the people of the several states. Thus, as a general rule, the constitution of a state can be changed only by the people of that state; nevertheless the majority in a state, if it forms a part of a three-fourths majority of all the states, may, by amending the federal constitution, aid in restricting, altering and amending the constitutions of every other state in the Union as well as its own. Of course, this process might be carried so far as to provoke armed resistance and revolution; but the constitution has intentionally hedged about this subject of amendment with so many barriers as to make change extremely difficult and to secure the rights of an active and determined minority. The whole scheme has proved very simple in practice, but it has always been very difficult to make its double "sovereignty" clear to any one who has not lived under it.—One school of political thinkers (see STATE SOVEREIGNTY) long considered the states to be, apart from the federal union, functionally complete sovereignties (in the general sense of the word, not as used above), a part of whose powers was in a sort of temporarily suspended animation, to be revived again whenever the people of the state should see fit to resume it. (See SECESSION.) The inexorable logic of events has proved that no such doctrine can ever become an acknowledged part of the American political system. A state may enter the Union of its own free will, or the soil on which it is afterward formed may be acquired, without or against the will of its inhabitants, by conquest or purchase; but, once entered, the fundamental bond of the society which it has entered attaches to it, and it becomes, in the language of the supreme court in 1868, a member of an "indestructible Union of indestructible states." It follows also that, whatever allegiance a state may claim from its citizens, this can never legitimately conflict with that paramount allegiance which the citizen owes to the government of the nation. (See ALLEGIANCE.)—Apart from the fundamental principle that the supreme law of the land shall come from the constitution, its interpretation is open to the very widest liberty of private judgment. (See CONSTRUCTION.) It can hardly be said that the constitution means exactly the same thing, in every minute point, to any two individuals, or any two generations of individuals, in the United States. Two general divisions of opinion, strict construction and broad construction, are easily perceptible, both of which have always had able and distinguished leaders; but, inside of both, the variations of opinion on points of little or great importance defy calculation, and must be sought in the various authorities cited below. The constitutional history of the United States has thus been an orderly development whose general equilibrium has been due to the pressure of an infinite variety of conflicting opinions, all of which deserve respect and consideration. (See DECLARATION OF INDEPENDENCE; CONTINENTAL CONGRESS; CONFEDERATION, ARTICLES OF; CONVENTION OF 1787; UNITED STATES.)—See, for the text of the constitution, 1 *Stat. at Large* (Bioren and Duane's edition), 60; 1 Poore's *Federal and State Constitutions*, 13; 2 Curtis' *History of the Constitution*, 607 (Curtis' text has been taken in this article). (I.) *Stat. at Large* under the several dates, and authorities under OHIO. (II.) Elliot's *Debates in Convention and in the States;* 2 Curtis' *History of the Constitution*, 491; 1 *Stat. at Large* (Bioren and Duane's edition), 660; 9 Washington's *Writings*, 266–549; 3 Hamilton's *United States;* 3 Hildreth's *United States;* 1 Hamilton's *Works*, 450–469; authorities under NORTH CAROLINA and RHODE ISLAND. (III.) Benton's *Debates of Congress* under the several dates, and authorities under articles referred to. (IV.) [*a*], FORMATION OF THE CONSTITUTION: see authorities under CONVENTION OF 1787; [*b*], NATURE OF THE CONSTITUTION: 2 Curtis' *History of the Constitution*, 481; Barnes' *The Body Politic;* Mulford's *The Nation; The Federalist;* Story's *Commentaries*, § 306; 2 Woolsey's *Political Science*,

295; Kent's *Commentaries;* Lieber's *Lectures on the Constitution,* and *Hermeneutics;* 1 Benton's *Thirty Years' View,* 360; Duer's *Constitutional Jurisprudence,* 389; Brownson's *American Republic;* Farrar's *Manual;* Andrews' *Handbook;* Flanders' *Exposition;* Marshall's *Writings on the Constitution;* Mercer's *Exposition of the Weakness of the Government;* Paschal's *Constitution;* Tiffany's *Government and Constitutional Law;* Sedgwick's *Constitutional Law;* Cooley's *Constitutional Limitations;* Towle's *History of the Constitution;* Wedgwood's *Government and Laws;* 3 Webster's *Works,* 449; Skinner's *Issues of American Politics;* Dillon's *Notes on Historical Evidence;* Miller's *Lectures on the Constitution;* Monroe's *The People the Sovereigns;* 12 Sumner's *Works,* 190; von Holst's *United States;* Baldwin's *Origin and Nature of the Constitution;* and authorities under JUDICIARY; CONGRESS, POWERS OF; [*c*], STRICT CONSTRUCTION distinctively: 1, 2 Calhoun's *Works;* Rawle's *View of the Constitution;* Hamilton's *Memoir of Rantoul,* 141; John Taylor's *Construction Construed,* and *New Views of the Constitution* (but see answer in 6 John Adams' *Works*); Hunt's *Life of Livingston,* 345; Tucker's *Lectures on Constitutional Law,* and his notes on Blackstone's Commentaries; Upshur's *Brief Inquiry* (in answer to Story); 1 A. H. Stephens' *War Between the States; North American Review* (November, 1880), 385; and authorities under DEMOCRATIC PARTY; BANK CONTROVERSIES, II.; KENTUCKY AND VIRGINIA RESOLUTIONS; [*d*], HISTORY OF THE CONSTITUTION in its operations; authorities under UNITED STATES, RECONSTRUCTION, and the various political parties; and W. E. Foster's *Bibliography of the Constitution,* in 5 *Library Journal,* 172, 222. ALEXANDER JOHNSTON.

CONSTITUTIONS, Variations in State. (For the diversities in political regulations in the various states of the Union regarding Amendments of the Constitution, Ballot, Census, Corporations, Dueling, Education, Elections, Governors (Powers, Terms and Salaries), Homestead Exemptions, Ineligibility to Office, Judges of Supreme Court, (Appointment, Number, Tenure and Salaries), Legislature (Numbers, Limit of Sessions and Salaries), Lotteries, Lieutenant Governors, Majority or Plurality Vote, Pardoning Power, Registration Laws, Religion, Removals, Veto-Power, and Women's Property Rights and Eligibility to Office, see STATES, CONSTITUTIONAL AND LEGAL DIVERSITIES IN.)

CONSTITUTIONAL CONVENTION. (See CONVENTION, CONSTITUTIONAL.)

CONSTITUTIONAL UNION PARTY, The (IN U. S. HISTORY), the name adopted in 1860 by the southern remnant of the defunct whig party. The election of 1852 closed the national career of the whigs. In 1856 they endeavored to evade the slavery question by joining with the know nothings (see AMERICAN PARTY, I.), but the result showed that this alliance had no hope of success. May 9, 1860, a convention was held at Baltimore, of whigs who had not yet drifted off, in the south, to the democratic, or, in the north, to the republican, party. Delegates were present from 20 states, and but two ballots were needed for the choice of the leading candidate. On the first, Bell had 68½ votes, Houston 57, Crittenden 28, Everett 25, W. A. Graham 22, McLean 21, and 32½ scattering; on the second, Bell had 138, Houston 69, Graham 18, and 27 scattering. Bell was thus nominated for the presidency; and Everett was then unanimously nominated for the vice-presidency. The platform adopted consisted of a preamble denouncing platforms in general as tending to form "geographical and sectional parties," and a resolution, in part as follows: "That it is both the part of patriotism and of duty to recognize no political principle other than *the constitution of the country, the union of the states, and the enforcement of the laws.*" The rest of the resolution merely pledged the convention to support the principles assigned. It seems to have unfortunately escaped the attention of the convention that the true interpretation of the three principles, which it announced as fixed and settled, was the question then in dispute and unsettled. The object of the resolution, however, though clumsily expressed, is sufficiently plain; it was an invitation to all patriotic voters to abandon the republican party, which attacked, and the democratic party, which defended slavery, and recur to the old whig programme of entirely ignoring slavery as a political question. Its avoidance of the word whig, and its acceptance of a new name, should have been a plain warning that its programme was also obsolete.—In the south the Bell-Everett platform was the only medium of expression for the Union men of the section, who could not be republicans and would not be Breckinridge democrats. It carried Kentucky, Tennessee and Virginia (see BORDER STATES), by pluralities over Breckinridge, and came within 722 votes of carrying Maryland. It was defeated by less than 4,000 votes in each of the states of Arkansas, Delaware, North Carolina, Florida and Louisiana, and in only two southern states, Mississippi and Texas, was defeated by more than 10,000 votes. In the north it was almost a nonentity, its votes ranging from 161 out of 152,180 in Wisconsin to 6,817 out of 118,840 in California. Its total popular vote was 589,581, and its electoral vote 39. (See ELECTORAL VOTES.)—The Bell leaders in the south seem to have been stung by the northern indifference to their claims, and offered little effective resistance to the secession movement which followed the election. (See also ALLEGIANCE.) The first wave of civil war blotted out forever the last trace of the whig party, and its few surviving members, when they reappeared in politics, during and after reconstruction, did so as democrats. (See DEMOCRATIC PARTY, VI.)—See 2 Coleman's *Life of Crittenden;* Botts' *Great Rebellion;* 1 Greeley's

American Conflict, 319; and authorities under WHIG PARTY, III. ALEXANDER JOHNSTON.

CONSTRUCTION (IN U. S. HISTORY). In a country where manhood suffrage is the rule, a written constitution would seem to be a necessity, for the purpose of securing those guarantees against the tyranny of a majority which are attained in Great Britain by limited suffrage, property representation and crown influence. In Great Britain, therefore, the constitution is unwritten, and practically is changed at the will of parliament; in the United States the constitution is written, and is changed either directly, though with great difficulty, by amendments (see CONSTITUTION, IV.), or indirectly and even more slowly by a stricter or broader construction, or interpretation, of its provisions. On this fundamental question of a strict or a broad construction of the constitution, all legitimate national party differences in the United States are and always have been based; and all efforts to establish national parties without reference to it have proved failures. (See ANTI-MASONRY; AMERICAN PARTY, I.; GREENBACK-LABOR PARTY.)—I. STRICT CONSTRUCTION is the outcome of the particularist element of American politics. It is not based, however, upon any particular affection for the states as states, or upon any opposition to the federal government; these are its effects, not its causes. Its roots really lie in the inertia of the mass of the people, in their unwillingness to make changes at the demand or for the sake of special interests. When this inertia had been so far overcome as to secure the establishment of the constitution in 1789 (see ANTI-FEDERAL PARTY), its next and natural expression was the principle that the constitution should be strictly construed, and this has always been the fundamental principle of the democratic-republican party. It was first put into form by Jefferson and Madison (see BANK CONTROVERSIES, II.; KENTUCKY AND VIRGINIA RESOLUTIONS), and has since been very generally maintained by their party. The most conspicuous instances of its abandonment have been in 1844, 1858–60 (by the southern wing), and in 1868. (See DEMOCRATIC PARTY, IV., V., VI.) The extreme particularist element has usually been marked, not so much by a strict construction of the constitution, as by an exaggerated devotion to the states as principals, not as instruments. (See STATE SOVEREIGNTY, NULLIFICATION, SECESSION.)—II. BROAD CONSTRUCTION, or LOOSE CONSTRUCTION, of the constitution, is the necessary expression of the nationalizing, often called the centralizing, element of American politics. Its main object has always been to make the federal government as powerful in the internal administration of the whole country as in the management of its foreign affairs. The founder of this school was Alexander Hamilton (see BANK CONTROVERSIES, II.), whose writings are still, to a remarkable degree, a compendium of the broad constructionist doctrines of succeeding times. The little that was lacking in his work was supplied by the Adamses, John and John Quincy; and Webster, Story and Clay had only to complete and beautify a theory whose framework had already been strongly built. In the writings of these six men, may be found all the essentials of broad construction, with the exception of that which was applied to the abnormal political influences of slavery. (See ABOLITION, II.; SLAVERY; RECONSTRUCTION.)—As this political school has not been constant, but has been steadily developed, it follows that its supporters have been compelled to change their party name and organization as the successive phases of their doctrine have appeared, and have not been able to maintain, through all our history, an identity of name like that of their conservative opponents. Three successive parties have carried out the ideas which Hamilton first advanced. The work of the federal party was mainly to secure the existence of the federal government which it had called into being. The whig party, dropping the federalist opposition to unlimited suffrage, accepted the mass of federalist doctrines, and added to them those of internal improvements and a protective tariff. The republican party, dropping the whig opposition to agitation on the slavery question, accepted the mass of the whig doctrines, and added to them those of the federal government's power to restrict slavery to state limits, to abolish slavery (as the result of civil war), to re-admit seceding states upon conditions, and to protect the slaves when set free. It has also secured the adoption of one amendment (the 15th) which seems to have opened the door to future political consequences, as yet hardly to be estimated. Like the opposing school, broad construction has also its evil side; its extremists have sometimes shown a contempt for the constitution and its limitations which would, if it prevailed, reduce the organic law to a nullity, and subject the whole country to the caprice of a shifting congressional majority.—III CONSTRUCTION IN GENERAL has always been "strict" and "loose" relatively, not absolutely. As broad construction has advanced, strict construction has advanced with it *pari passu*, so that much which is now taken as strict construction, would have seemed to Jefferson, or to John Taylor of Caroline, the loosest possible. The constitution, therefore, even where it remains *ipsissimis verbis*, is in practice a very different instrument, in many important points, from that which it was in 1789. The great reason for change of construction has, of course, always been necessity or convenience; but the immediate causes are reducible to three: party tenure of power, judicial decisions, and war.—1. Whenever a broad construction party has gained control of the government, it has put its ideas into practice, and, when once put into practice and become familiar to the people, some of these new constructions have generally held their place and been adopted by the democratic party on its return to power or in its efforts to do so.

Thus the idea of vast and undefined indirect powers in congress under the "general welfare" clause of the constitution (Art. I., § 8), was adopted, 1800–12 from the overthrown federal party; the doctrine of the power of congress to appropriate the national funds for internal improvements was adopted, 1854–60, from the overthrown whig party; and the slavery and reconstruction amendments and legislation were recognized and adopted, 1872–80, in the effort to overthrow the republican party.—2. The general rule followed by the federal courts has always been that in purely political questions the judicial department must be governed by the action of the legislative and executive. This one rule has evidently left a clear road to broad construction whenever the legislative and executive have inclined to take it. But, even in matters not strictly political, the general drift of the decisions in United States courts has been toward a broad construction. Thus, instead of the cardinal principle of the original democratic party (see BANK CONTROVERSIES, II.), that only absolutely necessary laws were within the power of congress, the federal courts have decided that congress may pass laws that are absolutely necessary, very necessary, or simply *necessary* in the judgment of congress. In the same way many other powers, which were once doubtful or denied, have since been settled by the federal courts in accordance with the broad construction view. (See CONGRESS, POWERS OF.) The supreme court decisions in 1879 (100 U. S.), in their interpretation and application of the 14th and 15th amendments, show that this process has by no means stopped, but is only entering a new stage of development.—3. As there is no limit to the force which may be brought against a republic in war, so there is practically no limit to the force with which the republic, if thoroughly roused, will repel it. During the revolution the continental authorities habitually tampered with the mails, arrested and deported, or summarily executed, suspected persons, and, wherever necessary or possible, considered state laws as practically suspended. The alien and sedition laws of 1798 were defended mainly on the ground that war really existed with France. In 1812–16 the extremities to which the federal government was often reduced compelled the strict construction democratic party to resort to measures, such as conscription, impressment, naval equipment, disregard of state control of the militia, and the creation of a public debt and a national bank, which, by their own party principles, were either highly inexpedient or flatly unconstitutional. (See DRAFTS, I.; GUNBOAT SYSTEM; CONVENTION, HARTFORD; BANK CONTROVERSIES, III.) In 1846–50, as the Mexican war was conducted outside of the country, its effects were less perceptible, but the supreme court's decisions on the absolute power of the federal government over the conquered soil of New Mexico and California were important, and were afterward used as precedents in reconstruction. (See also TERRITORIES.) In 1861 the southern wing of the strict construction party not only voluntarily abandoned that branch of the federal government, congress, of which it had undisputed possession, to its broad construction opponents, but even strengthened the hands of its opponents by making war on the government, and thus bringing into play the undefined and unlimited war power. The consequence has been the enormous and now hardly questioned development of the permanent powers of the federal government.—The above will make it evident that construction, strict or broad, is the *vis viva* of the constitution, which has enabled it, with very little formal change, to survive "the pressure of exigencies caused by an expansion unexampled in point of prosperity and range." By its means the law-abiding character of the American people, and their unquestioning faith in their constitution, have both been preserved intact throughout a vast foreign immigration which has radically altered the nature and blood of the people, and each characteristic has been able reciprocally to act upon and increase the other.—See authorities cited under the articles above referred to, particularly under CONSTITUTION, IV.

ALEXANDER JOHNSTON.

CONSULS. Consuls are officials appointed by competent authority to reside abroad for the purpose of protecting, facilitating and extending commerce between the countries which appoint them and the countries whither they are sent.—Count Beugnot, French minister of the navy, speaks in the following manner of consular functions: "Consuls are officers sent by a sovereign to the different ports or harbors to decide commercial questions between the subjects of his nation. The establishment of consuls has no other object than the advantage, the increase, the security and the police regulation of the commerce of nations with each other. Consuls are the guardians of their countrymen against the vexations, injuries and injustices of the country where they reside; and they exercise certain police powers over all the individuals of their nation."—On a careful examination of the principles laid down here by count Beugnot, it is clearly seen that the functions of consuls have a character both commercial and diplomatic. They suppose in him who is invested with them, a *public character* which commands consideration. This character is still further increased by the fact that the consul is not only the representative of the state which sends him abroad, but that he is, besides, accepted by the sovereign of the country to which he is sent.—The state which gives a nation permission to carry on commerce seems also to consent tacitly to the establishment of a consulate of that nation, and to engage to receive a consul from it.—Nevertheless, the state not being bound to this in virtue of an obligation which gives to the other nation a perfect and *coactive* right, the nation which wishes to have a consul must obtain that right by a treaty of peace

or commerce. Such is the opinion expressed by Vattel. (*Droit des gens*, t. i., liv. 11, chap. 11.) Valère expresses the same opinion. (*Commentaires sur l'ordonnance de la marine*, t. i., p. 232) Thus we see that nations, in treaties of commerce, generally stipulate for the reciprocal right of establishing consuls in all the ports of a country or only in the ports and places mentioned in the treaties.—It is not sufficient, then, to be appointed and armed with letters on the part of his sovereign: the consul must also obtain the approbation of the sovereign of the country in which he is to reside and exercise the functions of this office. This admission of the consul into a foreign country depends on the good pleasure of the sovereign of that country.—The power granted a nation of doing business, says Mr. Steck (*Essai sur les Consuls*, p. 56), in a foreign country, seems to give authority tacitly to establish consuls there; but it is safer to have this authority expressly provided for in a treaty.—Consuls are furnished with credentials and instructions, which they present to the princes of the states where they are going to reside; and, on this presentation, they obtain the sovereign's approbation, and it is ordered that they shall be recognized as possessing the character of consul: this is called an *exequatur*.—When consuls are clothed with a diplomatic title, such as that of diplomatic agent or *chargé d'affaires*, they are furnished with a commission to accredit them in their consular capacity, and with a letter of credence to accredit them in their diplomatic quality.—The origin of consulates is generally carried back to the time of the crusades. "The establishment of consuls," says Martens, in his *Traite du droit des gens*, "seems to date from the middle ages, from the period of the crusades. The commercial cities of Italy then employed their wealth in the equipment and provisioning of fleets to transport Christian armies to Asia. Great marts were established on the shores of the latter continent, under the protection of the princes who planted their standards there. These places attracted, through the desire of gain, new speculators, who came to compete with the merchants who established them. At this juncture they conferred on certain of their own number, by the name of *consuls*, jurisdiction in matters of arbitration, and submitted to the decisions of these judges." Mr. Steck (*Essai sur les Consuls*, p. 14,) also carries the origin of consulates back to the crusades. "The Pisans, the Venetians, the Genoese, formed at that time various establishments in Asia. The princes, the masters of the places where they established these marts, accorded to them the most extensive immunities. All the merchandise which they exported was declared free from all duties and taxes. They were given entire quarters in certain maritime cities; and in others streets and houses: but one of the most important privileges granted them was to cause to be decided, according to their own laws, and by judges of their own nation, appointed by themselves, all the controversies arising between persons carrying on trade under their protection, or who were established within the limits of the territory ceded to them."—At first the consuls were, in reality, only arbitrators in commercial matters; but their privileges were extended; they became the delegates of their sovereigns, and were intrusted, not only with settling disputes between the merchants of their country, but also with protecting them in their relations with the countries to which they had come to trade. Thus, a consul in a foreign country is really a *public minister*.—"I do not hesitate," says Steck, in the work cited above, "to call the consul a *public minister*. It is a pure logomachy, a useless dispute of words, to deny him this quality and this name. Whoever is intrusted by his sovereign with the interests of the nation should be considered a public minister. I acknowledge that the consul is only a minister of an inferior order; but that only affects the honors paid him."—M. de Moser also expresses himself in this sense, and recognizes the public character with which consuls are clothed beyond a contradiction. He admits they are public ministers, though of a kind and rank inferior to those of the first and second order. "As consuls," this learned publicist says, "are charged by their sovereigns with watching over the interests of national commerce, seeing to the observance of treaties, asking for their execution, making remonstrances on this score, presenting complaints to the court where they reside in case of infraction, and since they are thus really charged with affairs of state, it appears strange to me to call in doubt their official character, and to wish to refuse them the name of public minister."—This settled, we must admit that consuls ought to be placed under the protection of the law of nations, and enjoy the privileges and prerogatives which treaties or usage assure them. If we insist on this point of the public character of consuls, it is because it has been greatly controverted, and because eminent jurists in the seventeenth and eighteenth centuries have wished to recognize in them merely commercial agents and commercial judges. Vattel, Martens and Klüber have denied them the quality of political agents, which is nevertheless inherent in their office. The error of these authors has come from this, that they have not sufficiently considered the changes which have taken place in international relations, and from the fact that they have not studied carefully the provisions of the different treaties of commerce touching the consular institution: otherwise, they would have seen that these treaties accord to consuls the essential guarantees which surround diplomatic agents of a higher order. Consult especially on this subject the capitulation concluded between France and the Ottoman porte (April 28, 1604, June 5, 1673; May 28, 1740), and you will soon have the proof of this. "The consuls of France, according to these capitulations, shall enjoy *all the privileges* of the laws of nations, and be protected in all peace and tranquillity. They are

never to be constrained and forced to appear personally before a court of justice; they are free and exempt from all kinds of taxes." These privileges, it is seen, are of the same nature as those which diplomatic agents enjoy. Why not recognize, therefore, their public character, which results from the very nature of the facts in the case?[1] RITTIEZ.

CONSUMPTION, Taxes on Articles of. Taxes imposed on consumption of provisions, merchandise or products of any kind, and collected, either at the time when the articles taxed pass the boundaries of a state, a province, or a commune, or at the time they are sold, removed or manufactured, constitute, in almost all the modern states of Europe, and in those of European origin, the chief source of public revenue — In France, these taxes comprise those included under the title of *indirect taxes*—duties on liquors, native sugar, the proceeds from the sale of tobacco, gunpowder, paper, etc, plus the customs duties and the proceeds from the sale of salt; the total amounting, according to the estimate of the budget of 1869, to 742,559,000 francs on a total national receipt of 1,722,444,903 francs. The *octrois* of French cities are also taxes on consumption, and their gross annual amount exceeds 150,000,000 francs. Certain *direct* taxes are in their nature similar to taxes on articles of consumption: such are those imposed on carriages, horses, dogs, etc., when used as luxuries. If the stamp duty was extended to all writing paper, that duty also would be a tax on consumption, but as in France it is confined to paper which may be produced in court, or for agreements, contracts, checks, etc., they are included under the large class of taxes on *documents*.—In Great Britain duties on consumption, comprising the custom house duties and excise, in the year 1867–8, reached the sum of £45,642,851, on a total receipt of £83,333,217.—In Austria *indirect taxes*, imposed generally on consumption, figure in the budget of 1868 at 220,292,813 florins, on an ordinary total receipt of 546,035,407 florins.—These taxes are put down in the budget of Prussia of 1861, including salt, at 44,627,107 thalers, on a total receipt of 135,094,415 thalers.—The budget of Russia for 1868 gives indirect taxes, *customs and excise duties* at 193,850,330 rubles, on a total receipt of 480,593,517 rubles.—Before the war between the north and south the income of the United States was almost entirely furnished by customs duties. For the year included between July 1, 1859, and June 30, 1860, the ordinary receipts were made up from the three following sources only (see UNITED STATES): customs, $53,187,511; sale of lands, $1,778,557; from various sources, $1,010,761; total, $55,976,829.—Among the drawbacks inseparable from all taxes there are some which taxes on articles of consumption have in the highest degree: 1. The distribution of the burden which it imposes is in no way proportionate to the resources of the taxpayers; and the most productive of these taxes, those on liquors and provisions in general use, on salt, combustibles, etc., weigh as heavily on the poor as on the rich. 2. Their collection demands an amount of administration, supervision and verification very damaging to production, and to the circulation of or trade in the objects taxed. It is well known in France what a network of minute rules and difficulties are connected with the general taxes on liquors and the octrois. 3. A considerable part of the proceeds of the taxes in question is absorbed by the cost of collecting them. That proportion is not generally less than 13 or 14 per cent —It has been urged, in favor of these taxes, that the payers, for different reasons, meet them more willingly than direct taxes. It is said, first of all, that their collection is generally divided into smaller fractions, and more easily paid. It is next alleged, that, in the majority of cases, they are added to the price of the articles taxed in such a way that the consumer, confounding them with the price, bears the burden of them almost without knowing it; that weighing more frequently on kinds of consumption not indispensable to the maintenance of life or health, the taxes in question are paid only when it is convenient to buy articles which could really be done without; so that the poorest, the most prudent or the most economical have always the power of avoiding them by refraining from buying, and find in this a new stimulant to saving.—These motives often appealed to by financiers, politicians and all publicists occupied with fiscal questions, may be more or less justified in reference to certain special taxes, but if it is intended to appeal to them in the case of all duties on articles of consumption, it is very questionable whether it can rightly be done. It is by no means demonstrated that these duties are acknowledged and paid more willingly than direct taxes, and, as to customs duties and octrois, smuggling, which always continues in spite of the activity and the severity of repression, shows the contrary clearly enough. We know, besides, to what an extent taxes are collected under the inspection of officers of indirect taxes, such as the retail duty on wine, the duties on the manufacture of beer, native sugar, etc., and how impatiently they are borne by those on whom they are imposed. We know, also, that

[1] In the United States consuls are nominated by the president and confirmed or rejected by the senate Before entering on the duties of his office, the consul is required to give bond for the faithful discharge of his duties, with sureties to be approved by the secretary of state. Consuls "have authority to receive protests or declarations which captains, masters, crews, passengers, merchants and others make relating to American commerce. They are required to administer the estates of American citizens dying within their consulate and leaving no legal representatives, when the laws of the country permit it; to take charge of stranded American vessels, in the absence of the master, owner or consignee; to settle disputes between masters of vessels and the mariners; and to provide for destitute seamen within their consulate, and send them to the United States at the public expense." (See Bouvier's Law Dictionary.)

in France the octrois have always been the most unpopular of all taxes; and the favor with which their complete suppression in Belgium was received by public opinion, shows well enough what a general object of hatred they are.—It will not be easier to justify the allegation that these taxes are paid more easily and in smaller fractions than direct taxes which may be collected in *twelfth parts*. This is not the case with customs duties, which are generally collected in large sums; nor with taxes on liquors, native sugar, salt, etc. Although divided, so far as the consumers are concerned, they cause heavy expenses to producers, merchants and dealers, before reaching their final destination. It is quite true that consumers, when they have to pay or refund these taxes, pay them in fractions more or less small, and confound them with the price of the object taxed, without thinking how much they pay in this way to the government. But is this really a public advantage? In view of the use which the greater number of governments make of their resources, is it really desirable that they should increase them at the expense of private persons, without the masses observing, or, at least, without their being able to render an account of all that has been thus taken from them?—And lastly, the assertion that taxes on consumption are generally levied on articles of little need in the maintenance of life or health, and which can be dispensed with conveniently, is not better founded than the other considerations appealed to in defense of these taxes. This assertion lacks truth altogether with regard to salt, meat and the greater part of other provisions on which a customs duty or an octrois is levied. Sugar, indeed, appears to be of less absolute necessity, the populations of Europe having done without it for a long time; but they have also done without shirts and shoes; and would it be proper at present to tax these articles of clothing heavily under the pretext that those who wish to avoid the tax are able to do without them? The use of sugar is common among all classes: it is used in preserving fruits, in the preparation of a multitude of medicines and food; and its consumption has become almost as necessary in the civilized world as that of salt. As to beverages, such as wine, beer and cider, it is not certain that a suppression of their consumption would not be very injurious to the health of people who use them. The use of fermented liquors is universal in human society; it exists in every degree of civilization; and if this does not sufficiently authorize us to consider it one of the *necessaries* of social life, if we must see in it but an artificial want or pleasure, we should still have to ask ourselves whether it is reasonable and just to make this pleasure much more costly, more difficult for the most numerous classes, by overloading with taxes the objects capable of procuring that want or pleasure.—Taxes on consumption, considered in their totality, are not justified by any of the reasons generally adduced in their favor; and they present, in a higher degree than any others, the drawbacks arising from a want of proportion between them and the resources of tax payers, the heavy cost of collection and the hindrances and difficulties imposed by them on production and commerce. There is, therefore, no valid reason for giving them the preference in the general system of taxation; and there are very strong reasons why they should be resorted to as little as possible. Their only *raison d'être* is to be found in excessive public outlay which the resources procurable by the most equitable and least harmful means can never meet, and which brings about recourse to all possible methods of collecting taxes, whatever they may be.—Some of the taxes on consumption weigh, nevertheless, on articles injurious to the health, to the mental or moral faculties, of those who use them habitually, such as tobacco and alcoholic drinks. These taxes are certainly among the best warranted, and their establishment or maintenance can only be approved; but, the best method of collecting them should be a constant object of research.[1]

AMBROISE CLÉMENT.

CONSUMPTION OF WEALTH. I. The consumption of wealth is one of the great divisions of political economy, according to J. B. Say, who is followed here by several other economists, authors of general systematic treatises on the subject. Storch, de Tracy, James Mill, M'Culloch, Florez Estrada, Skarbek, Dutens and Droz. This last part of the science treats of all questions relating to the employment and use of acquired wealth, either in production or in the satisfaction of the wants of the person or of the family of the producer, and also questions connected with the public outlay and the resources necessary to meet that outlay, viz., taxes and loans. Hence there are two subdivisions of the subject. one treating of questions relating to *private consumption*, and the other of questions relating to *public consumption*.—These two kinds of consumption have themselves been subjected to subdivision. In accord with J. B. Say and Adam Smith, *reproductive* consumption has been defined as advances made to production; and *unproductive* consumption, as not only all kinds of consumption that are a pure loss, but those destined to satisfy the wants and the pleasures of man, in contradistinction to reproductive consumption. The same distinction has been made in the case of public consumption; but a somewhat different sense has been attached to the words here.—Rossi did not admit the subdivision consumption in his teaching. In the first lesson of his published *Course*, he says: "We have studied the science in its two great divisions, the production and distribution of wealth; and, if we have not specially concerned ourselves with a third branch, which is called in

[1] It is proper to add that indirect taxation finds its real justification in the unwillingness which all ratepayers exhibit in giving the necessary information on which to base direct taxation or distribute its burdens equitably. M B.

the books consumption, it is because we consider this branch included in the other two. What is called productive consumption is nothing else than the employment of capital. the consumption sought to be called unproductive—taxes—enters directly into the subdivision distribution of wealth; the rest belongs to hygiene and morals."—Rossi is right, in certain respects. Productive consumption is, indeed, the employment of capital, as we have just said, and taxes are one of the parts of the national revenue, expended in a more or less productive and legitimate manner. It is also quite true that political economy should rely on hygiene and morals when it warrants this or that employment of private wealth; but this is no argument against grouping the phenomena of the consumption of wealth together, as well as those of the production, circulation, exchange and distribution of wealth, the better to understand them by comparison and analogy. Properly speaking, political economy exists, as a whole, either in the doctrine of production or in that of exchange; but we must not forget that it is by classification of knowledge that we succeed in more clearly comprehending what it is given to man to know. —II. *Nature of reproductive and non-reproductive Consumption and of private Consumption.* To consume is to make use of the values inherent in products, but to make use of products is to transform their utility and its resultant value, or to change it, or to destroy it altogether. To produce is not to create matter, but so to dispose it as to endow it with utility· and so to consume is not to destroy matter (a thing as impossible as it is to create it); it is to transform or destroy the qualities which render matter useful and exchangeable. The importance, therefore, of consumption should not be valued so much by the quantity or dimensions of the matter consumed as by the value which it represents.—Everything produced is intended for consumption; and why should a price be put on, or a value given to, a useless thing? Consumption is the only object of production, and every product is consumed; that is to say, its utility is enjoyed, and in this enjoyment is found the recompense for the trouble expended in producing it; for, if the producer does not himself consume the thing which he has produced, he consumes that which he receives in exchange for it.—The slowness or rapidity with which different kinds of consumption take place does not change their nature: the jewel which lasts for centuries, the garment which lasts for years, the fruit or immaterial product which lasts but an hour, all lose their value in analogous ways.—Exported products should be considered as consumed; for by exportation they become, so to speak, raw material used in the manufacture of other products. In like manner, if we were estimating the value of the production of a country, its imports should be included.—Consumption has been classed with reference to its objects and the returns obtained from it. J. B. Say has termed *unproductive* or *sterile* the consumption which has for its object the well-being resulting from a satisfied want, and *reproductive consumption* that which is devoted to the production of an amount of wealth equal or superior to the value consumed, and which constitutes a real exchange, in which one gives acquired wealth or the services of implements of labor, land, labor or capital, to acquire new wealth. J. B. Say was not mistaken in the value of these expressions; he understood perfectly well that a consumption which satisfies our wants is neither unproductive nor sterile, since it produces a satisfaction which is a real good; but he employs these expressions for want of better. This nomenclature has been generally adopted. No great objection can be made to the expression reproductive; as to the other, unproductive, it does not seem to have been successfully replaced by *sterile* or *destructive*, which Dutens proposes; but could we not say with less inexactness, *non-reproductive consumption?*—Senior proposes to call that consumption productive which is intended for the support of producers, and unproductive only that which has not this object in view.—Reproductive consumption is nothing else than production. We shall therefore refer the reader to that word, and limit ourselves here to the consumption which results from the employment of capital.—But, outside of industrial phenomena proper, we have to consider the total of consumption, especially non-productive; consumption proper, private consumption.—Here arises the question of determining those kinds of consumption which are the more desirable and judicious.—The question would not be difficult if the decision had to be made between productive and non-productive consumption. The former evidently is preferable because it increases the wealth of the country, since it gives birth to subsequent products, while the characteristic mark of other kinds of consumption is that they furnish enjoyment to no one but the consumer. But what are productive and unproductive consumption? M'Culloch answers by the just observation that the question has been obscured, by considering the kind of consumption, while the results should rather have been considered. "Evidently," he says, "it is not enough, in order to prove that a certain quantity of wealth has been employed productively, to say that it has been expended in improving the soil, digging a canal, etc., for this wealth may have been applied without judgment, or in such a manner that it can not be reproduced; and, on the other hand, it is not sufficient proof that a certain amount of wealth has been employed unproductively, to say that it has been expended in carriages and in pleasures; for the desire to incur these expenses may have been the original cause of the production of the wealth, and the desire to incur expenses of the same kind may involve, as a consequence, the production of a still greater amount of wealth. If we wish, then to arrive at an exact conclusion on such questions, we should carefully examine, not only the immediate but the remote conse-

quences of the expense; affirming that it is productive when, by direct or indirect action, it gives occasion to the reproduction of an identical or greater amount of wealth, and unproductive when this is not completely replaced."—According to J. B. Say, the most judicious and desirable consumption is that which satisfies real wants, which is slow rather than rapid. Slow consumption had already been recommended by Adam Smith. It is recommended by the greater number of economists. J. B. Say understands, by real wants, not only those of prime necessity, but also those which civilization gives rise to.—Senior remarks that certain things are susceptible only of unproductive consumption. Such, for example, are laces, embroideries, jewels and other ornaments which do not protect the person against the rigor of the weather. He places in the same category tobacco and other stimulants, the least evil of which, he says, is that frequently they are not harmful. Senior further observes that the distinction between consumers is drawn with still less difficulty than the distinction between their consumption. All men being at the same time consumers more or less productive and unproductive, each individual may be put in the one class or the other according as the greater part of his expenses belong to one kind of consumption or the other. Besides, he adds, every personal expense which goes beyond what is strictly necessary is not absolutely unproductive.—Florez Estrada, having, with J. B. Say, spoken in praise of the consumption which serves to satisfy real wants, and of slow consumption, or that of durable wealth, also recommends consumption in common, in which certain expenses are avoided, and with which, relatively speaking, the greatest possible amount of enjoyment can be procured.—Although the preceding observations are not without value, they yet show that it is impossible to fix the measure of individual expense. Consumers, therefore, are alone capable of being, and should be, the sole judges as to how much they shall consume. Doubtless a certain number may squander their property; but the greater number endeavor to increase it. Good sense enables every man to decide whether a want is real or imaginary, and whether it ought to be satisfied or not. The man who buys superfluities will, as Franklin makes "Poor Richard" say, end by selling necessaries; but to distinguish the superfluous from the necessary there is no aid except that afforded by a good moral education and sound sense.—A word here on consumption of articles purchased on credit. Credit-consumption, as a means of supporting an individual or a family, can be justified only by unavoidable necessity. Buying on credit is the cause of greater outlay, of higher prices of goods, of excessive profit by the seller at the expense of the buyer, and, later, of the insolvency, discouragement, immorality and dissipation of the consumer.—III. *The statistical law of Consumption.* Consumption is not, as Sismondi said it was when he objected to the employment of machines, a fixed, invariable quantity. It is as elastic as the wants of man, and these are limited only by the means of satisfying them. But these means, once given, satisfy more wants in proportion as they may purchase more products, and, consequently, as the price of the products is low.—This has been observed whenever, through decrease of import duties or other taxes, or through progress in manufacturing, the prices of products have been diminished in a noticeable degree. In 1824 coffees from the colonies, on reaching England, paid one shilling duty: one and six pence if from India; and two shillings, from foreign countries. Huskisson reduced these duties one-half; and in 10 years the consumption had quadrupled, and increased from 8,000,000 to 32,000,000 pounds. At this same epoch, and after the reforms of Sir Robert Peel, many similar phenomena were observed. In 1839 postal reform was introduced; instead of one shilling average postage on a letter, a sum a little less than one-sixteenth of that amount was paid. The consequence was that the number of letters had quadrupled in 1847, and rose from 1,252,000, in 1839, to 4,837,000, in 1847.—This phenomenon is easily explained. It depends on this, that the low price of products and services enables the lower classes, which are the most numerous, to extend their consumption. In reality, as Adam Smith remarked, almost all the capital of every country is distributed among these classes in the shape of wages; and, in addition, they spend the income of their little capital.—IV. *Producer and Consumer—Importance of the Consumer.* Consumption, in the last analysis, is the only object, the only end of production, and we should never occupy ourselves with the interest of the producer except in so far as it is necessary to advance the interest of the consumer. Adam Smith lays down this fundamental maxim as self-evident, but he merely enunciates it incidentally in discussing the mercantile system. And, indeed, every man is a consumer; his interest is the general interest, the interest of the greatest number, the interest of the poorest, the interest of producers taken all together as a body; while the producers are subdivided into an indefinite number of classes, with different, special and multifarious interests. If privileges are granted to these they can not be granted equally. Some will be benefited at the expense of others, and at the expense of the mass of consumers. Liberty alone is capable of doing justice to all interests, and the only remuneration to which the various branches of production have a right, is that which they can draw from the trunk of consumption.—It is to be regretted that the founder of the science of political economy did not give a demonstration of the proposition referred to in the preceding paragraph. Frederic Bastiat more than once undertook to prove it. In the first pages of his *Sophismes économiques* he brought out clearly the natural antagonism existing between the interests of producers and consumers, and the social necessity of protecting the latter from the retrogade tendencies

of the former. "Let us take," he says, "a producer of any class, what is his immediate interest? It consists in two things: 1, that the number of persons occupied in the same industry as himself shall be as small as possible; 2, that the greatest possible number of persons shall demand the product of his kind of labor, which is expressed more briefly by political economy in the following terms: that the supply shall be very limited, and the demand very great; in other words, limited competition and an unlimited market.—What, on the other hand, is the immediate interest of the consumer? That the supply of the product in question shall be great, and the demand limited. Since these two interests are in direct opposition, one of them must necessarily coincide with the social or general interest, and the other antagonize it. But, if legislation is to favor either, in the interest of the public good, which of the two should it be? To discover this, it suffices to inquire what would happen if the secret desires of men were realized. We must confess that the desires of every man, so far as he is a producer, are anti-social in their nature. The wine producer might not regret a frost. A manufacturer of iron would wish to see no other iron in the market than his own, however much the public might be in need of iron."—Bastiat shows that if the wishes of all producers were realized, the world would quickly relapse into barbarism. The sailing vessel would endeavor to do away with the steamer, and the steamer with the sailing vessel; wool to exclude cotton, and cotton wool; and so on until a dearth of everything was reached. Considering, further, the interest of the consumer, he finds it in perfect harmony with the general interest, with what is demanded by the well-being of mankind. What does the consumer really wish for? Favorable seasons, fruitful inventions which reduce labor, time and expense. He wishes for a decrease of taxation, peace among nations, liberty in all international relations.—Here an objection is made. It is said, that if these wishes were realized the labor of the producer would be restricted more and more, and would at last stop altogether, for want of support. To which it may be answered, that in this extreme case all wants and imaginable desires would be completely satisfied, and, on this hypothesis, laborious production would not be a matter of regret. Bastiat justly concludes, that to consult the immediate interests of production exclusively is to consult an anti-social interest; that to take the immediate interest of consumption as sole basis would be to take the general interest as basis.—This reasoning strikes a direct blow at the heart of the protective and prohibitive system, and its partisans leave nothing undone to prevent an analysis of the various interests of the producer and consumer. They affirm that, as the producer and consumer are one, it is wrong to class men as producers and consumers. Of course economists do not pretend to establish as a principle the absurdity that the human race is divided into two distinct classes, one occupied only in producing, and the other only in consuming. But it is not a question of dividing the human race: it is a question of studying it under two very different aspects. All the sciences have their classifications, and it is evident that, so far as products and services are concerned, he who creates the product or renders the service is altogether distinct from him who purchases the product or the service.—In order to show the value and the correctness of this distinction, Bastiat, in another work, (*Les Harmonies économiques*, 2nd ed., c. xi.), exhibits the producer and consumer face to face in the whole circle of their transactions. On the one hand is the producer producing the supply; on the other, the consumer causing the demand. Now, supply and demand are apparently not the same thing. Bastiat next gives us an ingenious analysis of the phenomena of production, by which he shows that the consumer or the public is, so far as the gain or the loss of a given class of producers is concerned, what the earth is to electricity, a great common reservoir. From that reservoir all proceeds, to it everything returns. After a time, and after having played some part in the phenomena of the world, economic results glide, so to speak, over the producer, on their way to the consumer; so that all great questions should be studied from the point of view of the consumer, if we wish to solve them in such a way as to grasp their general and permanent results. Bastiat finally bases on considerations of morality this same subordination of the rôle of the producer which he had already established on principles of utility. It is really the purchaser of products, the consumer, who must bear the responsibility of the use they are put to, and not the producer, who is influenced by the demand; for the producer has not to concern himself whether a good or a bad use is made of his wine, his iron, or his opium. Bastiat remarks that this is in perfect harmony with the principles of religion, which addresses to the rich, to the great consumers, a severe warning as to their immense responsibility. — V. *Consumption of Capital.* — *Waste of Capital.* What employment is made of capital is of the utmost importance to society. The office of capital is to furnish the *advances* necessary to production, in whose results it re-appears under the form of other utilities and other values. All the questions of consumption of capital are in truth questions of production; and they are more naturally treated by analyzing the functions of capital and the nature of production. There is one, however, at which we must stop, in order to point out the difficulties it presents.—Capital intended for reproduction is divided, according to Adam Smith, into fixed and circulating capital. one renders continual service remaining in the hands of its owner; the other renders a service only when it passes into other hands, or is transformed. It might be asked in what proportions these two kinds of capital, considered as an instrument of labor, should enter into a given industry; but it is plain that this question is not susceptible of a

general answer. Every industry has its special character and needs, which vary according to place, time and circumstances. But if theory can give no satisfactory information on this point, it is none the less necessary that a business man should be able to form a correct estimate by consulting his own experience or the experience of others. The division of capital into these two branches is a point of departure of the highest importance, and if we seek to give an explanation of industrial catastrophes, it will be found that a great number of them had no other cause than an erroneous estimate in matters of this kind. Too much capital renders business slow, and too little capital stops it; too much circulating capital at the expense of fixed capital, and too much fixed capital at the expense of circulating capital, produce similar effects.—The change of times has frequently led business men into ruinous paths. In France, for example, after the events of 1814, young men, simple clerks, were able by very modest savings, energetic labor and irreproachable conduct to make a fortune, in the very houses in which their successors were ruined, although they began with the same moral qualities and frequently with greater intelligence. The latter lacked one thing, sufficient capital. We may often see in great cities the influence of fashion on many industries which are obliged, as it is said, to appeal to the eyes of the public. Such industries change the proportions of fixed and of circulating capital, induce the manufacturer to lessen the latter and to increase the former. They thus lead to his ruin. How many business houses have had to be closed because too large a proportion of their capital was consumed in ornamental façades, etc.—A word now on the waste of capital. "Waste, which destroys capital, is opposed to saving, which increases capital. We waste capital when we devote, without judgment, to the satisfaction of our pleasures or our wants, values formerly employed in making advances to production. Let us suppose, in order to understand the part played by a spendthrift, two amounts of capital of $100,000 each; one, in the form of a factory belonging to the spendthrift; the other, in the form of coffee and sugar belonging to a merchant. The factory is sold by the spendthrift, and bought by the merchant. To effect the purchase, the latter withdraws his capital from trade and no longer buys coffee and sugar. A hundred thousand dollars are withdrawn from commerce, and this value is handed over to the spendthrift as the price of his factory, and converted by him into consumable articles, and destroyed without return. Thus of the two amounts of capital, only one remains: the value of the other is destroyed, because squandered capital is no longer capital. * * * There is also the capital which is wasted by the inexperience of men who begin enterprises which give back only a part of the capital invested in them, and which is as completely lost as if consumed by a spendthrift. The immaterial products of a teacher, a lawyer, or a priest, etc., may be wasted in the same way; that is to say, consumed in a non-reproductive manner. The imprudent, the unskillful, who do not value the cost of production or the value of the products of their industry, are also spendthrifts. To appreciate the disastrous consequences of waste, it suffices to remark, that a value saved becomes capital, the consumption of which is renewed unceasingly, while a wasted value is consumed but once." VI. *Gratuitous or absolutely unproductive Consumption.* There are various kinds of unproductive consumption, that are not only unproductive because they are not reproductive, but because they take place at the expense of certain members of the social body, and are effected by consumers who are altogether unproductive, who destroy utilities and values belonging to others. This is consumption at the expense of a production which is not even reproductive, and to which Skarbek has given the name of gratuitous or doubly unproductive consumption, and which Senior calls absolutely unproductive.—If we seek to draw up a list of the kinds of this consumption, which is assuredly very harmful to society, we have, first of all, the consumption of criminals who are professional invaders of their neighbors' rights of property; next, the consumption of all those who carry on spoliation of any kind under the protection of abuse or artificial monopolies, unpunished or tolerated, or created by bad legislation. Following these are the paupers, who, without being criminals, live at the expense of others; both those who are permanently deprived of their physical or intellectual powers and those who are temporarily in this condition, such as the able-bodied poor, out of employment for the time being, and who have exhausted their resources, and even those who, although industrious and occupied, do not receive enough in exchange for their labor to give them the means of subsistence.—"The support of the poor," says Frederick Skarbek, "is doubly unproductive consumption, gratuitous, negative, and made to the detriment of those who provide for them. So that the poverty of a greater or less number of people diminishes the productive forces of a nation, by producing a decrease of workmen, and preventing the accumulation of capital; for everything that is devoted to the support of the poor might be saved and amassed in the form of productive capital; and the poor, for the very reason that they are deprived of the means of labor, can not co-operate in the production of values, still less in the formation of capital." This is a refutation of the quietism of those who see in the support of the poor, by public or private charity, merely a distribution of social wealth which is desirable in many regards, and who forget that the wretchedness of the poor, by decreasing the income of the rich, diminishes the common stock of labor and engenders universal misery. Human society is decidedly a society of exchange of wealth or services, and not of benevolence. If men in society

come together for mutual assistance, this can take place normally, without damage to any one, only when it is an exchange of services and values. All gratuitous consumption is a diminution of individual and social wealth.—Senior includes in this class consumers who produce absolutely nothing in return for what they consume; that is to say, men rich enough to live without working and without rendering any service to society. But the number of such men is very small. The proper employment of capital and the preservation of property, so useful to society, demand incessant care on the part of those who have them. On the other hand, in proportion as nations become enlightened, the men we have here in view are impelled to engage in some occupation, frequently in one very productive by its nature, either through love of accumulation or of power, or the love of study, or the desire of distinction, or by the still nobler want of being useful to their kind.—VII. *Balance of Consumption and Production.* Consumption being the end and sole object of production, there is naturally an intimate relation between these two great social phenomena. —From the point of view of private or non-industrially reproductive consumption, it is evident that the decay of a nation depends on the balance of national consumption and reproduction. It is by the excess of wealth produced over wealth consumed that capital increases; and capital is here synonymous with the means or instruments of labor and with the well-being of the population.—VIII. *Public Consumption.* Whatever is consumed in the interest of the whole nation, constitutes governmental or public consumption. —The character of the consumer does not change the nature of the consumption. Nations, provinces, associations of every kind, consume in a way precisely similar to private persons, and these kinds of consumption may either be productive or unproductive; but here the terms have a little different meaning from that which they have in the case of private consumption. Unless a state carries on an industry itself (and in this case it almost always makes a monopoly of it), its expenses are not positively reproductive; that is, it does not find the capital advanced in the results obtained. But, in the form of security, of justice, of administration, of the police power, in the use of roads, in the enjoyment of works of art, of monuments, and other services, it finds utilities representing more or less fully a return for the capital expended.—In the discussion of public consumption or outlay we must begin by determining what are the necessities of the state which determine this consumption or outlay, and also by determining what are the taxes, loans and other resources intended to meet them. The majority of economists who have written methodical treatises on the science discuss all these questions in the last part of their works, which thus become treatises on finance.—It is especially with reference to public expenses that it is proper to point out the abuse of the sophism that every expense, no matter what its object, or how unproductive it may be, "is good for business," hastens circulation and production. Men go so far as to believe that in times of crisis and stagnation caused by political disturbances public outlay is a powerful agency to enliven industry, provide employment for labor, and bring things back to the condition they were in previous to the crisis. Some public men, dupes of the sophism, others to satisfy popular prejudice and quiet the popular mind, others with personal interests and position in view, have recourse to this pretended remedy; and this is one of the causes of the increase of outlay which enlarges the budget. Fêtes, festivals, official rejoicings, perfunctory receptions by public officials, in times of sadness or misfortune, are useless expenses as a stimulant to business; they irritate more than they calm the suffering class of society; they force the families who take part in these festivals and receptions to ruinous expenses; they give an artificial encouragement to certain industries at the expense of certain others: they are, therefore, a pure loss to the community. For an economic phenomenon to be both the cause and effect of prosperity, it should be produced in the inverse direction; the impulse to prosperity should come from the family, the well-being of families should render the satisfaction of wants possible, and produce an increase of consumption.—The error which we have just pointed out is found, in another form, in the public outlay which the authorities frequently allow themselves to make, when, in times of difficulty, they have to come to the aid of the needy classes, deprived of labor and wages, and thus dangerous to public tranquillity and security. What matter, it is said, under these circumstances, if the works about to be begun are without utility? what matter if the useful effect produced is less than the expenses incurred? "it is good for business;" and, in consequence of this false reasoning, a great amount of labor is consumed unproductively, and a considerable amount of capital swallowed up, as has been witnessed in many countries, and in France especially, during the crises of the first revolution, the revolution of July, 1830, and the revolution of 1848.

JOSEPH GARNIER.

CONTEMPT. (See PARLIAMENTARY LAW.)

CONTESTED ELECTIONS. (See PARLIAMENTARY LAW.)

CONTINENTAL SYSTEM. (See EMBARGO, I.)

CONTRABAND OF WAR. The prohibition of trade in goods contraband of war is a limitation imposed by international law upon the commerce of neutrals. This commerce, generally speaking, is *free*, both in the intercourse of neutrals with one another, and in the intercourse of neutrals with belligerents. Still it is free only

on condition that it remain neutral, that it does not interfere in the war, and that its nature and object be of a peaceful character. This condition is violated when commerce engages in supplying the *wants of war*, in which case it assumes the character of assistance to the enemy. It can then no longer claim the rights of neutrality, whose character it has itself denied and lost, and its goods are treated as enemy's goods, as contraband of war. It results herefrom that no special treaties are necessary for the definition of the idea of contraband of war; this idea lies in the nature of the thing and of neutrality itself.—If the doctrine of contraband of war is one of the most unsettled and most open to controversy in the whole body of international law, this must be ascribed to the fact that the practical application of the general principles applicable to contraband of war is always made by belligerent maritime powers, the strongest of which finds it consonant with its interests to extend the meaning of the word contraband as far as possible, while the weaker has just as much interest to restrict it.—In former centuries, each of the belligerent maritime powers was wont to declare, at the beginning of hostilities, what articles it would consider as contraband of war. At the present time such declarations are not made; it is left to the prize courts to decide whether, in a particular case, articles are contraband of war or not. The prize courts are compelled not to go beyond reasonable limits in their decisions in such cases, because the neutral power has the right of making any decision which should be contrary to the laws of nations a *casus belli* against the power in question.—This consideration has had such a salutary effect that a dispute respecting the contraband nature of an article has never been followed by war. But, on the other hand, it follows from this condition of things, necessarily, that so long as it continues to exist there is no possibility of determining, in theory, what are and what are not articles of contraband of war, by any rule of universal application. Theory must be satisfied with elucidating the principles applicable at the present time, and stating what were the articles which have provoked discussion during recent times.—Wants of war are contraband of war. But what are wants of war? There are certain objects which, as Grotius says, every one will recognize as being articles intended to supply the wants of war, and consequently articles contraband of war. Such are arms, implements of war, especially ships of war and war material; finally, the ingredients employed in the manufacture of gunpowder. And, on the other hand, there are articles which every one will recognize as being of an eminently peaceful character. To this category belong not only pianos and prayer books, as Dana says, but also the great mass of articles of commerce, such as cotton, etc. However, there will always be found a number of articles concerning the destination of which—whether they are intended for peaceful or bellicose objects—doubts will arise. So far as these articles are concerned, the decision rests essentially in the equitable judgment of the prize courts. When the special circumstances of the case tend to demonstrate, without a doubt, the intention of an employment of the articles for war purposes, the prize court will be able to condemn the cargo without having to fear the intervention of the neutral power; consequently, there exists, *de facto*, such a thing as *contrabande par accident*, scoffed at by so many theorists. The articles of doubtful use, *res ancipitis usus*, concerning which there has been most controversy in modern times, are: iron, steel, steam engines, boilers, coal, horses, specie money, and articles of food. We can not enter more minutely into the details of this controversy, and must confine ourselves to the statement that, so far as there exists no special stipulation between a belligerent and a neutral power providing otherwise, only the seizure of all supplies of articles of food of every kind could afford the neutrals a motive for protest.—According to the law in force at the present time neutral powers are *not* bound to forbid their subjects the carrying on of trade in articles of contraband. They simply permit such trade, subject to the right of confiscation on the part of the belligerents.—Belligerents have the right to interfere in neutral trade as contraband trade, when a neutral vessel attempts to carry articles of contraband to the enemy. It is necessary, however, that the ship should be seized *in flagrante delicto:* a vessel that has sold her cargo can not be seized on her return voyage.—The consequence of the seizure of a vessel engaged in contraband trade is, according to tradition, that, by way of prize court law, the cargo is confiscated. By delivering up the articles of contraband the captain of the neutral vessel can free himself from any further interruption of his voyage. But if he refuses to deliver up such articles, then the vessel must be brought before a prize court; but the articles of contraband must not be carried away by force.—The confiscation of the portion of the cargo not contraband of war, as well as of the ship itself, is made when the owner of the vessel, or freighter, knew of the transportation of the contraband articles.—Analogous to the contraband of war is the transport of troops or dispatches for the benefit of the enemy. A neutral vessel which consents to engage in such service is, according to English custom, subject to confiscation, because she thus loses her neutrality by an evident act of hostility. The English admiralty courts do not admit the plea that the ship had been forced by the enemy to perform such service. If the enemy compels a neutral vessel to violate the laws of neutrality, then the ship owner must seek redress at the hands of the enemy's government, through the intervention of his own country. The other belligerent looks upon a breach of neutrality simply as a breach of neutrality, and acts accordingly; because, admitting the plea that the act was per-

formed under compulsion would render useless and uncertain all its rights of prohibition.

WERNER.

CONTRACT, SOCIAL. (See SOCIAL CONTRACT.)

CONTRIBUTION OF WAR. Although war is a state of violence between two countries, and violence generally supposes the employment of arbitrary power, still there are established between civilized nations customs and rules, to which the belligerents submit. There is, therefore, a distinction made between the legitimate and illegitimate means of injuring an enemy. Chief among the former are contributions of war, requisitions, forage and conveyances which are exacted in the enemy's country. There was a time when war consisted of a series of acts of violence, without rule or restraint; when both the person and property of the vanquished were at the mercy of the victor; and when the country invaded by an army was submitted to pillage and devastation. When all nations had in turn experienced the horrors of war, they agreed, at least, to submit these inevitable evils to rule, since it was impossible to suppress them entirely. Instead of plundering the inhabitants and burning their houses, the invading army exacted of the invaded district or conquered city contributions of war (*tributa bellica*). On condition of the payment of this tribute, the preservation of private property of all kinds was assured, and the enemy were obliged to buy and pay for whatever he demanded afterward, excepting the services which might be eventually required of the citizens and temporary subjects. Such is the history of the origin of tribute contribution of war levied by the enemy upon a country which they have invaded. The progress of public or state morality, and the mitigation of the hard usages of war, have made it the common rule to respect private property except in maritime warfare; and tribute, or contribution, is now no longer regarded as a substitute for fire and pillage; that is to say, a declaration of the local authorities that they would not or could not pay the tribute demanded would not give the enemy the right to pillage and burn, but would simply oblige the enemy to have recourse to force. Tribute of war is, therefore, an extraordinary tax levied for the benefit of the enemy and by their order. In order that this levy may be made in an equitable manner, it is customary for the assessment and collection of the sum demanded to be left to the local authorities. Their first duty is to proportion each one's share to his means; they, therefore, ordinarily take as their guide the assessment roll for ordinary taxes. If an individual has paid more than he justly should in proportion to his fortune, he has the right of recourse against the commune, the canton; in short, against the district on which the tribute was assessed. If a district has been too heavily taxed, it has the same resource against the district, the department, the province, and so on. As we said above, it is only in the case of the refusal of the local authorities to levy the tribute that the victor can exercise his authority directly by way of force. He takes it upon himself to assess the required tax according to the same rules as those stated above for the local authorities. But, considering his limited knowledge of the country, and the greater or less pressure of his wants, this mode of procedure is more apt to be marked by arbitrariness than the former. We must not, however, believe that tribute of war constitutes an absolute guarantee of safety to private property. The weakening of the enemy being the aim of military operations, it is permitted to destroy property the possession of which could not be abandoned to the enemy without increasing his strength. This is an additional proof that tribute of war is not based upon the redemption of private property. Thus gardens, vineyards, villas and forests should be spared, but the enemy always has the right to destroy them in order to strengthen his position. We must distinguish between contribution of war and requisition. Requisition consists in the asking for certain specified objects, under the form of a request, but exacted by force in case of need. Washington, in the American revolutionary war, invented both the word and the thing it denotes. But the use of requisition dates mainly from the wars of the French revolution, and was practiced by the French armies, who brought to a high degree of perfection the system of living upon the enemy's country. Besides what we may call the local contribution of war, which is exacted in the course of military operations, there is the tribute exacted at the conclusion of hostilities, either by a special agreement, or by virtue of conditions inserted in the treaty of peace. We may cite, as examples of tribute in this last acceptation, the war tribute of 140,000,000 francs required of Prussia (6,000,000 inhabitants) by France, in virtue of the agreements of Sept. 8, and of Nov. 5, 1808; the tribute of 700,000,000 francs required of France (30,000,000 inhabitants) by the allies, in virtue of the fourth article of the treaty of Nov. 20, 1815; and, finally, the tribute of 5 000,000,000 francs required by the treaty of February, 1871 (France having 37,000,000 inhabitants). There is no difference between a contribution of war, taken in this sense, and the payment of the costs of the war.—What is the position of the part of the country which, by the course of events, is subjected to the payment of a tribute of war, relatively to the state at large? Is the state, when restored to the full exercise of its sovereignty over the provinces temporarily overrun and laid under tribute by the enemy, bound to reimburse to these provinces the sum they have been forced to pay? Not in justice; for the state had nothing to do with this expense, and it is responsible only for the acts which are performed by its order. If the territory has been invaded because of the weakness of the state, it is a case of superior force, for

the consequences of which the state should not be called to account. Besides, there would be a certain amount of danger in laying down in principle the obligation of the state to make such reimbursement; for it would suffice for the enemy to be master of a part of the country to drain by his exactions the entire state. On the other hand, it would often be contrary to equity to adhere to the strict law, or to the general considerations of political interest. If the inhabitants of a city have saved the country by a prolonged resistance, by sacrificing their fields, their villas, their suburbs; or if a province has retarded the enemy's march by destroying its crops and resources of every kind, and by harassing the enemy, it is just that the state should compensate this province for the losses which it has suffered in the general interest. These considerations of equity apply, also, when the part of the country occupied by the enemy has been abandoned to him for purposes of strategy, the real line of defense being placed much further back. They may be applied, also, though the application is more doubtful here, when the occupation is the fault of a gross blunder of the general intrusted with the defense of the territory. Finally, they apply most naturally when a province is, by its situation, exposed to become the theatre of the war, as was formerly the case with Belgium, the province of Milan and the provinces of the Rhine. We might multiply examples of this kind. Quite the reverse of the principle of law, which adapts to itself the circumstances of a fact, equity, more pliable, adapts itself to the circumstances, and follows after them in all their windings. JULES GRENIER.

CONVENTION, The Hartford (IN U. S. HISTORY). The success of the commercial party in extorting the constitution from the agricultural party, the gradual consolidation of the latter party and its success in 1800, the union of the south and west against New England, and the division of the middle states, are matters elsewhere dwelt upon. The difference occasioned by the last named coalition had grown inveterate through time and the heat of conflict, until in 1812 the dominant democratic-republican party administered the government with as little reference as possible to the existence of the federal party, or of New England, where alone the federalists retained a party organization. The south and west, under Henry Clay and other leaders, whom the bitter Quincy described as "young politicians, fluttering and cackling on the floor of this house, half hatched, the shell still on their heads and their pin feathers not yet shed—politicians to whom reason, justice, pity, were nothing, revenge everything," had determined upon war and an invasion of Canada, as a means of compelling Great Britain to abandon the rights of impressment, search and paper blockade, and had coerced the peace-loving president, Madison, into participation with them by a threat to deprive him of his second term. A bill declaring war against Great Britain was passed in the house, June 4, 1812, by a vote of 79 (62 from Pennsylvania and the south, and 17 from the north) to 49 (32 from the north, and 17 from Pennsylvania and the south). A proposition to include France in the declaration received 10 votes. In the senate, June 17, the vote was 19 to 13, 4 northern and 2 southern democratic senators voting with the federalists against the war. June 18 the act became law, under the nominal auspices of an administration which had made no adequate preparations in men or money, by land or sea, for a war which was to protect American commerce by invading Canada, and in which the navy was to be drawn up on shore and defended by the militia. Against such a war so conducted the federalists were unanimous, on the grounds (as stated in the address of the federalist members of congress in 1812) that French aggressions had never really ceased; that the British orders in council operated only against American trade with France, Holland and northern Italy; that this deprivation, though burdensome, was not sufficiently so to justify the destruction of all remaining American commerce for the purpose of avenging it; that American commerce asked from the dominant party, not war, but protection in the form of an efficient navy or the power to arm and protect itself; and that the declaration of war was only designed by American Jacobins to draw off by a side attack the energies of Great Britain from its struggle with France. They denounced the invasion of Canada as "a cruel, wanton, senseless and wicked attack, in which neither plunder nor glory was to be gained, upon an unoffending people, bound to us by ties of blood and good neighborhood, undertaken for the punishment over their shoulders of another people 3,000 miles off." When summoned, June 12, to supply detachments of militia for garrison duty, the governors of Massachusetts and Connecticut denied the power of the president to make such a draft except to execute the laws, suppress insurrections, or repel invasions. In this denial the council and legislature of Connecticut joined, and the popular approval of their action was shown by the election, immediately after, of 163 federalists to 36 democrats in the house. The difficulty was in part removed by allowing the militia to remain under its state officers, and by the general conciliatory measures of the federal government. Nevertheless, the New England states continued in every debatable point to adopt the very strictest construction of the federal government's constitutional powers, and to do so in language which showed plainly their continued dislike for the war; and their action seemed to meet popular approval. In the spring of 1813 the federalists showed a clear majority in every state election in New England. Their Massachusetts majority rose from 1,370 in 1812 to 13,974; in Connecticut and Rhode Island the democratic vote was much decreased, and even the hitherto doubtful or democratic states-

New Hampshire and Vermont, were carried by the federalists. In the 13th congress, which met May 24, the house contained 68 peace to 112 war members, the New York delegation having become largely federalist.—Stimulated by success the party took a higher tone. The Massachusetts legislature declared the whole war "impolitic and unjust," and refused votes of thanks for naval victories on the ground "that, in a war like the present, waged without justifiable cause, and prosecuted in a manner indicating that conquest and ambition were its real motives, it was not becoming a moral and religious people to express any approbation of military and naval exploits not immediately connected with the defense of our seacoast and soil." The state officers and leading federalists even refused to attend the public funeral of captain Lawrence of the Chesapeake. In November the newly elected federalist governor of Vermont recalled a brigade of militia which his democratic predecessor had ordered out for garrison duty, and, when a proposition was made in congress to direct the attorney general to prosecute the governor, a counter proposition was at once brought into the Massachusetts senate to aid Vermont with the whole power of the state. New England, in short, presented a united federalist front of opposition to the war; and the administration, ceasing its futile efforts at conciliation, practically abandoned the whole section and threw all its efforts into the invasion of Canada. For this purpose it was driven to attempts to raise men by conscription and impressment (see DRAFTS, I.), measures to which submission could hardly have been expected from New England.—In the autumn of 1814 the difficulties of the federal government, the desperation of the democratic leaders, and the exasperation of the New England federalists, seemed to have reached their common climax. The propositions in congress to enforce a draft and to enlist minors without the consent of their parents, the embargo which had been enacted to counteract the British exemption of the New England coast from blockade, the neglect of the federal government to provide for the defense of the New England coast or to prevent the advance of the British along the shores of Maine, which they now controlled up to the Penobscot river, the destruction of New England commerce and fisheries, for which privateering and infant manufactures were no substitute, and the complete nullity of New England in the councils of the nation, formed a mass of grievances which seemed to have become intolerable. In February, 1814, a committee of the Massachusetts legislature, while referring the question of a New England convention to the next legislature, had used the following strong language. "We believe that this war, so fertile in calamities and so threatening in its consequences, has been waged with the worst possible views, and carried on in the worst possible manner; forming a union of wickedness and weakness which defies, for a parallel, the annals of the world." It is significant of the temper of the times that this language was pronounced weak and inadequate by many federalists who considered "action" to be the most urgent need.—Oct. 18, 1814, the Massachusetts legislature adopted the proposal of a convention of the New England states to "lay the foundation of a radical reform in the national compact by inviting to a future convention a deputation from all the other states in the Union." The proposal was promptly adopted by the legislatures of Rhode Island and Connecticut, which last named body had just ordered its governor to call a special session for the protection of its citizens if the federal conscription bill should become a law. The object was cautiously limited in Massachusetts to matters "not repugnant to their obligations as members of the Union," in Connecticut to matters "consistent with our obligations to the United States," and in Rhode Island to "measures which it may be in the power of said states, consistently with their obligations, to adopt." In New Hampshire, where the council was democratic, and in Vermont, where the successful fight at Plattsburgh had wakened a new war feeling, the federalists did not venture any state action upon the proposal, but the federalist counties of Cheshire, Grafton and Coos, in New Hampshire, and Windham, in Vermont, appointed delegates by town meetings. That the recent disasters of the war, the depreciation of the public credit 25 per cent. below par, and the humiliating demands of the English commissioners as the price of peace, should now be supplemented by this portentous union among the New England federalists, who had just succeeded in carrying every congressional district in their section except three, in which there was no popular choice, brought the wrath, alarm and suspicion of the democratic party and the administration to their highest point. Executive agents were scattered over New England to search for evidences of a secret plot to separate that section from the Union and form a grand duchy under an English prince of the blood; a regular officer was sent to Hartford, with assurances of support from the New York state troops and the "fighting democracy" of Connecticut, to oversee the deliberations of the 26 elderly gentlemen who were soon to meet there in convention; and the president, at the request of congress, appointed Jan 12, following, as a day of national fasting and prayer.—The convention met at Hartford, Conn., Dec. 15, 1814, the delegates being as follows. *Massachusetts*—George Cabot, Nathan Dane, William Prescott, Harrison Gray Otis, Timothy Bigelow, Joshua Thomas, Samuel Sumner Wilde, Joseph Lyman, Stephen Longfellow, Jr., Daniel Waldo, Hodijah Baylies, George Bliss. *Connecticut*—Chauncey Goodrich, John Treadwell, James Hillhouse, Zephaniah Swift, Nathaniel Smith, Calvin Goddard, Roger Minot Sherman. *Rhode Island and Providence Plantations*—Daniel Lyman, Samuel Ward, Edward Manton, Benjamin Hazard. *New Hampshire*—Benjamin West, Mills Olcott. *Vermont*—Wil-

liam Hall, Jr. George Cabot was chosen president, and Theodore Dwight, editor of the Hartford Union, secretary. After a secret session of three weeks and the preparation of a report to their respective legislatures, the convention adjourned, Jan. 5, 1815. The report denied any present intention to dissolve the Union, and admitted that, if a dissolution should be necessary, "by reason of the multiplied abuses of bad administrations, it should, if possible, be the work of peaceable times and deliberate consent." It enumerated the New England grievances above mentioned, with the addition of "the easy admission of naturalized foreigners to places of trust, honour and profit," and "the admission of new states formed at pleasure in the western regions," as destroying the original balance of the sections. It proposed that congress, paying in to the state treasuries a certain proportion of the taxes raised in the respective states, should confide to the states their own defense. It laid down the general principle that "it is as much the duty of the state authorities to watch over the rights *reserved* as of the United States to exercise the powers which are *delegated;*" and proceeded from this stand point to the narrowest particularism of the Kentucky resolutions. (See also STATE SOVEREIGNTY.) It recommended the following changes in the constitution: 1. That the southern states should be deprived of the representation given them for three-fifths of their slaves. 2. That a two-thirds vote of both houses should be requisite for the admission of new states. 3. That embargoes should be limited to 60 days. 4. That a two-thirds vote of both houses should be requisite to prohibit commercial intercourse; or 5, to declare war, or authorize hostilities, except in case of invasion. 6. That naturalized foreigners should be debarred from membership in congress and from all civil offices under the United States. 7. That the president should not be re-eligible, and should not be taken from the same state two terms in succession. It closed with a suggestion that if affairs should not change for the better, or if these amendments should be slighted, another convention should assemble in Boston, on the third Thursday of June following, "with such powers and instructions as the exigency of a crisis so momentous may require."—The legislatures of Massachusetts and Connecticut adopted the suggestions of the report, and sent commissioners to Washington to urge the proposed amendments. Before they arrived the administration had been relieved from all anxiety; England had agreed to an honorable peace; the rout of 12,000 picked veterans from Wellington's peninsular army by Jackson and 7,000 raw Kentucky and Tennessee militia at New Orleans, had closed the war in a blaze of glory; and the commissioners found themselves only the discredited agents of a meeting of secret conspirators against the unity of the republic, and of states which had deserted their country in its hour of sorest need. No attention was paid to their recommendations, nor was any renewal of the convention ever attempted. From the series of humiliations, of which the Hartford convention was the close, New England learned thoroughly the necessity of carrying on struggles against the national government *within* the Union, a lesson which it had occasion to rehearse often afterward. It would have been fortunate for her sister section of the south if the same lesson had been impressed upon her attention 50 years previous to 1861.—The federalist politicians who fathered or composed the Hartford convention never escaped from the popular odium which attended it. Nov. 16, 1819 the president, Cabot, deposited its journal with the secretary of state at Boston, that all men might see that its designs and debates were legitimate and not treasonable. In 1833 Theodore Dwight, the secretary, published his *History of the Hartford Convention*, but public opinion had even then become fixed, as it has since remained, against the convention. (See EMBARGO; SECESSION, I.; STATE SOVEREIGNTY; FEDERAL PARTY, II.; DEMOCRATIC PARTY, III.)—See Dwight's *Hartford Convention;* 6 Hildreth's *United States*, 545; 4, 5 Benton's *Debates of Congress;* 2 Ingersoll's *Second War with Great Britain*, 216, 248; 2 Holmes' *Annals*, 467; 2 Goodrich's *Recollections*, 9; 3 Spencer's *United States*, 286; Carey's *Olive Branch;* Adams' *Documents relating to New England Federalism;* Sullivan's *Letters;* Quincy's *Life of Quincy;* 1 von Holst's *United States*, 263. The act recognizing the existence of war between the United States and Great Britain is in 2 *Stat. at Large*, 755.

ALEXANDER JOHNSTON.

CONVENTION, Joint. (See PARLIAMENTARY LAW.)

CONVENTION, Peace. (See CONFERENCE, PEACE.)

CONVENTION, The Constitutional, an institution of the United States, charged with the formation of the fundamental law. By the American constitutions the enactment of the ordinary statute law is the work of the legislature, acting conjointly with the executive, who has a veto upon its action. On the other hand, the framing of strictly organic laws has been generally committed to a special legislative body, meeting for that purpose only, called a constitutional convention, acting conjointly with the electors or the body of the people, to whom is given a veto upon its action. The constitutional convention is, therefore, strictly a legislature: but, because of the transcendent character of the laws which it initiates, it is, as Austin says, an "ulterior legislature." To this convention there is nothing similar in other countries having governments called constitutional. So much of their fundamental law as is not composed of customs or usages, or of judicial decisions, is but a statute, deriving a somewhat higher solemnity from its subject matter, and the greater deliberation at-

tending its genesis, and not from the extraordinary character of the body by which it is enacted. Of this description is the English constitution. So, in France and other European countries, where written or enacted constitutions exist, they are the work of the ordinary law-making power, done at perhaps a special session, or by an increased majority, but without the intervention of extraordinary agencies. The obstinate conservatism of its character enables the English people to employ safely and successfully such a mode of fundamental legislation. It stands in need of no unusual checks to restrain it from disturbing rashly "the nice equipoise" of its constitution. With Burke it realizes that "every project of material change in a government so complicated * * * is a matter full of difficulties, in which a considerate man will not be too ready to decide, a prudent man too ready to undertake, or an honest man too ready to promise." It is doubtful whether the temperament of any people living under liberal institutions, excepting that of England, is capable of the requisite self-control to pursue with safety such a course.—Whether from conviction of this truth, or from a lucky accident, the founders of the American governments, under the wise guidance of the elder Adams, adopted the safer mode of distributing the legislative function between separate agencies, the fundamental to one, and the ordinary to another. It is, perhaps, not so fortunate that the misleading name of convention was given to the former, a body charged with a function so delicate and novel in the history of political institutions. For the name convention has been regarded as evidence of its identity with a wholly different institution, the revolutionary convention. Many of the worst evils experienced in the political life of the American people have arisen from confounding these two institutions, and from attributing to them, as though identical in character, because developed the one from the other, or both from a common original, like powers and functions. The revolutionary convention is an earlier development from the ordinary assemblies of the people (*conventus populi*), common in all ages in England and other free countries. The English convention parliaments of 1399, 1660 and 1689, are familiar examples of this phase of the institution. Omitting the first, as of less interest, that of 1660 was assembled upon the downfall of the protectorate of Richard Cromwell, to take the formal steps deemed necessary to effect the restoration of Charles II. to the throne. There existing no lawful parliament, elections were held throughout England, on the recommendation of a rump of the old parliament, which had been forcibly dispersed by the late protector, to form a new parliament. This body met in London, and called Charles II. to the throne; but, as these elections were illegal, because held without the royal writ, the assembly was styled, as Macaulay says, a convention, and not a parliament. Similarly, the convention of 1689 was called to lay the foundations for the new dynasty of William and Mary, upon the abdication of James II. Because, regularly, there existed at that time in England no parliament, since there was no king, and, without a king's writ, no lawful parliament could be summoned, the prince of Orange, afterward king William III., called elections, at which delegates were chosen throughout England, who, together with the lords, spiritual and temporal, then in London, constituted a convention, by whom the new dynasty was established. The former case differed from the latter only in the fact that, by a legal fiction, Charles II. was held to be, and ever since the execution of his father to have been, king of England; whereas, by a like fiction, James II., forcibly driven from his kingdom, was declared, by reason of his oppressions and usurpations, to have abdicated the throne, which was thereupon pronounced vacant. In the one case, according to this conception, there was a *de jure*, but not a *de facto*, king of England; and, in the other, there was a king *de facto*, but not *de jure;* and the union of both qualities, real or imputed, was deemed necessary to the regular institution of a parliament, or the re-establishment of a legitimate political order. Both of these conventions were equally revolutionary bodies, assembled without law, as temporary expedients, to bridge over a chasm between a state of things that had ceased, and one that was beginning to be. The characteristic qualities of the revolutionary convention, accordingly, are two: that it is hostile to the state of things by law established; and that, as it is an embodiment of revolutionary forces, there is no limit to the powers it may exercise, save its own will. It is, in short, merely a provisional government, resting on force.—In the United States there have been examples of this type of convention at three epochs, all epochs of upheaval and transition: the first and second, during and at the close of the colonial condition; and the third, at the time of the so-called secession of the southern states from the Union. The most notable case in the first period was that of a convention assembled in May, 1689, in Massachusetts, simultaneously with that last described in England, having for its purpose the displacement of the government established by the crown, and presided over by governor Andross, and the formation of a government by the people, "according to the ancient forms," in force before the condemnation of their charter by the king's courts. This revolution was consummated two days before news reached the colony of the revolution in England, the same ship bringing with it orders from the authorities to proclaim king William and queen Mary. Similar cases arose in 1775 and 1776—the second period—in those colonies whose assemblies were controlled by the friends of the crown. The governments established by the crown having been suppressed, conventions or provincial congresses were called to supply their place, and to carry on the contest with

England. So, in the third period, when eleven southern states resolved to secede from the Union, there were called, in nearly all of them, conventions to initiate and to direct the movements to that end. In two or three, where the sentiment of the people prevented the election of conventions, the promoters of secession effected their object through the legislatures of their states, in which a friendly majority usurped the power to pass the necessary ordinances. These bodies were all alike revolutionary conventions, modeled, so far as the diversity of circumstances permitted, strictly after the English conventions of 1660 and 1689.—From this revolutionary body the constitutional convention is a widely different institution. Historically, it need not be denied, that the former is the root from which the latter sprang. In no country but America, however, has such a development been witnessed, though in none, in which revolution has led to provisional organizations hostile to the existing order, has the revolutionary convention, under some form and name, been unknown. Within that species of convention must be comprehended every embodiment of revolutionary forces articulated into working committees for the establishment of a new order upon the ruins of an old. By its definition revolution is the essence of unlawfulness. If successful, its triumph is the triumph of force over that which is legitimate as based upon recognized law. It then becomes the source of wholly new law, since so much of the old law as it permits to survive, survives by its will alone, and is, in effect, a law of its own enactment. The constitutional convention, on the other hand, is never the organ of revolution. It is called by an established government, in pursuance of fixed constitutional customs or prescriptions, to do a definite work in furtherance of the ends of that government, for its amelioration and not for its destruction; accordingly, the purpose of those who call it into being, is, that it shall do its appointed work and none other; that it shall melt into the general mass of citizens when its task has been completed, giving to the power that spoke it into being, such an account of its conduct and labors as by law or custom may be required. The constitutional convention is not itself a government; it is the agent or minister of a government, which moves along in full life while the convention is in session, and which is meant to survive it. It is therefore, in substance, but a numerous and dignified committee, so selected as, from its numbers and territorial distribution, to represent the various phases of opinion at the time existing. As intimated, however, it is in point of historical sequence, a development from the revolutionary convention. It is that institution shorn of its revolutionary features, of those absolute powers, adverse to the existing order, which would render its existence incompatible with that of any government but its own; that institution, in short, transformed and employed for a constitutional purpose. That this most important truth has been doubted or denied, depends upon the circumstances attending its introduction into our constitutional system. Of the constitutions first formed for the states of the Union, in the early years of the revolutionary war, many were framed by the provincial conventions or congresses above mentioned as examples of the revolutionary convention. That those bodies had ample power to do this can not be denied, because they were revolutionary governments, and as such were possessed of unlimited powers. They could adopt a constitution because they could do anything within the limits of the actual force at their command. When, therefore, after the peace with England, conventions were called by the various states, for the purpose simply of procuring the revision of their existing constitutions, some confusion of ideas at times developed itself in regard to their nature and powers. Bearing the same name, were not those conventions the same bodies with which the people had been familiar during the revolutionary war, when they constituted the only governments existing in the colonies? And if the same, could they not now cut loose from the governments under which they were convened, and exercise all the powers of an absolute sovereign? To this question, one of the most important that ever arose under the American constitutions, but one answer could or can be given. No. They are not the same as their revolutionary congeners, and they could not exercise the same powers, save by rebelling against their states as now organized. This, of course, they, as any body of men, might do, and under the same penalties. But as constitutional conventions they could do nothing but what they were empowered to do by the state which spoke them into being. The erroneous view here controverted has never in this country been universal, or very widespread, though in some conventions, held before the war of secession, and in the Illinois convention of 1862, it had earnest supporters. France, unfortunately, which borrowed from England, through the American colonies, the revolutionary convention, has never been able to free herself from the idea that all the powers and methods of that dread engine of force have been inherited by its namesake, the constitutional convention, there called the constituent assembly. What the effect of that error has been upon the political fortunes of France will be seen from the words of one of her most eminent publicists, given below.—Corresponding to the different views of the nature of the constitutional convention are the principal theories as to its powers. These, which have been partly foreshadowed already, are what may be properly denominated the French theory, and the American theory. By the latter the convention is regarded, in general, as a subaltern agency employed by the state to perfect its political organization. Revolution being, as history teaches, a too frequent incident in the life of states, the

purpose of this institution has ever been to prevent it by a timely removal of its causes. This has been sought to be done by giving to the forces that, from time to time, have become dominant within the state, the actual political control, instead of suppressing them until they compelled recognition by its disruption. As thus viewed, the function of the convention is analogous to that of the organs of reparation and reproduction as contrasted with that of the organs of locomotion, of defense, and the like, in the animal economy. It ministers to the perfecting and perpetuating and not to the ordinary working of the structure. So, the convention has no part whatever in the function of government, but only in that of perfecting the apparatus of government. By the nearly unanimous voice of the American people it is pronounced the duty of such a body to abstain from administrative measures; from attempts at ordinary legislation; from interfering with the action of the various departments of the existing government; and to render obedience to the laws by which it is convened, so far as is not incompatible with the execution of the commission with which it is charged; and finally, when the work required of it is performed, to surrender its commission and, unless authorized otherwise to dispose of it, to submit to the government of the state the result of its labors for approval or rejection. The cardinal point, as before stated, is that the convention is intended to do a special work, at the bidding and under the supervision of the existing political organization; to ameliorate and not to displace it. Hence its duty is to dissolve when its work is completed, leaving that organization in full life, and to take no step beyond the scope of its charter, the act which calls it into being. All excess of authority is for it revolution. If it may transcend its commission at all, it may do so without limit; and "a convention having unlimited powers, is a revolutionary and not a constitutional convention." (2 Hill S. C. Rep., 222.) The American theory that the convention, as a constitutional expedient, is a body of strictly limited powers, has been well stated by Mr. Grimke, an eminent lawyer of South Carolina, thus: "A convention," said he, "is thus limited by the fundamental laws of moral obligation; by the declaration of independence; by the national and state constitutions; by the occasion and object of the call; by the call itself, as the act of the people and of the legislature. These in fact," he continues, "are the constitution of the convention, and by them that body is as clearly and inflexibly bound, as the legislature by the constitution itself. They may do anything consistent with all these, they can do nothing inconsistent with them." (Id., 33.)—So, the supreme court of Pennsylvania upon the same subject, in a late case, said. "A convention has no inherent rights; it exercises powers only. Delegated power defines itself. To be delegated it must come in some adopted manner to convey it by some defined means. This adopted manner, therefore, becomes the measure of the power conferred. * * * The people have the same right to limit the powers of their delegates that they have to bound the power of their representatives. Each are representatives, but only in a different sphere. It is simply evasive to affirm that the legislature can not limit the right of the people to alter or reform their government. Certainly it can not. The question is not upon the power of the legislature to restrain the people, but upon the right of the people, by the instrumentality of the law, to limit their delegates. Law is the highest form of a people's will in a state of peaceful government" (Wood's Appeal, 75 Penn. State Rep., pp. 71, 72.)—The French theory, on the other hand, is that the convention is a virtual assemblage of the whole people, by both theories supposed to be the true sovereign; that by reason of the impracticability of an actual assemblage of the sovereign body itself, the convention must be taken to be its plenipotentiary representative, and, as such, possessed of all the powers that that body would have were it "assembled on some vast plain," in a state of nature, without government, but purposing to ordain and establish one by its original authority; that, accordingly, when the convention meets, the laws and bill of rights and constitution previously existing are abolished, since, if any part of either should survive the convention, it would be because that body had so willed, and had thus, as it were, rewritten them in the book of the laws; that the functions of the various departments of the government before existing are either suspended or discharged at the bidding and under the supervision of the convention; that the revenues of the state are subject to its disposition; that the police, the army and the navy exist at its will and are under its command; in a word, that the lives, the liberties and the property of the whole people lie at its mercy. A body which is virtually the people itself could not properly be required to refer its work to the people for approval. Hence, according to this theory, if a convention frame or amend a constitution, no submission of it to the people need be made. It is possessed of inherent sovereignty, limited only, when the convention meets in this country, by the constitution of the United States. Whether this concession of a limitation is not destructive of the theory of conventional sovereignty among us need not be now considered. In France, from the nature of its constitution, no such concession is required. Accordingly, from the time when the convention met which marshaled the forces of revolution for the destruction of the French monarchy, in 1789, to the present moment, to the so-called constituent assemblies at various times summoned to remodel the French constitution, the powers of a revolutionary convention, disguised under the name of conventional sovereignty, have been uniformly conceded. How conducive such a theory and such a practice must have been to the success of traitors and reaction-

aries in that kingdom it requires no argument to show. That it has actually proved disastrous, nearly every page of the history of France since 1789 demonstrates. It has completely taken away from the French people and committed to conspirators and assassins, or to charlatans masquerading as kings and emperors, the control of the political destinies of France. That this is no exaggeration may be seen from the deliberate admission, published in 1871, in the *Revue des Deux Mondes*, of perhaps the most distinguished living publicist of France, a senator and a member of the institute, M. Edouard Laboulaye. In an article entitled *Du Pouvoir Constituant*, based on an American work upon the constitutional convention, he said: "In the first rank of these fatal theories must be placed that of the constituent power as conceived in 1789. * * What is the constituent power? It is the power of making or of reforming a constitution. * * In the last 80 years France has had 11 constitutions, which have precipitated her abruptly from servitude into liberty, from liberty into servitude. * * While in the United States the call of a convention is an act as simple and as peaceful as the convocation of an ordinary legislature, have we ever seen in France a constituent assembly which has not brought about a revolution? * * Our whole theory of the constituent power rests upon an error, and a sophism. The error is the delegation of sovereignty. Sovereignty is never delegated. The sophism is the identity of the people and its delegates, the confounding of the principal and the agent. * * From this double error, as from a poisoned spring, have proceeded all our mistakes, and all our calamities. The delegates being considered as the people itself by virtue of the delegation they have received, and the people being the source of all power, our politicians have thence concluded that the assembly possesses all the rights of sovereignty, and, according to them —which is also an error of the revolution—these rights are without limit. The authority of the assembly is therefore absolute. Life, liberty, property, religion, everything, is in the hands of this fraction of the nation. It needs the whole force of habit to blind us to the falseness and the danger of such an invention." (*Rev. des Deux Mondes*, for Oct. 15, 1871.)—If the consequences of the adoption of this theory have been for France so deplorable, the fault has been that of the statesmen who have piloted her through her various revolutions, for in adopting it they have despised the warnings and the advice of Lafayette. Referring in his memoirs (t. iv., p. 36) to a claim put forward by Sieyès, that the idea of the separation of the constituent power from the ordinary governmental powers, was an invention of his own, dating from 1788, and that it ranked among the discoveries which had contributed to the advancement of science, Lafayette remarks, that "the Americans had had conventions to amend their constitutions, both state and federal, before 1788; that consequently the idea of the separation of the constituent power was not a French invention, and that the French, so far from contributing by it to science, had rather caused it to retrogade by mixing constituent and legislative functions in the assembly of 1789 and in the national convention, while in America these functions had always been kept distinct." Of this passage, Laboulaye, in the article before cited, says. "This was putting his finger upon one of the fundamental errors of the French system; but in 1789, they were infatuated with Sieyès and his political visions. As for Lafayette, the friend of Washington, they admired, but they would not listen to him. When the assembly, on the eve of its adjournment, adopted the chapter of the constitution relating to its revision, all the propositions made by Lafayette were rejected. 'M. de Lafayette,' said the *Journal de Paris*, of the 1st of September, 1791, 'voted for neither of these decrees: all his views were too adverse, he had too thoroughly studied the constituent power to be willing to confide it to the ordinary government; but when he cited the example of America, they replied, *Bah! America!*'" (*Memoirs de Lafayette*, t. iii., p. 113.)—Having thus defined the general range of conventional power, a few words now as to the powers of conventions in special relations, or in particular cases. Constitutional conventions are of two varieties, governed, in some respects, by different rules: state conventions and national conventions. The powers of each of these varieties will be briefly discussed, considering them in turn as independent of constitutional limitations, and as subject to such limitations. And, first, of state conventions. The convention being a legislative body, how is it related to the ordinary legislature? Is it superior to it and independent of it; co-ordinate with it, or subject to it? Assuming the validity of the French theory of its powers, the answer is easy: it is independent of the legislature and superior to it, so far superior, that there can hardly be said to be any legal relations between them; the one has, relatively to the other, all powers, and that other has none. But if the American view be accepted, the case is less simple: the convention is then both subject and superior to the legislature; subject to it, in that the *fiat* which speaks it into existence, prescribes the details of its organization, and regulates the submission for adoption or rejection, and the final promulgation, of the fruit of its deliberations, must be the work of the legislature; superior to it, in that, when fully launched, the legislature ordinarily can not and ought not to attempt to dictate to the convention what it shall or what it shall not recommend in the way of amendments Accordingly, the rule has been generally recognized as a valid one, that all legislative prescriptions touching the time and place of assembling, the formalities to be observed in the organization of the convention, or the disposition to be made of the constitution or amendments formulated by it, are mandatory, though couched in affirmative

terms only; much more, if involving negative terms or conditions. On the other hand, provisions in an act calling a convention, indicative of the preferences of the legislature, or of its views of expediency, relative to matters clearly within the scope of the commission of the convention to revise the constitution and to propose a new or amended one, ought to be regarded as directory, and to be observed by it or not as it may deem best. If, however, the limitations imposed are transcribed from the existing constitution, or if the legislative act containing them has been so submitted to the people, as to draw from them a definite expression in favor of such limitations, they ought to be regarded as doubly mandatory and to be strictly obeyed. Cases have occurred in which restrictions have been laid by legislative acts upon conventions called by them, not embraced in any of these categories, and in respect to their binding force opinions have not been agreed. Upon principle, it would seem, that because a citizen has been chosen a member of a convention, a body which, to use the expression of Mr. J. Wilson in the federal convention of 1787, "proposes but concludes nothing," he is no more excused from obedience to a positive requirement of law than any other citizen, and that even if the supposed requirement be thought to be inconsistent or absurd, it lies not with him to adjudge it to be so. This presents the question as it ought to be viewed by the member himself. On the other hand, with reference to the propriety or expediency of legislative restrictions, in general, doubt may well be entertained. It is believed, that the drift of opinion is toward the position that all restrictions are unwise, if not indefensible, which dictate the nature or extent of the amendments which the convention shall recommend; for, while it is important that conventions shall be held to their proper function with a strict rein, it is believed to be no less so that, through their ministry, an opportunity may be given for discontent to vent itself in peaceful changes of the constitution, rather than that it should be suppressed by legislative prescriptions, at the risk of ruinous explosions.—Some of the most important of these principles are well illustrated by the case of a convention called in North Carolina, in 1835. The act of the legislature calling it, which had been submitted to the people and accepted by them, required the convention to report amendments to the constitution upon three points specified, and left it discretionary with it to report amendments upon nine other points. It then prescribed the form of an oath to be taken by each member of the convention before he should be permitted to take his seat, that he would not "directly or indirectly evade or disregard the duties enjoined or the limits imposed" upon the convention by such act. After much discussion as to the power of the legislature to impose such an oath, and as to the duty of the members in respect to the limitations contained in the act, it was finally conceded, that until the oath should be taken, there could be no convention, since, it had been made a condition to its organization, and, the oath once taken, the limitations must be observed. In discussing the question of the power of the legislature to pass such an act, weight was given to the fact that it had been favorably voted on by the people. (Debates N. C. Conv. 1835, pp. 4–8.) In the case just cited, the terms of the act were negative, and were clearly mandatory; but that they may be mandatory it is not necessary that they should be negative. Thus a case arose in the Pennsylvania convention, of 1872, involving provisions partly in affirmative terms, which were held by the highest court of the state to be mandatory. The act of the legislature calling the convention had prescribed that it should have power to propose to the people of the state, for their approval or rejection, a new or amended constitution, subject to the following provisions: first, that one-third of all the members of the convention should "have the right to require the separate and distinct submission to a popular vote of any change and amendment proposed by the convention," and that the convention should submit the amendments agreed to by it to a vote of the people, "at such time or times, and in such manner as the convention should prescribe, subject, however, to the limitation as to the separate submission of amendments contained in this act." Secondly, that the election to decide for or against the adoption of the new constitution or amendments should "be conducted as the general elections of this commonwealth are now by law conducted." Thirdly, that nothing in the act contained should authorize the convention "to change the language, or to alter in any manner the several provisions of the ninth article of the present constitution, commonly known as the bill of rights," but that the same should "be excepted from the powers given to said convention," and should "remain inviolate forever." Notwithstanding these restrictions, the convention made the following proposals and dispositions directly at variance with them: It proposed to the people an amended constitution, to be voted on as a whole, although one-third of all the members of the convention, as it was claimed, required that article V., relating to the judiciary, should be separately submitted. It also disregarded the requirements of the act in respect to the mode of conducting the election to be held for the adoption or rejection of the constitution. It created, by ordinance, a special board of commissioners for the city of Philadelphia, who should have direction of the election, instead of the proper election officers of the commonwealth, by whom its general elections were by law conducted. Finally, it proposed alterations in several provisions of the bill of rights. Upon bills in chancery filed in Philadelphia, by two different parties, praying for injunctions to prevent the holding of the elections in that city

under the ordinance, upon the ground that the ordinance for submission under the direction of special commissioners was void, as in violation of the express limitations contained in the act of the legislature, which was claimed to be mandatory, the injunctions were allowed by all the judges of the supreme court, sitting at *nisi prius*, explicitly upon that ground.—As to the question of separate submission of article V., the decision of the judges was adverse to the plaintiff, not on the ground that the limitation was not mandatory, but that it was not clearly shown that one-third of the members of the convention had required article V. to be submitted separately; and, as "the convention was clothed with express power to act upon the question of submitting the amendments in whole or in part, the question of a separate submission being one committed to the whole body, of which the requiring third was itself a part, it must be presumed that the decision of the body as a whole was rightly made, and either that the request was not made by a full one-third of all the members, or, if made by one-third, it was not (made) in a regular or orderly way." (Wells *vs.* Bain, and Donnelly *vs.* Fitler, 75 Penn. State Rep., 39, 55, 56.) Upon the general question of the power of a convention to disregard the limitations imposed by the legislature, the court, by Agnew, Ch. J., said: "Since the declaration of independence, in 1776, it has been an axiom of the American people, that all just government is founded in the consent of the people. This is recognized in the second section of the declaration of rights of the constitution of Pennsylvania, which affirms that the people 'have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.' A self-evident corollary is, that an existing lawful government of the people can not be altered or abolished unless by the consent of the same people, and this consent must be legally gathered or obtained. The people here meant are the whole, those who constitute the entire state, male and female citizens, infants and adults. A mere majority of those persons who are qualified as electors are not the people; though, when authorized to do so, they may represent the whole people.—The words 'in such manner as they may think proper' in the declaration of rights, embrace but three known recognized modes by which the whole people, the state, can give their consent to an alteration of an existing lawful frame of government, viz.. 1. The mode provided in the existing constitution. 2. A law, as the instrumental process of raising the body for revision and conveying to it the powers of the people. 3. A revolution. The first two are peaceful means through which the consent of the people to alteration is obtained, and by which the existing government consents to be displaced without revolution. The government gives its consent, either by pursuing the mode provided in the constitution, or by passing a law to call a convention. If consent be not so given by the existing government the remedy of the people is in the third mode, revolution.—When a law becomes the instrumental process of amendment, it is not because the legislature possesses any inherent power to change the existing constitution through a convention, but because it is the only means through which an *authorized* consent of the whole people, the entire state, can be lawfully obtained in a state of peace. Irregular action, whereby a certain number of the people *assume* to act for the whole, is evidently revolutionary. The people, that entire body called the state, can be bound as a whole only by an act of authority proceeding from *themselves*. In a state of peaceful government, they have conferred this authority upon a part to speak for the whole only at an election authorized by law. It is only when an election is authorized by law, that the electors, who represent the state or whole people, are bound to attend, and, if they do not, they can be bound by the expression of the will of those who do attend. The electors who can pronounce the voice of the people are those alone who possess the qualifications sanctioned by the people in order to represent them; otherwise they speak for themselves only, and do not represent the people. The people, having reserved the right to alter or abolish their form of government, have, in the same declaration of their rights, reserved the means of procuring a law as the instrumental process of so doing. The twentieth section is as follows: 'The citizens have a right, in a peaceable manner, to assemble together for their common good, *and to apply to those invested with the powers of government* for redress of grievances *or other proper purposes*, by petition, address or remonstrance.'—If the legislature, possessing these powers of government, be unwilling to pass a law to take the sense of the people, or to delegate to a convention *all* the powers the people desire to confer upon their delegates, the remedy is still in their own hands; they can elect new representatives that will. If their representatives are still unfaithful, or the government becomes tyrannical, the right of revolution yet remains. * * * To make this still more plain: Suppose a constitution formed by a volunteer convention assuming to represent the people, and an attempt to set it up and displace the existing lawful government. It is clear that neither the people as a whole nor the government having given their assent in any binding form, the executive, judiciary and all officers sworn to support the existing constitution would be bound, in maintenance of the lawfully existing institutions of the people, to resist the usurpation, even to the whole extent of the force of the state. If overpowered, the new government would be established, not by peaceful means but by actual revolution.—It follows, therefore, that in a state of peace a law is the only means by which the will of the whole people can be collected in an authorized form, and the powers of the people can be delegated to the agents who

compose the convention. The form of the law is immaterial in this question of derivative authority. It may be a law to confer general authority, or one to confer special authority. It may be an invitation, in the first place, as in the act of 1789, under which the convention of 1790 was convened, and an authority to the people to meet in primary assemblies to select delegates and confer on them unrestricted powers; or it may be a law to take the sense of the people on the question of calling a convention; and then a law to make the call and confer the powers the people intend to confer upon their agents.—The power to pass the law carries with it of necessity that to frame and declare the terms of the law. The terms of delegation, which the people themselves declare, when acting under and by virtue of the law which they have called to their aid, as the instrumental process of conferring their authorities, and reaching their purpose of amendment, become of necessity the terms of their own will. All outside of this channel is revolutionary, for it has neither the consent of the government nor of the people who have called the government to their aid, and acted through it.—The process of amendment being through the instrumentality of legislation, these laws must be enacted in the forms of the constitution and be interpreted by the rules which govern in the interpretation of laws." (Wells *vs.* Bain, and Donnelly *vs.* Fitler, 75 Penn State Rep., 46–49.)—Afterward a bill was filed in Pittsburgh, in Alleghany county, praying for an injunction against holding any election in that county, upon the same ground set out in the other bills, and upon the further ground that the action of the convention in altering several of the provisions of the bill of rights, contrary to the limitations imposed by the act calling it, was illegal. The lower court refused the injunction prayed, on the grounds, that these limitations were not binding upon the convention, since that body was possessed of sovereign power, thus, in substance, affirming the French theory of conventional supremacy; and, secondly, that, conceding the ordinance for holding the election in Philadelphia to be illegal, it had no bearing upon Alleghany county, and the court would not entertain a bill for an injunction filed by parties as to whom the legality or illegality of the ordinance in reference to Philadelphia was a mere abstract question. On appeal to the supreme court the judgment of the lower court was affirmed. This decision was apparently a reversal of its previous decision, above cited, but it was in fact a confirmation of the principles announced in it. After the former decision, and before the present one was rendered, the constitution reported by the convention had been submitted to and adopted by the people, and thus, however irregular or even revolutionary its inception had been, it had become the supreme law of the state. The supreme court, therefore, say, that "the change made by the people in their political institutions by the adoption of the proposed constitution since this decree" [was entered by the court below] "forbids an inquiry into the merits of this case." But they then proceed, by Agnew, Ch. J., to repudiate expressly and in a most impressive and luminous judgment, "the claim for absolute sovereignty in the convention affirmed substantially in the opinion" of the lower court, as "dangerous to the liberties of the people." While, therefore, holding the constitution to have been in fact adopted, they pronounce the action of the convention, in disregarding the limitations imposed upon it by law, to have been revolutionary. The revolution had been a successful one, but the action of the convention was not for that reason legal. These decisions are unquestionably, on a large view of the interests of the American people, among the most important that have ever been rendered by our courts, and are based upon the soundest principles of law. (Wood's Appeal, 75 Pennsylvania State Reports, 71.)—In practice, questions of some nicety have arisen, two of which it may be useful to consider, not because of their frequency, but of the light which the discussion of them may throw upon the theory of those bodies. The first presents the obverse side of a question already considered as one of power, namely, as to the propriety of requiring the members of a convention to take an oath to obey the constitution under which it is called, and consequently as to their duty to obey; and the other, as to the power of the body to appropriate money out of the state treasury. With a right view of the relations of the convention to the people, or government, for which it acts, neither of these questions could arise. The reasoning which has given birth to the first is, either that the convention is possessed of sovereign powers, and therefore can not be limited by any conditions whatever—a view based upon the French theory of its nature; or that the work laid out for the body by the act calling it is "to trample the existing constitution under its feet," as it has been sometimes put; that is, to dismember and abolish it as preliminary to its reconstruction; and hence, that to require the convention to take such an oath would be so inconsistent with that duty that it ought to refuse obedience. Such reasoning results from confusion of ideas as to the foundations of free institutions, which one would hardly expect in the representatives of a people that for a hundred years had governed itself. To perceive its fallacy one need but to recall the principle that while a constitutional convention is in session, the laws, the constitution and the bill of rights remain unrepealed, and the entire judicial and administrative machinery of the government continues in active operation; and that such will be the case when that body shall have done its work and ceased to exist. All that has been given it to do is to revise the political structure and recommend to the power it represents such changes in it as may seem desirable. To speak of itself as having the constitution in fragments

under its feet, is as absurd as for a council of architects, engaged to inspect a building and to propose to its owner modifications of it, to use the like figure of speech respecting such building. If a convention intends to confine itself to its duty of proposing amendments for another's adoption, there can be no impropriety in its members doing what every public servant is required to do, to take an oath of obedience to the laws of the land. How important it is that they should do so, will be seen when it is considered, that the main reason why an oath is required is that traitors may attempt to reduce to practice the French theory of conventional sovereignty, and that an oath of obedience to the laws established must prove one of the most effectual barriers against such attempts. But, waiving great political crimes, is it not proper that the members of so important a body should swear honestly and faithfully to discharge the duties required of them, and not to attempt, by virtue of their position and in violation of rights secured by the laws, to injure their fellow-citizens for their own advantage, or that of their party? —As to the powers of a convention to appropriate money out of the state treasury, it need only be said, that, by the American constitutions, no money can be thence appropriated but by law, and that an ordinance of a convention, not submitted to and adopted by the people, is no more a law than a bill for an act passed by both houses of a legislature, but not approved by the executive of the state, is a law. Besides, to impute to a convention the power to wield without check or responsibility, the purse, is to give to it also the sword, of the state; that is, to make it sovereign master of its destinies. Not only has the government concerned in calling such a body no authority to grant to it such a power, a grant which would involve an entire surrender of its own constitutional function, but had it such authority, its exercise would be puerile as being needless; because to make such appropriations, on all necessary occasions, is made by law the duty of the legislature. Accordingly, the better opinion in the conventions thus far has been, that to assume the power, without authority, would be a usurpation, and to exercise it, even were the authority expressly given by law, would be unconstitutional. In a few cases, appropriations by ordinance have been made, which, not being carried into effect, were afterward followed by legislative ratification, showing that they were regarded as recommendations, and not as valid and effectual appropriations. In the Illinois convention of 1862, an ordinance was adopted appropriating $100,000 for the soldiers wounded at fort Donelson. Not a dollar, however, was ever paid, or perhaps intended to be paid, and the ordinance, together with the constitution framed by the convention, was afterward rejected by the people. In New York, the act of March, 1867, calling the convention of that year, had provided that compensation at the rate of six dollars per day, should be paid to the members by the state treasurer, upon warrants of the comptroller, drawn on presentation of certificates of service, signed by the president of the convention; and it had then prescribed, that the constitution framed by that body should be submitted to the people at the general election to be held in the month of November following. It not being possible to conclude the labors of the convention in time to submit the new constitution to the people at that election, the question was raised whether the comptroller would be authorized to issue his warrants upon certificates of service after the day named for the election. It was decided, in accordance with the opinion of the attorney general, that he would not, since payments made by the treasurer upon such warrants would not be made in pursuance of law. In the few cases in which conventions have ventured to pass ordinances of the kind, opposition has been generally made, as in this case, by the responsible custodians of the public moneys, who naturally have been reluctant to assume the risk of violating the conditions of their official bonds, by paying upon the authority of such ordinances.—Thus far attention has been given only to state conventions considered independently of the federal constitution. In fact, those bodies are controlled in their action by very strict limitations prescribed in that instrument. Beside that contained in article V., prohibiting any amendment abolishing the equality of state suffrage in the United States senate, to which attention will be called below, article IV., section 4, requiring the United States "to guarantee to every state in the Union a republican form of government," operates indirectly as such a limitation. So, no convention in any single state, nor indeed conventions in all the states acting together, but without the federal initiative, could abolish that form of government, since power could not be implied, constitutionally, to do what the United States is bound by the constitution to use its whole power to prevent. On the contrary, such a power is, by the strongest implication, denied. So sections 8 and 10 of article I., sections 2, 3 and 4 of article IV., and the 13th, 14th and 15th amendments to the constitution, contain either grants of power exclusively to congress, or prohibitions upon the states, which respectively operate as limitations upon state action, whether by legislatures or conventions. The former class is illustrated by the exclusive power given to congress to regulate commerce with foreign nations, to establish a uniform rule of naturalization, to enact bankruptcy laws, to coin money, to declare war, to provide and maintain a navy, and the like; and the latter, by the prohibitions against a state's entering into any treaty, etc., emitting bills of credit, passing bills of attainder, keeping troops or ships of war in time of peace, forming new states, without consent of congress, and the like, contained in the body of the constitution, and by those embodied in the amend-

ments referred to, against slavery, against the making or enforcement of any law abridging the privileges or immunities of citizens of the United States, depriving them of life, etc., without due process of law, or denying to them the equal protection of the law; against electing to congress or appointing to office any person, who, having taken an oath to support the constitution, should have engaged in insurrection or rebellion; against the payment or assumption of debts incurred in aid of insurrection or rebellion, or questioning the validity of the public debt of the United States incurred in suppressing the same; and finally, against denying or abridging the right of citizens of the United States to vote, on account of race, color or previous condition of servitude. Evidently, state conventions, no less than state legislatures, are within the operation of these provisions. Further, both the conventions and the legislatures, equally with the judges of the states, are bound by article VI., which provides that the laws of the United States, made in pursuance of the constitution, and all treaties made under the authority of the United States, shall be the supreme law of the land, and that the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding. (Ware *vs.* Hylton, 3 Dallas' Rep., 199.)—Where, on the other hand, the powers granted to congress are, by their nature, or because not exercised by congress, concurrent in the states, conventions called in the latter might, doubtless, provide for their exercise, in any case in which it would be competent for a state legislature to do the same. (Brown *vs.* Maryland, 12 Wheat. Rep., 419; The License Cases, 5 How. (U. S.) Rep., 504; The Passenger Cases, 7 How. (U. S.) Rep., 283, 285; The State Freight Tax Cases, 15 Wall. Rep., 232.)—In respect to the powers of a national convention, called to propose amendments to the federal constitution, it is conceived that in the main the same principles apply as in the case of state conventions. The relation of such a convention to the people of the United States and to congress being the same as that of a state convention to the people and legislature of the state, it would be bound by the act calling it, to the same extent and under the same conditions. Thus, if a national convention had been called to revise the federal constitution, without restriction in any respect, it would be authorized to propose any modification of that instrument, which it might deem desirable. In fact, however, no case so simple could arise under the present constitution. If placed under no restraint by the act calling it, there would always be one limitation on its action imposed by the constitution itself: it could not propose to the people to deprive any state of its equal suffrage in the United States senate, save by the consent of such state. Article V. directly prohibits any such amendment in negative terms, and thus operates as a limitation equally upon the United States and upon the several states. Notwithstanding this prohibition, a national convention might recommend a complete transformation of the government, provided the states, with equal representation in the senate, constituted a part of its plan; it might even propose the substitution of a monarch for life, with descent of the crown to his heirs, instead of a president for four years, unless the provision, that the United States should guarantee a republican form of government to the several states, should be held to be a prohibition against the guarantor's taking steps to effect such a transformation; and it might do so notwithstanding that provision, if, as many contend, a monarchy as that of England, may be at the same time a republic. So, doubtless, by the unanimous consent of the states, the senate, or even the states might be abolished, upon the recommendation of a convention. All the other constitutional limitations upon the United States are contained in article I., section 9, and in the fifteen amendments, and bear only upon the congress, or upon some department of the general government. These could all, doubtless, be repealed upon the recommendation of a national convention, or by the legislatures of three-fourths of all the states, acting upon the recommendation of congress, as provided in article V. of the constitution. But, it may be asked, suppose the people of all the states in the Union, save one, should desire to sweep away the limitation contained in article V., touching equality of state suffrage in the senate, is there no way in which it could be done? Under the constitution, there seems to be no way. Could congress recommend the repeal of that section in the face of this interdict, contained in article V. of the constitution, which relates only to amendments thereof: "No state, without its consent, shall be deprived of its equal suffrage in the senate"? What congress could not recommend to the states, in pursuance of that article; what, without such recommendation, state legislatures or conventions could not ratify, it is clear that a national convention could not propose for adoption. "No amendment," etc., "shall be made." In the case supposed, there would be but one way in which to accomplish the general desire of the nation, and that would be by revolution, peaceful, if, notwithstanding the interdict, the wished-for change were recommended, no matter by whom, and by general consent adopted; violent, and by force, should any part of the nation contest it unsuccessfully by arms. By the courts, however, no mode of effecting the change could be recognized as valid but that provided by the constitution itself, until after the requisite provision had been grafted upon the constitution as the result of a successful revolution.—In the opening part of this article, it was said, that, under the American constitutions, fundamental legislation is generally committed to the constitutional convention. It is deemed germane to this subject to describe briefly another mode of effecting specific amendments, authorized by many of our constitutions—

a mode which is less cumbrous and expensive, if not more expeditious, than that by the employment of conventions. That mode is by the action of the legislature, followed by that of the people, or body of the electors. The earliest constitutions prescribing it were those of Delaware and Maryland, framed, respectively, in September and November, 1776. The Delaware constitution contained this very stringent provision: "No article of the declaration of rights and fundamental rules of this state agreed to by this convention, nor the first, second, fifth (except that part thereof that relates to the right of suffrage), twenty-sixth, and twenty-ninth articles of this constitution, ought ever to be violated on any pretense whatever; no other part of this constitution shall be altered, changed, or diminished without the consent of five parts in seven of the assembly, and seven members of the legislative council," the assembly containing seven, and the legislative council nine members.—Section LIV. of the first Maryland constitution provided, "that this form of government, and no part thereof, shall be altered, changed, or abolished, unless a bill so to alter, change or abolish the same, shall pass the general assembly, and be published at least three months before a new election, and shall be confirmed by the general assembly after a new election of delegates, in the first session after such new election." This section seems to have been copied by the congress in the articles of confederation submitted to the states and finally adopted in 1781, and to be the model on which similar provisions in the later constitutions were framed. The provisions quoted from the Delaware and Maryland constitutions were, it will be observed, mandatory and in negative terms. In this respect the later constitutions have not generally followed these early models. As a type of the provision commonly adopted may be taken that contained in the Iowa constitution of 1857, as follows: "Any amendment or amendments to this constitution may be proposed in either house of the general assembly; and, if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election, and shall be published, as provided for, three months previous to the time of making such choice; and if in the general assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the general assembly to submit such proposed amendment or amendments to the people in such manner and at such time as the general assembly shall provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the general assembly, voting thereon, such amendment or amendments shall become a part of the constitution of this state."—Upon a comparison of these two modes it is apparent that that by conventions is best adapted to the cases in which a general revision of the constitution, and possibly the preparation of an entirely new instrument, are contemplated, and the specific mode, to the elaboration of a limited number of amendments, not necessitating, for harmony or congruity, the revision of the whole system. There are advantages and disadvantages attending both modes. Saying nothing of the dangers that may arise from conventions exceeding their powers, the expense and the social disturbance likely to accompany a radical inquiry into the evils of an existing government and into their remedies, make it undesirable that those bodies should be frequently called. On the other hand, the specific mode, unless very effectual checks are provided, may, by the facility with which it may be employed, be easily perverted to partisan ends.—In the later constitutions it has been usual, in most cases, to provide for amendments in both modes, that is, by conventions to be called under certain conditions, or by the conjoint action of the legislature and of the people, as may be thought advisable. Of those which remain, some have made no provision for amendments by either mode, some have provided for them by conventions alone, and some by the specific mode alone. The number of the first and last two classes are nearly equal, and that of the second class is small, especially in the later constitutions.—In a few states a modification of the specific mode has been employed, which is thought to have some advantages over that above described. It consists in the appointment in pursuance of law of a commission to revise the constitution, or to report amendments to it, for the subsequent action of the legislature and of the people, according to the constitutional provisions relating to specific amendments. It was first employed in New York in 1872; afterward, in Michigan, in 1873: and a similar commission is now (1881) sitting in New Jersey. In the first case the commission consisted of 32 members selected by the governor, four from each judicial district. They were characterized in the act requiring their appointment, simply as "persons," and were required to meet for the purpose of proposing to the legislature, at its next session, amendments to the constitution; provided, that no amendments should be proposed to the sixth article thereof, relating to the judiciary. By a subsequent act, passed while the commission was in session, this limitation was repealed. (Jour. Const. Com. N. Y., 3, 178.)—In Michigan the commission was required by the act of the legislature to be made up of 18 "able and discreet citizens," appointed by the governor, no more than two of whom were to reside in any one congressional district, as then organized. The commission was authorized to examine into and report "such amendments and revision of the constitution" as

in their judgment might be necessary for the best interests of the state and the people. The act further authorized the legislature, at its next session, to cause such revision to be submitted to the people for ratification.—(Jour. Const. Com., Mich., 3, 4.) The peculiar advantage of this mode is said to be that it enables the legislature to avail itself of the wisdom of a select committee of men fitted to consider dispassionately any constitutional amendments it may be deemed desirable to adopt; or if a general revision should be thought necessary, and within the scope of their lawful powers, to effect that object with less expense and with greater expedition, if not with greater wisdom, than were recourse had to a convention. This would very clearly be possible, other things being favorable, were the governor to appoint upon the commission the ablest and most experienced men in the state, whether members of the legislature or not. As this course of procedure, however, involves the reporting of the plan matured by the commission to the legislature, and the taking of all the constitutional steps by that body, including the final submission to the people, the adoption of this mode is not certain to avoid delay, nor to secure a well-considered and harmonious plan. Members of the legislature, wise or unwise, interested or disinterested, may raise objections to the scheme of the commission, and perhaps lessen its value by material modifications. Nor is it clear, that, under a constitution authorizing particular amendments by what is termed the specific mode, a commission can be substituted for it with the view of effecting a general revision of the constitution. In the Michigan case such a revision was authorized by the act constituting it and was made, but, when submitted to the people, the new constitution was for that, with other reasons, rejected by the people. There was, it is said, a latent feeling, that, although the processes by which it was evolved might be within the letter of the constitution, the commission, or the legislature, or both, had assumed too much in making a general revision; that a revision should spring from the wish of the people properly expressed through the ballot box, and be made by a convention chosen for the purpose, as contemplated by the constitution itself, and not from the legislature or from a body of its creation. Of this the commission seem to have been conscious, for, while in their report to the governor, they admit that the work done by them was equivalent to a revision of the constitution, they affirm that in the official records of the commission they recognize it only as the "amended constitution."—In New York no objection seems to have been raised to the constitutionality of the commission, because authorized to make a general revision, and the result was the preparation of numerous amendments to the existing constitution, some of which were afterward approved by the legislature, and finally adopted by the people. On the whole, it is doubtful whether the requirement that the scheme matured by a commission, however enlightened and patriotic, shall run the gauntlet of the legislature, constituted, as it too often is, of ignorant or designing politicians, a requirement which can not be evaded, does not nullify its principal claims to acceptance. It could be made to work favorably only by a concerted effort on the part of the leading men of all parties in the legislature to give effect to the scheme of the commission without substantial modification. Care even then would need to be taken that the scheme should express the prevalent sentiment of the legislature, since to be lawful, doubtless, it must be its act, the exercise of its discretion, and not that of a body unknown to the constitution or to the common law. The difficulty of securing these conditions makes it extremely questionable whether the employment of such legislative commissions, if pronounced constitutional, will, on a balance of advantages and disadvantages, be considered generally desirable. JOHN A. JAMESON.

CONVENTION OF 1787, The (IN U. S. HISTORY). The fatal defects of the confederacy (see CONFEDERATION, ARTICLES OF) had become obvious even during the long space of time between its adoption by congress and its ratification by all the states. In 1780 Hamilton, then a young man of 23, stated elaborately, in a private letter, the evils of the existing government and the necessity of its reformation by a convention of all the states. In May, 1781, the first public proposal of this means of revisal was made by Pelatiah Webster in a pamphlet. In the summer of 1782 the legislature of New York, and in 1785 the legislature of Massachusetts, by resolution recommended such a convention. But even after the convention had been called, congress only approved of it at the last moment, impelled thereto by the failure of the impost plan of 1786, which New York alone refused to ratify The hesitation of congress had reason. The only method of amendment allowable by the articles of confederation was a unanimous concurrence of the states; but, as the evils of the confederacy became more glaring, the flat impossibility of unanimity among the states became more evident. If such a convention was merely to recommend changes, it must act as a body of private persons, and its recommendations could have no legal or official weight except through the approval of congress. If its recommendations were to be adopted by the ratification of all the states, the convention could plainly do no more than congress had repeatedly and vainly done. If its recommendations were to be adopted by a smaller number than *all* the states, then plainly a real, though peaceable, revolution was to be accomplished, and this was the final result.—In the spring of 1785 the legislatures of Virginia and Maryland, in the exercise of their plenary power to regulate commerce, had appointed commissioners to lay down joint rules for the navigation

of the Potomac. Washington's attention was fixed on the matter, and in March, during a visit to Mount Vernon, a plan was concerted by the commissioners for the general commercial regulation of the Chesapeake bay and its tributaries. As this was a subject of general interest, it naturally grew into a resolution, which was passed by the Virginia legislature, Jan. 21, 1786, appointing eight commissioners to meet delegates from the other states at Annapolis, in the following September, to consider the trade of the United States and its proper regulation, and report to the states. Five states (New York, New Jersey, Pennsylvania, Delaware and Virginia) sent delegates to the meeting; four others appointed delegates who failed to attend; and the other four made no appointments. Representing a minority of the states, the delegates merely reported that the defective system of the general government absolutely prevented any hope of a proper regulation of trade, and recommended another convention for the single object of devising improvements in the government. As the report cautiously provided that the improvements were to be ratified by the legislatures of *all* the states, congress could properly sanction the proposed convention, and did so, Feb. 21, 1787. May 14 had been appointed for the meeting of the convention, but a quorum of seven states was not secured until May 25, when George Washington, who had with extreme difficulty been induced to act as delegate from Virginia, was made president.—The list of delegates (55 during all the four months' sittings) will be found under the article CONSTITUTION. They represented the conservative intelligence of the country very exactly; from this class there is hardly a name, except that of Jay, which could be suggested to complete the list. Of the destructive element, that which can point out defects but can not remedy them, which is eager to tear down but inapt to build up, it would be difficult to name a representative in the convention; and as the debates were wisely made secret, this element had no power, during the convention's four months' session, of influencing its action, or exaggerating its difficulties. Of these difficulties the first was the balancing of the opposing ideas of the large states and the small states, and the second and third were created by the opposite feelings of the two sections, north and south, on the subject of commerce and the slave trade. In short, the task of the convention was to frame such a plan of government as should induce two almost distinct nations, one with six, and the other with seven, separate constituent commonwealths, to unite into one representative republic; and the secret and method of its success will be found under the article COMPROMISES.—May 25, seven states were represented (New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina and South Carolina); May 28, Massachusetts and Connecticut, May 31, Georgia, and June 2, Maryland, had competent representatives present; but New Hampshire had no delegates present until July 23. Rhode Island was not represented at all. A more fortunate union of accidents for even-handed compromise could hardly have been imagined. The "large" states (see COMPROMISES, I.) had, through all the preliminary debates, a majority of six to five, large enough to insure a general run of success in nationalizing the new government, but not so large as to obviate the necessity of deference to the minority.—In the proceedings of the convention the nationalizing party was first in the field. Hardly had the convention been organized, and rules adopted, when, May 29, Edmund Randolph, of Virginia, presented the *Virginia plan*, designed to establish "a more energetic government," and reduce the "idea of states" to a minimum. It consisted of 15 resolutions, in substance as follows. 1. That the articles of confederation should be corrected and enlarged. 2. That the representation in both branches of congress should be proportioned to the quotas of contribution, or to population. 3. That congress should have two branches 4. That the first branch [representatives] should be chosen by the people. 5. That the second branch [senate] should be chosen by the representatives out of a number of nominations by the state legislatures. 6. That congress, besides the powers of the confederacy, should legislate wherever state legislation might interrupt the harmony of the United States [that is, as to commerce, taxation, etc.], should have a veto power on state laws, and should coerce delinquent states. 7. That congress should choose the executive. 8. That the executive, with a part of the judiciary, should have a limited veto on acts of congress. 9. That a judiciary should be formed. 10. That new states should be admitted. 11. That the United States should guarantee a republican government to each state. 12. That all the obligations of the confederacy should be assumed. 13. That provision should be made for amendments. 14. That members of state governments should be bound by oath to support the new government. 15. That the new constitution should be ratified, not by the state governments, but by popular conventions. Charles Pinckney, of South Carolina, the same day submitted a draft of a constitution in 16 articles, which, as printed, follows the general idea of the Virginia plan, but agrees in so many particulars with the constitution as finally adopted that it is probable that it was altered as the debates proceeded.—May 30, the convention, in committee of the whole, took up the Virginia plan, and continued the examination of each resolution in turn until June 13, when the plan, in 19 resolutions, was reported favorably to the convention. The main changes produced by the debate had been, that a *national* government ought to be established; that the representatives should hold office for three years, and the senators (chosen directly by state legislatures) for seven years; that the power of coercing delinquent states should not be granted, that the

executive should consist of one person, elected for seven years and ineligible the second time; and that the executive alone should possess the veto power. The next day a request was made for adjournment, as a federal, or league, system was in preparation. It was offered the following day, June 15, by William Paterson, of New Jersey, and was therefore generally known as the *Jersey plan.* It was in substance as follows: 1. That the articles of confederation should be revised, corrected and enlarged. 2. That congress [remaining still a single body] should be given the additional powers of taxation and regulation of commerce. 3. That the system of requisitions should be continued, with power in congress to enforce their collection in delinquent states. 4. That congress should choose the executive. 5. That a judiciary should be established. 6. That members of state governments should be bound by oath to support the constitution. 7. That acts of congress and treaties should be "the supreme law of the respective states," "anything in the respective laws of the individual states to the contrary notwithstanding;" and that the executive should coerce refractory states or individuals. 8. That new states should be admitted. 9. That provision should be made for deciding state disputes as to territory. 10. That naturalization should be uniform. 11. That citizens of a state, committing crimes in another state, should be punished by the state whose peace had been broken. June 16, the convention again went into committee of the whole on both plans, and, June 19, reported the inadmissibility of the Jersey plan and an adherence to the Virginia plan. During the debate, June 18, Alexander Hamilton, of New York, objecting very strongly to the Jersey plan, as a continuation of the vicious state sovereignty of the confederation, and almost as strongly to the Virginia plan, as only (to use his own phrase) "pork still, with a little change of the sauce," proposed a plan of his own, whose main features were that the assembly [representatives] were to be chosen by the people for three years, the senate to be chosen for life by electors chosen by the people, and the governor [president] to be chosen for life by electors, chosen by electors, chosen by the people; and that the state governors should be appointed by the federal government, and should have an absolute, not a limited, veto on the acts of their state legislatures. His plan was "praised by everybody, and supported by none."—Until July 23 the convention was busy in debating the 19 resolutions referred to it, and in compromising (see COMPROMISES, I., II.) the opposite views of its members. July 24, its proceedings and compromises, Pinckney's plan, and the Jersey plan, were given to a "committee of detail," consisting of five members, and July 26, three new resolutions were given to the same committee, and the convention adjourned until August 6, when the committee of detail reported a draft of a constitution, in 23 articles. This draft, in essentials, begins already to bear a strong resemblance to the present constitution, in which, however, the 23 articles are consolidated into 7. In the draft the preamble read, "we, the people of" the several states (naming them in order). By its ninth article the senate was made a court to try disputes between states as to territory. (See CONFEDERATION, ARTICLES OF, IX.) By other articles the president, with the title of "His Excellency," was to be chosen by congress for seven years, and not eligible for a second term, and was to be impeachable by the house of representatives and tried by the supreme court; and there was no provision for a vice-president, the senate choosing its own president. During the debate on the draft, which lasted for over a month, the third great compromise, giving to congress complete control over commerce, and to Georgia and South Carolina in return 20 years' continuance of the slave trade (see COMPROMISES, III.), was adopted; the vice-president's office was created; the electoral system was introduced (see ELECTORS); and the fugitive slave clause added to article IV. Sept. 12, the amended draft was given to a committee of five, Gouverneur Morris, Johnson, Hamilton, Madison and King, for revision of its style and arrangement. In the committee, by common consent, the work was intrusted mainly to Morris, who could therefore fairly claim, nearly 30 years afterward, that "That instrument [the constitution] was written by the fingers which write this letter."—Sept. 13, the constitution was reported to the convention very nearly in its present form. Some few changes were made; the three-fourths vote required to pass bills over the veto was changed to a two-thirds vote; the method of amendment by general convention was added; and a motion for a bill of rights was lost by a tie vote. Several propositions for new articles were voted down, as introduced too late in the day. The convention then settled on a rule which, however necessary, was to hazard most seriously the adoption of its work. It voted down a proposition for a new convention, to consider the amendments which might be proposed by the states, thus throwing down the gage of battle to the destructive element, and forcing upon the states the alternative of unconditional adoption or rejection of the constitution as it came from the convention's hands. The consequences were at once apparent. Many delegates, such as Randolph, Gerry and Mason, who had entered the convention with the most angry antipathy to the state sovereignty of the confederacy, were now taken aback by a complete view of the very national system which had grown up under their fingers. In spite of an urgent appeal from Washington, and a dexterous suggestion of Dr Franklin that the constitution should be signed only as "Done in Convention by the unanimous *consent* of the States present," without expressing any approval of it, 16 of the 55 delegates who had personally attended refused or neglected to sign it. Of these, two, Yates and Lansing, of the

three New York delegates, had left the convention in disgust, July 5, on the adoption of the first compromise. A list of the delegates who signed the constitution, of those who did not sign, and of those who did not attend, will be found under the article CONSTITUTION. Sept. 17, having by resolution requested the congress of the confederacy to submit the constitution to popular state conventions, and to provide for putting it into effect when ratified, the convention adjourned finally.—The constitution, the resolutions of the convention, and a letter from Washington, its president, were transmitted to the congress of the confederacy, then in session, and that body, Sept. 28, by resolution unanimously passed, directed copies of these papers to be sent to the state legislatures, to be submitted to state conventions. (For their proceedings see CONSTITUTION, II.)—No attempt has been made to give any details of the extended and voluminous debates of the convention, but they constitute an essential part of its history. In the debates the leaders of the nationalizing party were Hamilton, Madison, King, Wilson and Gouverneur Morris; of the decentralizing, or state rights, party, Lansing, Yates, Patterson, Luther Martin and Bedford; of those who began with the former, and ended with the latter, Gerry, Mason and Randolph; and of the shifting vote, which, with a natural bent one way or the other, was always anxious for conciliation and compromise, Franklin, Johnson, Sherman, Ellsworth and the two Pinckneys.—The injunction of secrecy laid upon the debates and proceedings was never removed. The last act of the convention was a resolution that its papers should be left with Washington, subject to the order of the new congress, if ever formed under the constitution. March 19, 1796, Washington deposited in the state department three manuscript volumes; the first (in 153 pages) being the journal, the second (in 28 pages) the proceedings in committee of the whole, and the third (in 8 pages) the yeas and nays. The whole was published, with additions from Madison's notes, by the state department in October, 1819.—See 1 Hamilton's *Life of Hamilton*, 284; 3 Hildreth's *United States*, 477, 482; 3 Hamilton's *United States*, 520; 9 Washington's *Writings*, 509; 2 Marshall's *Life of Washington*, 105; 2 Rives' *Life of Madison;* 1 Curtis' *History of the Constitution*, 341; 1 Elliot's *Debates*, 116, (Report of the Annapolis Convention); 2 Hamilton's *Works*, 336, 409; 12 *Journals of Congress* (edit. 1800), 15; Story's *Commentaries*, § 272; 2 Curtis' *History of the Constitution;* Jameson's *Constitutional Convention; Journal of the Convention of* 1787; Yates' *Secret Proceedings of the Convention;* 5 Elliot's *Debates* (*Madison Papers*); 3 Sparks' *Life of Gouverneur Morris*, 323; H. B. Dawson's *The Federalist* (*Introduction*), and Jay's *Letters* in answer. ALEXANDER JOHNSTON.

COODIES, The (IN U. S. HISTORY), a small faction of federalists in New York city in 1812, opposed to DeWitt Clinton and in favor of supporting the war with England. The name was given from the signature, *Abimalech Coody*, assumed by their leader, Gulian C. Verplanck, in his communications to the newspapers.—See 1 Hammond's *Political History of New York*, 397; Verplanck's *The Coodies*. A. J.

CO-OPERATION. This word in political economy, is a rejuvenation, so to speak, of the term *association*. By means of the propagation of Saint-Simonian, Fourieristic and communistic ideas, association, the benefits of which have been recognized by mankind at all times, and in all places, was offered as a panacea for all social evils, and as a means of producing general prosperity. Attempts at association were made in 1848, in France; the state even granted an appropriation to certain unions of workingmen, to facilitate the establishment of workingmen's societies. But as the greater part of these attempts at association for production were anything but successful, reaction set in against the idea of association itself.—Somewhat later an association for production having been successfully operated at Rochdale, and Schulze-Delitzsch, having quickly called into existence popular banks and other associations in Germany, the idea of workingmen's associations found new followers in France, who advocated its application under three principal forms of associations of credit, associations for consumption, and associations for production. The public authorities, the people and the press were very favorable to the idea. Legislation promulgated a law, "on societies with a varying amount of capital;" Napoleon III. donated money from his private purse; and some economists and capitalists founded a bank, with a capital of 100,000 francs; and united with the workingmen to bring it into general favor. It did not, however, seem to make much headway. This is not owing, as some have said, to want of capital, for we have seen workingmen, by means of economy, accumulate capital enough to start them in business. We believe, rather, that workingmen do not enter into co-operation, for the same prudential reasons which deter a great many men from associating intimately with other men: they do not know them well enough; they fear to misplace their confidence; they foresee incompatibility of temper; they do not wish to renounce their liberty; and, if they feel able to do it, they continue to enjoy alone the fruit of their own ability. This last reason, which is perfectly legitimate, is not always openly avowed; it requires courage to expose one's self to the reproach of egoism. (Those who make this reproach are not more disposed to self-sacrifice than others.) Those who pretend to found society upon devotion and solidarity — supposing them to possess the virtues which they recommend to others—would wish to impose burdens upon the upper classes, for the benefit of the middle and lower classes, and this without any compensation, either to the individual or to society. What natural law can justify

such a duty as this?—But suppose co-operation, encountering no obstacle, were established, would the workingman be made happier thereby? We doubt it. Unless you associate together all the co-operative societies of the world, which would constitute universal slavery, and cause perpetual stagnation, competition would necessarily exist. Now, competition would not be less obstinate between associations than between individuals, we even believe that it would be more so, because a collection of men is always more passionate than an individual. The consequence would be, that the revenue of the workingman would be no better than it is now It will be asserted, in reply, that he would add to his wages the profit which the employer receives under the present system, and that his well-being would be increased by so much. But, first, if we divide the employer's profits among his numerous workingmen, there would be but little for each of them, and, in case of a crisis, there would be nothing in reserve; secondly, if we set aside a part of the dividends to form a reserve fund, then the share of profit which each workman would receive would be so small that it would not be worth the trouble it causes. Besides, thirdly, the competition between the associations might easily become so violent as to destroy all profit; the workingman would live upon his wages as before; everything would remain the same, except that the reserve for a rainy day, and the saving which paves the way to something better, would be missing. If the advantages to be derived from co-operation by the workingman appear doubtful, those which mankind are to derive from it seem entirely of a negative character. Co-operation would hold men in the bonds of equal mediocrity. Intelligence, knowledge, skill, taste, superior force, would be lost to individuals possessing them, and consequently to society. If co-operation could become general, which seems to us impossible, the existence of science and art would be in danger; for these two delicate plants can thrive only in nations in which a certain number of men are dispensed from the necessity of manual labor.—The true reason why co-operation is not generally adopted is, that the wages of the co-operators are necessarily contingent. Now, the vast majority of men prefer a fixed income to a contingent one, so that, if allowed the liberty of choosing they would seldom decide in favor of co-operation. The co-operative combination for production, called association, has these three inconveniences: first, the narrow community of interests with other men; second, its uncertainty; third, the impossibility *de facto* if not *de jure*, for the individual endowed with a superior degree of intelligence, knowledge and skill, to profit by his gifts. It is neither likely this system of co-operation will, nor desirable that it should, become general. It will be able to render some service in certain cases, and this service it has rendered at all times, under all manner of names, and it will continue to render them, whatever name may be given to the association —We shall, in conclusion, give the statistics of co-operative associations in the two countries in which they have acquired a real importance.—*Germany.* We learn, from the reports of M. Schulze-Delitzsch, that there were in Germany, in 1870, 1,859 loan or advance associations, (*corschuss-vereine*), 275 associations for production, and 750 associations for consumption; having in all, 314,656 members. The business transacted by them amounted to 207,618,387 thalers (more than $155,500,000). The capital actually possessed by these associations was 14,663,397 thalers (about $11,000,000). In 1871 the number of these associations had much increased, and, up to the present time, no cause of interruption in the prosperity of these German co-operative institutions can be found. By this, however, we do not mean that they are all equally successful, for there are some which have not succeeded at all: but, in general, their progress is rapid and constant. (See the reports of M. Schulze-Delitzsch.)—We give these figures just as they are, but they should be closely examined. What is, for instance, a society which is pompously styled *an association for production*, when, as is frequently the case in the table we have before our eyes, it is composed of three, four or five members? It is purely and simply an association in name. Associations of three or four persons have often succeeded, but how of associations of two or three hundred? According to the system of M. Schulze-Delitzsch, the propagation of associations has been facilitated particularly by the popular banks, which do not appeal to the factory operatives, and do not, like the association for production, put all the interests of the members in common; their interests remain separate, and, what is of still greater importance, each one receives the entire profit of the product of his labor, his energy, his skill, his natural gifts. Would it be thus with associations for production?—*England.* In August, 1871, a parliamentary document, published on motion of Walter Morrison, informs us that, in 1870, England and Wales had 769 co-operative associations, with 250,000 members, having a capital of £2,060,000, and which had earned £555,000 net profit. The amount of purchases during the year had been £7,457,000; and of the sales £8,202,000. All things considered, the progress of these associations (for consumption) had been real and constant, although more than one of them had failed. The detailed report for the year 1870, a *resumé* of which we here give, serves to prove this: Number of associations registered, from their beginning to the end of the year 1870, 1,375; number of associations dissolved, 406; number remaining, 969. Of this number, 67 were begun—or at least registered—in 1870, and 133 were not reported, perhaps because not in active operation; which leaves 769, the number mentioned above.

MAURICE BLOCK.

CO-OPERATION, U. S. (See SECESSION.)

COPPERHEAD (IN U. S. HISTORY), a term of contempt applied by the republican party to its democratic opponents during the rebellion. It is properly the name of a well-known northern snake, which stings from behind and without warning. (See DEMOCRATIC PARTY, VI.; REBELLION.) A. J.

COPYRIGHT is the name of a certain species of incorporeal property. It is the exclusive right of receiving the profits from publishing and selling works of literature and art.—Property is a right residing in the person, and there may be property in things which already exist, and also property in things which will only come into existence at a future period. The former is usually called corporeal property, and the latter incorporeal property.—Thus there may be property, or the exclusive right, to use a manuscript, or a printed book, and there may also be the property, or exclusive right, to multiply and sell copies of the manuscript, or book, and appropriate the profits. This latter property is called copyright, and is manifestly a distinct property from the former.—We have also shown that every future profit whatever has a present value, which may be bought and sold, like property in any material existing substance. This mass of property receives different names, according to the source of the profit, such as the *good will* of a business, the *practice* of a profession, the *patent* of an invention, the *shares* in a commercial company, the *funds*, and *annuities* of all sorts, *credit*, and *copyright*.—Now, as economists are agreed that whatever is exchangeable is wealth, it follows that this enormous mass of property is wealth, nay, it is probable that nineteen-twentieths of existing wealth is in this form, and yet there is scarcely one word about it in any English work on political economy!—The only English work on political economy that we are aware of at present, that even mentions copyright, is Dr. Whately's Lectures on Political Economy, p. 6, where he says, "In many cases where an exchange really takes place, the fact is liable (till the attention is called to it,) to be overlooked, in consequence of our not seeing any actual transfer from hand to hand of a material object. For instance, when the copyright of a book is sold to a bookseller, the article transferred is not the mere paper covered with writing, but the exclusive *privilege* of printing and publishing. It is plain, however, on a moment's thought, that the transaction is as real an exchange as that which takes place between the bookseller and his customers who buy copies of the work."—It is quite clear that copyright is a species of fixed capital. When a publisher buys the copyright of a popular work, it is manifest that is part of his capital. When an author produces a work for which there is a popular demand, and whose copyright is therefore valuable property, he is unquestionably producing wealth.—The introduction of this species of property into political economy which can by no possibility be excluded from it, shows the inconsistency of the fundamental conceptions of many writers. Thus Mr. Mill, who says that everything forms a part of wealth which has a power of purchasing, and therefore admits, by implication, that a copyright is wealth, speaks of the production of wealth as the extraction of the instruments of human subsistence and enjoyment from the materials of the globe, thereby very nearly agreeing with Adam Smith's notion of wealth, as the produce of land and labor. But how is a copyright extracted from the materials of the globe? How is it the produce of land and labor?—It also shows that some theorems which he lays down as fundamental, are not so. Thus he says that all capital is the result of saving. But how is a copyright the result of saving? He also states as another fundamental theorem, that although saved, and the result of saving, all capital is nevertheless consumed. But how is a copyright consumed? He says that "capital is kept in existence from age to age, not by preservation, but by perpetual reproduction; every part of it is used and destroyed, generally very soon after it is produced, but those who consume it are employed meanwhile in producing more." (Vol. i., p. 92.) But how is copyright kept in existence by perpetual reproduction? How does the owner of a valuable copyright consume it, and how is he employed in producing more? These are examples of hasty generalization from too small an induction of facts.—Copyright, we thus see, is a species of valuable property, produced entirely by the demand of the public for works of literature and art. It is thus purely the creation of diffused civilization and education, and could not have any existence, except from the educated taste of the public, and unless there were the means of gratifying it at a moderate expense.—It has been discussed whether there was any copyright among the ancients. Mr. M'Culloch, quoting some well-known passages, thinks there was. But we think the passages he alleges do not bear out any such doctrine. Thus he quotes from the prologue to the "Eunuchus" of Terence, who, we are told by Suetonius, received 8,000 sesterces, or £64 12s., for writing the play to be acted at the Megalensian games. This was the largest sum paid to any poet for such a work. This, however, proves nothing as to copyright. It was a mere payment for writing a play for a particular occasion. Juvenal also speaks of selling a play to an actor (vii., 87). But this is manifestly merely payment for writing a play to be acted, as was usual. This did not refer to copyright, for the very purpose of the satire is to lament the utter decay of all taste for literature among the Romans. Horace (Ep. i., 20, 2; Art. Poet, 345) speaks of the Sosii, who were his publishers, and Martial (i., 67; iv., 72; xiii., 3; xiv., 194) speaks of Tryphon, who had his works on sale. These cases point to copyright much more than the others. But yet they are by no means conclusive. They by no means imply that the author received payment for the exclusive right

to sell his works. We may well understand that there might be a certain comity of trade that one publisher should not sell another's works; but that does not prove the legal right to prevent him doing so. The real question is, Could an author, or publisher, bring an action to prevent another from copying and selling his works? Now, if such a property had existed, it would certainly have been mentioned in the Pandects. But there is no mention in them of any such property. There is no name in Roman law for copyright. There is no case in Roman law of any action having been brought to punish the invasion of such property. Therefore we think the only conclusion is that it did not exist.—It is stated by bishop Fell, that before the invention of printing, the university of Oxford claimed to have the exclusive right of transcribing and multiplying books by means of writing. This, however, by no means implies copyright, because it does not imply that the works so copied were the property of the university, but only that they had the monopoly of writing them out.—Soon after the invention of printing, a printer, called the king's printer, was appointed to print papers of state, proclamations, etc. The earliest notice we have of such an appointment is in 1504, when William Faques styles himself "Regius Impressor," in a proclamation against clipped money. Richard Pynson succeeded Faques in this office, and in 1518 we have the earliest instance in England of copyright. A speech printed by him has the following colophon: "Impressa Londini anno verbi incarnati M.D.XVIII. idibus Novembris, per Richardum Pynson, regium impressorem, *cum privilegio* à rege indulto *ne quis hanc orationem intra biennium* in regno Angliæ *imprimat*, aut alibi impressam et importatam in eodem regno Angliæ vendat."—During the reign of Henry VIII. these privileges were frequently granted to printers, usually for seven years. Piracy was not long in showing itself. In 1523 Wynken de Worde printed a treatise on grammar by Robert Wittinton. The author, in a new edition in 1533, complains that the work had been pirated by Peter Trevers. To prevent this being done to the second edition, he procured the king's privilege for it.—These cases seem to negative the idea that there was then believed to be any such thing as copyright at common law.—All these privileges had been granted to printers, who may probably be supposed to have paid the authors something for their work. In 1530 we have the first instance of copyright granted to an author. John Palsgrave had published a French grammar at his own expense, and in consideration of this he received a privilege for seven years.—In 1556 the subject of copyright was put on a new footing. Complaints were made that many false, seditious and heretical books, ballads and rhymes were published. To bring printers more under control, they were incorporated by the name of the "Stationers' Company." They were allowed to make by-laws, and no one but a member of their body was allowed to practice the business of printing in England. In 1558 they received a second charter, and a by-law was made that every one who printed a work should enter it in their register, and pay a fee; and every one who omitted to do this, or printed a book belonging to another member, was fined. In this year entries of copies for particular persons begin, and in 1559 there are persons fined for printing other men's copies. In 1573 there are entries of the sales of copy and their price.—Privileges for printing particular works were the legitimate protection of the labor and expense of publication. But with the general spirit of monopoly which prevailed to such a pernicious extent, patents for the exclusive right to publish all works on particular subjects were granted to various persons. Thus one had the monopoly of printing all books on common law; another all catechisms and spelling books; another all music books; another all almanacs, etc. The printers were so injuriously affected by these monopolies, that they petitioned the queen against them. But meeting with no redress, they disputed the queen's right to grant these patents, and printed works in defiance of them, and the rules of their own company. Complaints were made to the privy council of these irregularities, but they were too much occupied with foreign and domestic troubles to take any effectual steps to remedy them.—The queen had, in 1559, issued a proclamation, strictly forbidding any one to publish anything without a license. In 1566, this proclamation being little regarded, the star chamber issued a decree enforcing it, under the penalties of seizure of all books so printed, disability from exercising the trade of printing, and three months' imprisonment. The printers were ordered to give bonds to observe the decree. But they continued to disregard all decrees and penalties, and in 1586 another decree was issued, to restrict the number of printers, and to confine the trade to London, except one press at Oxford, and another at Cambridge. All printers were forbidden to print books contrary to the by-laws of the company.—A proclamation of Sept. 25, 1623, forbade any one to import from abroad any works which were copyright. Another proclamation to a similar effect was published in 1637.—In 1640 the star chamber was abolished. All regulations of the press by proclamation, decrees of the star chamber, and the powers of the stationers' company, were declared illegal and void. But the abuses of unlicensed printing were so great that, in 1643, it was ordered that all books should be entered in the register of the stationers' company, according to ancient custom. Copyright was thus restored as it stood before. In 1644 Milton published his famous *Areopagitica*, against the licensing act, but he particularly excepts that part relating to "the just retaining of each man his several copy, which God forbid should be gainsaid." In 1649 an act of parliament ordained that any one printing, or reprinting, or stitching, or binding, any books entered in the register of

the stationers' company, without the consent of the owner, should forfeit all such books, and be fined 6s. 8d. for each. No presses were allowed, except in London, the universities, York, and Finsbury —The statute 1662, cap. 33, re-enacted these provisions, and ordered that a copy of every work printed should be deposited in the king's library, and each of the universities. This act, after several renewals, expired in 1679, and with it expired all legislative penalties for pirating copyright. Accordingly, piracy very soon began to be common, and in 1681 the stationers' company passed a by-law to fine every one so offending in the sum of 12d. for every copy so printed, or imported. In 1684 Charles II. granted a new charter to the stationers' company, in which it was stated, "That divers brethren and members of the company have great part of their estates in books and copies, and that for upward of a century before, they had a public register kept in their common hall, for the entry and description of books and copies." It then said "We, willing and desiring to confirm and establish every member in their just rights and properties, do well approve of the aforesaid register," and "that every member of the company who should be the proprietor of any book, should have and enjoy the sale, right, power and privilege and authority of printing such book and copy, as in that case has been usual heretofore." The act of 1662 was revived by the 1 Jac. II., c. 7, for the term of seven years, and renewed till the end of the session of parliament next after Feb. 13, 1692. The booksellers petitioned against it, and 11 peers entered a protest against it, as subjecting all learning and true information to the arbitrary will and pleasure of a mercenary and perhaps ignorant licenser, and destroying the property of authors in their copies.—It appears that at this time the stationers' company had been guilty of many malpractices. They sometimes extorted large sums for entering works; sometimes they refused, or neglected, to do so at all. Sometimes they made false entries, or fraudulent erasures, or cut out the leaves in which entries were made, to the confusion of all literary property, which was supposed to rest on the entry in the register.—Attempts were made to renew the licensing act, but the commons resisted, and it finally expired on April 25, 1694. The circumstances which brought about the final emancipation of the English press are fully stated by Macaulay.—The opposition of the commons was to the arbitrary power of the licenser. They clearly thought that the property in copyright was inherent in the author and his assigns, and well secured by the charters and laws of the stationers' company. But unfortunately, in abolishing the licensing act, they had swept away all statutory penalties for pirating copyright; and persons whose rights were invaded had no other remedy but for damages at common law. Several cases had been before the courts relating to copyright, but these all referred to disputed property, none ever questioned the right. In the case of Roper *vs.* Streater (Skinner, 234), the court of common pleas held that the plaintiff having purchased it from the executors of the author was owner of the copy at common law.—The removal of the statutory penalties for piracy opened the door to the same practices as had been committed before, and in 1694 the stationers' company renewed their by-law of 1681, but with little effect. The recovery of damages at law was so hazardous and uncertain, as most of the pirates were men who had no property sufficient to pay damages, and as it required a separate action for each copy proved to be sold, that it was in practice illusory. In 1703, 1706, and 1709, the owners of copies petitioned parliament for redress, and security to their properties. They had been so long secured by penalties that it had not occurred to them to proceed by a bill in equity, which had never hitherto been attempted or thought of, except upon letters patent adjudged to be legal.—The petitioners declared that the property of English authors had always been owned as sacred among the traders, and generally forborne hitherto to be invaded. That when the author had conveyed over his copy to any one of them, they had a just and legal property thereunto. That they had given sums of money for copies, and had settled these copies on their wives at marriage, or on their children at their deaths. That many widows and orphans had none other subsistence. That their existing copies had cost them at least £50.000. That this property was the same with houses and other estates In consequence of these petitions, an act was passed in March, 1710, for the encouragement of learning, by vesting the copies of printed books in the authors, or purchasers of such copies, during the times therein mentioned. It gave authors of the works then existing, and their assigns, the sole right of printing the same for 21 years, from April 10, 1710, and no longer. Authors of works not printed, and their assigns, had the sole right of doing so for 14 years, and no longer. The penalties in the act were not to be exacted from any one unless the book should be entered in the usual way in the register of the stationers' company. If too high prices were put upon books, certain great officers of state might order them to be lowered. The number of copies to public libraries was increased to nine. The libraries of the four universities of Scotland, Zion college, London, and the advocates' library in Edinburgh, were added to those entitled by the statute of Charles II. If the authors were alive at the end of the first 14 years, they received a prolongation of their privilege for another 14 years. All penalties under the act were to be sued for within three months after the offense was committed. Nothing in the act was to prejudice or confirm any right that the universities, or any person or persons, had, or claimed to have, in the printing, or reprinting any book, or copy, already printed, or hereafter to be printed.—We thus see that,

with that tender regard for the interests of the robe, which parliament displays, they carefully avoided pronouncing any decision at all with regard to the right of copy at common law, but took care to leave the door open for a plentiful crop of litigation —It is quite impossible to read this act without seeing that it distinctly recognizes copyright as existing already, and independently of the act. All they did was to enact certain statutory penalties for its infringement. But that, by a well-known rule of law, in no way affected proceedings at common law. We have seen that the courts of law never raised the slightest doubt as to the existence of copyright at common law We shall now see how the court of chancery regarded it. As the act gave 21 years for old copies from April 10, 1710, no question on copyright at common law could arise before 1731. In 1735 Sir Joseph Jekyll granted an injunction in the case of Eyre *vs.* Walker, to restrain the defendant from printing the "Whole Duty of Man," the first assignment of which had been made in December, 1657, being 78 years before —In the same year, lord Talbot, in the case of Matte *vs.* Falkner, granted an injunction restraining the defendant from printing "Nelson's Festivals and Fasts," pr nted in 1703, during the life of the author, who died in 1714. —In 1739 lord Hardwicke, in the case of Tonson and Another *vs.* Walker, otherwise Stanton, granted an injunction restraining the defendant from printing "Milton's Paradise Lost," the copyright of which was assigned in 1667, or 72 years before In 1752 lord Hardwicke, in the case of Tonson *vs.* Walker and Merchant, granted an injunction, restraining the defendants from printing "Milton's Paradise, or Life, or Notes."—All this time there had never been any solemn decision by the king's bench as to the existence of copyright at common law, or as to how it was affected by the statute of Anne. But the court of chancery never granted an injunction unless the legal right was clear and undisputed. If there had been any doubt about it, they would have sent it to be argued in a court of common law.—At last the question was brought before the king's bench, in the case of Tonson *vs.* Collins, but after it had gone into the exchequer chamber, and the leaning of the court was clearly in favor of the plaintiff, it was discovered that it was in fact a collusive action, got up merely to obtain the judgment of the court, and they thereupon refused to proceed with it. While this action was pending, applications to the court of chancery for an injunction were refused, until the result of the common law action was decided. Lord Mansfield said that he looked upon these injunctions as equal to any final decree, because they were never granted unless the legal property of the plaintiff was made out.—At length, in 1769, the question was solemnly argued before the king's bench in the famous case of Millar *vs.* Taylor. Millar had purchased from Thomson the copyright in the "Seasons," which were published in 1728, and therefore, if the right existed only by statute, it expired in 1756. Taylor published an edition in 1763, and Millar brought an action for damages against him in 1769. It, of course, can not be expected that we should give an outline of the arguments in this celebrated case. It is sufficient to say that three of the judges, lord Mansfield, and JJ. Aston and Willes, held that every author had, by common law, a perpetual copyright in his own works, quite independent of the statute. Yates, J , held that there was no such property at common law. The plaintiff, therefore, got the judgment, and in Trinity Term, 1770, the lords commissioners granted an injunction.—In 1774, however, the question was again raised. In the case of Beckett *vs.* Donaldson, the plaintiff had obtained an injunction founded on the decision in the case of Millar *vs.* Taylor. The case was immediately carried by appeal to the house of lords, when the house proposed the following questions to the judges: I. Whether at common law an author of any book, or literary composition, had the sole right of first printing and publishing the same for sale, and might bring an action against any person who printed, published and sold the same without his consent?—Upon this question, JJ. Nares, Ashurst, Blackstone, Willes, Aston, Perrot and Adams, Smythe, C. B., and De Grey, C. J., of the common pleas, held the affirmative; Eyre, B., held the negative.—II. If the author had such right originally, did the law take it away upon his printing and publishing such book or literary composition? And might any person afterward reprint and sell for his own benefit such book or literary composition against the will of the author ? — Upon this question judges Nares, Ashurst, Blackstone, Willes and Aston, and Smythe, C. B., held the affirmative: Eyre, Perrot, Adams and De Grey, C. J., held the negative.—III. If such action would have held at common law, is it taken away by the statute 8 Anne, c. 19? And is an author by the said statute precluded from every remedy, except on the foundation of the said statute, and the terms and conditions prescribed thereby?—Upon this question judges Eyre, Nares, Perrot, Gould and Adams, and De Grey, C. J., held the affirmative. Judges Ashurst, Blackstone, Willes, Aston, and Smythe, C B., held the negative.—IV. Whether the author of any literary composition, and his assigns, had the sole right of printing and publishing the same in perpetuity by the common law? — Upon this question judges Nares, Ashurst, Blackstone, Willes, Aston and Gould, and Smythe, C. B., held the affirmative. Judges Eyre, Perrot, Adams, and De Grey, C. J., held the negative.—V. Whether this right is any way impeached, restrained, or taken away by the statute of 8 Anne?—Judges Eyre, Nares, Perrot, Gould and Adams, and De Grey, C. J., held the affirmative. Judges Ashurst, Blackstone, Willes and Aston, and Smythe, C. B., held the negative. —Upon these answers, the decree of the court of chancery was reversed, on the motion of lord

Camden, seconded by the lord chancellor, by a majority of 22 to 11.—By this majority of a single judge this momentous question was decided. It will be observed that it was brought about by two judges, Nares and Gould, who voted that an author had perpetual copyright by common law, leaving their side, and voting that this perpetual right was taken away by the statute.—Such an opinion seems to us to be incomprehensible. Modern opinion has confirmed the judgment of the minority, that there is no such thing as copyright at common law. But how judges, who held that copyright did exist at common law, could hold that it was taken away by the statute of Anne, seems past understanding, for there is a clause expressly enacting that the statute should in no way whatever affect pre-existing rights.—Right or wrong, however, this judgment declared that the practice of two centuries, and the deliberate opinion of all the courts of law and equity during that period, were erroneous, and henceforward copyright had nothing but statute law to support it.—Authors, publishers, and the universities were taken by surprise at this unexpected decision of the house of lords, destroying what they imagined was their inviolable property. The universities immediately took the field, and in 1775 an act was passed (15 Geo. III., c. 53), which granted to both the universities in England, and to each of the colleges therein, to the colleges of Eton, Westminster, and Winchester, and to the four universities of Scotland, perpetual copyright in all works that should be bequeathed to them, so long as they should print them at their own presses, and not assign them over to any one else. They, nevertheless might sell them to any one they pleased, in the same manner as any individual author.—And here we may observe that a very curious question might arise. It is a plain maxim of law that a man can not grant, or assign to another, a greater estate, or interest, than he possesses himself. But here is a manifest exception to this rule. An author has only a very limited interest in his own works, according to the present law, only 42 years, or his own lifetime, whichever is the longest. Hence he can only assign over that interest to any private person. But if he assign this copyright to any university or college named in the act, it becomes an estate in perpetuity. Therefore, he has clearly assigned a greater estate than he himself possesses. Again, this question might arise. Suppose an author assigns over his copyright as above, which immediately becomes perpetual by force of law, and suppose the college, or university, sell this copyright, which has now become perpetual, to an individual. Is the copyright perpetual, or limited?—The booksellers also petitioned the house of commons on Feb. 28, 1774, stating that in the full belief of the perpetuity of copyrights, they had invested large sums in their purchase, and that the support of many families depended on the same, and prayed for such relief as the house might deem proper. A bill was brought in for this purpose, but rejected. In 1798 a new point was raised in the case of Beckford *vs.* Hood. The plaintiff had published a work anonymously, and sued for damages for the piracy of it. The defendant contended that no action lay for damages since the statute of Anne, which gave penalties, and that the author had lost his right by publishing his work anonymously, and not entering it on the stationers' register, as prescribed by the act. The court, however, by one of those skillful examples of hair-splitting, where plain sense is against them, gave judgment for the plaintiff. The judgment, however, was so manifestly weak, that an act was brought in to bolster it up (41 Geo. III., c. 107), and authors and their assigns were allowed to bring actions on the case for damages for pirating their works during the currency of the privilege granted by the statute of Anne. Trinity college and the king's inn, Dublin, were also added to the list of those places which were entitled to pillage authors of their works. Trinity college also received the right of holding copyrights in perpetuity, like the English and Scotch universities and colleges.—By an act passed in 1814 (54 Geo. III., c. 156) the copies of printed books were required only to be delivered on demand, within 12 months of their publication. The author's copyright was extended to 28 years certain, and for the remainder of his life, if he survived that period. The grievance of every author being mulcted in 11 copies of his work, was complained of in parliament several times, but nothing was done till 1836, when Mr Buckingham brought in a bill which was passed, which enacted that the rights of Zion college, the four universities of Scotland, and the king's inn, Dublin, should cease, upon receiving compensation, which was to be expended in the purchase of works. By this act the number of presented copies was reduced to five.—At last Serjeant (afterward Mr. Justice) Talfourd appropriately took up the subject of copyright, and brought the subject before the house of commons. The discussion extended through several sessions, and his bill having been considerably modified, was passed in 1842, as the 5th and 6th Vic., c. 45. This act repealed the 8 Anne, c. 19; the 41 Geo. III., c. 107; the 51 Geo. III., c. 156; and is now the one which regulates the subject of literary copyright. By this act, the word "book," is to mean every volume, or part thereof, pamphlet, sheet of letterpress, or music, map, chart, or plan separately published. The copyright in every such book published, in the lifetime of the author, is to last for his lifetime and seven years after; but if such term elapse before the end of 42 years from the publication of the work, then the copyright shall exist for 42 years. If the book is published after the author's death, the copyright is to last for 42 years, and shall belong to the owner of the author's manuscript from which it is first published. If the proprietor of such copyright refuse to publish it, the judicial committee of

the privy council may authorize it. One copy of every such book to be delivered at the British Museum. The libraries at Oxford, Cambridge, the Advocates' at Edinburgh, and Trinity college, Dublin, may have one copy on demand. Articles in encyclopædias, magazines, and reviews, and periodicals, are subject to the same copyright as books, except that the copyright of articles in reviews, magazines, and periodicals, reverts to the author after 28 years, for the remainder of the term. Subsequent provisions were made for preventing the importation into British possessions of the works of British authors, in which copyright still subsists.—The next subjects which received copyright from law, were prints and engravings. The acts relating to this, are the 8 Geo. II., c. 13; the 7 Geo. III., c. 38; the 17 Geo. III., c. 57; and the 15 and 16 Vic., c. 12. By these acts, the copyright in prints, engravings, lithographs, and all such works of art, is given for 28 years from the day of publication.—By the 27 Geo. III., c. 38, copyright was given in the designing and printing of manufactures; this act was modified and extended by subsequent acts. The present acts on the subject are the 5 and 6 Vic., c. 100; the 6 and 7 Vic., c. 65; the 13 and 14 Vic., c. 104; and the 20 and 22 Vic., c. 70. By these acts, designs in manufactures are divided into various classes, and various terms are allowed for the copyright of designs in each. For designs for ornamenting articles in metal; wood; glass; earthenware, and other solid substances; paper hangings; carpets, including floor and oil-cloths; shawls, unprinted; linen fabrics with pattern, printed; woven damasks; the term is three years. For shawls, printed; yarn, thread, or warp; nine months. For woven fabrics, unprinted; lace, and all other articles, twelve months. For the shape or configuration of articles of utility, three years. —By the 38 Geo. III., c. 71; and 54 Geo. III., c. 56, copyright was granted for sculptures, models, and casts, for 14 years from the time of first publication; and to the author, if living at the end of that term, 14 years more.—By the 3 and 4 Wm. IV., c. 15, the term of copyright granted to authors by the 54 Geo. III., c. 156, was extended to the author of dramatic compositions of all sorts; publication in this instance being interpreted as representing at a place of dramatic entertainment; and a similar extension was granted by the 5 and 6 Vic., c. 45, and its provisions extended to musical compositions.—By the 5 and 6 Wm. IV., c. 65, the author of any lectures, or the person to whom he might assign the copyright in them, was to have the sole right of publishing them No newspaper editor is to publish them without leave. And no person who is allowed to attend them is to have the right to publish them. If, however, they are published, the copyright lasts for 28 years. To secure this copyright, however, no ice must be given to two justices of the peace within five miles of the place where they are to be delivered, two days beforehand. And it does not extend to lectures delivered in unlicensed places, or in public schools and colleges.—International copyright was first granted by the 1 and 2 Vic., c. 59; but this act was repealed by the 7 and 8 Vic., c. 12, further amended by the 15 Vic., c. 12. By the first of these acts the queen, in council, was permitted to grant to the authors of original foreign works, such term of copyright in the British dominions as she pleased, not exceeding the term allowed for similar works in this country. By the latter act the queen, in council, may grant a copyright of five years for an authorized translation of foreign works; and also may prohibit, for a similar period, the representation of an unauthorized translation of a foreign dramatic piece.—Such is the history and present state of the laws regarding copyright in England.— We may mention that the copyright in private letters remains in the writer after transmission; and the receiver of them, and his representatives, have no right to publish them without the consent of the writer or his representatives.—Copyright in France, as is stated in the *Dictionnaire de l' Economie Politique*, was conferred by the grant of the sovereign, as in England, and sometimes for a limited period. The ancient law was contained in the *Ordonnance de Moulins* of 1566, a declaration of Charles IX. in 1571, and the letters patent of Henry III. Usually no limit was fixed to the duration of copyright, but when a perpetual copyright was granted, it was always under the condition that it should not be parted with to booksellers. If so, it ceased with the author's life. Several edicts in 1618, 1665, 1682, 1686, and 1723, enacted corporal and pecuniary punishments against pirates.—The revolution of 1789 changed this. Copyright was granted as a right to every one, but its duration was limited. According to existing laws, the copyright is vested in an author and his wife during their respective lives, and to their children for 20 years afterward. If they have none, their heirs have it for 10 years. In dramatic pieces, the widow has the same as the children, 20 years.—According to the same authority, the copyrights in different countries are as follows. Before the union of Holland and Belgium, copyright was perpetual in Holland. In 1817 the French law was adopted in the united country, and is now continued in each separately. —In the Zollverein the Prussian law has been adopted, which gives copyright to the author during his life, and to his heirs for 30 years after. —This law was adopted in Austria in 1846.—In Russia it belongs to the author for life, and to his heirs for 25 years. But if they have published a new edition within five years of the expiry of this term, it is prolonged for 10 years.—In Sardinia it lasted only for 15 years. In 1846 a convention was agreed to with France, by which the benefits of French law were extended to the subjects of both nations. We believe that a new convention has been recently concluded between these two countries regarding literary property. —In Portugal, the law is the same as that of Germany.—In Spain, according to the present

law, authors have the copyright for their lives, and their heirs for 50 years after.—Prussia was the first country which set the example of granting international copyright. In 1837 a law was passed that every country might secure copyright for its authors in Prussia upon granting reciprocity. This was followed by England in 1838. In consequence of these, several international treaties of copyright have been negotiated. France, however, has set the example, under the Emperor Napoleon III., by a law of March 28, 1852, of forbidding the piracy of books and works of art published abroad, without requiring reciprocity. It is said, too, that steps were then about to be taken to make copyright perpetual.

H. D. MACLEOD.

COREA. The native name of this peninsular kingdom of eastern Asia is Chō-sen (Morning Calm). It lies between Japan and China, and between parallels 33 and 43 of north latitude. Properly speaking, it is an island, since the Tumen and Yalu rivers are said to flow from one source. The former river divides it from Russia, and the latter from China, while the mainland of Japan is but 150 miles distant from her southern shore. Corea is thus surrounded by China, Russia, and Japan. Three-fourths of Corea's boundary is a coast line, which, on the sea of Japan, has few harbors; while on the west are numerous ports, and an amazing number of islands called "the Corean archipelago." Quelpart, the most southerly and largest island, has been the scene of most of the wrecks which have cast foreign waifs upon her shores.—The policy of Corea to the outer world has been for centuries that of the hermit. A jealous and rigid system of seclusion, even of Chinese and Japanese, has been practiced from the middle ages, until recently. Vigilantly guarding her coasts, picketing her rivers, and palisading her mountains, she has forbidden all foreigners to touch her shores; the only exception reluctantly allowed, being that of occasional envoys from Peking. When unable to guard her coasts and river borders, she has desolated them to the extent of ten miles or more inland. On the Chinese side, beyond the Yalu river, there has existed, since about 1644, by convention with China, a neutral strip of desolated territory fifty miles wide, on which cultivation or habitation is forbidden. The Chinese, however, are less and less respecting this neutrality; and the pressure of increasing population has recently compelled its partial occupation.—The reasons for this extraordinary national policy, maintained intact long after its abandonment by China and Japan, may be learned from a brief survey of Corean history. Her unfortunate position, between two such jealous, not to say hostile, nations as Japan and China, has kept her in a chronic state of invasion, vassalage or tribute. For centuries, both nations claimed her as a dependency, their quarrels being often fought on her soil. Her danger has not remotely resembled that of the live infant between the contending mothers, under the sword of Solomon. The act of her former master and conqueror, Japan, in recognizing Corea as a distinct nation, in 1876, may not unfitly be compared to that of the true mother, who wished the child no harm. The Coreans and Japanese, being of the same basic stock, are more truly allied in kin and temperament than are the Coreans and Chinese; their blood being thicker than the water which separates them.—The Coreans evidently belong to the same hardy race, which, descending from the north, the Amur valley, conquered the peninsula, and then crossed over into the Japan archipelago Their primal civilization is, in Chinese annals, ascribed to Kishi (Ki Tsze), the ancestor of Confucius, who, being dissatisfied with his royal master, emigrated to the northeast, B. C. 1122, and named his domain, which was part of ancient Corea, but quite beyond its modern boundaries, Chō-sen (Tranquillity of the Morning). From about the opening of the Christian era, three states began their career in and north of the peninsula, Shinra, Korai and Hiaksai, (Chinese, Sinlo, Kaoli, and Petsi. Korai, at first, was Kokorai) In the intervals of peace these states were the pupils of Chinese civilization, which they imparted to Japan. Civil wars, which were frequent, and alternate invasion and succor from China and Japan, fill the pages of Corean history, until Shinra became paramount, during the eighth, and until the tenth century. True political unity to the entire peninsula was not, however, secured until about 960 A. D., when, under Wang, who had risen out of Korai, the entire country was tranquillized under the name of Kori or Korai (whence our *Corea*), and tributary relations with China were resumed. As the various conquering hordes, Tartar, Mongol or Manchiu, issued out of the north to conquer China, they reduced Corea to submission; and thus, under many dynasties, Corea has paid tribute to China. In 1392 the dynasty of Kori was overthrown by a revolution, and the present one established, under the official name of Chichung. The new king received investiture under the title of Chō-sen O, or King of Chō-sen, the ancient name of the nationality having been restored, though Kori (Corea) is still popularly used; the capital, or seoul, was fixed, and the present system of administration founded. In 1592 Hidéyoshi, the taiko, or mikado's lieutenant, sent a force of 160,000 Japanese to invade Corea, under pretense of collecting arrearages of tribute. Most of the peninsula was overrun and captured, the main body, under Konishi, reaching the capital in about 18 days after landing. The Chinese sent large armies to succor the Coreans; and, after five years of bloody war, the Japanese armies were withdrawn at the death of Hidéyoshi, in 1597. The Japanese held the port of Fusan, and the Coreans sent embassies to Japan. These relations, including trade, continued until the recent revolutions in Japan; when, upon the

invitations of the mikado's government, in 1868, to resume their relations of homage and tribute, the Corean regent angrily and insultingly severed all relations with Japan, on account of that nation's adoption of western ideas and customs. Roman Christianity entered Corea in 1777, a number of students having adopted it after studying the books written by the Jesuits in Peking. Gradually the doctrines spread, until, in 1836, when the first French missionary penetrated the country in disguise, there were thousands of believers, who grew stronger as the persecutions broke out from time to time. In 1864 no fewer than nineteen Frenchmen had passed the barriers at the frontiers in disguise, or landed at night on the coast. Four died, but the others vigorously propagated their faith. The period from 1864 to 1868 may be called the turning point in the history of modern Corea, when affairs within and without began to culminate. Before narrating these, we shall notice the political system of the little kingdom.—The power of the king, which was formerly absolute over all his subjects, even the high nobility, has been in recent years much curtailed. The court etiquette is based on that in vogue in Peking. The king's name must never be mentioned. Horsemen must dismount and walk past the palace. It is not allowed to stamp the coins with the royal effigy. Whoever is admitted to audience must make many prostrations before the throne. No one must touch the king's person. If, by accident, this is done, the fact must be made known by the individual's wearing a thread of red silk. Nominally, the king is father of his people, and must listen to their petitions. The alarm drum and box for requests hangs in front of the palace and magistrates' offices. All may memorialize or seek redress. Gifts are made to the poor, the aged, and the signally virtuous. Princes of the blood have little or no power in government affairs. The real power lies in the nobles, who are steadily increasing in influence, and who practically fill and control the highest offices. A recent native caricature represented the king as the head, the people as the legs and feet, and the nobles and high officials as the breast and belly. The head, legs and feet were shriveled and dried up, while the chest and stomach were bloated and full. From above, these plunderers of the people reduce the royal prerogative to nothing; while below, they suck the blood of the nation. In choosing a successor on the throne, the king nominates one of his own children, if he has issue; if he has none, he chooses an heir from one of the high noble families.—The real government, as in Japan, is in the hands of the three highest Dai-Jin (Great Ministers). These are the premier, junior prime minister of the left, junior prime minister of the right. The six boards of government are those of civil service, finance, ceremonies, war, justice, and public works. The heads of these departments rank next in order after the three chief dai jin, and each is assisted by a substitute, and a counselor. These four grades, *chung*, *pan-tso*, *tsam-pan*, *tsam-ei*, including in all twenty-one officials called *dai-jin*, constitute the supreme council of the government. The real authority, however, is in the council of the three dai-jin of the first rank; the eighteen others of lower rank merely confirming or approving the acts of their superiors. The heads of the six departments and their assistants are expected to make a daily report of all affairs under their cognizance; occupying themselves with routine details, but referring all important questions to the council of three. There are also three chamberlains, with assistants, who daily record the acts and words of the king; and three officers, who may be called the chiefs of the royal police.—For administrative purposes, the country is divided into eight dō, or circuits, three of which border the sea of Japan, and five the Yellow sea, the dividing wall being the range of mountains that traverses the peninsula, and the area of each province being usually one or more river basins. The royal or capital province (King-ki dō) is the central one on the west coast. The *seoul*, or capital (Chinese, *king;* Japanese, *kio*), is Han-Yang, on the Han river, about fifty miles from its mouth. It is a walled city of about 200,000 souls. The entire population of Corea is estimated at from 8,000,000 to 15,000,000, its area including about 80,000 square miles. Each province has a *kam-sa*, or governor. The cities are graded into six classes, *yin*, *mu*, *fu*, *kun*, *ling* and *hien*, and are governed by officers of corresponding rank. There are twelve ranks or dignities in the official class. The towns are given in charge of the petty magistrates. There are few *yin* (secondary or former national capitals) or *mu* (city ruled by an hereditary noble). The *fu* is the prefectural city. The *kun* and *ling* correspond to the county seat, or sub-prefecture, (Chinese, *chow*, or *chau;* Japanese, *ken*); and the *hien* being a district or township. There are, in all, 332 districts. The kam-sa, or governor, resides at the province capital. There are also military magistrates in fortified cities near the capital, and at strategic points on the coast and frontiers In theory, any male Corean able to pass the government examinations is eligible to office; but the greater number of the best positions are filled by the nobles. The term of office is two years. The salaries seem to be sufficient; but the extravagances required of men in public station tend to grasping, bribery and corruption. Royal inspectors, or "messengers on the dark path," are sent out from the capital to investigate and report upon official abuses. Civil matters are decided by the ordinary magistrate, who is judge and jury at once; criminal cases are tried by the military commandant. Very important questions are referred to the governor of the province; the highest court of appeal being in the capital. Accusations of treason, rebellion and malfeasance in office, are tried by a special court instituted by the king. In case of conviction of treason, the punishment

extends to the family of the traitor. In consequence of the indolence and corruption of the magistrates, much of the actual power of administration is held by two classes of men. The first of these, hereditary in power and office, and exclusive in social life and marriage, usually secure the clerical work in the magistrate's office, act as his substitutes and form a local influence of vast power. The other class, recruited from the lowest social grade, act as the police, messengers, prison attendants, torturers, and servants of the magistrate. Torture is freely used to extort confession; beating with paddles, rasping the flesh with ropes, or suspension by the arms, being common. Decapitation is the common method of execution.—The basis of education and religion, in Corea, is the Confucian system of ethics. Buddhism was formerly prevalent, but can not now be said to be general. Since the present dynasty came into power, in 1392, the system of ancestral worship, and the doctrines of Confucius, mingled with much Shamanistic superstition, has been the popular and official religion. The government encourages education by nominally making fitness for office depend upon literary qualifications. Yearly examinations are held in the provinces and at the capital, supervising commissioners being chosen by the supreme council. This system of competitive examinations is modeled after that of the Chinese, but is less rigidly adhered to. Three degrees are bestowed, the second fitting the receiver to fill provincial posts; and the third, positions in the court and capital. Special schools of languages, science, and useful arts, required by the government, are established in the capital, and are conducted by salaried scholars, whose profession is hereditary. These are interpreters, astronomers, map makers, physicians, artists, mechanicians, scribes, etc. The annual embassy which visits Peking is usually composed of court officials, and a large train of servants and traders. Besides paying the tribute, which is now merely nominal, they bring back the Chinese calendar, the reception and adoption of which by any nation is an acknowledgment of Chinese supremacy. The almanac is now almost the only burden which China lays upon Corea. That the relation of the little kingdom to her colossal neighbor is now that of ceremonial only, has been amply proved; since the Tsung-li Yamen at Peking has again and again disavowed all responsibility for Corea's behavior, to France, Germany, Japan and the United States.—The Chi-chong (or Ni) dynasty, founded in 1392, came to an end in 1864, the king Chul Chong dying without issue, and before he had nominated an heir. A desperate intrigue for the control of the throne now began, in which many prominent nobles took part, especially the three widows of the three kings who had reigned in succession since 1831. The eldest of the widows, having seized the royal seal and the emblems, was the acknowledged mistress of the situation. Waiving her preference for her nephew, she nominated a boy, then twelve years old, from one of the princely families. The crafty father of this lad managed to secure possession of the royal seal, made himself the regent, and held the government with almost absolute power until 1873, ruling with great cruelty and rigor. During this regency, the following events took place: By the treaty of Peking, in 1860, the Russian possessions extended to the Tumen river, making Corea's neighbor on the north, Russia, instead of China. Russian vessels now appeared off the coast; and the fear that the Russians might force the long isolation of Corea became a chronic fear. Among the native Christians and the small minority who hoped for intercourse with Europe, there was hearty joy when, in January, 1866, a Russian war vessel came to Wen-san, on the northeast coast, and demanded that Corea be open to commerce, while, at the same time, a body of Russian troops crossed the Tumen to re-enforce the demand. The regent refused the request, but managed, at the same time, under pretense of friendship, to draw from their hiding places the French missionaries. The Russians went away; and shortly after, the nine Frenchmen were tried and publicly decapitated near the river bank, in front of the capital. A fierce persecution of the native Christians, or "foreigner-Coreans," now broke out, in which several thousands were put to death. About 5,000 fled northward, crossed the Tumen river, into Russian territory, and are now living in settlements under Russian officials, priests and schoolmasters. In August, 1866, the American schooner *General Sherman* entered the Ping Yang river, on the northwest coast, on a trading or semi-piratical expedition. How those on board met their death is not certainly known, but they were slain to the last man, being probably mistaken for Frenchmen. In October, 1866, the French admiral Roze, with seven ships and 1,000 men, made a descent on Kang-hoa island, at the mouth of the river leading to the capital, and captured the city, but, after a week's stay, came away, accomplishing nothing of importance. On the 8th of May, 1867, the steamer *China*, floating the North German flag, and the tender *Greta*, with a motley crew of 120 Chinese, led by a German named Oppert, with capital furnished by an American, with a French priest for a guide, arrived in Prince Jerome gulf, about forty miles south of the capital. Landing, the party marched inland, and attempted to break into and rifle the family mausoleum of the regent, in order to seize the bones and relics and hold them to ransom. The attempt failed, and the rascals got off with only the loss of one or two men. This last was Oppert's third attempt to enter and open Corea to trade. The United States government sent the *Wachusett* and *Shenandoah* to demand redress, for the *General Sherman* affair; but, no attention being paid to their request, a small fleet was dispatched in 1871 to Kang-Hoa, having on board our minister to China, Hon. F. F. Low, who was directed, if

possible, to make a treaty. After provoking hostilities by an armed survey of the Han river, the forts were captured, 400 Coreans killed, and the expedition came away, accomplishing nothing, but "wiping out the insult to our flag." In 1875 the Japanese envoy Moriyama secured a convention with Corea; but shortly afterward the gunboat *Unyo Kuan* was fired on by Coreans, the Japanese ship and uniform being like that of foreigners. An assurance from Peking that China had nothing but ceremonial relations with Corea having been secured by Arinori Mori, the Japanese government sent an expedition (modeled in detail after that of commodore M. C. Perry to Japan in 1854) under Kuroda and Inouyé; and, on Feb. 27, 1876, a treaty was made between the two nations, according to principles of international law; and, besides the exchange and renewal of diplomatic intercourse, Gensan and Fusan were opened as ports of trade and residence to Japanese. In 1880 another unsuccessful attempt was made by the United States to open relations with Corea, through commodore R. W. Shufeldt, in the United States steamship *Ticonderoga*. Since 1873, when the young king reached his majority, the drift of Corean opinion has been steadily tending toward a liberal policy, which must finally bear fruit in bringing Corea within the comity of nations. — The best works on Corea are in the Japanese language. See Dallet's *Histoire de l'Eglise de Corée*, 2 vols., Paris, 1874; Oppert's *A Forbidden Land;* Ross' *Corea;* and *Corea, the Hermit Nation*, by W. E. Griffis.

W. E. Griffis.

CORN LAWS. From the circumstance of corn forming, in England and most other countries, the principal part of the food of the people, the trade in it, and the laws by which the trade is regulated, are justly looked upon as of the highest importance. But this is not the only circumstance that renders it necessary to enter at some length into the discussion of this subject. Its difficulty is at least equal to its interest. The enactments made at different periods with respect to the corn trade, and the opinions advanced as to their policy, have been so very various and contradictory, that it is indispensable to submit them to some examination, and, if possible, to ascertain the *principles* which ought to pervade this department of commercial legislation.—I. Historical Sketch of the Corn Laws. For a long time the regulations with respect to the corn trade were principally intended to promote abundance and low prices. But though the purpose was laudable, the means adopted for accomplishing it had, for the most part, a directly opposite effect. When a country exports corn, it seems, at first sight, as if nothing could do so much to increase her supplies as the prevention of exportation; and even in countries that do not export, its prohibition seems to be a prudent measure, and calculated to prevent the supply from being diminished, upon any emergency, below its natural level. These are the conclusions that immediately suggest themselves upon this subject; and it requires a pretty extensive experience, an attention to facts, and a habit of reasoning upon such topics, to perceive their fallacy. These, however, were altogether wanting when the regulations affecting the corn trade began to be introduced into Great Britain and other countries. They were framed in accordance with what were supposed to be the dictates of common sense; and their object being to procure as large a supply of the prime necessary of life as possible, its exportation was either totally forbidden, or forbidden when the home price was above certain limits.—The principle of absolute prohibition seems to have been steadily acted upon, as far as the turbulence of the period would admit, from the conquest to the year 1436, in the reign of Henry VI.; but at the last mentioned period an act was passed, authorizing the exportation of wheat whenever the home price did not exceed 6s. 8d. (equal in amount of pure silver to 12s. 10⅔d. present money) per quarter, and barley when the home price did not exceed 3s. 4d. In 1463 an additional benefit was intended to be conferred on agriculture by prohibiting importation until the home price exceeded that at which exportation ceased. But the fluctuating policy of the times prevented these regulations from being carried into full effect, and, indeed, rendered them in a great measure inoperative.—In addition to the restraints laid on exportation, it has been common in most countries to attempt to increase the supply of corn, not only by admitting its unrestrained importation from abroad, but by holding out extraordinary encouragement to the importers. This policy has not, however, been much followed in England. During the 500 years immediately posterior to the conquest, importation was substantially free; but it was seldom or never promoted by artificial means; and during the last century and a half it has, for the most part, been subjected to severe restrictions.—Besides attempting to lower prices by prohibiting exportation, our ancestors attempted to lower them by proscribing the trade carried on by corn dealers. This most useful class of persons were looked upon with suspicion by every one. The agriculturists concluded that they would be able to sell their produce at higher prices to the consumers, were the corn dealers out of the way: while the consumers concluded that the profits of the dealers were made at their expense; and ascribed the dearths that were then very prevalent entirely to the practices of the dealers, or to their buying up corn and withholding it from market. These notions, which have still a considerable degree of influence, led to various enactments, particularly in the reign of Edward VI., by which the freedom of the internal corn trade was entirely suppressed. The *engrossing* of corn, or the buying of it in one market with intent to sell it again in another, was made an offense punishable by imprisonment and the pillory; and no

one was allowed to carry corn from one part to another without a license, the privilege of granting which was confided by a statute of Elizabeth to the quarter sessions. But as the principles of commerce came to be better understood, the impolicy of these restraints gradually grew more and more obvious. They were considerably modified in 1624; and in 1663 the engrossing of corn was declared to be legal so long as the price did not exceed 48s. per quarter (15 Ch. II., c. 7); an act which, as Adam Smith has justly observed, has with all its imperfections done more to promote plenty than any other law in the statute book. In 1773 the last remnant of the *legislative* enactments restraining the freedom of the internal corn dealers was entirely repealed. But the engrossing of corn has, notwithstanding, been since held to be an offense at common law; and so late as 1800, a corn dealer was convicted of this imaginary crime. He was not, however, brought up for judgment; and it is not very likely that any similar case will ever again occupy the attention of the courts.—The acts of 1436 and 1463, regulating the prices when exportation was allowed and when importation was to cease, continued, nominally at least, in force till 1562, when the prices at which exportation might take place were extended to 10s. for wheat and 6s. 8d. for barley. But a new principle—that of imposing duties on exportation—was soon after introduced; and in 1571 it was enacted that wheat might be exported, paying a duty of 2s. per quarter, and barley and other grain a duty of 1s. 4d., whenever the home price of wheat did not exceed 20s. per quarter, and barley and malt 12s. At the restoration the limit at which exportation might take place was very much extended; but as the duty on exportation was, at the same time, so very high as to be almost prohibitory, the extension was of little or no service to the agriculturists. This view of the matter seems to have been speedily taken by the legislature; for in 1663 the high duties on exportation were taken off, and an ad valorem duty imposed in their stead, at the same time that the limit of exportation was extended. In 1670 a still more decided step was taken in favor of agriculture; an act being then passed which extended the exportation price to 53s. 4d. per quarter for wheat, and other grain in proportion, imposing at the same time prohibitory duties on the importation of wheat till the price rose to 53s. 4d., and a duty of 8s. between that price and 80s. But the real effects of this act were not so great as might have been anticipated. The extension of the limit of exportation was rendered comparatively nugatory in consequence of the continuance of the duties on exportation caused by the necessities of the crown; while the want of any proper method for the determination of prices went far to nullify the prohibition of importation. —At the accession of William III. a new system was adopted. The interests of agriculture were then looked upon as of paramount importance; and to promote them, not only were the duties on exportation totally abolished, but it was encouraged by the grant of a *bounty* of 5s. on every quarter of wheat exported, while the price continued at or below 48s.; of 2s. 6d. on every quarter of barley or malt, while their respective prices did not exceed 24s.; and of 3s. 6d. on every quarter of rye, when its price did not exceed 32s. (1 Wm. and Mary, c. 12.) A bounty of 2s. 6d. per quarter was subsequently given upon the exportation of oats and oatmeal, when the price of the former did not exceed 15s. per quarter. Importation continued to be regulated by the act of 1670. —Much diversity of opinion has been entertained with respect to the policy of the bounty. That it was intended to raise the price of corn is clear, from the words of the statute, which states "that the exportation of corn and grain into foreign parts, *when the price thereof is at a low rate in this kingdom*, hath been a great advantage not only to the owners of land, but to the trade of the kingdom in general; therefore," etc. But admitting this to have been its object, it has been contended that the low prices which prevailed during the first half of last century show that its real effect was precisely the reverse; and that, by extending tillage, it contributed to reduce prices. It will be afterward shown that this could not really be the case; and the fall of prices may be sufficiently accounted for by the improved state of agriculture, the gradual consolidation of farms, the diminution of sheep husbandry, etc., combined with the slow increase of the population. In point of fact, too, prices had begun to give way 30 years before the bounty was granted, and the fall was equally great in France, where, instead of exportation being encouraged by a bounty, it was almost entirely prohibited, and in most other continental states. (For proofs of what is now stated, see the article "Corn Laws," in the new edition of the Encyc. Brit.)—With some few exceptions, there was, during the first 66 years of last century, a large export of corn from England. In 1750 the wheat exported amounted to 947,000 quarters; and the total bounties paid during the 10 years from 1740 to 1751 reached the sum of £1,515,000. But the rapid increase of population subsequently to 1760, and particularly after the peace of Paris, in 1763, when the commerce and manufactures of the country were extended in an unprecedented degree, gradually reduced this excess of exportation, and occasionally, indeed, inclined the balance the other way. This led to several suspensions of the restrictions on importation; and at length, in 1773, a new act was framed, by which foreign wheat was allowed to be imported on paying a nominal duty of 6d. whenever the home price was at or above 48s. per quarter, and the bounty and exportation were together to cease when the price was at or above 44s. The bounty amounted to 5s. on every quarter of wheat; 2s. 6d. on every quarter of barley; 3s. 6d. on every quarter of rye; and 2s. 6d. on every quarter of oats. This statute also permitted the importation of corn at any price, duty free, in order to be again exported, provided it

were in the meantime lodged under the joint locks of the king and the importer.—The prices when exportation was to cease by this act seem to have been fixed too low; and, as Adam Smith has observed, there appears a good deal of impropriety in prohibiting exportation altogether the moment it attained the limit when the bounty given to force it was withdrawn; yet, with all these defects, the act of 1773 was a material improvement on the former system, and ought not to have been altered unless to give greater freedom to the trade. —The idea that this law must, when enacted, have been injurious to the agriculturists, seems altogether illusory: the permission to import foreign grain, when the home price rose to a moderate height, certainly prevented their realizing exorbitant profits in dear years, at the expense of the other classes; and prevented an unnatural proportion of the capital of the country from being turned toward agriculture. But as the limit at which importation at a nominal duty was allowed was fixed a good deal above the average price of the reign of George II., it can not be maintained that it had any tendency to reduce previous prices, which is the only thing that could have discouraged agriculture: and, in fact, no such reduction took place.—It is true that but for this act England would not have imported so much foreign grain in the interval between 1773 and 1791. This importation, however, was not a consequence of the decline of agriculture; for it is admitted that every branch of rural economy was more improved in that period than in the whole of the preceding century; but arose entirely from a still more rapid increase of the manufacturing population, and hence of the effective demand for corn. In 1772 the balance on the side of wheat imported amounted to 18,515 quarters; and in 1773, 1774 and 1775, all years of great prosperity, the balance was very much increased. But the loss of a great part of England's colonial possessions, the stagnation of commerce, and difficulty of obtaining employment, occasioned by the American war, diminished the consumption; and this, combined with unusually productive harvests, rendered the balance high on the side of exportation in 1778, 1779 and 1780. In 1783 and 1784 the crops were unusually deficient, and considerable importations took place, but in 1785, 1786 and 1787 the exports again exceeded the imports; and it was not till 1788, when she had fully recovered from the effects of the American war, and when manufacturing improvements were carried on with extraordinary spirit, that the imports permanently overbalanced the exports.—Her growing wealth and commercial prosperity had thus, by increasing the population and enabling individuals to consume additional quantities of food, caused the home supply of corn to fall somewhat short of the demand; but it must not, therefore, be concluded that agriculture had not at the same time been very greatly meliorated. "The average annual produce of wheat," says Mr. Comber, "at the beginning of the reign of George III. (1760), was about 3,800,000 quarters, of which about 300,000 had been sent out of the kingdom, leaving about 3,500,000 for home consumption. In 1773 the produce of wheat was stated in the house of commons to be 4,000,000 quarters, of which the whole, and above 100,000 imported, were consumed in the kingdom. In 1796 the consumption was stated by lord Hawkesbury to be 500,000 quarters per month, or 6,000,000 quarters annually, of which about 180,000 were imported; showing an increased produce in about 20 years of 1,820,000 quarters. It is evident, therefore, not only that no defalcation of produce had taken place in consequence of the cessation of exportation, as has been too lightly assumed from the occasional necessity of importation, but that it had increased with the augmentation of our commerce and manufactures." (Comber on National Subsistence, p. 180.)—These estimates are, no doubt, very loose and unsatisfactory; but the fact of a great increase of produce having taken place is unquestionable. In a report by a committee of the house of commons on the state of the *waste lands*, drawn up in 1797, the number of acts passed for inclosing, and the number of acres inclosed, in the following reigns, are thus stated: In the reign of queen Anne, 2 acts, 1,439 acres; reign of George I., 16 acts, 17,960 acres; reign of George II., 226 acts, 318,778 acres; reign of George III. to 1797, 1,532 acts, 2,804,197 acres.—It deserves particular notice, that from 1771 to 1791, both inclusive, the period during which the greater number of these improvements were effected, there was no rise of prices.—The landholders, however, could not but consider the liberty of importation granted by the act of 1773 as injurious to their interests, inasmuch as it prevented prices from rising with the increased demand. A clamor, therefore, was raised against that law, and in addition to this interested feeling, a dread of becoming habitually dependent on foreign supplies operated on many, and produced a pretty general acquiescence in the act of 1791. By this act the price when importation could take place from abroad at the low duty of 6d. was raised to 54s., under 54s and above 50s. a middle duty of 2s. 6d., and under 50s. a prohibiting duty of 24s. 3d. was exigible. The bounty continued as before, and exportation without bounty was allowed to 46s. It was also enacted that foreign wheat might be imported, stored under the king's lock, and again exported free of duty; but if sold for home consumption, it became liable to a warehouse duty of 2s. 6d. in addition to the ordinary duties payable at the time of sale.—In 1797 the bank of England obtained an exemption from paying in specie, and the consequent facility of obtaining discounts and getting a command of capital, which this measure occasioned, gave a fresh stimulus to agriculture, the efficacy of which was most powerfully assisted by the scarcity and high prices of 1800 and 1801. Inasmuch, however, as the prices of 1804 would not allow the cultivation of the poor soils, which had been broken up in the dear

years, to be continued, a new corn law was loudly called for by the farmers, and passed in 1804. This law imposed a prohibitory duty of 24s. 3d. per quarter on all wheat imported when the home price was at or below 63s.; between 63s. and 66s. a middle duty of 2s. 6d. was paid, and above 66s. a nominal duty of 6d. The price at which the bounty was allowed on exportation was extended to 50s., and exportation without bounty to 54s. By the act of 1791 the maritime counties of England were divided into 12 districts, importation and exportation being regulated by the particular prices of each; but by the act of 1804 they were regulated, in England by the *aggregate average* of the maritime districts, and in Scotland by the aggregate average of the four maritime districts into which it was divided. The averages were taken four times a year, so that the ports could not be open or shut for less than three months. This manner of ascertaining prices was modified in the following session; it being then fixed that importation, both in England and Scotland, should be regulated by the average price of the 12 maritime districts of England.—In 1805 the crop was very considerably deficient, and the average price of that year was about 22s. per quarter above the price at which importation was allowed by the act of 1804. As the depreciation of paper compared with bullion was at that time only *four* per cent., the high price of that year must have been principally owing to the new law preventing importation from abroad till the home price was high, and then fettering mercantile operations, and to the formidable obstacles which the war threw in the way of importation. In 1806, 1807 and 1808, the depreciation of paper was nearly 3 per cent.; and the price of wheat in those years being generally from 66s. to 75s., the importations were but small. Several impolitic restraints had been for a long time imposed on the free importation and exportation of corn between Great Britain and Ireland, but they were wholly abolished in 1806; and the act of that year (46 Geo. III., c. 97), establishing a free trade in corn between the two great divisions of the empire, was not only a wise and proper measure in itself, but has powerfully contributed to promote the general advantage. From autumn, 1808, to spring, 1814, the depreciation of the currency was unusually great; and several crops in that interval being likewise deficient, the price of corn, influenced by both causes, rose to a surprising height. At that time no vessel could be laden in any continental port for England without purchasing a license, and the freight and insurance were at least five times as high as during peace. But the destruction of Napoleon's anti-commercial system, in the autumn of 1813, having increased the facilities of importation, a large quantity of corn was poured into the kingdom; and in 1814 its *bullion* price fell below the price at which importation was allowed.—Before this fall of price, a committee of the house of commons had been appointed to inquire into the state of the laws affecting the corn trade, and recommended in their report (May 11, 1813) a very great increase of the prices at which exportation was allowable, and when importation free of duty might take place. This recommendation was not, however, adopted by the house; but the fact of its having been made when the home price was at least 112s. per quarter displayed a surprising solicitude to exclude foreigners from all competition with the home growers.—The wish to lessen the dependence of the country on foreign supplies formed the sole ostensible motive by which the committee of 1813 had been actuated in proposing an alteration in the act of 1804. But after the fall of price in autumn, 1813, and in the early part of 1814, it became obvious, on comparing the previous prices with those of the continent, that without an alteration of the law in question this dependence would be a good deal increased; that a considerable extent of such poor lands as had been brought into cultivation during the high prices would be again thrown into pasturage; and that the rents would be lowered. These consequences alarmed the landlords and occupiers; and in the early part of the session of 1814 a series of resolutions were voted by the house of commons, declaring that it was expedient to repeal the bounty, to permit the free exportation of corn, whatever might be the home price, and to impose a graduated scale of duties on the importation of foreign corn. Thus, foreign wheat imported when the home price was at or under 64s. was to pay a duty of 24s.; when at or under 65s. a duty of 23s.; and so on until the home price should reach 86s., when the duty was reduced to 1s., at which sum it became stationary. Corn imported from Canada, or from the other British colonies in North America, was to pay one-half the duties on other corn. As soon as these resolutions had been agreed to, two bills founded on them—one for regulating the importation of foreign corn, and another for the repeal of the bounty, and for permitting unrestricted exportation—were introduced. Very little attention was paid to the last of these bills; but the one imposing fresh duties on importation encountered a very keen opposition. The manufacturers and every class not directly supported by agriculture, stigmatized it as an unjustifiable attempt artificially to keep up the price of food, and to secure excessive rents and large profits to the landholders and farmers at the expense of the consumers. Meetings were very generally held, and resolutions entered into, strongly expressive of this sentiment, and dwelling on the fatal consequences which, it was affirmed, a continuance of the high prices would have on manufactures and commerce. This determined opposition, coupled with the indecision of ministers, and perhaps, too, with an expectation on the part of some of the landholders that prices would rise without any legislative interference, caused the miscarriage of this bill. The other bill, repealing the bounty, and allowing an unlimited freedom of exportation, was passed into a law.—Committees had been appointed in 1814,

by both houses of parliament, to examine evidence and report on the state of the corn trade; and, in consequence, a number of the most eminent agriculturists were examined. The witnesses were unanimous in this only: that the protecting prices in the act of 1804 were insufficient to enable the farmers to make good the engagements into which they had subsequently entered, and to continue the cultivation of the inferior lands lately brought under tillage. Some of them thought that 120s. should be fixed as the lowest limit at which the importation of wheat free of duty should be allowed; others varied from 90s. to 100s., from 80s. to 90s. and a few from 70s. to 80s. The general opinion, however, seemed to be that 80s. would suffice; and as prices continued to decline, a set of resolutions founded on this assumption were submitted to the house of commons by Mr. Robinson, of the board of trade (afterward lord Ripon); and having been agreed to, a bill founded on them was, after a very violent opposition, carried in both houses, by immense majorities, and finally passed into a law (55 Geo. III., c. 26). According to this act all sorts of foreign corn, meal or flour might be imported at all times free of duty into any port of the United Kingdom, in order to be warehoused; but foreign corn was not permitted to be imported for home consumption, except when the average prices of the several sorts of British corn were as follows: viz., wheat, 80s. per quarter; rye, peas, and beans, 53s., barley, bear, or bigg, 40s.; and oats, 26s.; and all importation of corn from any of the British plantations in North America was forbidden except when the average home prices were at or under—wheat, 67s. per quarter; rye, peas, and beans, 44s.; barley, bear, or bigg, 33s.; and oats, 22s.—The agriculturists confidently expected that this act would immediately raise prices, and render them steady at about 80s. But, for reasons which will be afterward stated, these expectations were entirely disappointed; and a more ruinous fluctuation of prices took place during the period it was in existence than in any previous period of her recent history. In 1821, when prices had sunk very low, a committee of the house of commons was appointed to inquire into the causes of the depressed state of agriculture, and to report their observations thereon. This committee after examining a number of witnesses, drew up a report, which, though not free from error, is a valuable document. It contains a forcible exposition of the pernicious influence of the law of 1815, of which it suggested several important modifications. These, however, were not adopted; and as the low prices, and consequent distress of the agriculturists, continued, the subject was brought under the consideration of parliament in the following year. After a good deal of discussion, a new act was then passed (3 Geo. IV., c. 60) which enacted, that, after prices had risen to the limit of free importation fixed by the act of 1815, that act was to cease and the new statute to come into operation. This statute lowered the prices fixed by the act of 1815, at which importation could take place for home consumption, to the following sums, viz:

	For Corn not of the British Possessions in North America.	For Corn of the British Possessions in North America.
	per quarter.	per quarter.
Wheat	70s.	59s.
Rye, peas, and beans	46s.	39s.
Barley, bear, or bigg	35s.	30s.
Oats	25s.	20s.

But, in order to prevent any violent oscillation of prices from a large supply of grain being suddenly thrown into the market, it was enacted that a duty of 17s. per quarter should be laid on all wheat imported from foreign countries, during the first three months after the opening of the ports, if the price was between 70s. and 80s. per quarter, and of 12s. afterward; that if the price was between 80s. and 85s., the duty should be 10s. for the first three months, and 5s. afterward; and that if the price should exceed 85s., the duty should be constant at 1s.; and proportionally for other sorts of grain.—This act, by preventing importation until the home price rose to 70s., and then loading the quantities imported between that limit and the limit of 85s with heavy duties, was certainly more favorable to the views of the agriculturists than the act of 1815. But, unluckily for them, the prices of no species of corn, except barley, were sufficiently high, while this act existed, to bring it into operation.—In 1825 the first approach was made to a better system by permitting the importation of wheat from British North America, without reference to the price at home, on payment of a duty of 5s. per quarter. But this act was passed with difficulty, and was limited to one year's duration.—Owing to the drought that prevailed during the summer of 1826, there was every prospect that there would be a great deficiency in the crops of that year; and in order to prevent the disastrous consequences that might have taken place, had importation been prevented until the season was too far advanced for bringing supplies from the great corn markets in the north of Europe, his majesty was authorized to admit 500,000 quarters of foreign wheat on payment of such duties as the order in council for its importation should declare. And when it was ascertained that the crops of oats, peas, etc., were greatly below an average, ministers issued an order in council, on their own responsibility, on Sept. 1, authorizing the immediate importation of oats on payment of a duty of 2s. 2d. per boll; and of rye, peas and beans on payment of a duty of 3s. 6d. per quarter. A considerable quantity of oats was imported under this order, the timely appearance of which had undoubtedly a very considerable effect in mitigating the pernicious consequences arising from the deficiency of that species of grain. Ministers obtained an indemnity for this order on the subsequent meeting of parliament.—Nothing could more strikingly evince the impolicy of the acts

of 1815 and 1822 than the necessity, under which the legislature and government had been placed, of passing the temporary acts and issuing the orders referred to. The more intelligent portion of the agriculturists began, at length, to perceive that the corn laws were not really calculated to produce the advantages that they had anticipated; and a conviction that increased facilities should be given to importation became general throughout the country. The same conviction made considerable progress in the house of commons; so much so, that several members who supported the measures adopted in 1815 and 1822 expressed themselves satisfied that the principle of exclusion had been carried too far, and that a more liberal system should be adopted. Ministers having participated in these sentiments, Mr. Canning moved a series of resolutions, as the foundation of a new corn law, on March 1, 1827, to the effect that foreign corn might always be imported, free of duty, in order to be warehoused; and that it should always be admissible for home consumption upon payment of certain duties. Thus, in the instance of wheat, it was resolved that, when the home price was at or above 70s. per quarter, the duty should be a fixed one of 1s.; and that for every shilling that the price fell below 70s. a duty of 2s. should be imposed; so that when the price was at 69s. the duty on importation was to be 2s., when at 68s. the duty was to be 4s., and so on. The limit at which the constant duty of 1s. per quarter was to take place in the case of barley was originally fixed at 37s.; but it was subsequently raised to 40s., the duty increasing by 1s. 6d. for every 1s. when the price fell below that limit. The limit at which the constant duty of 1s. per quarter was to take place in case of oats was originally fixed at 28s.; but it was subsequently raised to 33s., the duty increasing at the rate of 1s. per quarter for every shilling that the price fell below that limit. The duty on colonial wheat was fixed at 6d. per quarter when the home price was above 65s.; and when the price was under that sum the duty was constant at 5s.; the duties on other descriptions of colonial grain were similar. These resolutions were agreed to by a large majority; and a bill founded on them was subsequently carried through the house of commons. Owing, however, to the change of ministers, which took place in the interim, several peers, originally favorable to the bill, and some, even, who assisted in its preparation, saw reason to become among its most violent opponents; and a clause moved by the duke of Wellington, interdicting all importation of foreign corn until the home price exceeded 66s., having been carried in the lords, ministers gave up the bill, justly considering that such a clause was entirely subversive of its principle.—A new set of resolutions with respect to the corn trade were brought forward in 1828 by Mr. Charles Grant (afterward lord Glenelg). They were founded on the same principles as those which had been rejected during the previous session. But the duty was not made to vary equally, as in Mr. Canning's resolutions, with every equal variation of price; it being 23s. 8d. when the home price was 64s. the imperial quarter, 16s. 8d. when it was 69s., and 1s. only when it was at or above 73s. After a good deal of debate Mr. Grant's resolutions were carried, and embodied in the act 9 Geo. IV., c. 60.—The crops having been deficient in 1829 and 1830, there was a large importation of corn in these years, its average price being at the same time about 65s. per quarter. But the crops from 1831 to 1836 having been more than usually abundant, importation almost wholly ceased, and the price of wheat sunk in 1835 to 39s. 4d. per quarter, being less than it had been in any previous year since 1776. In consequence of this succession of good harvests and low prices, the corn laws ceased for awhile to attract any considerable portion of the public attention, and an impression began to gain ground that the improvement of agriculture was so rapid that, despite the increase of population, and the existence of the corn laws, prices in England would fall to about the level of those of the continent. But the cycle of favorable seasons having terminated in 1837, the crops of that and the succeeding five years were considerably deficient; so much so that prices rose in 1839 to 70s. 8d. per quarter, the importations in that and the three following years being also very large. This increase in the price of corn, combined with the depressed state of the commerce of the country, originating in the pecuniary revulsion in the United States and other causes, again attracted a great deal of attention to the corn laws; and the oppressive magnitude and injurious operation of the duties were very strongly animadverted upon at public meetings in the manufacturing towns and elsewhere. An association, denominated the anti-corn law league, originally founded in Lancashire, but which subsequently extended its ramifications to most parts of the country, was set on foot for the express purpose of keeping up an incessant agitation against the corn laws, which, in consequence of these concurring circumstances, were assailed with greater bitterness than ever. The importance of the subject at length forced it on the attention of government, and in 1841 ministers, actuated partly by a sense of the mischievous influence of the sliding scale, and partly by a wish to strengthen their declining popularity, brought forward a plan for remodeling the corn laws, by repealing the sliding scale and imposing in its stead a constant duty of 8s. per quarter on wheat, and in proportion on other grain. But, having no majority in parliament, ministers were obliged to resort to a dissolution; and their proposal having, notwithstanding its moderation, excited the greatest apprehensions among the agriculturists, without being very warmly supported by the other classes, a new parliament was returned, which gave a decided majority to the opposition. It was, nevertheless, felt on all hands to be necessary to make some considerable change in the existing law, and in 1842 a measure was intro-

duced in that view by Sir Robert Peel, which was subsequently passed into a law, 5 Vict., 2nd sess., c. 14.—Unfortunately, however, this measure, like that by which it was preceded, was bottomed on the principle of making the duties vary with the variations in the price of corn; and though the duties were decidedly less oppressive than those imposed by the 9 Geo. IV., c. 60, still they were in no ordinary degree objectionable, as well from their too great magnitude as from their adding to the natural insecurity of the corn trade, and increasing the chances and severity of fluctuations. It is not, therefore, to be wondered at that the new measure gave but little satisfaction. Instead of being abated, the agitation and clamor against the corn laws continued progressively to gain strength; and the conviction began at the same time gradually to extend itself among many of those by whom these laws had hitherto been supported, that further modifications would have to be made in them, and that they might be made without inflicting any very serious injury upon agriculture.—This conviction was greatly strengthened by the result of the important changes made by Sir Robert Peel in the tariff in 1842, and more especially by those which had reference to the importation of live cattle and fresh provisions. These had previously been prohibited; but the minister proposed that this prohibition should be repealed, and that their importation should be permitted under reasonable duties. This proposal, when first brought forward, excited the greatest apprehensions among the farmers and graziers, and was followed by an immediate fall in the price of cattle. Happily, however, the measure was carried, and it was speedily discovered that there was no such difference between the prices of cattle of the same quality here and in the adjacent parts of the continent as had been supposed; and that the fears entertained by agriculturists of the approaching ruin of the businesses of breeding and grazing were altogether visionary and unfounded. The experience afforded by the reduction and subsequent abolition of the duty on wool was exactly similar. Instead of being injured, the interests of the British sheep farmers have been most materially promoted by these measures; the demand for home-grown wool having been rendered comparatively steady, and its price considerably increased by the powerful stimulus which the change in the duty on foreign wool gave to the woolen manufacture.—In the following year, that is, in 1843, a measure was adopted which made a wide breach in the corn laws. In 1842 the legislature of Canada passed a law imposing a duty of 3s. per quarter on all wheat imported into the province, unless from the United Kingdom, stating in the preamble to this act that it was passed in the expectation and belief that a corresponding reduction would be made in the duties on wheat and wheat flour imported into the United Kingdom from Canada. And conformably to this anticipation, the act 6 and 7 Vict., c. 29, passed in the course of 1843, reduced the duty on wheat imported from Canada to 1s. per quarter, and proportionally on wheat flour. This act met with much opposition from a part of the agricultural interests in England, who contended that it would lead to the introduction of unlimited supplies of corn from the United States at a duty of only 4s. per quarter, or, allowing for smuggling, at perhaps only half that amount. But experience showed that these anticipations were not likely to be realized; for, though the imports from Canada were materially increased, the obstacles in the way of the importation of corn from the United States into Canada, and the danger and expense of the voyage from Montreal or Quebec to England, must necessarily have prevented the importation through this channel from ever becoming of much importance. Still, however, the measure was in so far an abandonment of the corn laws; and if she was justified in admitting the produce of the United States to her markets in this indirect way, it was not easy to discover satisfactory grounds on which to exclude the produce of other states.—The success of the measures adopted in 1842 encouraged Sir Robert Peel to attempt still more considerable changes in 1845, when he totally abolished the customs duties on no fewer than 420 different articles, some of which were of very considerable importance. The measures then adopted were equivalent, in fact, to the virtual abandonment of the protective system; and under such circumstances it could not be expected that the corn laws, on which so serious an inroad had been made by the Canada act, would be able to maintain their place on the statute book for any very lengthened period.—They might, however, have been continued for some time longer, had not the unsatisfactory corn harvest, and the failure of the potato crop of 1845, made it necessary to adopt measures for averting the anticipated deficiency in the supplies of food. Under the critical circumstances in which the population was then believed to be placed, the temporary suspension of the corn laws could hardly have been avoided; but if once suspended, their re-enactment would have been all but impossible, and it was better by at once providing for their repeal to make an end of the system, and of the dissatisfaction and agitation to which it had given birth, than to endeavor to continue it in any modified shape. Such was the view of the matter taken by Sir Robert Peel, and he fortunately succeeded, despite difficulties that none else could have overcome, in carrying the act 9 and 10 Vict., c. 22, for the immediate modification of the corn laws, and for their total repeal at the end of three years, or on Feb. 1, 1849.—II. Principles of the Corn Laws.—1. *Internal Corn Trade.* It is needless to take up the reader's time by endeavoring to prove by argument the advantage of allowing the free conveyance of corn from one province to another. Every one sees that this is indispensable, not only to the equal distribution of the supplies of food over a country, but to enable the

inhabitants of those districts that are best fitted for the raising and fattening of cattle, sheep, etc., to addict themselves to these or other necessary occupations not directly connected with the production of corn. We shall, therefore, confine the few remarks we have to make on this subject to the consideration of the influence of the speculations of the English corn merchants in buying up corn in anticipation of an advance. Their proceedings in this respect, though of the greatest public utility, have been the principal causes of that odium to which they have been long exposed.—Were harvests always equally productive, nothing would be gained by storing up supplies of corn; and all that would be necessary would be to distribute the crop equally throughout the country and throughout the year. But such is not the order of nature. The variations in the aggregate produce of a country in different seasons, though not perhaps so great as are commonly supposed, are still very considerable; and experience has shown that two or three unusually luxuriant harvests seldom take place in succession; or that when they do they are invariably followed by those that are deficient. Speculators in corn anticipate this result. Whenever prices begin to give way in consequence of an unusually luxuriant harvest, speculation is at work. The more opulent farmers withhold either the whole or a part of their produce from market; and the more opulent dealers purchase largely of the corn brought to market and store it up in expectation of a future advance. And thus, without intending to promote any one's interest but their own, speculators in corn become the benefactors of the public. They provide a reserve stock against those years of scarcity which are sure at no distant period to recur; while, by withdrawing a portion of the redundant supply from immediate consumption, prices are prevented from falling so low as to be injurious to the farmers, or at least are maintained at a higher level than they would otherwise have reached; provident habits are maintained among the people; and that waste and extravagance are checked which always take place in plentiful years, but which would be carried to a much greater extent if the whole produce of an abundant crop were to be consumed within the season.—It is, however, in scarce years that the speculations of corn merchants are principally advantageous. Even in the richest countries a very large proportion of the individuals engaged in the business of agriculture are comparatively poor, and are totally without the means of withholding their produce from market in order to speculate upon any future advance. In consequence the markets are always most abundantly supplied with produce immediately after harvest; and in countries where the merchants engaged in the corn trade are not possessed of large capitals, or where their proceedings are fettered and restricted, there is then, almost invariably, a heavy fall of prices. But as the vast majority of the people buy their food in small quantities, or from day to day, as they want it, their consumption is necessarily extended or contracted according to its price at the time. Their views do not extend to the future; they have no means of judging whether the crop is or is not deficient. They live, as the phrase is, from hand to mouth, and are satisfied if, in the meantime, they obtain abundant supplies at a cheap rate. But it is obvious, that were there nothing to control or counteract this improvidence, the consequence would very often be fatal in the extreme. The crop of one harvest must support the population till the crop of the other harvest has been gathered in; and if that crop should be deficient—if, for instance, it should only be adequate to afford, at the usual rate of consumption, a supply of 9 or 10 months' provisions instead of 12—it is plain that, unless the price were so raised immediately after harvest as to enforce economy, and put, as it were, the whole nation on short allowance, the most dreadful famine would be experienced previously to the ensuing harvest. Those who examine the accounts of the prices of wheat and other grain in England, collected by bishop Fleetwood and Sir F. M. Eden, will meet with abundant proofs of the accuracy of what has now been stated. In those remote periods when the farmers were generally without the means of withholding their crops from market, and when the trade of a corn-dealer was proscribed, the utmost improvidence was exhibited in the consumption of grain. There were then, indeed, very few years in which a considerable scarcity was not experienced immediately before harvest, and many in which there was an absolute famine. The fluctuations of price exceeded everything of which we can now form an idea; the price of wheat and other grain being four or five times as high in June and July as in September and October. Thanks, however, to the increase of capital in the hands of the large farmers and dealers, and to the freedom given to the operations of the corn merchants, we are no longer exposed to such ruinous vicissitudes. Whenever the dealers, who, in consequence of their superior means of information are better acquainted with the real state of the crops than any other class of persons, find the harvest likely to be deficient, they raise the price of the corn they have warehoused, and bid against each other for the corn which the farmers are bringing to market. In consequence of this rise of prices, all ranks and orders, but especially the lower, who are the great consumers of corn, find it indispensable to use greater economy, and to check all improvident and wasteful consumption. Every class being thus immediately put upon short allowance, the pressure of the scarcity is distributed equally throughout the year; and instead of indulging, as was formerly the case, in the same scale of consumption as in seasons of plenty, until the supply became altogether deficient, and then being exposed without resource to the attacks of famine and pestilence, the speculations of the corn merchants warn u. of our

danger, and compel us to provide against it.—It is not easy to suppose that these proceedings of the corn merchants should ever be injurious to the public. It has been said that in scarce years they are not disposed to bring the corn they have purchased to market until it has attained an exorbitant price, and that the pressure of the scarcity is thus often very much aggravated; but there is no real ground for any such statement. The immense amount of capital required to store up any considerable quantity of corn, and the waste to which it is liable, render most holders disposed to sell as soon as they can realize a fair profit. In every extensive country in which the corn trade is free, there are infinitely too many persons engaged in it to enable any sort of combination or concert to be formed among them; and though it were formed, it could not be maintained for an instant. A large proportion of the farmers and other small holders of corn are always in straitened circumstances, more particularly if a scarce year has not occurred so soon as they expected; and they are consequently anxious to relieve themselves, as soon as prices rise, of a portion of the stock on their hands. Occasionally, indeed, individuals are found who retain their stocks for too long a period, or until a reaction takes place, and prices begin to decline. But instead of joining in the popular cry against such persons, every one who takes a dispassionate view of the matter will perceive that, inasmuch as their miscalculation must, under the circumstances supposed, be exceedingly injurious to themselves, there is the best security against its being carried to such an extent as to be productive of any material injury or even inconvenience to the public. It should also be borne in mind that it is rarely, if ever, possible to determine beforehand when a scarcity is to abate in consequence of new supplies being brought to market; and had it continued a little longer, there would have been no miscalculation on the part of the holders. At all events, it is plain that by declining to bring their corn to market, they preserved a resource on which, in the event of the harvest being longer delayed than usual, or of any unfavorable contingency taking place, the public could have fallen back; so that, instead of deserving abuse, these speculators are most justly entitled to every fair encouragement and protection. A country in which there is no considerable stock of grain in the barn-yards of the farmers, or in the warehouses of the merchants, is in the most perilous situation that can easily be imagined, and may be exposed to the severest privations, or even famine. But so long as the sagacity, the miscalculation, or the avarice of merchants and dealers retain a stock of grain in the warehouses, this last extremity can not take place. By refusing to sell it till it has reached a very high price, they put an effectual stop to all sorts of waste, and husband for the public those supplies which they could not have so frugally husbanded for themselves.—We have already remarked that the last remnant of the shackles imposed by statute on the freedom of the internal corn dealer in England was abolished in 1773. It is true that engrossing, forestalling and regrating are still held to be offenses at common law; but there is very little probability of any one being in future made to answer for such ideal offenses.—2. *Exportation to Foreign Countries.* The fallacy of the notion so long entertained, that the prevention of exportation was the surest method of increasing plenty at home, is obvious to every one who has reflected upon such subjects. The markets of no country can ever be steadily and plentifully supplied with corn unless her merchants have power to export the surplus supplies with which they may be occasionally furnished. When a country without the means of exporting grows nearly her own average supplies of corn, an abundant crop, by causing a great overloading of the market and a heavy fall of price, is as injurious to the farmer as a scarcity. It may be thought, perhaps, that the greater quantity of produce in abundant seasons will compensate for its lower price; but this is not the case. It is uniformly found that variations in the quantity of corn exert a much greater influence over prices than equal variations in the quantity of almost anything else offered for sale. Being the principal necessary of life, when the supply of corn happens to be less than ordinary the mass of the people make very great, though unavailing, exertions, by diminishing their consumption of other and less indispensable articles, to obtain their accustomed supplies of this prime necessary; so that its price rises much more than in proportion to the deficiency. On the other hand, when the supply is unusually large, the consumption is not proportionally extended. In ordinary years the bulk of the population is about adequately fed; and though the consumption of all classes be somewhat greater in unusually plentiful years, the extension is considerable only among the lowest classes, and in the feeding of horses. Hence it is that the increased supply at market, in such years, goes principally to cause a glut, and consequently a ruinous decline of prices. These statements are corroborated by the widest experience. Whenever there is an inability to export, from whatever cause it may arise, an unusually luxuriant crop is uniformly accompanied by a very heavy fall of price, and severe agricultural distress; and when two or three such crops happen to follow in succession, the ruin of a large proportion of the farmers is completed.—If the mischiefs resulting from the want of power to export stopped here, they might, though very great, be borne; but they do not stop here. It is idle to suppose that a system ruinous to the producers can be otherwise to the consumers. A glut of the market, occasioned by luxuriant harvests and the want of power to export, can not be of long continuance; for, while it continues, it can hardly fail, by distressing all classes of farmers and causing the ruin of many, to give a check to every species of agricultural improvement, and to lessen the extent of

land in tillage. When, therefore, an unfavorable season recurs, the reaction is, for the most part, appalling. The supply, being lessened, not only by the badness of the season, but also by a diminution of the quantity of land in crop, falls very far below an average; and a severe scarcity, if not an absolute famine, is most commonly experienced. It is therefore clear, that if a country would render herself secure against famine and injurious fluctuations of price, she must give every possible facility to exportation in years of unusual plenty. If she act upon a different system—if her policy make exportation in such years impracticable or very difficult—she will infallibly render the bounty of Providence an injury to her agriculturists; and two or three abundant harvests in succession will be the forerunners of scarcity and famine.—3. *Bounty on the Exportation of Corn.* In Great Britain, as already observed, not only was exportation permitted for a long series of years, but from the revolution down to 1815 a bounty was given on it whenever the home prices were depressed below certain limits. This policy, however, erred as much on the one hand as a restriction on exportation errs on the other. It caused, it is true, an extension of the demand for corn: but this greater demand was not caused by natural, but by artificial means; it was not a consequence of any really increased demand on the part of the foreigner, but of England furnishing the exporters of corn with a *bonus*, in order that they may sell it abroad below its natural price! To suppose that a proceeding of this sort can be a public advantage is equivalent to supposing that a shopkeeper may get rich by selling his goods below what they cost.—4. *Importation from Foreign Countries.* If a country were, like Poland or Russia, uniformly in the habit of exporting corn to other countries, a restriction on importation would be of no material consequence; because, though such restriction did not exist, no foreign corn would be imported unless its ports were so situated as to serve for an entrepôt. A restriction on importation is sensibly felt only when it is enforced in a country which, owing to the greater density of its population, the limited extent of its fertile land, or any other cause, would either occasionally or uniformly import. It is familiar to the observation of every one, that a total failure of the crops is a calamity that but rarely occurs in an extensive kingdom; that the weather which is unfavorable to one description of soil is generally favorable to some other description; and that, except in anomalous cases, the total produce is not very different. But what is thus generally true of single countries, is always true of the world at large. History furnishes no single instance of a universal scarcity; but it is uniformly found, that when the crops in a particular country are unusually deficient, they are proportionally abundant in some other quarter. It is clear, however, that a prohibition of importation excludes the country which enacts it from profiting by this beneficent arrangement. She is thrown entirely on her own resources. Under the circumstances supposed, she has nothing to trust to for relief but the reserves in her warehouses; and should these be inadequate to meet the exigency of the crisis, there are apparently no means by which she can escape experiencing all the evils of scarcity, or, it may be, of famine. A country deprived of the power to import is unable to supply the deficiencies of her harvests by the surplus produce of other countries; so that her inhabitants may starve amidst surrounding plenty, and suffer the extreme of scarcity when, but for the restrictions on importation, they might enjoy the greatest abundance. If the prohibition be not absolute, but conditional—if, instead of absolutely excluding foreign corn from the home markets, it be merely loaded with a duty—the degree in which such duty will operate to increase the scarcity and dearth will depend on its magnitude. If the duty be constant and moderate, it may not have any very considerable effect in discouraging importation; but if it be fluctuating and heavy, it will, by falsifying the speculations of the merchants, and making a corresponding addition to the price of the corn imported, be proportionally injurious. In whatever degree foreign corn may be excluded in years of deficient crops, to the same extent must prices be artificially raised, and the pressure of the scarcity rendered so much the more severe.—Such would be the disastrous influence of a restriction on importation in a country which, were there no such obstruction in the way, would sometimes import and sometimes export. But its operation would be infinitely more injurious in a country which, under a free system, would uniformly import a portion of her supplies. The restriction in this case has a two-fold operation. By preventing importation from abroad, and forcing the population to depend for subsistence on corn raised at home, it compels recourse to comparatively inferior soils; and thus, by increasing the cost of producing corn above its cost in other countries, adds proportionally to its average price. The causes of fluctuation are, in this way, increased in a geometrical proportion; for, while the prevention of importation exposes the population to the pressure of want whenever the harvest happens to be less productive than usual, it is sure, at the same time, by raising average prices, to hinder exportation in a year of unusual plenty, until the home prices fall ruinously low. It is obvious, therefore, that a restriction of this sort must be alternately destructive of the interests of the consumers and producers. It injures the former by making them pay, at an average, an artificially increased price for their food, and by exposing them to scarcity and famine whenever the home crop proves deficient; and it injures the latter by depriving them of the power to export in years of unusual plenty, and by overloading the market with produce which, under a free system, would have met with an advantageous sale abroad. —The principle thus briefly explained shows the

impossibility of permanently keeping up the home prices by means of restrictions on importation, at the same time that it affords a clue by which we may trace the causes of the most part of the agricultural distress experienced in England since the peace. The real object of the corn law of 1815 was to keep up the price of corn at about 80s per quarter; but to succeed in this, it was indispensable not only that foreign corn should be excluded when prices were under this limit, but that the markets should never be overloaded with corn produced at home: for it is clear, according to the principle already explained, that if the supply should in ordinary years be sufficient to feed the population, it must, in an unusually abundant year, be more than sufficient for that purpose; and when, in such a case, the surplus is thrown upon the market, it can not fail, in the event of the average prices being considerably above the level of those of the surrounding countries, to cause a ruinous depression. Now, this was the precise situation of England at the end of the war. Owing partly to the act of 1804, but far more to the difficulties in the way of importation, and the depreciation of the currency, prices attained to an extraordinary elevation from 1809 to 1814, and gave such a stimulus to agriculture, that she grew, in 1812 and 1813, sufficient corn for her own supply. And, such being the case, it is clear, though her ports had been hermetically sealed against importation from abroad, that the first luxuriant crop must have occasioned a ruinous decline of prices. It is the exclusion, not the introduction, of foreign corn that has caused the occasional distress of the agriculturists since 1815; for it is this exclusion that has forced up the price of corn there, in scarce and average years, to an unnatural level, and that, consequently, renders exportation in favorable seasons impossible without such a fall of prices as is most disastrous to the farmer. It may be mentioned, in proof of what is now stated, that the average price of wheat in England and Wales in 1814 was 74s. 4d. per quarter, and in 1815 it had fallen to 65s. 7d. But as these prices would not indemnify the occupiers of the poorest lands brought under tillage during the previous high prices, they were gradually relinquishing their cultivation. A considerable portion of them had been converted into pasture; rents had been generally reduced, and wages had begun to decline; but the legislature having laid additional restrictions on the importation of foreign corn, the operation of this natural principle of adjustment was unfortunately counteracted, and the price of 1816 rose to 78s. 6d. This rise was, however, insufficient to occasion any new improvement; and as foreign corn was now excluded, and large tracts of bad land had been thrown out of cultivation, the supply was so much diminished that, notwithstanding the increase in the value of money, prices rose in 1817, partly, no doubt, in consequence of the bad harvest of the previous year, to 96s. 11d ; and in 1818 to 86s. 3d. These high prices had their natural effect. They revived the drooping spirits of the farmers, who imagined that the corn law was, at length, beginning to produce the effects anticipated from it, and that the golden days of 1812, when wheat sold for 126s. 6d. per quarter, were about to return! But this prosperity carried in its bosom the seeds of future mischief. The increased prices necessarily occasioned a fresh extension of tillage; capital was again applied to the improvement of the soil; and this increase of tillage, conspiring with favorable seasons and the impossibility of exportation, sunk prices to such a degree, that they fell, in October, 1822, so low as 38s. 1d., the average price of that year being only 44s. 7d.—It is thus demonstrably certain that the recurrence of periods of distress, similar to those which have been experienced by English agriculturists since the peace, can not be warded off by restricting or prohibiting importation. A free corn trade is the only system that can give that security against fluctuations that is so indispensable. The increased importation that necessarily takes place, under a free system, as soon as any considerable deficiency in the crops is apprehended, prevents prices from rising to an oppressive height; while, on the other hand, when the crops are unusually luxuriant, a ready outlet is found for the surplus in foreign countries, without its occasioning any very heavy fall. To expect to combine steadiness of prices with restrictions on importation is to expect to reconcile what is contradictory and absurd The higher the limit at which the importation of foreign corn into a country like England is fixed, the greater is the oscillation of prices. If we would secure for ourselves abundance, and avoid fluctuation, we must renounce all attempts at exclusion, and be ready to deal in corn, as we ought to be in everything else, on fair and liberal principles.—That the restrictions imposed by Great Britain on the foreign corn trade down to 1846 should not have been productive of more disastrous consequences than those that have actually resulted from them, is partly and principally to be ascribed to the unparalleled improvement of tillage in that country during that period, and partly also to the great increase that has taken place in the imports from Ireland. Previously to 1806, when a perfectly free corn trade between Great Britain and Ireland was for the first time established, the yearly imports did not amount to 400,000 quarters, whereas in 1866 they amounted to 1,523,460; and any one who has ever been in Ireland, or is aware of the wretched state of its agriculture, and of the fertility of the soil, must be satisfied that a slight improvement would occasion a great increase in her exports to England; and it is not improbable that the check that has been given to the pernicious practice of splitting farms, to the potato culture, and consequently to the increase of a pauper population, may eventually lead to material improvements. Hence it is by no means improbable, seeing the fall that has already taken

place, that the rapid spread of improvement at home, and the growing imports from Ireland, may, at no distant period, reduce prices in England to the level of those of the continent, and even render her an occasionally exporting country. These, however, are contingent and uncertain results; and supposing them to be ultimately realized, the corn laws, had they been maintained on their old footing, would, in the meantime, have been productive of great inconvenience, and would have materially aggravated the misery inseparable from bad harvests.—Nothing but the great importance of the subject could excuse us for dwelling so long on what is so very plain. To facilitate production, and to make commodities cheaper and more easily obtained, are the grand motives which stimulate the inventive powers, and which lead to the discovery and improvement of machines and processes for saving labor and diminishing cost; and it is plain that no system of commercial legislation deserves to be supported which does not conspire to promote the same objects; but a restriction on the importation of corn into a country like England, which has made a great comparative advance in population and manufacturing industry, is diametrically opposed to these principles. The density of her population is such, that the exclusion of foreign corn has obliged her to resort to soils of less fertility than those that are under cultivation in the surrounding countries; and, in consequence, the average prices there are comparatively high. The impolicy of this conduct is obvious. If she could, by laying out £1,000 on the manufacture of cottons or hardware, produce a quantity of these articles that would exchange for 500 quarters of American or Polish wheat; and if the same sum, were it expended in cultivation in England, would not produce more than 400 quarters; the prevention of importation would occasion an obvious sacrifice of 100 out of every 500 quarters consumed in the empire; or, which is the same thing, it would occasion an artificial advance of 20 per cent. in the price of corn. We do not mean to say that this statement exactly represents the amount of injury that was inflicted by the late corn laws; but, at all events, it clearly illustrates the principles which they embodied. But though plainly injurious to the public, it may seem, at first sight, as if this system were advantageous to the landlords. The advantage is, however, merely apparent; at bottom there is no real difference between the interests of the landlords and those of the rest of the community. It would be ridiculous, indeed, to imagine for a moment that the landlords could be benefited by a system in which those fluctuations of prices, so subversive of all agricultural prosperity, were inherent; but though these could have been got rid of, the result would have been the same. The prosperity of agriculture must always depend upon, and be determined by, the prosperity of other branches of industry; and any system which, like the corn laws, is injurious to the latter, can not but be injurious to the former. Instead of being publicly advantageous, high prices are in every case distinctly and completely the reverse. The smaller the sacrifice for which any commodity can be obtained, so much the better. When the labor required to produce, or the money required to purchase, a sufficient supply of corn is diminished, it is as clear as the sun at noon-day that more labor or money must remain to produce or purchase the other necessaries, conveniences and amusements of human life, and that the sum of national wealth and comforts must be proportionally augmented. Those who suppose that a rise of prices can ever be a means of improving the condition of a country might, with equal reason, suppose that it would be improved by throwing its best soils out of cultivation, and destroying its most powerful machines. The opinions of such persons are not only opposed to the plainest and best established principles, but they are opposed to the obvious conclusions of common sense, and the universal experience of mankind.—It would, however, be unjust not to mention that there has always been a large and respectable party among the landlords in Great Britain opposed to all restrictions on the trade in corn, and who have uniformly thought that their interests, being identified with those of the public, would be best promoted by the abolition of restrictions on importation. A protest expressive of this opinion, subscribed by 10 peers, was entered on the journals of the house of lords, against the corn law of 1815. It is said to have been written by the late lord Grenville, distinguished as an enlightened advocate of sound commercial principles. Its reasoning is so clear and satisfactory, that we are sure we shall gratify our readers, as well as strengthen the statements previously made, by laying it before them.—"*Dissentient.* I. Because we are adverse in principle to all new restraints on commerce. We think it certain that public prosperity is best promoted by leaving uncontrolled the free current of national industry; and we wish rather, by well-considered steps, to bring back our commercial legislation to the straight and simple line of wisdom than to increase the deviation by subjecting additional and extensive branches of the public interest to fresh systems of artificial and injurious restrictions.—II. Because we think that the great practical rule, of leaving all commerce unfettered, applies *more peculiarly*, and on still stronger grounds of justice as well as policy, to the corn trade than to any other. Irresistible indeed must be that necessity which could, in our judgment, authorize the legislature to tamper with the sustenance of the people, and to impede the free purchase of that article on which depends the existence of so large a portion of the community.—III. Because we think that the expectations of ultimate benefit from this measure are founded on a delusive theory. We can not persuade ourselves that this law will ever contribute to produce plenty, cheapness, or steadi-

ness of price. So long as it operates at all, its effects must be the opposite of these. *Monopoly is the parent of scarcity, of dearness, and of uncertainty.* To cut off any of the sources of supply can only tend to lessen its abundance; to close against ourselves the cheapest market for any commodity must enhance the price at which we purchase it; and to confine the consumer of corn to the produce of his own country is to refuse to ourselves the benefit of that provision which Providence itself has made for equalizing to man the variations of climate and of seasons.—IV. But whatever may be the future consequences of this law at some distant and uncertain period, we see with pain that these hopes must be purchased at the expense of a great and present evil. To compel the consumer to purchase corn dearer at home than it might be imported from abroad is the immediate practical effect of this law. In this way alone can it operate. Its present protection, its promised extension of agriculture, must result (if at all) from the profits which it creates by keeping up the price of corn to an artificial level. These future benefits are the consequences expected, but, as we confidently believe, erroneously expected, from giving a bounty to the grower of corn by a tax levied on its consumer.—V. Because we think the adoption of any permanent law for such a purpose required the fullest and most laborious investigation. Nor would it have been sufficient for our satisfaction, could we have been convinced of the general policy of a hazardous experiment. A still further inquiry would have been necessary to persuade us that the present moment is fit for its adoption. In such an inquiry we must have had the means of satisfying ourselves what its immediate operation will be, as connected with the various and pressing circumstances of public difficulty and distress with which the country is surrounded; with the state of our circulation and currency, of our agriculture and manufactures, of our internal and *external* commerce, and above all with the condition and reward of the industrious and laboring classes of our community.—On all these particulars, as they respect this question, we think that parliament is almost wholly uninformed; on all we see reason for the utmost anxiety and alarm from the operation of this law. —Lastly. Because, if we could approve of the principle and purpose of this law, we think that no sufficient foundation has been laid for its details. The evidence before us, unsatisfactory and imperfect as it is, seems to us rather to disprove than to support the propriety of the high price adopted as the standard of importation, and the fallacious mode by which that price is to be ascertained. And on all these grounds we are anxious to record our dissent from a measure so precipitate in its course, and, as we fear, so injurious in its consequences."—Attempts have sometimes been made to estimate the pecuniary burden which the restrictions on importation entailed in ordinary years upon England. This, undoubtedly, is a subject with respect to which it is not possible to obtain any accurate data. But supposing the total quantity of corn annually produced in Great Britain and Ireland to amount to 50,000,000 quarters, every shilling added to its price by the corn laws was equivalent to a tax on corn of £2,500,000; and estimating the average rise on all sorts of grain previously to 1846 at 8s. per quarter, the total rise would be £7,500,000. So great a quantity of corn is, however, consumed by the agriculturists themselves, as food, in seed, the keep of horses, etc., that not more than a half, perhaps, of the whole quantity produced is brought to market. If we are nearly right in this hypothesis, and in previous estimates, it will follow that the restrictions cost the classes not engaged in agriculture no less than £3,750,000 a year, exclusive of their other pernicious consequences. Of this sum a *fifth*, probably, or £750,000, went to the landlords as rent; and this is *all* that the agriculturists can be said to have gained by the system, for the additional price received by the farmer on that portion of the produce which is exclusive of rent was no more than the ordinary return for his capital and labor. His profits, indeed, like those of all other capitalists, instead of being increased by this system, were diminished by it; and though, nominally at least, it somewhat increased the rents of the landlords, it is, notwithstanding, abundantly certain that it was anything but advantageous to them. It would have required a far larger sum to balance the injury which fluctuations of price occasioned to their tenants, and the damage done to their estates by over-cropping when prices were high, than all they derived from the restrictions.—5. *Duties on Importation.* A duty may be equitably imposed on imported corn, for two objects; that is, either for the sake of revenue, or to balance any excess of taxes laid on the agriculturists over those laid on the other classes. (Treatise on Taxation, by J. R. M'Culloch, 2nd ed., pp. 193–203.) With respect, however, to a duty imposed for the sake of revenue, it may be doubted whether corn be a proper subject for taxation. At all events, a duty for such an object should be exceedingly moderate. It would be most inexpedient to attempt to add largely to the revenue by laying heavy duties on the prime necessary of life.—If it be really true that, in England, agriculture is more heavily taxed than any other branch of industry, the agriculturists are entitled to demand that a duty be laid on foreign corn when imported corresponding to the *excess* of burdens affecting them. It has been doubted, however, whether they are in this predicament. But though the question be not quite free from difficulty, it would be easy to show, were this a proper place for such inquiries, that, owing to the various local and other direct and indirect burdens laid on the land, those occupying it are really subjected to heavier taxes than any other class. It is difficult, or rather perhaps, impossible, to estimate with any degree of precision what the *excess* of taxes laid on the

agriculturists beyond those laid on manufacturers and merchants may amount to; but it can be shown, that if we estimate it as making an addition of 5s. or 6s. to the quarter of wheat, we shall probably be beyond the mark.—When a duty is laid on the importation of foreign corn, for the equitable purpose of countervailing the peculiar duties laid on the corn raised at home, an *equivalent drawback* should be allowed on its exportation. "In allowing this drawback we are merely returning to the farmer a tax which he has already paid, and which he must have, to place him in a fair state of competition in the foreign market, not only with the foreign producer, but with his own countrymen who are producing other commodities. It is essentially different from a bounty on exportation, in the sense in which the word bounty is usually understood; for by a bounty is generally meant a tax levied on the people for the purpose of rendering corn unnaturally cheap to the foreign consumer; whereas, what I propose is, to sell our corn at the price at which we can really afford to produce it, and not to add to its price a tax which shall induce the foreigner rather to purchase it from some other country, and deprive us of a trade which, under a system of free competition, we might have selected." (Ricardo on Protection to Agriculture, p. 53.)—A duty accompanied with a drawback, as now stated, would not only, under the circumstances supposed, have been an equitable arrangement, but it would have been highly for the advantage of the farmers, without being injurious to any one else. The radical defect, as already shown, of the system followed in Great Britain, from 1815 down to 1846, in so far, at least, as respected agriculture, was, that it forced up prices in years when the harvest was deficient, while it left the market to be glutted when it was abundant. But while a constant duty of 5s. would have secured to the home growers all the increase of price which the regard due to the interests of others should allow them to realize in a bad year, the drawback of 5s., by enabling them to export in an unusually plentiful year, would have prevented the markets from being overloaded, and prices from falling to the ruinous extent that they have occasionally done. Such a plan would have rendered the businesses of the dealers in and growers of corn comparatively secure, and would, therefore, have provided for the continued prosperity of both. It is surprising the agriculturists did not take this view of the matter. If they were really entitled to a duty on foreign corn on account of their being more heavily taxed than the other classes of their fellow-citizens (and they had no title to it on any other ground), they were also entitled to a corresponding drawback. And it admits of demonstration that *their* interests, as well as those of the community, would have been better promoted by such a duty and drawback than they ever could have been by any system of mere duties, how high soever they might be carried.

J. R. M'C. and H. G. R.

CORPORAL'S GUARD, the name given to the few supporters of Tyler's administration, 1841–5. (See WHIG PARTY, II.) A. J.

CORPORATIONS, Law of. A corporation is a body consisting of one or more natural persons, empowered by law to act as an individual, and continued by a succession of members. If it consist of but one member at a time, it is called a corporation sole; if of two or more, it is a corporation aggregate. Bishops, parsons and vicars of the state church of England are illustrations of corporations sole, but in the United States few if any exist. Corporations are also divided into public, or those which are created exclusively for the public interest, as cities, counties, towns, state universities and other incorporated bodies for public instruction, etc.; and private, or those which are wholly or in part for the private emolument of the members, as railroad companies, banks, manufacturing and mining companies, etc. They are further classified as ecclesiastical, or those which are established to secure the public worship of God; eleemosynary, or such as are for the purposes of charity; and lay, or such as exist for merely secular purposes. Lay incorporated bodies are commonly known as civil corporations; but in countries where there is no state church, and where organizations for religious purposes are formed and incorporated at the will of the associates, these are properly classed as civil corporations also. Corporate bodies whose members at discretion fill by appointment all vacancies occurring in their membership, are sometimes called close corporations. —The power to be a corporation is a franchise, which can only exist by sovereign grant, or by prescription which presupposes such a grant; and this, according to the constitution of the country, may emanate either from the executive or the legislature. Formerly, in England, corporations were created by royal charter, but in modern times almost exclusively by parliamentary grant: in the United States only the legislative power can create them. There are two distinct methods in which corporations may be called into being: first, by a specific grant of the franchise to the members; and second, by a general grant, which becomes operative in favor of particular persons when they organize for the purpose of availing themselves of its provisions. When the specific grant is made, it is called a charter: it specifies the grantees, indicates the purpose to be subserved by the corporation, and the powers and privileges it shall possess to that end, perhaps imposes special restrictions upon the corporate action and special liabilities and penalties for abuse, and makes provision for perpetual succession of members by a transfer of interests, or by elections or appointments to fill vacancies. In the case of private corporations the charter must be accepted by the members, since corporate powers can not be forced upon them against their will; but the charter is suffi-

ciently accepted by their acting under it. Public corporations, on the other hand, may be organized at the legislative discretion, without consulting the pleasure of the people incorporated When special charters are not granted, a general law is passed, under which individuals may voluntarily associate, and, by complying with the provisions of the law, take to their organization corporate powers. In some of the United States private corporations are not suffered to be created otherwise than under general laws, and in others public corporations are created in the same way. One reason for forbidding special charters is, to preclude favoritism where the franchise is or may be valuable, and another is, to have uniformity of power and privilege in corporations of a kindred nature, and like rules for all. Some public bodies which exist without special charters are called *quasi* corporations. Of this class are towns, counties and school districts, which differ from cities, boroughs and villages mainly in being less perfectly organized, and having less complete powers of government. A corporation is sometimes said to exist by implication; as where powers are conferred or duties imposed upon individuals which can only be made effective or performed through corporate action; in which case it will be assumed that a corporate entity was intended though the grant does not say so.—A corporation must have a name, by which it shall be known in law and in the transaction of its business, and be capable of suing and being sued. The name will be given to it in its charter or articles of association, and must be adhered to, though doubtless a corporation might render itself liable on engagements assumed in another name which it had used as its own, and it is possible for a corporation to have two names, as has sometimes been the case with municipal bodies, which are permitted to make contracts or bring suits in one name for one purpose, and in another name for another.—The particular powers and privileges which a corporation has under its grant, are called its franchises. The following franchises are said to pertain to all corporations: *first*, the power of perpetual succession of members; *second*, the power to sue and be sued in the corporate name, and to transact in that name all such business as is within the intent of the grant; *third*, to purchase, take and hold property, and to sell and convey the same, except as may be forbidden; *fourth*, to have a common seal under which to transact its business, and to alter the same at pleasure; *fifth*, to make by-laws for its government, provided they be not unreasonable or inconsistent with law. In respect to each of these attributes a few remarks are essential.—1. The succession of members is kept up in different ways according to the nature of the corporation. In a municipal corporation in the United States the members are the citizens; the number is indefinite; one ceases to be a member when he changes his residence, while every new resident becomes a member when by law he becomes entitled to the privileges of local citizenship. On the other hand, in Great Britain, the corporate powers of municipalities have until recently been in the hands of small and self-elective councils, but this was changed for England in 1835, and soon after for the other two kingdoms, and a popular character given to all these municipal bodies by general law. In corporations created for the emolument of their members, interests are represented by shares, which may be transferred by their owners, and the assignee becomes entitled to the rights of membership when the transfer is recorded; and if the owner dies, his personal representative becomes a member for the time being. In such corporations also shares may be sold in satisfaction of debts against their owners.—2. The necessity for the use of the corporate name in the transaction of business, flows from the fact that, in corporate affairs, the law knows the corporation as an individual, and takes no notice of the constituent members — 3. The power to purchase and hold property is commonly limited by express law. The English mortmain acts, passed to prevent the accumulation of real estate in the hands of ecclesiastics, have not been re-enacted in this country; but it has been customary, in granting charters, to limit the value or amount of property which the corporation chartered may purchase or hold; and, if the limit is exceeded, the state, on the proper inquiry, may take it away. A purchase in excess, however, would be good as against all other parties.—4. It was formerly supposed that a corporation could transact no business except under its corporate seal; but now it is only in the execution of solemn instruments, such as deeds, bonds, mortgages, etc., that the seal is commonly used. Most of the business of the corporation is necessarily carried on with as little formality as it would be if transacted by an individual. For example, a mining corporation will employ agents and workmen, make contracts of purchase and sale, and carry on its mining operations, without any reference to or use of a corporate seal, unless the instrument to be executed is such that a seal would be essential if made by an individual; in which case the corporate seal must be employed. —5. The laws which corporations may make for their own government are made under the several heads of by-laws, ordinances, rules and regulations; and they are made by the governing body for any object not foreign to the corporate purposes. A municipal corporation, for example, makes ordinances for the cleaning and lighting of its streets, for the government of its police force, for the beautifying and regulation of its parks, for the supply of water to its citizens, and for the punishment of all breaches of its regulations. A railway corporation establishes regulations for signals, for the running of trains, for the receipt, forwarding and delivery of freight, and for the observance by passengers of good order and prudent conduct on the cars. The power to make such regulations is essential to the proper conduct

of any business, since the general law of the state can not descend to such minutia, especially in matters in respect to which frequent changes might be desirable and necessary. But the by-laws must not be inconsistent with the charter, nor with the general law of the land. A municipal corporation, for example, could not pass retrospective ordinances for the punishment of petty offenders, because retrospective laws are forbidden by the constitution; nor could it forbid the use of its streets by others than its own citizens, because by the general law of the state all highways are open to the common use of all the people. And a railroad company could not make a rule that it would carry goods for one class of persons only, because, as common carrier, the law of the state requires it to carry impartially for all. The requirement that all by-laws shall be reasonable is equally imperative; since otherwise they might provide for indifferent matters to an extent that would be intolerable. A railroad company may properly and justly require every passenger to remain upon the car until it is brought to a stand, because prudence and safety require this; but a regulation that no one should leave his seat after taking it until he left it to leave the car would have no such considerations to support it. The question what is and what is not reasonable is one of law.—In strictness corporations have no extra-territorial existence; for one state can not create corporations for another. In respect to private corporations, however, the comity of states has gone a great way in permitting to them the full exercise of powers in other states which they may lawfully exercise within the state from which they derive their charter. For example, a mining corporation chartered in Massachusetts or New York may have its field of operations in Colorado or Nevada, and by comity the courts of those states will recognize and protect it, and enforce contracts and other obligations by or against it. But there are some limits to this comity, in the very nature of things. If, for example, a railroad company should be chartered in New Jersey, with no personal liability on the part of the stockholders, the comity of states would not require that it be suffered to build a railroad in Michigan, under whose constitution corporators in all private corporations are made responsible for labor debts. So a lottery company chartered in Kentucky can have no claim, by the comity of states, to do business as a corporation in Indiana or Ohio, whose laws forbid lotteries; and in all cases any general policy of the state into which a foreign corporation comes to do business must limit the requirements of comity. The operations of municipal corporations, from their very nature, must be local; though for the purpose of enforcing rights, they might be and would be suffered to bring suits abroad when necessary. Some other corporations are also always considered local, because each state is likely to have a policy of its own in respect to them. This is particularly the case in respect to banks.—Every corporation must confine its operations within the sphere of its chartered powers; if it acts beyond these, it acts *ultra vires*. Thus it is *ultra vires* for a bank or an insurance company to construct a railroad; and any contract for that purpose would be void, because the sovereign, in granting the franchise to be a corporation, has given it for a particular purpose, and by implication limited its authority to that purpose. So a municipal corporation can not engage in trade, or build roads or canals outside its limits, or contract debts for any but municipal purposes. So one corporation can not consolidate itself with another, unless by express authority of law, and the governing board of a corporation can not sell its franchises and thus terminate its power to perform its functions; for the members are elected to continue the corporation, not to destroy it. The question of *ultra vires* may almost always be raised by or against a corporation, though there are a few cases in which either party might be estopped from relying upon it. For example, if a corporation by its charter has power to issue negotiable paper, and does so for an unauthorized purpose, the paper may nevertheless be good in the hands of a *bona fide* holder; and a private individual who should obtain municipal moneys under an unauthorized arrangement would not be able to defend his retention of it under the plea of *ultra vires*.—Most important questions frequently arise respecting the power to control corporations and their business, and to limit or take away any of their franchises. It should be observed, that in the United States the creation of corporations is a state function, except that in the territories and the District of Columbia the general government may create them, though it usually leaves this to the local legislature when there is one. When a state charters a public corporation, it does so for convenience in properly performing its own functions, and the corporation is considered a part of the machinery of state government. This charter the state may alter and amend at discretion, or it may repeal it and substitute a different one or none at all in its place. With all this the general government has nothing to do; and the corporation is so essentially a part of the state that the general government can no more tax it or its property than it could tax the state itself. In general, also, the state may control the corporation in the management and disposition of its property, though it could not take the property away and apply it to uses not local. It is only of grace if the state consults the locality in respect to the local powers or the framework of local government. Marked differences appear when private corporations are considered. The corporators in these exercise their own discretion in the acceptance of the charter, and if they do accept it, they are supposed to do so from a consideration of their own interest, while the state is supposed to grant the charter from a consideration of public advantage. Thus in giving and accepting a charter,

the state and the corporators occupy the position of contracting parties, the state granting franchises which are to be the consideration for the performance by the grantees of the corporate functions. The charter thus constitutes an inviolable contract, and the interests of the corporators therein are in the nature of property, and can not be taken away by the state which has granted them. This very important principle has led to serious inconvenience in some cases of ill-advised and improvident grants of corporate powers, and it has been deemed necessary to impose restraints upon the power to make such grants. One important restraint consists in limiting corporate grants to some short period; say to 30 years, so that the grant, if otherwise improvident, must soon terminate. Some states, by their constitution, impose this limitation; so that corporate grants are restricted to the period named, whether mentioned in the charter or not. Another and still more important restraint is a provision making the charter subject to alteration, amendment and repeal at the will of the legislature. This, also, has in some states been made a part of the constitution. It must be evident that the differences in the charters must make great differences in the legislative power of control, and we shall briefly indicate what these are under the different circumstances — 1. While the state which has granted a municipal charter has full power to alter, amend or repeal it at discretion, it has no such right as to the charter of a private corporation, unless the right was reserved in granting the charter. And under the head of charter here, we include general laws of incorporation as well as special grants, though the former will always be repealable so far as concerns organizations to be made in the future. —2. Any corporation, whether its charter is amendable or not, is at all times subject to the exercise of the general police powers of the state. These powers have for their object the general regulation of rights for the common good; they are supposed to take away no rights, but to harmonize the enjoyment of all. The whole property of the country is subject to the police power, and so is the use of all public easements and other public rights. Every man in general is permitted to manage his property to please himself; but a merchant would not be suffered to store powder in a densely built part of a city, because it would be dangerous to others; and a lot owner would be forbidden to build of combustible materials in the same quarter, for the same reason. So the use of dangerous fluids may be altogether forbidden, though private citizens may desire it. Corporations can claim no exemption from these rules. A few cases will be mentioned in which corporations have contested regulations made by law, upon the ground that they exceeded the proper scope of the police power, and were in effect amendments of their charters. One of these is the regulation that corporations—and natural persons as well—shall be liable to a private action for damages in case death shall be caused by their negligence or default. No such action would lie at the common law, and the responsibility might therefore well be said not to be within the contemplation of the parties granting and receiving a charter before any such liability was established. But such a regulation is perfectly just, and damages will be payable under it only where there is fault. It tends to make all parties more circumspect and careful; it makes life safer; it imposes upon a corporation no obligation except to conduct its business without fault or negligence. And no one can claim a contract right to be exempt from responsibility for wrongs. On the other hand, it has been justly held that the legislature could not impose upon a railroad corporation the obligation to meet the funeral expenses of any one dying from casualty or other cause on its cars, irrespective of any fault on its part. Another of these is the regulation that railroad companies shall fence their tracks, and shall be liable for all cattle killed or injured in consequence of the regulation not being complied with. This regulation presents more opportunity for question than the last, but it has, nevertheless, been universally sustained, as being necessary for the protection of the traveling public, and therefore proper, even if no other considerations were involved Another is, the requirement that a flagman shall be stationed at all dangerous railroad crossings. The limit to the exercise of the police power in these cases has been said to be this: the regulations must have reference to the comfort, safety or welfare of society; they must not be in conflict with any of the provisions of the charter; they must not, under pretense of regulation, take from the corporation any of its essential rights or privileges which the charter confers. In short, they must be police regulations in fact, and not amendments of the charter in curtailment of the corporate franchise. And here it should be said that the charter may unquestionably contain provisions in limitation of the police power, and constituting, nevertheless, a part of its contract obligation. Thus, though under the police power, a state may, as we have seen, compel a railway company to fence its track, yet if it should grant a charter expressly providing that the corporation should not be under that obligation, the police power would to that extent be limited by the charter contract. But the authority of the state to contract not to exercise any of its essential powers can not extend very far: if it were unlimited, the government might, by injudicious action, deprive itself at length of the power to fulfill the purposes of its creation. It is certainly not within the province of the state to bind itself by contract to permit those things which are immoral, and which are prejudicial to the state for that reason. It has often been held competent to forbid altogether whatever the public sentiment of the state pronounced immoral and mischievous, notwithstanding contracts might thereby indi-

rectly be affected or defeated. Thus, the manufacture and sale of intoxicating drinks may be prohibited, though the effect of the prohibition would be to preclude corporations established to manufacture such liquors from any further exercise of corporate powers. So lottery corporations may indirectly be annihilated by making the drawing of lotteries penal. If this were otherwise, a public nuisance might be made perpetual, by giving to the parties responsible for it a corporate charter.—3. Where a charter is made subject to amendment or repeal at any time, the corporators must be understood to have confided such interests as they acquire under their charters to the sense of justice and fair dealing on the part of those who administer the affairs of the state; and if they are wronged, it is because the confidence proves in the particular case to be misplaced, or because the state errs in its judgment of what is just. For example, if a railroad charter is subject to amendment, the state may so amend it as to require the company to establish a certain station and erect suitable structures to accommodate its business at that point. A more severe amendment might be one limiting the charges the company should be at liberty to make for the transportation of persons and freight. It is conceivable—though too improbable to be seriously apprehended—that these charges might be so limited as to render the operation of the road a practical impossibility; and, without doubt, under the power to repeal, the corporate franchises might be taken away altogether, and the interests of the corporators thereby rendered of little or no value. But the power to repeal in such cases may fairly be understood as reserved for cases of gross and manifest abuse of corporate powers and privileges, or for such great and unanticipated changes as should render the exercise of such powers and privileges mischievous, or at least, unimportant.—4. There is a class of cases in which it has been held that the state possesses an exceptional power of control, which at first blush seems to be inconsistent with the property rights of the corporators, and may be exercised so unjustly and unfairly as in effect to appropriate those property rights for the common benefit. One of these concerns the tolls or other charges that may be levied or made by those corporations which are chartered to facilitate public travel or trade. There is no doubt whatever, irrespective of any reserved power to amend, that the state may legislate to compel such corporations to deal impartially with the public, and may therefore forbid a railway company imposing upon the people of one locality heavier charges than those imposed upon the people of other localities for similar services. But it is going but a step further to forbid the company making excessive charges to any one; and it seems to be now settled, that, where the charter of the company contains no provision that would be violated thereby, it is competent for the state to limit its charges so as to prevent injustice and extortion, and to require that its tariffs for passage and freight shall be fixed at stated periods, and remain unchanged until another of those periods shall arrive. It is not pretended that the state could have any such power in the case of corporations in general; but those which are permitted to furnish to the state its principal avenues of trade and commerce, and are clothed with important public functions to that end, may well be held to occupy a peculiar position, and to be subject to peculiar restraints because of their extraordinary privileges. It has been held, also, that corporations whose business and circumstances were such as to give them a practical monopoly of some branch of traffic which concerns the general public—such as corporations owning and controlling the elevators for the receipt and storage of grain at important points—were subject to have their charges limited in the same way. But in the case of railroad companies and elevator companies, it is the nature and circumstances of the business that give this exceptional power of restraint and control, and not the fact that they possess corporate powers.—The cases in which legislation has been held to violate the obligation of charter contracts demand brief attention. The first of these concerned Dartmouth college, whose charter was a royal grant, and reserved no power of amendment. The state undertook to amend by various provisions, which, among other things, greatly changed the governing board and popularized its membership. No doubt it might do this under its general legislative authority, but for a provision in the constitution of the United States which expressly declares that no state shall pass any law impairing the obligation of contracts. This case first presented the question whether such a charter was a contract, and it was decided by the supreme court of the United States in the affirmative. Of course, any important change therein which the state had not reserved the power to make, would impair its obligation; and the legislation in question was therefore declared invalid. Another representative case was that of the taxation of the Ohio state banks. They had been organized under charters which expressly provided how and to what extent they should be taxed; but the state subsequently undertook to tax them differently. They denied the right of the state to do this, and brought the issue for decision to the federal supreme court. That court sustained the position of the banks. It was conceded that the state possessed the general power to tax, and that all persons, rights and things within the state were subject to it. It was also conceded that all presumptions were against any intention on the part of the state to limit or restrain this power. But it was nevertheless declared, that the state, for a consideration satisfactory to itself, might contract not to exercise the power in respect to particular subjects or things, or only to exercise it in the manner agreed upon, and that such a contract was obligatory. The state of Ohio was found to have made such

an agreement with its banks, and the attempt to avoid it was therefore enjoined. For another representative case, that of the Binghamton bridge may be taken. The state of New York had granted the franchise of constructing a bridge across one of its rivers at a named point, and of charging and collecting tolls for its use. Subsequently, it made another grant for the construction of another bridge, which would be a competitor with the first for the same business. The first grantees contested the second grant, contending that a certain provision in their own grant was equivalent to an undertaking on the part of the state that no other should be given, but theirs should be exclusive. It was conceded, that, if they were right in their view of the proper construction of the charter, their position was impregnable, and it was judicially determined that they were. These cases are sufficient to show, not only the protection which corporations have in the case of stipulations relied upon as contracts, but also the great danger that states may prejudice the interests of their people by ill-advised and especially by exclusive grants. It should be observed of exclusive grants, however, that the state possesses an undoubted right to appropriate them, or allow them to be appropriated, for public purposes, on making compensation therefor.—Corporations are said to be immortal. This phrase was in common use when it was customary to give grants without limitation of time, but it has an application to all corporations in the sense that they do not perish when their members die. The members change, but the corporate entity is unchangeable. The king of Great Britain and Ireland is a corporation sole, and in contemplation of law there is never a time when there is not such a monarch. "The king is dead; long live the king!" But corporations may cease to exist in various ways. 1. The abolition of a system to which corporations pertain would abolish all such corporations. Thus, if the state church of England were abolished, many corporations sole would disappear with it. 2. A corporation ceases to exist when it was limited by its charter to a certain period of time, and that period has elapsed. 3. A corporation may be terminated by a repeal of its charter when a right to repeal was reserved. If, however, the right was only reserved to repeal for abuse or forfeiture of corporate powers, the abuse must be judicially determined; for this presents a question on which the corporators have a right to be heard and to present their evidence. 4. Corporators may voluntarily surrender their franchises to the state; and the law makes provision for dissolution in this manner, and for the application of the assets to the satisfaction of claims upon them. 5. In the case of some corporations, the natural death of all the members may operate as a dissolution; but this could only be the case when they were not owners of property interests which would pass on their death to representatives, and when there was no means of supplying the vacancies. 6. A corporation may be dissolved by a judicial finding of forfeiture. Of this, it is to be observed that the question of forfeiture is one which only the state can raise. If causes of forfeiture exist, the sovereignty may waive them, and individuals will not be permitted, in their own suits, to raise questions of forfeiture. The proceeding to determine a forfeiture is commonly one by *quo warranto*, or some analogous statutory proceeding, and the corporation is summoned by the state to meet the charges made against it. These may be either charges of misuser or non-user; and for either a forfeiture may be declared.—It was the old rule, that, when a corporation ceased to exist, its real estate reverted to the former owner, and its personal estate passed to the sovereign. But the general rule now is, that, where the property is derived from the corporators, it is considered in equity as belonging to them on the dissolution, subject to the payment of the corporate debts; and statutes are passed for the winding up of the corporate concerns and the division of the property. It is usual, also, to provide for the winding up of corporations which are found to be insolvent.—Every corporation is said to have a visitor, who is a person entitled of right to inquire into its concerns and investigate the corporate management. In case of a charity founded by private benevolence, the founder is the visitor, but in the United States the general rule is that the legislature possesses the visitorial powers.

THOMAS M. COOLEY.

CORPORATIONS, Economic and Social Relations of. Incorporation is the creation by law of an artificial person out of one or more natural persons. The artificial person thus created is a corporation. Its personality is an abstract conception of the intellect, unassociated with that of the persons from whom it is created, and its existence is ideal only. One may be curious to know historically the first appearance of this conception which has been such a powerful agent in the development of society, but it is lost in the obscurity of that marvelous youth of the world in which so many great things had their beginning. Numa and Solon are said to have established corporate bodies politic, though of their real constitution little is known, but the conception is sufficiently abstruse to vindicate for it a Greek, or even, as has been suggested, a more oriental origin. Its practical application for municipal, ecclesiastical and business uses has had its fullest development under English and American law, but the conception came undoubtedly into that law fully formed from the Roman civil law. In some particulars, as in the case of corporations sole, the idea of a juridical personality has been carried beyond the limits of the civil law. But in the organization of cities, in the colleges of priests and of the vestal virgins, and in the trading societies of the Roman state, will be found the anticipation of our municipal, ecclesiastical and

business corporations such as now exist for almost every purpose in which the public activities of natural persons are engaged. We are not likely to exaggerate in our conception of the distinctive personality of these mythical beings, who are nevertheless actual members of the community. They may perform nearly all the acts that natural persons may, but these are in no sense the acts of their various members. They act by their respective names and corporate seals, not by the persons who compose them. In the language of lord Coke a corporation "is invisible, immortal, has no soul, neither is it subject to the imbecilities or death of the natural body." These words have attracted animadversion, but they are substantially accurate. If all the members be collected, one does not see the corporation. It may be sued, but if every member appear, the corporation has not answered the writ. It may own property, real and personal, but the members will have no property or any right in any part of it. It may owe debts of which the members owe nothing. It may convey, but the deed of all the corporators will convey nothing from it. It may contract, but the bond of all of them will create upon it no obligation. It is a citizen of the state by whose sovereignty it is created, and its action is determined by the mere majority of its members. All the members, however, may change, but it remains unchanged. They may succeed each other indefinitely, so that they may die, but the corporation remains immortal.—This immortality of corporations asserted in the quaint language of Coke above quoted, has engaged some dispute, but it is made none the less true by the fact that modern statutes do in particular instances limit their duration. Affirmative limitations may be imposed upon them by the state in respect of their perpetuity, of their power to hold or convey property in its various forms, of their modes of action or otherwise. But in their original conception and institution, as they exist under the civil or common law, in the absence of affirmative limitations, corporations have nearly all the powers and more than all the immunities of natural persons. They may hold and convey all forms of property, and by succession of their members have the capacity of unending duration, with the boon forgotten by Tithonus, youth and vigor unaffected by the lapse of time.—In the earlier times private companies seem to have been allowed to incorporate themselves at pleasure. But such liberty was early restrained, and incorporation could be gained only by the decree of the senate or of the emperor. There is such substantial reality in the personality of these mythical creations, that they are practically so many more persons added to the active and industrial population of the state; and it is obvious that the range of action of such a person is in distance and time far beyond that of natural persons. It is this independent personality of a metaphysical person, combined with this potential immortality enabling a continued effort and a concentration of means to an end to be accomplished, beyond the limits of natural life or the means of natural persons, that gives to these invisible and intangible persons their power and utility, and their intimate relation to the entire historical development of society. The idea of incorporation, in some of the forms in which it has been applied, has been the most effective and beneficent agent of civilization, and it is capable of being so in all. It is precisely this fact which underlies the uneasiness of the public in its relation to these bodies, for were it otherwise, society would immediately relieve itself by their extinction.—Until a very recent time the most important use of corporate organization has been in its application to municipal government, and to ecclesiastical and eleemosynary institutions. The corporate character of the various municipal governments of the cities in the ancient states gave them an individuality admirably adapted to the development of political order in combination with civil liberty. It enabled the community to press for and hold civil rights and privileges which enured to the benefit and liberty of the individual citizen. And when the central dominion of the imperial city and its citizenship was destroyed, it left these separate municipalities with their corporate forms and local citizenship. Some of these, as Florence, successfully resisted subjection to the *governo di un solo*, to the domination of the feudal chiefs, mostly German, who came from north of the Alps; and they furnished types for the free municipalities of northern Europe, which, during many centuries of social misery and oppression, gradually secured and held important civic privileges, and developed the civil liberties of our times. When the English law came to deal with the principle of incorporation, it was found of easy and convenient application to a vast variety of political and social purposes. Municipal organizations, with rights of election of representatives, came rapidly into existence. Even the unbroken succession of the powers of sovereignty came to rest upon the establishment of the theory that the king is a corporation sole; and similar results were obtained upon the same theory in the case of other public officers, as in the case of the parson of a parish. The principle was applied to the upholding and perpetuity of ecclesiastical institutions, as well as of educational and charitable ones, and in later times its application to trade and various forms of commercial use has attained an extent, very difficult to realize, in enterprises of proportions sufficiently large to make it important that their administration should be freed from the limitations incident to the short life of natural persons, and should extend over wider range than can be usually attained by their resources. It is readily seen, therefore, that this principle is intricately and extensively inwrought into the constitution and working of modern society, and it is not too much to say that without this the present high development of society could not be maintained at all. The invention of rapid and powerful means of

locomotion has, in very modern times, even within the memory of men still living, brought about stupendous changes in the conditions under which men live in society. The immeasurable and economical power of steam, applied to land and ocean carriage, has brought into the closest relations all the peoples and all the productive forces of the more civilized parts of the earth. In place of the violent migrations of whole peoples in vast and aggressive masses, such as have characterized some historical epochs, the voluntary movement of individuals and of families has made the most surprising changes in populations. Perhaps more of the inhabitants of northern Europe have during the present century come into the territory of the United States than in the centuries from Theodosius to Charlemagne passed into the southern Roman provinces and effected their complete transformation in population, manners and law. The same facility of intercommunication has widened the market for every production, whether of land or labor, of every country, so that in every part of at least the civilized world the populations have come to derive from remote regions a large part of the essential elements in the support of human life in clothing and subsistence. The products of the Mediterranean coasts, of Sabaean Yemen and Celebes, are found in every part of the world. The manufactures of Europe and of America are everywhere consumed in clothing and habitations; and the provisions and agricultural products of the United States have become essential elements in the subsistence of all civilized peoples. All these things are transported throughout the world with such facility, and in such quantities, that in every locality the principal part of the population has come to depend, and to be dependent, in a greater or less degree, for clothing and subsistence upon the products of remote places or countries. These quantities can not be represented by figures that convey any idea to the mind. No community now lives altogether within itself, and every one year by year does so less and less; but it produces what it finds profitable and depends upon a system of exchanges for whatever else it needs. And this inter-relation has become so close that any material change in the amount or cost of production or in the cost of transportation of the more important articles used in communities—for example, breadstuffs and provisions, manufactured cotton or woolen goods, the machinery and tools of the mechanical arts—must draw after it a corresponding change throughout the framework of society. An arrest of the manufactures of England would be felt with distress throughout the world. A cessation of the supply of grain, cattle and provisions from the western states would bring New England and the Atlantic states to the border of famine, and would be not unlikely to reinstate the disturbed conditions of the English land tenure. In the present condition of society any change in the cost of transportation brings a corresponding change in the ratio of every man's resources to the cost of subsistence of himself and his family. Whatever affects one affects the other, and the poorer the individual the more serious is the relative interference. When the invention of modern powers and methods of locomotion made communication between widely separated localities so feasible, it presented enterprises of a magnitude and range before unknown. In the presence of such as were involved in the transportation of the products of the western states to the eastern, and to the seaboard for the supply of foreign markets, the capabilities of ordinary persons were conspicuously inadequate. But the changed condition of society found these mythical beings ready to spring into existence, with powers and endurance adequate to any requirement. They have enormously multiplied in the last few years. Unincumbered by the infirmities of natural persons, for them no aggregation of capital or of physical forces is too great, nor any enterprise too vast or long enduring. Their administrative powers may expand from such as conduct the smallest enterprises to such as equal or surpass those of political governments; so that it has come about that this whole matter of transportation has passed into the hands of corporations. The business of transportation properly includes all corporations engaged in the storage and transfer of freight, the carriage of persons, of parcels, of messages, and everything which relates to the intercommunication which is promotive of commerce, and it is easy to see that their relations to society are of the most intimate and involved character, and that their stupendous powers are exercised directly upon the ratio of the resources to the subsistence, not of individuals here and there, but of every person in every community. These are new conditions in human life. No such gigantic social power has ever existed in the world before. The conditions are not temporary. They are permanent and in process of development, and society must permanently adjust itself to them What is true of one class of these bodies in these respects is, in varying degrees, true of all others. At one time they came into particular antagonism with society when they had withdrawn about one-fifth, and appeared to be withdrawing into perpetual tenure nearly all of the landed property of England The burden of that mischief, however, bore altogether upon the privileged and landholding class and not upon the people at large, who merely labored on but did not own the land. Nearly if not quite all the modern states guard themselves against the recurrence of this mischief by statutes that limit the holding of realty in corporate tenure; and at the present time the corporations that are concerned with transportation illustrate, more vividly than others, the vital relations for good and evil that these extraordinary creatures of the imagination practically sustain to the commonwealth. — Potent and beneficent as these institutions have been, and essential as they are to uphold the high and complex organization of modern society, a feeling of extreme

uneasiness pervades the community concerning their action. The sources of this uneasiness are many. It is believed that the element of incorporation, which is a grant of sovereign prerogative, is not used fairly in the relation which the power it confers sustains to the public interest which is affected by its exercise. While the most important of the social, not political, machinery of the country is passed into the hands of corporations, because the work is too great for individuals and requires the combined capital and efforts of thousands, it finds, in connection with public advantage on a wide range and to a high degree, a development, nevertheless, of social mischiefs of menacing magnitude. Apprehension is founded, not in the idea that corporations acting in the legitimate exercise of their powers, vast as they are, menace in any way the commonwealth, so much as in a conviction that the control of these powers is inadequately guarded, and that they may be and are seized upon by irresponsible persons who abuse them in their personal interest. By some means the courses of trade seem to be disordered. The enterprises are so great that they exclude competition, except between corporations, and, even among them, except between the largest. The competition that remains between these bodies concentrates business at a few points and in the hands of a few men. The most extraordinary differences in the cost of equal service, involving destructive discriminations against extensive regions, are established, and are explained and defended as being made compulsory by competition. The various arrangements by which earnings are pooled must be classed as efforts to evade the effect of competition, and to coerce the payment of prescribed rates by the destruction of every alternative. Whether these results of a carrying system, based on the natural principle of competition, show this to be a mistaken policy, and that in an artificial society, some special artificial system for this must be devised, time will show. By their instrumentality very great fortunes have suddenly accumulated in the hands of individuals, and not only this, but by this means, and by the operation of the principle that a mere majority determines corporate action, an almost irresponsible control is obtained over enormous amounts of the money of other people. This facilitates in practical affairs the concentration of the absolute control of a number of related corporations, all acting directly upon the most vital relations of society, in the hands of a few persons actually owning but a small proportion relatively of their stock. This involves the development of a social power in the hands of mere citizens, unprecedented in society and overshadowing mere political powers, for it acts directly, as has been said, on the relation between the resources of every man, even the poorest, and the cost of subsistence of himself and his family. It may be borne in mind that the powers whose burdens in every time past have produced popular discontent and led on to revolution, have been social and not political ones. That it is possible for any individual to start with nothing and in a few years come to the irresponsible administration of such a force, for private uses, is evidence that at least the sources of so great a social power are at present very insecurely guarded. This is not the place for a discussion of the debated and debatable questions of the time. We are seeking merely to indicate the social relation of these corporate persons, and the tendency of the proper use and of the abuse of their peculiar constitution. Society will be sure to establish for itself such safeguards as justice and sound economy may dictate. The courts have held that corporations are amenable to the control of the state in their business and property and rates of charge, to *at least* the same extent as natural persons are, unless they are freed from such control by elements of contract in their charters; and there are those who insist that the state can not in any way disengage itself from its elements of sovereignty nor part with its legislative or judicial powers. It is impossible that any principle of law can exist, under whatever formula it may be said to lurk, which requires society to be still while it is financially despoiled or is otherwise menaced in the beneficent working of its organization. It is possible that the necessary subordination of any prerogative or power to the general advantage of society may no longer require violence more or less revolutionary, and that the confirmed progress of public thought may safely rely for effect upon the prudent action of the courts and the various legislative bodies. It will be a noble illustration of advance in civilization and in social order if, by these peaceful and intellectual methods, the structure of society shall gradually and prudently be made to undergo the modifications which the better thought and maturer wisdom that come with time and experience will make as inevitable in the future as they have made corresponding changes inevitable in the past.

EDWARD S. ISHAM.

CORRUPTION IN POLITICS. Montesquieu, as is well known, distinguishes three forms of government, the republican, monarchical and despotic; and, after having described their nature, he lays down the *principle* which is the essence of each of them. Thus, he attributes *virtue* to the *republic*, *honor* to *monarchy*, and *fear* to *despotism*. —As nothing in this world can escape decay, Montesquieu rightly sought to discover how corruption is brought about, and how it manifests itself in each form of government.—We quote, for the reader's convenience, the most salient passages of the eighth book of this author's immortal work, *Esprit des Lois*.—Chap. I. "Corruption, in every form of government, almost always begins with the corruption of its principle."—Chap. II. "The principle of democracy is corrupted, not only by the loss of the spirit of equality, but also by the assumption of too extreme an equality,

whereby each one wishes to be equal to those whom he has chosen to command him. Then the people, unable to endure the power which they themselves confer, wish to do everything themselves; to deliberate for the senate, to enforce the laws for the magistrate, and to divest the judges of their power."—Chap. VII. "The principle of monarchy is corrupted when the highest dignities are the marks of the first servitude, when the great are deprived of respect for the people, and made the vile instruments of arbitrary power. The corruption is still greater when honor and honors are made contradictory terms, and a man may be at the same time loaded down with infamy and dignities. It is corrupt when the prince changes his justice into severity; when, like the Roman emperors, he arms himself with a Medusa's head; when he assumes the threatening and terrible air which Commodus used to give to his statues."— Chap. X. "The principle of the despotic form of government is always corrupt, because it is corrupt by its very nature. Other governments perish because particular accidents violate their principle; but a despotism perishes of its own innate viciousness, unless some accidental causes prevent its principle from working its own ruin."—Chap. XI. "When the principle of a government is once corrupted, the best laws become bad, and are turned against the state: when its principle is sound, even bad laws have the effect of good ones, the strength of the principle draws everything with it."—Our ideas differ but little from those of this illustrious author; except that events have crowded one upon another in the past hundred years as perhaps never before, and we have learned more in one century than our ancestors did in twelve or fifteen. We would distinguish only two *elementary* or simple forms of government, which may exist each alone, or in combination. In one of these simple governments the supreme power belongs to the people, to the mass of citizens; in the other, the supreme power is in the hands of an individual or a family, and the people have no share in it. The former is the republican form of government; the latter, absolute monarchy.—We regard a very strong feeling of the dignity of the citizen as the only sure basis upon which a republic can be lastingly established. Love of country—it is thus that Montesquieu defines *political virtue*—moves mountains, but only when it is excited by danger. To fight the country's enemy it inspires strength and prompts to the greatest sacrifices. But most men are more easily led to make one immense effort of short duration than to endure a long, uninterrupted succession of very slight sacrifices. Love of country does not, therefore, suffice as a basis for a republic; and it would, moreover, be an act of injustice toward the other forms of government to consider them as deprived of the vivifying fire which bears the name of patriotism.—Dignity, therefore, or self-respect, joined to the love of liberty, is the principle of republics, the soul of true democracy. Wherever this self-respect is wanting, equality, and even patriotism, will not prevent corruption; and we here take the word in its double acceptation of *deterioration*, which is the meaning generally given to it by Montesquieu, and of *peculation*, which is the sense in which it is more commonly used in our own day. Egoism, and the desire of gain (avarice, as Montesquieu calls it), are passions always alive in man; and, if he does not find a check to them in the tribunal of his own conscience, how can he resist temptation?—History would furnish us abundance of facts, if we wished to cite examples of this truth. We might speak of the Dutch republic, or the men in power in it, all of whom, except four (two of whom were the two de Witts), accepted the gold of Louis XIV., knowing that that monarch proposed to invade their native country. The frugality which reigned in Switzerland, the extreme simplicity of the mode of life of this people, did not prevent the descendants of the conquerors of Morgarten and Sempach, the sons of those who, in 1551, voted a law forbidding the canvassing of bailiwicks, or the offices which were merely honorary—these Swiss, we say, afterward went so far as to sell unblushingly, in full assembly, to the highest bidder, the judgeships and other lucrative employments of the country when divided into cantons. Zschocke, who relates this fact in his *Histoire de la lutte et de la destruction des républiques democratiques de Schwytz, Uri et Unterwalden*, also relates that they put up at auction even the highest offices of the republic, as that of *Landammann*, the highest country magistrate in some Swiss cantons; and when some few dared to protest against this abuse, the people expressly decreed, in 1680, that whoever criticised it should pay a fine of a hundred crowns, and should be deprived of the right of citizenship. (p. 99)—We refrain from looking for acts of corruption in modern republics, especially in the United States, for fear of too abundant a crop We merely desire to demonstrate that *virtue* (in the sense in which it is used by Montesquieu) does not prevent a democracy from becoming corrupt —Besides, in citing the example of Switzerland, we have been enabled indirectly to refute Macchiavelli, who seems to believe that a people once corrupted can not be regenerated; for we can not find in Switzerland to-day the abuses which reigned there two centuries ago. It proves, moreover, that Montesquieu also was deceived, as may be seen by referring to the passages which we have quoted above.—Thus we see, that, in popular governments, corruption in all its forms begins below, or, rather, with the masses of the population: there can here be no question of corrupters. If, later on, the governing part of the nation exerts an evil influence on the part that is governed, it is because the former proceeds from the latter, and returns to it, "dips into it again," and becomes a more perfect expression of its defects as well as of its good qualities.—In a monarchy, on the contrary, we may suppose a line of demarcation clearly drawn

between the sovereign and his subjects; but that the prince may exercise a corrupting influence is none the less admissible. The servility of subjects certainly is not calculated to inspire the sovereign with much moderation in the use of his authority, but it is evident that absolute power generally precedes servility.—But if the monarch is powerful for evil, because men choose their models from among those in high stations, he is able also to do good, and put an end to corruption, at least in a certain measure. To the general corruption of morals he should oppose the purity of his own life, and should know how to prevent peculation by good laws, and by a policy as just and liberal at home, as it is honest and dignified abroad.—If corruption of morals, especially among those who are invested with power, may be met with under both the simple forms of government, might it not be possible to find a combination which would unite the essential principles of each of them in such a manner that one would serve as a check upon the other, and thus prevent any deterioration? Able minds have considered it possible, and to this end have extolled constitutional government. There is reason to believe that this form of government delays, if it does not put an end to, corruption of morals, and abolishes or lessens acts of peculation.—Everybody knows, for instance, that the ministers of Charles II. and those of queen Anne made no scruple of selling the secrets of their sovereigns to Louis XIV.! It is known that projected attacks were betrayed by the minister of war, and failed by reason of his treason! A little later minister Walpole became a corrupter, but even then men hardly dared to accept a foreign bribe. Walpole tried his influence upon the members of parliament. These facts very soon became of rare occurrence.—Publicity greatly aids morality in free governments. Corruption could not long withstand the attacks made upon it in parliament, in the press, and in pamphlets. Publicity is the best means of inspiring self-respect, which is the surest safeguard against the strongest temptations.—We have yet to refer to the question raised in some treatises on the law of nations (Martens, Klüber), whether or not it is permissible to corrupt the ministers, ambassadors, generals or subjects of an enemy. It has even been asked whether it is allowed to use corruption among friendly nations. But as we condemn corruption when practiced in the camp of an enemy, we need not say what we think of the attempt to inflict this injury upon an ally. We know, that notwithstanding all we can say, more than one will, in practice, continue to use money as an auxiliary; but, no matter how vain our endeavors, we can not but contend against abuse. Corruption is always and in all cases a crime in him who corrupts as well as in him who is corrupted. MAURICE BLOCK.

CORTES is the name given in Spain and Portugal to the parliament, which is composed of two chambers. The history of the cortes is very interesting This assembly, or rather these assemblies, for there was one in Castile, one in Aragon and one in Navarre, exercised great power and effectually limited the power of the king, as long as the feudal system flourished. For its remarkable details we must refer our readers to the history of Spain. But upon the dissolution of the feudal system and the establishment of standing armies, the cortes lost their power, though not without a struggle. They have regained it only after many centuries of obscurity and humiliation. Their actual organization is based upon the principles in force in all modern constitutional states. M. B.

COSMOPOLITANISM is a sentiment which embraces the whole human race. The cosmopolitan is a *citizen of the universe*, therefore he finds the popular patriotism which confines all its love to the country of one's birth too narrow. There is nothing better than cosmopolitanism when it is an extension of patriotism, when it is genuine philanthropy; but what shall we say of the man who wishes to substitute for patriotism a sentiment so vague that it lacks body and becomes a misty unreality? Does he not mistake the shadow for the substance? To estimate with accuracy how these two sentiments differ in intensity, we have but to remember how many millions of men have died for their country, and how few have sacrificed themselves for the good of mankind at large M. B.

COST OF COLLECTION OF TAXES. By this expression is meant the expenses necessitated by the collection of the taxes, the salaries of agents and the support of the branch of the administration intrusted with the duty of collecting them. It represents the difference between the sum paid into the treasury and that paid by the taxpayers. The lessening of this difference must be the result of a good system of collection. It depends, therefore, upon a good mode of assessment of the taxes; on a systematic, wise and perfect administration. It is, in many respects, the expression of the order and justice with which the finances are managed.—We quote the following from J. B. Say (*Cours*, part viii., chap. 6): "I read in a memoir of Hennet, first commissioner of the finances, that, in 1813, France, which then consisted of 130 departments, in order to obtain 170,000,000 francs from the lands and domains subject to taxation, had to assess the tax payers 240,000,000, that is, 70,000,000, or 41 per cent. for the cost of collection." "In England, before Sully's time, the cost of collection amounted to 500 per cent.; to-day [Say wrote in 1829] it is hardly 5 per cent. of the entire receipts."—According to this, the cost of collecting taxes has been wonderfully lessened in France since 1813; for, in 1854, it was hardly more than 5 per cent. in 86 departments. The figures given for the epoch previous to Sully, seem very much ex-

aggerated, if we compare them with Froumenteau's curious book (*le Secret de finances*, 1580, book i., p. 142), which gives the total receipts for 31 years, ending Dec. 31, 1580, at 1,453,000,000 livres, of which only 927,000,000 were paid into the royal treasury: the difference is 526,000,000, or 57 per cent., the cost of collection.—Necker, in his *Administration des finances* (1785, chap. iii.), estimated the total cost of the collection on receipts to the amount of 557,500,000 francs, or 585,000,000, including the "corvees," and the costs of distraint and seizure, constituting the entire tax of France, at only 58,000,000, or 11⅗ per cent. A calculation of Eugene Daire, based on the results of the budget of 1842 (*Annuaire de l'economie politique de* 1844, p. 84), puts the cost of collection at 132,000,000 upon a gross receipt of 1,130,000,000, or 13½ per cent. of the sum actually paid into the treasury for public purposes. According to this the administration of the finances of France in 1854 did not differ from the administration before the revolution, if Necker's statement be correct.—We would remark that, in general, the cost of collection of the tax imposed upon the manufacture and sale of a product is greater than the cost of collection of the taxes called indirect, which are levied upon objects of general consumption; and the cost of collecting these latter is greater than that of collecting direct taxes upon land, personal property, doors and windows, income, etc. JOSEPH GARNIER.

COST OF PRODUCTION. Every economic theory has a value independent of its truth. It has a place in the history of philosophy, in addition to the claims it may possess for the light it throws on phenomena and their laws. No economist could now deny that writers on political economy have for the most part overestimated the adequacy of their method and the certainty of their conclusions Yet some of the doctrines that have the least claim to unconditional acceptance contain elements of practical truth, and are replete with instruction in relation to the course of philosophical thought, and the causes which have governed the development of economic science in particular. Of these few better deserve attention than the theory of cost of production, which fills so large a space in the systems of Ricardo and J. S. Mill. The main principle of that theory is that the products of equal exertion and sacrifices, or of equal labor and capital, under free competition, are ordinarily, or on the average, of equal unchangeable value. Ricardo further held that capital is but the accumulated product of labor, and that cost of production resolves itself into quantity and quality of labor; a doctrine in which he has been followed in substance by J. S. Mill and other eminent writers. Four questions, then, arise for consideration: Is cost of production resolvable simply into labor? In other words, are no other important agents besides human labor employed in production, and properly included in its cost? Is the value of things produced under free competition determined by their cost of production? If not, what is the real relation between cost of production, in the true meaning of the phrase, and exchangeable value? And what was the origin of the theory that the natural, and on the average the actual, value of things is determined by the cost of producing them?—The doctrine that all industrial products, including capital itself, are the produce of labor, has furnished the German "social-democrat" with his chief argument for the claim of the working class to all the wealth produced in the country. The elaborate sophistry of Karl Marx and Lassalle rests on the assumption that labor is the sole productive agent, and that the laborers are therefore entitled in equity to the whole annual produce, but that, under the modern structure of society, they are defrauded by capitalists of a great part of it as profit. It must be confessed that the language of J. S. Mill gives countenance to this proposition. The two elements, he says in his "Principles of Political Economy," on which, and on which alone, the gains of the capitalist depend, are, first, the productive power of labor, and secondly, the proportion of the produce obtained by the laborers themselves. The cause of profit, he states again, is that labor produces more than is required for its support, and the general profit of the country is always what the productive power of labor makes it: if the laborers collectively produce 20 per cent. more than their wages, profits will be 20 per cent., whatever prices may be. Yet it does not appear that Mr. Mill, in analyzing profit into remuneration of superintendence, interest and insurance—a faulty analysis, it may be observed, in respect of insurance, which forms part of the cost of production, not of profit—regarded the direction or management of industrial enterprise simply as a species of labor, in the economic sense of the word; and in one of his essays he has pointed out that its remuneration is governed by different laws. The German social-democrat at any rate ignores this element, although it is often the chief factor employed in a business. Mind, not muscle or manual labor, is the principal agent in modern economy. The water power of Niagara will one day be utilized for industrial and commercial purposes, not by the hands of myriads of laborers, but by the thought of a single brain. The steam engine is now the prime instrument of production, and its inventor, Watt, often complained that the main difficulty of constructing it arose from the ineptitude of the workmen. Would it not be ungrateful, too, on the part of mankind, to say that they owe no part of their wealth to the productive powers of the lower animals? Has the horse contributed nothing to it by his strength, activity and patience? Do cows and sheep produce nothing for men? Adam Smith has in one passage expressly included the work of animals under the head of labor; and when he speaks of "the annual labor" of every country as the source of its wealth, he

manifestly means to comprehend all the productive agencies that are briefly summed up in the three terms, land, capital and labor. Can a capitalist diminish any part of his outgoings without diminishing his returns, or augment his returns without increasing his outlay? his profit will be raised, and he may accomplish both without any change in the quantity, efficiency or price of the human labor he employs, by economy and improvements in the use of his other auxiliaries. Given the gross produce of a country, the total amount, according to Ricardo's and Mill's theory of cost of production and profit, ought to be divisible between laborers and capitalists, and the share of the laborers would thus determine both the outlay of the capitalists and their rate of profit. But the outgoings essential to production, and by consequence the total returns, include many other elements—animals and their food, fuel, artificial light, seed, manure, materials, machines, buildings; all of which make demands, over and above wages, to sustain production, on the gross returns to industry. Wages remaining the same, capitalists may augment the proportion of the returns to the outgoings, by diminishing the expense or augmenting the efficiency of any of the other elements. There is no machine at present moved by steam that does not waste the greater part of the power given out by the fuel, and a signal economy in the cost of production, with an immense and simultaneous increase in efficiency and result, might be obtained by mechanical improvements in this respect, without of necessity cheapening in any degree the aid of manual labor. Capitalists who employ horses for draught, or raise cattle or dairy produce for the market, may so breed, feed, house and manage their animals as to get a higher rate of profit, while paying the same price as before for human labor. It is curious that J. S. Mill, who so strenuously contended that a demand for commodities is not equivalent to a demand for labor, should have overlooked the fact that commodities may be produced with little or no co-operation on the part of hired laborers. In the sixteenth century it was the cry in England that the land fed sheep and herds instead of men, because wool and meat could be grown without the help of the peasant's arm. By skillful precautions the managers of industrial enterprises might greatly diminish the accidents and losses which form a large item in their outgoings, and reduce the outlay on insurance, which often forms a considerable part of the cost of production, not, as J. S. Mill's analysis represents, of profit. The capitalists of a fertile country might obtain an immense quantity of produce, and reap an enormous profit, with no aid from human labor, by the skillful use of mechanical, chemical and other natural powers, and the help of horses and other animals. In a new region, where only the best soils and sites for production yield rent, the cost of production may be considerably less than in an old country where every acre bears a high price.—The doctrine that cost of production, in its ultimate analysis, is resolvable into the cost of labor, in the ordinary sense of the term labor, thus falls to the ground; and with it falls the claim made by the German socialist, on behalf of the class of hired laborers, to the entire produce of enterprise, sacrifice, forethought, invention, science, and all the powers of nature that knowledge and skill can call to the aid of the capitalists.—The question follows, whether, under free competition, the value of commodities depends on their cost of production. An affirmative answer is based by a great school of economists on the argument that competition equalizes the remuneration of equal exertions and sacrifices; since, it is argued, the supply of things which yield less, will decline, while the production of things whose price is more than ordinarily remunerative will increase. Hence, prices on the average, it is inferred, must yield wages and profit proportionate to the amount of labor and capital employed; or, in other words, must correspond with cost of production. The argument, it should be noted, assumes not only free competition but full information. It assumes that every man in business, or about to enter it, knows the cost at which everything is produced, the mode of its production, the profit or loss of producing it, the improvements impending, and the manner in which the market will be affected by fluctuations in trade, credit and speculation. The truth is, that in a country at an advanced stage of industrial progress, the immense area of commerce, the multitude of employments, the incessant changes in the processes of manufacture, and in the channels of trade, together with the violent oscillations of prices, make a survey of the whole field, and a comparison of the probable gains of each occupation, impossible. Hundreds of new trades come into existence every year, and no man in a great industrial city knows so much as the names, or even the number, of its different employments, much less their condition and prospects. In an age of constant improvement in the instruments of production, and of frequent invention of new methods and new products, it is obvious that articles which have been the result of a great outlay may suddenly sink in value, or be superseded altogether by a discovery, or a cheaper or inferior commodity. The eminent English economist, W. Nassau Senior, though an adherent to the doctrine that value depends on cost of production, remarked that there was, in all probability, some iron in use that had been produced before the Norman conquest. Did cost of production govern value, we should see iron selling at a number of widely different prices, according to the expense of producing it by different processes at different periods.—The answer attempted to such arguments is, that doubtless there are occasional and temporary divergences of price from the standard of cost, but the "tendency" "on the average" and "in the long run" is to a scale of prices which yield average profits and wages to the producers, and so conform to the rule. The use

made by writers on political economy of such loose equivocal phrases as "tendency," "on the average," "in the long run," "in the absence of disturbing causes," has been justly protested against as inaccurate, misleading and unscientific. But in fact a great superstructure has been built by its advocates on the doctrine that cost of production determines value, without qualification of any sort; and, in truth, the foundation was laid for the sake of the superstructure. A long chain of deductions could be sustained if the first link could anyhow be made to hold together. A great part of the theory of taxation set forth in most economic treatises rests on the assumption that any additional burden on a special class of producers must add to the cost of production and therefore be compensated in prices. Whereas prices conform so slightly to cost of production in many cases that a fall may follow a tax; or the tax may be the last load that breaks the back of the camel, and may ruin some of the traders who have to advance it —The doctrine of Carey with respect to the cost of reproduction makes a closer approximation to the real relation between value and cost, yet it can not be accepted as an adequate formula, or as containing the true law of value. The price of iron, coal, corn, cotton and many other commodities may deviate widely from the cost of obtaining a new supply. A change, too, in demand, or the invention of a new article, may supersede altogether the use of a thing, and render its reproduction unprofitable. It is, moreover, the cost of production, not of reproduction, that acts on supply; and it is the relation between demand and supply that ordinarily governs value. The element of truth contained in J. S. Mill's theory is simply that cost of production, by affecting supply, does indirectly affect value, but its influence in that respect is uncertain and irregular, and no rigorous deductions can be drawn from it. —The theory of "natural" values and prices, conforming to cost of production, originated in a comparatively early and stationary industrial world, in which employments for the most part were simple and well known, and few changes in the methods or cost of manufacture, or in prices, took place in a generation. Adam Smith, indeed, expressly and emphatically limited the doctrine that competition equalizes the wages and profits of different employments to well-known trades in the same neighborhood, and unaffected by speculation, novelty or accident. The idea of "natural" value and price, "natural" wages and profits, harmonizes with the dominant conception of a "natural" order of things which pervaded the philosophy of Adam Smith's age. In the relation of the theory of cost of production, as shaped by Ricardo and J. S. Mill, to an ideal system of nature which had come down from ancient Greece and Rome, we discover an instructive example of the causes that govern the course of human philosophy. The instance illustrates, too, the advantage of the historical method, which examines how theories grew up, and what is their relation to the condition of society and the dominant modes of thought in the age which gave them birth. T. E. CLIFFE LESLIE.

COSTA RICA is one of the small republics of Central America. When its independence was declared, this country was less advanced than other parts of the vast Spanish possessions in America; but under the intelligent direction of several able presidents, especially of the two Moras (1824–32 and 1851–60), its industrial population reached a condition of general comfort, and some of its inhabitants succeeded in amassing very large fortunes. This prosperity was not a guarantee against wars and revolutions. When not entangled in the political difficulties of neighboring states, it found within its own boundaries certain adventurous or ambitious spirits who did not hesitate at conspiracy in order to accomplish their designs. And it requires but very little to insure success to a revolution in Costa Rica. We shall not stop to examine any of the numerous constitutions of this country, which are violated as soon as voted, but will confine ourselves to the following general indications.—The republic of Costa Rica extends over about three degrees of latitude (from 8° to 11° 16′), and an equal number of Paris longitude (85° to 88°); it is washed by the waters of both the Atlantic and Pacific, and by lake Nicaragua; its northern frontier joins the state of that name, and its southern boundary reaches to the isthmus of Panama (United States of Colombia, formerly New Granada). Its territorial area is estimated at 2,300 square leagues, and its population at 127,000 inhabitants. Agriculture is the chief occupation of the people; there is little industrial activity, but commerce is comparatively more developed. The aristocracy of the country is composed both of merchants and landed proprietors.—The principal products of the country are, besides the ordinary articles of food, coffee, cocoa, sugar cane, and some others peculiar to inter-tropical countries. The coffee crop may be reckoned at 11,000,000 or 12,000,000 pounds. The sugar cane and cocoa culture are of much less importance. These products form the bulk of the export trade of the country. The import trade includes all manufactured products and tobacco. The imports of Costa Rica are estimated at 6,000,000 francs, and its exports at 7,000,000. The country also has mines of iron and various other metals. Its principal port is Punta-Arenas, on the Pacific ocean. Fifty or sixty vessels, having an aggregate tonnage of 15,000 or 20,000 tons, enter this port, and about the same number sail from it, on an average, each year. The seat of government is San José, a city of about 16,000 inhabitants. The revenues amount to a little over $1,500,000, and the expenses to nearly $1,600,000 yearly. The state debt is over $3,000,000. The monopoly of tobacco, the customs duties, and the tax imposed on alcohol, form the principal sources of income to the treasury. There is, strictly speak-

ing, no standing army: the militia consists of 5,000 men, 200 of whom are in turn called on to serve as a national guard. Public education is progressing. The Catholic religion is professed by all the native inhabitants. M. B.

COUNCIL (IN U. S. HISTORY). I. The name given to the upper house of the territorial legislatures.—II. Under the colonial governments the council, legislative council, or executive council, was a body partaking of the nature and functions of an upper house of the legislature, and of a privy council. The name was retained for the upper house of the legislature by Delaware until 1792, by Georgia until 1798, by South Carolina until 1790, and by Vermont until 1836. (See TERRITORIES, ASSEMBLY.) A. J.

COUNCILS. These are assemblies of Catholic prelates, which decide questions of faith, or draw up rules concerning discipline. In modern times these meetings are made up of prelates only; but in early ages, and particularly at the council of Nice, priests and also deacons were admitted to seats, and took part in the deliberation of councils. This appears clearly from the passage in the Acts of the Apostles: *Convenerunt apostoli et seniores videre de verbo hoc.* The Latin *seniores* and the Greek word πρεσβύτεροι, mean priests.—At Nice the priests and the deacons took their seats with the bishops; and Eusebius, in his life of Constantine, says that there were present at that council more than 250 bishops, and that a considerable number of priests, deacons, acolytes and others took part in the sessions, and signed their names to the decrees.—It must not be supposed that these priests had only the right of assisting at the councils. It is certain that they spoke and subscribed to the acts. In the council of Aquilea, held in 381, St. Valerian of Aquilea held the first place, and St. Ambrose was the soul of the assembly. The latter asked the priest Attalus whether he had subscribed to the council of Nice. As Attalus gave no answer, because he favored Arianism, he was questioned again by Ambrose in these terms: *Attalus, presbyter licet inter Arianos sit tamen habet auctoritatem loquendi, profiteatur utrum subscripserit tractatu concilii sub episcopo suo Agrippino an non?* It is evident from these words that simple priests had the right to speak in councils and to sign their acts. We dwell on this to show that there was more liberty in the primitive than in the modern church.—In reality, this latitude left to simple priests was altogether in accordance with the fraternal habits for which the primitive church was distinguished. The questioning of St. Ambrose reveals also the remarkable toleration of the first centuries, which permitted even the Arians, who denied the divinity of Christ, to take part in the debates of these assemblies, which undoubtedly had a character of grandeur and solemnity.—According to St. Augustine, the keys were given to the whole church in the person of St. Peter, and consequently to the bishops and priests. From this the cardinal of Arles, Louis Aleman, infers that the priests form part of the council, though it is composed mainly of bishops. The celebrated Gerson, chancellor of the university of Paris, thinks that prelates of the second order, that is priests, should have the decisive voice in the council.—The reality of this right of simple priests in the primitive church has been frequently contested. It has been said that signing the acts of a council alone is not proof of having been judge in a council, and that the priests represented the pope or bishops; but there is not a shadow of doubt in regard to this privilege of simple priests in the first ages of the church, for it was too much in the nature of things. It is true that the question is one merely of archeology; since for a long time past bishops alone form the councils.—The origin of councils goes back to the time of Constantine. During the persecutions the prelates had not the possibility of instructing the people, and Constantine, in order to suppress the heresies which naturally sprang up, granted the bishops permission to come together.—The most remarkable of those councils was undoubtedly that of Nice, where a second creed was drawn up, in imitation of the apostles'. National councils had been held before that of Nice, notably in Africa, in the time of St. Cyprien, that of Elvira, in the beginning of the fourth century, and that of Iconium, in 251. Cardinal Bellarmin founds the necessity of councils on these words of Jesus Christ, which, according to the council of Chalcedon, should be understood of these assemblies, "where there are two or three," etc., and upon the fact that the apostles did not wish to decide on the observance of ceremonies of the law without a council. He founds it also on the custom of the church which held councils to decide in doubtful cases.—Councils owe their origin to the necessity of preserving the faith one and intact, by inquiring what is the general sense of the church. Councils are general and particular. General, or œcumenical, councils were convoked in primitive times by temporal princes, the first, that of Nice, by Constantine; but since the division of empire into various nationalities, councils were convoked by the popes; and it is the opinion of Gratian, that as an incontestible principle, the pope alone has the right of calling general councils. *papæ est generalia concilia congregare.* Nevertheless, the second general council, the first of Constantinople, was convoked by Theodosius the Great. The third general council, the first of Ephesus, was called by Theodosius the Younger. The fourth general council was called at Chalcedon, at the reiterated request of St. Leo, it is true, but by Marcian. Justinian summoned the fifth œcumenical council to assemble at Constantinople. The sixth general council, the third of Constantinople, was assembled by the emperor Constantine Pogonatus. The seventh general council, and second of Nice, was convoked by the empress Irene and Constantine her son. The eighth general council, the fourth of Constantinople, was

convoked by Basil, the Macedonian. From this time the councils were convoked by the pope, for Christians, divided into several states, rendered political obedience to various princes. To which of these princes could the right of convoking councils belong? In this situation of affairs the councils were naturally called by the popes, but with the consent of the temporal princes, which had been expressly reserved, and who could grant or refuse to the bishops permission to assist at the councils. Up to the eighth council, the emperor alone had the right to assemble these great bodies, in which questions of faith and worship were settled.—It was natural to lay down the principle that he who occupied the chair of St. Peter, from which sacerdotal unity sprang, should have the duty of assembling the universal church: but it is to be noted that Christian princes must give their consent to the calling of a general council by the pope; for the bishops are subjects of the temporal princes and can not leave their churches without his consent. General councils, therefore, can not be brought together canonically, and proceed legally, without the concurrence of Christian princes who represent the nations over which they rule, and of the spiritual power.—Some authors go further, and think that Christian princes may of their own will convoke an œcumenical council, the primitive right of the emperor up to the eighth council being in no way destroyed, but in a state of abeyance. To this must be added the difficulty experienced by the bishops in satisfying the wishes of the prince in opposition to the will of the pope, and *vice versa*. —There is a case in which some writers think that the cardinals can convoke a general council, that is, when it is a question of judging the pope himself. During the schism of Avignon, when the chair of St. Peter was occupied by two popes, Gregory XII. at Rome, and Benedict XIII. at Avignon, the cardinals assembled at Leghorn, and it was decided that they could hold a council. When differences arose between Julius II. and Louis XII., king of France, five cardinals assembled a council, in the year 1511, with the consent of the emperor Maximilian and king Louis XII.—We have seen the right of calling a council recognized in the emperor, the pope, Christian princes, and even cardinals. Another authority, that of councils themselves, might cause the holding of a council. This was the case in the council of Basle, the decrees of which Charles VII. caused to be embodied in the pragmatic sanction.—The convocation of œcumenical councils by princes, included, first of all, the bishop of Rome as such, and as chief of the church. No general council is legal if it have not the pope's consent, and if he be not invited to assist at it. In their edicts of convocation, the princes first notified the bishop of Rome, the bishops of Constantinople, Alexandria, Adrianople, Jerusalem, etc.—In the case of an œcumenical council, it is necessary to invite to it all the bishops of Christendom. The pope addresses a solemn bull of invitation to the princes and metropolitans, fixing the time and place of the council. The princes are invited to assist at them, either in person or by their ambassadors. This bull enjoins on bishops to be present. The metropolitans, in turn, after having obtained the authorization of the prince, notify their suffragans, by circular letters, to attend the council.—*Κανονίζειν και δογματίζειν*, to draw up articles of faith and enact canons, *i. e.*, to settle questions of faith and discipline, is the task councils propose to themselves as their field of action. The church declares what is of faith and what is not, and it lays down the law in matters of mere discipline. Everything pertaining to discipline is laid down in the canon law.—The presidency of general councils is very naturally accorded to the pope as bishop of the first see, the centre of Catholic unity, and the head of all the churches. In his absence, the legates of the pope take the presidency, which formerly belonged of right to the patriarchs. The rank of bishops at a council, and the order of subscribing their names to its acts, are determined by the date of their ordination.—In the deliberations of councils the discussion of questions is fixed for certain stated times, and there are separate meetings for the proposing of questions and the pronouncing of decrees. This is done only after private meetings of the bishops have been held. The fathers of the council deliberate among themselves, at first quasi privately. Afterward a report of these latter proceedings is laid before a larger meeting, and bishops are called in who had not assisted at the quasi-private meeting. The question is now taken up anew and decided upon previous to bringing it before a public session of the council. Votes are taken by nations.—A delicate question now arises: should the decisions of councils be approved by the popes, in order to their validity? The approbation of the sovereign pontiff is doubtless of great weight; but should he refuse to subscribe to a council, or not accept the decision of the universal church, then the general council may exercise its authority against him as against the other members of the church. This was decided by the council of Constance and that of Basle.—The supreme authority of general councils is exercised only in matters of faith, and not of discipline.—Particular councils are of three kinds: national, provincial and diocesan.—National councils are those which are convoked by the prince or the patriarch, or by the primate. In these are assembled the bishops of all the provinces of the country. The authority of the national councils is great, and approaches that of œcumenical assemblies. The wisdom of the Gallican church has caused Christians of other lands to show great respect for the national councils of France, which knew how to uphold and preserve the liberties of their church, always distinguished as it was by a spirit comparatively progressive and advanced.—Provincial councils are those convoked by a metropolitan or archbishop, and in which the clergy of their provinces

are assembled by these prelates. In these councils are discussed and decided questions of faith; and rules relating to discipline, the correction of abuses and the reformation of morals, are passed. Bishops are not permitted to hold a council without the consent of their archbishop. The bishops are obliged, under the most severe penalties, to be present at such councils to the end.—Diocesan councils are called synods. They are held by all bishops, and are composed of abbots, priests, deacons and other clergy of the diocese. The sixteenth council of Toledo states that these assemblies are convoked that the bishop may inform his clergy and his flock of all that has taken place and been decided upon in the provincial council. the bishop who fails to do this is deprived of communion for two months. Although provincial councils are no longer in use, synods are still held. Prelates seek through them to reform or prevent abuses.—The object of the first council held by the apostles, in the year 50, was the abrogation of the ceremonies of the Mosaic law. The decision of the council was sent to the church of Antioch by the apostles, the priests, and all the church of Jerusalem. It was couched in these words: "It has seemed good to the Holy Ghost and to us not to impose on you other burdens except that you abstain from meats offered to idols, from strangled animals, from blood and from fornication." St. Peter presided at this assembly. The sacramental formula: *it has seemed good to the Holy Ghost and to us*, explains the character of the decision which followed; it was considered an oracle of the Holy Ghost.—The council of Nice was resolved upon in 325, by Constantine, to destroy the heresy of Arius, a priest of the church of Alexandria, who attacked the divinity of Jesus Christ, and declared that the Son of God is not equal to his Father in all things. The œcumenical council refuted the innovations of Arius. It opposed to them the authority of the Holy Scriptures and declared that Jesus Christ is the true Son of God, equal to his Father, his virtue, his image, ever subsisting in Him; in a word, true God. It expressed the indivisible unity of their nature by the word *consubstantial*. Then the council drew up the profession of faith known as the Nicene creed. All the bishops except the Arians subscribed to this creed, and pronounced anathema against Arius and his followers.—The council of Constantinople, held in 381, had to combat the heresy of Macedonius, a semi-Arian, who had usurped the see of Constantinople, and attacked the divinity of the Holy Ghost. It reiterated the decrees of the council of Nice; and, in confirming the creed of that council, it added certain words to it to explain that which it already contained touching the incarnation of the Son of God and the divinity of the Holy Ghost.—The schism of the Donatists, who refused to recognize Cecilian, bishop of Carthage, because illegally ordained, was terminated by the celebrated conference of Carthage, over which St. Augustine presided: it laid down as a principle the unity of the church, which was not to be departed from.—The Englishman Pelagius, in 442, denied original sin, and the necessity of the Redeemer's grace. Two councils, held, the one at Carthage, the other at Mileve, defined that the sin of Adam had been transmitted to his descendants, and that without interior grace one can do no work conducive to salvation.—The semi-Pelagians, priests of Marseilles, admitted original sin, but said that man could merit this grace by a beginning of faith, by a first movement toward virtue, of which God is not the author. St. Augustine combated this doctrine, which he deemed erroneous; and the second council of Orange decided that, if any one claimed that either the increase or even the beginning of faith is not the effect of the gift of grace, but that this disposition is formed naturally in us, he contradicted the apostolic dogmas.—The general council of Ephesus, held in 431, opposed the heresy of Nestorius, bishop of Constantinople, who taught that there are two persons in Jesus Christ, and that the virgin Mary should not be called the mother of God, but the mother of Christ. It declared: "Let these impious errors be anathema! Anathema against whoever holds this doctrine, which is contrary to the Holy Scriptures and the tradition of the fathers!"—Nestorius had divided the person of Christ; Eutychius confounded the natures of the person of Christ; and the councils of Chalcedon, assembled in 451, declared that we should confess one and the same Jesus Christ our Lord, true God and true man, perfect in both natures; consubstantial with the Father, according to his divinity, and with us according to his humanity.—The œcumenical council held in 553, which was the second of Constantinople, condemned the three Nestorian works, the one of Theodoret, the other of Ibas, the third of Theodore.—The sixth œcumenical council, the third of Constantinople, declared against the doctrine of the monothelites, who maintained that there is in Jesus Christ but one will and one operation, and defined that there are two wills and two natural operations, and forbade the teaching of the contrary.—The seventh œcumenical council, the second of Nice, condemned the iconoclasts, or image breakers. It anathematized the innovators, and declared that honor and respect should be rendered sacred images, but not adoration, which belongs only to the divine nature.—In 858 Photius had usurped the see of Constantinople. The eighth œcumenical council, the fourth of Constantinople, confirmed the decrees of popes Nicholas and Adrian, in favor of St. Ignatius and against Pho ius. It reseated Ignatius in his see. and recognized and proclaimed the primacy of the Roman church.—In 1050 Berangarius, archdeacon of Angers, attacked the mystery of the Eucharist, and taught that the body and blood of Christ are not contained there in reality, but figuratively. The councils of Paris and Rome forced Berangarius to retract.—Michael Cerularius, patriarch of Constantinople, in 1053 renewed

the division of Photius, and broke with the Roman church. He forbade communion with the pope, and commenced, so to speak, the schism which separated the church of the east from that of the west, a century later, when the Latins became odious to the Greeks by taking possession of the city and empire of Constantinople.—The ninth œcumenical, the first Lateran, council (1123) was assembled to decide on questions of discipline. The seventeenth canon of this council raised a barrier against the ambition of the monks, who intermeddled in everything, and compromised the cause of religion.—It was in the tenth œcumenical council, held at the Lateran in 1139, that Arnold of Brescia, a disciple of Abelard, was condemned: he declaimed against the pope, against the bishops, and attacked with ardor the regular clergy, who were, indeed, open to attack at that time.—The eleventh general council, also a Lateran council (1179), had for its object the reformation of abuses introduced during the long schism which had just ended. The first of the 27 canons of this council regulated the election of the pope, who might be chosen by a two-thirds vote. It excommunicated the person who not having one-third of the votes should dare to take the title of pope.—In the twelfth general council, held also at the Lateran, *i. e.*, in Rome, at the Lateran palace, in 1215, the two principles of the Manicheans were condemned by its declaration that there is but one God, one universal church, outside of which no man is saved; that there is but one sacrifice, that of the mass, in which Jesus Christ is himself the priest and the victim. It was at this council that the same indulgences were granted to the crusaders fighting against the heretical Albigenses and Waldenses as to those going to the holy land.—The thirteenth council took place at Lyons in 1245, where the pope proclaimed the emperor Frederic a heretic and sacrilegious, and refused the offers of this prince to fight the heretics, saying the emperor never kept his promises. A decree was issued to help the empire of Constantinople, and another for the crusade in the holy land.—One of the most important of general councils was the second of Lyons, in 1274. Its principal object was the union of the Greek and Latin churches. There were present 500 bishops, 70 abbots, and about 1,000 other inferior prelates. The council was held in the metropolitan church of St. John; pope Gregory X. assisted at it in the position of honor. He was clothed in his pontifical robes, and assisted by several cardinals. The assembly was one of the most imposing, and the object it had in view ardently desired by all. Michael Paleologus, who had asked that the council might be assembled, did not fail to send his ambassadors, who were received with great pomp. After a solemn mass celebrated by the pope, the Latins and Greeks chanted the creed, and the great logothete, in the name of the Greeks, abjured the schism, accepted the profession of faith of the Roman church, and confessed the primacy of the holy see. The joy was great; the pope intoned the *Te Deum*. It was indeed a solemn moment of grand fraternity. It only lasted during the life of Michael: the schism re-commenced under his son.—From 1311 to 1312 the general council of Vienne, in Dauphiny, was held. Pope Clement V. presided over it: its object was the extinction of the order of templars, and the restoration of discipline. The king of France, Philip the Fair, had this matter very much at heart, and he assisted at the council, accompanied by his brother, Charles of Valois, and his three sons. On the 22nd of March, the pope, in presence of many prelates and cardinals, abolished the order by a provisional decree, after long discussion, in which the right of defending themselves was claimed for the accused. April 3, of the same year, the pope, in the presence of Philip the Fair, his brother and his sons, announced the suppression of the order of templars, which had existed 184 years: their goods were given to the hospitalers of St. John of Jerusalem. It would be to betray historical truth not to state that Philip the Fair had in this more a political than a religious end in view. He wished to destroy a religious and military order, but one which was more military than religious, and whose power was increasing yearly; and he was not sorry, in the midst of great financial embarrassments, to be able to confiscate the property of the order.—The council of Constance, held in 1414, was called to put an end to the schism of the west. Clement V., a French pope, had fixed his residence at Avignon, and his successors continued to remain there. But Gregory XI. consented to return to Rome, to the great joy of Italy. After his death, the people of Rome, fearing lest a foreigner should be elected pope, exercised a pressure on the conclave, saying that if a Roman were not elected they would make the cardinals' heads as red as their hats. A Roman was elected, pope Urban VI., whose harshness and inflexibility irritated the cardinals to such a degree that they left Rome, declaring their election null, for want of freedom, and chose a new pope under the name of Clement VII. Thence the schism. France recognized Clement. Union was restored by the decisions of the council of Constance, which elected Martin V., who was universally recognized. This same council condemned Wickliffe and John Huss.—Next comes the celebrated council of Basle, whose acts are now accepted by Catholics only up to its twenty-sixth session, because at that session the members began to deliberate on the deposition of pope Eugene, and declared him contumacious. They called on him to appear either in person or by proxy. Eugene, far from yielding obedience, issued a bull dissolving the council. The schism was complete. The council, on the one hand, and the pope, on the other, were at cross purposes, and entered on different ways.—The council nominated a pope. It chose Amadeus, duke of Savoy, who had retired to Ripailles. Amadeus took the name of Felix V.; but his pow-

er as pope had been merely fictitious; and, Eugene being now dead, Nicholas V., who had been regularly elected, was recognized by the whole church, and Felix renounced the pontificate, an act which put an end to the schism.—At the council of Florence, held in 1437, a last attempt was made to re-unite the Greek schismatics; it succeeded; but on their return to Constantinople, the Greek prelates were insulted and beaten by the people and clergy. The great movement of the sixteenth century, begun by Luther, Calvin and Zwinglius, Protestantism, called forth a general council to provide means for opposing the advance of the new belief. Charles V. and pope Paul III. being in accord, the bull of convocation was issued. After many debates, which delayed the opening of the assembly, the city of Trent was chosen as a point intermediate between Italy and Germany. The council was opened Dec. 13, 1545.—In reading all the decrees passed by this council, one is astonished at the multitude of matters examined and treated by it, and the considerable number of solutions given to the various questions brought up in the 26 sessions of the council.—It was in a congregation of the fifth session that Luther's doctrines of free will, predestination, the merits of good works, etc., were examined. In the sixth session, Jan. 13, 1547, two decrees were published, the first on justification. It comprises 16 chapters and 33 canons against the heretics. The second, upon the reformation, contains five chapters on the subject of the residence of bishops in their dioceses. The bishops were too wordly, too forgetful of their flocks. It was necessary to subject them to severer discipline.—In this celebrated assembly, among other questions treated was that of the canonicity of the Holy Scriptures; and it was unanimously agreed that all the books of the Old and New Testament should be recognized as canonical. The subject of tradition was also treated, that is to say, those doctrines of Jesus Christ and the apostles which are not contained in the Scriptures, but which have been transmitted orally, and which are found in the works of the fathers and other ecclesiastical monuments. The following are the terms of that important decree: "Considering that the truths of faith and the rules of morality are contained in the written books and in the traditions which, received from the mouth of Christ by the apostles, or given to the same apostles by the inspiration of the Holy Ghost, have come down to us as from hand to hand, the holy council, following the example of the orthodox fathers, receives all the books, as well of the Old as the New Testament, and also the traditions which touch either faith as issuing from the mouth of Jesus Christ or dictated by the Holy Spirit, and preserved by a continued succession; it embraces them with the same respect and piety; and, in order that no man may doubt which are the sacred books received by the council, the following catalogue of them has been inserted in this decree." Here follows a list of all the canonical books as they are printed in the Vulgate. It pronounces "anathema on all who refuse to receive as sacred and canonical all these books with all their parts, and on those who despise tradition." The council, moreover, laid down the doctrine of the church on original sin, on the justification of the sinner through the sacraments, on the sacrifice of the mass, on penance, on confession, on satisfaction, on the sacrament of extreme unction, on indulgences, on devotion to saints, etc. It was closed in 1563. The pope confirmed the decisions of the council by a bull of Jan. 6, 1564. It was received by all Catholic nations.—Men had come, by degrees, to believe that the council of Trent would continue to be the last of œcumenical councils. J. de Maistre even permitted himself to say, "the more the world becomes enlightened the less will the idea of calling a council occur." Yet, July 3, 1868, Pius IX convoked an œcumenical council, to meet Dec. 8, 1869, in the basilica of the Vatican, just 306 years after the council of Trent.—Following the idea of the court of Rome, an idea suggested, it is said, by the Jesuits, it became more and more urgent to find an heroic remedy for the errors of our time, to checkmate "the progress of liberalism, of modern civilization," and all those new liberties which are incompatible with the perfect maintenance of the privileges and the monopoly of the pontifical sovereignty.—The means proposed to raise the prestige of the papacy was to identify the pontifical authority with that of the church itself, the decisions of whose councils are, in the eyes of Roman Catholics, clothed with a character of absolute infallibility. Thenceforth it would suffice for the pope to speak *ex cathedra*, that is to say, in his quality of pastor and teacher of all Christians, to make it impossible that he should err This infallibility of the pope was nevertheless energetically rejected and combated by eminent prelates, such as bishop Maret, in his book *Du Concile et de la Paix religieuse*, and by bishop Dupanloup, who did not hesitate to declare that, if the doctrines of ultramontanism, advocated by M. Veuillot, in the *Univers*, should carry the day, "the church will be put under the ban of civilized nations" [1] But the abbé Solesmes and the archbishop of Westminster undertook to refute these opponents of infallibility.—Some thought that the weakening of papal authority was caused by the tendencies of Catholics in different countries to constitute themselves into so many distinct national churches, as the Gallican church in France had done. Nevertheless, this latter has continued attached to the Roman church, while professing the most complete political independence of it.—In England this same tendency, called by the papacy the spirit of pride and revolt against God, produced the Anglican church, which by a more radical rupture has ceased to call itself Roman while preserving

[1] The German bishops and many Austrian bishops shared the views of the bishop of Orleans.

the name "Catholic," meaning simply that it forms part of the universal Christian church. —In recent years certain writers, doubtless with the best of intentions, but apparently answering to one of the most cherished thoughts of the Roman church, have sought to impel the Latin races to form themselves into a vast and powerful political unit, but this attempt was too much in conflict with modern ideas to succeed.—Other efforts of the Roman court, directed solely against Gallicanism, had more effect; but Gallicanism had a successor under the name of "liberal Catholicism."—M. de Montalembert, one of the most illustrious among the representatives of this party, defined his programme clearly in his discourses of Aug. 20 and 21, 1863, at the Catholic congress of Malines. Defending civil liberty and freedom of conscience, except in the papal states, taking up the famous motto of count Cavour, "A free church in a free state," he made no other concession to the papacy than to condemn in Rome this separation of the temporal and spiritual power which he recommended in the case of other countries. But the Roman court was in no way pleased with him for such a want of consistency. The encyclical of Pius IX. appeared the following year as a refutation of the ideas of M. de Montalembert. We there read that there are not wanting men to favor this erroneous opinion, than which none could exist more fatal to the church and the salvation of souls, and which his predecessor of happy memory, Gregory XVI., termed a delirium, that is, "that liberty of conscience and worship is a right belonging to each man which should be proclaimed and assured in every well-constituted state."—This encyclical was followed by a syllabus (see SYLLABUS), in which a résumé was made of all the principal errors of modern times. The eighth and last article of the syllabus forbids even the belief that the Roman pontiff can and should come to terms and effect a reconciliation with modern progress, liberalism and civilization. But this opposition to the independence of civil authority and modern liberalism, so definitely declared by the pope, could have its bearing made real and emphatically significant only by a dogmatic declaration of his infallibility.—Now, Pius IX. did not wait for this declaration, to proclaim a new dogma, in the proclamation of which he relied, it is true, on a consultation had by letter with the principal bishops, a certain number of whom he caused to meet at Rome. The decree of the immaculate conception, issued in this way, Dec. 8, 1854, declares it to be a dogma of faith that "the blessed virgin Mary was in the first instant of her conception, by the special grace and privilege of Almighty God, in view of the merits of Jesus Christ, Saviour of mankind, preserved and exempted from all stain of original sin."—This dogma raised a discussion which does not come within our limits to analyze. —The opponents of infallibility concentrated their arguments principally on the anathema launched by the œcumenical council of Constantinople in 680, which, by declaring pope Honorius a heretic, had shown in practice the superiority of the authority of a council over the authority of a pope. Abbé Gratry demonstrated, on this occasion, that the condemnation of Honorius, accused of monothelism, was reproduced in all Roman breviaries to the end of the sixteenth century, and furthermore he quoted the text as found in a breviary of 1620.—The purely theological arguments of some of these opponents made a special point of showing that the celebrated words of Christ to Peter, "Thou art Peter, and upon this rock I will build my church," far from serving as a foundation for the papacy, were the negation of it, for they were spoken only in reference to the faith of Peter in the divinity of Jesus. Consequently, the foundation of the church is this acknowledgment of the divinity of Jesus, and in no way the person of Peter, whom he calls "Satan" a few verses further on; still less could it be the person of each one of his successors.—But other and more moderate adversaries, following the example of abbé Guett´e, in his pamphlet *La Papauté moderne* (published in Paris in 1861), were content to bring out the opinion of pope Gregory the Great, who, while recognizing in the papacy a primacy of honor, still refused it universal and absolute authority, that is to say, "a real and veritable jurisdiction"—The Vatican council did not forget to combat these last two opinions, nor its canons to anathematize them.— The events which marked the preparation for the Vatican council were first an invitation to all the bishops of the oriental rite, and then to all Protestants or "non-Catholics."—The Greek patriarch answered, that, to come to an understanding, it would be necessary to go back to the time when the two churches, that of the east and that of the west, formed but one; that consequently it was necessary to abolish all changes made either by adding to or taking from the Christianity of that remote period. Such an answer was equivalent to a refusal.—As regards Protestants, the pope did not invite them to take part in the deliberations of the council, as the Arians had taken part in the council of Nice, and John Huss in the council of Constance; but he did invite them, on the occasion of the council, to return to the bosom of the Roman church, and submit to the holy see. —The great innovation in the Vatican council was the absence of the seats which in the council of Trent were reserved for princes and ambassadors. The governments of the different states raised no protest against this; and it suffices to read the debates in the French *corps législatif*, in the session of July 9 and 10, 1868, as well as the dispatch of March 19, 1870, from cardinal Antonelli to Mgr. Chigi, in answer to that of count Daru, French minister of foreign affairs, to see, that, such was the feeling of France and in all the other states, that it would have been disagreeable to them to assist, in the person of their ambassadors, at the condemnation of the fundamental principles of the

public law of modern times.—The council held only four "sessions." The total number of fathers called to seats was 1,044; of these a great number were bishops *in partibus*. The session of Dec. 8 was devoted to the opening of the council, that of Jan. 8 to placing the profession of faith of the fathers in the hand of the sovereign pontiff. The session of April 24, on the Catholic faith, decreed a number of canons, among which are the two following: "If any one says that human sciences ought to be treated with such freedom that their assertions may be held as true even when contrary to revealed doctrine, or that the church may not proscribe them, let him be anathema." "If any one says it may happen, that, by reason of the progress of science, a sense may be attributed to the dogmas proposed by the church other than that in which the church has understood them and does understand them, let him be anathema."—The number of fathers engaged in this session of April 24, was 667.—The fourth and last session, that of July 18, was the most important: 535 fathers took part in it, and put forth the "first dogmatic constitution of the church of Jesus Christ." It concludes thus: "We teach and define, *sacro approbante concilio*, the following to be a dogma divinely revealed, to wit. That the Roman pontiff, when he speaks *ex cathedra*, that is to say, when fulfilling the duties of pastor and teacher of all Christians, in virtue of his supreme apostolic authority, and declares that a doctrine of faith or morals should be believed by the universal church, he enjoys, through the divine assistance which has been promised in the person of the blessed Peter, the plenitude of that infallibility which the divine Redeemer wished his church to possess in the defining of faith and morals, and consequently that such definitions of the Roman pontiff are irreformable in themselves, *and not in virtue of the church's consent.* Should any one, which God forbid, have the temerity to contradict our definition, let him be anathema."—It would appear from the testimony of professor Friederich, in his letter to the archbishop of Munich, that the original text presented to and discussed by the fathers, July 18, said simply, that the definitions of the Roman pontiff are irreformable in themselves, and the words "and not in virtue of the church's consent" were not added till later.—The interpolation of the above words was not the only thing which raised the accusation against it, that the Vatican council was not free, and consequently not inspired by the Holy Ghost. It is quite sufficient to read the apostolic letters of Pius IX. for the direction of the labors of the council, to see that it must have lacked freedom, because subjected to too many rules. Work on each question was done in advance, then submitted to vote. In spite of the energetic opposition of certain eminent bishops, such as the bishops Dupanloup, Maret, Strossmayer, cardinal Schwartzenberg, cardinal Guidi, etc., who took in hand the cause against infallibility, the majority, composed especially of bishops *in partibus*, bore down the minority by rude and violent interruptions in order to strangle discussion and vote in haste.—Pius IX. announced the close of this fourth session by declaring that, "the decrees and canons contained in the constitution just read have received the adhesion of all the fathers except *two*." As a matter of fact, the greater part of the opposition was absent, or abstained from voting. Oct. 20, 1870, Pius IX. declared by apostolic letters, that "the sacrilegious invasion of this august city, our see, and of the remainder of the provinces of our temporal domain," had taken away the liberty necessary to the fathers, and that therefore he suspended the council of the Vatican "till a more opportune and convenient time, which will be determined by the apostolic see."

JULES PAUTET and C. HUMANN.

COUNCILS OF WAR. This name is given to the meetings of military chiefs held with the object of deciding the course to be followed in exceptional circumstances during a campaign, a siege or a battle. Generally the commander in chief of an army acts only in accordance with his experience and good sense; but there are cases in which he feels the necessity or considers it as his duty to consult his subordinates on the chances of a doubtful operation, on the expediency of an attack, or on the possibilities of a defense. Sometimes similar meetings are held at the beginning of a campaign to decide on the plan of operations. J. H.

COUPS D'ÉTAT. *Coups d'état* are always a violation of established law: they are therefore execrated by those who suffer from them, and extolled by those who profit by them. Posterity itself does not always agree in its judgment concerning the majority of *coups d'état*. Some estimate the facts according to the motives which prompted them, and say, the end justifies the means; others look at the effects, and excuse everything by the result—*salus reipublicæ suprema lex;* still others put principles higher than all material advantages, and do not admit in any case that right or justice should be violated.—We here, on this delicate question, give the opinion of those publicists who have touched upon it in their writings.—Montesquieu says (*Esprit des lois*, book xix., chap. xix.), in treating of *coups d'état* in republics, "There are, in states which value liberty most, laws which violate it in the case of one man in order to preserve it for all. Such are the bills of *attainder* in England. They are related to those laws of Athens which decreed ostracism against a single man, provided 6,000 citizens voted for it. Such, too, were the laws made at Rome against private citizens, and which were called privileges (*de privatis hominibus latæ.*)"[1] —"I confess," adds Montesquieu, "that the practice of the freest people that have ever been

[1] These bills have been suppressed since the time when Montesquieu wrote.

on earth (the Greeks and Romans) makes me believe that there are cases in which it is necessary to draw a veil over liberty for a moment, as the statues of the gods were hidden." Montesquieu's opinion, thus formulated, was meant only for republican governments; in which ambition frequently causes embarrassing situations, hindering the action of power; and if power there really rests on the consent of all, the ambition of a few should not deprive the citizens of a security which they need to act like a free people. It is in such cases that Montesquieu approves the suspension of the *habeas corpus* of the English. He concedes, too, that measures whose justification is their necessity should be resorted to even in violation of law, provided they are adopted to save the imperiled liberties of a people. But, in the case of monarchical governments, the illustrious author does not sanction *coups d'état*, commissions extraordinary, ostracism or anything which changes the legal order of things.—"A prince," he says, "should act candidly with his subjects, honestly, with confidence; the man who is so often disturbed with suspicions and fears is an actor troubled in playing his part. * * Royal authority is a great spring which should move easily and without noise. There are cases in which power should act to its full extent; there are others in which it acts within limits. The sublime in the administration of government is to know well what power, great or small, should be employed under different circumstances." (Ibid., chaps. xxiii. and xxv.)—With such principles applied in the government of men, states would have no crises to fear but such as might be brought about by competitors of the prince, a man always surrounded by flatterers, who deceive him, and who are interested in nourishing vain hopes in the minds of their master; but these crises would soon abate under the influence of constant prosperity assured to a grateful people who would not be tempted to try the chances of adventure from which they could gain nothing but infinite annoyance. But Montesquieu foresees the case in which, by some circumstance, the *political law* [fundamental law or constitution — ED.] destroys the state.—"When the *political* [fundamental] *law*," he says, "which has established a certain order of succession in the state, becomes destructive to the political body for which it was made, it can not be doubted that another *political* [fundamental] *law* is competent to change this order; and this law, far from being opposed to the first, is, in its essence, entirely conformable to it, since they both depend upon this principle: The safety of the people is the supreme law."—The consequence of what precedes, and which we take from book xxxvi., chap. xxiii., of the "Spirit of Laws," is that, if an energetic man or a number of resolute citizens should lend themselves to acts from which the good of the nation would result, either through a *coup d'état* or persuasion, this man and these citizens would have deserved well of the country.—But we know that *coups d'état* have not always given the results expected from them; and in the revolutionary phase through which the French passed from 1790 to 1800, *coups d'état* succeeded each other with such rapidity that in the morning no one knew whether the law of the day before was still in force. Factions which came into power through a *coup d'état* were overthrown by a *coup d'état*, and all the pretended principles of one day were set aside by the principles of the next.—Macchiavelli would have called this formidable disorder a conspiracy. He has written many pages on conspiracies, so often baffled by *coups d'état*. He reviews the *coups d'état* of ancient Rome, and those of the Florentine republic, whose history he wrote. He recalls, also, those of Greece, and gives, as is his wont, a theory of conspiracies. He lays it down as a principle, that a *prince is never safe upon his throne so long as those who have been dispossessed of it are still living.* (*Non vive sicuro un principe in uno principato, mentre vivono coloro che ne sono stati spogliati.*) "Let every potentate," he adds, "remember well that old resentments are never blotted out by favors, which are the more useless in proportion as the evil suffered is greater than the benefits received." But he does not advise *coups d'état*, as we shall see. "Let princes," he says, "once for all put it clearly into their minds that they run great risk of losing their crown the moment that they violate the laws and customs under which the people have long lived. But when these unhappy princes have lost their kingdoms, if they become wise enough to see how easily moderate and prudent princes maintain themselves upon the throne, they will suffer still greater vexation from their losses, and will believe themselves worthy of still greater penalties than those inflicted on them; for it is much easier to gain the love of honest people than of scoundrels, and to submit to laws than to violate them. Thus, a prince who would reign as an honorable man, has only to take as a model the life of one of those illustrious by their goodness, such as Timoleon of Corinth, Aratus of Sicyon, and so many others whose reigns were so full of satisfaction, as well to the sovereign as to his subjects. This alone should rouse in a prince the desire of following such shining examples, since there is nothing so easy; for when people are well governed, they ask for no other liberty; as is seen by the example of the two persons whom we have just mentioned, who were forced to reign all their days, although their inclinations invited them to live privately and in retirement." —We have thought it interesting to quote Macchiavelli here, which to more than one person will doubtless appear strange, in view of the opinion held of this writer. In this matter, however, he is not satisfied with his own opinion; he strengthens it by that of Tacitus, from whom he borrows this maxim: "Men should venerate past ages, and accommodate themselves to the present time. They should desire good princes

and endure the others. For it is certain that all those who act otherwise bring total ruin on themselves, and on their country."—It would be to mistake Macchiavelli to suppose that he teaches only the doctrine of ruling by craft, violence and force, since he affirms, in many passages of his book, the "Prince," that it is better to govern by virtue than by villainy, and that power acquired by legal means has less chance than any other of being overturned by a bold stroke.—About the same period there was a whole school in France, at the head of which stood G. Naudé, who considered princes justified in putting themselves above the law at certain times and crushing out resistance by means of *coups d'état.* Charron, in his treatise on "Prudence," shares this opinion, and expresses himself as follows: "We must know that the justice, virtue and probity of a sovereign proceed somewhat differently from those of private men; they have a wider and freer path, on account of the great, pressing and dangerous burden which they bear; this is why they may move in a way which may seem to others erratic and irregular." But, adds G. Naudé in quoting this passage of Charron, this may be necessary, honest and legitimate. Sovereigns are not so strictly bound by the laws as private persons, if the step which seems unlawful in them is necessary; as when they wish to prevent others from deceiving them, and *anticipate those who wish to surprise them!* Thus, John II., king of Portugal, aware of the designs which Ferdinand, his cousin, and the duke of Braganza, his brother-in-law, had formed against him, anticipated them. He killed one with his own hands, and turned the other over to the executioner. Louis XIII., seeing that the Spaniards were sowing discord among the French, and aiding the rebels with their counsels and money, paid them back in the same coin; he supplied the Catalans and the Portuguese with the means of defending themselves against their masters.—To justify *coups d'état,* the authors of the school above mentioned treat of the state reason which leads to them, and the means which princes should employ to be always ready to act in the spirit of the power which they hold in their hands. They send agents, nuncios, ambassadors, legates, to spy out the actions of foreign princes, and to dissimulate, cover up and disguise those of their masters. The man who does not know how to dissimulate, said Tiberius and Louis XI., will never know how to reign.—It is equally necessary, says Naudé, to make secret arrangements, gain information, and manage to attract with subtlety the hearts and affections of officers, servants and confidants, of other foreign princes and lords, or one's own subjects—what Cicero calls, in the first book *De Officiis: Conciliare sibi animos hominum et ad usus suos adjungere* (to gain the hearts of men and employ them for one's own purposes.) This is ordinary prudence, and can not be called *state secrets, coups d'état* or *arcana imperiorum.*—These terms must be reserved for great *ruses,* which are sometimes a part of extraordinary prudence, the motive power in matters of difficulty, which are not unfrequently very annoying and of a nature to be classed among the *arcana imperiorum.*—Clapmarius says that state secrets are nothing but the various means, reasons and counsels which princes make use of to preserve their authority and the *statu quo* of the public, without, however, transgressing the ordinary law, or arousing any suspicion of fraud or injustice. He divides them into *secrets of empire,* which he subdivides into six classes, and into *secrets of rule,* which those who command should keep in order to maintain themselves in authority.—Naudé thus sums up his views: "The chief power of a prince is in the love and union of his subjects," but he adds, "The second is the reason of state, *excessum juris communis propter bonum commune.*" Here the reason of state opens a very wide door to arbitrary power. It is necessary to define what the *reason of state* is, and whether a prince may not understand it according to his wishes, and even according to his caprice. To abandon the interest of a people, completely, to the will of princes guided only by *reasons of state,* is evidently to compromise it; for princes, through a tendency inherent in human nature, may find a *reason of state* where there is nothing but their own fancy and the satisfaction of personal ambition. Powerful nations which seize the possessions of weaker ones do so for *reasons of state.* Reasons of state are the mantle with which they cover their injustice. It was for *reasons of state* that the Spaniards barbarously exterminated the Indians who defended their country; it was again for *reasons of state* that the same Spaniards seized Navarre, and much territory which they now possess; it was for *reasons of state* that Charles VIII. seized Anne of Brittany, who had married by proxy Maximilian I., king of the Romans.—When the English sent two or three fleets to La Rochelle, in the time of Richelieu, it was more for *reasons of state* than from religious zeal, since they went to aid the Catholic Belgians against Spain: it was again for *reasons of state* that the Danes took up arms to prevent the Swedes from conquering Poland. It was for *reasons of state* that so many influential persons have fallen under the axe of the executioner: it is *reasons of state* that must justify many an act which humanity and justice condemn.—It is as a consequence of *reasons of state* that princes or depositaries of power think of *coups d'état;* and if it were clearly shown by absolute logic that *reasons of state* ordained the transgression of the law in a given case the resulting *coup d'etat* would have to be forgiven in the eyes of history and sound philosophy. But who shall say that this sanction is given by absolute reason? This sanction is wanting, unfortunately, in the case of numberless political acts called *coups d'état.* Let us now unfold the theory of *coups d'état,* according to Naudé and Charron. It seems superfluous to tell the reader that we are here simply an historian. — "The first rule in *coups d'état,*" says Charron, "is to employ them justly,

honorably and usefully, in defense, and not in offense; for self-preservation, and not for aggrandizement; to guard one's self against deceit, wickedness and harmful undertakings and surprises, and not to commit acts of deceit or wickedness: *Communis utilitas derelictio contra naturam est*, says Cicero." Naudé, following Charron, adds: "The occasions which necessitate *coups d'état* are, first, when on the occasion of the establishment of monarchies, empires and principalities, recourse is had to the intervention of religion or deceit."—The second rule is, that there should be an evident necessity for the *coup d'état*, an important public advantage to the state or the prince, to justify it—an unavoidable duty; for the repositaries of power are bound to labor for the good of all. *Semper officio fungitur*, Cicero again says, *utilitati hominum consulens et societati.* — Charron's third rule is never to decide until after careful examination, without ever losing sight of the precept of Claudian: *Nulla unquam de morte hominis cunctatio longa est.* Naudé was of opinion that *coups d'état* should be considered legitimate when there is question of doing away with the privileges of a class in the nation, which that class enjoys to the prejudice of all, and which diminishes the authority of the prince.—In laying down the fourth rule, Charron recommends the choice of the mildest measures; for, says he, too great severity is a lamentable thing. Naudé is also in favor of *coups d'état* when it is desired to destroy power too formidable in the state, and which can not be done away with by ordinary means.—Charron's fifth and last rule requires that princes should not resort to *coups d'état* unless compelled thereto by necessity, and only with regret. Naudé, in his fifth rule, adds that the depositary of power should take advantage of a proper occasion to limit or destroy the excessive power of a man who wishes to abuse it to the detriment of the state, or who, by the great number of his partisans and the intrigues of his co-conspirators, has become formidable to the sovereign. Naudé closes with these words: "to have him dispatched secretly if necessary, provided he be guilty."—This is what previous centuries have handed down to us on *coups d'état*. We shall not offend the reader by refuting the preceding doctrine. Moreover, do we not live in an atmosphere altogether different from that of our grandfathers? Did the dogma of national sovereignty count its adherents by millions when the most highly esteemed of men, the élite of their time, did not recoil before measures which inspire us to-day with horror?—Let us now listen to a modern author, Benjamin Constant, who, in a chapter entitled *De l'Effet des mesures illégales et despotiques, dans les gouvernements réguliers eux-mêmes*, (*Cours de politique constitutionnelle*, edited by M. E. Laboulaye, Paris, Guillaumin, t. ii., p 246 ff.), says, among other things, "When a regular government permits itself to employ arbitrary measures, it sacrifices the object of its existence to the measures which it takes to preserve that existence. Why do we wish that authority should repress those who might attack our property, our liberty, or our lives? In order that the enjoyment of these may be assured us. But if our fortunes may be destroyed, our liberty menaced, our lives troubled by arbitrary power, what good shall we get from the protection of authority? Why do we wish that those who conspire against the constitution of the state should be punished? Because we fear that the conspirators would substitute an oppressive power for legal and moderate organized power. But if authority itself exercises this oppressive power, what advantage is there in it?" And further on "Doubtless there are, for political communities, moments of danger which the greatest human prudence can scarcely conjure away. But it is not by violence or by the suppression of justice that this danger is avoided: on the contrary, it is by adhering more carefully than ever to established laws, to protective forms, to preservative guarantees. All moderate governments, all governments resting on law and justice, are ruined by the interruption of justice, by deviating from the path of the law. And as it is in their nature sooner or later to abandon the use of unjust or illegal means, their enemies await that moment to turn to account the memory of the wrongs such governments have done. Violence seems to save them for a moment, but it renders their fall more inevitable; for in delivering them from a few enemies, it makes more general the hatred which its enemies bear them."—Previously the same author had said (vol. ii., p. 244): "Everything confirms this maxim of Montesquieu, that, in proportion as his power assumes immense proportions, the safety of the monarch decreases. Not so, say the adherents of despotism; when governments fall, it is due to their weakness Let them watch, let them be severe, let them imprison, let them strike without being hindered by empty forms. In support of this doctrine, two or three examples are cited of violent and illegal measures which seem to have saved the governments which employed them. But to give force to these examples, the vision is restricted to a few years of their operation. If we look farther, it will be seen that the governments in question, far from being strengthened by these measures were ruined by them."—M. de Lamartine thus expresses himself: " * * This was necessary in order to explain to M. Thiers, that, if Napoleon, whom he absolved of ambition on the 18th Brumaire, was doomed to be ruined, and ruin France later, it was not through lack of genius but through lack of right. Right is inviolable; but right is a limitation. It limits fortune, but it also limits folly. It is, therefore, a great moral and political reproach to M. Thiers, that, in the beginning of his history, he throws a veil of amnesty and a shower of laurels on the 18th Brumaire. This historical sin will follow him everywhere in the course of his narrative. It is useless to try to bury conscience under a flag of victory: it is not killed, and rises up in all the crises of existence of the soldier who strikes it with his sword."

(De Lamartine, *Cours familier de littérature*, vol. viii., p. 117.)—We shall now cite some of the most striking *coups d'état* in history. It was by a *coup d'état* that Servius Tullius succeeded his father-in-law, Tarquin the Elder. Tarquin's wife concealed his death several days, during which Servius proscribed the sons of Ancus, who had caused Tarquin to be assassinated, confiscated their property and blasted their memory. The senate resisted, but Servius Tullius took no heed of its murmurs, secured the consent of the plebeians, and had himself made king in the assembly of the curiæ.—The assassination of the Gracchi also was a *coup d'état*.—The death of Cæsar was a *coup d'état*, which did not long delay the downfall of the republic and the establishment of the monarchy. Cæsar aspired to royalty; he wished to attain supreme power; he intended to make great internal improvements; but he did not consider that these benefits would lose their value in the eyes of the Romans if they were granted by a despot.—Secrecy is the condition of success in *coups d'état: ante ferit quam flamma micet*. The plot of St. Bartholomew was communicated by Catherine de Medicis only to her son, Charles IX., to Henry, duke of Anjou, his brother, and the duke of Guise, her favorite. The plan to kill Charles, king of Naples, who had been elected king of Hungary by the magnates of the country, was made known only to Blaise Forbach, who dealt the blow, and to queen Elizabeth and queen Mary, who were to profit by it. Jane of Naples, wishing to strangle Andrew of Hungary, her husband, mentioned her design only to Philip, to her Catanian nurse, and to Louis, prince of Tarante, her lover.—There is a *coup d'état*, however, which was noised about, known in advance, and which nevertheless succeeded, that by which Henry III. got rid of the duke of Guise, who had boldly defied him. The Parisians loved Henri de Guise better than they had ever loved a prince; and, as Henry III. had no posterity nor hope of any, the duke was naturally thought of as his successor. The duke had acquired the reputation of a zealous Catholic, of a great warrior, of a real friend of the people, whose every inclination he flattered; he turned public contempt on the king by all possible means; and the Parisians enthusiastically applauded every attempt of the duke, who being in Paris when the king threatened to punish the Parisians, the latter resisted the king and raised barricades even at the gates of the Louvre, from which they had driven him. Henry III. retired to Chartres, where the duke went to see him; and the king, who, according to the opinion of pope Sixtus V., ought to have had him assassinated, let him go safely away. A little later the duke asked that the meeting of the estates of the kingdom should be held at Blois, where, trusting in the promise given by the king not to harm him, but much more to the consideration shown him by the deputies, he redoubled his insolence, and spoke of having the king, his master, shut up in a monastery. The king was ignorant of none of these insolent acts of the duke, nor of his bold plans. He resolved to get rid of him, and caused him to be assassinated in his study Dec. 23, 1588. The king wished to confide the execution of his orders to Crillon. Crillon answered that he was too much of a man of honor to kill the duke like a traitor; but that, if it pleased his majesty so to order, he would engage in single combat with him, and would either die in the struggle or kill him. This way seemed too long and too uncertain to the king. He therefore ordered some of his guards to strike the duke as he was entering his study. In vain was Henry of Guise informed by a note placed in his napkin; in vain was he informed by his friends of the plans of the king against his person: he took no account of these warnings and braved death.—The victims of the St. Bartholomew massacre were not without warning, although the queen had taken but three persons into her confidence. There was something in the air which foreboded trouble.—In the revolution of 1789 we find a series of *coups d'état*. They were resorted to by every party in power against the party to which the future, for a few days at least, seemed to belong. The Mountain destroyed the Girondins; the *Thermidoriens*, in turn, proscribed the Mountain: Robespierre, after sacrificing Hebert and Danton, after science, talent, reputation and virtue had become for him causes of proscription, fell himself under the *coup d'état* of the 9th Thermidor. France breathed freely again, and the remnants of the Mountain were dispersed on the 13th Vendémiaire, year III. But the directory was not strong enough, nor had it moral sense sufficient to restore calm to a nation wearied by deep civil dissension and the most horrible excess.—The directory, feeling that the council of the five hundred was going to rule and absorb it, decided on the *coup d'état* of the 18th Fructidor, in which it proscribed two of its own members and 53 members of the two councils. For this purpose, it brought troops to Paris under the command of Augereau: he surrounded the assembly building during the night. Those deputies accused of conspiracy were arrested; the loyal members met in another place, formed a council, and approved the measures taken by the directory. A list of proscribed persons was drawn up; the journalists, deputies and heads of the Clichien party were transported. The revolution, or rather the directory, was thus saved—we know for how long—for parties submit only to a power which knows how to make itself feared, and the directory had neither the authority, the prestige nor the power indispensable in such a situation.—The *coup d'état* of the 18th Fructidor did not prevent parties from conspiring, nor the directory from being despised by all. Then three directors out of five came to an understanding with general Bonaparte. They felt their power menaced, and they invoked the aid of the young conqueror. They knew that the executive power was slipping from their hands; they wished to assure it to themselves by change. Sieyès desired also to try

his famous *pyramidal constitution* with his *great elector;* and young general Bonaparte, who had unexpectedly arrived from Egypt shortly before, was the arm on which they depended to bring about another 18th Fructidor. But this limited rôle did not suit the young hero. He had an arm, but he had a head too. The directors had not thought of this. They therefore came to an understanding with Bonaparte. Strong by reason of the permanent conspiracies of the royalists and Jacobins and the continual encroachment of the councils, they agreed to convoke the councils at St. Cloud, in order to draw them away from the movement and the direct support of the people of the suburbs.—Of the five directors, Gohier and Moulin, of the democratic party, favored it and held aloof; Barras desired that something should be done; Sieyès and Roger-Ducos declaimed against the Jacobins, and asked for a new constitution; the five hundred, dreading foreign intervention, were anxious that the energy of patriotism should not be lost or wasted. In this irrepressible conflict, one of the two powers had to succumb.—This removal of the councils to St. Cloud was not altogether contrary to the constitution. The necessity of this measure, in certain contingencies, had been recognized in the text of the constitution of the year III.; but it had to be voted for by the five hundred. The members favorable to the measure were called together, and the measure itself was carried. Talleyrand, Fouché, minister of police, the president, and many members of the *conseil des anciens*, entered into the conspiracy. Sieyès was the soul of the moment. It was a question with him of establishing a strong and stable government to succeed the weak directory. Barras and Roger-Ducos made no opposition. Lucian Bonaparte, who presided over the five hundred, supported his brother in this body, in which the full vigor of the old assemblies seemed still to live. The way having been prepared, and generals Augereau, Gardanne, Murat and Leclerc informed of the movement on foot, the two recalcitrant directors having been placed under close surveillance at the Luxembourg, Bonaparte appeared before the *conseil des anciens* just when some members who had been absent the day before were asking an explanation of the removal, and giving expression to their surprise at the unusual commotion apparent. Suddenly the news of the resignation of Sieyès, Barras, and Roger-Ducos, was bruited through the hall. At this moment the general, with his staff, appeared on the threshold of the chamber. He began to speak, and said: "Representatives, you are not surrounded by ordinary circumstances. You are standing on a volcano. Allow me to speak to you with the frankness of a soldier, with the frankness of a citizen anxious for the good of his country, and suspend your judgment, I pray, until you have heard me to the end. I was living quietly in Paris when I received the decree of the *conseil des anciens*, which informed me of its danger and of that of the republic. I immediately summoned my brothers in arms; and we came to lend you our support. We came to offer you the aid of the nation, because you were its head. Our intentions were pure and disinterested; and as a reward for the devotion which we showed yesterday, we are overwhelmed with calumny to-day! They talk of another Cæsar or Cromwell. It is bruited about that I wish to establish a military government. * * I solemnly aver, representatives of the people, that the country has not a more zealous defender than myself. I devote myself to the execution of your orders. But it is upon you alone that the safety of the country depends: *There is a directory no longer.* Four of the five members composing it have resigned, the fifth has been placed under surveillance. Representatives of the people take counsel with wisdom and the imminence of danger; guard against disorder; avoid losing the two things for which we have made so many sacrifices, liberty and equality."—A member interrupted general Bonaparte, and cried out "And the constitution?" "The constitution!" answered the general; "does it become you to appeal to the constitution? You violated it the 18th Fructidor; you violated it the 22nd Floréal; you violated it the 30th Prairial. The constitution is appealed to by every faction in *turn*, and then despised by it. It can no longer be to us a means of safety. It has no longer the respect of any man, * * and even to-day conspiracies are hatched in the name of the constitution. I know all the dangers that threaten you. Representatives of the people, do not look upon me as a miserable intriguer who covers himself with a mask of hypocrisy; I have given proof of my devotion to the republic. I promise you, that, as soon as the danger which has put extraordinary power into my hands shall have passed away, I will lay down that power. I do not wish to be anything but an arm to uphold the government you shall establish, and to enforce its decrees. I repeat it again, let no one suppose that I speak thus to seize upon power. Power has been offered me since I returned to Paris.[1] Different factions have knocked at my door. I have not listened to them. I belong to no faction; I belong to no party, except the great party of the French people. I do not hide from you, representatives of the people, that in taking this command, I have counted only on the *conseil des anciens*. I have not counted on the council of the five hundred, in which are men who wish to restore the convention, the revolutionary committees and the scaffold; on the council of the five hundred, where the chiefs of that party have just been sitting in council; on the council of the five hundred, from which emissaries have just been sent to organize a movement in Paris.—Let not these criminal plots frighten you, representatives of the people. Surrounded by my brothers in arms, I shall know how to protect you from them. Your courage,

[1] The general's return to Paris had been celebrated with enthusiasm from Frejus to the capital.

my comrades, will bear me witness; you, in whose eyes they wish to paint me as an enemy of liberty! you grenadiers, you brave soldiers, whose bayonets I see before me, bayonets which I have employed so often to the shame of the enemy, in the humiliation of kings, and which I have used to dig the foundations of republics. And if any orator, paid with foreign gold, speaks of outlawing me, let him beware lest this sentence be turned against himself. If he talks of outlawing me, I shall appeal to you, brave soldiers, whom I have led to victory so many times! to you, brave defenders of the republic, with whom I have shared so many perils, for the establishment of liberty and equality. Brave friends, I shall trust to the courage of you all and to my own fortune." —The general felt that his great difficulty would be to encounter the council of the five hundred, where the leaders of the democratic party were assembled. Therefore, it was not without emotion, that, after leaving the *conseil des anciens* (council of the ancients), he appeared before the council of the five hundred. The assembly was aware of the danger which it ran, and, with a sort of frenzy, it had just sworn anew to support the constitution. It saw at the threshold of the chamber the pale figure of general Bonaparte suddenly appear, and behind the general and his staff, glittering bayonets. Deputy Bigonnnet rushed up to the general and said, "What are you doing, rash man? You violate the sanctuary of the law: Begone!" Many others cried out: "Down with the dictator; outlaw him; let us die at our posts; long live the republic!" The general grew pale, and his staff drew him outside the chamber. The outlawry of the rash intruder was demanded. The tumult was at its height. Lucian Bonaparte, the president, refused to put the motion to vote, and said he resigned; he left the chair; he spoke to the soldiers surrounding Bonaparte, and told them that the majority of the five hundred were under the pressure of a handful of factions, men who proposed odious measures, and that the representatives who should rally round him would be the only real legislators in France, and that the others would be dispersed by force.—Leclerc, brother-in-law of the general, appeared in the chamber of the five hundred, with his grenadiers. "Citizen representatives," said he, "we can no longer answer for the safety of the council. I invite you to retire." The assembly remained immovable. Then an officer gave the command: "Grenadiers, forward!" The deputies dispersed in the courts and gardens; a large number retired to Paris; those who remained organized under the presidency of Lucian Bonaparte, and still presented the semblance of an assembly. Many speeches were made, and two resolutions were voted: the first changed the form of government, and put in place of the directory a provisional council, composed of three members, Bonaparte, Roger-Ducos and Sieyès; the second proscribed 61 deputies, and adjourned the legislative body for three months. The *conseil des anciens* immediately ratified these acts of the five hundred, and the *coup d'état* was accomplished.—In 1830 there was another *coup d'état* in France, but it did not succeed. On the 25th of July, 1830, orders were issued which dissolved the chambers, convoked the electoral colleges, while changing the mode of election, and suspended the liberty of the press. These unconstitutional decrees excited surprise at first, then anger; and barricades were raised during the night. The result was the revolution which drove Charles X. into exile.—The *coup d'état* of the 2nd of December, is too recent to be spoken of with entire freedom from prejudice. We shall confine ourselves to a relation of the facts.—The French republic had been a surprise; the socialists appeared menacing; the people had accepted this régime in default of a better; and they looked on the restoration of the monarchy as a means of salvation. But there were many monarchical houses from which to make a choice. The partisans of the republic, although in a minority, could not be altogether despised; they had on their side the government, and consequently the law. The parties stood face to face in the assembly; everybody knew that the republic could not last, because it had no foundation in the national feeling; and it was asked for whose profit and how it should come to an end. Would it be by a catastrophe or not? It was under these circumstances that the *coup d'état* of December, 1851, took place.—On Monday, Dec. 1, the president of the republic held his usual reception. The crowd thronged the halls of the presidential mansion. At half-past 12 in the night, the halls and parlors being deserted, the chief of police, the minister of war, general Magnan and M. de Persigny stood around the prince to receive his final orders. M. de Morny returned from the theatre, where he had gone to divert all suspicion. Then Louis Napoleon opened a drawer with a key which hung from his watch chain, and took out of it a sealed package intended for each. They shook hands, and Louis Napoleon said: "Gentlemen, let us take a little rest, and may God save France."—Early on the morning of the 2nd of December, the Parisians saw posted over the city, and read with an eagerness easily understood, the following proclamation: "The president of the republic decrees, in the name of the French people, the following: Art. 1. The national assembly is dissolved. Art. 2. Universal suffrage is restored; the law of May 31 is abrogated. Art. 3. The French people are called to meet at their usual voting places from the 14th to the 21st of December. Art. 4. A state of siege is proclaimed throughout the extent of the first military division. Art. 5. The council of state is dissolved. Art. 6. The ministry of the interior is charged with the execution of the present decree. Issued at the palace of the Elysée, Dec. 2, 1851. Signed, Louis Napoleon Bonaparte. Countersigned, minister of the interior De Morny." A proclamation to the French people, and another to the army supplemented this document; and the *coup d'état*

was consummated. Insurrections in Paris and in the south of France broke out up to Dec. 10. By degrees quiet was restored, and France accepted the new régime. The new constitution was proclaimed.—The following are, in chronological order, the most striking *coups d'état* of modern history, in other European countries. These acts were innumerable in the middle ages. Let us begin with the *coup d'état* of Richard III., who, being still duke of Gloucester and regent of the realm, had Edward V., his nephew, and the young prince, his brother, both sons of Edward IV., assassinated in the tower of London.—Richard III. was not satisfied with compassing the death of his nephews; he wished to make them appear illegitimate. He spread the report, to the shame of his mother, who was still living, that the late king and the duke of Clarence, his brother, were the fruits of the amours of that princess, and that, as he was the only legitimate son of the duke of York, he should succeed him. Richard had a powerful party, at the head of which was Buckingham, and the people proclaimed him king in 1483. We shall not touch upon the history of the war of the Roses.—Gustavus I., of the house of Vasa, king of Sweden, in 1523, wishing to take from the bishops all the fortresses dependent on their bishoprics, and desiring, moreover, to make an investigation of the property which the clergy and religious orders had acquired or usurped since the prohibition of king Canutson, convoked the states general of Sweden at Westerâs, whither he repaired with a great display of military force. From the very beginning he showed his intention to lower the pride of the too powerful clergy. He had the order of priority at his table changed, and placed senators and simple gentlemen above the bishops. The latter, astonished and alarmed at this offensive change, retired after dinner, and shut themselves up in the church of St. Egidius. There they decided to resist the claims of the king. — Next day, the estates being assembled and the king being present, despite the chancellor's speech, which had described Denmark's attitude toward Sweden as one of menace and one which called for great sacrifices on the part of Sweden, several of the bishops gave utterance to bitter complaints. But they were forced to yield to the celebrated declaration of the estates of Sweden, which divested them of their authority; still, this did not prevent their maintaining great influence over the population.—After 18 years of union with Catherine d'Aragon, Henry VIII., of England, who had by her three children, desired a divorce that he might marry Anne Boleyn, whom he had created marchioness of Pembroke. The pope was opposed to the dissolution of the marriage of Henry VIII. and Catharine of Aragon, and threatened the king with excommunication. Fear for a moment possessed the king, and he seemed willing to submit to the authority of the pope. But he changed his mind, and in 1535 the excommunication of Henry VIII was pronounced by pope Clement VII.—Cranmer, whom Henry VIII. had made, by virtue of his private authority, archbishop of Canterbury, annulled his marriage by a decree of May 23, 1533. The king ordained that no one should in future have recourse to the court of Rome in any matter whatever; that every cause should be judged by the prelates of the realm; and that neither first fruits nor annates nor Peter's pence should be paid to Rome; that neither palliums, nor bulls creating bishops, nor dispensations of any kind whatever, should be received from Rome; and that whoever violated these commands should be punished according to the laws of *provision and præmunire*.—It was thus that the monarch separated himself from Rome and founded the Anglican church. Parliament declared Henry VIII. supreme head of the church of England, gave him the first fruits, the tithes, the revenues of all the benefices, and the power of nominating bishops. —After a series of illegal and despotic acts, the account of which should be read in the admirable works of Macaulay, Charles I., king of England, found himself confronted with a parliament determined to restore the liberties and national franchises destroyed by Henry VIII. and Elizabeth, as well as of Scotland, whose discontent he had increased. War broke out, and was at first maintained, but without success, by the Scotch alone. England, represented by the *long parliament*, took part in it only in 1642. Defeated in several battles, the king took refuge in the Scotch army, which received him with great marks of respect, but delivered him up, in 1646, to the commissioners of parliament. Parliament kept him in prison a long time; but he managed to escape, and took refuge in the Isle of Wight, where he was arrested by Cromwell's soldiers, and taken to the palace of St. James, from which he was led to the scaffold Feb. 9, 1649.—If Monk was able to restore the Stuarts to the throne of England, it was due to the incapacity of Richard Cromwell, Oliver's son, who was unable to bear the burden of government, and to a natural reaction.— Monk had faithfully served the protector, who had invested him with high military functions; and when Charles II., the pretender, wrote to him, *the first time*, he hastened to communicate the contents of the letter to Cromwell himself. Cromwell, notwithstanding, was full of suspicion. Nevertheless, at the death of the protector, Monk declared in favor of his son Richard; but when he was sure of Scotland, and had worked upon England sufficiently, he felt that he was master of the situation. Charles II. made him magnificent promises which he kept; and, Oct. 18, 1659, Monk arrested all the officers whose disaffection he suspected. He crossed the boundary of England Jan. 1, 1660, at the head of 6,000 men; joined Fairfax, who had raised a corps for Charles II.; and on the 3rd of February following he entered London. He remained inactive until Feb 21, when he restored to their seats in parliament the Presbyterian members who had been excluded in 1648. The majority was then

favorable to the re-establishment of royalty; and on May 8, 1660, Charles II. was proclaimed king of England.—Let us now turn to Russia. The *strelitz* (in Russian, *strjelzi* means musketeer) were a military body created by the Tsar Ivan Vassilievitch the Terrible, toward the end of the sixteenth century; and they grew to be 50,000 strong. They were formidable for more reasons than one, and Peter the Great himself had to suffer from their too frequent revolts. The *strelitz* often served the policy of the princes near the throne, who were always in opposition to it. They went completely astray when the false Demetrius appeared. They understood, only too late, the master whom they had dared to attack, Peter the Great. Peter I. found the manœuvres of the grand duchess Sophia to be a permanent political intrigue. This princess, aided by several lords of the empire ho-tile to reform, succeeded in gaining over the *strelitz;* and it is impossible to know what would have happened if Peter the Great had not destroyed this formidable military body.—His *coup d'état* was open and above board, and did not bear the traits of such deep cunning as that of Mehemet Ali, of whom we shall speak further on. Peter the Great simply issued a ukase disbanding the seditious militia. This was in 1698 Afterward he had them decimated on the Red square at Moscow; and those who escaped were banished, and sent to Astrachan. In 1705 the remnants of this military body were completely exterminated.—Peter III., Feodorovitch, called to the empire in 1762, was the grandson of Peter I. He was animated by the best intentions, but was lacking in energy of character. Devoted to reform he wished to bestow on his subjects all possible prosperity. Unfortunately, his weakness in view of the hindrances he met in realizing his praiseworthy designs, was an insurmountable obstacle to his projected reforms. One of them, and it was the most delicate, since it affected the religion of the people, was the reform of the orthodox church. He failed completely in this design. All the nobles, who had observed his innovations with impatience, excited the entire people against the prince; and the forfeiture of the power of Peter III. was decreed July 6, 1762. The empress Catherine, his wife, was recognized as sovereign, she was called Catherine II.; and Peter III. died in prison.—Gustavus III., king of Sweden, was confronted with the senate and the nobility, who, after the death of Charles XII., had deprived the crown of legislative and even of executive power. The situation was difficult: the capitulation which Gustavus was compelled to sign when he came from France as prince royal, at the death of his father, was still harsher than that which had been forced upon his predecessor. Gustavus III. resolved to extricate himself from a position which seemed unendurable; for the senate determined even the quantity of wine he might use at his table. The French ambassador, de Vergenne, agreed with the king, who wished to make a *coup d'état* by promulgating a new constitution. Sure of his troops, and surrounded by a few faithful nobles, he realized his project of freeing the crown of Sweden, to which he restored its ancient authority. The diet accepted at first, in 1778, all the propositions of the king; but it resisted later. Gustavus III. did not yield; and he forced the diet to accept the act of union and safety, which invested the king with the right of declaring peace or war. Gustavus was inflexible toward the nobility who resisted him, and reduced them, apparently, by imprisonment and execution; but a conspiracy was organized against him. Ankarstroem, on the night of Aug. 15, 1792, killed him with a pistol shot, at a court masquerade ball.—The military corporation of the mamelukes, grown so powerful that it deposed the sultans of Egypt, owed its origin to the great wars of Gengis Khan. The Tartars, tired of slaughter, saved their slaves; and in 1230 one of the Saharist sultans in Egypt bought upward of 12,000 Circassians, Mingrelians and Abasians from their owners, and formed of them one of the finest bodies of troops ever seen in the east. Such was the origin of the mamelukes. This body soon grew into a formidable caste, from which the sultan was obliged to choose the beys. They had immense power, which was forced to yield, however, to the arms of France. Bonaparte defeated them at Ramangeh. He crushed them out after the battle of the pyramids, in which they left 3,000 dead on the battle field. Bonaparte, by a proclamation dictated under the walls of Alexandria, gave notice of their extermination and of the restoration of Arab autonomy. But this formidable body was not so badly crushed as the great captain believed. When the French army left Egypt, the mamelukes still maintained themselves as a political body. They organized anew; and, always turbulent and seditious, they were often hostile to the pashas sent by the Porte to govern Egypt. But they forgot that they were dealing with an energetic and able master, who, tired of their many revolts and want of discipline, resolved on a *coup d'état* which was to rid him of them. On the occasion of the investiture of the pelïsse, which was to be conferred on his son, Mehemet Ali convoked the beys of the mamelukes, May 1, 1811, in the citadel, where he received them all in the great hall with demonstrations of the warmest friendship, and offered them coffee. But when the cortege, followed by the mamelukes, set out to attend the investiture, they found themselves confined in a narrow and difficult pass which led to the palace El Ajab. Suddenly a body of Albanians covered the height above the defile, the exit from which was closed, and opened fire on the mamelukes, who were thus massacred.—Chronological order brings us to Brazil. A powerful Brazilian party desired to sever the country from Portugal. As Lisbon did not wish to abandon so rich a colony, a war between the two countries was the result. Brazil, agitated by various parties, had nevertheless a

general tendency toward separation and seconded the efforts of Dom Pedro I., who was about to give it a constitution. After the proclamation of independence, the emperor convoked a constituent assembly at Rio Janeiro. This assembly did not understand its mission, and had recourse to agitation and demagogism. Wanting in men acquainted with the duties of deliberative assemblies, it brought trouble on the country, which would certainly have been ruined, if the hand which had opened the door to innovation had not as resolutely closed it. Dom Pedro I., after having exhausted all means of conciliation, decided on a *coup d'état*. He did not send an armed force into the *sanctuary of the law;* but he blockaded the constituent assembly, which was in session. He had the gates guarded, and a proclamation issued to the Brazilian people, announcing that the assembly was dissolved, and that another chamber would deliberate on a constitution which should guarantee the liberties of the nation. Such was Dom Pedro's *coup d'état*. Thus was a simple dissolution of the chamber transformed by circumstances into an illegal act.—A *coup d'état* which made a great noise in the east, and even in Europe, was that which destroyed the formidable body of janissaries at Constantinople. It was a repetition of the destruction of the *strelitz* by Peter I at Moscow. This body dates back to the year 1331. It had been established by the sultan Orkhan; and its importance had become such that, when the sultan Mahmud wished, in 1826, to re-organize the Ottoman army and instruct it in European tactics, he met a formidable resistance from the janissaries.—There were 25,000 or 30,000 regular janissaries; and the irregular janissaries, called *jamacks*, were scattered all over the empire, to the number of 300,000 or 400,000. It was an imposing force. Mahmud foresaw their resistance to the new organization. He had long before won the good will of the most influential officers, and was seconded by his counsel, who understood the full meaning of the *coup d'état* which the sultan contemplated. The sultan announced that he would hold a great review on the square of the Atmeïdan, June 14, 1826. The first military manœuvres were conducted in the European style. The janissaries insolently complained of the new exercises; and the populace sustained them, and accompanied them through the streets of Constantinople. Disturbances took place during the night, and next day, the 15th, the tumult was at its height. More than 20,000 men in revolt had already assembled on the square, calling for the heads of the principal functionaries of the porte. The sultan unfurled the banner of the prophet, at sight of which the masses rallied around the successor of Mohammed. Surrounded on the square of Atmeïdan, which they had made their rallying point, the janissaries were cut down mercilessly with grape shot; and the barracks, into which those who escaped from the massacres had retired, was set fire to. More than 8,000 perished in the flames. The rest were cut down in the streets of the capital. The decree of June 17, 1826, declared the body of janissaries forever dissolved, and their name was anathematized by the mufti. In the provinces of the empire, the dissolution of the janissaries produced similar massacres.—We pass over in silence the Spanish *coup d'état*, and only make mention of the series of *coups d'état* by which Austria, Prussia and several other German states rid themselves of the constitution which had been imposed on them in 1848.—In the preceding we have abstained from passing judgment on the facts related. Sometimes it was unnecessary to pass such judgment, and we have allowed events to speak for themselves.

JULES PAUTET

COURIERS, messengers employed by governments, ambassadors and ministers to carry official news or dispatches. In former times couriers were employed as much for rapidity of transmission as to assure the secrecy of communications; in our days the latter is the predominant motive. A courier and his dispatches are alike inviolable, everywhere in time of peace and in time of war, upon neutral territory. In time of war the practice of seizing upon the official correspondence of the enemy is universal, and seems to be justified by the right of self-preservation. Couriers, permanently employed as such, are frequently attired in uniform. When persons are intrusted with dispatches for a particular occasion only, a special passport secures to them the necessary immunities. M. B.

COURT MARTIAL, a court consisting of military or naval officers, for the trial of offenses against military or naval laws.—In this court there is no division of labor or responsibility, as the members of which it is composed constitute both judge and jury. When the court assembles for organization, the members are sworn by the judge advocate, and usually take their seats according to the official order designating them as members of the court. The court is usually open, but may sit with closed doors, if it be so determined by a majority vote. Sentence, also, is decided by a majority vote; but two-thirds of the entire number in a general court martial are necessary to pronounce sentence of death. The findings of a court martial must in each case be transmitted to the convening authority for approval and confirmation. A court martial has no jurisdiction over an offender not in the military or naval service.—In Great Britain courts martial are of three kinds, to wit: general, district or garrison, and regimental. A *general* court martial is alone authorized by law to pronounce a sentence of death or transportation for life upon the offender. It is composed of 13 commissioned officers, when possible to obtain that number, one of whom is designated to act as president by the order convening the court. A deputy judge advocate is also assigned to the

court, usually by the same order, to conduct the prosecution. He is at the same time the responsible adviser of the court, and, in the absence of counsel for the defense, must insist upon all rights belonging to the accused under the law and the evidence.—A *district* court martial may be convened by the officer commanding the district or corps, without first obtaining authority from the sovereign. Its number varies from three to seven, and the rank of its deputy judge advocate must be no lower than that of captain. This court is empowered to try warrant officers, non-commissioned officers and rank and file, on such charges as merit a secondary punishment.—A *regimental* court martial is convened by order of the commanding officer of a regiment, consists of from three to seven members, and tries minor offenses, with minor punishments.—A non-commissioned officer or private may be tried by any of the foregoing courts, but a commissioned officer must be tried by a *general* court martial.—Naval courts martial consist of admirals, captains and commanders, and are appointed by the commander of the fleet or squadron. They are empowered to try all offenses against the articles of war, in the naval branch of the service. The findings of this court are final, irreversible, and subject to no act of confirmation or disapproval by higher authority.—The armies of the United States, by act of congress, are governed by certain rules and laws, called articles of war.—Article 72 (Revised Statutes, U. S.) provides that any general officer commanding the army of the United States, a separate army or a separate department, shall be competent to appoint a *general* court martial either in time of peace or war, except when he is the accuser or prosecutor of any officer under his command. In that case the president appoints the court, and its findings are sent directly to the secretary of war, who lays them before the president for his approval or disposition otherwise.—In time of war the commander of a division or a separate brigade of troops can appoint a *general* court martial, except when he is the accuser or prosecutor of any person of his command. In that case the officer next above him in command appoints the court.—*General* courts martial in the United States may consist of any number of officers from 5 to 13; but 13 always, when that number can be convened without injury to the service. Every officer commanding a regiment or corps can appoint from his own regiment or corps, a court martial of three officers to try offenses not of a capital nature. A similar court can be convened by the commanding officer of a garrison or post when the troops consist of different corps. Regimental and garrison courts martial and field officers detailed to try offenders, can not try capital cases or commissioned officers, nor inflict a fine exceeding one month's pay, nor imprison or place at hard labor any non-commissioned officer or soldier for more than one month.—No sentence of a court martial can be carried into effect until approved by the officer convening the court. In time of peace, no sentence of a court martial involving loss of life or the dismissal of a commissioned officer, and either in time of peace or war no sentence against a general officer, can be carried into effect without approval by the president of the United States.—The jurisdiction of all courts martial extends only over offenses committed by those who are duly enlisted or appointed in the military or naval service of the United States. No sentence of death can be pronounced by any court martial except by the concurrence of two-thirds of its members; and no person in the military service under sentence of a court martial can be punished by confinement in a penitentiary, unless convicted of an offense by a United States statute or that of a state, territory or district in which the offense was committed, or by the common law, as the same exists in such state, territory or district. JNO. W. CLAMPITT.

COURTS, U. S. (See JUDICIARY.)

COVODE INVESTIGATION, a proceeding which occupied much of the first session of the 36th congress, 1859–60. Two anti-Lecompton democratic members of the house declared in debate that the administration had endeavored to influence them corruptly to vote for the Lecompton bill. A committee of five, with Covode of Pennsylvania at its head, investigated the charge for three months, the republican majority finding the president guilty, and the democratic minority exonerating him. President Buchanan protested against the investigation. No action was taken by the house on the report. (See KANSAS; DEMOCRATIC-REPUBLICAN PARTY, V.) A. J.

CRAWFORD, Wm. Harris, was born in Amherst county, Va., Feb. 24, 1772, and died in Georgia, Sept. 15, 1834. He settled in Georgia in 1783; was a senator from Georgia 1807–13; minister to France 1813–15; secretary of war 1815–16; secretary of the treasury 1816–25; and United States circuit judge for Georgia (northern circuit) 1827–34. In 1817 (see CAUCUS, CONGRESSIONAL) he was Monroe's only real competitor for the presidency; in 1825 he was the regular or "machine" candidate of the elements which had hitherto controlled the democratic party, but the lead was wrested from him by the new elements which, under cover of Jackson's popularity, seized the reins of power 1825–9. The Crawford faction remained intact for a time, but was thrown into utter confusion by a stroke of paralysis which took its leader out of politics. It then gradually united with the Jackson men under the general party name of democrats. (See DEMOCRATIC-REPUBLICAN PARTY, IV.) In his time his political influence and reputation were very great; hardly any public man of his time has so completely disappeared from general recollection, or left so little reason for remembrance.—See J. B. Cobb's *Miscellanies*, 131–248; 2 Parton's *Life of Jackson*, 344, and 3:24–70. A. J.

CREDENTIALS, the document by which a diplomatic agent proves his commission. There is no special form prescribed for these letters, which may be either open or sealed; but, until they have been delivered, the minister or agent does not enjoy, by right at least, any of the immunities attached to his office. The powers of a diplomatic agent may be either general or special; but, in every case, the extent of his powers must be specified in the document which accredits him. Klüber (*Droit de gens*, § 193,) thinks that, after he has delivered his credentials, the acts of the agent bind his country. There was much more foundation for this opinion, before the invention of the electric telegraph, and the construction of railroads; in our day there is scarcely an act of any importance, whose ratification governments do not reserve to themselves. The telegraph has certainly diminished the number of diplomatic agents. M. B.

CREDIT. If there exists an agency of unquestioned power, it surely is that of credit. Who does not admire its wonderful potency? Who does not recognize the mighty share which is due to it in the economic development of the present age? Men are still far from agreeing as to what are the limits of this power, or comprehending the means by which it accomplishes its wonders. The old difference of opinion regarding the extent and the functions of credit, still continues, and manifests itself from time to time with renewed force. Economists of no little weight continue to claim for credit a *creative* power, the faculty of increasing capital. The majority of economists, however, and the testimony of experience, seem to assign to it a less ambitious place.—The task of treating this question exhaustively we leave to special works on the subject. It is impossible, however, to pass it by here in silence. It is important, for the discussion of a great many of the questions which agitate the present times, to have settled ideas upon the essential functions of credit. Commercial credit has the first claim to our consideration. It was the starting point of the whole system, and is to-day the most important wheel in the whole fiduciary mechanism. Commercial credit marks the third distinctive phase in the history of exchange. First came barter. In exchange for the fruit of his hunting, his fishing, or the crop which he grows, the seller—both parties are sellers—receives a product equal, or nearly equal, in value; one from which he believes he can derive greater advantage than from the product which he sells.—Then came exchange through the medium of money. This was a complete revolution. In exchange for the special product of which he disposes, the seller now receives a universal product, or rather the means of procuring any obtainable product, service or enjoyment he may desire. Both gain by this exchange; there is no longer any necessity that the one should offer, and the other receive, in exchange a determinate quantity of merchandise. all that is needed is that the person desirous of acquiring a thing, should possess, it matters not in what form, a value equal to the one he wishes to obtain. The mind perceives at a glance how greatly this facilitates the transaction of business.—Still, if exchange was impossible in the times of barter, when the party who wished to acquire the merchandise offered did not possess an equivalent in merchandise which he could directly or indirectly convey to the party offering, so also, when money is the medium of exchange, the exchange can not be effected if the demander has no money. Here it is that credit comes in. In this third phase of exchange the holder of a product, to be induced to surrender it, no longer asks, as in the times of barter, that he receive in return the product which he needs, or at least a product wherewith he may be able to procure it; he no longer demands, as in the time of cash sales, the money with the aid of which he may be able to acquire immediately the equivalent of what he has given; he is satisfied with the prospect of receiving, at a stipulated time, the payment of the debt contracted by the purchaser.—Henceforth the existence of one disposable object will suffice for a commercial transaction; the counter-value may not yet exist. Let us illustrate, by an example, the essential difference between these three phases of exchange. My neighbor, a farmer, has harvested 10 hectolitres of wheat more than he needs to supply the wants of his family. I desire to obtain it, and he would willingly dispose of it for a yoke of oxen. In the age of barter, in order to obtain this available wheat, it would be necessary for me to possess the oxen desired by the farmer in order to effect the exchange; in the age of money payments I must possess a sum equivalent to the price of the oxen; in the age of credit, the farmer delivers me his wheat, and is satisfied with a promise of receiving its equivalent from me at a later period; and this equivalent I will probably obtain from the very commodity itself which he has given me, by selling, at a profit, the bread made from the wheat which I bought from him.—Thus credit may be truly said to discount the future. We feel at perfect liberty to excuse ourselves from discussing the question propounded by J. B. Say, whether a social state, in which no one made use of credit, and in which all business was transacted on a cash basis, would be preferable to the present economic organism, in which nearly every one gives and asks credit. Can we, indeed, imagine any economic movement without the mainspring of credit? From the time that exchange ceases to aim merely at the satisfaction of the direct and immediate wants of the two contracting parties, credit becomes absolutely indispensable. A peasant proprietor's son inherits a piece of land, which, if cleared, will afford him means of support; a young clerk, possessed of activity, intelligence and a knowledge of business which would make him a successful merchant, wishes to open a store; a mechanic,

skilled in his trade, and assured of a ready sale for his handiwork, wishes to start a shop. It is evident that, if the peasant's son must pay cash for the agricultural implements and seeds which he needs, the clerk for the merchandise which he is to sell, and the mechanic for the raw material which he is to use in his work; the farming of the first, the business house of the second, and the manufacturing of the third will be utter impossibilities. They must needs have money to commence work, and they must have worked in order to have money. Credit alone enables us to get out of the vicious circle. It is to credit alone that we are indebted for that intermediate agent which plays so important a part in the transaction of business, whether it be in causing supply and demand to meet, or in applying to the industry of exchange the principle of the division of labor which is so favorable to production. Without credit this intermediary is impossible in most instances. The miller, whose whole fortune consists of the two wheels which grind his grain, the fall of water which sets them in motion, and the cabin which covers them, would not be able, with the best will in the world, to pay the farmer for the grain which he is to make into flour, until he himself has sold this flour, and received his pay therefor from the baker; the merchant who engages to deliver to his customers linen, made in some remote manufactory, can not give the manufacturer its equivalent until he himself has sold the merchandise, and received the price of it. But if credit be indispensable in some cases, it is in others a supreme necessity. In the economic movement of society everything is connected like the links in a chain. The farmer, who can obtain pay for his grain only three months after he has delivered it, can not buy for cash the cattle which he needs in the meantime. The cloth manufacturer who trusts the draper, must remain idle, if, to replenish his stock of wool, he has to await payment from the draper; he also must buy on credit. It is with him just as it was with those who, in the case cited before, are accommodated by means of credit—the farmer who wished to clear his land, the clerk and the mechanic who wished to start in business, and who could not do it without the aid of credit. Thus credit at one time gives birth to both industry and trade, which could not exist without it, and at others it prevents their stoppage or growing sluggish; as a general result the difference is not great Credit multiplies the producing and consuming power of society: by facilitating exchange it accelerates and thus increases it.—The word credit really still answers to what its etymology and the nature of things indicate, and to what was its primitive object. Credit supposes confidence. Confiding in the good will, the honor, and the intelligence of the purchaser, and also in the law, which, in case of need, will protect my rights, I make a transfer of a piece of property on time. I agree to part with my land, with the product of my industry, of my capital, in return for a counter-value which I shall receive only after a certain length of time. This confidence constitutes the very essence of credit. The rest is merely accessory. The bank note, discounts, the bill of exchange itself, are not constitutive elements of it. During the middle ages credit transactions of great importance and on long time were effected without the intervention of any of these means, and without leaving the slightest trace in writing; and even to this day the Russian producers and merchants who frequent the great fair at Nijni Novgorod, contract credit obligations for 12 months' time, without giving the least evidence of the debt, and that for a very good reason: very frequently they can neither read nor write. What we, in a more highly developed economic state, call instruments of credit, may facilitate and hasten the workings of credit, but they do not change its nature. By giving my creditor a written promise of payment, he is in many respects better secured than he would be by a mere verbal promise; and, besides, this written evidence of it increases the creditor's facility for transferring his claim. But does the nature of the operation change because it has been consigned to writing? Or does it change because the seller has disposed of the document which proves his claim against the buyer? To answer in the negative it is only necessary to understand the nature of this transfer, and of discount.—We have said that to give credit is to consent to wait for the return of the thing given or its equivalent: immovable property, merchandise, money, service, etc. But very often the seller is not prepared to wait, he therefore substitutes another person in his place, who can afford to do so; it matters not whether it be a creditor of his, whom he pays with a bill of exchange, or a capitalist who has idle money, and buys the credit, to take advantage of the interest, or a person who makes a business of discounting. This last person may not himself be able to await the maturing of the note; he goes to the bank, and rediscounts the discounted values. Bankers, and still more public banks, are peculiarly well able to wait. In other words, they can give a great deal of credit, as this is precisely their office, to utilize—in collecting it by deposit, accounts current, etc. — available money, capital newly acquired, or momentarily idle. In all this there is a manifest acceleration of the economic movement of society; and this has an immense influence, since an amount of capital turned over three times a year performs the same service as three times the amount turned over only once. But there is not in this circulation, nor in the discounting of commercial paper, any creation of capital. All these credit transactions do not multiply capital in any other sense than accelerated motion increases the services of a machine.—"But the bank note!" it is urged, "does not the note which the bank gives me, and with which I operate just as well as with any other value, increase by its entire sum the amount

of capital? It is," continues our objector, "just as it is with a draft. Without the power of free disposal of the merchandise bought or the money borrowed being in the least affected in the hands of the purchaser or borrower, the creditor (whether seller or buyer), with certain restrictions, makes use of the bill or draft just as he would make use of money or any other value which he might possess." "There are, therefore," it is said, "two amounts of capital in circulation instead of one, and there must surely be an increase of capital." This argument is specious; but let us first turn our attention to the bank note, which is appealed to as a proof of the creative power of credit. Banks, by substituting their notes for convenient amounts, notes generally acceptable in the place of letters of exchange, whose amount is so variable and whose signatures, because so little known, hinder their circulation, simply convert the bill of exchange into money. They render easier of transfer and fitter for circulation the promise to pay which I hold: they transform the bill payable to a specified party into one payable to bearer. Nor is this change the only service which they render. It happens every day in retail trade, that the purchaser, in exchange for a single note of 100 francs, the amount of his purchase, signs 10 notes of 10 francs each; because the creditor will be able to make use of them with much greater facility to pay his various small debts, where his solvability, or that of his debtor, allows them to pass (almost) as money. In this rendering more readily transferable the claims which he signs, the debtor effects, in a partial and imperfect way, what the bank does in giving me 10 20-franc bills for my bill of exchange for 200 francs. But the bank note, which I prefer to the bill of exchange, because it circulates more easily, evidently can have no intrinsic virtues other than those possessed by the document which it replaces. The hypothesis, according to which the issue of bank notes is a creation of capital, can not stand, therefore, unless that same power be attributed to commercial paper also. This has been attempted. To perceive what an amount of error and exaggeration there is in this opinion, it will suffice to consider attentively for a moment the part played by the bill of exchange. A is a cutler. He sells $4,000 worth of his wares to B, a hardware merchant, who, instead of paying the $4,000 immediately, gives his written promise that he will pay them three months from date. Why? Because B needs this delay to dispose of the merchandise and get back the amount of capital which comes to him under the form of knives and similar articles. And so with the $2,000 in specie loaned to a manufacturer, either to purchase his raw material, or to pay his workmen, and which he repays out of the amount realized from the sale of his merchandise. Far from doubling the $2,000, the bill of exchange rather certifies that for the time being this sum does not exist at all as capital, in the commercial sense of the word: as a disposable value and an object of trade. But in certifying, also, that the capital will be restored in three months' time, the bill of exchange, whether it circulate by way of indorsement until it mature, or whether the bank in discounting substitute its notes for it, still admits to a certain extent, and under certain circumstances, of the immediate employment of the loaned capital. Thus, if I keep a bill of exchange in my safe, it is simply a security; if I put it in circulation, it prevents the momentary disappearance of a certain amount of capital; it prevents the infertility of that amount of capital during the time which intervenes between its *decomposition*, so to speak, and its restoration. In neither case do we see any trace of a creation of capital, of new capital added to the amount of capital already existing.—Here is a palpable proof of this: on the day on which the capital which has been temporarily retired from circulation has been restored, and enters again into circulation, the day on which the hardware merchant pays the cutler the amount of his indebtedness, and receives the note which he gave him, the pretended capital by which this note is thought to have increased the national wealth vanishes. Whether A destroys the bill of exchange or returns it, the pretended capital which it created has no existence whatever: at the end of the operation, there is merely the original capital restored, increased, according to circumstances, by the profits which its use in operation may have produced, the division of which between debtor, creditor, etc., does not concern us here.—Let us put a whole series of bills of exchange in the place of one, and the proof of this fact will be made clearer still. I am a farmer, and sell on the 1st day of February, 1881, $2,000 worth of corn, for which the miller will pay me on the 30th of April following. Counting upon this, I go and buy $2,000 worth of cattle, which I agree to pay for in three months' time; the stock raiser purchases a threshing machine, which he intends to pay for on the 30th of April with the price of the cattle; the agricultural implement manufacturer bargains for $2,000 worth of iron on 90 days' credit. Here are four bills of exchange signed the 1st day of February, and all payable the 30th of April. Each of the three creditors voluntarily disposes of the claim which he holds, and which in his business renders him the same service as if he possessed its value in merchandise or in coined money. Can any one pretend from this that four distinct amounts of capital of $2,000 each have been created? Let us see. The time of the maturity of the notes arrives. The grain merchant, by the gradual sale of the corn which he bought from me, has obtained the $2,000, for which I gave him credit, and he pays me the amount. The $2,000 serves the same day to pay my indebtedness to the agricultural implement manufacturer, and the manufacturer's obligation to the iron merchant. Thus this one amount of actual capital—this $2,000 in coin or in paper, obtained by the gradual sale of the corn first sold by the farmer to the miller, annihilates

in a single hour the four sums of capital of $2,000 each, which the four bills of exchange had created! Now, if it be difficult to admit creation out of nothing; reason absolutely refuses to allow the possibility of the instantaneous and utter disappearance of things once created. In reality, nothing is annihilated on the day of the maturing of the notes but four certificates which have no longer anything to certify, because the debts of which they were the evidence have ceased to exist.—May we not apply the same reasoning to bank notes? As the drafts discounted mature, the notes issued for them will be returned to the bank; and there will not remain in circulation the least trace of the capital which was "created" by their issue! Besides, this disappearance—a proof no less convincing than the unreality of the pretended capital created by credit—leaves behind it not the least void in the wealth of society. More yet: if commercial bills, bank notes and other instruments of credit were capital, and increased the instruments of labor, we could not too heartily congratulate ourselves upon their multiplication. Would their increase not be the increase of means of progress, and of general well-being? Many a one reasons thus; but rational theory and reasonable practice judge far otherwise. In their opinion, progress consists, not in the multiplication, but in the diminution almost to total abolition, of instruments of credit. At a time not very long past, nations and governments thought that wealth was to be measured by the amount of coin money which a country possessed; that the more abundant money was, the more healthful the circulation of wealth; but who would pretend to say to-day that it is an advantage for France to have 4 000.000,000 francs of coin money in circulation. We all see, rather, that in this respect she is far behind England, which does not possess probably one-quarter of that amount, but which with that quarter transacts infinitely more business than France. Relatively the amount of bank notes and drafts in circulation is also much smaller in England than in France. Does this difference prove a disadvantage to England? On the contrary, it is an advantage which France would gladly acquire. In proportion as the system of accounts current, checks and the clearing house is extended and strengthened, the use of bank notes and bills of exchange is necessarily and fortunately lessened. What are we to conclude from all this, but that commercial paper and bank notes are but instruments, which can be replaced by more perfect means, or which a superior organism will some day dispense with entirely?—Discounting is not, in reality, the only mode of issuing. "There are especially," we are told, "direct advances, wherein the bank, without requiring any counter-value, without retiring from circulation a corresponding amount of capital, provides its client with the instruments of labor, causes capital to appear, by the credit which it gives, where no capital existed before." This is taking only a very partial view of what actually happens. The notes which the bank issues by way of direct advances have all the appearances of real capital. They render the person to whom the credit is extended the same service as if a capitalist had made the loan to him in metallic money, or as if the producer had advanced him the raw material wherewith to carry on his trade, and which he buys with the notes the bank has loaned him. But what does the bank do but substitute itself in the place of the producer; what does it do but anticipate the operation of discount? Let us suppose that a tanner, A, of whom a shoemaker, B, newly started in business, wishes to buy leather, knows that the bank has confidence in B, and will readily discount his paper. In this case A will certainly have no hesitation in furnishing leather to B on credit, for a note which he will get discounted at the bank. The transaction thus becomes an ordinary commercial operation, in which, as we believe we have demonstrated, neither a bill payable to order nor a bill of exchange "creates" anything. *Cash credit*, such as is now given particularly by the Scotch banks, and certain banks in Germany, is nothing more nor less than the discounting of a note anticipated. Whether A furnishes B with goods on credit, and then goes to the bank, and by discounting B's paper gets the money for the goods furnished B on credit; or whether the bank loans this same money to B himself, that he may buy for cash from A; the amount of active capital is no more increased in one case than in the other. In both cases the bank notes take the place of an amount of capital (that of A) which can not afford to wait (until B can give something in exchange for it), and thus keep it from lying idle. We need scarcely say here that "accommodation notes," which do not grow out of any business transaction, and seem in fact, in the eyes of the multitude, to create capital at will, are not instruments of credit, but most frequently instruments of swindling.—We have not a much better opinion of another "operation" whereby adroit manufacturers and merchants in embarrassed circumstances seem to multiply capital at will through the instrumentality of credit: we refer to the advances which banks make on the security of commercial paper or bills payable. We do not believe that to make advances on such security comes within the province of a bank; such advances belong rather to the pawnshop. These advances may, perhaps, have their advantages; but such is their character in our own day that they lie outside the domain of political economy. We know how far enterprising speculators have carried this mode of borrowing of late years. A man has 100,000 francs, with which he purchases government bonds or annuities: these he deposits in a bank, and receives from it, on their security, 80,000 francs. This sum he invests in shares of stock to its full amount, and then pledges them to the bank for 60,000 francs. He now buys 60,000 francs worth of bills payable, and repledges them for 40,000 francs, with which he again purchases bills paya-

ble, which are once more pledged to the bank. Thus this man may have obtained 300,000 francs' worth of bills payable with a capital of 100,000 francs. In fact, he may not have owned or paid out a single franc, if the first purchase was made on credit. Thanks to such manœuvres as these, "credit" may well appear to multiply capital in the hands of the borrower, and constantly create new capital for him. But without examining whether this appearance be a reality—though it can hardly be so—let us ask ourselves: Is there any advantage to the community in this creation of fictitious capital? We do not think so.—Are we not, perhaps, underrating credit, and questioning its value and power? This is not our intention; nor would it accord with our previous observations on the subject.—Credit assures us the uninterrupted continuance of production and consumption. Sometimes, as we have already seen, economic action would be entirely impossible without the intervention of credit. The service which credit thus renders to the economy of a nation is great enough to warrant its most zealous partisans not to claim for it any further title to the gratitude of modern society, in which it has acquired a development hitherto unknown. It works wonders. It produces, if we may so speak, perpetual motion. The economic machinery of society seems to stand still, to slacken its motion, or to accelerate its speed, in proportion as credit disappears, grows feeble or revives. The activity of production and consumption of wealth in any country is greater, more general, more fruitful, according as credit is more or less developed there. In a word, credit is the great motive power of economic activity; it is an immense service rendered to the material and moral progress of society. Is there any use in claiming for credit imaginary powers, which, far from increasing its utility, frequently vitiate it in its very essence?—We need not dwell here upon the elementary conditions which the strengthening and development of credit require. Among the most indispensable the following are admitted on all hands: the reign of justice; good legislation; the guarantee of the creditor against the bad faith of the debtor; a liberal legal policy in matters of industry and commerce, allowing each one to make use of his powers, and to turn what he produces to the best advantage; facility and safety of communication; a rational and honest monetary system. We shall insist upon only one point: if to give credit means to wait for payment, if to give a great amount of credit we must have at our disposal a great amount of capital which can wait, it becomes necessary, that credit may be developed on a large scale, to put into and to retain in active circulation all the capital accumulated or in process of formation and accumulation, which, because it is idle capital, may be substituted wherever needed for the capital which can not afford to lie idle for a time, that is, drop out of circulation. To attract to itself all capital momentarily idle by means of the savings bank, deposits, accounts current, etc., and to employ it again to liberate bound-up capital, which it is not desired to withdraw from circulation again: such should be the aims of a bank, whether private or public, free or a monopoly, if it wish to attain its end as an institution of credit. This is the only healthful and desirable way for credit to develop and progress; and it is the way, also, in which its services promise to become more numerous and more important with time.—What we have just said of commercial credit applies equally well to all the other forms of credit, whatever the purpose of the credit may be. This is not the place for us to dwell on what is called national credit. Suffice it here to say, that in its essence public credit does not differ from private credit; it does not, nor can it possess any power which is not inherent in the nature of the latter. We can loan to the state, as to an individual, only money which exists somewhere. If a public loan absorb only the capital in process of formation and not yet invested; if, at its best, it attract, in addition to this, the capital invested in a rather unproductive manner; and if the capital thus concentrated in the public treasury be employed in a rational way for the general good; public credit may become an effective instrument of progress to the community at the same time that it furnishes a good and profitable investment for disposable capital. But when, attracted by a high rate of interest, by premiums and lotteries, the state borrows more than is warranted at a given time by the amount of uninvested or badly invested capital; when it thus induces capital to withdraw from agricultural, industrial, commercial, and other investments, in which it was contributing to the general economic good of the nation; when the capital thus wrested from its natural and beneficial function, is employed by the state in unproductive outlay (luxurious buildings, excessive ornamentation, etc.,) or even in destructive outlay (war-like expeditions); then public credit becomes a real national scourge. It wrongs the present generation by robbing it of its instruments of labor and production; it weighs down generations to come with an excessive load of interest, with which it forever burdens them. Besides this, it has the danger of facilitating war-like and other enterprises, the enormous cost of which is not their greatest inconvenience.—The same danger attends another kind of credit which has been largely developed in our day, and which holds a middle place between private credit and public credit: we might call it *enterprise-credit*. It is given, by way of preference, in the case of great works of public utility and to vast industrial, commercial and other enterprises; and to these it renders great and undeniable service. But here, also, we must remove a misunderstanding which has contributed not a little to cause the influence of credit to be exaggerated, and to produce a belief in its magic power. We hear it said every day: We are indebted to credit

for the construction of railroads, for the development of steam navigation, for the exploration of mines on a vast scale, for our immense manufactories, and other enterprises more or less great, which are the pride of the nineteenth century, and the cause of its prosperity. Let us see. When a company is formed, and collects, by the issuing of 2,000 shares of stock at 5,000 francs each, a capital of 10,000,000 francs to build a railway 50 kilomètres in length, credit has absolutely nothing to do with the enterprise. The stockholders by whom the capital is furnished are in a situation precisely similar to that of the 10 or 20 capitalists, who put their capital together for the purpose of building a hotel, or for the erection of a manufacturing establishment. The credit which a railroad company asks of the contractor, material-man, and other persons with whom it enters into business relations, is private credit. it differs only in extent from the credit which is every day asked and received. Enterprise-credit, or quasi-public credit, enters into the transactions of the company, only when, instead of asking the additional capital it may need from the stockholders themselves, from those interested in the enterprise, it asks it of the public generally; in other words, when it issues bonds, instead of issuing shares of stock. The rules which we have laid down relative to public credit, apply equally to what we have called enterprise-credit. To companies, as to individuals, or to the national treasury, can be loaned only money which people actually have. The credit the capitalist gives in taking the 100 bonds of 500 francs each, no more acquires "creative power" because it is a company which gets it, than if the capitalist had used this same sum to discount bills of exchange, for, say 10 merchants, to the amount of 50,000 francs. Before it can go into the coffer of the company, it is absolutely necessary that this money should come out of other coffers. Now, if the company, by the real and solid advantages which it offers, succeeds not merely in liberating and putting in circulation capital temporarily idle, but also in stimulating the creation of capital by the accumulation of savings, it may render great service to the economic community. It happens, however, frequently enough, that, by the allurement of premiums and other means, companies induce capital engaged in useful enterprises to abandon these in order to avail itself of this apparently more productive investment. The investment may prove so, for a time at least, to the capitalist: it certainly is not so for the public generally. The people see the railroad constructed by means of the capital thus borrowed, and extol the power of credit: they do not see how, deprived of a large part of the capital invested in them, agricultural and industrial enterprises, which alone could furnish a profitable traffic to the railroad constructed at their expense, languish and decline.

J. E. Horn.

CREDIT, Letter of, is an order given by bankers or others at one place, to enable a person to receive money from their agents at another place. The person who obtains a letter of credit may proceed to a particular place, and need only to carry with him a sum sufficient to defray his expenses; and it gives him some of the advantages of a banking account when he reaches his destination, as he may avail himself of it only for part of the sum named in it. If it were not for the convenience which a letter of credit affords, a person who was intending to make a tour on the continent, for example, would be under the necessity either of taking with him the whole of the sum which he would require during his absence, or of receiving remittances from home, addressed to him at particular places. —A letter of credit is not transferable. By a strict interpretation of a clause in the stamp act (55 Geo. III., c. 184), an instrument of this nature would seem to be liable to the same duty as on a bill of exchange payable to bearer or order; but in practice the duty is openly evaded. If the law were more stringently acted upon, evasion of the duty could be easily practiced, as a banker, instead of granting a written instrument, could advise his agent privately to pay certain sums to certain parties, according as the agent might be advised. Bohn.

CRÉDIT FONCIER. When after a long period of inactivity the energies of a people are suddenly turned in an industrial direction, they find innumerable enterprises which would be profitable if only they possessed the means of setting them agoing. The quantity of money which was found sufficient for a non-industrial people is now found to be wholly inadequate to the increased demands for it, and the only consequence can be, that if there be a greatly increased demand for the existing quantity of money, the rate of discount, or interest, will rise proportionably, and rise to such an extent as to preclude all possibility of profit from such enterprises, even if effected.—It has been invariably found, therefore, that whenever this takes place there are abundant schemes set afloat for increasing the quantity of money. This was particularly the case after the restoration, in England, when men, weary of politics and polemics, began to turn their attention more to commerce.—Among fields of enterprise none appeared at that time more promising than agriculture. But, unfortunately, all the available specie was absorbed in commerce; none was to be had for agriculture, or, at least, except at such rates as to be a practical prohibition.—It was this real want that gave rise to the schemes of Asgill, Chamberlen, and others, for the purpose of turning the land into money, which were so rife at that period. Among all of them, John Law's has attained the greatest name. He perfectly well understood the powers of credit, and he saw that credit was an increase of the powers of money; but he saw that credit was limited by

money, and his plan was to devise a scheme by which paper money should be created, which should maintain an equality of value with silver.—He supposed that if the land were mortgaged to the government it might create paper money to the amount of the value in silver of the land, and that this paper money would circulate at par with silver.—This doctrine may seem to have some plausibility in it, and has many modern admirers. But, nevertheless, whenever it has been tried in practice, it has uniformly been found to fail. This, however, is not the place to point out its error, nor to detail the practical examples of its failure.—Ten years, however, after the failure of Law's system in France, the Scottish banks, by the admirable invention of cash credits, pushed credit to the utmost extent of its legitimate limits, and realized all that was practicable in Law's scheme.—No one who understands the subject can fail to see the enormous advantages of paper when duly administered. But the great difficulty in all such cases is to determine what are the true limits of the issues of paper. That is, to what extent it may be issued and maintain an equality of value with silver. In fact, it is one of the profoundest problems in political economy, and of the most momentous consequence to the prosperity of the nation.—Seeing, then, that paper money directly based upon land was a failure, and that the invention of cash credits could not be carried out by the timid and narrow system of foreign banks, the question was how to divert capital to the land without creating paper money.—At the close of the seven years' war the proprietors in Silesia found themselves in a state of inextricable embarrassment. The ruin and destruction caused by the war, and the low price of corn, caused by the general distress, made them unable to meet their engagements. Interest and commission rose to 13 per cent. They obtained a respite of three years to pay their debts. To alleviate the distress arising out of this state of matters, a Berlin merchant, named Büring, invented a system of land credit, which has been very extensively adopted in Germany, Russia, Poland, and lastly in France. —Proprietors of land can no doubt borrow money on mortgage; but in every country such transactions are attended with many inconveniences. They have many expensive formalities to undergo, such as investigation of title, etc. Moreover, the difficulties and expense of transfer are usually very great, as each purchaser has to undergo the same investigation and expense. If the debtor fails to pay, the process of obtaining redress, or possession of the land, is usually very troublesome and expensive. The consequence of all these obstacles is, of course, to raise greatly the terms on which money can be borrowed on mortgage. —The system of government funds suggested to Büring the idea of creating a similar species of land stock. The government could usually borrow much cheaper than the landlords, because the title was sure and indisputable, and there was no impediment to the negotiability.—Büring, therefore, conceived the idea of substituting the joint guarantee of all the proprietors for that of individuals, and establishing a book in which this land stock should be registered and be transferable, and the dividends paid exactly in the same way as the public funds. The credit, therefore, of the association, was always interposed between the lenders and the borrowers. Those who bought this stock looked only to the association for payment of their dividends, and the borrowers paid all interest, etc., to the association, which took upon itself all questions of title and security. The whole of these obligations were turned into stock transferable in all respects like the public funds. Such is the general design of these associations. It is plain that they avoid the rock of creating paper money, while they greatly facilitate the application of capital to the land. They, in fact, do nothing more than turn mortgages into stock.—There are different methods of organizing such associations, which we shall describe presently, but we may say in a general way that the system was introduced into Silesia in 1770; the March of Brandenburg, in 1777; Pomerania, in 1781; Hamburgh, in 1782; West Prussia, in 1787; East Prussia, in 1788; Luneburg, in 1791; Esthonia and Livonia, in 1803; Schleswig-Holstein, in 1811; Mecklenburg, in 1818; Posen, in 1822; Poland, in 1825; Kalenberg, Grubenhagen, and Hildesheim, in 1826; Wurtemberg, in 1827; Hesse-Cassel, in 1832; Westphalia, in 1835, Gallicia, in 1841; Hanover, in 1842; and Saxony, in 1844.—These associations are divided into two classes. The first are private associations, and these again are divided into companies founded by the borrowers, and financial companies founded by the lenders; the second are associations founded by the state or the provincial authorities.—The fullest information respecting these companies is to be found in M. Josseau's work, mentioned below, from which we take the following details.—Of private associations formed by the borrowers there are: *Pomerania*. The *Société de Pomerania*, called landschaft, or, *Landschaft Casse*, founded in 1781, with an advance of 200,000 thalers from Frederich II., and with revised statutes, in 1846. —The company creates negotiable obligations at 3½ per cent. for 100 thalers and upward, and 3⅓ per cent. below, payable half-yearly.—The proprietor pays 4 per cent. interest, and ⅙ per cent. for expense of management.—The holder of the obligations has, as security for their payment, the entire capital of the company, the land specially mortgaged for them, and the liability of all the proprietors of the circle, and, if that should fail, all the proprietors of Pomerania. There is no priority of preference among the obligations. The holder may take away the negotiability of the notes, which can only be restored by a court. The holder can not demand repayment, but the company may pay off their bonds. These bonds can only be issued on property in the power of the company.—The head office of the company is at Stettin. A royal commission has the surveil-

lance of its operations, and presides at the general meetings. The administration consists of a director and two assistants. There are four departments in the country, with a director at their head, and several branches to each. These branches have to make all the necessary inquiries concerning the property upon which loans are to be advanced.—The borrowers receive the company's bonds at the exchange of the day, in sums of 200 or 1,000 thalers. For one-tenth of the loan they may receive 100, 50 and 25 thaler notes. They may pay either in money, or in the company's bonds, which they may purchase from the public. Overdue coupons are also received as ready money. Thus, again, showing that the release of a debt is equivalent to the payment of money, or $- \times - = + \times +$. A debtor may at any time pay off his debt on giving eight months' notice before the payment of the coupons, and paying a deposit of 5 per cent. The company may also redeem its bonds on giving six months' notice. In 1837, its bonds in circulation amounted to $55,602,844, and they were above par.—*Russia.* The *Banque de Crédit System* was founded in 1818, by Alexander, who advanced funds for its organization. It extends through the Baltic provinces Livonia, Esthonia and Courland. It issues bonds transferable by indorsement bearing 4 per cent. interest something for expenses, and something also to form a sinking fund. Its bonds are received by the government at their nominal value.—*Po'and.* The *Société de Crédit Foncier de Pologne* was founded in 1825, and reformed in 1838. It issues bonds bearing 4 per cent. interest, transferable by indorsement or delivery. The borrowers pay 4 per cent. interest, 2 per cent. to form a sinking fund, a fee of one florin for notes of 200 or 500 florins, and two florins for those of 1,000 florins. By this means the debt is redeemed in 28 years. The sum advanced does not exceed one-half the estimated value of the land. The holders of the company's bonds have as security, besides the lands specially mortgaged, national domains given by the crown, and the reserve fund of the company. The bonds are issued at Warsaw, at the head office, on the recommendation of the branches in the departments. Debtors may free themselves at any time by paying off the debt and 2 per cent. additional. A general meeting is held every two years, at which the minister of finance presides. The bondholders also have meetings, at which all the creditors above 10,000 florins have a voice for the purpose of considering any proposals made by the company.—*Gallicia.* The company of Gallicia is the only bank of *crédit foncier* in Austria. It was founded in 1841 by the provincial estates. It issues bonds of from 100 to 1,000 florins, bearing interest at 4 per cent. Besides the 4 per cent., the borrower pays 1 per cent. to form a sinking fund, a single payment of 3 per cent. to form a reserve fund, ½ per cent. for cost of management, and the first six months' interest in advance, on receiving the loan. The bonds can not be issued for less than 1,000 florins, and only to the extent of one-half of the free value of the land. The holders of the bonds may be compelled to receive payment of them on receiving six months' notice. The debtors may always pay off their obligations by adding six months' interest. In 1843 the company's bonds in circulation amounted to 11,414,016 francs.—*Wurtemberg.* The *Wurtembergischer Creditverein* was founded in 1827, and its statutes revised in 1831. It differs from the preceding companies so far that it advances the money itself to the borrowers, and not merely its bonds. Its operations were at first limited to 6,000,000 of florins, but it has the right of contracting new loans. The company gives to its creditors negotiable bonds, which may be divided into 100, 200, 500 or 1,000 florins. They bear interest at 3 per cent. The company only lends on first mortgages, and to the amount of one-half of the value, or two-fifths of the income. The borrowers, besides the 3 per cent. interest, pay ½ per cent. for cost of management; 1 per cent. as a sinking fund, by which the loan is redeemed in 48 years.—The company makes profits by the debtors paying their interest half-yearly, while it only pays its creditors yearly. The debtors also pay their interest six weeks before the end of the half-year. At the redemption of the debt at the end of the 48 years, the debtors pay two years' interest to form a reserve fund, and to free themselves from their joint liability. They must also pay ½ per cent of their actual debt for cost of management, and a premium of $4\frac{1}{6}$ per cent. on the advance, and when they wish to pay off any part of their debt before it is due, they must pay 10 per cent. additional. The contribution to the sinking fund varies according to the choice of the borrower, so that he may pay off the debt at the minimum of 10 years, or the maximum of 50. In 1846 the company had bonds to the amount of 11,936,930 francs in circulation, which stood at a premium of 12 per cent.—*Saxony.* There are two land credit banks in Saxony, one private and the other public. The private one is called the *Union de Crédit des pays Héréditaires*, created in May, 1844, with revised statutes in 1849. It advances on both nobles' and peasants' land, which produce not less than 1,256 francs a year. It makes its loans by bonds of 500, 100 and 25 thalers, at an agreed rate of interest, and to not less than 3,756 francs, and not more than half of the value of the land. Debtors must pay half-yearly, and three months before the company pays its dividends. The public authorities and trustees are authorized to invest funds at their command in these bonds. In 1849 those in circulation amounted to 4,470,656 francs.—*Hanover.* Hanover has one public and four private associations of *crédit foncier*. The private ones are: 1. *Institut de Crédit Hypothécaire de Luneburg*, founded in 1790, for making advances to the nobles. Its bonds are not less than 200 thalers. It pays dividends of 3 per cent. half-yearly. The borrower pays 5 per cent. for

the first five years, and 4½ per cent. afterward half-yearly. It never can demand more than 5 per cent. from the debtors, but if it is obliged to pay more than 3 per cent. on what it borrows, it may take the difference from the sum paid toward the sinking fund. The debtors may pay by installments of 50, 100, 200, or more, thalers, on giving six months' notice. If they redeem the debt before the end of five years they must pay 2 per cent.; after that, ½ per cent. The debtors pay 2 per cent. for the first five years, and ½ per cent. from the sixth to the seventeenth years.—2. *Association de Crédit pour l'ordre équestre des principautés de Kalenberg, Grubenhagen, et Hildesheim.* This company was founded in 1825, and by new statutes in 1838 was enabled to make advances on peasants' land, if not less than 6,000 thalers in value. Its organization is very much the same as that of Luneburg. In 1844 its bonds in circulation were only 1,500,000 thalers.—3. *Etablissement de Crédit pour l'ordre équestre des principautés de Brême et de Verden.* This company was founded in 1826. Its statutes are very similar to those of the bank of Luneburg. It charges 4½ per cent. when it advances to the value of one-half of the land. The debtors may redeem their debts, either in 72 years by paying ¼ per cent.; in 56 years by paying ½ per cent.; in 47 years by paying ¾ per cent.; or in 41 years by paying 1 per cent. The charge for cost of management is not to exceed ¼ per cent.—4. *Association de Crédit pour les propriétaires dans les principauté de la Frise Orientale et de Harlinger-land.* This is a small establishment, founded in 1828.—*Mecklenburg-Schwerin and Strelitz.* These two grand duchies have a bank of *crédit foncier* between them. This was among the earliest founded, and was remodeled in 1818. It issues bonds varying from 1,000 to 25 thalers, bearing 3½ per cent. interest. The debtors pay, besides this interest, ¼ per cent. half-yearly, as well as a premium of ½ per cent. on the loan, to cover cost of management, and ¼ per cent. to form a sinking fund. The debtors may redeem their debts in advance by buying up the company's bonds.—*Hamburg.* A private *Caisse de Crédit pour les propriétés et les terrains de la ville de Hamburg* was founded in 1832, and its statutes revised in 1844. Its intention is to form a fund by gradual contributions, to make advances to proprietors whose lands are mortgaged and the sums demanded by the mortgagees, and to extinguish the debt by a yearly sinking fund. There are three classes whom this company is intended to benefit: 1, Proprietors of land situated in Hamburg, who may place their money at interest in it; 2, Proprietors whom the company guarantees against their creditors to the extent of three-fourths of their property; and, 3, Private persons who wish to buy real property by making annual payments.—Those of the first class pay 2 per cent. on the estimated value of their property on entering, as well as ¼ per cent. half-yearly. The company pays 2½ per cent. on these sums when they amount to 1,000 marcs-banco. Proprietors who wish repayment must give six months' notice; they may receive a bond if they please.—The contributions paid by the second class are similar to those of the first. The property is revalued every five years. The guarantee of the company consists in this, that the proprietors can claim its assistance when the payment of the debt is demanded from them, and they can not get it elsewhere at 4 per cent. Those of whom payment is demanded must give notice to the company within four weeks, and must themselves endeavor to raise the money. If the company has to pay off the debt, it succeeds to the rights of the creditor. The debtor must then pay 4 per cent. per annum, besides his other contributions, but he is not liable to be called on to pay the capital. But he may pay it off on giving six months' notice.—Those of the third class specify the capital they require, for which they receive a note. The payments are the same as those of the first class. But if they place a sum in it they receive 2½ per cent. interest. When the purchase is made they may enter either of the other classes. The company receives deposits from the public, in return for which they give bonds, bearing interest at 3 per cent. above that sum, payable yearly.—*Denmark.* In 1786 the government founded a *Credit-Kasse* for the purpose of making advances for the improvement of agriculture at 2 per cent. It has since then founded several savings banks for the same purpose. In 1850 a law was passed to form the establishment of banks of *crédit foncier.* It enacted that each society must have a united fund of 1,000,000 rigsdalers, or 3,000,000 francs. Its bonds must not be below 50 rigsdalers, nor for a sum exceeding the mortgage, which must not be for more than two-thirds of the value of the land; the members to be jointly and severally liable for the bonds. The debtors must pay something to a sinking fund. The banks must send a quarterly balance to the minister of the interior. The bonds of the bank are free from stamp duties, and the property of minors and of the public may be invested in them. The banks may borrow and lend above the legal rate of interest, 4 per cent. This law was received with great favor, and immediately on its passage, several banks were formed; but we have no information how they have succeeded up to the present time.—The second sort of private associations consists of those formed by companies of lenders.—*Bavaria.* No establishment of *crédit foncier* was founded in Bavaria before 1835, though many had been talked of. In that year the *Banque Hypothécaire et d'escompte* was founded at Munich, by a company of shareholders, with a capital of 10,000,000 of florins, divided into 20,000 shares. This bank issues notes at 10 florins, which are legal tender, discounts bills, receives deposits, and is also a fire and life insurance company, a savings bank, and one of *crédit foncier.* Its privilege is for 99 years. Its notes must not exceed four-tenths of its capital, nor the sum of 8,000,000 of florins.

Three-fourths of its issues must be covered by a mortgage of land of double the sum advanced, the remaining fourth by specie.—The bank lends on all sorts of capital producing revenue, in sums not less than 1,070 francs. The borrower pays an interest which can not exceed 6 per cent., nor be less than 4½, including the sinking fund. At the minimum it requires 61½ years to redeem the debt. The sum paid to lenders is 3 per cent., and 1 per cent. is kept for cost of management, and a reserve fund. Interest is paid half-yearly. But at each payment the sums paid to the sinking fund are marked off against the capital, and the balance treated as a new loan. The obligations signed by the borrowers are not negotiable. Their place is filled by the shares of the bank and its notes. Its shares have been quoted at 30 per cent. premium. The bank pays its shareholders an interest only of 3 per cent. per annum, but they divide the other profits. Its notes enjoy great credit, and are received in public payments. The affairs of the bank are governed by the 60 principal shareholders. They name seven shareholders as directors, who must not engage in commerce. The 60 meet once a year, the directors once a week.—This bank passed easily through the financial crisis of 1848. In 1849 its loans amounted to 13,952,598 florins. It has been found to be of the greatest public utility, and has constantly increased in prosperity.—*Hesse-Darmstadt.* There is a company, with limited liability, called the *Renten-Anstalt*, at Darmstadt, which, besides granting life assurances and tontines, makes advances on land, to double the value, in sums of not less than 500 florins. The borrower may pay off the loan in annuities of from 6 per 100 to 30 per cent. at his pleasure. At 6 per cent. the debt is redeemed in 33 years. The company pays its creditors 4¼ per cent. per annum. The borrower may always accelerate or retard the final liquidation by increasing or diminishing the annuity.—*Belgium.* In Belgium some of these institutions have failed. But there are two in operation. 1. *Caisse des propriétaires*, a limited liability company, founded at Brussels in 1835, and incorporated for 99 years. It lends to the amount of 66 per cent. of the value of the land. The interest is fixed from time to time. The borrower pays besides something to extinguish the capital, and not more than 1 per cent. on the loan for commission. He may regulate the annuity so as to extinguish the debt in terms of from 5 to 60 years. Borrowers may pay the interest either in money or in the company's obligations. They may also discount their debts at the rate agreed upon.—The company issues its obligations on the first of every month for the sum agreed to be advanced during the preceding month. The capital is 3,000,000 francs, divided into shares of 500 francs. The bank of Brussels receives the company's obligations at par.—2. *Caisse Hypothécaire.* This, like the last, is a company with limited liability, founded in 1835, incorporated for 60 years. This bank borrows at 4 per cent. by issuing shares, which also participate in any surplus profits. It lends at 4 per cent., with 1 per cent. commission, and an annuity to redeem the debt. It issues its obligations once a month, and receives them exclusively in payment of the annuities due to it.—The second class of these establishments are founded by the state and under its control.—*Russia.* In Russia there are four classes of institutions of *crédit foncier*. The first was founded by the empress Catherine II., about the middle of the last century. There are more than 100 in the country. They consist, 1, of those managed by the ministry of finance for the benefit of the state; 2, local establishments in each government under the ministry of the interior; 3, those founded by the communes, 4, those directed by the council of the foundling hospital under the patronage of the empress. Every one holding the rank of nobility, merchant or agriculturist, who possesses landed property has a right to *crédit foncier*. Proprietors of land with serfs are entitled to an advance of 10 silver roubles for every male serf. The borrower pays 5 per cent. interest, ½ per cent. for commission, and ½ per cent. on the advance. It is said that the proprietors prefer to borrow from private bankers, in consequence of the terms of repayment being easier.—*Hanover.* In Hanover a state bank was founded in 1840, to facilitate the redemption of the feudal burdens and tithes, and it extended its operations as a bank of *crédit foncier* into those provinces which had none before. Its statutes were revised in 1849. It issues bonds repayable in six months, and one month after sight, not exceeding 5,000 thalers. The government guarantees the bank to the amount of 80,000 thalers, and always keeps 100,000 thalers ready to assist it to repay its bonds if necessary. The borrower pays not more than 4½ per cent., per annum; 3½ for interest, ½ per cent. for management, and ½ per cent. for sinking fund. This redeems the debt in 60 years. At 1 per cent. the debt is redeemed in 43 years. If the rate of interest falls below 3½ per cent., the remainder goes to the benefit of the sinking fund. The bank is said to have done great service by redeeming the feudal burdens.—*Saxony.* There is, besides the private bank we have already mentioned, a state bank, called *Banque Hypothécaire des Etats Provinciaux de la Haute-Lusace*, founded in 1844 by the estates of Haute-Lusace. It issues bonds for not less than 100 thalers, bearing interest fixed from time to time by the estates. The borrower pays also a premium of ¼ to ½ per cent., and also ½ per cent. to the reserve fund. He is not bound to pay an annuity as a sinking fund, but may pay it in any sums he pleases, not less than 20 thalers. In case the debtor does not pay the interest within a month after it is due, the bank may call up the capital. In 1847 the bonds in circulation were 1,668,330 francs. It is said not to be in a very prosperous condition, as the expenses of management are too great.—*Hesse-Electorale.* In 1832 the government founded

a bank, called the *Landes-Credit-Kasse*, to assist the peasants to redeem their tithes and feudal burdens, by loans, at from 3½ to 2 per cent. Its operations have been extended by subsequent statutes. The bank borrows from other banks, savings banks, corporations and private persons, and from the state, at rates not exceeding 3½ per cent., the sums it lends out. The state is liable for all its obligations. Debtors pay 4½ per cent. interest. At the end of 1848 the bank had advanced 17,586,536 thalers, and it is said to have been of great service.—*Nassau.* In this little state a state bank was founded in 1840, to furnish advances to the communes and landed proprietors to redeem their ancient debts, tithes and other burdens, to assist agriculture and commerce generally. Its capital was fixed at 3,500,000 florins. The seventh part of this sum was created by means of notes, 100,000 of one florin, 50,000 of five florins, and 6,000 of 25 florins. These notes are received as ready money by the government, and are payable in specie. It acts as a savings bank, and one of deposit. Loans must be covered by twice their value in land. The borrower pays 4 per cent. interest, and 1 per cent. as sinking fund. In 1848 the bank was reorganized, and transformed into a national bank.—*Bremen.* The magistrates of Bremen have instituted a bank which seems more nearly to approach the ideas of Law, or Cieszkowski, than any of the others we have mentioned. The owner of real property has the right to deliver to commissioners appointed by the magistrates his titles to it, and these are made negotiable like bills of exchange. These instruments are of the nature of dock warrants.—In Belgium and Switzerland projects for institutions of this nature were brought forward and in course of organization at the date when M. Josseau's book was published.—These institutions have had the most remarkable effects in promoting the agriculture of the countries they have been founded in. Their obligations have maintained through all crises—monetary, war and revolutionary—a steadiness of value, far beyond any other public securities whatever, either government or commercial. M. Josseau states (*Traité du Crédit Foncier, Introd.*, p. 25), that in a population of 27,827,990 the negotiable *lettres de gage*, or *pfandbriefe*, amount to about 540,423,158 francs. In 1848, when all public securities fell enormously, owing to the revolution, the pfandbriefe kept their value better than anything else. The Prussian funds fell to 69, the shares of the bank of Prussia to 63, and the railroad shares to 30 to 90 per cent, whereas the land credit bonds, producing 3½ per cent. interest, in Silesia and Pomerania stood at 93, in West Prussia at 83, and in East Prussia at 96. In 1850 those producing 4 per cent. were at 102 in Posen, and at 103 in Mecklenburg.—*France.* The marvelous effects of the institutions of *crédit foncier* were long unknown in France. At length the increasing weight, and the heavy terms at which the landed debt was contracted in France, began to attract the attention of economists and statesmen. In 1851 the value of the real property in France was estimated at 56 milliards, and its gross income at 1,920,000,000. Upon this income the land tax amounted to 240,000,000, and the interest on the mortgage debt, estimated at an average of 7 per cent., to 560,000,000, leaving 1,120,000,000 for the support of all the proprietors. On July 1, 1820, the mortgage debt in France amounted to 8,863,894,965 frs.; July 1, 1832, to 11,233,265,778; and on July 1, 1840, to 12,544,098,600; and though later official accounts of the total were not published, it continued to increase up to the revolution of 1848.—The heavy rate of interest on mortgages was due greatly to the imperfect state of the law, which permitted secret mortgages, which could not be discovered by the lender. M. Dupin, the *Procureur Général*, said in 1840: "In France the purchaser is never sure of becoming the proprietor; the lender on mortgage is never sure of being paid." We need not be surprised that many estimated the usual interest upon mortgage at 12, or even more, per cent. Owing to these causes landed property was held in bad odor as a security. In 1826 M. Casimir Perier offered a prize of 3,000 francs for the author of the memoir on the best method of improving the law of mortgage. These appeals produced some effect. In 1841 the *Cours d'appel* and the *Faculté de droit* appointed a committee to prepare a scheme of reform, which was just going to be laid before the chambers when the revolution took place. When the effervescence produced by this event had calmed down, the government and the assembly each appointed a committee to consider the subject. Each of them recommended that all transfers of property, and all burdens on it, should be made public. Both the *conseil d'état* and the assembly, however, rejected this proposal. The government, following the *coup d'état* of Dec. 2, effected some reform, so that third parties might ascertain the debts affecting land.—M. Wolowski seems to have been the first who brought the banks of *crédit foncier* before the notice of the French, in 1835. The idea began to spread slowly. In 1845 the *conseils généraux* were consulted, and M. Royer received a commission to go to Germany and study their mechanism. The reports published by him helped to enlighten the public mind. In 1848 multitudes of projects for making paper money, and mobilizing the land, were brought before the assembly, which were warmly and successfully combated by MM. Thiers and Léon Faucher on Oct. 10 and 11, 1848. The sufferings of the agriculturists, however, were very severe. M. Wolowski brought forward his plans again, which were warmly taken up by meetings of agriculturists and manufacturers. A meeting of proprietors was held at Paris, to overcome opposition and introduce banks of *crédit foncier* into France. The government then took up the matter. The *conseil d'état* opened an inquiry, and gave a hearing to every one who had anything to

say—economists, financiers, administrators, lawyers and projectors of schemes. Further information was sought from Germany. Louis Napoleon had especially studied the *crédit foncier* banks in Germany and had long desired to introduce them into France. Feeling himself less embarrassed after the 2nd of December, he appointed a commission, and himself presided at its meetings, and on Feb. 28, 1852, a decree authorizing the formation of such institutions was published.—Immediately this was done, M. Wolowski, who had so long labored in the cause, formed a company, whose statutes were approved of on July 3, 1852, and called the *Banque Foncière de Paris, Société de Crédit Foncier.* It received a privilege for 25 years to carry on operations within the limits of the Cour d'Appel of Paris. Soon afterward similar institutions were formed at Marseilles, Nevers, Lyons, Toulouse, Orléans, Poitiers, Limoges, Rouen, Bordeaux, Brest, and other places. It was then considered that it would be far more advantageous to have all these consolidated into one great establishment than to remain separate ones. The land bonds would be far more negotiable at the bourse if they were those of one great company, than if each separate one stood upon its own credit. In December the establishments of Marseilles and Nevers were united with that of Paris, which was authorized to extend branches into any department where none existed, and to incorporate with it all existing societies, and was then called the *Crédit Foncier de France.* The bank received a subvention of 10,000,000 francs from the state, and was bound to raise its reserve fund to 60,000,000 and to advance on mortgage 200,000,000, redeemable in annuities of 5 per cent., including interest, sinking fund, and cost of management. The debt was extinguished in 50 years by these means. Other measures were taken to facilitate the abolition of secret mortgages, which was the principal obstacle to their success. M. Josseau's work, published in 1853, contains a full exposition of the mechanism of the proposed institution. —Properly organized, it would be impossible to exaggerate the benefits which such an institution would produce to France, and under the sage direction of M. Wolowski, who was so complete a master of the subject, and who well knew how to avoid the dangerous rock of creating a paper money based on land, there would have been no danger of the institution straying from its legitimate objects. But in the sixth volume of Messrs. Tooke and Newmarch's invaluable "History of Prices," which brings information up to a later date than M. Josseau's work, it appears that in 1854 great and hazardous changes were made in its constitution. By a decree of July, 1854, M. Wolowski was superseded in its management, and a governor, the Comte de Germiny, was appointed, with two sub-governors, MM. Crépy and Daverne. Its objects, as defined by its statutes, are to lend upon mortgage of lands, in any of the departments, sums redeemable by terminable annuities; to adopt any other system of lending upon real security; to create an amount of negotiable interest-bearing securities equal to its advances; and to receive deposits, without interest, of sums destined to be turned into these *obligations foncières,* or land bonds. The privilege to the company is for 99 years, from 1852. It was intended that the annuities charged should redeem the debts with interest in 50 years, The first charge made by the company was 5 per cent., but this being found too low, it was raised to 5.44 per cent., then to 5 65 per cent., and then to 5.949 per cent. The bonds are for 1,000, 500 and 100 francs, and bear 3 per cent. interest, but are repayable by lottery drawings, held four times a year, at 1,200, 600 and 120 francs. But a very curious and objectionable species of gambling has been introduced into the lottery, in order to stimulate the public to purchase the bonds. The first bond of 1,000 francs drawn is entitled to a prize of 100,000 francs; the second to 50,000; the third to 40,000; and from the 7th to the 14th to 5,000. The bonds of lower denominations are entitled to ratable prizes. In 1853 and 1854, says Mr. Newmarch, the sums given away as prizes amounted to 1,200,000 francs, and in 1855 to 800,000 francs, and by means of these stimulants at this period it had obtained more than £3,000,000 of deposits. As, however, the whole landed debt of France amounts to £320,000,000, we see what an enormous field the company has to work upon. In short, should it even succeed in converting a moderate proportion of it, it may become almost a power in the state. If it should succeed in converting the whole, it would exceed many times all the banks of *crédit foncier* of Germany together. Mr. Newmarch justly censures the gambling element introduced into it as vicious in all points of view, both of economics and morals.—By the annual report of the directors for the year 1861, published in the *Moniteur* May 3, 1862, the position of the company was as follows: The loans on mortgage and to the communes, which in 1860 amounted to 69,489,445 francs, rose in 1861 to 120,065,519, of which there were to private persons 90,272,334 and to communes 29,793,185.12. Of the private loans 2,500,000 were for short dates, the remainder for long dates. In 1860 these loans were 709 in number and 48,054,300 francs in amount; in 1861 they were 1,136 in number, and 87,772,334 in amount, showing an increase of 63 per cent. in number, and 80 per cent. in amount. Of these, 826, amounting to 19,380,700, were advanced to persons in the department of the Seine; 332, to the amount of 18,218,000, in the departments. In 1860 the number of these latter was 199, and their amount 12,617,000; in 1859 their number was 110, and the amount 6,000,000.—In 1861 the loans were as follows:

To 1,000,000 and upward	3	20,000,000
From 500,000 to 1,000,000	8	5,970,000
From 100,000 to 500,000	162	32,784,000
From 50,000 to 100,000	168	13,827,000
From 10,000 to 50,000	472	13,037,700
From 10,000 and less	345	1,980,300

being an average of 76,000 on the whole.—Up to the end of 1861 the number of long loans effected by the company was 3,941, to an amount of 275,577,314 francs, of which there had been cleared off by the sinking fund, 6,419,665.60; and by payments in advance 15,347,533.20, leaving in existence 253,810,115.20. Of these, 2,404 had been made in the department of the Seine, and 1,537 in the departments. These loans were classed as follows:

1,000,000 and above		8		41,500,000
500,000	to 1,000,000	41		28,562,000
100,000	to 500,000	595		114,592,000
50,000	to 100,000	599		43,671,234
10,000	to 50,000	1,657		41,851,580
Under	10,000	1,041		5,400,500

—During 1861 the sum the company had to receive for annuities was 11,331,510.02. The increase in the number and amount of loans was as follows:

1857	114	8,059,780
1858	227	30,041,200
1859	343	26,386,300
1860	709	48 054,300
1861	1,136	87,307,584

—The number of land bonds issued during 1861 was 165,609, and their amount 82,891,800; of which there were 54,461 for 27,317,800 at 3 to 4 per cent., and 111,148 for 55,574,000 at 5 per cent. At the end of 1853 the company's land bonds in circulation amounted to 22,099,600 francs; at the end of 1861 they had increased to 259,148,200.—The company receives deposits on current accounts like a bank, one-half of which it places in the treasury, the other half it may invest in securities of not longer than 90 days. During 1861 it received in deposits 252,794,487, and paid out 57,061,275. The number of depositors at the end of the year was 6,743, and the rate of interest they received during the year 2½ per cent.—The dividend per share was 17.50 francs for 1853 and three following years; 20 francs for 1857; 22.50 for 1858; 25 for 1859; 30 for 1860; and 37 50 for 1861, being at the rate of 15 per cent.—Seeing the great development of the company, the directors determined to issue a second series of 60,000 shares, which they were permitted to do at any time, but ordered to do, by a statute of July 6, 1860, whenever their obligations amounted to 600,000,000. These shares are to be issued at the price of 250 francs, payable by installments.—*Great Britain and Ireland.* Banks of *crédit foncier* have never been formally introduced into Great Britain. In Scotland, we have seen that their practical effects had been anticipated by the invention of cash credits by the Scotch banks. By the excellent system of registration of titles to land which has been long in use in that country, all difficulties which have been felt in other countries with regard to secret mortgages were obviated. The rigorous system of entails, however, which prevailed in that country for a long period, counteracted the good that might have been done. Successive acts, however, were passed to mitigate these evils; and the progress of the country has been correspondingly rapid.—In England, many obstacles, political and legal, tended to retard and impede the application of capital to the improvement of the land. When the desire for it, however, existed, the different insurance companies supplied the necessary means, and Mr. Newmarch says that in 1858 there were probably advances to the amount of £80,000,000 or £90,000,000 by the different insurance offices. These, therefore, performed the part which it was the purpose of the banks of *crédit foncier* to supply, only the securities they take are not negotiable.—These facilities, however, not being sufficient for reasons arising out of the tenure of land, an act was passed, statute 1840, c. 55, to enable the owners of settled estates to charge their estates with annuities to redeem advances made for draining them. Tenants for life were authorized to petition the court of chancery to enable them to borrow money to drain their estates, to be paid off by installments, in not less than 12, and not more than 18 years, with 5 per cent. interest. But the court was not to allow such advances to be made unless it was certified to them that the annual value of the lands would be increased by at least 7 per cent. These formalities greatly impeded any improvements that might have been made.—The repeal of the corn laws in 1846 threw the landed interest into a great state of alarm, as is not to be wondered at. It was seen that their principal hope of combating the effects of low prices was in agricultural improvements. In that year an act, statute 1846, c. 101, was passed to authorize the advance of £2,000,000 for Great Britain, and £1,000,000 for Ireland, by way of exchequer bills, to promote the improvement of land by draining, to be redeemed by a rent charge of 6½ per cent. for 22 years. These exchequer bills, we see, exactly represented the *lettres de gage* of the German banks of *crédit foncier*.—This operation, excusable under the particular circumstances of the case, was, however, contrary to sound principles, as the government had no business to make advances to one species of industry rather than another. The plan was found successful, and in 1849 an act was passed to facilitate advances on a similar plan by private persons, statute 1849, c. 100. The inclosure commissioners were appointed to act as the intermediaries between those who wished to lend and those who wished to borrow. Some private companies were formed for this purpose, and they obtained private acts, thus being banks of *crédit foncier*, except that their bonds were not made negotiable. A paper read by Mr. Denton before the society of arts in December, 1855, and quoted by Mr. Newmarch, states that the area of cultivated land in Great Britain is about 44,000,000 acres, of which one-half requires draining. Of this only about 6 per cent. was drained. That to drain the remainder properly would require a sum of about £107,000,000. Since that period considerable advance has been made, but from

this statement it is clear what an extensive field is open in England for the establishment of institutions of *crédit foncier* on sound principles.

H. D. MACLEOD.

CRÉDIT MOBILIER. In the preceding article we have given some account of a species of banks which have been found to be of the most beneficial nature, and to have immensely developed the productive powers of the earth. The increasing attention paid to industrial subjects in France since the accession of the emperor Napoleon III., gave rise to a new species of bank, whose organization we must now endeavor to explain.—On Nov. 18, 1852, the government sanctioned the statutes of the *Société Générale de Crédit Mobilier*, which received a privilege for 99 years. Its objects, as stated in its statutes. tit. ii , are—1. A souscrire ou acquerir des effets publics, des actions ou des obligations dans les différentes entreprises industrielles, ou de crédit, constituées en sociétés anonymes, et notamment dans celles de chemin de fer, de canaux et de mines, et d'autres travaux publics, déjà fondées ou à fonder; 2. A émettre pour une somme égale à celle employée à ces souscriptions, et acquisitions, ses propres obligations; 3. A vendre ou donner en nantissement d'emprunts, tous effets, actions et obligations acquis, et à les échanger contre d'autres valeurs; 4. A soumissioner tous emprunts, à les céder et réaliser, ainsi que toutes entreprises de travaux publics; 5. A prêter sur effets publics, sur dépôts d'actions et obligations et à ouvrir des crédits en compte courant sur dépôts de ces diverses valeurs; 6. A recevoir des sommes en compte courant; 7. A opérer tous recouvrements pour le compte des compagnies susénoncées, à payer leurs coupons d'intérêts ou de dividende, et généralement toutes autres dispositions; 8. A tenir une caisse de dépôts pour tous les titres de ces entreprises.—Until the whole of the share capital was taken up, the obligations of the company were not to exceed five times the amount of the paid-up capital. When it was all paid up they might be ten times the capital. But they must always be covered by an equal amount of public securities, shares and other securities. They were to be payable either at sight, or at not less than 45 days. The united amount of the sums received on current accounts, and of obligations created of less than a year's currency, were not to exceed twice the amount of the paid-up capital. The capital was fixed at 60,000,000 francs, divided into 120,000 shares of 500 francs, transferable by delivery. —The *crédit mobilier* arose out of the necessity we have described in the preceding article as being felt in any country in which a spirit of commercial enterprise is suddenly developed before the system of credit is fully understood. We have already said that the Scotch banks, during the last century, by means of their cash credits, anticipated the system of *crédit foncier;* we may also say that they did the same with most of the objects contemplated by the *crédit mobilier.* The banks of *crédit foncier* were especially designed to promote agricultural improvements. The bank of *crédit mobilier* is especially designed to promote industrial enterprises of all sorts—railways, canals, docks, mines, gas, etc., etc. Now all these things are done by means of the system of cash credits.—But the *crédit mobilier* had more ambitious aims than these, which are detailed in its reports for 1854 and 1855. In the first year of its existence it subscribed largely to the *crédit foncier*, it aided the consolidation of several railways. The companies of the Midi and the Grand Central made them their bankers. They advanced to all subscribers to the new shares of the *Compagnie de l'Est* 200 francs per share at 4 per cent., besides various other operations. In the next year, besides subscribing to a large amount to the public loan required to carry on the Russian war, they subscribed to a loan to the Grand Central railway and the *Compagnie de l'Est* and various other industrial operations were promoted under their auspices, such as the *Société des immeubles de la Rue de Rivoli* and the *Société Maritime.* They also assisted a mining company in the Loire, which had for several years been in difficulties; the General Omnibus company of Paris; the Salt company of the East; a railroad from Dale to Salines, and some Austrian railways. —Besides detailing these operations, the report of this year contained an exposition of their ulterior projects regarding paper currency. They wished to form analogous institutions in every country in Europe, all in correspondence with each other, so as to issue obligations having a European circulation, to facilitate the flow of capital from one place to another, and ultimately the assimilation of moneys in Europe. This year the company declared a dividend of very nearly 12 per cent.—In the following year, 1855, the French government opened a still larger loan than in the preceding one, to which the *crédit mobilier* subscribed two sums of 250,000,000 and 375,000,000 francs. Its commercial operations were also greatly extended, and need not be enumerated, consisting chiefly of advances to numerous railway and other companies. In consequence of this extension of its operations, the dividends declared exceeded 40 per cent. for the year 1855.—Similar institutions were also founded in Austria and Spain. —The extraordinary success of the company determined the directors to commence the issue of their obligations, which they were authorized to do by their statutes. These were of two sorts, one at short dates corresponding to their temporary investments, the other at long dates, redeemable by installments, corresponding to their permanent investments in stocks, shares, etc. These obligations were to be guaranteed by the investments which they represented, as well as by a capital appropriated to the purpose. They proposed to issue these obligations to the amount of 240,000,000. — The extraordinary dividends declared by the company, and the boldness with which it published its plans of embracing all Europe in its operations, directed the attention of

the financiers in every country to it. Their alarm was excited by its scheme of issuing so vast an amount of paper currency, and they dreaded the revival of the days of Law. A note inserted in the *Moniteur* in March, 1856, forbade the creation of the proposed obligations. This blow deprived the company of much of its public interest, and from that time its dividends greatly declined. They fell to about 22 per cent. for 1856. The great commercial crisis of 1857 still further reduced them, so that in that year they were only 5 per cent. They were the same for 1858. For 1859 they rose to 7½. In 1860 they were 10 per cent., and in 1861 the same.—The prohibition by the government of the creation of its paper obligations, saves us the necessity of examining them at length. The *crédit mobilier* has no doubt been eminently useful in developing industrial associations, but the securities which it receives are much more liable to fluctuation in value than those of the *crédit foncier*, and for that reason its operations are more hazardous. This is fully shown by the remarkable variations in the dividends.

H. D. Macleod.

CRÉDIT MOBILIER (in U. S. History), a corporation chartered by the legislature of Pennsylvania, originally under the name of the "Pennsylvania Fiscal Agency." In 1864 the franchises were purchased by T. C. Durant and others, and the corporation became a company to construct the Union Pacific railroad. In the presidential campaign of 1872 the democratic newspapers and speakers charged that the vice-president, the vice-president elect, the secretary of the treasury, the speaker of the house, several senators, and a number of representatives, had been bribed, during the years 1867-8, by presents of *crédit mobilier* stock, to vote for legislation desired by the Union Pacific railroad. When congress met in December, 1872, the speaker demanded a committee of investigation, which was appointed by the speaker *pro tempore*, L. P. Poland, of Vermont, being chairman. The Poland committee made a report, Feb. 18, 1873, covering all the testimony which it had taken. It recommended the expulsion of Oakes Ames, of Massachusetts, for selling shares of *crédit mobilier* stock below their value to members of congress, "with intent to influence the votes of such members," and of James Brooks, of New York, for receiving such shares of stock through his son-in-law. Ames had long been the manager of the Union Pacific railroad's interests in congress; Brooks was a government director in the Union Pacific railroad. The house, instead of expelling, severely condemned the conduct of Messrs. Brooks and Ames. The whole affair was probably the most extensive legislative scandal ever known in the United States, and has since been revived at intervals. Of those attacked by it some were evidently innocent, many had given color to the accusation by indiscretion and found it difficult to prove their innocence, while others were evidently guilty, though it would have been difficult to prove their guilt.—(See *Report No.* 77, *House of Representatives 42nd Congress, 3rd session; Appleton's Annual Cyclopædia* (1873), 213, 671; 30 *Nation*, 467.

Alexander Johnston.

CREOLE CASE, The (in U. S. History). The brig Creole, with a cargo of 130 slaves, sailed from Hampton Roads for New Orleans Oct. 27, 1841, this species of coasting slave trade having been allowed and regulated by act of March 2, 1807. Nov. 7, 17 of the slaves rose, killed one of the owners, mastered the vessel, and ran her into Nassau, where the authorities, as they had done in several previous cases of the kind, set at liberty all not expressly charged with murder. The administration demanded their surrender by Great Britain on the ground that they were on United States soil while under the United States flag, and were therefore still property, by municipal law, even on the high seas. They were not surrendered, and the claim for them was finally merged in the negotiations which resulted in the treaty of Aug. 9, 1842, for the extradition of criminals.—Giddings' Resolutions. During the progress of the negotiations, March 21, 1842, J. R. Giddings, of Ohio, offered a series of resolutions in the house of representatives which were the basis of the war against slavery during the succeeding 18 years. They were in brief as follows: 1. That, before 1789, each state had exclusive jurisdiction over the subject of slavery in its own territory. 2. That this jurisdiction had never been delegated to the federal government. 3. That commerce and navigation on the high seas were under the jurisdiction of the federal government. 4. That slavery, being an abridgment of the natural rights of man, can exist only by force of positive municipal law, and is necessarily confined to the jurisdiction of the [state] power creating it. 5. That a ship belonging to citizens of a state is under the jurisdiction of the United States only, when it reaches the high seas. 6. That when the Creole left Virginia, the slave laws of Virginia ceased to apply to her cargo. 7. That the cargo, in resuming liberty, violated no law of the United States. 8, 9. That attempts to re-enslave the escaped slaves, or to maintain the coastwise slave trade, were unauthorized by the constitution, subversive of the rights of the free states, and prejudicial to our national character.—The reading of these resolutions roused intense excitement. By a meagre majority the house ordered the previous question, cut off debate, and passed a resolution prepared by J. M. Botts, of Virginia, declaring that the conduct of Giddings, in offering resolutions which justified mutiny and murder, and tended to complicate the pending negotiations between the United States and Great Britain, was "unwarranted and unwarrantable, and deserved the severest condemnation of the people of this country, and of this body in particular." Giddings resigned his seat, and was at once re-elected by an overwhelming vote, with instructions from his district to present

his resolutions again and to press them to a vote. This he was not allowed to do: indeed, it would seem impossible for a democrat (see CONSTRUCTION, I) to vote against the first three resolutions, from which the others logically follow, without a denial of every tenet of the party. For the remainder of this congress "resolution day" was, by successive votes of the house, regularly devoted to other business. But the principle of the resolutions lived, and upon it parties were reorganized after 1850. (See SLAVERY.)—See 2 von Holst's *United States*, 479; 2 Benton's *Thirty Years' View*, 409; 1 Wheeler's *History of Congress*, 275; Giddings' *History of the Rebellion*, 173; 6 Webster's *Works*, 303. The previous cases of the kind will be found in 2 Benton's *Thirty Years' View*, 432–434, and the resolutions in full in Giddings' *History of the Rebellion*, 180. The whole affair, pregnant as it was with future results, is entirely ignored in 14 Benton's *Debates of Congress*. The act of March 2, 1807, is in 2 *Stat at Large*, 426.

ALEXANDER JOHNSTON.

CRISES COMMERCIAL. (See COMMERCIAL CRISES.)

CRITTENDEN, John Jordan, was born in Woodford county, Ky., Sept. 10, 1786, and died at Louisville, Ky., July 25, 1863. He was United States senator 1817–19, 1835–41, 1842–8, and 1855–61; was attorney general under Harrison and Fillmore (see ADMINISTRATIONS, XIV., XVI.); and was a representative in congress 1861–3. (See WHIG PARTY, III.; COMPROMISES, VI.)—See Coleman's *Life of Crittenden*.

A. J.

CRUSADES. This name is generally used to designate the wars undertaken for the deliverance of the tomb of Christ, and the extirpation of the infidels. From the first days of Christianity Jerusalem was looked upon as a holy city by the Christians. Several localities, Bethlehem, Tabor, etc., made celebrated by episodes in the life of Christ, became equally the object of a species of worship, and were reputed *holy places*. At all times, therefore, the piety of Christians impelled them to journey to Palestine. Their zeal increased and pilgrims crowded in greater numbers, when the pope granted to those who made this pilgrimage a plenary indulgence. When Islamism invaded western Asia, when the caliph Omar took possession of Jerusalem, the Christians continued none the less to visit the holy land in all security. The fanaticism of the Mussulmans was kept down by the caliphs of Bagdad, and later, by those of Cairo, till Hakem's time. This caliph (toward 1100), far from imitating the toleration of his predecessors, inaugurated a sort of persecution against the Christians of Syria, and in this way gave occasion to the first crusade. The entire west was roused at once by the injuries inflicted on the pilgrims in the holy land, and the cruelties committed against them by the Mussulmans. All Europe was shaken by the voice of a simple hermit, who told, in his eloquent sermons, of the exactions and the outrages which the fanaticism of the followers of Mohammed inflicted on the faithful. At the recital of these wrongs the nations of Europe rose up in a body, and armed themselves for the deliverance of the holy sepulchre. Pope Urban II. warmly approved the project, conceived by Peter the Hermit, of organizing a European coalition against Islamism. The holy war proposed by him in the council of Plasencia was accepted with enthusiasm in that of Clermont, in Auvergne (1095) The cry: "God wills it! God wills it!" escaped from the multitude collected in the city and around the ramparts. All Europe answered it with the same enthusiasm. The soldiers of this war were the very soldiers of Christ; a cross shone upon their breasts; they were called *crusaders;* and their enterprise received the name of *crusade*.—Much has been written on the causes of the crusades and on their results. It has been sought to explain the enthusiasm of the first crusaders. To our thinking the causes of their success arose from the state of Europe at the end of the eleventh century. The continent of Europe at that epoch had the appearance of a vast arena, in which every kind of ambition was in action, and frequently did not recoil before the most atrocious crimes. The gospel, preached to the flood of barbarians which in the fifth century inundated the Roman world, accomplished its work of civilization but slowly and painfully, among nations to whom might was right, vengeance a tradition, and who retained the most absurd superstitions. Society was divided into two parts, the oppressors and the oppressed. Under these circumstances, the crusades succeeded in a certain way in changing the social state of Europe. The privileges granted the soldiers of the holy war were inestimable. The crusader found himself sheltered from all prosecution for debt; he was exempted from paying interest on the money he had borrowed, was free from taxation, and was allowed to alienate his land without the consent of his lord. The church covered with its special protection his person and his property, and hurled its anathemas against his enemies. All the privileges accorded to ecclesiastics were accorded him; he was granted a plenary indulgence, and was subject to spiritual jurisdiction alone. Here is the true cause of the enthusiasm with which the first crusade was received. Afterward political interests were mixed up with these private interests. Certain sovereigns, desirous of centralizing power, were delighted to see their vassals enrolling themselves under the sacred banner, and leaving the field open to their ambition. On the other hand, the popes made the crusades a powerful means of universal domination. Thus, the interest of the sovereign pontiffs; that of princes; the ignorance of the laity; the authority of ecclesiastics, who found their advantage in the departure of the nobility, and in the sale of their lands at a very low price; an immoderate passion for war; above all, the necessity which was generally felt of doing

something to put an end to domestic trouble, extinguish hatred, wipe out the memory of crime, transfer the scene of continued and sanguinary struggles from Europe: such were the causes of the crusades. As to their results, it is impossible to mistake them. By drawing Europe nearer to Asia, and by bringing in contact the civilization of the Arabs with the barbarism of Christian nations, they hastened Europe's moral and intellectual advancement. Our progress would have been much slower but for these gigantic struggles which transported into Palestine upward of two millions of Europeans Commerce was developed, the taste for traveling spread; and communication became more frequent with India, China and the countries of the extreme east. We owe these unquestionable advantages to the crusades. The invention of printing, that of the compass, and of gunpowder, are considered importations from China. Printing was known in that country as early as 952. In the tenth century the Chinese made use of artillery; and they began to use paper money in 1154. The crusades hastened the hour of Europe's participation in these precious discoveries, which the stationary spirit of the people of the extreme east knew not how to render fruitful. Through them, nations, separated by great distances or by the sea, formed diplomatic and commercial relations. Mongolians were to be seen at Rome, in Spain, in France and in England; while intrepid travelers ventured into distant lands, from which they brought back precious, though for the most part vague ideas. It was while in search of the Zipangu of Marco Polo that Christopher Columbus discovered America. From the point of view of literature and arts, the crusades showed equally remarkable results. These great events stirred the national spirit in certain chosen minds. The chroniclers appeared; and their simple narrative of facts of which they were contemporaries, and sometimes even eye-witnesses, influenced the French language, and had the most happy effect on French literature. Many acquisitions of European art were the fruit of these wars. The style of architecture, improperly called Gothic, is nothing but Arabic architecture modified by Christian genius. Did not the crusaders allow the people of the west to become familiar with the masterpieces of sculpture, painting and architecture of Greece and Byzantium? and are we not justified in thinking that this acquaintance with the remains of antiquity paved the way for the glorious epoch of the renaissance? But the most remarkable advance consequent on this prolonged struggle between the west and the east was the development of liberal principles. By removing the nobility from Europe the crusades allowed sovereigns to accomplish the unification of the state more easily. Such was the case in France. We see that, under Philip III., the domain of the crown was doubled. At the same time the population gradually freed themselves from the bonds of feudalism. This was the time when the third estate, or commune, originated.—Thus the progress of science, of letters and art; the progress of commerce and of industry; the progress of liberalism; the formation of nations; in a word, the general advancement of the peoples of Europe: such seem to us to be the results of the crusades. But in this, as in all the grand crises through which humanity has passed, the evil is found side by side with the good; and it is impossible for us to shut our eyes to the lamentable consequences of these wars. They gave rise to the inquisition, and accustomed Christians to see in unbelievers, whoever they might be, enemies to be rooted out, and not beings like themselves. Directed at first against the Mussulmans, the crusades armed, at a later time, men of the same country against each other. The wars against the Vaudois and the Albigenses, and the fury of the Teutonic knights in the north of Germany, are the result of the crusades. Was not the massacre of St. Bartholomew provoked by the same spirit of fanaticism, coupled with ambition? The fourth crusade, which ended with the burning of Constantinople, cost literature the loss of precious and unique works which were consumed by the flames. We do not, therefore, like Robertson, extol without qualification the happy influence of the crusades; nor do we consider them scourges, as Mosheim and Gibbon have done. We may sum up our thought in these words of Condorcet: "The crusades, undertaken by superstition, served to destroy it."—BIBLIOGRAPHY. *Gesta Dei per Francos*, etc.; *L'Esprit des Croisades*, by Mailly; Charles Mills' *History of the Crusades;* Heeran, *Essai sur l'influence des Croisades.*

HENRI THIERS.

CUMBERLAND ROAD (IN U. S. HISTORY). March 29, 1806, a bill was passed which authorized the president to appoint three commissioners to lay out a public road from Cumberland, on the Potomac, to the river Ohio, and appropriated $30,000 for expenses. As the maintenance of the road involved the doubtful question of the right of the government to appropriate money for internal improvements, every new appropriation met fresh opposition, and president Monroe, May 4, 1822, vetoed the yearly bill to repair the Cumberland road because of his belief that "congress does not possess the power under the constitution to pass such a law," although three bills to the same effect had already become law under his administration. The road was carried as far as Illinois in 1838, when its further progress was superseded by railroads, the last act in its favor being passed May 25, 1838. Up to that time the total amount appropriated by all the acts for the extension and repair of the road was $6,821,246. (See INTERNAL IMPROVEMENTS.)—See 2–5 *Stat. at Large* (1806–38), the various acts appropriating money for Cumberland road (60 in number); 3–13 Benton's *Debates of Congress; Harper's Magazine*, Nov. 1879, Art. *The Old National Pike.* A. J.

CURRENCY. (See MONEY)

CUSHING, Caleb, was born at Salisbury, Mass., Jan. 7, 1800, and died at Newburyport Jan. 2, 1879. He was graduated at Harvard in 1817, began practicing law at Newburyport, Mass., in 1823, and served as a representative in congress (whig) 1835–43. In 1841 he "Tylerized" (see WHIG PARTY, II.), soon after became a democrat, reached the rank of brigadier general in the Mexican war, and was attorney general under Pierce. (See ADMINISTRATIONS, XV.) He was American counsel before the Geneva tribunal in 1872 (see GENEVA AWARD), was nominated, but not confirmed, chief justice of the supreme court in 1874, and was minister to Spain 1874–7. —See 28 *Nation*, 33; Lowell's *Biglow Papers;* Savage's *Representative Men;* 10 *Whig Review.*

A. J.

CUSTOMS DUTIES are taxes levied upon commodities on their being imported into or exported from a country. They have always formed one of the most important sources of the public revenue in all civilized nations. The device of raising revenue from the exports and imports would naturally occur to a commercial state in need of money, at a very early stage of its history. And, indeed, we know that the Athenians derived a considerable revenue from their customs. They levied a duty of 2 per cent. on all exports and imports at Athens. These were clearly for purposes of public revenue, for they levied an additional duty for the use of the harbor. During the Peloponnesian war the Athenians substituted for the tribute paid by their subject states a duty of 5 per cent. on all commodities exported or imported by such states, thinking to raise by this means a larger sum than by direct taxation. A duty of 10 per cent. on merchandise passing into and from the Euxine sea was established for a time by Alcibiades and other Athenian generals, who fortified Chrysopolis, near Chalcedon, and built there a station for the collection of the duties. Under the name of *portoria*, customs duties were levied at Rome so early that we have no record of their introduction. Livy tells us that the Plebes were exempted from the portoria when Porsena threatened to invade Rome. This exemption, however, was only temporary, and the duties were increased in number from time to time, until, owing to the manner in which they were collected, the dissatisfaction became so great that, in B. C. 60, all the portoria in the ports of Italy were done away with. They were retained, however, in the provinces, and formed a permanent source of income to the provincial governments. Julius Cæsar restored the customs duties at Rome, and Augustus partly increased his import duties and partly instituted new ones. The subsequent emperors increased or diminished this branch of the revenue as necessity required or their own discretion dictated.—As to the commodities subject to these portoria, it may be stated, in general terms, that all commodities, including slaves, which were imported by merchants for the purpose of selling them again, were subject to the duty; whereas things which a person brought with him for his own use were exempted from it. A long list of such articles is given in the Digest. Many things, however, which belonged more to the luxuries than to the necessaries of life, such as eunuchs and handsome youths, had to pay an import duty, even though they were imported by persons for their own use. Things which were imported for the use of the state were also exempt from the portorium. But the governors of provinces, when they sent persons to purchase things for the use of the public, had to write a list of such things for the publicani, to enable the latter to see whether more things were imported than what were ordered; for the practice of smuggling appears to have been as common among the Romans as in modern times. The publicani seem to have exercised their right to search travelers and merchants in the most arbi trary and vexatious manner. If goods subject to a duty were concealed, they were, on their discovery, confiscated.— Respecting the amount of the import or export duties we have but very few statements in the ancient writers. In the time of Cicero the portorium in the ports of Sicily was one-twentieth of the value of taxable articles; and as this was the customary rate in Greece, it is probable that it was the average sum raised in all the other provinces. In the time of the emperors the ordinary rate of the portorium appears to have been the fortieth part of the value of imported goods. At a late period the sum of one-eighth is mentioned as the ordinary import duty, but it is uncertain whether this is the duty for all articles of commerçe, or merely for certain things.—The barbarian tribes that conquered Rome were subdued by her civilization; and the states which rose on the ruins of the old Roman empire inherited its system of law, of religion and of finance. Customs duties soon became a fruitful source of revenue to all the feudal lords and barons; though they took rather the form of transit duties, inasmuch as every feudal lord who had the power, levied duties on all commerce which passed near his possessions. As a consequence, the rivers and highroads were fairly lined with custom houses and toll gates. As the kings and princes gradually broke the power of feudalism, far from abolishing these tolls and customs, they merely diverted the proceeds of the duties to themselves, though they often granted them again to individuals or communities. The cities and provinces adopted such duties as a means of raising revenue needed for local purposes. Even the kings lined the boundaries of the various provinces with custom houses, in order to raise national revenue. So universal did these duties, local and national, become, that every continental nation was fairly covered with a net work of customs lines. It must be regarded as a remarkable proof of the great advantages arising from exchange, that commerce could

spring up and attain to large proportions in the face of such restrictions. Once introduced, it was exceedingly difficult to abolish these duties, and many of them remain until the present time. —The most ancient customs in England consisted of fees paid by the merchants for the privilege of using the king's warehouses, weights and measures. About the year 979 king Etheldred established duties on ships and merchandise, to be paid at Billingsgate, in the port of London. Thus customs were levied before the conquest, but the king's claim to them was first established in the reign of Edward I. It has been supposed they were called *customs* in English because they were the inheritance of the king by immemorial usage and the common law, and not granted him by any statute; but Blackstone says that Sir Edward Coke clearly showed that the king's first claim to them was by grant of parliament. A statute passed in the reign of king Edward I. is cited to prove this, wherein the king promises to take no customs from merchants, without the common assent of the realm, "saving to us and our heirs the customs on wool, skin and leather, formerly granted to us by the commonalty aforesaid." These were formerly called the hereditary customs of the crown, and were due on the exportation of the said three commodities, and of none other. These duties, with some others of inferior importance which were then levied, were afterward denominated *custuma antiqua sive magna*. They were payable by every merchant, as well native as stranger, with this difference, that merchant strangers paid an additional toll, viz., half as much again as was paid by natives. These duties were all specific. Later in the same reign certain new duties were established, to be paid by alien merchants only. These were called *custuma nova* or *custuma parva*, and aliens' duty. They were considerably higher than any levied up to that time. Toward the close of his reign, Edward I. established a duty of sixpence in the pound upon all goods exported and imported, except wool, woolfells, leather and wines, which were subject to special duties. In the reign of Richard II. this duty was raised to one shilling in the pound, but was reduced to sixpence within four years. It was raised to eight pence in the second year of Henry IV., and in the sixth year to one shilling, at which it remained until the ninth year of William III. The duty on wine, called at first *butlerage*, because paid to the king's butler, was afterward exchanged for *prisage*, or the right of taking two tuns of wine from every ship importing into England 20 tons or more. It was afterward imposed at so much a ton, and hence was called *tonnage*. The duty of so much in the pound meant so much in the pound of its value. It was called *poundage*. The former was a specific duty, the latter an *ad valorem* one. The duties of tonnage and poundage were generally granted by one and the same act of parliament, and were called the subsidy of tonnage and poundage. These duties were at first granted, as the old statutes express it, for the defense of the realm, and the keeping and safeguard of the seas, and for the intercourse of merchandise safely to come into and pass out of the same. They were at first granted only for a fixed term of years; but in the time of Henry VI. they were granted him for life; and again to Edward IV. for the term of his life only; since which time they were regularly granted to all his successors for life, sometimes at the first parliament, sometimes at other subsequent ones, till the reign of Charles I., when his ministers were not sufficiently solicitous for a renewal of this legal grant. Yet the king levied these duties imprudently and unconstitutionally, without consent of parliament, for 15 years together, which was one cause of subsequent troubles. Before the commencement of hostilities, however, the king passed an act with a view of correcting past errors and appeasing prevalent discontent, by which he renounced all power in the crown of levying the duty of tonnage and poundage without the express consent of parliament, and also all power of imposition upon any merchandises whatever. Upon the restoration, this duty was granted to king Charles II. for life, and also to his two immediate successors; and by three several statutes it was made perpetual, and mortgaged for the debt of the public.—The subsidy of poundage having continued for so long a time at one shilling in the pound, or at 5 per cent., a subsidy came, in the language of finance, to denote a general duty of this kind, of 5 per cent. This subsidy was afterward called the old subsidy, and was levied according to a book of rates established in the reign of Charles II. In William's reign a new subsidy was imposed of an additional 5 per cent. upon the greater part of the goods. The one-third and the two-thirds subsidy made up together another 5 per cent. of which they were proportionate parts. The subsidy of 1747 made a fourth 5 per cent. upon the greater part of goods; and that of 1759, a fifth upon some particular sorts of goods. The old subsidy was imposed indifferently upon exportation as well as importation; but the four subsequent subsidies, as well as most of the duties which were afterward occasionally imposed on a great variety of goods down to the reform of 1846 and subsequent years, were laid almost wholly on importation. Other ancient duties, which had been imposed on the exportation of the produce or manufactures of the country, were taken off altogether before the consolidation act of 1787. The book of rates established in 1660 marked an era in the history of English customs. It contained the rate of duty payable both by denizens and aliens, and the value to be set upon different descriptions of merchandise, and specified the articles which were customs free. It formed the foundation of the mode of levying the customs for the next one hundred and fifty years.—A considerable increase in the public expenditure, with the introduction of the funding system, occasioned very

frequent impositions of new duties, which were generally adjusted on the principles of the old subsidy; that is, the value of the goods was ascertained by a book of rates, and the amount computed by the quantities of the goods, either with respect to gauge, to weight or to tale. The duty was, therefore, not a certain proportion of their real value, but of an arbitrary value, agreeing, perhaps, with the current value at the time of imposing the duty, but which must, from the natural fluctuations of trade and manufactures, be necessarily liable to many changes and alterations. The consequence of this mode of fixing duties was, that when they were laid by bulk on goods of one general description, the duty was always the same, whether upon the finer or coarser manufacture; by which means it either operated as a prohibition to the latter, or was not felt at all by the former. They constituted, in fact, a kind of minimum duty. There was also another mode by which duties were imposed. This was by a proportion to the value on goods not rated, being the real and actual value of the same as sworn to by the importer. These principles of taxation, being once adopted, were pursued in all the new and additional duties of customs which were imposed for payment of the interest on the various loans which were raised from time to time for the public service. In some instances the additional duties were calculated by a percentage on the duties previously paid; in others a further duty was laid upon a different denomination of the commodity, either with respect to its value, its weight, its bulk or its number; and by proceeding gradually in this manner from period to period, the numerous additions made had at length become such a mass of confusion as produced an infinity of inconvenience and delay in business, and became the subject of universal complaint among mercantile persons. The perplexity arose in a great degree from almost all the additional duties having been appropriated to some specific fund, for the payment of certain specific annuities, in consequence of which it was necessary that a separate calculation should be made at the custom house for each of the different duties. From the great complexity of the whole of this branch of the revenue, scarcely any one merchant could be acquainted, by any calculations of his own, with the exact amount of what he was to pay; nor could much assistance in this respect be derived from the various books which had been published for the purpose of furnishing a general view of the customs; as in every session of parliament some alteration or other was made in several of the duties, and each of these alterations, following the old principle, totally unhinged and overturned the use of every preceding printed calculation. The officers of the customs, therefore, who from constant practice had acquired some facility in making the necessary calculations, were the only persons to whom the merchants could apply for assistance or direction. Thus, not only was the merchant in a great degree left at the mercy of the officers, but the officers themselves, who were intended to be a check upon the merchants, were forced to become their agents.—In order to remedy these inconveniences, Mr. Pitt proposed, in the beginning of the year 1787, to abolish all the duties then subsisting, and to substitute in their stead one single duty on each article, amounting as nearly as possible to the aggregate of all the various duties then payable. The series of resolutions submitted to the house of commons for the purpose of carrying this measure into effect, amounted to upward of 3,000. A systematic simplicity and uniformity was at the same time introduced into the custom house accounts. This statute, known as the "consolidation act," repealed all former statutes imposing duties of customs and excise with regard to the *quantum* of the duty; and the two books of rates above mentioned were declared to be of no avail for the future; but all the former duties were consolidated, and were ordered to be paid according to a new book of rates annexed to that statute. These alterations were productive of the very best effects; and several similar consolidations were effected at various times subsequently, particularly in 1825, when the various statutes then existing relative to the customs, amounting to about 450, were consolidated and compressed into only 11 statutes, of a reasonable bulk, and drawn up with great perspicuity.—But the great reform in English customs legislation dates from the abolition of the corn laws. In the year 1846 England entered an entirely new era in her commercial policy; and as she gave up one after another of the restrictions on trade which had been in force for centuries, she was enabled to make her customs system simpler and more economical, and at the same time more remunerative. When the number of articles which pay duty is small, the customs system may be made exceedingly simple and economical. England now collects duty from less than a dozen articles, while 50 years ago there were 432 enumerated articles in her tariff —The history of the continental nations, in respect to the customs, is very similar to that of England. There was a time when every county line formed a customs line. After a long contest these lines were abolished, in France by the revolution, in Germany by the formation of the Zollverein. The whole tendency of modern nations has been toward a simplification of duties and machinery; though within the last 20 years there has been a reaction in favor of protection, so called, which has brought with it many of the old abuses.—The history of customs legislation in America is brief. The first national tariff was adopted in 1789, mainly for the purpose of raising revenue, although the preamble of the act announced as among the objects of the law the protection of domestic manufactures. Several circumstances conspired to lead to the adoption of the tariff policy. The government under the constitution

had hardly had time to get fairly started. It had many enemies among the people. If it had adopted a system of direct taxation, its burdens would have been felt more vividly, and opposition to it would have increased rapidly. By raising a large proportion of its revenue by means of indirect taxation, it avoided all direct contact with the people, and thereby much bitter feeling and opposition. Among the available means of indirect taxation, there were only two of much importance, the customs and the excise. The latter was peculiarly odious to the people, and, although it was introduced and maintained for awhile, yet it occasioned much ill feeling, which finally culminated in the outbreak known as Shays' rebellion. The government had to depend, therefore, mainly on the customs for its revenue. The needs of the government kept increasing, and the duties were gradually increased in number and amount for the next 25 years. There were no less than 17 tariff acts passed from 1789 to 1816. At the outbreak of the war of 1812, the existing duties were doubled; and although, according to a provision of the act itself, these duties were to be lowered to the old rate one year after the war closed, yet the protectionists were powerful enough to prevent this when the time came, and to secure the passage of the act of 1816, which was shaped in the interests of the protectionists. Other acts, in 1818, 1824, 1828 and 1832, were passed, increasing the number and raising the rate of the duties. In the latter year occurred the trouble in South Carolina, known as the nullification movement. This state declared the tariff laws of the United States null and void within its borders. As a result of this excitement, the compromise tariff of 1833 was passed, having for its object a gradual reduction of duties until they reached a uniform level of 20 per cent. ad valorem.—The complete action of this law was prevented by the act of 1842, passed by the protectionists, who had gained temporary possession of the national congress. This act was superseded by that of 1846, which adopted essentially the principles of the compromise tariff, although the average rate under this act was much above 20 per cent. This tariff lasted until 1857, when a further reduction of duties occurred, made possible by the rapidly increasing revenue of the government. The tariff of 1857 had hardly passed into effect when a panic in business circles ensued, which caused a large falling off in imports; and, before confidence was fully restored, the civil war broke out, and with it the government returned to the worst abuses of the period from 1816 to 1832. A great number of tariff acts were passed during and immediately following the war, all of them shaped and controlled by the protectionists. At the present time our tariff is in many respects one of the worst in force among civilized nations. Its rates are enormously high, and have been laid more with reference to the interests of private parties than to the welfare of the country as a whole.—

Kinds of Duties. The question as to the best method of levying the duties is an important one, both from an administrative and economical point of view. The choice lies, in general, between specific and ad valorem duties. The former ex act so much for each pound, yard's length or square foot of all goods of a given kind, without any reference to their comparative fineness or value; the latter tax each class of goods a certain percentage on their value. The discussion as to the respective merits of these two kinds of duties has been warm and long between financiers and economists. Not that the former have always been on one side and the latter on the other, for eminent financial as well as economical authorities can be quoted on either side of the discussion. But inasmuch as the more nearly modern nations have approached a revenue tariff the more completely they have adopted specific duties, the latter may very properly be called the fiscal duties, while ad valorem duties may be denominated economical duties.—It is true that ad valorem duties have been the prevailing ones in the early financial history of most civilized nations. Thus, as has been said already, Athens levied an ad valorem duty, in which she was afterward imitated by Rome; and certainly in neither state was it adopted from economical considerations. Of the old English duties tonnage was a specific, poundage an ad valorem impost; though the latter, owing to the peculiar manner in which it was levied, was not a pure ad valorem duty. The English consolidated tariff of 1787 contained many duties of both classes; but in 1853 specific duties were substituted for ad valorem in nearly every case, and this was done from fiscal considerations. The Zollverein tariff imposed specific duties, changed in their amount according to a periodical observation of the market prices. The Portuguese tariff is in general made up of specific duties.—The history of the American tariff in this respect is somewhat peculiar. In 1792, of 160 "enumerated articles," 102 were taxed with ad valorem and 58 with specific duties. For the other tariffs the ratio was as follows:

YEARS.	No of Duties.	
	Specific.	Ad Valorem.
1804	102	92
1816	121	92
1824	182	121
1828	202	133
1842	313	326
1846 Only ad valorem duties		
1861	237	528
1870	565	455

It will be seen from the above table that the number of duties, ad valorem, decreased relatively from 1792 to 1829, while in 1846 no specific duties were levied, and from 1861 to 1870 the specific duties became again more numerous. A political fact throws some light upon the subject. The years 1828 and 1870 may serve to mark respec-

tively the periods when the protectionists shaped most completely the financial policy of the country; while in 1792 and 1846 the free trade party exercised most influence. (See TARIFF.) As a matter of fact the American protectionists, both doctrinaire and practical, have in general favored specific duties, and the American free traders the duties ad valorem, although it is not true that no free traders have been in favor of specific duties, as a prominent protectionist claims.[1] In the year 1845 Robt. J. Walker, secretary of the treasury, made a report on revenue reform, in which he maintained that duties ad valorem were the only proper duties. And in the discussion of the report in congress, one of the representatives asserted that specific duties had been adopted by the government, not because duties ad valorem had been found wanting, but in order to conceal the amount of the duty from the public. That there was some truth in the last charge seems evident from the fact that, wherever ad valorem and specific duties have been both employed in the same tariff, the latter have been generally higher than the former. Thus, in 1792 the average ad valorem duty was 11½ per cent.; while cotton was taxed 3 cents per pound, or, at the then prevailing price, 13 per cent. ad valorem; while coal was taxed 4½ cents per bushel, equal to 20 per cent. ad valorem. In 1827 iron in bars paid $18 per ton, or 34½ per cent., rolled iron a specific duty equal to 42.6 per cent., and pig iron a duty equal to 30 per cent.; while the average ad valorem duty amounted to 25 5 per cent.—American protectionists have favored specific duties, because, just at the time when, according to their ideas, the duties ought to be relatively highest, *i. e.*, when prices rule low, duties ad valorem are the lowest, while specific duties grow relatively higher the lower the prices get. Thus, suppose a yard of cloth worth $1 is taxed 25 per cent. ad valorem, it pays 25 cents tax. Now let the price fall, through any conjunction of circumstances, to 60 cents per yard, it still pays 25 per cent. of its value, but absolutely only 15 cents. Tax it, on the contrary, with a specific duty of 25 cents per yard, and even if it falls in price to 60 cents it will pay the same sum, 25 cents; but the home producer will be protected to the extent of 41⅔ per cent. instead of 25 per cent. European protectionists, on the contrary, have in general demanded duties ad valorem because specific duties favor the coarser kinds of goods more than the finer qualities, and thus direct the investment of capital to the manufacture of the poorer grades of commodities.—The question as to which kind of duties is preferable can be decided only after a thorough investigation of the circumstances of the time and place. Duties ad valorem seem to be the best on account of their inherent fairness; and probably no other kind would ever have been imposed if it had not been for the many difficulties in the way of collecting ad valorem dues. The greatest obstacle in the way of collecting duties ad valorem is, naturally enough, the impossibility of arriving at a proper valuation of the goods to be taxed. Of the manner in which the value was ascertained in Athens and Rome we know next to nothing. It has been explained above how *poundage* was levied. When the duty was first laid a book of rates was prepared, which contained the current prices of the goods taxed, and the duty was collected on the basis of that valuation. Of course it was only a short time until the market prices varied very widely from the rate-book price, and thus poundage ceased to be a pure ad valorem duty. Alterations were made in the rate-book from time to time, by one administration and another; for parliament had granted the king a shilling in the pound, but left it to the administration to fix the valuation on which the duty was to be collected. In the time of James I., however, many commodities were still taxed on the same valuation as 200 years before; although that valuation had been made before the discovery of America, and had consequently become much inferior to the prices which almost all commodities bore in every market in Europe. For all articles not contained in the rate-books, the modern system of ascertaining the value was in force—that of taking, with certain safeguards against undervaluation, the sworn statement of the importer as to the value of the goods. To show in a clear light the tedious and vexatious restrictions to which an ad valorem system of duties exposes the trade of a country, no better example could be desired than the customs laws of the United States.—If any one wishes to export goods from any country to America, he must make out an invoice of the same and lay it before the American consul of the district or country for indorsement. A declaration must accompany this, setting forth: 1, that the invoice is true in all respects; 2, if the merchandise mentioned was obtained by purchase, a true and full statement of the time when and the place where the same was purchased, the actual cost thereof and all charges thereon; 3, a true account of all discounts, bounties or drawbacks which have been actually allowed thereon. If the merchandise has been obtained in any other manner than by purchase, the invoice must contain the actual market value thereof at the time and place when and where the same was procured or manufactured. The market value is to be determined by the wholesale price of similar commodities which have been actually sold for consumption in the markets of the exporting country, at the place where the goods were consumed. If the invoiced goods are manufactured only for exportation, the value of the same is to be determined by a comparison with the goods most similar to them which may be sold for consumption in the exporting country. When the merchandise has once arrived in the United States, the above-mentioned invoice must be laid before the customs collectors, and if they have no objections to make, there is no further trouble. But if it

[1] Henry Carey Baird, in Letters to Prof. Perry.

appears to the officers that the prices are too low they may cause an appraisement to be made.—Now if the appraised value is 10 per cent. higher than the invoice value, they must collect, in addition to the tax on the appraised value, an additional tax of 20 per cent. In case of intentional fraud, a fine of from $50 to $5,000, or two years' imprisonment, or both, may be inflicted.—Of course an importer may appeal against the officers, and by depositing double the value of the invoice price and of the duty, he may get possession of his goods, and after six to eight months may expect a decision such as a jury is likely to give him. But the officials have other peculiar privileges: they may take possession of the goods of an importer, in his store rooms, upon which he has paid duty long before, if for any reason they may suspect an undervaluation. The merchant can appeal, and after months may gain his case, and in such case may even secure damages, and in the meantime, by depositing double the value, may get possession of his goods.—Other countries have tried other measures as well as these. France reserves the right to buy any commodity at its valuation plus 10 per cent. if the officers, for any reason, think that the invoice is too low. According to the treaty of commerce with England this right was given up, and if the invoice value seem too low the officer shall summon an expert, and in case he decides that the invoice value is too low the importer must pay 50 per cent. of the duty as a fine. This provision has not been very successful; for the persons to whom the customs officers are compelled to have recourse refuse to give a decision, either to save themselves the trouble or not to injure their brother merchants or clients. It can easily be seen how many opportunities there are for fraud; how easily, on the one hand, the government may lose enormous sums by the carelessness or venality of its officers; how easily, on the other, commerce may be impeded or destroyed by the arbitrariness of the officials. The United States Government loses enormous sums every year by undervaluation. In the case of silk goods, it is estimated that the government loses from 15 to 20 per cent. on account of undervaluation, in spite of the most earnest efforts to prevent it. But worse than this loss is the delivering over of trade and commerce to the mercy of a set of officials. To leave an opportunity of arbitrary interference on the part of officials is to introduce into commerce an element which can never be estimated. Even the storms and winds of ocean may be subjected to an estimate of probabilities, but the whims of a bureaucracy defy all attempts at computation. This uncertainty bears hardest on the small importer, for if he gets into trouble with the customs officials he has neither time nor money to carry on the contest. He must make a compromise immediately, or be ruined. As a result, the man of small capital must disappear from the ranks of importers, as he has, in fact, disappeared in America. There is another objection to the system of ad valorem duties. It prevents even the wholesale dealer from taking full advantage of the fluctuations of trade; for the duties must be paid according to the ruling market price, and even if a merchant has purchased a lot of goods at favorable prices, he must pay just as much duty as if he had paid the ordinary price, and he is thus deprived of a part of his gain. In this manner the very foundation of all healthful trade is constantly undermined.—If we add to these points two other considerations, we shall readily understand why ad valorem duties are gradually disappearing from the tariffs of civilized nations. The first of these is, that we need officials of a much higher grade to administer a system of duties ad valorem than to administer a system of specific duties, and that they must consequently be paid much higher wages. The United States government must now pay very large salaries to a great number of experts, most of whom could be dispensed with under a system of pure specific duties. The second is, that as the vigor of a system of ad valorem duties depends more completely on the administration, there is always danger that the custom houses of the various cities will vie with each other in leniency, in order to attract trade from one port to another. Some charges of this sort have been made in our own country by the officials of one city against those of another.—If we now turn our attention to specific duties, we find that they are free from many of the objections to duties ad valorem. They are easily administered, offer less chance for frauds, require less skill on the part of the officials, and are therefore cheaper and more lucrative. The objection to them is, that they protect the coarser qualities of goods and so impel labor and capital to produce coarse and poor goods. For example, a woolen fabric called *doeskin*, which is manufactured very extensively in the United States, costs in Germany, whence it is imported, 75 cents and $1.50 a yard, according to the quality. The weight of both qualities is the same, viz., 12 ounces per yard. The duty is 50 cents per pound of 16 ounces, and 35 per cent. The cheaper quality pays, therefore, 37½ cents specific duty, and 26¼ cents ad valorem, or, in all, 63¾ cents per yard, *i. e.*, 85 per cent. of the value. The better quality pays 37½ cents specific duty and 52½ cents ad valorem, or 90 cents per yard, *i. e.*, 60 per cent. of its value. The poorer quality is therefore taxed 25 per cent higher than the better. The effect is a double one: 1. The manufacturer of the poorer sort may force his price relatively higher than the manufacturer of the better commodity, and thereby injure the poor man. 2. As it is for his interest to produce and put on the market the poorest ware at a given price that the public will buy, it is very probable that a deterioration in the quality of the stuffs used by the poorer classes will follow.—Suppose, for instance, that the manufacturers of the above-mentioned stuff put up their prices to the full amount of the duty: the first quality would cost $2.40 per yard, the second $1.38 per

yard Suppose now, that the domestic manufacturers of the second quality offer their goods at $1.20 per yard, even if the ware is that much poorer: what will follow? Every one knows how great an attraction there is in low prices. The public begin to take the poorer commodity at $1.20. The foreign ware can not be offered for less than $1.38. Now, the poorer the quality of goods that the domestic manufacturer can produce and still find a sale at $1.20 per yard, the more he makes. Any one who has even superficially studied the facts of trade will acknowledge that this process of deterioration can be carried very far before the public will revolt and begin to pay higher prices for better wares. Nor will it do to say that the competition among domestic producers will prevent any such an occurrence, for it is a notorious fact that it has not. Other examples might be taken, but the one just given is a fair sample of the influence of specific duties. So powerful is this one consideration, that it leads to the adoption of ad valorem duties in many cases in spite of the evils connected with them. If the duties are low, this objection loses much of its force; but then, so do the objections to duties ad valorem diminish as the duties are lowered. An ad valorem duty of 5 per cent. could no doubt be collected with little trouble, and almost no danger of fraud or smuggling. It is when the duties are high that the question becomes difficult. With a reformed civil service there is no doubt that duties ad valorem could be much more faithfully collected than at present. The United States are favorably situated in many respects for the administration of the customs. All goods must come by water, and are imported through a comparatively small number of ports; and with a good administration duties ad valorem might be collected with reasonable accuracy. But even in our financial system specific duties are to be preferred wherever their influence is not too intensive on the industry of the country.—The more European nations have reformed their tariffs in the direction of free trade and larger revenue, the more nearly they have approached a specific system; and as both parties in this country are now in favor of specific duties, (the free traders, because they are better adapted to yield revenue), we may regard them as the duties of the future, and are justified in calling them, as we did at the beginning, the *fiscal* duties.—Two other kinds of duties have been adopted in American tariffs, known respectively as minimum and compound duties. The principle of minimum valuation, according to which all wares which have cost less than a certain sum are valued at that price and taxed accordingly, was adopted as early as 1816 in the case of cottons, and further developed in 1824. In the last case the rate was put so high that the duties on the coarser grades were really prohibitive, *e. g.*, a pound of coarse cloth was taxed 10 cents, while it was selling in the markets of the country for 9 cents.—Compound duties are a device of protectionists to reconcile the conflicting interests of the producers of raw material and the manufacturers. They are levied on manufactures of which the raw material is taxed, and consist of two parts, a specific duty and a duty ad valorem. The specific duty is to equal the amount levied on the raw material, and thereby put the manufacturer in the same position compared with the foreigner which he would have had if he had secured his raw material free of duty. The duty ad valorem is intended to give the manufacturer protection. For example, in order to make a pound of woolen cloth of a certain grade, four pounds of wool are necessary. The duty on wool is 11½ cents per pound. Besides the raw wool the manufacturer needs drugs of various kinds, such as dyes, etc., on which the duty is 2½ cents. This amounts to 48½ cents; and if we add to this the interest on the sum advanced until he can sell his cloth, we shall get about 50 cents per lb. Consequently, we find in the tariff act of 1867 a specific duty of 50 cents per pound on woolen cloths, and, besides that, a duty ad valorem of 35 per cent. Such duties appear very often in our tariffs since 1860. In 1870 there were 109 such duties in the customs tariff, the principal of which are the duties on woolens adopted in 1867 as a compromise, after a hard fight between wool growers and wool manufacturers.—*Purposes.* Customs have been laid from various reasons and for various purposes. They were employed in ancient times solely for purposes of revenue, although the higher duties imposed on luxuries on certain occasions would seem to indicate a desire to use them as a sort of sumptuary legislation. The same thing is true of the middle ages. The duties were kept as high as they could be kept without driving away trade, and with it of course the revenue. The customs offered to the rulers a means of obtaining revenue without having a contest with the nobility, which almost always occurred on the increase or imposition of any direct tax; and the more their need of money increased the more did they exploit this source of revenue. In the imposition of duties no great consideration was paid to a desire to protect home manufactures. If a ruler wished to develop a branch of industry in his realm, he simply prohibited the importation of foreign commodities which came in competition with those he wished to protect. It was not until the time of the reformation that the idea of using the customs as a means of developing industry appeared almost at the same time in Germany, Italy, England, and later, also, in France. The idea was quickly incorporated in practice, as in this way the old system of prohibitions was very much alleviated and a new source of revenue was opened to the governments. About the same time the so-called mercantile system (see MERCANTILE SYSTEM) was very generally adopted, and for 200 years it was pretty generally practiced. (For the history of the customs used as a means of protection, see ARTS, FREE TRADE, PROTECTION, TARIFF.)—As already stated, the customs form, and have nearly always formed, one of the principal sources of

national revenue. How large a proportion of the revenue of ancient states was derived from this source we have no means of knowing. During the middle ages the larger part of the ready money of the sovereign was obtained through the tariff, and in modern times this branch has been constantly increasing in importance.—In the United States the national revenue has proceeded more largely from the customs than from all other sources combined. The following table presents this fact in a clear light. By subtracting the amount of the customs from the net ordinary receipts, the income from all other sources is obtained. Cents are omitted:

UNITED STATES NATIONAL REVENUE.

YEARS.	Customs.	Net Ordinary Receipts.	YEARS.	Customs.	Net Ordinary Receipts.
1791	$ 4,399,473	$ 4,409,951	1837	$ 11,169,290	$ 24,954 153
1792	3,443,070	3,669,960	1838	16,158,800	26,302,761
1793	4,255,306	4,652,923	1839	23,137,924	31,482,749
1794	4,801,065	5,431,904	1840	13,499,502	19,480,115
1795	5,588,461	6,114,534	1841	14,487,216	16,860,160
1796	6,567,987	8,377,529	1842	18,187,908	19.976,197
1797	7,549,649	8,688,780	1843	7,046,843	8,231,001
1798	7,106,061	7,900 495	1844	26,183,570	29,320,767
1799	6,610,449	7,546,813	1845	27,528,112	29,970,105
1800	9,080,932	10.848,749	1846	26.712,667	29,699,967
1801	10,750,778	12,935,330	1847	23,747,864	26.467,403
1802	12,438,235	14,995,793	1848	31,757,070	35.698,699
1803	10,479,417	11,064,097	1849	28,346,738	30,721.067
1804	11,098,565	11,826,307	1850	39,668,686	43,592,888
1805	12,936,487	13,560,693	1851	49,017,567	52,555,039
1806	14,667,698	15,559,931	1852	47,339,326	49,846,815
1807	15,845,521	16,398,019	1853	58,931,865	61.587,181
1808	16,363,550	17,060,661	1854	64,224,190	73,800.341
1809	7,257,506	7,773,473	1855	53,025,794	65.350,574
1810	8,583,309	9,384,214	1856	64,022,863	74.056,699
1811	13,313,222	14,422,634	1857	63,875,905	68,965.312
1812	8,958,777	9,801,132	1858	41,789,620	46,655,365
1813	13,224,623	14,340,409	1859	49,565,824	52,777,107
1814	5,998,772	11,181,625	1860	53,187,511	56,054,599
1815	7,282,942	15,696,916	1861	39,582,125	41.476,299
1816	36,306,874	47,076,985	1862	49.056.397	51.919,261
1817	26,283,348	33,099,049	1863	69,059,642	112,094.945
1818	17,176,385	21,585,171	1864	102,316,152	243.412,971
1819	20,283,608	24,603,374	1865	84,928,260	322,031,156
1820	15,005,612	17.840,669	1866	179,046,651	519,949,564
1821	13,004,447	14,573,379	1867	176,417,810	462,846,679
1822	17,589,761	21,232,427	1868	164,464,599	376,434.4 3
1823	19,088,433	21,540,666	1869	180.048,426	357.188,256
1824	17,878,325	19 381.2.2	1870	194,538,374	395,959,833
1825	20,098,713	21.840,858	1871	206,270,408	374,431,104
1826	23,341,331	25,260,434	1872	216,370,286	364,394,229
1827	19,712,283	22,966,363	1873	188,089,522	322.177,673
1828	23.2 5,523	24,763.629	1874	163,103,833	299.941,090
1829	22,681,965	24,827.627	1875	157,167,722	284,020,771
1830	21,922,391	24,844.116	1876	148,071,984	290,066,584
1831	24,224,441	28.526,820	1877	130,956,493	281,000,642
1832	28,465,237	31,867,450	1878	130,170,680	257,446,776
1833	29,032,508	33,948,426	1879	137,250,047	272,312 136
1834	16,214,957	21,791,935	1880	186,522,064	333,52 ,530
1835	19,391,310	35,430,087			
1836	23,409,940	50,826,796	Total[1]	$4 438.963,426	$7,767,417,979

It will be seen that the revenue derived from customs equals 57 per cent. of the total ordinary income for the last 90 years.—Other countries vary considerably from this proportion. In the following table we have given the gross income and the income from customs of 12 nations for various years:

NATIONS.	Years.	Income from Customs.	Income from all Sources.	Unit of Account.
1. Germany	1878	106,550,470	536,496,800	marks.
2. Austria	1878	18,634,000	361,795,718	guldeu.
3. France	1878	283,020,000	2,783,177,804	francs.
4. England	1876	19,922,000	78,565.036	pounds.
5. Russia	1877	57,516,000	537,784.596	roubles.
6. Italy	1876	100,881,029	1,369,708.579	lire.
7. Switzerland	1877	14,309,980	16,146,308	francs.
8. Belgium	1877	17,600,000	252,245,760	francs.
9. Norway	1875	17,597,000	29,330,60	crowns.
10. Spain	1878	100,062,000	750,630,202	pesetas.
11. Chili	1875	7,725,000	16,805,841	pesos.
12 Brazil	1875	76,000,000	108,000,000	mil-reis.

It will be noticed how large a proportion of the total income the customs form in the cases of Brazil, Chili, Norway, Switzerland, England and Germany, while in the other nations the proportion is much smaller, varying from 10 per cent. to 7 per cent. of total income.—In what manner the duties can be laid so as to yield the largest amount of revenue, has long been a question of theoretical and practical finance. But modern governments have pretty generally come to see that low duties are, on the whole, more profitable from a revenue point of view than the high duties so long in vogue. It has further been pretty generally admitted of late by financiers, that moderate duties on a few articles of general consumption will yield a larger revenue, considering the cost of collection, than the old system of taxing everything. An exception is sometimes made to these

[1] The sum total includes the cents omitted in giving the sums for various years.

rules in favor of luxuries of every kind, particularly intoxicating liquors of all kinds.—The English customs tariff has been entirely remodeled within the last 30 years according to the above principles. The number of articles taxed has been constantly diminished. In 1826 the English tariff contained 432 enumerated articles, while in 1863 it only had 52 enumerated articles. The duties in the former year were generally much higher than in 1863. Yet the income from the customs in 1826 amounted only to £19,562,000, while in 1863 it had increased to £23,641,544. At the present time less than a dozen commodities pay all the duties collected in England. In 1859 the following articles, sugar and syrup, tobacco, tea, brandy, wine, coffee and raisins, paid about 90 per cent. of the total revenue from customs of that year Of the revenue of the Zollverein in 1863, 75 per cent. was paid by 10 articles. The same general statement holds good of other tariffs, that a very small number of articles pays by far the largest part of the revenue; and the general tendency of tariff legislation, so far as it is shaped by fiscal considerations, is toward limiting the number of taxed articles, and lessening the rate of taxation.—Customs duties are properly classed as indirect taxes, *i. e*, as taxes which are collected from one set of persons with the expectation that they will shift the burden of taxation to another class. They share all the advantages and disadvantages of indirect taxes. (See TAXATION.) If they are levied solely on articles not produced within the country, they exercise but little influence on the course of trade, unless they are so high as to materially lessen the consumption or as to lead to smuggling; if laid on articles of prime necessity, they increase the expense of living, and bear harder on the poorer classes of the community than on the wealthy; if levied on articles needed in manufacturing, they increase the price of the manufactured commodity by more than the amount of the duty, for the manufacturer must charge interest on the sum he has advanced for the duty until he can get his commodity ready for market; if levied on goods similar to those manufactured in the country, it becomes a protective duty. (For the influence of this kind of a duty, see FREE TRADE, TARIFF, PROTECTION, TAXATION.)—BIBLIOGRAPHY. The literature of this subject in English is scanty. The general subject of the influence of customs duties on the economy of a nation is discussed in all the standard works on political economy in French, German, English and Italian. The budgets of the British parliament since 1842, the various acts consolidating and reforming the custom house administration; the reports of the various American administrations to congress; the reports of congressional committees; the reports of David A. Wells, while commissioner of revenue, and the annual reports of the British and American custom house commissoners, contain many valuable facts in relation to American and British customs legislation and a few valuable discussions of important points. M'Culloch's treatise on the *Principles and Practical Influences of Taxation and the Funding System;* the various works on the science of finance in German, particularly Hoffmann's *Lehre der Steuern*, Rau's, Stein's and Umpfenbach's *Text Books on Finance*, (*Lehrbucher der Finanzwissenschaft*), are all valuable and indispensable to a proper study of the customs. In French, de Parier's *Traité des impôts*, Proudhon's *Théorie de l'impôt*, de Girardin's *De l'impôt*, and, most important of all, Ame's *Etudes sur les tarifs de douanes et sur les traités de commerce*, are the principal works of value. The various encyclopædias, in English, French and German, all contain articles of interest. The *Dictionnaire de la politique*, by Block, under the head of *Douanes;* the *Staatswörterbuch*, by Bluntschli and Brater, under the head of *Zoelle;* Rees' *Encyclopedia*, under the head of *Customs;* all contain interesting and valuable articles, from which many of the facts in the above article have been taken. Boeck's *Public Economy of the Athenians*, and the *Dictionary of Antiquities*, by Smith, were used in preparing the account of the customs at Athens and Rome.

E. J. JAMES.

D

DAKOTA, a territory of the United States, originally part of the Louisiana purchase (see ANNEXATIONS, I.), was organized by act of March 2, 1861. The portion of its present territory east of the Missouri was set off from Minnesota when the latter territory was erected into a state; the portion west of the Missouri was set off from the former territory, now state, of Nebraska. A large extent of territory to the west, formerly belonging to Dakota, now belongs to Wyoming and Montana. (See TERRITORIES.) A. J.

DALLAS, George Mifflin, was born at Philadelphia, Penn., July 10, 1792, where he died, Dec. 31, 1864. He was graduated at Princeton, in 1810, was admitted to the bar, was United States senator (democrat) 1831–3, minister to Russia 1837–9, vice-president of the United States 1844–8, and minister to Great Britain Feb. 4–May 16, 1861. A. J.

DAVIS, Henry Winter, was born at Annapolis, Md., Aug. 16, 1817, and died at Baltimore, Md., Dec. 20, 1865. He was a representative in congress 1855–61 and 1863–5. (See REPUBLICAN PARTY.) He was a speaker of uncommon force, and was one of the leaders of the radical wing of his party.—See Creswell's *Speeches of Henry Winter Davis.* A. J.

DAVIS, Jefferson, was born in Christian county, Ky., June 3, 1808, was graduated at West Point in 1828, was a democratic representative from Mississippi 1845–6, but resigned to become colonel of the 1st Mississippi rifles in 1846. He was United States senator 1847–51 and 1857–61, and was secretary of war under Pierce. (See ADMINISTRATIONS.) He was the most prominent ultra southern leader after Calhoun's death, and was one of the "senatorial group" who, after secession had begun, forced the formation of a new government in the south. (See CONFEDERATE STATES.) It is said that the presidency of the confederacy was intended for R. M. T. Hunter, of Virginia; but Davis was chosen for it by the provisional congress, was inaugurated Feb. 18, 1861, and was again chosen president by popular vote in the following autumn. Before he was inaugurated the second time, Feb. 22, 1862, he had gradually concentrated almost all the power of the government in the executive. Southern historians generally agree in attributing most of the confederacy's disasters to Davis' perverseness, self-sufficiency and despotic favoritism. He was imprisoned for two years after the war, and then released on bail.—See Pollard's *Life of Davis;* Alfriend's *Life of Davis;* Craven's *Prison Life of Davis;* Davis' *Rise and Fall of the Confederate Government;* Schuckers' *Life of Chase,* 537.

ALEXANDER JOHNSTON.

DAYTON, William Lewis, was born at Basking Ridge, N. J., Feb. 17, 1807, and died at Paris, France, Dec. 1, 1864. He was graduated at Princeton in 1825, was admitted to the bar in 1830, was United States senator 1842–51, was the candidate of the republican party for vice-president in 1856, and minister to France 1861–4.

A. J.

DEATH PENALTY, The. The employment of this penalty has been universal. We find it among all peoples and in all ages. If it appears to have been more generally inflicted as nations emerged from their condition of barbarism, it is because barbarians were accustomed to take the law into their own hands. When governments undertook to punish all crimes, and thus do away with private vengeance, it seemed natural that society should avenge itself for crime by the death of the criminal; and when this public vindictiveness sought to restrain malefactors by intimidation, an endeavor was made to inspire horror by means of torture. It was not enough that nearly all crimes were punished by death; the penalty was aggravated by the most horrible torments. We shudder today when we read of the wheel, the stake, drawing and quartering, and all the frightful sufferings that the fertile imagination of man has invented. We shall not enumerate here the frightful list of these tortures. And yet may not a useful lesson be drawn from it, even at this day, happily so far removed from those ages, by the legislator, who is too much disposed, in one way or another, to seek a remedy for all disorder in intimidation? —Beccaria was the first publicist to raise a doubt as to the legitimacy of the death penalty and to propose its suppression. Indeed we can not ascertain that this grave question was ever seriously discussed before his time. If a few nations—the Egyptians and Romans, for instance—tried to restrain its application, it was from entirely different motives than those of humanity. Plato thought it ought to be inflicted only in cases where the culprit was incorrigible. Says he: "If the legislator sees that the criminal is irredeemable, what punishment should he mete out to him? Since he knows that for such persons life is not the most advantageous state, and that by their death they become of two-fold utility to others, their punishment being an example which prevents others from doing wrong, and at the same time rids the republic of dangerous subjects, he can hardly do otherwise than pronounce sentence of death upon such culprits. But except in such cases he ought not to employ this remedy." Quintilian takes the same view of the matter, and adds that if the guilty could be reclaimed, their regeneration would be more useful to the republic than their punishment by death. Thus the right to punish by death was not questioned, but only the social utility of the death penalty. At the beginning of the sixteenth century we witness a movement of the human conscience tending to restrict the cases in which this penalty should be inflicted. Alphonse de Castro, for example, maintained at this time that judges could only inflict the death penalty in cases in which God himself had authorized its infliction. Jean Bodin tells us of the public discussion of the question "Can judges pronounce sentence of death except in cases in which the edicts had decreed it?" "This question," says he, "was discussed by Lothair and Azo, the two greatest jurisconsults of their time, and they chose for arbiter the emperor Henry VII. while he was at Boulogne-la Grasse, and they agreed that whichever of them the emperor decided against should give the other a horse. Lothair, who maintained that the right of capital punishment belonged only to the sovereign, carried off the prize; but nearly all jurisconsults held, with Azo, that the judges had the same power, saying that Lothair *equum tulerat, sed Azo æquum.* Grotius only treats of capital punishment from a religious point of view, and decides it in the affirmative, basing his argument on the laws of Moses and the texts of Holy Writ. Puffendorf accords without hesitation the right of life and death over his subjects to the sovereign. Montesquieu only touches on the question, but does not hesitate to declare capital punishment to be necessary. The death penalty is, according to him, "a sort of retaliation by which society refuses security to a citizen who has deprived another of it, or has tried to do so. This penalty is based upon the very nature of things, upon reason, and upon the sources of good and evil. A citizen merits death when he has so

violated public security as to take another's life, or try to do so. The death penalty is the medicine of diseased society."—Finally, J. J. Rousseau, following the doctrine of Hobbes, placed it upon still another basis. "Every criminal who attacks the rights of society becomes by his deeds a rebel and a traitor to his country; he ceases to be a citizen of it by violating its laws, and even levies war against it. In such a case, the preservation of the state is incompatible with his own; one or the other must perish, and in putting the guilty one to death, he is so treated less as a citizen than as an enemy. The proceedings and the sentence are the proofs and declaration that he has broken the social treaty, and that consequently he is no longer a member of the state. Hence, if he is recognized as such by reason of his stay he should be removed by exile, as a violator of the social agreement, or as a public enemy, by death." Such was the state of the question when Beccaria wrote. It needed some courage to declare, in the face of history, which recorded the infliction of the death penalty in all times and among all peoples, and in the face of the philosophers, who were astounded at his audacity and who discountenanced it, the illegitimateness of this penalty, and to say that legislators, in adopting it, were usurping a right which did not belong to society. Beccaria maintains, in the first place, that no such right exists, because no member of society could consent to the sacrifice of life when he enters into the social contract. Locke had, however, already established, in his treatise "On Civil Government," that man, even in a state of nature, may punish the slightest violation of its laws. He asks: Can he punish such violation by death? And he answers that for every misdeed punishment may be inflicted of a degree of severity sufficient to bring repentance to the criminal, and to strike fear into others to such an extent that they will have no desire to commit the same misdeed. Filangieri afterward wrote: "Man, in his state of natural independence, has a right to life, and can not renounce this right. But can he lose it? Can he be deprived of it without renouncing it? Have I the right to kill the bad man who attacks me? No one has any doubts on this subject. If I have the right to kill him, he has lost the right to live, for it would be extraordinary that two rights opposed to each other should exist at the same time. Now, in society, it is not one single individual who arms himself against another individual, for the purpose of punishing him for crime, but society entire. The depositary of public power exercises this general right which each individual has transferred to society as a body." Kant replies to this: "This proof proves too much, since for the same reason no one would be bound to expose his life in defense of his country. Moreover it is sophistry and a poor interpretation of right, since nobody is made to suffer punishment because he consented to it beforehand, but because he consented to commit a crime. By the social contract each one submits beforehand to every law necessary to the maintenance of society, and consequently, also, to the penal law." (*Metaphysik der Sitten*, §§ 44, 45.) The best answer is, that we must put aside this fiction of a social contract, upon which the publicists of the eighteenth century based their arguments, and seek the rights of man, not in a state of nature which has never existed, but in the social state, which is his natural state.—The question has been carried to a higher plane; the right of society has been contested, not because of a lack of consent on the part of its members, but because man's life, legitimate defense aside, is inviolable and beyond all human power. The inviolability of the life of man, it has been said, is not a self-evident axiom, but a principle capable of demonstration. Nowhere in this world is there a power over existence, for such belongs to God, who gave it, and who alone can take it away. There is and can be no power over existence upon this earth, except that of the individual who has received it (existence). The life of man is inviolable in principle because the right to exist, which God alone has given, is an equal right for all men. Each has an equal right to preserve his own life, without pretending to dispose of that of others, for existence is of divine origin. Such is the principle of its inviolability. But now comes the deed of a criminal who seeks the life of a fellow-creature. In this case the right of legitimate defense is exercised, which is only a consequence of the inviolability of the life of man, since such right exists only in the case of danger from aggression. Now, whether individuals or society be concerned, the right to exist changes neither in its nature, nor in the legitimate condition of its exercise. It is not a collective, but a personal right, and is the most inviolable and sacred gift that man has received. It may be objected, that liberty is a gift just as life is, and that if society be permitted to take away the one, it would not be consistent to contest its right to deprive one of the other. The answer is, that the right of self-preservation, exercised by society, does not justify the death penalty when the danger has ceased, but that it justifies, on the contrary, detention, if the will to do evil has survived the crime, and if there be reason to presume, consequently, that this perverse will, again set free, shall again begin to work harm. At any rate, the sacrifice of life is illegitimate if the sacrifice of a man's liberty is sufficient for the defense of society. And then, finally, if this life is given to man as a probation and preparation for another life, has any one the right to deprive him of a single one of the moments accorded him for the regeneration of his soul, and in which to atone for his misdeeds by good ones? All these reasons are grave ones. The conscience meditating upon them grows restless, and is calmed only by turning to the history of the human race. Legislators of all times and countries have not hesitated to inflict the penalty of death. Man's life is inviolable and sacred! Does that mean that it is

so in all cases indiscriminately? What becomes then of the right of defense? And of the right of war? Is it peril which creates right? It is precisely because it believes itself menaced, and because the death penalty, being a preventive of the repetition of crime and by the fear it inspires, seems in keeping with the gravity of the attempts against it, that society intends to maintain it. If social power is bound to look upon natural rights as sacred, if it should intervene only to guarantee the exercise of these rights, it is clear that capital punishment must take cognizance of these same rights, when a person has rendered himself unworthy to exercise them; they can be suspended or annihilated so far as his person is concerned. Finally, if man is forbidden to shorten the life of his fellow-man, as some maintain, for fear of cutting him off before repentance, the same rule prevents us from firing upon the enemy and killing the brigand who attacks us. For if the right of self-defense authorizes us not to take into account at all the future lot of our assailant in eternity, why should not social right be endowed with the same power?—The most powerful argument against the death penalty is the examination into its necessity. Beccaria himself, promptly abandoning his first thesis, maintained (and it is the principal basis of his opinion) that the death penalty had ceased to be necessary. And he even makes this remarkable concession, that this penalty seems to him to be necessary whenever there is no other way of deterring from crime: *Quando fosso il vero e unico freno per distogliere gli altri dal commettere delitti*, (when the true and only means of deterring others from the commission of crime is gone). Thus he does not radically uphold its abolition; he maintains that it is nearly always inefficacious, impotent and useless. It has since been said, following out his idea: "We do not think that society *never had* the power of life and death over man, we simply believe that it has such a right no longer. Society, being necessary, has, we think, all the rights necessary to its existence; and if at the commencement of its existence, in the imperfection of its primitive organization, in its scarcity of repressive means, it looked upon the right to smite the guilty as its supreme right, its only means of self-preservation, it could smite without committing crime, and inflict death in all conscience. Is it the same to-day? And in the actual condition of a society armed with sufficient force to substitute moral punishment, corrective punishment for murderous punishment, can such a society remain a homicide?" Thus formulated, the question becomes one of fact. We have only to examine whether society, in the actual state of civilization, with its material and moral forces, is surrounded with enough guarantees to enable it to do without this supreme penalty. M. Rossi consequently resumes the controversy as follows: "The death penalty is a means of justice which is extreme, dangerous, which ought to be employed only with the greatest reserve in cases of real necessity, which we all ought to desire to see suppressed, and toward the abolition of which duty commands us to direct our efforts, by preparing a state of things which shall render its abolition compatible with public and private welfare."—This opinion, which tends to the gradual abolition of capital punishment, is perceptibly gaining ground. It is remarkable that this great question, far from fatiguing the human mind and of being lost sight of entirely, like so many other questions concerning which controversy has cooled, remains active and, so to speak, always on the offensive. Attacks and dissertations do not cease. The partisans of the abolition of the death penalty multiply. Legislation is beginning to weaken on the subject; some states diminish more and more the cases of its infliction; others go still further and do not extend it to women, minors and old men; a few even advocate its entire suppression.—There is one point in this matter settled for all time, namely, its suppression in the case of political offenses. This is not the proper place to define political offenses; we shall only say that under this name are included, in general, crimes which are directed against the variable institutions of every nation. Guizot has demonstrated, in an eloquent book (*De la peine de mort en matière politique*) that this penalty has lost its efficacy in the case of political crimes, because it no longer, as of old, has the effect of crushing a party in the person of its chief, and because no leader of our days is upon so lofty an eminence as to drag with him in his fall all the members of the same party; because capital punishment to-day, in political affairs, appeals only to the passions and to ideas, and punishment has never modified ideas nor disarmed the passions; and finally, because the public conscience repudiates the infliction of this penalty for acts purely political, and that a penalty which has not the sanction of public opinion is more dangerous than useful. We may add that acts of this nature, supposing more of audacity than perversity, more restlessness of mind than corruption of heart, more of fanaticism than of vice, imprisonment for life, it would seem, ought to be sufficient for the end society has in view, namely, the assuring of its own security. Changing circumstances, cooling passions, dissolving factions, everything tends to diminish the importance of a sentenced political offender, and to render his existence a very slight danger. Would not society have to reproach itself subsequently with blood uselessly spilt? Need we go very far back in French annals to find examples of these fatal executions, and of the lasting remorse which followed them? —One of the glories of the revolution of 1830 is, that it declared as a principle the abolition of the death penalty in the case of political offenses. Capital punishment has not been inflicted in France since that time for purely political reasons. In truth, however, this principle, although respected, was not a law. It was the work of the

revolution of Feb. 24. The French constitution of Nov. 4, 1848, declares, in article 5, that "The death penalty is abolished in matters political." And the law of June 8, 1850, a consequence of this abolition, says, "In all cases in which the death penalty is abolished by article 5 of the constitution, it is replaced by exile to a fortified place, designated by law, outside of the continental territory of the republic." We are only speaking now of crimes essentially political, and which have no connection with ordinary crimes. Complex crimes, which are both a political and a common law crime, should be visited with the ordinary punishments. It would not do to admit that attempts against individuals should be punished less severely because undertaken with a political end, for this would be acknowledging that such an end is, in itself, a mitigating circumstance in the case of all crimes.—There remains one observation on all cases in which a person is sentenced to capital punishment, namely, that this penalty is replaced by hard labor for life, or labor for a term of years, if the jury decides that there are mitigating circumstances. We are here, of course, speaking of France. The person charged with the drawing up of the law of April 28, 1832, who introduced this clause in article 463 of the French penal code, said that "The interests of this sacred cause (abolition of capital punishment) which the ill success of a hazardous experiment might compromise; the interests of society, which can not be deprived of its most salutary protection without assuring to it some other not less energetic, if less sanguinary; the state of the country and of public opinion, concerning which the legislatures render a unanimous testimony; everything forces us to the conclusion that a gradual abolition only is reasonable and possible, and we believe that we have advanced far enough upon this way by the admission of mitigating circumstances." Thus the law abdicates its power, the legislator declares himself incompetent to solve this great social problem. It is therefore to the jury in criminal cases that we must leave this tremendous political and philosophical question. Has not this solution some drawbacks? Will the mighty power which the legislator abandons always fall into good hands? Are juries on a sufficiently high plane to judge of general questions, which are pregnant with interest to the future of society? Can they lose sight of the facts of the case, to judge of the utility and effects of punishment? Is it proper that it should be left to them to choose between light and heavy, humane and barbarous penalties? Does equality exist when this choice is made by prejudiced minds, influenced by different opinions, by notions more or less exact, and finally by political passion? Is it not a result of all this that the infliction of the death penalty in cases in which the facts are the same, has no longer any fixed rule? Besides, it depends upon the jury to practically abolish it, where they are the judges when it shall be inflicted; and in these few words may be summed up the solution of this great question.

FAUSTIN HÉLIE.

DEBT, Imprisonment for, the right granted to a creditor to have his debtor arrested and imprisoned in order to force him to pay his debt. In another sense it is the mere act of arrest and imprisonment for debt.—It is frequently supposed that the custom of imprisoning men for debt is very ancient. It is traced back, at the very least, to the law of the twelve tables which granted to the creditor an absolute right over the person and the property of his debtor. But the entirely different character of these two things, apparently similar, has not been sufficiently recognized. What the Roman law and the laws of the majority of nations of antiquity granted to the creditor was, a positive right against the person of the debtor; while modern law never accorded him more than a means of constraint, supposed necessary in certain cases to insure to him the recovery of what was due him.—When slavery existed, man was considered in some respects as a thing, a transmissible value; for in becoming a slave he was liable to be bought and sold. Consequently the person of a debtor might be considered as forming a part of his property, against which the creditor might assert certain rights. It is acting on this principle, that, when the goods of a man were not sufficient to pay his debts, his person was delivered to his creditor. And this was a real taking of possession by the creditor, granted him for the payment of the debt due him; so much so that he was not only empowered to seize his debtor but also to sell him. Roman legislation on this subject was modified several times, now in a severer and now in a more lenient way; but it always remained, as far as we can see, faithful to the same principle. It is also in this sense, we think, that the laws on imprisonment for debt which were in force in France during the first centuries of the French monarchy must be interpreted.—Still, nothing similar can have existed in Europe since the abolition of slavery. At the present time the creditor has no right except against the goods of his debtor; he has no right against his person. When, in certain cases, the creditor is authorized to have his debtor arrested, the object is merely to force the debtor to employ all the means possible to discharge the debt he owes. Probably imprisonment for debt as practiced in certain countries in our days, is connected by tradition with the custom of antiquity we have just mentioned, and it may be a sort of imitation of it; but it is none the less true that it essentially differs from the ancient law, both in its nature and in its object.—The question is often asked whether imprisonment for debt, such as is practiced in modern times, is a good and useful measure; whether it be conformable to sound morals, and whether the true interests of society demand it; in a word, whether it should be

continued. Opinion on this question has been and still is divided. It is contended, on the one hand, in favor of imprisonment for debt, that not the interest of creditors only, but the interest of commerce in general, demands it, so that credit may be strengthened by granting creditors every possible means of having the debts due them paid. On the other hand, the rights of humanity are appealed to, as well as the interest of public morality, which do not allow that a man should be arrested and imprisoned at the good pleasure of another man, nor that the liberty of the former should be sacrificed to the pecuniary interests of the latter — Unfortunately, political economy does not furnish any principle from which the absolute solution of the question can be drawn, which is more a question of morals and of fact than of political economy Political economy says merely that it is of importance to society that the payment of debts be guaranteed; that this concerns lenders less than borrowers, who would soon find all doors closed against them the moment lenders could no longer rely upon being paid. But should care for this go so far as to sacrifice men's liberty? And, on the other hand, is imprisonment for debt really as good a means to guarantee the payment of debts as is supposed? These are questions which political economy does not solve.—On this latter point many facts have been alleged, and many contradictory arguments have been produced, without satisfactory results. It has been argued, on the one hand, that the mere threat of imprisonment for debt has often resulted in the debtor's discharging a debt, who without this threat would never have paid it; and this seems to be unquestionable. But it has been objected, and not without reason, that imprisonment for debt has often enabled the hardest creditor to obtain payment, to the detriment of all other creditors, because the imprisonment to which he had recourse compelled his debtor to employ his last resources to satisfy him, while it thus made it impossible for him to discharge his debts to others. Another and apparently still more forcible objection has been raised; it is that imprisonment for debt is, in fact, very rarely resorted to in really commercial matters. When a merchant, it is said, can no longer meet his engagements, he is declared a bankrupt, and he makes an assignment. In such a case, if he has been detected in fraud or bad faith, in France, for instance, he is not subjected to imprisonment for debt, but he is punished according to the bankrupt penal code. If, on the contrary, the bankruptcy is only the result of unfortunate operations, an arrangement is made which frees the debtor, or which gives him time to discharge his debts. In all cases he escapes imprisonment for debt. It is therefore only against non-commercial people that the mode of coercion should be employed. This would answer very imperfectly to the object the law has in view, viz., to render commercial relations more safe, and to favor the development of credit.—In France, for instance, the question which occupies us has been solved in different ways, according to the times: but never, as it seems to us, with a perfect maturity of investigation. The convention had abolished imprisonment for debt by a decree of March 9, 1793; but it was re-introduced in the year V., by a resolution of the council of the five hundred, and confirmed soon after by the *conseil des anciens*. It was again abolished, in 1848, under the provisional government; but re established once more in the course of the same year, by the constituent assembly. Those who point to these contradictory solutions do not fail to say, when in favor of imprisonment for debt, that experience at once showed the evil effects of the abolition of imprisonment for debt. The fact is, that experience had been consulted neither in the case of its abolition nor in that of its restoration. In both cases enthusiasm and passion had operated as incentives to action, rather than solid motives.—In our opinion the question of the legitimacy or the utility of imprisonment for debt is still an open one. Perhaps it will never be solved in a proper manner until a serious inquiry shall have proved exactly how this means has ordinarily been employed, and what have been its effects. The facts which have been gathered up to the present are not in favor of the measure. It results, in fact, from a statistical investigation in the city of Paris undertaken during the administration of M. de Chabrol, that, from 1817 to 1827, almost all the individuals detained for debt in the prison of Sainte-Pélagie, were not merchants, and, moreover, that the greater portion of them had been incarcerated for very small amounts. Parliamentary documents show a similar state of facts for the city of London. It always remains to be discovered, it is true, whether, even with regard to non-commercial persons, the preservation of imprisonment for debt is at all useful; but it will be admitted, at least, that the question is one deserving of a serious examination. CHARLES COQUELIN.

DEBTS, National, State and Local. The history of the national debt of the United States may be fairly divided into five periods, the first of these extending from Sept. 5, 1774, to March 4, 1789. By various resolutions of the continental congress from June 22, 1775, to Nov. 29, 1779, inclusive, the several issues of paper money amounted, in the aggregate, to $241,552,780. In addition to a subsidy of $1,815,000, given to the colonies by the king of France, three loans were made from the same source, amounting to $6,352,500, inclusive of $181,500 secured from the French farmers-general to be paid for in tobacco. In addition to a subsidy of $181,500 from the king of Spain, small loans were obtained from private bankers, amounting to $174,017.13. Four loans were made in Holland through the agency of John Adams, amounting to $3,600,000. Included in this period should be the certificates of indebtedness given to the French officers who served in the American army. These certificates,

amounting to $186,988.78, were to bear interest at 6 per cent. from Jan. 1, 1784.—The second period extends from March, 1789, to Jan. 1, 1812. During this period the whole amount of loans made by the government amounted, in the aggregate, to $109,450,183.71, divided as follows:

From Holland	$ 9,400,000.00
Temporary loans from bank of the United States	9,700,000.00
Temporary loans from bank of New York and bank of North America	923,204.37
Stock loans, bearing 6 per cent. interest	14,791,700.00
Revolutionary debt, refunded at 6 per cent.	30,088,397.75
Revolutionary debt, refunded at 6 per cent. Interest from Jan. 1, 1800	14,649,328.76
Revolutionary debt, being interest due, refunded by the issue of 3 per cents	19,718,751.01
The balance due on the French debt, paid off by issuing 4½ per cent. stock	176,000.00
The balance due on the French debt, paid off by issuing 5½ per cent. stock	1,848,900.00
Old 6 per cent. stock, refunded in 1807	6,294,051.12
Old 3 per cent. stock, refunded at 6 to 5 per cent. in 1807 and 6 per cents issued in lieu	1,859,850.70

—From January, 1812, to Jan. 1, 1837, may be considered the third period, during which the whole amount of loans amounted to $153,565,315.70, divided as follows:

Treasury notes issued	$36,680,794.00
4½ per cent stocks	10,000,000.00
5 per cent. stocks	12,735,295.43
6 per cent. stocks, including temporary loans during the existence of the war	71,761,173.55
7 per cent. stock issued	9,070,386.00
Mississippi stock, bearing no interest, issued in settlement of the Yazoo frauds	4,282,151.12
Old 6 per cent. stocks, refunded in 1812	2,984,746.72
War loans of 1812-14, refunded into 5 per cent. stock	56,704.77
War loans of 1812-14, refunded into 4½ per cent. stock	5,994,064.11

—In the fourth period, from Jan. 1, 1837, to March 1, 1861, the whole amount of loans negotiated amounted to $232,024,592.63, embracing:

Treasury notes bearing interest	$110,823,700.00
5 per cent. interest stock loans	45,002,782.15
6 per cent. interest stock loans	76,198,110.48

—The fifth period began with the outbreak of the war and continues to the present time, though for convenience I have placed the date from March 1, 1861, to June 30, 1880. During this period the following loans were contracted:

6 per cent. bonds	$2,429,919,291.65
4 per cent. bonds	1,455,266,370.07
3 per cent. bonds	99,155,000.00
4½ per cent bonds	250,000,000.00
5 per cent. bonds	714,112,450.00
Interest-bearing notes	552,972,640.00
No interest	3,673,068,906.97
	$9,174,494,658.69
7 3-10 interest-bearing coupon notes	970,094,750.00
	$10,144,589,408.69

—To briefly summarize the ground covered, the following table has been prepared:

First period	$ 10,313,505.91
Second period	109,450,183.71
Third period	153,565,315.70
Fourth period	232,024,592.63
Fifth period	10,144,589,408.69
	$10,649,943,006.64

—The fluctuations of the national debt, from the first period to the close of the fifth period, are full of historic interest. Its tremendous rise during the war until Aug. 31, 1865, when the principal reached its highest point ($2,844,649,626), and then the steady decrease until, to-day, it is less than $2,000,000,000, and the gigantic transactions by which this was accomplished, form a rich field of study alike for the exact statistician, the financier and the political economist. The following carefully prepared table shows the fluctuation of the debt from 1791 to the present day:

PUBLIC DEBT OF THE UNITED STATES, 1791 TO 1881.

[Outstanding Principal.]

1791	$ 75,463,476	1837	$ 336,957
1792	77,227,924	1838	3,308,124
1793	80,352,634	1839	10,434,221
1794	78,427,404	1840	3,573,343
1795	80,747,587	1841	5,250,875
1796	83,762,172	1842	13,594,480
1797	82,064,479	1843 (Jan. 1)	20,601,226
1798	79,228,529	1843 (July 1)	32,742,922
1799	78,408,669	1844	23,461,652
1800	82,976,294	1845	15,925,303
1801	83,038,050	1846	15,550,202
1802	80,712,632	1847	38,826,534
1803	77,054,686	1848	47,044,862
1804	86,427,120	1849	63,061,858
1805	82,312,150	1850	63,452,773
1806	75,723,270	1851	68,304,796
1807	69,218,398	1852	66,199,341
1808	65,196,317	1853	59,803,117
1809	57,023,192	1854	42,242,222
1810	53,173,217	1855	35,586,956
1811	48,005,587	1856	31,972,537
1812	45,209,737	1857	28,699,831
1813	55,962,827	1858	44,911,881
1811	81,487,846	1859	58,496,837
1815	99,833,660	1860	64,842,287
1816	127,334,933	1861	90,580,873
1817	123,491,965	1862	524,176,412
1818	103,466,633	1863	1,119,772,138
1819	95,529,648	1864	1,815,784,370
1820	91,015,566	1865	2,680,647,869
1821	89,987,427	1866	2,773,236,173
1822	93,546,676	1867	2,678,126,103
1823	90,875,877	1868	2,611,687,851
1824	90,269,777	1869	2,588,452,213
1825	83,788,432	1870	2,480,672,427
1826	81,054,059	1871	2,353,211,332
1827	73 987,357	1872	2,253,251,328
1828	67,475,043	1873	2,234,482,993
1829	58,421,413	1874	2,251,690,468
1830	48,565,406	1875	2,232,284,531
1831	39,123,191	1876	2,180,395,067
1832	24,322,235	1877	2,205,301,392
1833	7,001,698	1878	2,256,205,892
1834	4,760,082	1879	2,349,567,482
1835	37,733	1880	2,120,415,370
1836	37,513	1881 (July 1)	2,053,353,961

—The interest-bearing debt has decreased from $2,381,530,294, in 1865, to $1,621,111,006, and the annual interest charge from $150,977,697, in 1865, to $69,461,244, at the present time. Here we have an annual rate of decrease of $51,000,000 But this, as Mr. H. C. Adams has recently pointed out, does not adequately represent the rapidity with which this portion of the debt was extinguished, while it alone received the attention of congress. Previous to July, 1876, the annual payments amounted to $61,000,000.—The years 1877 and 1878 were devoted to preparation for the resumption of specie payments, which was successfully accomplished in 1879. It would not be quite accurate to say that resumption had effected a practical payment of the non-interest-bearing portion of the debt although, maintained as it is by reserve, it has provided for this debt and taken it

out of the domain of changing politics.—It must also be borne in mind that the volume of United States notes outstanding has, since our national debt reached its highest, been reduced about $82,000,000, and $26,000,000 of fractional currency have been withdrawn from circulation.—In 1865 the per capita debt of the United States—the total debt less cash in the treasury—was $78.25. The rapid increase of the population and the reduction of the debt decreased the per capita to $37.74 in 1880. Great as this reduction has been, it can hardly be said it has been accomplished by excessive taxation.—OWNERSHIP. In 1803 the national debt was about $70,000,000, and an inquiry into the ownership of the stocks, according to Seybert's Statistical Annals of the United States, shows that it was distributed among 14,236 owners—an average per capita of less than $5,000, or half the present per capita. The inquiry which I have recently completed for the census office shows that $825,917,150 registered bonds were owned by 80,802 individuals and corporations, an average per capita of about $10,221. The debt in 1803 was distributed as follows:

ON WHAT BOOKS.	Amount.	Number.
Treasury U. S.	$25,399,862	2,152
New Hampshire	501,658	171
Massachusetts	11,537,080	4,199
Rhode Island	827,375	471
Connecticut	1,692,051	710
New York	11,732,132	2,204
New Jersey	442,729	212
Pennsylvania	12,851,772	2,746
Delaware	173,439	46
Maryland	1,023,217	157
Virginia	969,173	376
North Carolina	123,818	43
South Carolina	2,767,201	727
Georgia	110,324	22
Total	$70,154 774	14,236

—Seventy-seven years later I find the 4, 4½ and 5 per cent. registered bonds distributed as follows in the several states:

STATES.	Amount	Number.	STATES.	Amount.	Number.
New York	$210.264,250	14,803	Wisconsin	$ 1,331.400	342
Massachusetts	45,136,750	16,855	Iowa	1,285.450	283
Pennsylvania	40,223,050	10,408	Kansas	1,188,800	326
Ohio	16,445,050	4,130	Mississippi	1,014 800	157
District of Columbia	12,419,050	2,457	Delaware	1,008.150	100
California	11,601,100	411	The Territories	837,550	111
Illinois	9,119,950	3,101	South Carolina	760 200	137
Connecticut	8,894,400	2,367	West Virginia	661.500	194
New Jersey	8,104,150	2,715	North Carolina	639,000	142
Maryland	6,989,600	920	Texas	523,450	139
Rhode Island	4,717.100	838	Alabama	474,100	126
New Hampshire	4,658 150	2,939	Minnesota	420,250	94
Indiana	3,980,800	698	Arkansas	312,400	78
Maine	3,938,500	1,711	Florida	253,850	64
Missouri	3,783,600	933	Nebraska	248,750	55
Vermont	3,595,150	1,909	Nevada	211,000	18
Louisiana	2,158,000	262	Georgia	181,400	58
Tennessee	2,341,200	369	Oregon	126,300	14
Michigan	1,941,200	453	Banks, Insurance and Trust Companies	227,451,550	1,527
Colorado	1 897.550	61			
Kentucky	1,770,150	451	Total	$644,990,400	73,114
Virginia	1,749,750	458			

Seventy-seven years has not changed the position of Massachusetts. In 1803 that state had more bondholders than any other state. To-day it has $23\frac{4}{10}$ of all the bondholders in the United States, while New York has but $20\frac{24}{100}$. But New York has $32\frac{6}{10}$ of the aggregate amount held, while Massachusetts can not boast of quite 7 per cent.—In 1803 Pennsylvania held a larger amount of bonds than either New York or Massachusetts, but it was then, as New York is now, second to the great New England state in the number of its bondholders. At the beginning of the century South Carolina ranked fourth as a bondholding state; to-day it is twenty-ninth, and owns $2,000,000 less bonds than it did nearly 80 years ago.—It is not at all probable that over $220,000,000 of our national debt is now held abroad; this would leave about $1,400,000,000 of the registered and coupon interest-bearing debt distributed throughout the country among individual holders and corporations, and deposited with the comptroller of the currency to secure the circulation of national banks. It is probable that while 36 per cent. of the holders reside in the New England states, not more than 11 per cent. of the aggregate amount of bonds can be credited to New England. On the other hand, over 42 per cent. of the holders have their residence in the middle states, and upward of 43 per cent. of the aggregate amount of bonds is held in that section. Over 3½ per cent. of the holders reside in the southern states, and about 2 per cent. of the bonds are owned there. In the western states are 15 per cent. of the holders, and nearly 8½ per cent. of the bonds. The banks, insurance companies, and other corporations, representing in number only 2 per cent., own about 35 per cent. of the bonds. Massachusetts, with only 3½ per cent. of the total population of the country, has 23 per cent. of the total number of bondholders; while New York, with over 10 per cent. of the total population, has 20 per cent. of the bondholders. Ohio has over 6 per cent. of the total population, and 5½ per cent. of the bondholders. Illinois

and New Hampshire each has over 4 per cent. of the bondholders, while the former state has over 6 per cent. of the total population of the country, and the latter has only $\frac{6}{10}$ of 1 per cent. Oregon has the least number of holders (14), and Massachusetts the highest (16,855).— STATE DEBTS. One of the first questions agitated in the first congress was that of the assumption of the state debts. As early as 1790 a senate committee reported that it would be greatly conducive "to an orderly, economical and effectual arrangement of the public finance," should an equal distribution be made of the burdens of the several states among the citizens of the United States. Such a course, it was said, would not only promote more general justice to the different classes of public creditors, but would also serve to give stability to public credit. The justice of this assumption was also strongly urged, on the ground that the debts were essentially contracted in the prosecution of the revolutionary war, and that it was just that such a provision should be made. The following statement shows the amount authorized to be assumed in the redemption of the debt of each state and the amount actually assumed by the federal government:

STATES.	Amount Authorized.	Amount Assumed.
New Hampshire	$ 300.000	$ 282,595 51
Massachusetts	4,000,000	3,981,733 05
Rhode Island	200,000	200,000.00
Connecticut	1,600,000	1,600,000 00
New York	1,200,000	1,184,716.69
New Jersey	800,000	695,202 70
Pennsylvania	2,200,000	777,983.48
Delaware	200,001	59,161.65
Maryland	800,000	517,491.08
Virginia and Kentucky	3,500,0 .0	2,934 416 00
North Carolina	2,400.000	1,793.803 85
South Carolina	4,000,000	3,999,651 73
Georgia	300,000	246,030 73
Total	$21,500,000	$18.271,786 47

This was the beginning of state debts in the United States.—The states seem to have incurred no liabilities to speak of, if we except some loans to assist the federal government in the war of 1812, until 1820, between which latter period and 1825 the indebtedness increased, until, at the close of 1825, it reached $12,790,728. The next five years $13,679,689 more stock was issued, and from 1830 to 1835 $40,012,769 additional and so rapidly had the debt-creating mania developed; that in the three years following 1835 no less than $107,823,808 of state stock was issued, and in 1838 the debts of the several states had reached $174,306,994. By 1840 the indebtedness of these states had reached $200,000,000. The two principal causes which led to the contracting of the debt were undoubtedly an improved credit abroad and an ardent desire at home to push improvements even beyond the wants of population.—In 1834 the last installment of the national debt was paid. This fact had a tendency to raise the spirits of the people at home and increase the confidence of foreigners in American securities. Most of this enormous aggregate of state debts was contracted for the purpose of covering the expense of important works of public improvements. "New communications," said one writer, when commenting on the financial embarrassments of 1840, "have been opened by railroads and canals between different parts of the country, generally at points where they were really wanted, and will be of important service. In some few cases the rage for speculation and facility for obtaining loans which characterized the period when the debts were contracted may have given rise to projects not precisely of this character. But the worst that can be said of them is, that they are premature." But at that time the population and business of the country were rapidly growing up to these improvements, and as subsequent events have shown, many of the enterprises which at that period of our history seemed to bid fair to bankrupt the states that had promoted them, now are profitable investments. The most embarrassed states at this time were Pennsylvania, Maryland, Mississippi, Michigan, Louisiana, Indiana and Illinois. Some had defaulted in interest, some refused to pay the principal, and some could not pay either the one or the other.—Early in 1840 the question of the United States assuming the states' debts contracted during the period described, was agitated in congress. The first figures that bear evidence of authenticity as showing the amount and the purposes for which the state debts had been contracted, appear in the speech of senator Benton, made before the senate in January, 1840, and which he borrowed from Mr. Flagg, the comptroller of the state of New York. From these tables it seems that $170,000,000 of debt had actually been contracted or authorized by the 18 states previous to 1840, without counting the $28,101,644.91 received from the surplus revenue funds of the federal government. Taking into the calculation the amount probably incurred in the period between the report of Mr. Flagg and the report of senator Benton, together with the Florida debt of $5,000,000, (and making allowance for possible omissions from Mr. Flagg's tables), the whole debt was estimated at more than $200,000,000. The aggregate as ascertained by Mr. Flagg ($170,806,177), was distributed about the states of Maine, Massachusetts, New York, Pennsylvania, Maryland, Virginia, South Carolina, Alabama, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Missouri, Mississippi, Arkansas and Michigan. Eight of the states of the Union at that time, viz, New Hampshire, Vermont, Rhode Island, Connecticut, New Jersey, Delaware, North Carolina and Georgia, enjoyed the distinction of not finding their names on the list. Maine and Missouri were only nominally in debt, the former having created but $500,000 of debt.—Of this $170,000,000, $52,640,000, or about 31 per cent., had been incurred in aiding state banks; $60,201,551, or about 35 per cent., in building canals; $42,871,084,

or about 25 per cent., for railroad aid; $6,618,958, or about 4 per cent., for turnpikes and macadamized roads; and for miscellaneous objects, $8,474,684. Thus it will be seen that nearly $103,000,000, or about 60 per cent., of this entire amount, was expended for improvement of the system of internal transportation.—On July 9, 1842, Mr. William Cost Johnson, of Maryland, made his first move in congress, with a view of having the national government assume the state debts. In his resolution he set forth the fact that the states not foreseeing the embarrassments which now beset them, had, with a laudable desire to advance their interests, to develop their resources, and by multiplying the means and facilities of intercommunication, to bring into active operation and value much of their otherwise dormant wealth, had involved their credit and incurred heavy debts in the prosecution of works which are calculated to strengthen the bonds of union, multiply the avenues of commerce, and augment the defenses from foreign aggression. That these debts, contracted in times of prosperity, when capital was more plenty, and confidence more stable, have now become onerous upon the people, and provisions for the annual interest, and final payment of the principal, would undoubtedly lead to a system of taxation which would still further depreciate the value of property, and become an unbearable burden to the taxpayer. The resolutions admitted that many of the obligations were improvident, but that they were not the less binding, and the idea of legal and honorable debts being repudiated, must be repugnant to an honest people; and that any inconvenience ought to be endured rather than that a nation's or a state's honor should be tarnished. The matter was brought up several times, and a good deal of opposition was exhibited against paying the state debts in this manner.—In December of the same year, however, the question was referred to a select committee, who filed their report in March, 1843. The tables which accompanied the report of the select committee contain the first official information relative to state debts. They show that the total amount of the debts of the states was $207,894,613.35, and that the amount of the interest paid or due annually was $10,394,730.64. Many of the states had omitted to pay the interest as it accrued, consequently greatly increasing their debt, while the gradual but general depreciation of property in such states continued to render the payment of accruing interest, and the final liquidation of the principal, more and more difficult and doubtful with every delay. The main objection to the report of the committee, set up by those who were opposed to the proposition, was, that the plan contemplated the assumption of the debts of the indebted states, without extending any benefit to the non-indebted states, and that the latter would be responsible for the debts of the former; that if the states were intrusted with the stock or bonds of the general government, they might apply them to other uses than the payment of their debts; that if the states were relieved from their present difficulties and embarrassments, they would, in all probability, get heavily into debt again; and finally, that, although the states might be relieved, the issue of the amount of stock proposed would greatly embarrass the general government. To meet these objections a plan of distributing the stock equally among all states was adopted, and other amendments made, but the project fell through.—Ever since 1830 efforts had been periodically made to distribute the land revenue, or surplus revenue, or to induce the government to assume the stocks of indebted states. The public appetite for this sort of thing was undoubtedly stimulated by the distribution among the several states, of what was termed the surplus revenue fund. The fund originally proposed to be distributed among the states was $36,000,000, and $28,101,644.91 was distributed in three quarterly installments among the various states, the first amount transferred being under date of February, 1837, the second amount in April, and the third amount in July of the same year. The fourth and last installment, however, was not paid. A series of disasters, culminating in the panic of 1837, so disordered the finances of the general government, before the distribution had been completed, that after the first three payments had been made to the different states, it became necessary to have recourse to a new act of congress, which was passed on Oct. 2, to direct the postponement of the transfer of the remaining fourth until Jan. 1, 1839. A subsequent act was passed, postponing the payment indefinitely. This last law further provided that the amount deposited should remain with the states until otherwise directed by congress. Here the matter has rested for forty years.—Undoubtedly this distribution of national funds tended to stimulate improvident undertakings, and at the first signs of embarrassment it was not unnatural that the state should turn to the national government for succor and relief from their financial burdens.—The increase and decrease of state debts in the United States from this period to the present time, may be seen from the following table, which I have carefully prepared from original sources:

STATES.	1842.	1852	1860.	1870	1880.
New England States	$ 7,158,274	$ 6,862,265	$ 7,398,060	$ 50,348,550	$ 49,969,514
Middle States	73,348,012	79,510,726	86,416,045	79,834,481	45,672,575
Southern States	73,340,017	64,499,726	93,046,934	174,486,452	113,967,243
Western States	59,931,553	42,993,185	49,395,325	44,018,911	36,565,360
Pacific States		2,159,403		4,178,504	4,547,389
Grand Total	$213,777,916	$196,025,305	$236,256,364	$352,866,898	$250,722,081

The aggregate of the state debts to-day only exceeds by about $37,000,000 the aggregate of the same class of indebtedness 40 years ago. The table also shows a decrease of over $102,000,000, or of nearly 29 per cent., since 1870. Unhappily this has not been all paid, and while some of the states have honestly reduced their debts, we have had of late years too many painful examples of state repudiation and dishonor to see any cause for congratulation in this decrease of state indebtedness. The table presented further along makes the state debts proper $10,000,000 more than the above. The difference is mainly in the southern states, which aggregate about $114,000,000 in the one case and about $125,000,000 in the other. Owing to the financial tinkering that has characterized these states of late years it is difficult to say which of the two statements is correct.—MUNICIPAL DEBTS. The first statistics of municipal indebtedness were published in 1843, from which it appears that the aggregate amount of debts of all the cities of the United States was $27,536,422, and the annual interest charge for state debts was $12,259,602, and for all indebtedness, including national debt, $14,894,232. I have been able to find no other statistics of this class of indebtedness until 1870, when the census gives the debt, other than national, as follows:

CLASSES OF DEBT.	Gross Debts.	Per Cent.
State debt	$352,866,698	40.62
County debt	187,565,540	21.59
City and town debt	328,244,520	37.79
Total	$868,676,758	100.00

As the old census law would not allow the superintendent to deal directly with the minor subdivisions of the country, it is not likely that the above figures were correct. The amount of debt was merely summarized by counties, and no account made of the sinking fund. The county, city, township, village and school district debt was not given separately, and in many other respects the work was unsatisfactory.—The plan adopted in 1880 has proved satisfactory. This branch of the census work, the wealth, debt and taxation division, as it is termed, has been carried on entirely in Washington, and the facts all obtained by the aid of direct correspondence with the local offices throughout the United States. Schedules were prepared with the view to suit the size of the places to which they were to be sent. To the large cities elaborate schedules were mailed, which not only called for an exact statement of the bonded and the floating debt, but also for the date of issue of the various classes of bonds, the date of maturity, the rate of interest, and the purposes for which the bonds were issued; also the amount of sinking fund or other assets and credits set aside for the payment of the debt. To the smaller cities and towns and villages a simpler form of blank was issued, and in some of the townships and school districts a postal card proved effective and secured answers to the seven important questions. The extent of this correspondence, and the difficulties of securing lists, not only of the names of financial officers, but of the municipal corporations themselves, were great. The preliminary work was as difficult as the actual work of gathering statistics. The authorities of every county had to be applied to for the names of the municipal corporations within its area, and after replies had been received from the 2,400 counties, I found that in many states the entire work must be revised, and circulars addressed directly to the places named by the county clerks or auditors, asking the question, "Is —— an incorporated village or not?" In this way hundreds of the names originally placed on the lists were excluded. The lists of the minor civil divisions of the United States are formidable documents, as may be imagined when we realize that there are about 2,400 counties; 311 cities and towns, with a population of 7,500 and upward; about 8,000 incorporated cities, villages, and other small places, with a population below 7,500; about 12,000 townships having a financial existence; and 105,000 school districts, possessing a debt-creating and tax-levying power. To some of the larger and more important of these places as many as 20 letters were written before the schedule could be absolutely declared complete. There were others, probably 50 per cent., that replied with both accuracy and promptness. In several cases I succeeded in interesting the editors of newspapers and prominent individuals, and requested them kindly to call the attention of the local authorities to the importance of this work. Almost unanimously did these letters meet with response. Editors called attention to the delinquency in their newspapers, governors and state auditors touched the state pride of the delinquent officers, and in some instances prominent business men dropped their work and filled out the schedule with their own hands. [One city schedule sent to this division of the census was filled out by an ex vice-president of the United States.] With such an awakened interest, and thousands of willing assistants in all parts of the country, it is not surprising that this class of statistics is complete and satisfactory. Every municipal incorporation of over 1,000 population has sent in a correct report, which has been amended, approved, and tabulated. There still remain, scattered over the country a few post-towns in the south and backwoods places in the northwest and in the territories, from which no returns have been received. But these delinquencies can not affect the results, and for all practical purposes the report is complete. The counties, too, have all reported their indebtedness, and substantially the same holds true of the 105,000 school districts.—The following table shows the state and local indebtedness of the United States for 1880:

Statement of State and Local Indebtedness in the United States.

STATES, ETC.	State Proper.	County.	Township.	School Districts.	Cities and Towns of 7,500 Population and Upward.	Other Municipalities less than 7,500 Population.	Gross Debt.	Sinking Fund.	Total Net Debt.
Total United States	$260,377,310	$125,452,100	$30,190,861	$17,493,110	$710,535 924	$56,310,209	$1,200,359,514	$145,051,121	$1,055,308,393
NEW ENGLAND STATES.									
Maine	$ 5,848,900	$ 451,809		$ 80,184	$ 12,501,302	$ 5,746,520	$ 24,628,665	$ 2,221,715	$22.406,950
New Hampshire	3,561,200	779,034		65,608	3,006,087	3,384,506	1 ,796,435	72,264	10.724,171
Vermont	4,000	23,421		157,277	642,360	3,581,582	4,408,640	56,473	4.352,167
Rhode Island	2,534,500			181,466	12,075,550	349,851	15,141,367	2,038,577	18,102.790
Connecticut	4,967,600	101,400		683,885	13,543,998	4,249,064	23,545,947	1,544,311	22,001,636
Massachusetts	33,034,726	1,371,218			78,690,440	8,533,507	121.629,886	30,345.973	91,283,913
Total	$49.950,926	$2.726,877		$1,168,370	$120.459,737	$25,845,030	$200,150,940	$36,279,313	$163,871,627
MIDDLE STATES.									
New York	$ 8,988,360	$12,406.308	$19,438,428	$ 580,433	$215.596,260	$2,228,809	$259,238,598	$39,915.284	$219,323,314
New Jersey	1,896,800	7,292,444	1,436,779	697,907	40,903,661	3,031,060	55,258,151	5,711,049	49,547,102
Pennsylvania	22,190,690	9,781,384	437,137	2,455,962	97,087,521	2,900,573	134,853,267	20,718,928	114 134 339
Delaware	880,750	44,000		4,222	1,372,450	45,163	2,346,585		2 346,585
Maryland	11,277,111	1,401,095			21,170,875	84,967	33 934.048	23,038,042	10,896,006
District of Columbia					22,886,769		22,886,769	211,310	22,675,459
Total	$45,233,211	$30,925.231	$21,312.344	$3.738.524	$399.017,536	$8,290.572	$508,517.418	$89,594,613	$418 922,805
SOUTHERN STATES.									
Virginia	$29,345,226	$1,285.074		$90,588	$10,834,063	$1,906,557	$42,561,508	$ 461,706	$42,099,802
West Virginia		592,780		42,182	541,882	409,280	1,576,124		1,576,124
North Carolina	5,706,616	1,524,654			715.457	285,134	8,231,861	37,255	8,194,606
South Carolina	6,639,171	1,573,859			5,713,133	148,956	14,075,119	729,181	13 345,938
Georgia	9,951,500	181,790			8,997,569	701.294	19,832,153	150.250	19,681,903
Florida	1,284,980	435,993			280,916	774,720	2,776,609	150,100	2,626,509
Alabama	9,071,765	1,703,2 6			3,500,750	452,764	14,728,545		14,728,545
Mississippi	379,485	1.134,768			373,218	125,724	2 013.190		2,013,190
Louisiana	23,437,640	1,107,951			18,193,653	130,691	42,869,935	3,983	42 865,952
Texas	5,566,928	2.499,287			3,267,068	321,110	11,654,393	49,480	11,604.913
Arkansas	5,046,405	3,135,749			335,243	4 1,732	8,949,129	3,677	8,945,452
Kentucky	1,858,008	6.324,402		16,388	11.352,178	924,359	20,475,335	5,497,454	14,977,881
Tennessee	27.440,431	3.060,545			6.489,107	399,474	37,389,557	1.657	37,387 900
Total	$125,728,155	$24,560,113		$149,158	$70,584,237	$6,111,795	$227,133,458	$7,084,743	$220,048,715
WESTERN STATES.									
Ohio	$ 6,476,805	$ 2.962,649	$ 161,821	$1,452,199	$41,490,808	$1,933,311	$54,477,593	$5,721,139	$48,756,454
Indiana	4,998,178	4,074,454	226,440		7,374,648	1.970,771	18,544,491	190,754	18,353,737
Illinois		14,396,351	4,421,827	3,406,306	18,750,869	2,594,135	43,569,488	707.750	42,861,738
Michigan	935,150	896,700	629,205	1,389.673	5,548,245	888,055	10,257,028	1,757,629	8,499,399
Wisconsin	2,252,057	2 292.254		276,567	3,690,386	3,478,959	11,990,223	114,231	11,875,992
Iowa	125,000	2,992,573		1,125,188	3.257.018	653,380	8,153,109	435,777	7,717,332
Minnesota	2,565,000	913,796	689,011	691,472	3,004,815	709.625	8,573,719	97,655	8,476.064
Missouri	16,259,000	12.035,403		718,784	27,629,867	1,469,826	58,112,880	681,558	57.431,322
Kansas	1,181,975	7,955,921	2.352,713	1,778,508	1,845 775	1,0 0,791	16,125,683	119,830	16,005,853
Nebraska	499.267	5,206,808	397,500*	827,641	477,565	279.608	7 688,389	262,632	7,425,757
Total	$35,262,432	$53,726,969	$8,878,517	$11,666,288	$112.969,996	$14,988,461	$237,492,603	$10.088,955	$227,403,648
PACIFIC STATES AND TERRITORIES.									
Colorado	$ 212,814	$2.492,441		$328,468	$ 132,000	$428,573	$ 3,594,296		$ 3,594,296
Nevada	75,396	891,017		1,506	112,000	20,000	1,0 9,919	75,396	1,024,523
Oregon	511,376	211,767		26,585	76,500	2.274	848.502		848.502
California	3,403,000	7,312,489		377,963	7,116,918	473,419	18,683,789	1,928,101	16,755,688
	$4,202,586	$10,907,714		$734,522	$7,437.418	$944.266	$24,226,706	$2 003,497	$22,223,009
The Territories		2 605,2 6		36,248	67,000	130,685	2,838,589		2,838,589
Total	$4,202,586	$13,512 970		$770,770	$7,504,418	$1,074 351	$27,065,(95	$2.003,497	$25,061,598

* Precincts instead of Townships.

According to these figures it may be stated in round numbers that about 22 per cent. of the gross debt other than national is state debt; about 10½ per cent. county debt; about 2½ per cent. township debt; about 1½ per cent. school district debt; about 59 per cent. large cities debt; and about 4½ per cent. small cities debt.—From the total of over $1,200,000,000, over $145,000,000 must be deducted for sinking funds and other credits set aside for the payment of maturing bonds. Over $117,000,000 of this amount belongs to the large cities, and reduces the debt from $710,535.924 gross to $593,344,418 net.—The remainder largely belongs to states, though in a number of cases sinking funds have been returned by counties and the other minor civil divisions. The total net debt, state, county, city, township and school district, was, in 1880, $1,055,308,393, against $868,676 758, in 1870, an apparent increase of $186,631,635. The actual increase is not known, because there are no means of ascertaining whether the total for 1870 was the net or the gross debt; if it was the latter, the comparison should be made with the gross debt in 1880, which would make the increase over $145,000,000 more, or $331 682,756. After carefully weighing all the facts, and allowing for the inaccuracies of the work of 1870, I think it may be safely said that state debts have decreased about 25 per cent.; county, township and school district debts about 8 per cent.; while the debts of cities have probably increased over 100 per cent. Indeed, if the census of 1870 be correct, the increase in the last class of indebtedness was over 133 per cent.—Great care has been exercised in the collection of the statistics of debt and taxation of the principal cities of the country, and below I have prepared a statement showing the bonded, floating and gross debt, the amount of the sinking fund, and the net debt of the cities having a population of over 7,500 in each of the five geographical sections of the Union:

STATES.	Bonded Debt.	Floating Debt.	Gross Debt.	Sinking Fund.	Net Debt.
New England States	$113,931,573	$ 6,528,164	$120.459,737	$21,278,514	$ 99,181,223
Middle States	386,861,355	12,156,181	399,017,536	81,318,202	317 699,334
Southern States	64,082,648	6,501,589	70,584,237	5,671,806	64,912,431
Western States	109,961.269	3,008,727	112,969,996	7,091,269	105,878,727
Pacific States	7,259,615	244,803	7,504,418	1,831,715	5,672,703
Grand Total	$682,096,460	$26,439,464	$710,535 924	$117,191,506	$593 344,418

Of this enormous debt 3.05 per cent. was incurred for bridges; .05 per cent. for cemeteries; 3.3 per cent. for fire department; 18.02 per cent for funding floating debt; 2.46 per cent. for improvement of harbors; 5.94 per cent. for parks and public places; 3.75 per cent. for public buildings; 10.02 per cent. for railroad and other aid; 10.42 per cent. for refunding old debt; 2.04 per cent. for schools and libraries; 3.07 per cent. for sewers; 11.95 per cent. for streets; 4.22 per cent. for war expenses; 3.89 per cent. for miscellaneous; and no less than 20.79 per cent. for water works. Many of these purposes are extremely useful and beneficial, and in the case of water works, even remunerative investments. It may be that large sums of money have been squandered, but it might be well to bear in mind the wonderful growth of the cities of the United States; that about one-quarter of the population is urban; and that many of the expenditures are but the results of the massing of population in large centres of industrial energy. To the continued growth of these cities, under the more stringent organic laws of many of the states, we must look for the payment of the debt.—State and local debt presses unequally on different localities, sometimes hardest in the places least able to pay. For example, the New England states have about 20 per cent. of the state debts; about 2½ per cent. of the county debts, and 17 per cent. of the municipal debts. The middle states have about the same proportion of state debts, but about 25 per cent. of the county debts, and nearly 54 per cent. of the municipal debts. The south, on the other hand, has nearly 50 per cent. of the state debts, only 19½ per cent. of the county debts, and but 11 per cent. of the city debts. In the western states, counties have often aided railroads with their credit, and hence nearly 43 per cent. of the total county indebtedness is located here. The west has but little state indebtedness, and only 18 per cent. of the municipal debts. In New England and the middle states the state debts proper have never assumed a serious aggregate. As I have shown, in 1842 Maryland, Pennsylvania and New York were embarrassed. To-day New York has less than $7,000,000 of unprovided debt, Maryland has assets enough to liquidate its debt at any time, and Pennsylvania a debt of $22 000,000.—Some of the New England states and New Jersey and Delaware virtually had no state debt until after the war, yet in these two sections of the country, owing to the excess of municipal indebtedness, the highest per capita debt exists. In this calculation I have included all debt other than national, which bears alike on the several sections of the country. For example, the population of New England is 4,010,438; the aggregate of its different species of indebtedness, $199,771,967; in this calculation the sinking fund is not deducted; and its per capita debt, $49.81. In the middle states the population is 11,756,503; total debt, $508,926,141, and per capita debt, $43.20. The southern states have a population of 15,254,115,

a total debt of $215,534,164, and the per capita, $14.13. The western states, with a population of 17,229,810, have a debt of $235,386,261, and a per capita debt of $13.66. The Pacific states, with a population of 1,962,000, have a debt of $27,918,065, or $14.67 per capita.—The per capita of debt other than national for the United States is $23.68. To this add $40 for the national debt, and we have $63.68 per capita for every man, woman and child in the country. Estimate five persons to a family, and our public debts to-day amount to $318.40 for each head of a family. The assessed valuation of the country for 1880 is something over $16,000,000,000.—The public debt other than national equals $7\frac{3}{10}$ per cent. of the assessed valuation. The interest-bearing national debt is about 10 per cent. of this valuation, making a total burden, upon which interest must be paid, of $17\frac{3}{10}$ per cent. of the assessed valuation of all the property —In summing up this array of statistics, but little can be said in regard to the national debt. It is evident that the American people are determined to pay it as rapidly as possible. I believe government should not lose control of the debt. The high premium on the bonds of 1891, and especially of 1907, point out the danger of long time loans. Nearly $1,000,000,000 of the debt is tied up in this way. The sound policy for the future will be rapid reimbursement, rather than extremely low interest. To effect this, a very low interest must not be the only consideration. In view of this, the adopted policy of the United States treasury is, to my mind, a sound one, and should be continued until the last dollar of the national debt is paid.—The only effective remedy for excessive state and local indebtedness is constitutional legislation. In some of the early state constitutions the states were actually authorized to carry on and aid internal improvements. Forty years ago Illinois was struggling with projects which, including state banks, involved capital of over $23,500,000; and yet there were then but 70,000 log cabin farmers in the state, and these loans equaled about $300 for each family. Indiana had started vast schemes for railroads and canals, and commenced operations on the whole simultaneously. The result was, that vast sums of money were expended before any work was complete, and the state for years verged on bankruptcy. Michigan had the misfortune to enter the Union in times of great speculative excitement. This extraordinary fever had culminated in a bank mania in Michigan; and, though the population of that state was but 31,369 in 1831, in 1833 the state had 20 banks, and, at the close of 1837, 40 banks, with aggregate loans of nearly $4,000,000. A reckless spirit of speculation universally prevailed throughout these states. All seemed to be deluded by deceitful visions of imaginary wealth. Industry and economy were disregarded, and recourse was had to extensive credits, and the pernicious system of borrowing. No sooner was Michigan admitted to the Union than the legislature appointed a board of commissioners of internal improvements, and authorized, March 1, 1837, the survey and construction of 557 miles of railroads, 231 miles of canals, and the improvement of 321 miles of river navigation. A loan of $5,000,000 was authorized for these objects. Fortunately for Wisconsin the constitution of that state forbade the creation of a state debt to an amount greater than $100,000. The state of Missouri had embarked in the perilous course of lending her credit to corporate companies, but was not seriously embarrassed during this period. Ohio had carried on an extensive system of improvements; but, partly owing to her early settlement, and partly owing to the fact that in the year 1825 she established a co-ordinate and co-extensive system of taxation, she suffered less than some other states; and, while the abandonment of some of the works was seriously talked of in 1841 and 1842, the state managed to meet her obligations without any serious embarrassment. Iowa, Kansas, Nebraska and Minnesota were states that came into existence at a later day and under different environments. Iowa has a constitutional provision limiting the state debt to the sum of $250,000, except to repel invasion. The state debt of Kansas may never in the aggregate exceed $1,000,000, and the state can never be a party in carrying on any works of internal improvements, or a stockholder in any banking institution. For the purpose of defraying extraordinary expenditures the state of Minnesota may contract a debt not to exceed $250,000, and it can never contract any debt to aid in internal improvements. In Nebraska the constitutional limit is $100,000. In Nevada the limit is $300,000; the purpose or purposes for which it is issued must be distinctly specified; and the law creating the debt shall provide for levying an annual tax sufficient to pay the interest semi annually, and the principal within 20 years. Every contract of indebtedness entered into or assumed by or on behalf of the state, when all its debts and liabilities amount to $300,000, shall be void and of no effect, except in cases of money borrowed to repel invasion. As a result of this, the western states are to-day (with the exception of Missouri) practically out of debt.—Before the war many of the southern states had loaned their credit to railroads and to aid other internal improvements. The old constitutions did not forbid this. Much of this property was destroyed during the war, and though struggling on the verge of bankruptcy the state legislatures were again called upon under entirely new social conditions to assist. The result of this mistaken policy is too well known; the painful experiences of the past can be traced in the new constitutions, and the recent amendments. The constitution of Florida (1868), as amended in 1875; that of North Carolina of 1876; of Tennessee of 1870; of Texas of 1876; of Virginia of 1870; of West Virginia of 1870; of Alabama of 1875, and of Arkansas for 1874, all contain very definite provisions forbidding the state to lend money or

credit to corporations. To-day no less than 31 states have provisions of this kind in their constitutions, and the determination to stop these abuses by organic law can not fail to effectually combat the state debt evil.—I have shown how it has prevented the newer states from contracting debt, and, after great injury to credit and suffering to creditors, brought about a more satisfactory condition of affairs in the south. If the lessons of 1842 were needed, and surely the facts I have presented warrant me in saying this much, may not the lessons of 1868–72 be also valuable, and may we not look forward to the day when $260,000,000 of state debt proper will melt away in the sunlight of wise constitutional legislation?—And now, in conclusion, a word on the constitutional restrictions on municipal debt. Massachusetts and Vermont are the only two states that have no constitutional limitations respecting indebtedness, taxation, or the power to become stockholders, loaning or giving aid, etc., etc., by the state or any political division thereof. With these exceptions all the states in their later constitutions or amendments place some restrictions on state debts proper. The constitutions of Rhode Island, Maine, Louisiana, Kentucky and Kansas have no provision authorizing the state to restrict county or municipal debts. In the other states municipal corporations are prohibited by the constitution from subscribing or becoming stockholders in any corporation, company or association, or loaning their credit. These provisions, while aiming at the same thing, differ in form; for example, Alabama, Arkansas, California, Colorado and Florida absolutely prohibit minor political divisions loaning their credit. In Georgia the legislature may authorize subscriptions to stock by incorporated cities and towns, if a majority of the inhabitants vote for it. Aid may be granted in the same way. In Illinois the law is virtually prohibitory. In Indiana counties can not become stockholders, unless stock is paid for at the time of subscription; they can not loan the credit of the county nor borrow money to pay for stock; cities are not prohibited. In Iowa the only restriction is, that municipal corporations can not become stockholders in banks. In Maryland counties can not become indebted unless authorized by "an act of the general assembly which shall be published for two months before the next election for members of the house of delegates in the newspapers published in such county, and shall also be approved by a majority of all the members elected to each house of the general assembly at its next session after said election." In Michigan the constitution merely provides that the legislature *shall restrict*. In Minnesota the minor divisions can not aid to an amount exceeding 10 per cent. of the taxable value of property. In Missouri all minor divisions are to loan credit or become stockholders; also in Mississippi; and in Nebraska cities, counties, precincts and other municipalities can not become stockholders, but under certain conditions may grant aid. In Nevada the constitution makes the one exception of railroad corporations—for no other purpose can aid be granted, but even in this the legislature can restrict. In New Hampshire towns are restricted; also in New Jersey, New York and Ohio. In North Carolina no county, city or municipal corporation can create any debt, pledge its faith or loan its credit, unless by a vote of the majority of the qualified voters therein. In Oregon no town or city, by vote of its citizens or otherwise, can loan its credit or become a stockholder in any corporation whatever, nor can a county create any debt which shall exceed in the aggregate $5,000, except to repel invasion, etc., etc. In Pennsylvania the legislature can not authorize any county, city or borough, township or incorporated district, to become a stockholder in any corporation, or loan credit to same. The debt of minor civil divisions can not exceed 7 per centum of the valuation. — There are very useful provisions for the levying of taxes and the creation of sinking funds to pay debts, which provisions must be made by the law creating the indebtedness. In South Carolina the state may restrict. In Tennessee the voters of the county or city must consent by a three-fourths majority. In Texas the constitution of 1876 prohibits the loaning of money or credit by minor political divisions. In Virginia the state is simply forbidden to loan its credit to counties or cities. In West Virginia and Wisconsin they have the 5 per centum restriction.—It can not be denied, in the view of all this organic legislation, that the people of this great republic are earnestly searching for a remedy for state and local indebtedness. The success or failure of constitutional legislation to provide this remedy will soon be known beyond a peradventure. That it was successful in curtailing state debts has been shown; but as most of the provisions relating to local indebtedness have been recently enacted, the effect is as yet uncertain. Over $1,000,000,000 of local debt hanging like a cloud over this fair land, oftentimes most threatening in sections least able to dispel it, is a danger that needs prompt and firm action. Few of the provisions I have called attention to are satisfactory to my mind. The evil is approached with an uncertain hand, and not with the unwavering firmness of a master. There should absolutely be no loop-hole, and the word "except" should be followed only by "to repress invasion." Let this be the uniform provision in every constitution of every state, and in 10 years from now the census will not show an increase of 100 per cent. in municipal debt.

ROBERT P. PORTER.

DEBTS, Political Economy of National. Even the ablest and most conscientious management is not always able to maintain a balance between the resources and the expenses of a country. No country is insured against accidents which may decrease its income or cause unforeseen expense. An event, a period of scarcity, for

instance, or a revolution, may produce both a decrease of income and a great increase of expense. Again, the suddenness of a national want, its extent and its urgent character, are such as to prevent providing for it with a rapidity corresponding to its suddenness: wealthy England herself attempted this in vain during the Crimean war. Finally, enterprises of evident usefulness, but the introduction of which demands time and are very costly, may outweigh the current resources of the state, and necessitate for a longer or shorter period an additional revenue.—In the absence of actual resources furnished by taxation, and those which result from state savings in the past, recourse must be had to the future. The state, like the private man, discounts the future: it borrows. Much has been said of the advantages of credit in private business: its usefulness in public affairs is not less than in private. There is no essential difference between the national demand for credit and the demand for credit made by individuals: in both cases the borrower appeals to the capitalist and for time within which to return the value he received. These are the two constituent elements of every credit operation. As to the use the loan is put to and the results of the operation, the state which borrows can be compared only to the individual who borrows for purposes of consumption. In fact, the state rarely asks money for productive investment; it borrows only because its disposable or prospective funds are insufficient for the present or the near future.—This difference, too often forgotten, is of prime importance. A manufacturer commences his business with $100,000. Seeing his custom increase, he borrows two or three times the amount of his capital in order to enlarge his business. The borrowed capital, which must bring in more than its use cost, is evidently profitable to the borrower. But the borrowing of this capital is not injurious to economic society. The manufacturer who borrows at 5 per cent. and makes the borrowed money yield him 8 or 10 per cent., evidently renders a great service to society: a given amount of capital thus acquires a productive power greater than that which it had in the hands of its previous holders. It is altogether different with the man who borrows for purposes of consumption. For this borrower the borrowing limit is found not at the point where people cease to lend him, but it is found in the measure of the wants the satisfaction of which is in question with him, and in the extent of the resources which he can command to pay back the borrowed money. The lender is justified in seeking his own advantage; otherwise why should he lend his money unless he can obtain, by lending it, a greater income from it than he could by using it or holding it himself? The general good, nevertheless, may suffer from the making of loans to consumers. If the manufacturer, who gets 6 per cent. by employing his money in his own business, or the capitalist to whom the agriculturist pays 4 per cent., lends money to spendthrift young men for 10 per cent., this credit operation, though profitable to the lenders, is not favorable to the general interest.—We now see the value of certain paradoxical doctrines formerly current concerning the public debt. It is called an excellent investment. It may perhaps be an excellent investment for the capitalist, who in this way, without care or labor, can assure himself a fixed income; but it is not advantageous to society to favor idleness. As Montesquieu said, (*Esprit des lois*, book xxii., chap. 17,) by the burden of interest caused by the public debt, "the real revenue of the state is taken from those who are possessed of activity and industry, to give it to idle people: that is to say, facilities for labor are given to those who do not labor, and hinderances to labor are put in the way of those who labor." Fanatical defenders of the public debt say that the burdens imposed on the people by the existence of a great debt have much of good in them because they compel labor and saving. This is equivalent to saying that the prodigality of a young spendthrift is an excellent thing, because it forces his father to save his money and accumulate wealth. We do not mean to say that sums borrowed by the state are always expended as inconsiderately as those borrowed by spendthrift young men who borrow on the credit of their fathers' names. We all know that debts may be incurred with a view to production. But this case is the least frequent. The case in which the loan is made to meet sad but real wants is more frequent. But debt created by thoughtlessness and prodigality has perhaps played the principal part in the history of national debts. It is necessary, therefore, not to forget when the benefits of national credit are vaunted, to inquire what use is made of it, before too highly praising its utility.—Credit is a marvelous instrument of action, one of the most powerful springs of the material and even moral progress of society. Its development, therefore, should be favored in every way; its uses and the forms it assumes can not become too numerous. But, in order to be really profitable, they should be in keeping with the very essence and real end of credit. This end is, as all know, in the first place, to keep capital from lying idle for a longer or shorter time, as the case may be, and in the second, always to place capital in the hands of those who, at a given moment, may make the most productive use of it. Credit thus assures the continued circulation and fruitful employment of a nation's capital, and adds to the motive and protective power of this mighty instrument of labor. Has national credit always this effect? The most decided advocate of the advantages of national debts would scarcely dare to give a directly affirmative answer to this question.—By the safety and ease which it affords to investment, by the means which it possesses to inspire confidence, the state which calls for a loan, brings from their hiding places a multitude of small sums which would otherwise have remained idle. This is true; and in this way one of the objects of credit appears to be attained:

barren money is made to bear interest. But in order that it should be profitable to society also, the idle capital of yesterday should be used in production to-day; now to invest money in the state funds is seldom to employ it productively. From a general point of view if the loan did no more than absorb the idle capital of the country and the capital hidden away by its owners, it can not be said that there would be precisely what could be called a loss but only the absence of some advantage, a failure to make a certain amount of profit; the loan would not diminish the sum total of the instruments of labor in the country, since the capital above referred to was inactive. But the absorbent force of the loan is also felt by other capital, and turns it from productive employment. The more the amount of idle capital is diminished by the action of institutions, which entice such capital out of its idleness (banks, shares of stocks, bonds, etc.), the worse is the effect of the loan, on capital invested or seeking investment, because it diverts it from employment really productive to society.—How can the landed proprietor, for example, who scarcely obtains 3 or 4 per cent. net income from his land, enter into competition with a party like the state, which offers 6 or 7 per cent. to non-invested capital? The landed proprietor would have to give up the idea of borrowing at all, or submit to ruinous conditions. And still the same national loan which renders his condition worse, and diminishes the revenue derived from the exploitation of his lands, increases his burden as a taxpayer. This applies equally to the merchant, and to the manufacturer, who, in consequence of the competition of the state, have to pay a higher rate of interest when borrowing, and whose taxes are increased by reason of this very loan. The force of attraction of national loans for capital, has more drawbacks than advantages from the point of view of the common good. Let us add that the very advantage attributed to national loans, of drawing capital from its hiding places, diminishes greatly in extent and value with the progress of economic civilization. When, under the protection of liberty and competition the business of banks is sufficiently developed to absorb all uninvested capital; when the increase and development of financial and industrial associations enable every capitalist who can not employ his money himself to share in the profits of productive investments; when, finally, the insurance system appeases the fears of those who wish to rid themselves of the cares of capital and to be concerned only with the collection of the interest on it, the advantages ascribed to state loans, as a stimulus to saving and as furnishing capital with an opportunity of investment, diminish perceptibly. Neither can the political advantage ascribed to state loans stand examination. The creditors of a government, say some, are interested in its maintenance and become supporters of the established order of things. This consideration is of great weight, it is added, especially in the case of modern national loans obtained by public subscription, in which the least wealthy and often the least conservative classes take part. This argument might have had a certain semblance of truth in times when governments were, so to speak, the personal debtors of fundholders, when the latter might fear to see a debt, contracted under a particular reign, repudiated in the succeeding one. This fear can have no influence whatever in Europe to-day. The Bourbons who, when reinstated in France, refused to recognize the republic and the empire, did not think for a moment of repudiating the debts contracted under these two forms of government. However active the opposition of the liberal party to the famous milliard granted the emigrants, neither the liberals, when the revolution of July brought them to power, nor even the radicals, when the revolution of February gave them the reins of government, thought of disputing the legality of the 3 per cents of which this milliard had been the origin. The increase of the national debt under the second empire was very rapid; every one will agree, however, that its creditors have nothing to fear whatever be the vicissitudes awaiting France in the future. In all continental Europe the opposition, previous to 1848, had raised its voice against the abuse of loans, frequently contracted for the purpose of destroying liberty. Did the opposition make use of its ephemeral rule of 1848 and 1849 to repudiate these debts? The reaction, after gaining the victory, did not think of protesting the bills of exchange which the interregnum had drawn on the resources of the country. Loyalty and the very correct feeling that it was the country and not the government that had incurred the debt, were not, perhaps, the only motives of these reciprocal recognitions. Governments, no matter what may be the real or pretended opposition of their members to national debts, feel at once the necessity of having recourse themselves to credit; they feel that to get the confidence of capital, they must not commence by alarming it; that in order to borrow, it is indispensable to commence by recognizing the loans of others. Let contemporary facts be consulted. If indebtedness were a means of consolidating a country, never would governments have been more firmly established than at present. But when has their condition been more precarious?—The grain of truth to be found in the sophism in question is, that the partisans of every *de facto* government, the props of the established order of things, increase with well-being. The more prosperity there is, the more individuals there are who have something to lose, and the greater the number interested in, and anxious to prevent, every disturbance in the course of public affairs. Now, when the national debt absorbs large sums which might have been employed more productively by their owners or by borrowers other than the state, the state debt rather undermines than strengthens the public peace, since it hinders the increase of well-being.

It is evident, therefore, that the growth of taxation, the fatal consequence of indebtedness, is not one of the means of making a government popular and raising up devoted partisans for it.—After the preceding observations it is superfluous to refute at length the strange doctrine which finds no drawback in a home debt, because "the interest is paid by the right hand into the left." Is it nothing to divert capital from productive investment? And then if to pay the interest on a loan, we take, let us suppose $10,000,000 in sums of $50, from 200,000 taxpayers, the majority of whom have not, it may be, $1,000 each a year for their own consumption, and that this amount of $10,000,000 is paid in sums of $1,000 to 10,000 fundholders who spend twenty times as much; and let us suppose, further, that taxation takes the $10,000 000 from where they would have acted in the capacity of an instrument of labor, *i.e.*, have been engaged in the employment of labor, and puts them where they will be simply consumed, the most prejudiced must confess that a "movement" of capital has been made, but one which is far from profitable to the economy of the community. There was a time when the wealthy and middle classes exercised a predominant influence in the state, through parliament and the press; these were the classes who received the interest on the national debt, and a shortsighted policy might have believed that the good-will of a number of capitalists was not too dearly purchased at the price of the discontent which the debt might cause among the mass of taxpayers. In our day, with the system of universal suffrage in vogue, it is evidently impolitic to overburden millions of taxpayers in favor of a few hundred thousand holders of the bonds of the state. Besides, even this favor of the bondholders of the state is only apparent; investments as safe and as productive as the bonds of the state are not wanting at present to the capitalist who either does not know how, or does not wish to turn his money to advantage.—It is time to stop lauding the pretended benefits of national loans, and the political or economic advantages of a great national debt. A national loan may sometimes be a necessity. This is the sole excuse for incurring it, and its only *raison d'être*. But, it will be said, there are productive loans. The productive loan furnishes the wherewithal to pay the interest on it. Besides, this interest will pay off the principal debt. But even these productive loans are destined to become less frequent. The more sound economic ideas are developed and the more general they become, the more public wealth and the spirit of association increase, the less frequently will the state be obliged to engage in enterprises requiring a recourse to credit. The English government had nothing to do with the eight to ten thousand millions of francs which the railroad system of Great Britain has absorbed up to the present time. It would have been better, perhaps, if the French government had abstained altogether from intervention in the building of railroads; but able thinkers believe that its intervention was indispensable. Austria has sold the railroad lines built and controlled by the state. Italy has begun to be very liberal in its concessions to private enterprises, but it looks after the outlay of such enterprises. Belgium, in which the national network of railroads was built and is yet controlled by the state, is now opening a broader and broader field to private companies. The treasury intervenes only in the case of enterprises with which private individuals do not care to concern themselves, even as concessionaries. The government of the Netherlands has been obliged, for the same reason, to assume the burden of constructing a great part of the national system of railroads, and the Swiss government to think for a moment of buying the lines at first given over to private industry. In a word, great works of public utility which may necessitate the making of large loans, cease to require the intervention of the state in proportion as the association of capital shows more aptitude and power to carry them out. Do we not see companies undertake to carry the trans-atlantic mail, dig canals, and pierce tunnels, make streets, and build whole quarters of cities, thus successively freeing the state of everything which can properly be called enterprise, of everything except what is concerned with its daily affairs? The reasons for borrowing save for the requirements of war are thus evidently growing weaker every day or should grow weaker. We may therefore foresee the advent of an order of things, in which, in every well organized state the inadequacy of the revenue to meet public expenses will only be momentary, in which little shall be borrowed, and in which payment will be made as soon as the circumstances which caused recourse to credit shall have ceased to exist. During the last 50 years England has made but few demands on public credit; many countries are successfully endeavoring to diminish their national debt. And these countries only do their duty. If a loan is justified only by the imperious necessities of the moment; if the debt is attended by great inconvenience without any corresponding compensation, why should not endeavors be made to pay off the loan as soon as possible and thus lessen the burden of the debt? The example of England, which, after a long trial, gave up the systematic sinking of its debt, is frequently appealed to The case of Austria is cited, in which the sinking fund, created in 1817, did not prevent the public debt from doubling between 1850 and 1860. It is true, besides, that the repeated but short-lived funding process resorted to in France has been, in fact, suspended by law since 1848. It is quite true also that the sinking of the public debt is often pure deception and very burdensome besides when there is no revenue surplus, and when a debt is incurred on more onerous conditions in order to pay off an old loan. But what does this prove against the funding system? Is it not true that the United States had succeeded in 1837 in

almost completely extinguishing the debts contracted during the war of independence, and that since the war of secession they have considerably reduced the loans which that war forced them to make? The popular adage, *Whoever pays his debts grows rich*, may not be always true in the case of private loans contracted for purposes of production, and which yield a revenue; we have seen that there may be both an individual and a social advantage in this, that the sums borrowed continue to be employed by people who know how to turn them to the best advantage. The adage, on the contrary, is true in every respect in regard to the state, which almost always borrows for purposes of consumption and not of production. By borrowing moderately and only under the pressure of imperious necessity, by hastening to pay its debt as quickly as possible, the state "grows rich" not only to the amount of the sum by which it decreases its yearly burden of interest, but also by the resulting enhancement of its credit which takes a tangible form when it has to contract a new loan.—The more a state values its credit, the more it should hesitate to burden itself with debt, or should hasten to pay it. Is the prolonged abstention of the English government from having recourse to national credit, compared with the frequent appeals made to it by France, of small account in the higher price of English state paper? In truth, we find even to-day many people who seriously maintain that England owes its prodigious fortune to its enormous debt because its wonderful economic energy, the offspring of the nineteenth century, is contemporary with the unparalleled increase of its debt. This is simply a confusion of cause and effect. Have we not seen a similar confusion on the subject of the commercial policy of Great Britain? When the industry and commerce of that country moved with giant step, many people thought it was *because* of, and not in spite of, the fact that industry and commerce were shackled by the protective and prohibitive systems. At present, in view of the brilliant and universal success of commercial freedom, no reasonable man dares to maintain this theory which was considered as an axiom 20 years ago. The same fate awaits the paradoxes now bandied about on the subject of public debts. The real truth is, that England, France, Europe in general, advance in spite of, and not because of, their debts. How much their advance would be accelerated if their feet were freed from the ball and chain of their national debts! Does this mean that we should, as has been proposed, make an enormous effort to pay off the whole public debt at once? The operation is impossible, or nearly so. Let us suppose that it is only difficult and that the people are determined to redeem themselves, by the payment of the principal, from the eternal slavery of interest. The majority of taxpayers would be obliged to borrow to effect this redemption, and the debt would simply change hands. We do not wish to maintain either that in default of being able to extinguish the debt nothing at least should be added to it, and another loan never be made. This is almost impossible in great states in which the most provident and economical management will not always succeed in preserving a perfect balance between their resources and expenses. Now, rather than not satisfy legitimate wants recourse must be had to credit. There may also be cases in which a loan, without being absolutely necessary, is of such evident utility that it would not meet the opposition of even the most scrupulous financier. —By saying that recourse should be had to a loan only when there are absolutely no means of avoiding it, and that it should be repaid as quickly as possible, we think we have answered the following question which has been so often discussed: Is it better, in case of an extraordinary want, to increase taxation or have recourse to a loan? As long as taxation suffices, without becoming unbearable, absolute necessity, which alone can justify the loan, does not exist. This was the system adopted at first by the English government at the time of the Crimean war; seeing that the war was prolonged it determined to increase the revenue yielded by their high taxation by a loan of £16,000,000. In France they began with loans and ended with loans, and yet in the meanwhile did not deny themselves the pleasure of increasing taxation. The first argument in favor of the making of loans is the greater facility of quickly obtaining large sums of money; second, the advantage of distributing the burden of the debt between the present and the future, instead of imposing it altogether on the present generation. But to be right in burdening a future generation, it would be necessary to have the most incontestable proof that the load thus distributed would be fruitful in good results in the future. Leaving out of consideration certain loans made for the construction of railways, what modern national loans are there which were intended to be used productively? Even if the money intended for railroad construction is well employed by the state, and since it is likely that, sooner or later, private industry would have done the same work of construction at less cost, the future generation might well question the justice of imposing burdens of this kind upon it. With regard to the greater facility afforded by a loan as compared with taxation, we are far from seeing an absolute advantage in it: it is precisely this facility which sometimes leads to enterprises in which enormous expenditure is not the most disastrous feature. Very blind are the nations which think themselves adroit because they allow infinite latitude to their government to borrow money rather than submit to increased taxation. They think that they do but cast their burdens on the future, while what they do consists mainly in increasing the burdens of the present.—It is not in our time alone that the treasury acquired the habit of spending more than is warranted by the condition of the national revenue: wars do not date from yesterday, and neither does waste in time of peace. At all times, therefore, govern-

ments were more or less frequently obliged to make up the insufficiency of their current resources by extraordinary measures. The measures of former days were, in truth, "extraordinary": their iniquity was, in most cases, equaled only by their inefficacy. National credit had nothing to do with this violence. Whatever the name given to certain periodical "bleedings" or other similar methods of taking money from those who were supposed to have it, confidence, as a constituent element of credit, cut no figure in them. The making of national loans, in the proper sense of the word, could have its origin only with the establishment of domestic peace in states, with the reign of liberty and equality, with the general growth of private fortunes. It is thus seen that national debts had their origin in the Netherlands, where these conditions were found earlier than in any other European country. Dating from the commencement of the seventeenth century, we meet with complaints in the Batavian republic concerning the excessive burdens of the debt caused by war. In other writings of the period forced loans were recommended without hesitation, in case capitalists showed themselves less disposed to continue their support of the country's cause. The credit of the state, however, was very great, since it was possible to reduce the rate of interest under the *stathouder* Maurice from 6¼ to 5 per cent., and in 1655, under John de Witt, from 5 to 4 per cent. The reduction did not stop there; in the eighteenth century, the republic succeeded in reducing the rate to 2½ per cent. on an average. The situation became much worse toward the end of the eighteenth century. The debt had greatly increased by the participation of Holland in the war between England and America. In 1795 the republic lost several of its provinces and was obliged to pay France an indemnity of 100,000,000 florins. The difficulties of the time continued to weigh on the treasury, and forced it into debt more and more. On the accession of king Louis, the debts, old and new, amounted to 1,200,000,000 florins; which required an annual outlay of 38,000,000 in interest, while the total of the ordinary revenues amounted to only 58,000,000. Two-thirds of the debt was stricken off the books. These debts were acknowledged again under William I., but only as deferred debt (*uitgestelde*), without interest, of which a sum of 5,000,000 florins only was to be transferred annually to the regular debt. The interest of the latter was reduced to 2½ per cent. The revolution of 1830, which detached the Belgian provinces from it, introduced new troubles into the finances of the Netherlands. In 1836 it was deemed necessary to mortgage the colonies for the special benefit of the state creditors. The final arrangement entered into in 1839, by which Belgium assumed a part of the Dutch debt, afforded considerable relief. The Netherlands profited by the peace restored in this way to work again at the consolidation of their credit. This object has been completely attained by the elementary process, which so many pretended practical financiers still declare impossible, of making no new debts and reducing the old ones by paying them off. During the decade 1850–60, when nearly all the states of the continent used and abused credit so much, the Netherlands paid off a part of their debt. In 1846 the debt was still 1,231,122,702 florins principal, and required an annual interest of 35,787,948 florins; in 1860 the principal was reduced to 1,057,524,213 florins, and the annual interest to 31,402,675 florins. Four-fifths of the debt paid from 1½ to 2 per cent. interest; 4 per cent. is the maximum rate of interest for certain other parts of the debt.—If we are to believe M'Culloch, it was from Holland, and by the agency of William III., that public credit was introduced into England. This does not mean that previously the treasury had not incurred debts. Loans were known and made on the other side of the channel long before the revolution that placed the Dutch *stathouder* on the throne of the Stuarts. Under Henry VIII., especially, the crown had made large use of its power to make forced loans. Edward VI. applied abroad, especially to Dutch capitalists, who lent him money at 14 per cent. The debt increased also under the reign of Elizabeth; the duke of Buckingham under James I. was not the man to reduce it. The reigns of Charles I. and Charles II. caused frequent recourse to credit. The loans were always made for short terms and generally in the *tontine* way The sinking of the debt progressed at the same rate as the creation of new indebtedness; a part of the old debt was always paid when a new one was contracted. Thus, at the accession of William III., the principal of the debt amounted to only £664,263, with an annual interest of £39,855. At his death the principal debt had increased to about £15,000,000, the average interest was 7 per cent. It increased in vaster proportions under Anne II., owing especially to the cost of the Spanish war, Anne II. left a debt of £54,000,000, requiring about £3,300,000 annual interest. Under the peaceful reign of George I. it was possible to reduce the principal debt by £2,000,000, and to reduce the average rate of interest from 8 to 5 per cent. A new conversion of the debt, effected in 1746, was intended to reduce the interest, in 15 years, from 5 to 3 per cent. This is the present rate of the *consols*, a name given, in 1751, to the English debt. The war of 1755 increased it by £68,000,000; in 1762 it was nearly £139,000,000 Twelve years of peace reduced it £10,000,000. The war of the American colonies for independence doubled it. The general system of funding which Dr. Price succeeded in having adopted, could not work long on account of the immense efforts made by England to maintain the war against France. Her credit naturally suffered from this, in 1798 she was obliged to borrow at 6¼ per cent., in 1802 she received only £28,000,000 for £49,000,000 subscribed; the same difference appeared in case

of most of the loans contracted during the wars of the first empire. When they had come to an end, England found herself weighted with a debt amounting to the startling sum of £840,850,491. Although it has given up systematic and continuous funding, the English government has been occupied, since 1817, and not without success, in reducing the principal and the interest of the debt. On the eve of the Crimean war, the principal of the consolidated and non-consolidated debt was reduced to £771,300,000, and the annual interest to £27,800,000. This was followed by a relapse into the former state; the sum of £800,000,000 principal debt was again greatly exceeded, beginning with 1856. Its reduction was again attempted. In the beginning of 1861 the English debt amounted to £799,949,807, of which £15,529,800 were in non-consolidated debt; the annual cost for interest and administration amounted, in 1861, to £26,090,260, or a decrease of £743,210 compared with the year 1860.—Under the ancient régime France borrowed much and at any sacrifice. We know how these debts were sometimes paid. (See BANKRUPTCY, NATIONAL.) A *reglement* of 1604 mentions debts incurred under Charles V. in 1375, the most ancient mentioned in French history. Sully lowered arbitrarily the interest on the debt, and putting an end to the extravagance of the court and the administration, he also put an end to the increase of debt. After his death the financial disorder of previous times reappeared. Colbert reduced the arrearage of the old debt by 8,000,000 francs; his authority, however, was not sufficient to prevent, for any length of time, new additions to the debt. The unhappy wars which marked the end of the long reign of Louis XIV. completed this disorder of the finances, and at the accession of the regency the amount of the state debts had, it is said, risen to 2,000,000,000 francs, a sum of overwhelming weight for that epoch. The general bankruptcy of the country which was seriously proposed was rejected by the regent. The brilliant promises of John Law gave a momentary and unexpected splendor to the credit of the state. The disastrous crash which followed this short-lived prosperity is well known. The reign of the Dubarrys and the administration of the Terrays caused the financial disorder of the country to reach its extreme limits, and greatly contributed to pave the way for the revolution of 1789. The revolution had much difficulty in discovering what to do with this chaos of debt. A law of Aug. 1, 1793, fixed the annual arrearages at the sum of 127,800,000 francs, of which 87,800,000 were for the old consolidated debt, 17,700,000 for various debts, and 31,300,000 as indemnification for offices and charges abolished. The imperious necessities of a war in which it was a question of life or death for France, and the false economic maxims which prevailed in all home politics at that period, brought on the irregular issue of assignats. At the end of 1795 their nominal amount exceeded the enormous sum of 45,000,000,000 francs. Measures closely resembling general bankruptcy caused the disappearance of the assignats when, in fact, depreciation had already rendered them valueless. The debt proper was regulated by the laws of Sept. 30, 1797, and Jan 29, 1798. Debts more or less doubtful were set aside, especially all claims of the *emigrés;* debts recognized by the state were paid, two-thirds in treasury notes, and the last third was retained as a consolidated debt and inscribed in the *grand livre,* bearing a fixed interest of 5 per cent. a year. The treasury notes which were to pay the two-thirds, lost 80 per cent. as soon as they were emitted; the next day they had no value at all. The creditors consequently obtained only the last third. This arrangement, called—after the minister of finance who carried it out—the *Ramel liquidation,* and officially the *tiers consolidé,* became the basis of the public debt of France. The total of the annual interest inscribed in the *grand livre* was 40,216,000 francs. The national credit, which was nothing at the moment of the liquidation (the *rentes* were quoted at 7 per cent.) improved, and the paper of the state was eagerly sought. Even at the time fortune began to turn against Napoleon I. the 5 per cent. *rentes* sold at more than 82 (December, 1812). We see that Napoleon was able to borrow on much better conditions than could a little later the restoration, whose first loans were made at 57 francs on 100 francs. Notwithstanding this, the annual amount of interest increased only 23,000,000 from 1798 to 1814: the restoration found it (April 8, 1814) at 63,300,000. The latter borrowed much. It was, indeed, not always free to do otherwise. The debts contracted during the first years of the restoration were used in great part to pay the arrearage of the last years of the empire, and to pay the foreign powers the indemnity (*ransom*) of France. This was not the case, however, with debts contracted after 1820: the justice of paying the thousand millions to the *emigrés'* loan contracted to aid the *emigrés,* was called in question, and the expedition to Spain was condemned from every point of view. The elder branch of the Bourbons at its fall left to France (Aug. 1, 1830) the burden of interest of 164,568,100 francs. The government of July figures in the *grand livre* of the public debt for an increase of only about 12,000,000, arising in part from loans contracted for productive purposes. March 1, 1848, the interest was thus increased to 176,845,367 francs. During the second republic the debt itself was increased about 54,000,000.—The consolidated debt of Austria, considering its amount, comes immediately after the consolidated debts of Great Britain and of France. The wars the young heiress of Charles VI. was obliged to maintain against Europe, which was conspiring to despoil her, and especially that against Frederic II., had seriously disturbed the finances of the empire of the Hapsburgs. At her accession, Maria-Theresa found a funded debt of 12,000,000 florins; 15 years later, it was 118,000,000; new wars had raised it, in

1763, to 272,000,000 Domestic troubles and the war with Turkey added to it greatly under Joseph II. At the death of Leopold II. it approximated the sum of 380,000,000. Much greater were the exigencies of the wars of the first empire, in which Austria took so large a part and played so unfortunate a rôle. With a funded debt, which had increased to the sum of 660,000,000 and required an annual interest payment of 74,000,000, Austria still found herself, in 1797, in possession of comparatively good credit; her paper was accepted as the equivalent of coin. It naturally ceased to be so accepted when, under the pressure of unhappy wars, the Austrian government no longer put any limit to the increase of its consolidated debt and the issue of paper money. In 1800 the consolidated debt had risen to 690,000,000 florins, and the paper money in circulation exceeded the sum of 200,000,000. Ten years later, the consolidated debt was reduced to 658,200,000, but the floating debt already approached 1,000,000,000, which it exceeded at the commencement of 1811. We have already mentioned elsewhere (see BANKRUPTCY, NATIONAL) the desperate measures to which such financial disorder led; we stated in that article that this liquidation did not stop the increase of the floating and of the funded debts, and that a new liquidation had to reduce it, five years later, to a proportion relatively limited Notwithstanding this double bankruptcy and the numerous operations of credit which Austria had recourse to soon after, her credit was not slow in rising under the influence of the general peace, the internal development of the empire, and the active assistance afforded by the national bank, in improving the condition of things. Comparatively favorable conditions were offered Austria immediately after the second liquidation, and especially after 1830. Her credit was strengthened to such a degree that she was able to borrow at a premium. Her loan of 40,000,000 florins at 5 per cent. was contracted in 1841, at the rate of 2 per cent. premium; in 1843 a new loan at 5 per cent. (43,690,000) went as high as 6 per cent. premium. The events of 1848-9, and the policy of reaction into which Francis Joseph I. allowed himself to be drawn, were of such a nature as to conduct the Austrian empire, financially as well as politically, to the brink of ruin. The result was that, though having from 1848 to 1858 more than doubled her receipts (153,300,000 in 1847; 315,200,000 in 1858), Austria was none the less obliged to have recourse every year to credit. After having borrowed at home in 1851 to 1853, borrowed abroad, and borrowed on pledges, the Austrian government took advantage of the Crimean war in 1854, to make the largest loan that a government had ever made. The national loan, the so-called *voluntary loan*, demanded by law July 20, 1854, was to reach 500,000,000 florins, an amount never before asked at one time. It subsequently leaked out that the loan exceeded this amount by about 112,000,000. The funded debt of 804,000,000 nominal principal at the commencement of 1848, the eve of the revolution, exceeded 1,900,000,000 at the commencement of 1859, the eve of the war with Italy. The credit of the government was ruined; neither at home nor abroad could it borrow the money so persistently demanded by the necessities of this war. It again became necessary to have recourse to the good offices of the bank of Vienna which was in consequence compelled to suspend specie payments again when it had just resumed them (Jan. 1, 1859,) after a suspension of 10 years. But the reverses of 1859, by inducing the Austrian government to change its whole policy and become more liberal, at last exercised a beneficial influence on its credit. Constitutional government and financial publicity (the publication of its accounts) restored it immediately. The first report (of June 4, 1860), furnished by the special commission on the debt, appointed Dec. 23, 1859, showed the amount of the consolidated debt to be 2,268,071,532 florins, requiring an annual payment of interest of 99,465,917 florins. Next followed the war of 1866 and the arrangement with Hungary, which is spoken of in the article AUSTRIA-HUNGARY —The consolidated debts of the Netherlands, Great Britain, France and Austria, taken together, form an amount of 50,000,000,000 francs, more than two thirds of the whole permanent European debt. We shall be more brief in our reference to this last third, than we have been for the first two-thirds concentrated in a few countries The debt of Russia is indeed considerable, but it is not easy to fix its amount with precision for a country which published its first budget only in 1862. Very different is the situation in Prussia; she is the least involved of the great powers. A part of her debt was contracted for the construction of railways, the same mania for which, in second and third rate European states, has so greatly increased the amount of public debts. Switzerland is the only state which is almost without a debt. Even Turkey itself, since admitted to the "European concert" by the congress of Paris, has hastened to copy the west in the matter of making debts inconsiderately. A state created by the same congress of 1856, Roumania, has also tried the borrowing system. United Italy has had recourse several times to public credit; and has thus succeeded in doubling in a few years the amount of the united debt of the states of which it was formed. In March, 1863, it borrowed, in one operation, the sum of 700 000,000 cash, which increased by more than 1,000,000,000 the nominal principal of debt and its corresponding burden of interest. The amount of the consolidated debt of Europe at present may, without risk of exaggeration, be set down at 70,000,000,000 francs, requiring the payment of more than 3,000,000 000 of interest annually, and absorbing more than one-fourth of the public revenues. Besides, estimates rarely include all the expenses which the debt causes. This burden would not be so regretable if the money coming from the loans had been used in productive employment. We have said already that this

is scarcely true even of a small part. The wars of the first 15 years of the nineteenth century, the armed peace of the years succeeding 1848, and the wars of 1866 and 1870, created and increased the national debts of Europe to an amazing degree. The source of the evil being so evident, the remedy is easy to discover. It is not to be supposed that, with the increasing wants which social development requires the state to satisfy, civil expenses can be reduced very soon. The military budget, on the contrary, is everywhere susceptible of the greatest reduction without injury to the security of states and with great benefit to social, political and economic progress. Let us imagine only a part of the money, at present withdrawn from circulation, in the debtor state, returning by degrees to the creditors who would be obliged to seek new investments for it, would not production and consumption immediately feel the benefit of this capital? If a continually increasing portion of the 3,000,000,000 now spent in paying the interest of the debt, were employed by the state in works of public utility or remained in the hands of taxpayers to increase their instruments of labor or their means of enjoyment, would there not be the wherewithal to compensate liberally and seriously for the petty and fictitious advantages which self-satisfied dreamers attribute to the existence of great national debts? J. E. HORN.

DECENTRALIZATION. This word signifies the action which tends to diminish centralization, that is, the concentration of power.—For some time the word decentralization has also been used to mean the opposite of centralization. It is often confounded also with self-government, which is the opposite of tutelary administration. All these terms, however clear the ideas they represent may appear to us, designate things which are very complicated. It would no doubt be difficult to deny that a country is centralized, but it would sometimes be more difficult still to prove that it is too much so. A certain degree of centralization is in fact necessary to maintain unity in a state, and to insure it a good administration, but how determine this degree? Should it not differ in different countries, according to the tendencies of their population, the extent of their territory, and political, economic and other circumstances? Should there not be a greater degree of centralization in a state which contains the more or less active germs of dissolution, than in a country whose unity is invulnerable?—Since we were speaking of degrees, does "political" centralization differ in nature or in degree from "administrative" centralization? This distinction, which was invented to furnish an argument both to those who demand centralization, and to those who reject it, seems to us vague and idle. Vague, for what is political centralization? Is it the concentration of all power in the hands of one man, or absolutism? Is it the concentration of all power in one constitutional government, as opposed to a more or less explicit federation, or unity in opposition to the confederation of states? Or does it rather refer to a greater or less extension accorded to the legislative power? The distinction is idle, for political centralization signifies what might be more clearly expressed by other words. We therefore speak only of administrative centralization, and hasten to give positive details regarding it, in order not to lose ourselves in the vagueness with which we reproach others We shall seek to determine where centralization is appropriate, and where it is injurious. To this end, therefore, let us pass in review the different branches of the administration and examine them from this point of view.—First of all we must mention the administration of the military and marine services. In these centralization is evidently indispensable. Could any one wish that the army should be decentralized; that the provinces should nominate their generals; that the council general be called upon to vote the calibre of the guns used by the troops of the department; that the seaport towns should be consulted as to the thickness of the plates for iron-clad ships of war?—The administration of finances should also be centralized. Formerly a special tax was levied for each important expense, and the multiplicity of the accounts rendered all control impracticable, not to speak of the other inconveniences of this system. At last the state funds (*fonds*) were centralized, and all difficulty disappeared. We wish it distinctly understood, that we here speak only of the national funds.—The administration of justice also should be centralized. No one will deny the necessity of a court of appeal, and of a supreme court in judicial organization. It would indeed be very strange if the civil, commercial or penal laws were different in different departments of the same country.—In confederations centralization has not always been complete. Such is the case for instance in the United States, where an individual state can not enter into relations with foreign nations. It was not thus in Switzerland before 1848, nor in Germany before 1871, where particular agreements might inconveniently affect the treaties negotiated for the entire confederation.—Religious worship should not, in our opinion, form part of the public service; as to education, we do not believe it could be rendered sufficiently flourishing by means of the mere free initiative of citizens; facts do not show that it could be, and rather seem to demonstrate that it can not. The intervention of the state is therefore necessary here. Unfortunately, this intervention is for the most part too great; states wish to take charge of and regulate education entirely, here some degree of decentralization would be a decided improvement.—Agriculture and commerce do not demand centralization. The mission of the ministry having charge of these interests is rather one of encouragement and protection. Public works, on the contrary, may tempt the administration to go beyond what is necessary, but in proportion as the influence of the provincial and communal representations increases, these encroachments

become more rare. Moreover, here also the just limit may be a matter for discussion.—In France, and many other countries, centralization is usually confounded with administrative guardianship. And yet these two things are as different from each other as form and substance. Centralization is the form. An affair which, instead of being decided by the mayor or the prefect, goes to Paris, is centralized; to decentralize we have but to have it returned before the prefect as a court of last resort. In 1852 and 1861 decentralization was effected in France, but the guardianship remained as before, for, instead of the minister, it was the prefect who rendered decisions. Since then guardianship has been lightened, and it would not be difficult to show that French departmental and communal legislation, such as it was in 1873, is as liberal as that of most other European countries, including England, Belgium and Switzerland.—Centralization appears to be one of the natural phases of the administrative organization of every country. When it is insufficient, the people ask that it be increased; when it is too great, they demand a diminution of it. When society was in a rudimentary state there could be no question of centralization; men experienced but few general wants, had but few common interests; and things were done as often ill as well, or were not done at all. There was a time when Paris was neither swept nor lighted, and therefore could not have the Hotel de Ville, neither a street-cleaning department nor a gas department. Besides, for a long time one branch of the public service was intrusted to the feudal lords, another to the church; and at that epoch decentralization was very much like anarchy. Centralization was at first, therefore, an undoubted blessing; it introduced the branches of the public service. By a concurrence of circumstances, which history tells us of, France has made greater advancement in this respect than many other countries; and if some other countries were or appeared to be less centralized than France, it was at times because certain branches of the public service did not exist in them. A city which does not light its streets has fewer employés and less expense than a city which has taken this step in the way of progress.—If we were of the number of those who attribute a preponderant influence to race or nationality, we might say that the words of the law are of secondary importance in these matters, and that everything depends upon the zeal and intelligence with which the law is followed. Have we not seen admirable sculpturing done with a broken knife, and artistic engraving executed with a nail pulled out of the walls of a prison? Now, more or less liberal laws have remained a dead letter, because the nations for whom they were framed inclined to self-government. Is decentralization an affair of temperament? (See CENTRALIZATION.)—See A. de Tocqueville, *l' ancien Régime;* Odilon-Barrot, *la Decentralisation;* Dupont White, *la Centralisation.*

MAURICE BLOCK.

DECLARATION OF INDEPENDENCE. The struggle against Great Britain was begun by the English-speaking American colonies without any general idea of independence as a possible result. (See REVOLUTION.) Any such intention, however warmly favored in New England, was very distasteful to the other colonies, and was formally disavowed by congress, July 6, 1775. Pennsylvania, Maryland and New Jersey, before the spring of 1776, had enjoined upon their delegates in congress the rejection of any proposition looking to a separation, and New York, Delaware and South Carolina were so much opposed to a separation that their delegates took no prominent part in promoting it. The transfer of the war to the south in May and June, 1776, did much to advance the idea of independence there, and in May the Virginia convention instructed the delegates of that state in congress to propose a resolution declaring for independence, which was done, June 7, by Richard Henry Lee, though his resolution was not formally adopted until July 2. Before July 1, Pennsylvania, Maryland and New Jersey had rescinded the former instructions, and ordered their delegates to vote for the declaration. After debating Lee's resolution, June 8 and 10, in committee of the whole, and appointing a committee of five to draw up a declaration, the question was dropped until July 1, when the declaration, which the committee had reported June 28, was taken up and debated in committee of the whole through July 3. By this time the delegates of South Carolina, who had hitherto voted against it, came over to the majority. Delaware's two delegates were divided, and the New York delegation refused to vote, although personally in favor of the measure. July 4, Rodney, the third delegate from Delaware, was brought hurriedly about 80 miles to secure the vote of his state, and in the evening of that day the declaration of independence was passed, no state in opposition, but New York still refusing to vote. July 9, the New York convention ratified it, and it thus became "The Unanimous Declaration of the Thirteen United States of America." The New York delegation did not sign until July 15, nor six new Pennsylvania members until July 20. One member, from New Hampshire, did not sign until Nov. 4.—The committee appointed to draft the declaration were Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston. Jefferson, who was no speaker, but had the reputation of being an able writer, was appointed to make the draft, and his draft was accepted, with some few changes, by the committee and by congress. The changes were generally omissions rather than alterations, so that the whole document, as we have it now, contains hardly any words which were not those of Jefferson. The most noteworthy omissions were those of the last two counts of his original indictment of the king, which were as follows: "He has incited treasonable insurrections of our fellow-citizens, with the allurements of forfeiture and con-

fiscation of our property.—He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of *infidel* powers, is the warfare of the CHRISTIAN king of Great Britain Determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce; and, that this assemblage of horrors might want no fact of distinguished dye, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which *he* has deprived them by murdering the people upon whom *he* also obtruded them: thus paying off former crimes committed against the *liberties* of one people, with crimes which he urges them to commit against the *lives* of another."—The last of these two charges fully expressed Jefferson's theoretical sympathy for the negro race (see ABOLITION, I.), and it is the only place in the whole document where his draft descended to italics to express feeling. But slavery was already too delicate a subject to be rudely touched, and the matter above given was stricken out in obedience to the wish of southern delegates. — The debates upon the declaration are not sufficiently preserved to give us any adequate idea of their nature, but from all the concurrent testimony of the time it is evident that, though Jefferson was the author of the declaration, to John Adams must be given the credit of its passage. His eloquence and his great influence over the northern delegates insured a hearty support to that which was originally a Virginia measure. Jefferson acknowledges that in the debates he was of necessity a passive auditor of the opinions of others, while Adams "supported the declaration with zeal and ability, fighting fearlessly for every word of it." By a singular coincidence, the deaths of the two men were almost simultaneous, occurring on the same day, July 4, 1826, the fiftieth anniversary of their joint success in producing the declaration of independence. — Few state papers have been drawn up with more skill, or with greater adaptation to the purposes in view, than the declaration of independence. Jefferson's first object was to impress upon the whole document the consistent character of a renunciation of future allegiance *to the king*, while avoiding anything that could be construed into an acknowledgment that the British parliament had ever had any rightful authority over the colonies. The skill with which this difficult path is pursued until the end is most admirable. Parliament, the head and front of the enemies of America, is not even mentioned, except by implication, and then only as a number of lawless and usurping persons with whom the king had combined and confederated to procure the passage of certain unconstitutional acts of pretended legislation. (See REVOLUTION.) Beyond this, of course, a further object was to exhibit such a catalogue of grievances as would justify every American to his own conscience in throwing off the royal authority, and this also was attained with wonderful ability. There is no unseemly violence of language in the declaration. The slow and stately scorn with which the successive counts of the dreadful indictment against the king are rehearsed, is massive in its impressiveness even to us, who have not the living and burning feeling of injury which was in the hearts of its first hearers. Even as a piece of literary workmanship, to be judged by its capacity to affect Anglo-Saxon minds and hearts, Jefferson had right to be proud of it, and it is not wonderful that his first claim to remembrance, as given upon his tomb by his own wish, is that he was the "Author of the Declaration of American Independence." — The general principles with which the declaration proper begins, the equality (meaning the equality of privilege) of all men, and popular will as the true basis of government, seem to us trite enough now, and are accepted in fact by every government whose subjects have capacity enough to comprehend and assert them. In 1776 they had been asserted again and again in theory, and Jefferson was accused of having stolen them from the declaration of rights by congress in 1774, from James Otis, from Samuel Adams, or from Locke's Treatise on Government. A long list might easily be made of writers who had maintained, in the closet and on paper, sentiments identical with those of the declaration; but, with the possible exception of the English commonwealth, which, however, was *sui generis*, this was the first time in modern history that these ideas had appeared armed and demanding a hearing. By their successful establishment the declaration has taken, in American history, the place which *Magna Charta* and the death warrant of Charles I. occupy in English history.—Upon the essential nature of the declaration there are two opposite opinions, which may be called the *Story theory* and the *Calhoun theory*, from their ablest supporters. The Story theory is that the colonies did not severally act for themselves and proclaim their own independence; that the declaration was the united act of all for the benefit of the whole, "by the representatives of the United States of America in congress assembled"; that it was therefore a national act, by the sovereign and paramount authority of the people at large; and that, therefore, from the moment of its passage, the united colonies must be considered a national government *de facto*, acting by the general consent of the people of all the colonies. The Calhoun theory is that the words "one people" in the preamble refer to the people of each colony severally, not jointly, as the source and fountain of all rightful power; that the congress which made the declaration was a congress of states only; that the delegates of each state signed and joined in the declaration

by direction of the several state governments, not in deference to the decision of a majority of congress or of the people at large; that the independence of each separate colony not only of Great Britain, but also of its neighbors, was established before the declaration, by popular assumption of power; that the declaration itself was only an assignment, out of a decent respect to the opinions of mankind, of reasons for the previous exercise of independency by the states; and that the separate states, though acting in common for self-defense, were so far from being a nation in reality that they did not even form a confederation until five years afterward. (See STATE SOVEREIGNTY.)—The Story theory must be taken as generally most correct. From the inception of Anglo-Saxon political organization upon this continent, growth was a certainty, and, by the circumstances of its surroundings, growth could only take place along the line which is marked out by the Story theory. If the doctrine of the declaration, that popular consent is the basis of government, be accepted, the 13 colonies were already united by their own consent, before 1774, in a common membership in the British empire, as they afterward remained united from 1774 until 1789 under two classes of revolutionary governments, and since 1789 under the present constitution. The *form* of the government during the interregnum period, 1774–89, which by the Calhoun theory is all-important, is in reality of no importance at all; it is the *fact of union* which is all-important, and against which it is useless and absurd to argue. Popular consent to union has been continuously and progressively in force from the beginnings of English colonization in America until the present time, and logic is wasted against the patent fact while the consent is not rescinded. As the declaration expressly rescinded the popular consent to further union or political connection with the rest of the British empire, its very silence as to the continuance of union between the colonies themselves is the strongest of affirmations. The union which theretofore existed, by common consent, between the 13 colonies and the rest of the British empire was dissolved by common consent as the result of civil war; but no such common consent to a further dissolution has ever been obtained, and no such common consent can ever be presumed, or arise by inference or implication. It must be express. Nor does the confederating of the states, after the declaration, alter the case, as is contended by the Calhoun theory, for the truth is (see CONTINENTAL CONGRESS) that this scheme of government was either the extra-legislative action of state legislatures, or was as essentially revolutionary as the continental congress. The union must be regarded as continuous, under the British constitution until 1774, under a revolutionary interregnum during the period of 1774–89, and since 1789 under the practical supremacy of the general popular will which had been theoretically declared in 1776 to be the true basis of government.—But it would be misleading if we should leave it to be inferred, as the Story theory usually does, that the American statesmen and people of 1776 were in all points perfectly cognizant of the full scope and meaning of their action. If the Story theory had been fully explained to the congress of 1776, we would certainly never have had the declaration in exactly its present form Some of the signers read the instrument with the light of the future upon it, but the great mass acted simply because they were in the full drift of the current which has regularly governed successful political action in this country. In that current, however, there were many strong eddies. State feeling, distrust of other commonwealths, and the strong individualistic bias of the Anglo Saxon character, were constantly prompting the delegates and their state governments to action which was entirely inconsistent with the Story theory and is usually ignored by its supporters. Such are, for example, the emphatic declaration of the Virginia convention, June 20, 1776, that the political connection between *that colony* and the British empire was totally dissolved; the resolutions of congress, June 24, 1776, that allegiance was due to the separate colonies (see ALLEGIANCE, I.), and that treason was an offense against the colony in which it had been committed; the title given to the declaration by order of congress, "The *unanimous* Declaration of the *Thirteen* United States of America"; and other instances given under STATE SOVEREIGNTY. All these are constantly quoted as convincing proofs of the soundness of the Calhoun theory; but the candid student, while allowing them their fair value as militating against the general current of American political history, must look upon them as only eddies. Whatever may have been the feeling of any American statesman in 1776, it must be evident that a declaration of the several as well as the joint independence of the colonies, a resolution of the American portion of the British empire into its constituent elements, could never be valid without the express action of each colony at the time, and its successful establishment by separate warfare. To assume it, to obtain it by inference or implication, or to attempt to establish it by argument, would be to erect a monstrosity in the generally orderly history of American politics. (See REVOLUTION; CONFEDERATION, ARTICLES OF; CONTINENTAL CONGRESS; CONSTITUTION, IV.; STATE SOVEREIGNTY; UNITED STATES.)—For conditions precedent, as well as for the declaration, see 8 Bancroft's *United States*, 373; 4 Grahame's *United States*, 315; 1 J. C. Hamilton's *United States*, 110; Frothingham's *Rise of the Republic*, 245–509; 3 J. Adams' *Works*, 45; 4 *Mass. Hist. Soc. Coll.*, (5th Ser.), 300; 2 Wells' *Life of S. Adams*, 352; 1 Randall's *Life of Jefferson*, 124; 1 Rives' *Life of Madison*, 108; Greene's *Historical View of the Revolution*, 58; 1 Pitkin's *United States*, 362. For a fac-simile of Lee's resolution, see 6 Force's *American Archives* (4th Ser.), 1700. For a fac-simile of the declara-

tion in Jefferson's writing, with the alterations, see 1 Jefferson's *Works* (ed. 1829), 146. For a fair summing up of the conflicting statements of Jefferson and John Adams, see 1 Curtis' *History of the Constitution*, 81. See also 1 Lee's *Life of R. H. Lee*, 275; *Letters of John and Abigail Adams*, 190; 3, 7 *Harper's Magazine; Scribner's Monthly*, July, 1876; *Potter's American Monthly*, December, 1875; Story's *Commentaries*, § 205; 1 Calhoun's *Works;* 1 A. H. Stephen's *War Between the States*, 58; and in general Winsor's *Reader's Handbook of the Revolution*, 102; and authorities under MASSACHUSETTS, and under articles above referred to.

ALEXANDER JOHNSTON.

DECLARATION OF PARIS. (See ALABAMA CLAIMS.)

DECLARATION OF WAR. As a rule the transition from a state of peace to war is not a sudden one. In such transition certain usages have been adopted and are followed. It has been pretended, in our opinion wrongly, that to justify war no declaration of war is necessary, that there is needed no communication whatever by which the injured state announces that it is preparing to assert its rights by means of war. We are of opinion that a declaration of war is always morally obligatory. It matters little what the form of this declaration, provided the passage from the state of peace to the state of war be publicly announced.—The custom of making a declaration of war, properly so called, formerly prevalent in Europe, has been frequently neglected since the middle of the seventeenth century. This custom was borrowed from the nations of antiquity, who declared war by heralds of arms. In our days a simpler measure is frequently substituted for this ancient form. It consists in proclaiming war by public manifestoes. But, leaving the form followed and the name employed out of consideration, it is clear that, at bottom, the same end is had in view. What is intended is, that the state of war should be known to all. So true is this, that the attention of foreign governments is regularly called to these manifestoes; and in such documents it is frequently sought to show the justice of the motives which determined the country to have resort to arms. So necessary is the declaration of war considered, that the justice of all military operations preceding it has been contested. "Moreover," says Klüber, "although it does not decide in all cases the moment of the beginning of hostilities, it always exerts a legal influence on the intercourse of individuals. For all these reasons the proclamation of war, or rather the declaration of war, is a general custom among all the nations of Europe."—The proclamation of war is of importance to the subjects of the state, because, since the war establishes relations of enmity between the entire nation and its enemy, every individual is threatened, if not in his person, at least sometimes in his goods. Declarations of war are very short and simple, like that made to Prussia July 19, 1870, in the name of France, or the reasons and motives which justify them, called in international law *clavegatio*, are stated in them in detail.—Generally the belligerent powers regulate, by special edicts or decrees, the conduct which their subjects or vassals shall maintain after the declaration of war.

F. RITTIEZ.

DECLINE, National. Do humanity, society, civilization and the state pass through the phases which mark the life of the individual? Have they a youth, a maturity and an old age? This is a difficult question, in the solving of which history affords us but little aid. The philosophers, who have touched upon it have accumulated more conjectures and hypotheses than facts. —How can we decide whether humanity is in its youth or in its old age, when we know only an infinitesimal part of its past, and absolutely nothing of its future? Was humanity contemporary with the first revolutions of our globe? Were some individuals able to escape the destruction produced by the cataclysms whose periodicity is asserted with such assurance that philosophers have even dared accurately to predict their return? These questions must be abandoned as forever insoluble.—The duration of society seems quite as barren a subject for discussion. Man is a sociable animal. He will, therefore, always seek the society of his fellow men. Solitude is contrary to his nature. Only it seems reasonable to suppose that the bonds of society become complicated and closer with time. Civilization may be considered as a particular state of society, the origin and progress of which men have seen, and whose end can be conceived. The civilizations of Egypt, of Rome and of Athens have disappeared within historic times. Would it be unreasonable to conclude that ours may one day vanish? The future doubtless may hold in reserve surprises of all kinds for our descendants; but there is reason for thinking that a civilization never disappears spontaneously, but always through violence, at home or abroad; that is, through the agency of civil or foreign wars. Up to this time it has almost always been the invasion of barbarians which has obscured the brilliancy of known civilizations. And it is intentionally that we use the word obscured, and not extinguished; for the force of social development, once acquired, is such that the barbarians have generally been absorbed by the conquered, though not without exercising for a time a retrograde influence upon the latter. To render our idea clearer, or to be more exact, let us say that civilization had only been confined to a narrower circle, limited to a smaller number of individuals, but that it lost nothing of its intrinsic quality. While the masses, driven from the temple of light, were wandering in the darkness, a few priests lay hidden in a profound retreat to keep alive the sacred fire and to prepare the way

for the renaissance.—But do nations decline? It is certain that a great number of them have been known to disappear. It is only necessary to know whether the state must perish when its time comes; whether it has youth and an old age; in short, whether its decline is inevitable, or whether it can be avoided —The sequence of the different phases of a nation's existence seems to be generally admitted; in the first place, because history tells us of nations which have sprung up, progressed, decayed and ceased to exist; and then, because the ideas of progress and decline have an *a priori* power over our minds. But the parallel between the individual and great political communities must not be pushed too far. The birth, the growth and the death of man follow laws as uniform as they are unchangeable, moderately influenced by the surroundings of each life. This is not the case with nations; their lot is essentially governed by contingent causes, by numberless circumstances, which form a multitude of combinations. Is it possible to think that every city, founded on a favorable site, is destined to become a Rome or an Athens, a Paris, a London, or a New York? The empire of Charlemagne, divided into two parts produced, on the one hand, united France; on the other, Germany, for a long time divided into fractions. Could the hordes of Tamerlane now conquer Russia? Or can Tunis, the neighbor of Carthage, hope to get the better of Marseilles?—But if we are forced to admit that a city or a nation, to increase, must be favored by circumstances, if, in addition, we recognize that history has not yet recorded a sufficient number of observations, so that the relative age of a nation can be in some way determined, it is nevertheless evident that there are certain characteristic signs which are unmistakable. For instance, barbarism is always met with in the infancy of a political community: unhappily, it is not necessarily followed by an age of progress. A nation, like a man, may perish before attaining its full development. On the other hand, we have seen nations spring up without passing through this phase so common in antiquity; the American Union, for example.—Youth, therefore, does not always present the same aspect; age, still less so. How could it be otherwise? May not decline be due to very different causes? May not the political body, like the individual, be attacked by ills markedly diverse? If, in man, it is sometimes the blood or the nerves, sometimes the muscles or the bones, which are impaired; if one organ or another, one or another vital function may be impeded in its action; so society may witness one of its principles abjured, one of its dogmas evaporate, one of its essential elements disappear. Here, it will be religion; there, morality; elsewhere, political organization, authority or liberty; elsewhere still, the principles of political economy which will be the diseased part. In each of these cases the decline will become manifest under a different aspect, the malady will be different, and will demand different remedies, if remedies for it there be.—To religion belongs by right the first place in our enumeration. And we shall consider it here from the point of view of political history, and not of faith. Religion is the most powerful bond of society. An atheistical state can be conceived of, but society without a religion, never. Still, all the creeds which have exercised an influence upon humanity have not been equally powerful. Some have become elevated, purified, spiritualized; others have become ossified, and have sunk to the point of being no more than a purely mechanical practice. Such, for instance, is that religion of distant Asia, whose priests are not contented to repeat their prayers with the simple aid of a rosary: some write them on a wheel, which they turn with a handle: others make use of a stream of water for this purpose: the prayers are supposed to have been said every time they face the sky. How can these bonzes inspire the people, urge them in the way of progress, fortify them against oppression from within and from without? Such a religion is, so to speak, an intellectual burden: it has no effect except on the minds of the superstitious. And how are the moral wants of enlightened minds in those countries satisfied? Have they really no resource but to return to the abyss of nothingness?—When the ministers of religion make no other pretense than to govern the beliefs of men and rule over consciences, the dogmas which hinder progress, where progress exists, become subject to imperceptible but steady modification. The words will remain, perhaps; but they can no longer have the same meaning. Moral and material interests being confined within their own special limits, sometimes the one and sometimes the other will contribute most to the advancement of a nation: they will mutually sustain and urge each other onward. But if a theoretic system becomes permanently established, if religion persists in regulating the affairs of this world by the same title that it does spiritual affairs, it will either stop all progress, or it will lose all its influence—two things equally to be deplored. This can not take place without a struggle; and if the nation has not wonderful vitality, if circumstances do not favor it, it will be ruined.—Morals are very closely connected with religion, but they are not entirely ruled by it. What is understood by morals? Is it a question simply of the habits of life more or less moral, or of the entire social organization? Dissipation, lying, unwillingness to work, unbridled egoism, are some of the causes of decay in every human community. These vices prepare a people for servitude, by depriving them of the energy and the spirit of self-sacrifice necessary to work out their freedom. These vices give all its full effect to a bad political organization.—We may well say: like people, like institutions. The constitution, the most rational, the best poised, the richest in guarantees, is a dead letter if public spirit does not breathe life into it. What is the use of written laws if no one tries to

obey them, or if they are only drawn up to fulfill a formality without any practical import?—Nevertheless, the form of the government and the part the citizens take in the direction of the affairs of a country, are never indifferent things. If men were influenced only by reason, there would rarely be conflicts between the governing and the governed. The governing would know that their power is just so much the more stable as it is more in sympathy with the people, as it renders them the more service, and the governed would understand that they have nothing to gain by anarchy. But reason has only a relatively feeble influence over human action: it is oftener sentiment or passion which controls it; and sentiment knows only too well how to borrow the language of reason, to accumulate arguments, and to set forth grounds, each more plausible than the other, for its actions. Then, the passions are not the same in the different degrees of the social scale; and if real and serious interests are the same for the governing and the governed, there are often artificial interests, irritated by passion, which run counter to them. Hence must follow strife, open or covert, according to circumstances. —In such a situation, a good constitution is a safeguard, and sometimes the means by which the two opposing forces are neutralized. In despotic nations, in absolute monarchies, there is no derivative remedy: at a given moment a destructive explosion occurs. In countries politically organized, the people have peaceful aims, the realization of their desires, the satisfaction of their wants. The constitution is there a safety valve.—The two forces which have been alluded to are *authority* and *liberty:* their synthesis is *order*, embodied in a constitution. The excess of one or the other of these two forces is equally prejudicial to order and to a harmonious organization of the social elements; each must keep within its own bounds. When one encroaches on the other, it destroys the equilibrium necessary to political or social health; disorganization and decay invade the entire state; the edifice loses its adhesive power and crumbles at the first shock.—The disproportion between these two forces was what caused the downfall of the Roman empire. This disproportion is made manifest in different ways in different countries. It was disclosed in Rome by the necessity forced upon the successors of Augustus to divide their power, or rather, to divide the country. This division was the consequence of the great extent of territory. To govern despotically so vast a country, a man of extraordinary ability is needed, and such a man is rarely found. A small nation, or one with a very free form of government, can more easily endure a mediocre ruler. We are very much disposed to believe that a state is no longer governable when its boundaries have swelled beyond a certain extent, whatever may be the liberty enjoyed by the citizens. From this would follow the practical deduction, that the spirit of conquest is a blind passion: it does not see that it will cause a situation in which political restraints will no longer be able to maintain the social union.—The great extent of territory was one of the causes of the decline of the old German empire. The Roman empire of the G rman nation, stretching from the Vosges to the Carpathian mountains, and from the Adriatic to the North sea and to the Baltic, had to be divided between vassals. The emperors not always being able to make their authority re pected, it declined, without profit to liberty. The great vassals, instead of becoming or remaining a chamber of peers, with the mission to restrain their sovereign, went to work to dismember the central authority, to the prejudice of the unity of the nation. Little by little the empire became a shadow; and in 1806 it disappeared. Although it was reconstructed in 1871, it was with a less extent of territory, and under conditions that we have not yet seen put to the proof.—The size of the Chinese empire is also a source of weakness to that country. Where can a government be found strong enough to satisfactorily fulfill the superhuman task of ruling from 350,000,000 to 400,000,000 of people? Because of the disproportion of the forces of authority and those accorded to liberty, Poland, in the eighteenth century, saw her prestige and even her independence vanish. The unanimity of the votes of 40,000 nobles was necessary for a decision to be legal. Could they flatter themselves it could ever be attained? Hence arose wrangles among themselves; and their neighbors took possession of different parts of the country, until nothing remained of it.—The United States of America stretches over a very great area. The result has been that, between north and south, there were political and economical conditions diverse enough to cause a formidable war (1861–5), which however did not succeed in dissolving the Union. But will she emerge intact from future struggles which may arise, for instance, through the divergent interests of the east and the west? That is the question.—A bad economical organization can have the same effect as a poorly constructed constitution. The absence of what is called freedom of labor, a faulty distribution of property, can retard the progress of a country, keep it in poverty, and deliver it, under certain combinations of circumstances, over to the mercy of a richer nation. Slavery has been more than once the cause of loss to a state.—Sometimes, too, the decline of a nation may be due to several causes. Spain suffered for a long time at once from despotism and the inquisition, and her too large colonial possessions weakened her more than they strengthened her. They drew away from her her most vigorous and most enterprising sons; and those who remained in the mother country depended upon the gold and silver which the galleons might bring. How many of those indolent Iberians saw nothing of the cargoes of those galleons except the alms distributed to them at the door of a monastery!—The example of Spain may prove, perhaps, that a great country can recover, and that national decline does not

necessarily mean death. France, also, had her moment of weakness in the eighteenth century; but although her body suffered, her spirit was strong, and was, by a happy reaction, able to cast aside all the causes of the difficulty, but not without dangerous convulsions. Other countries, also, seem to be on the road to renewed life, after having had their development arrested for a long time This is because our civilization is more vigorous than all those which preceded it; and if, in turn, it perishes or is eclipsed, it will not be before it has had a long career; and as, in our times, there is no external enemy strong enough to combat it, it can perish only through weapons of its own forging. MAURICE BLOCK.

DEFINITIONS IN POLITICAL ECONOMY. The last of the essays in J. S. Mill's volume on "Unsettled Questions in Political Economy" is appropriately entitled, "The Definition and Method of Political Economy." The problem of definition in a science is one closely connected with the method of investigation pursued in it. One of the ablest advocates of the deductive method in political economy, N. W. Senior, opposing, at the beginning of his treatise on the science, the view that the main business of the economist is the investigation of facts, urges that the prime object should be the proper choice, definition and employment of words. "If," he says, "economists had been aware that the science depends more on reasoning than on observation, and that its principal difficulty consists, not in the ascertainment of its facts, but in the use of its terms, we can not doubt that their principal efforts would have been directed to the selection and consistent use of an accurate nomenclature." The advocate of the inductive method may reply that, without the observation and ascertainment of facts, an accurate use of terms in political economy, a proper exposition or definition of their meaning, and consequently, a scientific nomenclature, are impossible. To define light, heat, electricity, correctly, or to use these terms of physical science with an understanding of their true meaning, we must study the phenomena which they denote; and it is no otherwise with the terms of economic science. Production, distribution, wealth, capital, money, currency, credit, wages, profit, rent, are terms which can not be properly explained or employed without careful investigation of the facts which they are designed to represent. So with the term political economy itself. J. S. Mill, in the essay above referred to, on "The Definition and Method of Political Economy," has, contrary to the main object of the essay, afforded a signal demonstration of the failure of the deductive method to furnish an adequate and accurate definition of the science. The definition there put forward as complete is, "the science which traces the laws of such of the phenomena of society as arise from the combined operations of mankind for the production of wealth, in so far as those operations are not modified by the pursuit of any other object." Yet, immediately afterward, we find Mr. Mill admitting other and counteracting motives. "Political economy," he says, "makes abstraction of every other human motive, *except* those which may be regarded as perpetually antagonistic principles to the desire of wealth, namely, aversion to labor, and desire of present enjoyment." Presently, too, he adds another principle, excluded by his own definition. After repeating that the economist inquires, "What are the actions which would be produced by the desire of wealth, if unimpeded by any other?" he continues: "Only in a few of the most striking cases (such as the important one of the principle of population) are corrections interpolated into the expositions of political economy itself." Had Mr. Mill's attention been directed to the facts which observation led Adam Smith to take cognizance of in his exposition of the diversity of the rates of pecuniary wages and profit in different employments, he must have perceived that reasoning from the desire of wealth alone would inevitably lead the economist astray at the very threshold of the science. Moreover, if certain other principles are legitimately admitted within the pale of the economist's province, on what logical ground can any be excluded, whose operation is revealed by the investigation of facts? "The definition of a science," says Mr. Mill himself, in his great work on Logic, "must necessarily be progressive and provisional. Any extension of knowledge, or alteration in the current opinions respecting the subject matters, may lead to a change more or less extensive in the particulars included in the science." And in his treatise on the "Principles of Political Economy," written at a maturer age than the essay on the definition and method of the science, Mr. Mill describes the economist's province as embracing the investigation of all the causes by which the condition of mankind is made prosperous or the reverse in respect of wealth These causes can not, indeed, he adds, be all even enumerated in a treatise on the science; but it should aim at setting forth all that is or can be known about them and the laws of their operation. In other words, political economy should be regarded as a progressive science, and must owe its progress to the constant observation of facts and ascertainment of the laws on which they depend; and no definition which confines the student to deduction from any single principle or set of principles can be otherwise than defective, and founded on a wrong conception of the method of investigation.—What is true of the science as a whole, is true, likewise, of the terms which denote the chief classes of phenomena to which it relates, and the laws discoverable in them. The question of definition in respect of these terms is one of method of investigation; and no definitions should be put forward which have not been derived from the study of phenomena, nor should they, however well considered,

be regarded as absolutely final and adequate.—We are not, however, justified in giving, in the definition or use of economic terms, a wider meaning to one that has a special signification, merely in order to embrace under it a larger group of phenomena which is already denoted by a more general term. When a distinct agency or principle, or set of facts, has once been designated by a distinct name, it is contrary to the objects of scientific nomenclature to generalize unnecessarily the meaning of this name or term, for the mere purpose of covering additional ground already provided with a denomination. The term money, for example, was formerly employed by the best economists only to denote the common medium of exchange and common standard of value. "Money," said Mr. Huskisson, in his famous tract "On the Depreciation of the Currency," "is not only the common measure and common representative of all other commodities, but also the common and universal equivalent." No instrument of exchange can fulfill these functions, or answer to this definition, unless it be legal tender in payment of debt. It must be the common medium of exchange and the universal equivalent, and not merely a medium accepted or used in particular localities, at particular times, and by particular persons. A check, a bill of exchange, an ordinary promissory note, a bank note which is not legal tender, may, at certain places and times, and among some of the inhabitants of a country, perform the functions of money. But such instruments may become valueless, or be rejected as payment, in a crisis, or beyond a particular district, and they have at all times only a limited circulation, so that they do not come up to the mark of money, and are not definable as the common medium of exchange or universal equivalent. It is true that prices are not determined simply by the amount of money, in the strict and accurate sense, but by the whole mass of instruments of exchange. This whole mass is, however, adequately denoted by the term circulating medium; and it is a wanton sacrifice of the means of precision of language and thought, to expand the meaning and definition of the special term money so as to cover the entire volume of circulation.—On the other hand, there are cases in which the extension of the meaning of a term from a special to a more general sense, and the enlargement of its definition, may be not only justifiable but necessary. Further observation of phenomena, or the advance of scientific knowledge, may prove that a wider field of inquiry than was originally contemplated and denoted by a particular term, lies before the student. No other term, nevertheless, may be equally serviceable or apposite; or it may be difficult to supersede it, and accordingly a more extensive signification must be given to it. An instance of the highest importance presents itself in the case of the term distribution. Political economy is commonly defined as the science which investigates the natural laws governing the production and distribution of wealth. But by distribution some of the early French economists meant only what is now indicated where the business of the distribution of goods is spoken of, by contradistinction to their production. And in the first book of the "Wealth of Nations," Adam Smith applies the term distribution simply to the process of exchange whereby wages, profit and rent, and the value of each man's products or services, are obtained. It has, however, become clear that the causes governing the partition of wealth include also customs, social arrangements and positive laws. The different distribution of property in England and France has not been the result simply of the process of exchange, or of dealings in the market. The advance of knowledge of the natural laws of society, moreover, reveals the fact that they control even human positive laws, and that the latter have their antecedents as well as their consequences, and follow an ascertainable order. The natural history of Roman law, from a period earlier than the twelve tables down to its codification under Justinian, has been recovered, and shown to follow a regular and natural development or evolution. When political economy, therefore, is defined as investigating the natural laws governing the distribution as well as the production of wealth, the term distribution should be understood as covering a much larger field than that of exchange, and extending over positive institutions and social usages and arrangements. The case affords an illustration of the connection between definition and method of investigation. Economists could not have persisted in limiting the field of inquiry to exchange, had they kept actual phenomena in view. Nor can the science they profess obtain an accurate nomenclature, or be equipped with proper definitions, otherwise than by close and unflagging attention to those phenomena. The question whether a special or a more general signification should be given to a term, is always one turning mainly on facts. If the narrower meaning excludes the consideration of essential facts, a wider definition should be adopted. Where, however, the whole extent of the field of inquiry is adequately indicated by another term, it is inconvenient and misleading to give that comprehension to one which hitherto had denoted only a particular section of the field.—The opposite error ought equally to be avoided, of giving needlessly and arbitrarily a more restricted meaning to phrases than had been attached to them in the current nomenclature of a science. A change in the actual economy of society may indeed call for a limitation of the meaning of a word, and the question whether there really be such a change in actual phenomena, is sometimes one of complexity and difficulty. A case of considerable practical importance arises in relation to the definition of profit. Adam Smith, and his successors down to J. S. Mill, included under profit the two elements of interest on the capital engaged in business, and remuneration for its direction and man-

agement. Some recent writers, however, separate, under the name of profit, the second element from interest, on the ground that the capital employed in modern enterprises is rarely managed by the capitalists themselves, who obtain only interest, while the direction is in the hands of paid directors and managers, whose earnings measure the gain, over and above interest, on the undertakings, and who are regarded by the writers in question as a higher class of skilled laborers. There are, however, facts, in addition to long usage, in favor of including under profit both interest and remuneration of superintendence. In the first place, if we take into consideration not only undertakings requiring large capitals, and carried on by companies or great firms, but all the various employments, wholesale and retail, large and small, to be found in a country, it will be seen that a vast number of capitalists still manage their own capitals, and earn more than interest; so that the term profit, in its old meaning, is still useful to designate the double earnings of capital. Secondly, even where a large business is carried on by a paid manager and a staff of directors, the owners of the capital engaged, if the management be good, ordinarily obtain more than bare interest, and a term is needed to comprehend their entire gains. But whether we confine the term profit to the earnings of management, or include interest also under it, ought we to define the surplus above interest, which is the fruit and remuneration of superintendence, simply as a species of wages; the wages, that is to say, of a special description of industrial or commercial skill? In support of an affirmative answer, it is argued that a flourishing business may be conducted by a skilled manager, who receives a fixed salary determined by the causes that regulate the wages of skilled labor in general. The counter-argument is, that the surplus above interest, derived from the employment of capital in business, follows a principle entirely different from that which governs wages, varying, not in proportion to labor and skill, but to the amount of the capital. If either a capitalist conducting a business himself, or a manager conducting one on behalf of a company, sees that by some skillful stroke he can raise the returns, the gain will be in proportion, not to his trouble or sagacity, but to the capital employed. If, again, the managers of two different companies, see that they can make 5 per cent. more than usual by the sale of goods in a new market, the amount of gain in each case will depend on the quantity sold, not on the skill or trouble involved, which may be nearly the same in both cases; although twice the amount sold on behalf of the poorer company is disposed of, at twice the profit, by the other. There seems thus to be an element, over and above interest, in the income derived from the active employment of capital, which can not properly be defined as wages, because following a different law.—A definition of wages which was not inappropriate to a past phase of industrial economy, is sometimes put forward as applicable to that of our own day. The real wages of labor, according to a definition which originated with Adam Smith, consists, not in the sum of money the laborer receives from his employer, but in the commodities he is enabled to procure. And in Adam Smith's time, this definition was true in the main of the recompense of agricultural labor over a great part of Europe. The farm laborer was paid chiefly in kind, not in money; he was fed, clothed and lodged by his master; and his wages depended almost altogether on the necessaries and comforts he directly received. But in modern times this mode of payment is nearly extinct, and the quantity and quality of the commodities obtained by the workman depend, not simply on what he gets in exchange for his labor as wages, but on another set of exchanges, in which he is buyer instead of seller. The food and clothing of the Irish harvest laborer depend, not merely on the amount of money he earns in England, but on the Irish potato crop, the American crops, the price of tea, sugar and cloth, and other conditions unconnected with the price of his labor. The commodities obtained by a laborer may properly enough be said to form his real income, but the use of the term "real wages," by modern economists, in the sense in which they define it, shows how superficially the actual economy of life has been studied under the influence of the deductive method, and how essential the observation of facts is to "the selection and consistent use of an accurate nomenclature," on which N. W. Senior laid so much stress.—The term capital is so variously defined that we shall not attempt more than to support the common definition in preference to one assigning to it a wider signification, for which an eminent English economist contends. As ordinarily defined, capital denotes commodities engaged in production or commerce, excluding things which, however valuable and durable, are not so employed. W. Stanley Jevons, however, argues that the private house of a gentleman is practically productive of an income equivalent to the sum he would have to pay for a hired dwelling. Mr. Jevons puts the question, "Are articles in the consumer's hands capital?" In reply, he contends that, if we consider hotels and houses let by their owners to tenants as capital, we can not consistently refuse the same denomination to houses inhabited by the proprietors. In like manner, he would class the clothes in a private wardrobe, along with those in a tailor's shop, as capital. It is nevertheless evident, we would suggest, that the stock of dresses possessed by a lady of fashion, may represent simply extravagance and waste. A private house, again, may be altogether beyond the means of its owner; and whereas, if let it might yield him a sufficient income, it may, if inhabited by himself, involve him in ruin. We adhere, accordingly, to the definition which confines the term capital to things in the hands of producers, or things from which an income is derived by sale or other dealings in the market. The stock which a country gentleman raises on his

farm for the market, thus constitutes capital; but his hunters and dogs, his guns and his pheasants, unless he sells the last, do not conform to the designation.—The definitions discussed in these observations have been instanced, not on their own account only, but also for the sake of general conclusions, to which they point. The first condition of adequate and accurate definition in political economy, is the study of the actual economic structure of society, the changes that take place in it, and the fundamental social laws that govern these changes. Gratuitous and useless innovations in the use of terms are to be deprecated; but the advance of economic knowledge, and the appearance of new phenomena may call for new classifications, and new expositions of the nomenclature of the science. There have been states of society to which not a single term in that nomenclature would have been applicable in its present meaning; and the most civilized societies may yet undergo changes calling for large alterations in economic language and thought.

T. E. CLIFFE LESLIE.

DELAWARE, a state of the American Union, first settled by the Swedes, who bought from the Indians all the land from cape Henlopen to the great falls of the Delaware. It passed by conquest to the Dutch, who divided it into three counties which still exist. It was claimed by the duke of York, as part of the New Netherlands, and was by him enfeoffed for an annual rent to William Penn, Aug 24, 1682. Thereafter, until the revolution, governors were appointed by Penn and his heirs for Pennsylvania and the "Territories" on the Delaware together, the former by royal patent, the latter as the tenant of the duke of York. After 1710, however, Delaware had its own council. The territory seems rightfully to have fallen within the Maryland patent, and long continued disputes between lord Baltimore and the Penn family resulted, in 1732, in the establishment of the following boundaries: "Beginning at cape Cornelis, or Henlopen; thence due west half way to the Chesapeake; thence northerly on a line tangent to a circle of 12 miles radius around New Castle; thence around this circle to the Delaware, and thence to the place of beginning." Baltimore repudiated his agreement, but the boundaries nearly as given were decreed in 1750 by the lord chancellor. In the continental congresses the colony had its own delegates, and was at first known as *The Counties of New Castle, Kent and Sussex, upon Delaware.* Its connection with Pennsylvania was still close, and some of its prominent men were successively officers of both Delaware and Pennsylvania. Aug. 27, 1776, a convention met at New Castle and formed a state constitution, which was proclaimed in force Sept. 21. It assumed the name of *The Delaware State,* with a president chosen by the legislature to serve three years. The importation of slaves was forbidden, and the right of suffrage was limited, as under the proprietors, to freeholders. June 12, 1792, a state convention adopted a new constitution, which went into force without a popular vote. It altered the state title to that of *The State of Delaware,* vested the executive power in a governor chosen for three years by popular vote, and gave the right of suffrage to white male citizens over 21 years of age paying state or county taxes. It also made the state suable in its own courts. The state is really still under this constitution A new constitution, adopted by a convention which met Nov. 8, 1831, is that of 1792, with an alteration of the judiciary system, and of the governor's term of office to four years. Two slight amendments have since been made.—In national politics the year 1850 (see UNITED STATES) is a dividing line for Delaware. Until that year the state had been steadily anti-democratic, casting its electoral votes for federalists and whigs at every election except that of 1820, when, like all the other states, it voted for Monroe. (See CONNECTICUT.) Since 1850 the state has always been democratic, except in 1872, when it cast its electoral votes for Grant. But the majorities have always been extremely small. The successful party has never obtained more than 56 per cent. of the popular vote, except in 1868, when Seymour's proportion reached 59 per cent. —In state politics the small margin of difference between the parties has always been easily affected by local reasons, so that state elections have generally been very close and doubtful. During the state's whig period, a democratic congressman or governor was occasionally elected, as in 1838 and 1846. In 1850 the democrats succeeded for the first time in choosing governor, congressman and legislature; but four years later the know nothings (see AMERICAN PARTY, I.) were equally successful. In 1860 the electoral vote was democratic, the congressman opposition, and the legislature a tie. In 1862 the governor elected was a republican, and the congressman democratic. Since 1862 the democratic majority (except in 1872) has been slowly increasing, so that in 1878 the republicans, who seem to have lost courage, attempted to change their party organization to that of the greenback-labor party. The results were the refusal of many republicans to vote, the consequent rise of the democratic proportional vote to 79 per cent. of the whole, and the temporary disappearance of all opposition to the democratic party in the state government. In 1880 the republican organization was renewed, and the vote stood, 15,275 Dem., 14,133 Rep. Connecticut and Delaware furnish the best examples of the manner in which a party may be kept in active existence by keeping up a struggle in state elections, in the face of almost constant defeat in national elections.—In 1861 the state, though slaveholding, took no part in secession. Jan. 2, 1861, a commissioner from Mississippi invited the state, through its legislature, to join the southern confederacy about to be formed. He was courteously heard, and the legislature then unanimously

voted its "unqualified disapproval" of the proposition From the first the calls for troops were promptly and fully answered, and of all the border states Delaware alone received the hearty and entire approval of president Lincoln in his message of Dec. 3, 1861. To use his own words, "South of the line [Mason and Dixon's], noble little Delaware led off right from the first." It is said that no citizen of Delaware ever made a secession speech. The attitude of the dominant party in the state, as represented by governor William Burton, the Bayards, and other leading democrats, may be best expressed by citing Thos. F Bayard's speech in June, 1861, in which, after hoping for a peaceful solution of the difficulties of the nation, he thus concluded · "But with this secession, or revolution, or rebellion, or by whatever name it may be called, the state of Delaware has naught to do. Never has a word, a thought, an act of ours, been unfaithful to the Union of our fathers; in letter and in spirit it has been faithfully kept by us." —The great change in party lines which took place about 1850 (see UNITED STATES; DEMOCRATIC-REPUBLICAN PARTY, V.) is exemplified in the political history of the Bayard family, which has for about 83 years furnished the most distinguished of Delaware's congressmen. James A. Bayard (in Congress 1797–1813) was one of the ablest federalist senators, and his son Richard H. Bayard, who was in the senate 1836–45, was an equally distinguished whig. On the other hand, James A. Bayard (in senate 1851–69), and his son Thomas F. Bayard, who has been in the senate since 1869, have held as high rank in the democratic party.—The name of lord Delaware, who died off the coast of this state, was given in 1703 to Delaware bay, and thence to the river and state. The state is popularly known as *The Diamond State*, from its shape, and its people as *The Blue Hen's Chickens*, probably from a particularly game breed of fighting cocks of which the state was once proud.—GOVERNORS: Joshua Clayton (1789–96), Gunning Bedford (1796), Daniel Rogers (1797), Richard Bassett (1798–1802), David Hall (1802–05), Nathaniel Mitchell (1805–08), George Truett (1808–11), Joseph Haslett (1811–14), Daniel Rodney (1814–17), John Clarke (1817–20), John Collins (1821–4), Samuel Paynter (1824–7), George Poindexter (1827–30), David Hazzard (1830–33), Caleb P. Bennett (1833–7), Cornelius P. Comegys (1837–40), Wm B. Cooper (1840–44), Thomas Stockton (1844–6), William Temple (1846–7), William Thorp (1847–51), William H. Ross (1851–5), Peter F. Causey (1855–9), William Burton (1859–63), William Cannon (1863–7), Gove Saulsbury (1867–71), James Ponder (1871–5), John P. Cochran (1875–9) John W. Hall (1879–83). (See ABOLITION, III.)—See 1 Poore's *Federal and State Constitutions;* 2 Bancroft's *United States;* 2 Hildreth's *United States;* Houston's *Boundaries of Delaware;* Clay's *Annals of the Swedes on the Delaware; Tribune Almanac*, 1838–81; Appleton's *Annual Cyclopædia*, 1861–80; Spencer's *Life of Thos. F. Bayard;* Ferris' *History of Wilmington, Delaware;* Vincent's *History of Delaware;* 11 *Pennsylvania Hist. Society's Publications.*

ALEXANDER JOHNSTON.

DEMAGOGISM. By demagogism we generally understand the exaggeration and the abuse of democracy. This definition, which has often caused democrats and demagogues to be subjected to the same reprobation, does not appear to us to be either just or clear; it is as far from being right as if theft were to be called an abuse of the right of property. To make the definition plain we must draw a clear distinction between use and abuse. It may be said that, by the means he employs, the tendencies he follows and the results he obtains, the demagogue is the most dangerous enemy of democracy. While democracy looks for support in the practical sense and the good feeling of the masses of the people; while it strives to make government the responsible mandatary of public interests, and the worthy protector of individual interests, and while it endeavors to improve the morality of the people by instruction, and to enlighten them by the press; demagogism addresses itself, by way of preference, to material instincts, and, by flattering the masses, it fraudulently assumes an absolute delegation of power, which it uses for its own advantage, or for the realization of its senseless utopias. In the name of the common weal, of which it styles itself the representative, it stifles individual initiative and silences the press. In a word, the ideal of the democrat is equality within the limits of liberty and civilization The demagogue is satisfied with the equality which is found in slavery and ignorance.—It is very certain, that, of the demagogues who have appeared in all periods of history, some were guided by personal ambition. When such was the case, as Garnier-Paget observes, the demagogue was rather an aristocrat than a democrat, since he made use of the interests of the people as of a mask, and since his real object was to lay a foundation for the rule of the few. But demagogues of this kind are far from being the most dangerous of demagogues, although history shows that they sometimes succeeded. The demagogue really dangerous to democracy is the man who is guided by political fanaticism, and whose ambition it is to see his own utopian ideas realized rather than to succeed himself. His disinterestedness frequently gives him an irresistible ascendency over the masses; and the result of this ascendency always is to prepare the way for the ambitious demagogue, of whom we spoke above. The narrow-minded demagogue always admits the sovereignty of the end, and can not understand how any one can hesitate at employing any means, provided they seem to lead to the realization of his ideal. Even when that ideal is the ideal of democracy, even when his object is equality within the limits of freedom, he accepts, as a necessary transitory measure, the régime the most contrary to his principles, and

willingly opens the door to tyranny as the readiest means to the realization of his plans. Even if liberty appears to him in principle the thing most to be desired, he fears that as a matter of fact it may postpone his own success; and he grows indignant at the necessary slowness of real progress, and prefers to ask from summary proceedings the immediate success of the reforms he dreamed of. Hence the enemy he most hates is the democrat who opposes him in the name of his own principles. He accuses the democrat of being a moderate party man, a sleepy head; and he never fails to try to reduce him to impotence when he has grasped at and obtained power. Respect for legal forms seems puerile to him; and the assertion of individual rights which he pitilessly sacrifices, he looks upon as a guilty revolt against the public interest, to which he appeals, and which he thinks he serves.—The theoretical difference between the democrat and the demagogue seems clear enough. It would be very unjust to hold the former responsible for the doctrines and proceedings of the latter. There never was a great idea in the world, which, side by side with its intelligent advocates, its enlightened propagators, did not have its intolerant sectarians. Can such an idea be justly held responsible for the excesses committed in its name and against itself? Can the gospel be held responsible for Jesuitism, or democracy for demagogism? — In ancient Greece the word *demagogue* (*δημαγωγός*) did not always have a bad acceptation, and it frequently designated the eloquent orator or able statesman who had an influence on the people, and who in some sort led them. It is in this sense that Pericles was a demagogue. But even Aristotle, in his politics, gives the word demagogue the meaning which we attribute to it to-day.

CLÉMENT DUVERNOIS.

DEMAND AND SUPPLY, words which express the competition and strife between the sellers and buyers of a product, the former *supplying* what they wish to exchange, the latter *demanding* what they need. The result of this competition and strife is the determination of the market price, or price current.—To understand fully the meaning of this term, we must give to the words demand and supply a well-defined meaning. They are thus explained by Rossi: "Demand expresses not only the quantity considered by itself, but the quantity in its relations to the nature and intensity of the want which causes it to be sought after, and to the magnitude of the obstacles which this want would and is able to surmount in order to its satisfaction. Everybody may desire a carriage and a palace; and assuredly, if the purchase and keeping of them cost but a few dollars, there probably would not be one of us who would not get them. But if, instead of a small sacrifice it is necessary to spend considerable sums, those who wished to supply this demand would diminish in proportion to the greatness of the expense. Undoubtedly the carriage will still be desired, but this desire can not constitute a demand in the market, because some would be unwilling to make, and others could not make, the sacrifice required to surmount the obstacles which opposed the realization of their desire.—It is the same in the case of supply. Supply does not mean merely the quantity offered, but this quantity combined with the difficulty or facility of production. In fact, if there are in the market to-day 10,000 pairs of stockings. or 1,000,000 needles, can it be affirmed that that is the entire supply? Everybody knows, that, if the demand be urgent, there will soon be an enormous amount of stockings and needles; for these things are easily produced. Consequently, it would not be exact to say that the price is determined solely by the quantity of these commodities found in the market; it is determined also by the facility with which the supply may be increased. —Let us change the hypothesis. Suppose that we are considering wheat, and that the supply is equal to but two-thirds or four-fifths of the effective demand, you will at once see the aspect of the market change in an alarming manner. On the one hand, the demand is of such a nature as to justify all possible sacrifices in order to satisfy it; on the other, it matters but little that the supply is not much less than the demand; each one fears the deficiency will reach him; and panic increases these anxieties and fears. Each one feels that if he could put off till to-morrow supplying himself with stockings or needles, he can not equally well defer the purchase of food for himself; and as it is known that grain cannot be improvised, that the resource of importation is always feeble and uncertain; as it is known, consequently, that next year's crop must be waited for; the demand becomes more and more active, blind and pressing, and the exchangeable value of wheat surpasses all anticipation. Such is the influence which the scarcity of those things whose quantity can not be increased at will, their utility remaining the same, may exercise over the market. — Again, by the term demand and supply is not to be understood only the quantity of material things in the market. In demand, we must also take into consideration extreme want and the extent of the want, as well as the means of exchange which the demander has at his command; and in supply, the greater or less facility which producers may have of modifying the condition of the market by competition, and of thus exciting the hopes and fears of buyers and actual holders of the commodity in question."— The status of demand and supply is made up of moral data, difficult to weigh, and of arithmetical data, which are not always observed. It is impossible to determine the state of business, the number of the suppliers, and the quantity of the supply; the number of those who demand, and the quantity demanded; the reciprocal wants of buyers and sellers; for self-interest may make use of deceit in concealing merchandise, and removing it beyond the calculation of buyers.

Supply often comprises absent merchandise, which is or is not yet manufactured, the future quantity of which is still uncertain; either because it depends upon the seasons for its manufacture or transportation, or because it depends upon uncertain circumstances. When the goods are in the market, the merchants, to lessen the supply, feign demand and sales; they make pretended deliveries, which impose upon the buyers, and amount to nothing more than a removal; they sometimes retire from the market a part of what they had placed in it, and hold it for a more favorable moment. The amount of demand is more easily concealed when it is not bodily in the market; as is also the case at times with the amount of the supply.—If deception is practiced in the case of arithmetical data, it is practiced *a fortiori*, and by both buyers and sellers, in the case of moral data. Buyers and sellers advance as slowly and cautiously as possible: demand waits for supply, and supply for demand, to say the first word. There is an intention to buy a great deal; a demand for little is made; and this demand is made at different places and of different persons at the same time; but, the price once established, purchases double or increase ten-fold at the current rate or at a slight advance. It is the same thing with sales: sellers offer their goods in different places, to persons who do not see each other; pretense is made of favoring the buyers who are the first to make up their minds; and they increase their business by selling to all on the same terms. Neither party speaks but to ruin his opponent, and says whatever suits his interest at the moment.—These things occur in all markets, and may easily be observed wherever there are collected together a large number of buyers and sellers, either of merchandise, services, or paper representative of value; as at fairs, in the places where workingmen meet, on the boards of trade, etc. The state of the revenues also exerts an influence on the relation of demand and supply. Those who offer anything for sale seek to ascertain the resources at the command of buyers; and buyers consider the situation of the classes for whom they intend their merchandise.—Some products whose cost of transportation is very small, go without trouble from one place to another: others can never leave a market to which they have once been carried. Some keep a long time: others are perishable, and must be sold at once. In demand, there are, in like manner, wants which must be satisfied immediately, and others, on the contrary, the satisfaction of which may be postponed for days, months and years.—We must also mention the influence of accidental circumstances: the fear of seeing a monopoly come to an end, or the certainty of its continuance; the fear of a bad crop, or the hope of an abundant year; the fear or hope of a public event, happy or unhappy, such as the signing of a treaty of peace in troublous times, or the declaration of war, which will throw the country into dreadful danger. We must mention, too, false reports, the circulation of fabricated news, coalition of groups of buyers or sellers, etc.—In this struggle, those who are expert, prudent, patient, dissembling, cold, circumspect, or well informed and prompt to execute, those possessed of large credit or disposable capital, have a great advantage over those who are in opposite conditions; and it sometimes happens that this advantage gives buyers the superiority over sellers, or sellers over buyers —Lastly, demand and supply react one upon the other. When they are stronger or weaker relatively one to the other, it happens that the greater and stronger one is, the smaller and weaker the other is. In other words, the greater the supply, the more is the demand weakened; the greater the demand, the more is the supply weakened.—These ideas are borrowed, in part, from J. A. Robert, a writer little known, but sometimes happy in his analyses and his views. These observations agree with those of Rossi, which they complement, show how complex and delicate are the phenomena of demand and supply, and account for the difficulty encountered in popularizing their true theory.—But how can we formulate in a happier manner the phenomena of demand and supply? This problem tried the acuteness of Ricardo, who pointed out, as the regulator of the changeable value of things, the quantity of labor necessary to produce them, or, better, the cost of production.—The formula of demand and supply has been the object of the attacks of certain writers, some of them avowed socialists, others socialists without knowing it, who represent it as an iniquitous and barbarous principle, invented by economists, and doomed to disappear in a better constituted society. But when we examine what they wished to say in speaking thus, we see that they have not even understood the object of their criticism. Demand and supply, necessary consequences of the wants of man, of the necessity under which he labors of freely exchanging the fruit of his industry, that is, his products, his labor, or his services in return for the products of the labor of another; demand and supply, evident consequences of the principle of property, are acts so inherent in the nature of man, that it is impossible to conceive of a man who would not perform them. If acts of demand and supply were not allowed, man would come singularly near to the beast. This is the objection made to the principle of competition, under the most ingenious and childish form, to which we need make no other reply than to state it. The followers of Fourier pretended that the communal associations or phalansteries would no longer be subject to the law of demand and supply; but, admitting that exchange should cease to exist between individuals, by reason of this social combination, it is found again in associations which do not suffice for themselves, like the snail in its shell, but are obliged to carry on transactions conformably to all the circumstances indi-

cated by the formula of demand and supply. It is true the communists do not recoil from the dream of a universal association of the human race, from which the notion of mine and thine would be banished; but what can be said to men who assure you that they have discovered a ladder by which they can reach the moon?—An author, Esmenard du Mazet, who has pretended to discover "new principles of political economy," says· "Demand and supply are good for nothing unless to cover up the ignorance of economists; for they can draw from their theory of the subject no serious consequence, and they put it forward merely for the want of something to say. It has always served as a make-shift to economists. I never think of it but I call to mind a professor of chemistry, otherwise a very able man, who, embarrassed at times in the explanation of certain phenomena, assumed the most rapt and learned air, and said, 'We think that electricity here plays a great part.'" This piece of pleasantry has not the merit of being appropriate; and what piquancy it possesses is to be found in the fact that the author, after disdainfully rejecting the formula of the cost of production of Ricardo, and that of utility, informs us himself that value is fixed by experience; a formula which implies in reality the idea of demand and supply, and whose sole merit is that it is less satisfactory and less intelligible than the others. JOSEPH GARNIER.

DEMOCRACY. I. *Meaning of the word Democracy in Ancient and in Modern Times.* By democracy the ancients understood, following the etymology of the word, government by the people. Such a meaning necessarily implied the division of society into several classes, each with a sort of stability. The sovereignty resided sometimes in one of these classes, sometimes in another. When the great body of citizens who did not belong to the nobility were invested with the power of making laws, and choosing the chief magistrates, the government was called *democratic*. Neither this name nor the preponderance of the element it designated, abolished the fundamental distinction between nobles and plebeians, any more than it abolished that between freemen and *slaves*, who were deprived of all rights. Hence we may perceive that civil and political equality was restricted within rather narrow limits in ancient times. The result of long contests, this equality could not maintain itself, even within these limits, without a struggle. At Rome the popular element, whose advent is marked by the tribunate, which became its most powerful arm, contended for a long time against the aristocracy which gave form to the Roman republic. It never completely triumphed until the downfall of that republic. Under the empire there was less liberty and more equality, but it was the equality of despotism. The court of the Cæsars took its counselors and its favorites from all classes, it even chose them from among the freedmen and the sons of freedmen. Merit sometimes succeeded under it, the favored still more frequently. Emulation in baseness became the rule under the bad emperors. Under the good emperors there were honest men, devoted to their prince and the public service; great men disappeared. Even admitting that the empire was an improvement as compared with the republic, in the social order, it is incontestably true that it meant decline morally and ruin politically The amount of prosperity and private virtue which flourished during its long continuance does not blot out this stain. The public virtue which continued to exist assumed, in the stoics, the character of a powerless protest.—In the states of antiquity, when the patricians were, as frequently happened, the conquerors and rulers of a country subject to their yoke, it was natural that the vanquished should seek to regain the rank from which they had fallen, and to recover their share of right, influence, prosperity and dignity. Besides, ability is never absolutely concentrated in a minority. It must inevitably happen that the ability that exists among the masses shall win for itself recognition and place. There are few political societies that do not make place to some extent for individual merit, independently of birth. But, under the name of the people, it was frequently the crowd that carried the day. The multitude introduced into the government—such was ancient democracy. Hence the bad reputation it has left behind it, and the preference which the political writers of antiquity, without exception, manifested for the aristocratic form of government, which they considered more favorable to moderation, to the maturity and proper sequence of the measures useful to the state, as less capricious, not so easily influenced or corrupted, and more enlightened. Plato and Aristotle had a decided leaning toward aristocracy, and showed themselves most severe judges of democracy, whose fickleness and vices so forcibly impressed them; of that democracy which had just sent Socrates to death. These philosophers considered that democracy almost inevitably ended in the tyranny of one man; a form of government which excited the repugnance of these liberal minds. They had no greater liking, however, for that other species of tyranny which the majority exercises over the minority. The sanguinary colors in which Plato painted the demagogues, proves what were the sentiments of those whom we may call the honest men, respecting the men who made themselves masters of the multitude by basely flattering their worst instincts. Their very imperfect notions of liberty and right, together with the fickleness and other inherent weaknesses of the popular element, serve to explain this opinion of democracy among the ancients. They too often confounded, as is well known, liberty with sovereignty. To be free was to have a share in the framing of the laws, whether or not these laws were intended to limit or hamper the liberty of individuals, the liberty of priva

life, which the moderns put before every other. As to the idea of right, how completely was it mingled with and subordinated to that of force! The will of the people passed for right, and what was judged useful, even though contrary to justice, became the sovereign rule of public action. It was in vain that Aristides, at Athens, protested against this doctrine, in the name of a select minority. It had the approval of the people, who applauded Themistocles as the defender of these convenient maxims of government, the only ones that were popular, the only ones that were practiced.—In modern times democracy has not, nor could it have, the same meaning as in antiquity. If the ultra-democratic governments are not exempt from the vices and dangers which characterized those of antiquity, it is none the less true that the very notion of democracy differs profoundly from that which the ancients formed of it, and that it no longer responds to the same ideas, or expresses exactly the same facts. The meaning attached to the ideas of liberty and equality is different in many respects. These differences are explained by the influence of Christianity upon ideas and manners, by the rise of a new moral and political philosophy, and by the development of industry and wealth —Modern nations were formed under the influence of Christianity, which has completely changed the general point of view from which man and society are regarded. Man, according to the conception which has prevailed for nearly eighteen centuries, even among those who do not adopt to the letter the dogmas and mysteries of the Christian religion, but who nevertheless feel the influence of its moral teachings, is sacred inasmuch as he is man, sacred in his own eyes, and sacred in the eyes of his fellow-men. According to Christian teaching man has an immense value, since God himself, to purchase and redeem him, did not disdain to assume his humanity. God has revealed to us the mystery of our immortal destiny, and all the means which can regenerate us and work out our salvation. This is the foundation of Christianity: a free, responsible soul, fallen, it is true, but in a condition to raise itself. What duty after this is there greater than to respect this responsibility in one's self and in others, than to develop the moral man in others and in ourselves? All the children of God are brothers; all the sons of Adam are equal in their fall; all the members of Christ are equal in their redemption. Let it not be said that these beliefs have been without effect, and remained dead doctrine. What could be more completely contrary to the laws of human nature, to the irresistible logic which draws facts from principles, moral and religious order from social order? and finally, what more contrary to historic truth? The belief in responsible liberty, in a common redemption, in equality before God, came into existence with Christianity itself. If a state of conquest and violence, if barbarity for a long time retarded its civil effects, it is none the less true that since the middle ages the slavery of antiquity has disappeared, protective institutions for the weak have multiplied, under the empire of a sentiment of charity until then unknown. The poorest, the humblest, the most oppressed, regarded themselves as the equals of kings and lords, inasmuch as they were subject to the same religious obligations, and believed themselves called to the same chances of happiness in another life. The serf, overburdened with misery, cast a glance toward the heavens as toward the future home of equality. The victim of injustice, in the depths of his own soul, he cited his master before the tribunal of the supreme Judge. These ideas of equality, born of a community of faith and hope, and which resulted from Christian dogma itself, found a visible expression in the organization of the church. There the fact of birth was long accounted nothing. Merit was everything. The bishops and popes frequently came, like the apostles, from the mass of the people. The simple sons of peasants exercised over princes an almost absolute empire. Election was the mark of equality. With time this democratic character of the church was modified, but did not disappear; and in 1789 it was advocated by a majority of the members of the clergy who were seated in the constituent assembly. Did not the ideas of equality and Christian brotherhood, as applied to society, manifest themselves at the time of the foundation of the English colonies of America? Who, then, will deny that American democracy was born of Christianity?—From this we may estimate the distance which separates the ancient from the modern idea of democracy. The thoroughly democratic idea that men are responsible solely as men, have rights because they are men, are valued solely as men, and as men should mutually love and help one another, is pre-eminently a Christian idea. Neither the maxim, "render unto Cæsar the things that are Cæsar's," nor the precepts of resignation and obedience, can do away with this truth. It was not sufficient for Christianity to espouse the cause of the oppressed and the feeble; it was not sufficient for it to curse the bad rich man, and make of the poor its chosen children; it was not sufficient for it that the apostles and their successors were themselves of the number of the poor; the sentiment of their rights came to men only with that of their moral value.—If democracy finds its title to recognition in the ideas of liberty, equality and Christian fraternity, why can we not see that it finds it also in philosophy? The principle of liberty has been incessantly vindicated by philosophers, under one form or another, since the seventeenth century. Descartes claimed it for pure thought; Montesquieu introduced it into political philosophy; Voltaire became its defender in the interest of universal inquiry. Philosophy proclaims the inviolability of the human person, without regard to race, color or opinion. In spite of differences and inequalities, it finds the same human nature in all, and founds upon this

identity an equality of rights. Its desire is to develop man; to see every individual raise himself to the height of excellence and happiness of which he is capable. It exalts sociability, the fraternity of sympathies and interests; it maintains in the hearts of men the idea of right; it attacks unjust distinctions and odious privileges: in a word, it presses onward, with the aid of the weapons which are its own, that is to say, by enlightenment and reason, toward liberty and civil equality.—Must we not say as much of the modern development of industry and wealth? Do not these modern powers manifest the same tendency toward freedom and a greater effective equality? Nor is there any more necessity to-day than at any other epoch, of supposing that equality of conditions could or should always be absolute; for this would be the very destruction of civilization. But if wealth continues to develop with its inevitable and desirable inequalities, is it not now more equitably divided than ever before? does it not more than ever depend upon labor? Landed property is considerably divided up: this was remarked to be the case even before the French revolution. Movable property has increased prodigiously. Restrictions on labor have in great part disappeared. Exchange of wealth is carried on in most countries without meeting with any artificial obstacles at home; and as to international commerce the idea of the solidarity of nations mutually interested in each other's enrichment has taken the place of their commercial antagonism. Industry, in fine, with its improved processes, places its products within the reach of almost all. The circle of those who are able to enjoy bodily comfort and intellectual advantages increases daily. This is the social condition called democracy.—In the last analysis modern democracy, which we first consider in its most general character and in its most favorable traits, tends toward a state in which, conformably to the data of Christianity, of moral and political philosophy, and of the development of wealth, a greater number of men continually enter into the possession of intellectual, moral and material benefits. The diffusion of knowledge, a more equal division of the gratifications which constitute comfort, a more general participation in civil and political rights, essentially characterize it. It proposes to substitute merit for chance, and right for injustice. It shelters itself under the shield of the doctrine of perfectibility, which is applicable not only to the works of the human mind, to the discoveries of science, and to the inventions of industry, but also to the social condition and to the political and economic combinations which may serve to improve it. Modern democracy thus seems to be the result of a great progress in ideas and beliefs, of a slow transformation already effected in part, and which still continues, in manners, customs and laws. That each man may be more and more a man, that is to say, better realize the type of humanity, by the development of all that constitutes it, is the end to which it aspires. The development of power for the individual and for the species, the increase of dignity and comfort, such is its ideal.—This ideal will never be attained, even in part, without great difficulties. The first of these difficulties is human imperfection. Would a pure and absolute democracy suit men? Rousseau himself doubted it. But in order to approach even to the ideal which we have just outlined, man has need of constant efforts over himself, of learning, of wisdom, of virtue. It is not in consequence of a vain and declamatory reminiscence of ancient republics that Montesquieu made virtue the soul of democracy. A state which calls man to an energetic and complete control of his being, and which bids him govern himself, by emancipating him from the guardians to whose hands he intrusted the care of his destiny, evidently can not sustain itself but by the continual sentiment of responsibility and duty. How, for example, would democracy, taken in the favorable sense which we have just given it, maintain itself, if the taste for immoderate enjoyment should prevent work, destroy economy and attack probity; if the desire of living upon the fruits of other people's labor, if the contempt for justice, trodden under foot by an unrestrained egotism, should be substituted for moderation, for the spirit of equity and right? Moral disorder such as this could not but prepare the way for slavery: anarchy would not be slow to open the way for despotism, following an accustomed formula, of which history furnishes the elements and the proofs.—We shall now consider democracy, first under its civil, then under its political form, in society, and in the government. The real and grave reasons for this distinction will soon be seen.—II. *Of Democracy in the Civil Law and in Society.* We have distinguished the democracy which determines the civil relations of citizens from that which gives to power its political form. A sensible proof of the reality of this distinction may be found in France, where society has long been democratic to a remarkable degree, and where power is not purely democratic in its composition, and has retained in the main the monarchical form down to a very recent date. The democratic nature of society is recognized especially by the equality of rights which is manifested in industry by free competition, and in the professions by the admissibility of all citizens to practice them. Who does not know that property and labor are no longer monopolies? The extreme mobility of property, on the one hand, and on the other the facility which each one has of choosing his own state in life, of freely carrying on his trade or business; are not these living and familiar proofs of this equality of rights which refuses no one access to the goods and labors which lead to it? A certain equality of condition results, and must result, from this equality of rights. In fact, as soon as liberty presides over the distribution of wealth, the chances are equal for all. Vast accumulations of wealth are now only exceptional,

and are subject to the laws of change common to all, to exempt themselves from which was the aim of the privileged aristocrats and nobles. If a clever man, who has become rich by fortunate speculation, leaves a great amount of wealth to his children, this wealth will be reduced by division among several heirs, and will perhaps be lost by incapacity or dissipation. Thus will the democratic tendency of the different classes of society to intermingle find an increased facility for further growth. Thus will the advantages of merit and of good fortune, which are purely personal, be substituted for hereditary family renown. This tendency, which is the result of the doctrine of *laisser-faire*, receives in France a new force from the law, which makes the equal division of property among the children of the same father obligatory. The inability, under which the father of a family in France is placed, of favoring one of his children to the prejudice of the others beyond a certain limit, is, as all admit, one of the instruments of democratic equality. But must we believe, with some publicists, that equality is inseparably attached to such a law? The proof of the contrary is found in the fact that the same equality exists in the United States, although it is not there prescribed by law, but remains optional. To make the eldest son sole heir would seem as iniquitous to an American as it seems natural and just to an Englishman. Custom seems to have the same tendency, and almost the same intensity, on this point, in France. How could it be otherwise, when we remember that equal partition had become firmly fixed in the customs of the third estate, long before the French revolution, as M. Augustin Thierry has proven in his introduction to the "History of the Third Estate"? It is not probable, therefore, that, if full liberty were left to fathers of families to dispose of their property, it would not have worked any such great change as is generally believed in a society so saturated as ours is with the idea of the equality of all the children of the same father? Without here entering into details which would lead us beyond the limits of our subject, we still believe that there are serious objections to absolute liberty in the making of wills. Let us admit, with its advocates, that by its means many a bad son would be punished by the deprivation of his inheritance, and that some children who had been unfortunate in their business, or who had contracted disadvantageous marriages, would receive a larger share. Some cases of extreme partition of landed property might be more easily prevented by its means, although means of preventing excesses of this sort are not wanting even now. On the other hand, the well-known evils which result from absolute liberty in making wills would have full sway, to the prejudice of families and society. To resume: there is nothing to make us foresee the abrogation of the law of descent in France, and it is not to be believed that democracy, assured as it feels of the power of established customs, would long consent to completely lose such a weapon. Moreover, whether deservedly or not, unpopularity would, in France, attend any too absolute measure of this nature, though it were authorized by the purest theories of liberty, by the intention of regenerating the family by respect and fear, and even by the intention of manifesting greater regard for property. People would see in the omnipotence of paternal power, in this sense, but an inhuman desertion of the children, and an unpleasant possibility of the re-establishment of the right of primogeniture and of substitution.—Another feature of equality in democracy is the necessity under which each citizen is placed of contributing to the national expenses in proportion to his power. This is the only truly liberal interpretation of democracy. It makes of the payment of taxes a true title to citizenship, even for the poor, instead of numbering them among the crowd as individuals without duties and without ties to society; while at the same time it subjects the well-to-do and the rich, who receive from the state a greater protection for their property and their persons, to the necessity of bearing a greater portion of the expenses. But this manner of looking at taxation does not satisfy all democratic schools. Many believe that democracy ought to exempt citizens, not in very easy circumstances, and not having a certain minimum income, from all taxation. Some desire the establishment of a progressive tax, that is to say, of a tax increasing progressively with the fortune of the individual, and which, therefore, would take, not ten times more from him who had ten times more, but fifteen or twenty times more, according to the arbitrary will of the legislator. This is not the place to consider all the economic and political consequences of graduated taxation, which most fortunately has had but a very limited application in practice. But we should observe that it gives rise, in the democratic schools which sustain it, to a false idea of democracy, that of the state constituting itself the judge and equalizer of fortunes. Nothing is more incompatible than such a pretension with respect for liberty and property, which is the first duty of modern democracy. Liberal democracy ought, above all things, to avoid yielding to theories that recognize in the state the right to do everything. If it establish the arbitrary division of fortunes, if it introduce progressive taxation, is it not evident that it places itself, whether it will or not, upon the very verge of communism? It can check itself by moderation, but this would be the abandonment of its principle. Woe to the democracy which would make of leveling by the state a dogma and a point of departure! It would betray itself, and sacrifice liberty. How entirely right was the chief whom the French republican-democratic party mourned 50 years ago, when he thus replied to the manifesto of the democratic levelers and more or less openly avowed communists, who had their centre of action in the society of the rights of man, in 1832: "Graduated taxation, the taxation of jealousy and not of justice, would not distin-

guish between idle and laborious wealth. Graduated taxation would punish all wealth without distinction, under the false notion that every rich man devours the substance of a certain number of poor men. * * Between this system (the liberal system which confines itself to abolishing unjust privileges in the matter of taxes) and that which would consist in declaring the state alone rich, the sole proprietor, the sole producer, the sole consumer, the sole regulator of national activity, the sole inventor, the sole creator in the arts, in industry, in the general movement of civilization; between these two systems, we say, graduated taxation would hold but a hypocritical middle course; it would have for its object, while concealing this end, the destruction of all wealth."—This system of the monopoly of industry and wealth by the state, described with so much force by Armand Carrel, is to too great an extent the temptation and danger of democracy for us not to insist upon it here. For the very reason that the natural course of events, the free play of interests, bring more equality into democratic nations, the need of equality becomes a veritable passion, and shows itself more shocked at the inequalities which exist. It pretends to do away with these inequalities, and to bring the different classes, which are so variable in their composition, to one common and tyrannical level; it wishes to have no longer either rich or poor, either masters or workmen; it insists that all shall be equal in fact as in right; and the most consistent of its advocates do not recoil before the thought of absolute equality of wages for all producers, regardless of condition, as well for the minister of state who governs, the incumbent of a high office, for the head of a manufacturing establishment, if there remain any such, as for the meanest laborer.—An unenlightened but generous desire for the amelioration of the lot of the poorer classes, together with the far less noble sentiments of cupidity and envy, concur in inspiring democracy with such thoughts. How many accomplices and dupes it easily finds! It therefore becomes the duty of publicists and economists, of the men of good sense in democratic nations, constantly to combat them and to propagate sound ideas upon this subject. Is it not clearly evident that inequality of conditions enters into the divine plan; that it results, in society, from the inequality of the talents which we receive from nature, from opportunities more or less favorable, and finally and above all, from the more or less judicious use of our moral and bodily faculties, which is the result of our free will? All can not be generals in industrial pursuits and in the professions, any more than in the army; and it is difficult to see what society would gain if all should remain in the rank of common soldiers under pretext of democratic equality. On the contrary, is it not clear that society would lose much by such an arrangement? Science and its applications; arts and letters, with their grandeur; wealth, with its almost indefinite faculty of development; civilization, in fine, do not prosper but on condition of vast accumulations of capital, and a hierarchy established in the division of labor. · Liberty, therefore, with the inequalities which it engenders, is as necessary to them as air and exercise are to human life and development. —Nor can we readily understand, once we cease dreaming of an absolute equality as chimerical as it is unjust, how democracy can, under the influence of liberty in all human transactions, fear the encroachments of an inequality which nothing in the law favors. Liberty constantly aims at removing all inequality except such as is absolutely necessary to the progress and advancement of human society. Human action, under a thousand forms, always on the alert; always busy divining and satisfying the wants of others, in order to obtain the satisfaction of its own wants; sharing, as the price of its exertion, the mass of social wealth; agreeing upon the share of remuneration which shall belong to each: such is the spectacle presented by democratic society. Industry, which desires an extensive market, endeavors to produce what will be of universal use in consumption. Useful discoveries are of profit to all. The possession of property, by becoming more general, seems itself an instrument conducive to a community among men, so much does it lose of its exclusive character, so much does it diffuse its blessings among the masses in the shape of labor, profit, wages, and in enjoyments which become accessible to all classes of society. From this point of view it seems surprising that M. de Tocqueville, the eminent writer who has expressed such profound views on democracy, should have seen any reason to fear that liberty was destined to lead to such accumulations of capital in the hands of a few as would give rise to an oppressive aristocracy. He repeated an accusation believed by many, an opinion not wanting in adherents, but which has, it seems to us, but little foundation, when he professed to believe that the great manufacturing interests would engender a sort of industrial feudalism more oppressive than the old. "The territorial aristocracy of past ages," he writes (*De la Démocratie en Amerique*, vol. iii., part ii., chap. 20), "was bound by the law, or believed itself bound by custom, to aid its servants, and to relieve their misery. But the manufacturing aristocracy of our day, after impoverishing and brutalizing the men whom it uses, leaves them to be supported by public charity in times of crises. This is the natural consequence of the preceding. Between the workman and his master there are many relations, but there is no real association. I think that, all things considered, the manufacturing aristocracy which we see growing up before us is one of the hardest which has appeared in the world; but it is at the same time one of the most limited and least dangerous. Nevertheless, it is thither that the friends of democracy should incessantly and anxiously turn their gaze; for, if aristocracy and a permanent inequality of conditions ever again make their way into the

world, it may be safely predicted that they will enter by this door." Whatever favor this opinion of M. de Tocqueville may enjoy to-day, a lasting and excessive inequality of conditions can never enter by this door; and the economic reasons which forbid it are too numerous for us to mention them all here. De Tocqueville clearly exaggerates the importance of the great manufacturing interests in a country as thickly settled and as extensively engaged in every sort of industry as France, for instance, when he attributes to them such influence. Everything opposes it; the partition of estates, the association of small sums of capital, the diffusion of wealth, the progress of the working classes, which prevents their return to a state of slavery. We can not justly style *aristocrats* the great manufacturers who enjoy no privileges, and to whom competition makes life one incessant struggle. Besides, is the opinion of M. de Tocqueville consistent with itself? Does he not admit that this aristocracy, if it be an aristocracy, *is one of the most limited and least dangerous?* Except in case of certain articles of general use, such as cotton, wool and iron, for example, it will very likely be with parceling out of industrial labor, at least in part, as with land. The small manufactures will maintain their rights. The law of the division of labor favors, it is true, in industry, vast agglomerations; but they have their limits, and they can not do everything with a sufficient degree of perfection. Perhaps democratic equality will have more to fear from the monopolies of large companies than from manufactures. The problem is a difficult one, we admit. Democracy, or, to speak more correctly, the common weal, finds itself between two dangers; either to allow great companies to abuse their monopoly, or to place some important industries under the exclusive control of the state, which has already too great a tendency to encroach upon private enterprise. The reasonable remedy is to have the fewest monopolies possible, instead of increasing their number, and to hold them to a strict account.—The consideration of what is, and what may be in the future, the influence of democracy upon morals and upon the human mind, is of an entirely different nature from the foregoing. The author of "Democracy in America" devoted the last two volumes of his work to this important inquiry. He does not concede, as is so often done nowadays, the necessary abasement of the human intelligence by democracy; he thinks that there will always be found there, by the side of *vulgar* taste and the vast amount of work destined to satisfy it by its cheapness, higher tastes for art and science, represented by a gifted class, and rewarded by the wealthy class. He explains with great nicety the reasons why the example of the Americans does not prove that a democratic people can not be possessed of an aptitude for the higher sciences, literature and the arts. What is styled its vulgarity, is not, however, the only moral danger to which democracy is exposed. Another is the excessive individualism which is developed by the idea and habitual practice of the sovereignty of the individual, who is constituted judge of what is right and true, and sole judge of his own affairs. The pride of individualism easily engenders envy and contempt for superiority. It has, nevertheless, no matter how serious the danger, its natural correctives. No one feels more than the individual member of such a society the impotence of isolation. He has no support, unless he create it for himself. He therefore seeks associates. The idea of the great association, his country, will address itself to his imagination all the more forcibly, perhaps, as the individual sees nothing between it and himself. The collective sentiment of patriotism has undoubtedly worked wonders in the democratic states. The great danger of our day is to be apprehended from the purely humanitarian doctrines which destroy patriotism, and from the predominance which is given to questions of wages, by which the workman is tempted to see a brother in a workman of a foreign country, in league with him, and an enemy in the capitalist who is his fellow-countryman. This danger is great. It must be watched and combated, in order to be warded off. It is asked [in Catholic countries, like France.—ED.], in the matter of faith and opinions, if democratic individualism does not lead necessarily either to philosophy, which appeals to reason alone, or to Protestantism, which accords a greater part than Catholicism to freedom of choice and investigation. Whatever may be said on the point, there is nothing to prove that Catholicism is not perfectly compatible with democracy. There are even serious reasons for believing that democracy and a religion founded on authority have some affinity. Is there not reason to believe that a superior authority, speaking in the name of God, will have more chance of being heard and obeyed where every individual considers his reason equal to his neighbor's, and is unwilling to defer to others, while at the same time he has not the leisure to form religious opinions for himself? Equality could not but rejoice in such an authority; and that exaggerated taste for authority and for unity, which in democracies serves as a counterpoise to individualism, would find herein wherewith to satisfy its longings. We see, therefore, that if, in a democratic society, certain motives urge toward philosophy and Protestantism, the opposite current, which carries men off toward Catholicism, has also its force.—Another essential characteristic of democracy, when we examine its influence upon public thought, is, that it is, perhaps, less favorable to full and entire individual liberty of opinion than is generally believed. The tyranny of custom, the despotism of the majority, reigns sometimes in democratic countries in a more absolute manner than under any other form of the state. It seems that the deposit of beliefs, ideas and opinions upon which society lives, not being the property of any particular body, but frequently a sort of common

property, each one constitutes himself its guardian, and a guardian all the more watchful and suspicious for that reason. No writer of our day has marked more forcibly than J. Stuart Mill, in his remarkable work on "Liberty," this violent pressure of all upon the individual, and this tendency to impose the same type of mind upon all. It is for brave and energetic spirits to clear a way for themselves between false originality, which aims at effect, and excessive docility, which swims along with the stream. — One of the happiest effects of democracy among the nations of modern times is the softening of their manners. How can we help remarking that a good share of this improvement must be credited to the spirit of equality, although recent and terrible events have but too clearly shown how much still remains to be done in this direction, and how much activity is still retained by the fierce passions which produced the cruel excesses of 1792 and 1793, in France. The dire recollections of the Paris commune of 1871, and of such atrocities as the massacre of its hostages, should keep us from a too confident optimism. Nevertheless, this refinement of manners may be regarded as an advance made by the mass of the people and preserved by them under ordinary circumstances. A more real and more lively sympathy exists among like classes. The ages of aristocracy afforded a favorable opportunity for the display of generosity and devotion, but not of that pity and mutual commiseration which exist among equals.—The tempering of punishment for crime and the improvements in the international code, in like manner, have a similar origin to a great extent, whatever may be said of the ideas of parity and inequality. Such results may be expected to disappear with the democratic manners which have produced and preserved them.—In the family, also, democracy has very appreciable effects. It tends to substitute pleasant, unrestrained and affectionate family relations for relations purely hierarchical, founded on respect and fear. But, by the side of its advantages, it has its inconveniences. Women dream that they may easily find in it for themselves the rôle of active citizens, sharing political sovereignty, and a still more direful emancipation. Insubordination and precocious independence become the frequent defects of children in their intercourse with their parents. Where shall we find the remedies for this evil? In the strength of natural sentiments which we need not mistrust too much under the influence of a good education, which must ever remain our sole anchor of safety. Is it not a general truth that the more a law has lost of the sway which it owes to fear, the more deeply should it be engraved on the heart? This truth may be applied to the whole moral system of democracy. No form of government supposes men are better instructed in their duty than democracy, nor expects from them more seriousness in thought and feeling. To instruct democracy is well, but it is not everything. It can not do without those two elements of the moral order which too often appear to be wanting to it—respect and devotedness. Without these, there is for democracy but the hazard of intestine broils, anarchy, and a sceptre of iron, to supply the place of respect and duty, which were wanting —III. *Of Political Democracy or of the Organization of Power in Democratic States.* Democracy in the social order involves, to a certain extent, democracy in the political order, because a certain participation of the masses in enlightenment, in prosperity, and in the enjoyment of civil liberty, has for its natural consequence a certain participation in power, that is to say, in the exercise of sovereignty. But let us understand to what degree the government ought to be democratic. There are three conflicting opinions on this point. One, the most extreme of the three, holds that democracy, to be real democracy, requires the direct government of the people, without the intervention of a national representative body, which, according to them, soon distinguishes itself from the mass of the people, and which is even distinct from them by the position of its members when elected. They deny that a representative body can truly express the changeable desires and wills of the mass of the people; the national will, they say, can not be delegated. Rousseau is the leader of this school, and the "Social Contract" is its gospel. Who can not perceive how false and impracticable such a system is in populous countries? We can indeed, with an effort, picture to ourselves the citizens of Athens constantly occupied in voting, although the poor had to be induced to take part in the elections by pecuniary considerations. But is such a state of things conceivable in France, England or the United States? Have the citizens of these countries the time, the inclination or the means to spend their lives in the public square? Who does not understand that, even if they were willing to do it, there could result from this daily contest of opinions and of votes but a frightful anarchy? Are all citizens, without exception and without difficulty, fit to choose their deputies? Have all citizens the degree of fitness which would enable them to pronounce, from their knowledge of the case, upon all matters in home and foreign affairs? Representation is, therefore, an absolute necessity in large political communities. The representative system, without aiming at perfection, has no insurmountable inconvenience. The temporary character of the representative's commission affords an opportunity to restore the concord which may have ceased to exist between representatives and their constituents. The restriction of deliberation on public affairs to a limited number of competent men is an advantage. The final vote on matters of general interest is protected from the unreflecting fancies of the multitude. The important point is, that the election, deliberation and vote of representatives should possess the qualities of freedom and honesty. How can it be believed that, under such conditions, national

sovereignty must cease to reside in the people? Is it not the people who choose? Can they not recall those whom they have appointed, at the expiration of their term of office? Finally, has not every constitution, which is in the least degree imbued with a liberal spirit, recognized the necessity and furnished the manner of appealing from the deputies to the people themselves in the case of certain solemn and decisive questions which concern the destiny of the country, or its general policy?—Of the two other opinions upon the constitution of power in democratic states, one, which is also radical, though less so than the one which we have examined, favors the greatest simplicity of power; no mingling, no balancing; but the democratic element in all its purity. One single omnipotent house and an executive power entirely dependent upon it: this is rigorous democratic orthodoxy. The other opinion far different from this, alleges, on the contrary, that democracy has no more dangerous enemy than this radical simplicity, which leads directly to tyranny. If the popular element alone is represented; if no account is taken of social distinctions; if that portion of natural aristocracy which exists in the most democratic state, not subject to the leveling despotism of communism, has not its representation in the state; if there are not two distinct houses to give greater weight to deliberation, and to represent, one the life, the other the tradition of the country; if there is not an executive power with a sphere of action independent to a certain extent, except of the responsibility which rests upon it or upon its agents—democracy will produce all the abuses it is capable of: it will be by turns, or all at once, violent and oppressive, lawless and anarchical. What can an unlimited and unrestricted power do but take the way to which it naturally inclines? Henceforth, no wisdom, no maturity, no moderation; a headlong course, rash or systematic, which nothing can check and which blots out all differences, is the lot inevitably reserved for extreme democracies.—We shall now touch on the principal law which the constitution of power in a democratic state should obey. That law is to respect liberty.—So true is it that here lies at once the peril and the duty of democracy, that an eminent publicist, John Stuart Mill, finds no other point upon which he agrees, in this matter, with de Tocqueville. He was preoccupied with this matter, even to disquietude and alarm; and it was to find a means of solving the problem that he wrote his two political works, "Liberty" and "Representative Government." There is a triple problem on whose solution hangs the destiny of democracy: not to crush the minority under the weight of the majority, the individual under that of centralization, nor liberty under that of equality.—Those who have dared to maintain that the majority can do everything, start with a very false idea, that of the unlimited sovereignty of numbers. Is it not justifying every crime to believe that the majority can do everything? Does not such an idea destroy altogether the idea of justice? Radically to change the institution of property, to destroy the family, is henceforth only a question of majority. Henceforth no law but that of force! We are told that all the consequences of this monstrous doctrine will not be thus logically drawn. Admitted. But it is sufficient that it should prevail to lead gradually but inevitably to tyranny. What, this being supposed, would prevent the majority's depriving the minority of freedom of speech and the various means of persuasion which might enable it to become the majority? Oppression of minorities, even to extermination, is written on every page of the history of the French convention. The constitution of power in a well-regulated democracy should prevent this misfortune, which would be but substituting the tyranny of the greater number for the tyranny of one man or of an oligarchy. In a word, there should be recognized certain rights superior to mere human convention—rights, without which government is nothing more than arbitrariness.—Finally, there is in democracies a strong tendency toward concentration, toward that exaggerated centralization the inconveniences of which have been so often demonstrated. We need not explain in all their details the reasons which render this tendency toward concentration so powerful. In France, it has been customary to attribute it to the national character, as is now said, to the race. But, independently of this explanation, the value of which we shall not stop to examine, democracy itself suffices to develop it. It is in the nature of democracy to be unfavorable to intermediate bodies which interpose between the people and the state. Love of equality gives rise to a great repugnance for everything that might give these bodies an importance of a nature to destroy this equality. The sovereign alone does not excite envy. Democracies want the same rule for all, a rule which intermediary bodies and powers other than the central power are not very solicitous to maintain or enforce. Not specially attached to any particular organization from which he receives his strength, and which sustains him in his weakness, the individual turns to the state. He is tempted to demand everything from it—education, employment, assistance. This general disposition will, almost inevitably, be encouraged by the government; for, in the first place, it is natural for it to favor an equality which causes it no trouble, and which makes it universally popular; and, in the second place, the government, which is represented by men, partakes of their passions. How can it be thus tempted every day with impunity? and how can we expect that it will have virtue enough not to take what is offered it, even if it do not desire to take more? How especially true is this of nations among whom equality has been introduced by absolute power, and has triumphed by revolution! As the classes accustomed to direct local affairs have now disappeared, there is left to the masses only their own inexperience, with no re-

course but to invoke the aid of the government in all the details of administration. Nations which, like the American, have begun with liberty, and have had long experience of it under all its forms, are much better prepared to meet this danger. With the Americans, liberty dates from the mother country; it is a custom with them of several centuries; the spirit of liberty is with them traditional. The new fact in their case is democratic equality, a fact which requires a much shorter period of apprenticeship; for equality is a passion, and liberty often a responsibility and a duty. The advantages of centralization, even administrative centralization, should not, however, be denied. If it has its drawbacks, and its complicated bureaucracy, how many things does it not do with more order and rapidity, and with less expense! It is, moreover, capable of being improved. The French financial system is a striking proof of this. But excessive administrative centralization, to which democracy inclines, has a radical defect: it stifles local life and individual initiative. Such centralization is destructive of individual merit. How remedy it? and is there any hope of doing so? Whether nations, like individuals, can be taught wisdom, is an ever-recurring question. A sensible democratic people will strengthen their institutions in such a manner as to strengthen themselves. They will oppose reason to instinct, foresight to passion; they will profit by experience; they will take to heart the lessons of history; they will endeavor to improve the art of politics as they endeavor to improve the machinery by which they exercise their power over nature and the elements of well-being. We must, therefore, disseminate intelligence and the knowledge of political science. This science can not do everything without the aid of morality; nevertheless it can do something, and we believe it can do much. —The question of the connection of liberty and equality may be reduced, in part, to the same terms. The danger of sacrificing the latter to the former is great in democratic states; is it therefore irremediable? Has not equality itself, although it does not always perceive this truth, and has been more than once inclined to sacrifice it, a profound interest in respecting liberty? Is not liberty the guarantee of equality? Vainly would a people hope to preserve equality if they renounced liberty. When despotism governs a nation, does it not invariably introduce a system of privilege and monopoly, and do away with equality, in the interest of baseness and unworthiness? We must not forget, however, that equality, at least a relative equality of conditions, favored by democracy, is founded mainly on civil equality, that is, on an equality of rights. What is civil equality? It is equality in liberty itself, equality before the law. The future will show whether or not democracy, confronted with so many problems, to reconcile the terms of which requires a powerful mind and an upright, courageous heart, can steer its course between the reefs and reach port in safety.—To increase the power of the individual, instead of sacrificing him to the state, without sacrificing the requirements of public order, is the most difficult task imposed upon modern democracy. It is not only a political but a moral problem. Politically speaking, can we insist too strongly upon some degree of decentralization; on the carrying of life from the centre whence it flows, toward the extremities and to all parts of the political organism? These measures, however, would be insufficient, if, independently of the education necessary to form the citizen, the individual were not penetrated with a feeling of the responsibility which renders him at once the vigilant guardian of his rights, and the scrupulous doer of his duties. The improvement of society is intimately connected with the improvement of the individual. Sound judgment, upright sentiments, the habit of activity, dignity of character, which relies upon itself and not upon others, respect for superiority, a love of justice and moderation, sympathy with those in distress; such are the qualities requisite to assure success to democracy. Human imperfection will undoubtedly remain; but it is only on condition of the predominance of these qualities among the masses, that democracy can secure the realization, so much to be desired, of the grand principles of justice and charity, of which, after all, it is only the expression. Otherwise, it is nothing but a displacement, a passing of force into the hands of the masses.—We cherish the hope that this is not the meaning that modern nations would give to democracy, whose power still continues to increase; although we can not deny the threatening gravity of certain symptoms which seem to sanction such a meaning. The profound resemblance which is found between the social and political development of the different European nations for several centuries, the more and more uniform character which civilization is assuming daily among them, the removal of the inequalities which created real abysses between the different classes of society, the progress of ideas which make the whole world gravitate around certain grand principles which are everywhere the same—everything, in fact, announces the advent of democracy in the whole Christian world. To speak of its destinies is to go beyond the sphere of a nation; it is to take in the future of humanity.

HENRY BAUDRILLART.

DEMOCRACY, Representative. Democracy means, literally, the rule of the *demos*, *i. e.*, of the free citizens.—I. *History.* The idea and the word (democracy) are of Hellenic origin. In their relations with foreigners or the barbarians, the Greeks looked upon themselves as aristocrats. In their relations with one another at home, in their petty states, they were democrats, and felt as such. In earlier ages, it is true, supreme power was confided by them to numerous kings; but even then the kings were limited by the voice of

the people and the council of their equals. Power next passed from the kings to the aristocratic class, and from it to the people, the *demos*. The man, as Aristotle (Pol. iii., 1, 6) says, was held to be more of a citizen than others, who was at the same time fitted to rule. The Athenian democracy was, in spite of its faults, and although the time of its bloom was short-lived, the crowning glory of the political *instinct* of the Hellenes.—Until modern times democracy nowhere appeared with such brilliancy as among the Greeks. The republic was the ideal of the Romans, but not democracy. The period of the middle ages was not favorable to the democratic form of government. In the cities alone did ordinary citizens here and there have any power. But even in the cities the aristocratic element soon regained the upper hand. This is true even of the Swiss towns and provinces which, in their struggles with princes and nobles, asserted their independence and maintained popular freedom. In the cities either a patriarchate was established over the citizens, or the citizens of municipalities formed an aristocracy, to whom the rural population was subject. In the provinces the old rural population took precedence of new comers; and in many families the public offices were almost hereditary.—A great change was first operated in North America. In the new world a new form of the state appeared, representative democracy, a form of democracy very different from the radical democracy of ancient Greece. The Persian Otanes (Herodotus, iii., 82) enumerates five characteristic marks of the ancient democracy: 1, an equality of rights for all; 2, the rejection of arbitrary power as ordinarily exercised by eastern princes; 3, appointment to offices by lot; 4, responsibility in office; 5, deliberation in common, and the framing of laws in popular assemblies. The two very specific marks of ancient democracy, election by lot and the popular assemblies, are rejected by the new democratic republic, which fills offices by election, and, instead of the rude popular assemblies, has introduced representation by election. In both regards the democratic principle has been corrected and complemented by the aristocratic preference for the fitter and more intelligent. Ancient democracy was what may be called pure democracy; the modern is representative. Representative democracy is democracy moderated and ennobled by the elevation of the best. The remaining peculiarities enumerated above of ancient democracy have become the common property of all civilized states. They are incorporated in their constitutions, especially in those of constitutional monarchies.—Representative democracy is, in America, not the *final* independent form of the state, as it was in the Hellenic cities, but the first, the one with which American freedom began. It grew up not in a struggle with a native aristocracy, but naturally, in virgin soil, from the laying of the foundations of the Union. The same Anglo-Saxon stock, ennobled by Norman elements, which during the middle ages laid in England the foundation for the most powerful aristocracy and was first to develop representative monarchy, has in modern times produced in America the most powerful democracy in the form of a representative republic. The spirit of freedom, self-reliance, the common law, and an understanding of representation, were brought by the settlers from their home. The Puritans of New England were all men of the English middle class, who had withdrawn from the aristocratic Anglican church and esteemed each other as brothers. They were filled with the democratic ideas of freedom, equality, self-government and citizenship, as is shown by that famous statute of the Plymouth pilgrims (Nov. 11, 1620). Although there were more aristocratic elements in the southern colonies, yet even in them no aristocratic constitution could be maintained. The planters did not need the protection of the aristocracy. They helped themselves.—But this equality of freemen was at first recognized in the Anglo-Saxon race and was extended only to *European* immigrants who became more or less assimilated to that race and thus Americanized. The aborigines had as little part in it as the African negroes who were introduced into America for economic reasons. It is only in our own time that the Union has risked the dangerous experiment of treating the emancipated negroes as a component part of the American *demos*. It took this step, evidently, because it had the firm confidence that in spite of it, the Anglo-Saxon stock would continue to be the controlling element.—A masculine national character is clearly the fundamental condition of a democracy. But few nations have the mental qualities and the temper necessary to govern themselves. The Anglo-Saxons possess these in a high degree. If they can transform by political education the people of other nationalities who are pouring into the Union, representative democracy will be maintained there. The great number of Germans who have gone to the United States are most easily transformed in this respect. The Irish are less easily so; and should the latter be able to change the fundamental character of the American people, they will also change the fundamental character of the American form of the state. The religious education of the American colonists contributed as much to their freedom as did their Saxon blood Protestant freedom extended its hand to political freedom. Religious liberty became a principle of law in America for the first time, "There is no religious teaching in the United States hostile to democratic institutions. Even Catholic priests distinguish two intellectual systems. In the one, revealed religious truths, to which they submit unconditionally, prevail. The other, that of political truth, they look on as a province which God has left to free investigation, and to man." (Tocqueville *Amérique*, i., 350)—The republican spirit of self-government grew up under the influence of a number of free institutions, even while the colonies were yet under the English rule.

The most important of these institutions were: 1. Inherited traditional protection of personal freedom by the law against arbitrary commands, against arbitrary imprisonment; the right of assembly and the right of petition, as they were developed in the English common law. 2. The right of trial by jury in civil and criminal cases. 3. The assembling of free men within the town and county, and at first also within the colony, to discuss and take measures concerning matters of general interest. 4. When the colonies increased in population, the election of representative assemblies, to co-operate in statutory legislation, in the imposition of taxes, and in exercising a control over the administration. 5. The participation of prominent citizens in administrative councils, which, together with the governor, looked after public affairs. 6. The early creation of common schools and the making of education general. 7. The militia system, in opposition to standing armies. In certain colonies the representatives even elected the governors who stood at the head of the colonial government. 8. Self-taxation, and the refusal to recognize taxes imposed by authority alone.—When the colonies rose up against the mother country and separated from it, the foundation on which the structure of representative democracy so quickly rose, was already laid. Twice previous to the present decade did the French nation try to imitate the American form of government, in 1793 and in 1848, but without permanent success. All French history shows a tendency toward centralization; and the entire French administration is carried on from the central power of the nation at Paris, through the agency of dependent officials. This system naturally culminates in a powerful monarchy. Hence from the ruins of the revolution, after the downfall of France's kings, the two Napoleons, Cæsarian autocrats, arose and were supported by the masses, who felt the need of authority and peace in the state. The result was a new monarchy on a democratic basis.—On the contrary, American representative democracy found a favorable field for imitation in the Swiss confederation, because the population had received previously a republican education and were trained in self-government. Switzerland, it is true, was first organized on the French model, and consequently with too great unity as a representative democracy, under the name of the Helvetic republic, in 1798. But when this constitution was destroyed, in consequence of the revival of cantonal independence, the cantonal constitutions themselves, in 1830, passed over into the representative form; and in 1848 the Swiss confederation was organized in the same way. In this way the Swiss constitution came to have a great resemblance to the American. Since 1868, however, a tendency has appeared in the cantons to abandon representative democracy and to approach to pure democracy, that is, to go from the nobler to the ruder form. How long this tendency will last, and whether it is the beginning of a decline, or only the transition to a better form of the state, can not be determined with certainty at present.—II. *The Principle and the Institutions of Representative Democracy.* Democracy always means self-government of the people; and by the people it means the people as an aggregation, *i. e.*, the majority of free and equal citizens as having part in the state. "The majority stands for the whole." (Herodotus, iv., 80.) This pure and direct democracy, however, is possible only in the case of a small nation which is not obliged to worry over the wants of the day, and has leisure to meet frequently for political deliberation. But as modern states almost always cover a wide extent of territory, and since the great masses, even the working classes, have acquired personal freedom and civil rights, but have neither the leisure nor the culture to govern the state, this form is not possible; and the nobler form of representative democracy has taken its place as the modern form of democracy.—The principle of representative democracy is this. The people govern themselves, but they do so by intrusting the entire administration of the state to their representatives whom they choose for that purpose, because the best and most qualified. All citizens have a part in the consciousness of political power; all may reach the highest position of authority which belongs of right only to the totality of the nation; but in fact only those can arrive at the exercise of power in the state who are distinguished by the possession of the confidence of their fellow-citizens.—The direct action of citizens is, therefore, limited chiefly to the following things: 1. Elections to representative places. American law, which requires that not only legislators but the president shall be elected by the people, is in this respect more consistent than the Swiss, which allows the executive to be chosen by election of the federal assembly. 2. In voting on the fundamental and constitutional law. 3. In a more general participation of the citizens in self-government (municipal administration, justices of the peace, jurors). 4. In the universal eligibility to public offices; in contrast to the privileged class. 5. In the exercise of individual and political liberty (freedom of the press, of religion, of trade, of association, assemblages, etc., etc.).—The direct exercise of popular sovereignty through representatives manifests itself in all the organs of the body politic. 1. In the legislative assembly, which is pre-eminently a body representative of the people. 2. In the government, in so far as it is intrusted to officials elected by the people. 3. In the administration of justice, which is also carried on by elected judges. Most offices are filled for a short term of years, so that frequent changes of officials take place; this is especially the case with the representatives of the people in the legislative bodies, and the chief governmental offices.—III. *Advantages and Defects of a Representative Democracy.* 1. The constitution develops the common feeling of honor and the sentiment of legal right among the citizens, and, at the same

time, rouses superior persons to competition. The patriotism of all stimulates talent of various kinds and leads them into the service of the country. While the constitution depends altogether on the will of the majority, it takes education into consideration, and is framed chiefly in the interests of the middle classes. It is not favorable to a towering aristocracy, but looks on it with mistrust and aversion. At times it is also dangerous to the classes which are below the level of the free and educated citizens, as the treatment of the negroes in the United States shows clearly enough, even now, after they have received freedom and civil rights.—2. Institutions which serve the great masses are generally very well managed. Representative democracies have everywhere good common schools, excellent roads, numerous institutions for the infirm, orphans, and other benevolent objects. It is more difficult for them to attend to the higher interests of art and science. Refined luxury does not flourish in the soil of representative democracy.—3. A peculiarity of this form of the state is the separation of the *right of the state-power* from the *exercise* of that power. This right is ascribed to the totality (the majority), the electors; the exercise of it to the minority, the elected. The governing are in principle dependent on the confidence of the governed, and the governed are in practice forced to obey the governing. This separation secures the governed masses from tyranny, but it weakens the government and causes it to approximate to a simple association. It can only prosper among a people having a high respect for law, whose patriotism is greater than their selfishness, and who know how to control their own passions.—4. The feeling of dependence on the masses is manifested least in the legislative body. The great assembly of popular representatives is inclined to identify itself with the people. Their feeling of power misleads them sometimes into taking rash resolves. Rarely have they the courage to oppose the wishes and views of the masses, for they fear the elections. Rather would they please the majority by oppressing the minority. It is therefore a necessity of this form of constitution that it set limits even to the omnipotence of popular representation. In America it has been sought to attain this partly by the division of the legislative body into two houses, and partly by the veto of the president.—5. Danger from weakness in representative democracies is seen more clearly in their *government*, which in smaller states, as in Switzerland, or the separate states of America, sinks to a mere administrative body. In a state like the American Union the importance of great affairs puts much power in the hands of the president. But the frequent changes through election render a permanent policy very difficult. The present comes to be everything, and the future nothing. The constitution can not endure a powerful permanent military force; hence no standing armies, but only militia. Other powers, therefore, are superior to representative democracy in the concentration of the forces of the state, but in return the forces of the people are more carefully husbanded by the latter under the rule of peace.—IV. *Significance of Democracy for the European Situation.* The expression democracy, like the word aristocracy, has a double meaning. We designate by it either a form of the state, or we understand by it only a part of the population, the great free classes of the people and a determinate direction of political institutions. The one is a legislative, the other a political idea. An impartial analysis of the conditions of modern Europe leads to this result: that the strength of the democratic element in the people and their political participation in the state has sensibly increased and is still on the increase.—1. The entire mental development of the time has a democratic character. The action of common schools has never been greater. Popular literature was never more disseminated than at present. The consciousness of self of the great classes of society has been everywhere awakened and has asserted itself by acts. The ideas of freedom, equality and fraternity exert an influence over all minds. The pantheistic tendency in philosophy is also favorable to the democratic way of thinking, since it looks on the world as a unit and all men as developments of the common material, or of the one soul of the universe; and this philosophy is very widely spread in Europe and America. Even the tendency of the time to individualism, though this principle favors difference rather than equality, acts in a democratic direction, since it rouses and increases self respect in all individuals, even in the lower classes.—2. Contemporary culture, economic conditions, and the individual rights of the present day, operate in a democratic direction. The ideas of the Roman civil law expressive of equality have found general acceptance, and dissolved the class differences of the middle ages. In addition to this, we have the free development of industry. In spite of all drawbacks the rights and well-being of the middle and lower classes are greater than during the whole period of the middle ages, and far greater than ever before in the history of mankind.—3. The increasing strength and growing consciousness of the great classes of the people appear the more important since the aristocratic elements have become weaker. It is all the more difficult for them to accomplish their natural task; to complete and balance the democratic elements, since between the two factors there is still at work much aversion, mistrust and hatred.—Nevertheless the inference is inadmissible, that the progress democracy has made in a social and political sense will extend to state legislation also, and that in the near future European states will obtain a democratic constitution. There are important reasons against such a transformation of European constitutions. 1. All the civilized nations of Europe have possessed from the beginning of their history various political elements. The Germanic races especially have always had democratic, aristocratic and monarchic elements

and institutions, and only their position changes in the course of time. Toward the end of the middle ages, which was favorable to aristocracy, the princely power and that of free cities arose. In ancient Rome the empire rested on the democratic masses, and similarly in France the short rule of the *demos* led to a democratic empire.—2. As American history has shown an inclination toward a democratic constitution from the beginning, European history for the last 2,000 years shows an indisputable tendency toward monarchy. Only the monarchy of the middle ages was limited by the aristocratic classes, and in modern times it is limited by democratic representation. Wherever the attempt was made in great European states to introduce representative democracy it failed and was abandoned after a short experience.—3. In old Europe inequality of social relations is so great that a constitution founded on equality would be a lie. The fourth estate clings to monarchy unless when rejected by it. The crown and the fourth estate are natural allies. (F. Rohmer.) Even the third estate, which has the greatest chance in representative democracies to take possession of the government, feels safer when the monarchy firmly maintains public order and moderates the ambition of party chiefs.—4. A republican character in the people is indispensable to the maintenance of a republic. But this character is lacking in all the great European nations. Even if a few individuals of republican character are to be found among the German and Latin nations, the enormous majority would not hold out in time of crisis and trial.—Let us draw the following conclusions: 1. A blind enmity of the governing power for the democratic element in the people is adverse to the interests of the monarchy. Every attempt to crush the same must fail, for it is opposed to the entire mental and material development of the time. 2. While monarchy recognizes and protects democratic elements and tendencies in their natural rights, it finds in them its surest support, and thereby receives the power successfully to guard against any excesses they might commit.

BLUNTSCHLI.

DEMOCRAT (IN U. S. HISTORY), a term used by the federalists to designate the whole body of their opponents, but accepted only by a faction. After about 1810 democrat and democratic were accepted as equivalent to republican. (See DEMOCRATIC-REPUBLICAN PARTY, I.–III.; DEMOCRATIC CLUBS.) A. J.

DEMOCRATIC CLUBS (IN U. S. HISTORY), American associations formed in imitation of the Jacobin and other clubs of France. The first was formed in Philadelphia, soon after Genet's arrival in 1793, but the movement spread into other states, the Charleston club, on its own application, being recognized by the Jacobin club of Paris as an affiliated branch. These clubs lived in an atmosphere of turmoil and denunciation. The western clubs of Pennsylvania and Kentucky were strongly suspected of a design to attack the Spanish possessions in America or to form a western confederacy. Their denunciations of the first excise law and its enforcement embarrassed the government in the suppression of the whisky insurrection in 1794, and brought down upon them the wrath of president Washington, who, in his message of Nov. 19, 1794, referred to them as "certain self-created societies," "combinations of men, who, careless of consequences, and disregarding the unerring truth that those who rouse can not always appease a civil convulsion, have disseminated, from an ignorance or perversion of facts, suspicions, jealousies and accusations of the whole government." In answer, the senate echoed the president's warmth of language; and in the house, though the republican leaders succeeded by very meagre majorities in avoiding any direct reference to the democratic clubs, they were very careful to disclaim any connection or sympathy with them. The clubs feebly attempted a reply, but no longer kept up the assumption of a right to speak for the people. They had already received their death blow. Late in July, 1794, Robespierre had been guillotined, and the French convention soon after abolished the Jacobin club and its branches as dangerous to the public peace and order. The republicans in America at once withdrew their countenance from the democratic clubs, which rapidly thereafter disappeared.—Not all the members of the clubs, as given in the newspapers of the time, were hearty adherents of the principles they professed. Many republicans were forced into them by a fear of being regarded as enemies of freedom and the rights of man; so that these short-lived associations were a paltry American imitation of the persecutions of the reign of terror, moral being substituted for physical duress (See DEMOCRATIC-REPUBLICAN PARTY, II.; GENET, CITIZEN; and authorities there cited.)

ALEXANDER JOHNSTON.

DEMOCRATIC-REPUBLICAN PARTY, The (IN U. S HISTORY), the political party whose theory has aimed at the increase of direct popular control over the government, the widening of the right of suffrage, the limitation of the powers of the federal government, and the conservation of the powers reserved to the state governments by the constitution. (See STATE RIGHTS, under STATE SOVEREIGNTY.) It is therefore a strict construction party (see CONSTRUCTION, I.) and has always operated as a check upon the nationalization of the United States. (But see CONSTRUCTION, III.) It at first (in 1792–3) took the name of the republican party, which more properly belongs to its present possessors (in 1881; see REPUBLICAN PARTY), and was generally known by that name until about 1828–30. Upon its absorption of the French or democratic faction, in 1793–6, it took the official title of the democratic-republican party, which it still claims. About 1828–30 its nationalizing portion having

broken off and taken the name of "national republican" (see WHIG PARTY, I.), the particularist residue assumed the name of "democrats," which had been accepted since about 1810 as equivalent to "republicans," and by which they have since been known. Some little confusion, therefore, has always been occasioned by the similarity in name between the strict construction republican party of 1793 and the broad construction republican party of 1856.—I.: 1789–93 (*Formative Period*). Though the forces which have always tended to the complete nationalization of the American Union were in operation at the adoption of the constitution, their influence was as yet by no means general. The mass of the people was thoroughly particularist, interested mainly in the fortunes of their state governments, and disposed to look upon the new federal government as a creature of convenience only, to be accepted under protest until the exercise of its functions should prove burdensome or unpleasant. The convention of 1787 had wisely and skillfully evaded the popular feeling by couching the constitution in very general terms, excepting only its one bold proviso that the constitution, and laws and treaties made in pursuance of it, should be "the supreme law of the land," an idea which the people at large scarcely comprehended or took at its full measure. But, despite the convention's scrupulous care, despite the general influence of Washington and the Pennsylvania influence of Franklin in its favor, and despite the "grinding necessities" of the case, the final ratification of the constitution was due more to the unskillfulness of the opposition (see ANTI-FEDERAL PARTY) than to any popular desire for an energetic federal government, and it left the principle of opposition overthrown but not eradicated. During the first session of the 1st congress (March 4–Sept. 29, 1789), however, those members who had been in principle anti-federalist were content to allow the organization of the new government by the federalists to proceed with little opposition (see FEDERAL PARTY, I.), and the results so clearly and so promptly demonstrated the *convenience* of the federal government that the late anti-federal party were soon only anxious to drop their obnoxious name, and to allow their opposition to the constitution to be forgotten.—The planters of the south, and particularly of Virginia, had generally supported the change of government and the early measures of the federal party, induced partly by the influence of Madison and partly by the compromises by which the constitution had been made acceptable to them. (See COMPROMISES, I.–III.) The general poverty and financial embarrassment, which in the north had produced Shays' rebellion (see CONFEDERATION, ARTICLES OF), had borne still more heavily upon the south. In both sections it had been the moving cause of stay laws, tender laws, and laws to hinder the collection of debts by British creditors; but in the south the certain revival of ancestral claims for debt, which before the revolution had made British merchants practically owners of many of the southern estates, but which had been suspended and almost forgotten during the revolution and the confederation, would have made almost any general settlement of debt by the federal government particularly unpopular, as a foreshadowing of individual settlements thereafter. When Hamilton, early in 1790 (see FEDERAL PARTY, I.), finally, and almost from sheer necessity, fell back upon commercial interest as the stock upon which to graft his nationalizing measures, he necessarily alienated the whole south, which was not only particularist but exclusively agricultural, except in a few isolated spots on the seaboard. The difference between the two sections was as yet only in degree, not in kind. Both were mainly agricultural; both were particularist; neither possessed manufactures; but the south, which had far less banking and commerce than the north, and therefore, in Jefferson's words, "*owed* the debt while the north *owned* it," first felt the repulsion to the Hamiltonian policy. The opposition to his plan for settling the public debt was mainly to its commercial aspect; the opposition to his project of a national bank in the following year was of a distinct party nature, and was based upon that strict construction of the constitution which was always afterward to be the party's established theory. (See BANK CONTROVERSIES, II.) In 1791–2, therefore, we may consider the anti-federal party, which had so warmly opposed the adoption of the constitution, as rehabilitated into a party, as yet without a name, which was to maintain the binding force of the exact and literal language of the constitution, and to oppose any enlargement of the federal government's powers by interpretation.—But the new party took no pride whatever in its descent, and at first disowned any kinship with its immediate ancestor of unpleasant memory. The first authoritative claim of the party name occurs in Jefferson's letter of May 13, 1792, to Washington, in which he says: "The republican party, who wish to preserve the government in its present form, are fewer in number [than the monarchical federalists]. They are fewer even when joined by the two, three or half dozen anti-federalists, who, though they dare not avow it, are still opposed to any general government; but, being less so to a republican than to a monarchical one, they naturally join those whom they think pursuing the lesser evil." In this way Jefferson, who was already the extra-congressional leader of the new party, endeavored to account for his anti-federalist support by making the controversy out to be between republicanism and monarchy or aristocracy, between government *by* the people and government *of* the people. In one sense Jefferson's charge against the federalists was true, and as true in kind, though not in degree, against his own party as against the federalists. In both parties the abler leaders assumed the direct initiative in party management to an extent which would be intolerable, if openly asserted, at the present time; and

the mass of the people, separated by distance, by slow and tedious communication, and by lack of national feeling, were content to exercise a power of revision, not of inception, in politics. In effect, "the people," in the broad sense which universal suffrage and nominating conventions have made familiar to us, was no original power in American politics until after 1820. We may, however, take Jefferson's charge in another sense, as implying that his party was more in unison with the feelings and prejudices of the people, and hence was a more popular party than the federalists. In this sense he was right; from 1790 until his death there was probably hardly a day, with the exception of the year 1798, when Jefferson was not supported by a real majority of the American people. (But see SUFFRAGE.)—Before the close of the year 1792 we must regard the republican party as fairly formed. Its general basis was a dislike to the control exercised by any government not directly affected by the vote of the citizen on whom the laws operated; a disposition to regard the federal government, which could only indirectly and slowly be reached by dissatisfied citizens, as possibly a second avatar of royalty; and an opposition to the federalist, or Hamiltonian, measures of a national bank, a national excise, a protective tariff, a funding system for the debt, and to all measures in general tending to benefit the commercial or creditor classes. But all these were local and temporary phases of opposition, from which circumstances might at any moment convert any or all the opposition; Jefferson and Madison alone labored assiduously to establish the doctrine of a strict construction of the constitution as a more permanent and reliable basis of party organization.—II.: 1793–1801. Washington's proclamation of neutrality between France and her enemies (see GENET, CITIZEN) had two important results in politics. It intensified the feeling of the republicans that they were the only anti-monarchical party in America, and that the federalists, under whose influence Washington was supposed to be acting, were by nature and practice enemies of a republic, either in America or in France, of the people, and of liberty and the rights of man; and it thus obscured for the time the newly established basis of political difference. But it also brought to the surface a class of small politicians, more French than American, who undertook to ride into power solely by means of the wave of popular enthusiasm for the new French republic, and without any reference whatever to American constitutional questions. For these the name of republican was too tame. They assumed the name of democrat, and modeled their organization upon that of the Jacobin clubs of Paris, from which, indeed, the Charleston democrats claimed and received recognition as an affiliated branch. The democratic clubs, assuming the right to speak for the people, began at once the familiar Jacobin process of branding every opponent and every indifferent spectator of events as an open or concealed enemy of "the people," and of elevating the whims and passions of associations of private citizens, disguised under the name of a devotion to liberty, to a rank higher than constitution or laws. To federalists, whose theory had always been the supremacy of law, even in the hours of the revolution, the political antics of the democratic clubs, their contempt for the constituted authorities, their fraternal banquets, their adoption of the modest French title of "citizen," their eccentricities in dress and manners, seemed rather horrible than ludicrous, and their mildest emotion, contempt, is well marked by Griswold's story of Mrs. Washington, who, finding a trace of dirt upon her wall after a reception, cried out angrily, "It was no federalist: none but a filthy democrat would mark a place on the wall with his good-for-nothing head in that manner." Nor did the original republicans feel much more real sympathy for the newly evolved democrats; they accepted them as allies, as they had accepted the professed anti-federalists, but were careful to mark the distinction between the republicans, who opposed Hamilton mainly because of his commercial and nationalizing tendencies, and the democrats, who opposed him solely for love of France and of their vague idea of liberty. But the condescension of the republicans was without reason; the democratic faction brought with it that enthusiasm, that personal acquaintance with the prejudices of the people, and that tendency toward political intercourse with the people, which finally made the republican *theory* the basis of a great and successful party. Jefferson and Madison did the thinking and theorizing; Bache, Callender, Freneau and other democratic leaders translated the theory into popular language.—The second presidential election (1792) can hardly be considered as a test of party strength. In 1789, as well as in 1792, Washington had been unanimously elected president. In 1789 John Adams, the federalist representative, had been chosen vice-president by the votes of New England and Pennsylvania, and part of Virginia's vote (see ELECTORAL VOTES); in 1792 the votes of Vermont and Rhode Island, which states then first took part in the election, and of New Jersey, Delaware, Maryland and South Carolina, were added to the federalist column. From this time almost every political influence (see FEDERAL PARTY, I.) was enlisted in favor of the republicans. When the 3rd congress was organized in 1793, their candidate for speaker of the house was elected by a majority of 10 votes, and this initial success, and the temporary reverse which followed it, tended strongly to weld the democrats and republicans into one party, whose formal name was compounded as the democratic-republican party. This tendency was assisted by the disturbance in Pennsylvania in 1794. (See WHISKY INSURRECTION.) This outbreak was in reality only a symptomatic feature of the general lack of national feeling in the country at the time, brought to a head by border lawlessness and habitual freedom

from restraint. The republicans, however, regarded it is an explosion designedly provoked by Hamilton in order to secure to himself and to his party the credit of suppressing it; and the democratic clubs looked upon it with a general complacency, as a spirited example of the proper assertion of individual liberty, menaced by an oppressive law. (See SECESSION.) Its suppression, Washington's indignant charge that it had been fomented by "self-created societies" inimical to the federal government, and still more the downfall of Robespierre and the original Jacobin club of Paris, made the democratic clubs unpopular and they soon disappeared. But their members, while subsiding into the mass of the republican party, colored its policy for the next few years with a strong French cast; and the federalists persisted in giving the name of democrat, as a term of contempt, equivalent to Jacobin or revolutionist, to every republican.—In the 4th congress, (1795–7), the senate was federalist. The house was doubtful, but though Dayton, an anti-British federalist, was chosen speaker, the doubtful vote generally inclined to the republican side. In the first session came the debate upon the appropriations necessary for fulfilling Jay's treaty, in which the republicans were defeated by a small majority. But the debate, and still more the course of discussion outside of congress, showed the difference between republican and democratic methods. The democrats attacked Washington personally with a virulence almost beyond quotation. (See JAY'S TREATY; WASHINGTON, GEORGE.) The republicans generally preserved a distinguished consideration for the president, while they evidently felt it to be a gross injustice that the sacred person of Washington should always be in their adversaries' end of the lists, and that they should always be compelled to reach around the president in order to attack federalist men and measures. Their feelings were thus fairly expressed nearly 40 years afterward, in 1830, by Edward Livingston, who had been a republican congressman from New York, 1795–1801: "As Washington was the head of the government, one of their [the federal party's] greatest objects was to cover all their proceedings with the popularity of his name, and to force the republican party either to approve all their measures, or, by opposing them, incur the odium of being unfriendly to the father of his country." This feeling was natural, and shows only that the time had passed when it was necessary for Washington to keep the political peace by interposing between the parties. Gross as were the attacks upon him, they came from Bache, Leib, Duane, and the other noisy and frequently silly leaders of the professed democrats; and it is creditable to the republicans proper that their opposition to Washington's administration was legitimate, that their public utterances were decorous and affectionate to the president personally, and that even in their private correspondence we can find nothing worse than an impatience for his approaching retirement from politics, and for a free and hand-to-hand struggle with the federal party.—The first disputed presidential election (1796) resulted in the election of John Adams as president and Thomas Jefferson as vice-president (see ELECTORS); but the result was eminently encouraging to the republicans. Adams was only elected by the whim of two southern electors (one in North Carolina and one in Virginia in voting for him as well as for Jefferson; the republicans otherwise had complete control of the south, excepting Maryland and Delaware, which were usually opposed to the larger neighboring state of Virginia, and they had gained Pennsylvania in the north. They had only to persevere in opposition, with the certainty of a swift advance in the other middle states. (See FEDERAL PARTY, I.) In this they were greatly assisted by the hostilities with France in 1798–9, which at first seemed fatal to all their prospects. The execution of the alien and sedition laws could hardly have been better calculated for increasing the republican and decreasing the federalist vote in the all-important middle states (see X. Y. Z. MISSION, ALIEN LAWS); and the general American indignation against France, together with the evident conversion of that country into a military dictatorship, closed the mouths even of the democrats, and forced the republicans back from their abnormal foreign dependence to their original theoretical position upon American constitutional questions. It was an opportune moment for the thinkers of the party, and Jefferson and Madison seized it to formulate the Kentucky and Virginia resolutions in 1798, whose spirit has always since been the basis of the party's existence. (But see CONSTRUCTION, III.) The spirit of the resolutions is, in brief, that the state governments are the foundation of the American political system; that their powers are unlimited, except by state constitutions and by the constitution of the United States; that the federal government, on the contrary, has no powers except those which are granted by the constitution; that, therefore, wherever there is a fair doubt as to the location of a power, the presumption must be that it is in the state, not in the federal government; that the powers of the federal government are to be construed strictly according to the terms of the grant in the constitution; that where the federal government assumes ungranted powers, its acts are unauthoritative and are to be opposed peaceably and lawfully by the legislative, executive and judicial machinery of the state governments, which the people have retained for that purpose (see also NULLIFICATION); and that as most of such assumptions of power are political in their nature, and beyond the purview of the supreme court, the proper remedy and safeguard is in frequent conventions of the states, such as formed the constitution, as its most authoritative exponent. The great political error of the resolutions, the denial of the power of the federal government to define the boundaries of its powers,

was the inevitable result of the particularist tendency of the time, and has been constantly modified since by the gradual nationalization of the country and its parties. (See CONSTRUCTION, III.; KENTUCKY AND VIRGINIA RESOLUTIONS; STATE SOVEREIGNTY.)—Aside from the general constitutional principles above enumerated, there were other republican characteristics arising partly from them, and partly from the nature or agricultural prejudices of the men who held them. The republicans were opposed to debt, to brilliant administrations and large expenditures of public moneys, and to a navy, which they commonly called "the great beast with the great belly," on account of its expense; they considered that government which was nearest to the citizen to be most worthy of his affection, and held every remove of government from popular control to be in some measure unrepublican and mischievous; they wished that the judiciary, as well as most other public servants, should be elective for short terms and easily removable by the people; they wished that "every man who would fight or pay" should vote, and that the suffrage should no longer be limited by any money or property qualification, as it then was in most of the states; they preferred direct to indirect taxes, as the surest means of compelling the citizen to watch the expenditures of government critically, and Jefferson even wished to deny to the government the power of borrowing money; and, in general, they believed that the country should rely most upon individual enterprise, far less upon the powers of the state governments, and least of all upon the federal government.—III.: 1801–25. Holding these principles, the republican party, in the election of 1800, at last gained the state of New York and the control of the government (see DISPUTED ELECTIONS, I.), which it retained for 24 years. Not only were the president and vice-president republicans; the 7th congress was for the first time completely republican, the senate 18 to 14, and the house 69 to 36. The judiciary was still federalist, but that department of the government also was gradually transferred to the dominant party. (See JUDICIARY.) Nor was the political revolution confined to the federal government; the first shock had shown how unsubstantial was the previous federalist control of the middle states, and had overthrown them as a party almost everywhere. Before the close of the year 1801 every state in the Union had a republican governor and legislature, excepting Vermont, New Hampshire, Massachusetts and Connecticut, and of these Connecticut only was reliably firm in the federalist faith. So overwhelming was the sudden republican success that in several states divisions began to appear in their ranks. In New York the Livingstons and Clintons united against Burr and drove him and his adherents out of the regular party fold. (See BURR, AARON.) In Pennsylvania and Virginia radical and conservative republicans began to make their appearance, the main object of the former being to limit the terms of office of the judiciary, an object which seems quite legitimate now, but in 1801–5 was considered revolutionary in the highest degree. The federalists, however, were unable to reap any party advantage from these republican dissensions, and before the close of Jefferson's first term they even lost, for the time, New Hampshire and Massachusetts.—The great event of Jefferson's first term, was his acquisition of Louisiana. (See ANNEXATIONS, I.) For this acquisition of foreign soil no warrant can be found in a strict construction of the constitution, but Jefferson's excuse seems to have lain in the ultra-democratic idea of the power of the people to temporarily override even the organic law in a case of extreme necessity. His action was certainly ratified by almost universal popular approval, and, together with the reduction of governmental expenses, the steady payment of the public debt, and the great prosperity of the country, insured him a re-election in 1804 The only electoral votes against him were those of Connecticut and Delaware, with two from Maryland.—Jefferson's second term was by no means so brilliant. The party's determination to pay the national debt rapidly led to a systematic refusal to put the country into any posture of defense against the attacks upon its commerce by Great Britain. (See EMBARGO, II.) In 1803–4 the party adopted as its policy the building of small gunboats for coast defense, as a substitute for the more costly navy which was absolutely essential for the protection of American commerce all over the world (see GUNBOAT SYSTEM), it thus deliberately committed itself to the dogma, on which it had always acted in reality, that ocean commerce deserved, and should receive, no protection at the hands of agricultural representatives; and from this point it advanced, when commerce grew louder in its complaints, to a command, by act of congress, that American commerce should quit the ocean altogether, and thus relieve the dominant party from anxiety or responsibility on its account. (See EMBARGO, III.) A more false and foolish policy could hardly have been devised. It was the very error which had overthrown the federal party in 1800, contempt for the interest of the middle states, and it would have also overthrown the republican party in 1812 but for the growth of the western or agricultural portions of those states, which saved Pennsylvania to the party and elected Madison in 1812. (See FEDERAL PARTY, II.)—During all the period fr m 1800 until 1812 the republican party showed a constant disposition to exercise powers of the federal government which it had denied while the government was under federalist control. Its acquisition of Louisiana, its recognition of the legal existence of the national bank (see BANK CONTROVERSIES, II.), and its summary prohibition of American commerce, were all alike unwarranted by a strict construction of the constitution. Three distinct influences were at work in this direction. 1. The party's "strict con-

struction" originally had a basis not visible on the surface. It had opposed the Hamiltonian broad construction mainly because this was designed for the benefit of a special interest, commerce, and where the supposed interests of agriculture were in question constitutional scruples ceased to apply. 2. It was impossible that all representatives from agricultural districts should be equally consistent in their adherence to strict construction; but the party name of federalist had by this time come to be almost entirely equivalent to commercial, and all members not devoted to that interest were compelled to accept the name of republican, no matter what their principles might be. The consequence was, particularly after a short experience of the embargo had shown its ruinous effects on agriculture as well as commerce, the growth within the republican party of an element which soon came to control the party, and which was prepared to assert the power of the federal government in national interests rather after the Hamiltonian than the Jeffersonian theory. Of this new element Henry Clay and Story (afterward justice of the supreme court) were representatives. 3. Above all, 20 years' experience of the practical workings of the constitution had raised the political standard of the country at large many degrees toward nationalization, as would be most plainly shown by a comparison of the management of the war of 1812 with that of the revolution; and the republican change of practice only reflected, as a popular party must, the altered feelings of the people. (See CONSTRUCTION, III.)—During this period Randolph, of Virginia, and a small section of personal adherents, commonly called "quids," abandoned the dominant party. (See RANDOLPH, JOHN.) Their revolt, however, was rather against the "Virginia influence" (see VIRGINIA), which controlled the party, than against the party's principles. Their design was mainly to prevent Jefferson from securing the election of Madison as his successor, and for this purpose they at first endeavored to bring out Monroe, who was dissatisfied with his treatment while minister to England, by the administration, as a competitor for the nomination in 1808. In 1812 they were more successful in obtaining a leader in the person of De Witt Clinton, of New York, a state whose politicians had long felt a jealousy of the Virginia influence. His defeat, and the close of the war of 1812, finally brought them back again to the republican party.—The failure of the restrictive system in 1810 (see EMBARGO, III.) left the republicans at a complete loss: their most trusted weapon had broken in their hands. The meeting of congress in November, 1811, shows a remarkable change; the party, abandoning the Jeffersonian ground of peace at any price, had become a war party, under the lead of Peter B. Porter, of New York, Langdon Cheves, William Lowndes, and John C. Calhoun, of South Carolina, Henry Clay, of Kentucky, and Felix Grundy, of Tennessee, in the house; and William H. Crawford, of Georgia, in the senate. All these were comparatively new men, and but little in sympathy with Madison, who was averse to war; but Madison (see ELECTORS) was coerced into heading the reorganized party, and war was declared (see CONVENTION, HARTFORD), June 18, 1812. It can hardly be seriously asserted that the war was unnecessary; it had been necessary for at least six years, and the hundredth part of the provocation for it would now bring war within six weeks. The error of the republicans lay in the manner of its management; in their utter refusal, during the six years given them for preparation, to provide an adequate navy; in their obstinate attempt to carry the war into Canada; and in their endeavor, by relying upon loans almost exclusively, to use as a crutch the very commercial interest notoriously hostile to the war. The result was the temporary but almost entire downfall of the national credit, and a forced peace which secured none of the objects for which war was declared, and which was only partially covered by the smoke of brilliant sea-fights and of Jackson's victory at New Orleans. But the war, and the six years of restriction which preceded it, gave an impetus to the common feeling of nationality from New York to New Orleans (see UNITED STATES); and in politics, while it modified the dogma of strict construction, it insured to the republican party the future control of the government. At last Jefferson's prophecy of 1804, that "the federalists, *eo nomine*, are gone forever," was fulfilled. (See FEDERAL PARTY, II.)—The force of the republican party, strongest while confined, visibly decreased as it spread over a larger surface. In 1816 it established a new national bank, modeled closely after Hamilton's (see BANK CONTROVERSIES III.); and in the same year imposed a slight protective duty upon woolen and cotton goods. This last measure was entirely opposed to the strict construction of the constitution, which holds that congress has power to lay tariffs only to "pay the debts" of the United States, and "to provide for the common defense and *general* welfare" of the United States, and that any departure from this principle, for the benefit of a particular interest, is beyond the powers of congress. But manufactures and manufacturers had now grown to be a power, though as yet a small one; they had given the *coup de grace* to federalism in New England; they had grown upon the republican restrictive system; and they now looked to the republican party for its continuance. In 1819–20 the house passed a more protective tariff, which the senate rejected, and in 1824 a still more pronouncedly protective tariff became law.—Only Massachusetts, Connecticut and Delaware had voted against Monroe and Tompkins in 1816; in 1820 (see ELECTORAL VOTES) they also at last yielded and became nominally republican states. A few inveterate federalists still denounced the republican party as managed by "John Holmes [a congressman from Maine], Felix Grundy, and the devil"; the ma-

jority declared themselves satisfied with the "Washington-Monroe policy," professed themselves "federal-republicans," and proclaimed an "era of good feeling." Of course this was only a surrender at discretion, not a conversion. Differences in human nature, which are at the root of party differences, are not so easily eradicated; and it soon appeared that the white flag had been raised with unnecessary haste, and that the all-powerful republican party contained the elements of a new party which was to be more broad constructionist than the federal party itself.—In 1819–20 occurred two events for which the dominant party was responsible. One, the acquisition of Florida, was the necessary sequence to the purchase of Louisiana. (See ANNEXATIONS, II.) The other, the admission of Missouri as a slave state (see COMPROMISES, IV.), had a most important bearing on the party's history. 1. It proved that the dominant party was no homogeneous party at all, and that the "era of good feeling" was a sham; for the members from the two sections, north and south, differed on a fundamental constitutional question with an intensity which can only mark a party difference. 2. It was the first appearance of the error into which the strict construction party was finally entrapped —the half-way application of its doctrine of strict construction to the subject of slavery. In Missouri *territory* slavery was first localized by the very loosest possible construction of the constitution, which nowhere authorizes any such violation of man's natural rights as the establishment of slavery, under federal auspices, where it did not exist at the formation of the constitution; when once localized, the strictest possible construction of the constitution was applied to prevent congress from interfering with slavery in the *state* of Missouri. This reversible process of construction, begun by accident in the case of Louisiana territory, was applied with more design in the case of Missouri, and its success there encouraged its application to the territories of Arkansas and Florida, and the state of Texas, until its failure in the case of Kansas. 3. The compromise of the Missouri case committed the northern members of the strict construction party to the policy of ignoring the discussion of slavery, while it left the southern members free to spread slavery by loose construction, as above stated. In this way the former element of the party was forced for 40 years to cover the tracks of its southern associate until its refusal to do so longer split the party in 1860. In this respect the party's history only shows the danger arising from a failure to apply its basic principle consistently.—In 1824 the delusion of an era of good feeling broke to pieces. John Quincy Adams was chosen president. (See DISPUTED ELECTIONS, II.) His electoral vote was simply a repetition of the votes of the former federal party (see ELECTORAL VOTES), with the addition of a few scattering votes in new states, and the larger part of the always doubtful vote of New York. His inaugural address, in its emphatic approbation of a system of internal improvements, would alone have forced a strict construction opposition to him; and the fact seems to be that, while the peculiar circumstances of his election were the nominal ground, the real ground of the opposition to him lay in the principles of broad construction unhesitatingly avowed and ably supported by him.—IV.: 1825–50. The opposition to president Adams, ending in the election of Andrew Jackson as president in 1828, was the culmination of a change in the political condition of the United States which had been proceeding for many years, but most rapidly since 1810. In the older states suffrage had always been limited by property qualifications of varying amounts; in the newer states it was given to all white male citizens over 21. This change reacted upon the older states; Maryland in 1810, Connecticut in 1818, New York in 1821, and Massachusetts in 1822, either by amendments or by new constitutions, abolished their property qualifications, and in the few states which still retained them they were now only nominal in amount or in enforcement. The dam, through which this current of democracy had burst, was not so high, nor was the force of the current so strong, as to greatly endanger the electoral system, but it was sufficient in all but six states in 1824, and in every state but one in 1828, to take the choice of electors from the legislatures and to give it to the people (see ELECTORS), and it was sufficient also to make Andrew Jackson president. Benton's idea that the election of 1828 was solely a rebuke of the result of the election of 1824, is a politician's error; it does not account for the new men who swarmed into public life everywhere about that time, for the horrified disgust of the former leaders of both parties at Washington at the "millennium of the minnows," "the triumphant reign of king mob," or for the chasm which yawns between the political life of 1820 and that of 1829. The truth is, that in 1829 the people first assumed control of the governmental machinery which had been held in trust for them since 1789, and that the party and administration which then came into power was the first in our history which represented the people without restriction and with all the faults of the people.—Both parties claimed the name of republican until after the election of 1828, the supporters of Adams being the "administration wing," and those of Jackson the "opposition." But the word "national" soon became a favorite addition to the titles of Adams newspapers, and passed thence to the official name of the Adams party (see WHIG PARTY, I.); while the opposition, after using for a time the name of "Jackson men," soon came to assert a special title to the name of democrat, though they still formally used the name of republican, but never with the addition of national. The new democratic party, when it elected Jackson, had but one controlling aim —the election of Jackson; to this, political prin-

ciples were subordinate. In its ranks were included protectionists, internal improvement men, supporters of the bank of the United States, and men of every shade and variety of political opinion. Jackson himself, before his election, had been in no sense opposed to protection, to internal improvements, or to the bank; but after his election his drift toward a strict construction of the constitution was hastened by the fact that all his national republican opponents, and particularly Clay, were broad constructionists, and by the inherited and natural tendencies of his southern supporters. Jackson's first and most urgent duty was to give tone and discipline to his party, and this he did with military precision. In the north the offices under control of the national appointing power were for the first time used as party instrumentalities, as they had been used for 30 years in New York (see VAN BUREN, MARTIN; ALBANY REGENCY; NEW YORK; CIVIL SERVICE), by the dismissal of opponents, and the appointment of supporters, of the administration. The new proscriptive system undoubtedly strengthened the party in the north, by attracting to it the interested services of local leaders, and, aided by the system of nominating conventions soon after introduced, it reacted upon opposing parties and compelled them to adopt it also; its evil effect, the evolution of a controlling class of small politicians, whose only trade is the production of party hatred, still waits for correction. In the south the extreme southern party had only supported Jackson because of the loss of their chosen leader, Crawford (see CRAWFORD, WM. H.), but a large part of it, headed by John C. Calhoun, the vice-president, still affected an independence which ill suited the discipline of party, or the temper of Jackson; he therefore broke off relations with Calhoun in 1830, broke up his cabinet in 1831 and removed the Calhoun members from it, and in 1832–3, when South Carolina undertook to make the doctrine of state sovereignty practical, he was able to apply so sudden and severe a pressure to the politicians of that state that they were very willing to retire from an untenable position under the cover afforded by the good nature of congress. (See NULLIFICATION.) For his success in this instance, however, he was much indebted to his popularity in other southern states, due particularly to his action in Indian affairs (see CHEROKEE CASE), which left South Carolina to face him alone.—The first message of Jackson, Dec. 8, 1829, took the strict construction ground, which has already been noticed, upon the subject of the tariff, that it should be regulated solely with a design, 1, to obtain revenue "to pay the debts of the United States," and 2, "to provide for the common defense and general welfare" by laying duties to retaliate upon nations which protect their own manufactures, or by laying duties to protect those manufactures which are essential in war. May 27, 1830, in his veto of the Maysville road bill, the president also took the strict construction view of the powers of congress as to internal improvements, holding that appropriations for that purpose, if confined to local or state improvements, were unconstitutional, and, if more general or national, were usually injurious and always to be cautiously attempted. In both these questions the theory of the party has always been in perfect harmony with Jackson's views, but its practice has very often been inconsistent because of the difficulty of controlling the interests or feelings of individual members. Of this we find in Jackson's own case too many instances for special mention. Throughout the whole of his first term he was compelled to make unprecedented use of the veto power to defeat bills for internal improvements passed by the national republicans with the assistance of a part of the democrats. (See VETO.)—Before the first half of Jackson's first term was over, he had brought order out of the party chaos, and had re-established the party on a basis of strict construction and in a state of strict discipline, with the exception of the impracticable nullificationists of the south, who remained in opposition for about 12 years. This process had not been completed without driving from the party many voters who were only "Jackson men," not strict constructionists; but, on the other hand, it attracted a larger number of former federalists who were not sufficiently loose constructionist to agree with the advanced doctrines of the whigs, or national republicans, and who, therefore, fell into the democratic party, just as many whigs did at the formation of the republican party in 1856. In May, 1832, the party held its first national convention, at Baltimore, indorsed the nomination to the presidency which several legislatures had offered to Jackson, and for the vice-presidency nominated Martin Van Buren, who had supplanted Calhoun in the confidence both of the president and the party. In the election of 1832 the democratic candidates were successful, receiving 219 of the 288 electoral votes. In 1828 they had carried the entire south (except Delaware and half of Maryland's vote), the entire west (Ohio, Indiana and Illinois), and Pennsylvania and half of New York's vote in the middle states. In 1832 they gained Maine, New Hampshire, New Jersey, and the rest of New York's vote, and lost Kentucky, which thenceforth followed the fortunes of Clay and the whig party. (See ELECTORAL VOTES.)—As soon as the party had been restored to its legitimate political basis, it was inevitable that it should come into conflict with the bank of the United States, whose charter was to expire in 1836. It was doubly bound to oppose the re-charter of the bank: 1, as a strict construction party, it was compelled to take the views laid down by Jefferson in 1791 (see BANK CONTROVERSIES, II.); and 2, as a popular party, it necessarily held that the public servants of the United States must be human beings, open to impeachment and punishment in case of misbehavior, and that the creation of a private corporation to do the duties of public servants and

to enjoy to its own profit and without interest the custody of the public funds, was wrong, unfair and unwise, even if it were lawful. The story of the struggle, which really began before 1832, and was a prominent feature in the presidential election of that year, is given elsewhere. (See BANK CONTROVERSIES, III.; DEPOSITS, REMOVAL OF.) It resulted in the downfall of the bank, and the transfer of the public funds to various banks, which had been established by state charters, and were selected by the secretary of the treasury. The influence of these "pet banks" had largely aided in making New York democratic in 1832, and was exerted to the same effect in 1836.—In May, 1835, the democratic convention met at Baltimore. It again adopted, and thus made a permanent rule of democratic conventions, the "two-thirds rule" (see NOMINATING CONVENTIONS), which made two-thirds of the votes necessary to a nomination. The pronounced favor of the president had made Martin Van Buren his destined successor, and had given him the control of the party machinery. Indeed, the extreme southern faction took no part in the convention, relying on the nomination of Hugh L. White for president, and John Tyler for vice-president (see those names) by southern legislatures. The convention nominated Van Buren for president unanimously, and R. M. Johnson for vice-president by 178 votes to 87 for Wm. C. Rives, of Virginia. No platform was adopted. In the election of 1836 Van Buren was elected by 170 votes out of 294. This year the democratic vote was increased by that of Rhode Island and Connecticut, but lost that of New Jersey. Georgia and Tennessee voted for White, and Virginia, by voting for Tyler, threw the election of the vice-president into the senate, where Johnson was chosen. (See DISPUTED ELECTIONS, III.)—So long as Jackson's strict construction had stopped with his war upon the bank, selfish interest and a desire to handle the public funds made the state banks, particularly those of New York, his ardent supporters; when he and his successor, Van Buren, proceeded to make the party a "hard money" party, as its strict construction principle dictated, he lost their support. The removal of the deposits, their transfer to the state or "pet" banks, and the "specie circular" (see BANK CONTROVERSIES, IV.), were the three steps which brought on the panic of 1837. But in spite of panic, suspension of specie payments, and a clamor for governmental relief from men of all parties, Van Buren maintained his party's political principles with a steadiness which makes his one term of the presidency altogether the brightest part of his varied career. He refused to countenance any federal interference with the course of business, threw all his official influence into an effort for the complete "divorce of bank and state," and, after a three years' struggle, accomplished it by the establishment of the subtreasury system, July 4, 1840. (See INDEPENDENT TREASURY.) This made the federal government the guardian of its own funds, relieved it from direct intercourse with any bank and from the need to give any bank the power to issue national paper money, and by consequence made gold and silver the only money recognized by the federal government. The democratic party, after a 12 years' novitiate, was thus at last a strict construction party in every mooted political question. Its national convention at Baltimore, May 5, 1840, was, therefore, for the first time, ready to formulate its party principles, which it did in a platform whose principal resolutions were as follows: "1. That the federal government is one of limited powers, derived solely from the constitution; and that the grants of power shown therein ought to be strictly construed by all the departments and agents of the government; and that it is inexpedient and dangerous to exercise doubtful constitutional powers. 2. That the constitution does not confer authority upon the federal government to commence or carry on a general system of internal improvement. 4. That justice and sound policy forbid the federal government to foster one branch of industry to the detriment of another, or to cherish the interest of one portion to the injury of another portion of our common country. * * 5. That it is the duty of every branch of the government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the government. 6. That congress has no power to charter a United States bank; that we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power, and above the laws and the will of the people. 8. That the separation of the moneys of the government from banking institutions is indispensable for the safety of the funds of the government and the rights of the people." The omitted portions refer chiefly to slavery, which is elsewhere considered. (See SLAVERY; DEMOCRATIC-REPUBLICAN PARTY, V.) On this platform Van Buren was unanimously re-nominated, and the selection of candidates for vice-president was left to the states, with the hope of throwing the election for that office into the democratic senate.—This platform was checkmated by the whigs with the "hard cider and log-cabin" campaign of 1840 (see WHIG PARTY, II.), based, as the democrats indignantly alleged, on "noise, numbers and nonsense," with a studious ignoring of political principle, and an entire reliance on the military reputation of "Tippecanoe"—in fact, quite parallel to the original democratic campaigns of 1828 and 1832. A dexterous use of four years of panic gave the whigs the small percentage of increase necessary to carry most of even the states which had been reliably democratic since 1828. New Hampshire alone in New England,

Virginia, South Carolina and Alabama in the south, and Illinois, Missouri and Arkansas in the west, were democratic; everything else was whig. This result of nominating a man who had been a real party leader fixed the democratic managers for the future to the policy of nominating subordinates, and made Polk, Pierce and Buchanan presidents.—About this time the whigs began to apply the name *loco-foco* to the whole democratic party. The original loco-focos were a faction of the New York city democracy, which originated in a dislike to the profuse creation of state banks in New York after the downfall of the United States bank; it was opposed to Tammany, and to the grant of special privileges to corporations by charter, and was in favor of a judiciary elected by the people, as the New York constitution of 1846 soon afterward provided. (See Loco-Foco, New York.) Van Buren's course while in office, which had arrayed all the state banks against him, brought the loco-focos back to their party; and the whigs hastened to mark their belief that the whole democratic party was now hostile to all banks, business interests and property, by thus making the name loco-foco general in its application. For the next five years, 1840–45, therefore, the whig publications carefully avoided the word democrat, and used loco-foco instead.—The congress which was elected in 1840, and met in 1841, was whig, but not by the two-thirds majority necessary to pass bills over the veto of Tyler, who had succeeded Harrison. It was therefore powerless to do anything further than to balk the president. The policy which the democratic leaders followed was to preserve an official neutrality between the whigs and the president, while individuals and unofficial assemblages of enthusiastic democrats all over the country fed Tyler with delusive hopes of a democratic nomination for the presidency in 1844. In this way the separation between the whigs and the president was made permanent (see Tyler, John; Whig Party, II.); the whig efforts to re-establish a national bank were frustrated (see Bank Controversies, IV.); and upon the expiration of the compromise tariff of 1833 (see Nullification), the whig majority, after ineffectual attempts to pass a protective tariff, with a clause for the distribution of surplus revenue among the states (see Internal Improvements), was forced to pass the tariff act of Aug. 30, 1842, which was sufficiently free from the principle of protection as to apparently satisfy the democrats and to do service as a party cry in the next campaign. The first half of Tyler's administration is one of the most singular episodes in the democratic party's history; beaten, to all appearance, overwhelmingly at the polls in 1840, it yet shaped all important legislation for the next two years to its own liking.—The party's success was not confined to its action as a minority in congress, backed by the president; it found abundant encouragement in the state and congressional elections of 1841–3. Returning prosperity had destroyed the usefulness of the panic as a political factor, and all the states which had been democratic after 1827, but which had voted for Harrison by small majorities in 1840, now reversed their vote; even the states of Maryland, Connecticut and Louisiana, usually whig, now elected democratic state governments. When congress met in 1843 the senate was still whig by a small majority, but the house was democratic by more than a two-thirds vote, and a democratic speaker was chosen without difficulty. This result, in the branch of congress which was fresh from the people, presaged the election of a democratic president in 1844, according to the singularly close coincidence, fr m 1800 until 1876, between a party's success in electing the speaker of the even numbered congresses and its success in the closely following presidential election. Every sign in the political sky pointed to the early and secure possession of power by the democratic party; and it is beyond expression discreditable to the political acuteness of southern leaders, to the tempers of their constituents, or to both, that they should have seized this very time to force their party into a false and fatal position upon the question of the extension of slavery. If they desired to preserve slavery in the south against the growing abolitionist feeling in the north, every axiom of the economy of polities called upon them to insist upon strict construction to the full, to intrench slavery within state limits, and to trust the natural conservatism of the American people for the maintenance of constitutional boundaries. They chose, instead, to extend slavery by loose construction and then to defend the acquisition by strict construction; an error parallel with that which led to Gettysburg and the downfall of the confederacy—the unwise assumption of the offensive by the naturally defensive party. (See Slavery.)—Since 1830 Calhoun and his little faction of Adullamites had generally been in opposition, uniting with the whigs at one time to oppose and censure Jackson, and again to oppose Van Buren. Their democracy was entirely subsidiary to the maintenance of the sectional rank of the south and to the defense of slavery. In attaining these objects they preferred, if possible, to follow the path of strict construction, but were always willing to take loose construction where strict construction was unavailable. Before his nomination to the vice-presidency by the whigs, Tyler had always belonged to the Calhoun faction (see Tyler, John), and as he became further separated from the whig party he began to draw upon the Calhoun faction for members of his cabinet. In March, 1844, Calhoun himself became secretary of state. (See Administrations.) The great object of the Calhoun faction, an object to which the northern wing of the democratic party was profoundly indifferent, and in support of which the legitimate southern wing had hitherto been by no means united, was the annexation of Texas (for its history see Annexations, III.); and in 1844, after a skillfully managed struggle of 16 months, the Calhoun faction, using the Tyler administration as a stepping stone, got control of

the national democratic organization and through it committed the party to Texas annexation. The methods of this success are by no means clear, for we have only meagre data of the composition of the convention, or of the authority and instructions of its delegates. It is certain that a majority of the delegates were pledged to vote for Van Buren, and consequently against annexation. Benton and the Van Buren leaders alleged that the Calhoun clique, by months of intrigue, induced a sufficient number of Van Buren delegates to join the annexationists in voting a continuance of the two-thirds rule, for the surreptitious purpose of defeating Van Buren and fanning "the firebrand cast into the party by the mongrel administration at Washington"; the annexationists, on the other hand, asserted that the apparent Van Buren majority was of no real value; that the Van Buren delegates, particularly from the north, were not chosen by the people, but by small state conventions of self-appointed political managers; and that the whole New York delegation, for example, represented but 9,000 democratic voters. Both sides were probably correct: there is nothing at all improbable or unfamiliar in either version. The important result in this connection, however, was convention action which ultimately placed in jeopardy the basic principles of the party, and whose effects the country, as well as the party, has never, for a moment since, ceased to feel.—The national convention met at Baltimore, May 27, 1844, and the first step in its three days' session was to adopt the two-thirds rule by a vote of 148 to 118, the minority being Van Buren's real friends. On the first ballot, by force of instructions, Van Buren had 146 out of 262 votes, a majority, but not two-thirds. Thence he fell and Lewis Cass rose until, on the eighth ballot, Van Buren had 104 votes, Cass 114, and James K. Polk, whose name then first appeared, 44. On the ninth ballot Polk received 233 out of 264 votes and was nominated. Van Buren's close political friend, Silas Wright (see ALBANY REGENCY), was nominated for the vice-presidency, in spite of Tyler's living example. He declined, and George M. Dallas, of Pennsylvania, was substituted. The strict construction platform of 1840 was re adopted, with two additional resolutions against the distribution of the proceeds of land sales among the states (see INTERNAL IMPROVEMENTS), and against any attacks on the veto power (see VETO); and a final resolution asserted the title of the United States to the whole of Oregon, and closed as follows: "That the re-occupation of Oregon, and the re-annexation of Texas at the earliest practicable period, are great American measures which this convention recommends to the cordial support of the democracy of the Union." However cleverly disguised, it is apparent that the annexation of Texas, for which the constitution afforded no warrant whatever, could only be masquerading in a strict construction platform.—In the presidential election of 1844 the democratic candidates were elected, and the congress which met in 1845 was democratic in both branches. Polk and Dallas, however, had only a small plurality of the popular vote, and a majority of the electoral votes was only obtained by the action of the abolitionists, or liberty party (see ABOLITION, II.), in withholding from Clay so many votes as to give Polk the vote of New York and Michigan and his election. The vote of Pennsylvania also was obtained by a sacrifice of party principle; for party benefit in that state, Polk avowed himself a free-trader with a leaning toward protection, and Pennsylvania was carried by the cry "Polk, Dallas, and the [semi-protective] tariff of 1842." The new departure of the party had apparently been very little to its real advantage from the first.—Texas was immediately made a state (see ANNEXATIONS, III.), and, this accomplished, the party leaders reverted to strict construction, of which Polk's messages, barring always the Texas question, are models. The first report of the new secretary of the treasury, Dec. 3, 1845, recommended a tariff for revenue only, and this recommendation was adopted to the full by the tariff act of July 30, 1846, which, with the exception of a further reduction of duties in 1857, remained in force until 1861. The sub-treasury was re-established Aug. 6, 1846. (See INDEPENDENT TREASURY.) The passage of internal improvement bills gave the president an opportunity for veto messages, Aug. 3, 1846, and Dec. 15, 1847, which form a complete digest of his party's theory and precedents on this question. The remainder of Polk's administration was occupied in the settlement of the Oregon question, the prosecution of the war with Mexico (see UNITED STATES), and the opening skirmishes over the disposition of the territory acquired from that country by the treaty of peace. (See ANNEXATIONS, IV.) In these, Texas was again, and more emphatically, a fire brand for the party. The northern democrats generally supported the Wilmot proviso, which excluded slavery from the new territory (see WILMOT PROVISO); the southern democrats were at first content with voting against the proviso, but its persistent renewal soon began to increase the number of southern converts to the doctrine which Calhoun had for some time advanced, and which the whole southern democracy adopted in 1857, that the constitution protected slavery in all the territories, and that congress could not interfere with slavery there. (See SLAVERY.) This sectional division in the party gave little promise of success in 1848, and the large whig majority in the house in December 1847, added to the doubtfulness of the prospect.—The democratic national convention met in Baltimore May 22, 1848. Lewis Cass was nominated for the presidency on the fourth ballot by 179 votes to 38 for Levi Woodbury, of New Hampshire, and 33 for James Buchanan. For the vice-presidency William O. Butler was nominated on the third ballot. The convention renewed the platform of 1840, adding to it 14 long resolutions which gave it no additional strength;

they are a mere political pamphlet, and do not need to be here given. Yancey, of Alabama, offered an additional resolution that congress had no more power to interfere with slavery in the territories than in the states, but this was voted down, 216 to 36. Two delegations were present from New York, the barnburners and the hunkers, the former being Van Buren's friends, hitherto the "regular" and controlling managers of the state democracy, and the latter the new faction supported by the Polk administration. The convention admitted both, dividing the vote of the state between them, whereupon both withdrew. —The presidential election of 1848 resulted in the defeat of the democratic candidates. This defeat was entirely due to political management; it must not be attributed to the free soil vote alone, or to the slavery question, which was just on the verge of becoming, but had not yet quite become, the leading question of American politics. The party leaders had simply reckoned ill in leaving out of their calculations Van Buren, who was fighting for political existence in his state. The conscientious free soilers, out of New York, who would not in any event have voted for either Cass or Taylor, injured the whig party most, for their vote gave Cass and Butler pluralities in Illinois, Indiana, Iowa, Maine, Michigan, Ohio and Wisconsin; the political free soilers (see BARNBURNERS, FREE SOIL PARTY) in New York, who had originally nominated Van Buren for president, and John A. Dix for governor, polled 120,510 votes in the state, against 114,318 for Cass, and 218,603 for Taylor, and thus inflicted upon the democratic party the fatal loss of New York. A union of the two factions, as in 1852, would have given the 36 votes of the state and the election to Cass by an exact reversal of the electoral votes for himself and his opponents. The legitimate strength of parties was better shown at the same election in the choice of the house which met in 1849, where the democrats had a slight plurality, the free soilers holding the balance of power. The senate was democratic by nearly a two-thirds vote.—V.: 1850–60. The compromise of 1850, as afterward interpreted by the Kansas–Nebraska bill, marks the point where the democratic party plainly began to swerve from its historic line of development. (See COMPROMISES, V.; KANSAS-NEBRASKA BILL.) That compromise, it is true, was only the fore-ordained sequence to the annexation of Texas; the territories, Utah, New Mexico and California, had been obtained by loose construction, and now strict construction, the denial at first of the advisability of congressional interference, and then of the power of congress to exclude slavery from them, was to be applied to defend the acquisition. But the cardinal canon of the democratic party (see also WHIG PARTY) had always been to ignore in politics, as far as possible, the existence of slavery. The most influential portion of the agricultural northern democracy was, indeed, in 1844, distinctly, but not aggressively, anti-slavery, determined to restrain slavery within its state limits, but equally determined not to pursue it inside of those limits. In September, 1843, the party's national organ, "The Democratic Review," did not fear to speak as follows: "Of black slavery we have little to say here and now. God forbid that that little should be in its justification. We deplore the existence of so extraordinary an anomaly in a country of absolute freedom in most respects, while we wait with patience the workings of an overruling Providence in behalf of our black brethren." And even so late as 1848 the Ohio democratic state convention declared that it "looked upon the institution of slavery in any part of the Union as an evil, and unfavorable to the full development of the spirit and practical benefits of free institutions;" and that it felt it to be a duty "to use all the power clearly given by the national compact to prevent its increase, to mitigate and finally to eradicate the evil." Until the culmination of the Texas annexation policy it would be safe to say that the national democratic party was composed of a northern agricultural element which was generally unfriendly to slavery, a northern urban and commercial element which was generally indifferent on the subject, and a southern agricultural element which was distinctly pro-slavery; and that the three elements had united into a national party because of their accord on every subject excepting slavery, which they did not regard as a necessary or proper question for political discussion or action. But the success of the southern wing in 1844 broke this tacit compact, by bringing into the political arena a vast extent of new territory whose status as to slavery could not be settled without a political struggle. The consequent discussion of slavery, while it alienated the democratic anti-slavery element, compelled the party more and more to abandon its traditional policy, to appear as the half-avowed supporter of slavery extension, and thus ultimately to force the formation of a party of slavery restriction—which meant war, unless one section of the Union should change its temper or its labor system.—Before this last result could be reached, the new policy was to have a most destructive effect upon the *rationale* of the party. Hitherto the great strength of the democratic party had been its agricultural element; its most widely trusted leaders, from Jefferson, Macon and Gerry down to Jackson and Silas Wright, had been engaged in agriculture; and its general supremacy in agricultural states had only occasionally been disputed through the desire for protection for special interests, such as flax and wool. But in the new prominence which the party's mistake in 1844 had led it to give to slavery over its real principles only one agricultural section, the south, had any friendly interest; and the history of these 10 years is only a list of defections of northern agricultural states from the party, beginning with Maine, Vermont, New Hampshire, Michigan, Ohio, Wisconsin and Iowa in 1856, and ending with the stampede of the entire west in

1860. This last loss has never since been fully recovered.—The consequences of the compromise of 1850 were not at first apparent, and the general belief that the spirit of slavery discussion had been exorcised from politics carried the party triumphantly through the year 1852. The Taylor-Fillmore administration ended with an almost two-thirds democratic majority in both branches of congress. June 1, 1852, the national convention met at Baltimore, and on the forty-ninth ballot nominated Franklin Pierce for president. The vote on the first ballot was: Cass, 116; Buchanan, 93; Douglas, 20; Marcy, 27, and 27 scattering. Buchanan rose to 104 votes on the twenty-second ballot, Douglas to 92 on the thirtieth; Cass to 131 on the thirty-fifth; Marcy to 97 on the forty-fifth; and Pierce, whose name was introduced on the thirty-fifth ballot, rose from 55 to 282 votes on the last two ballots. For vice-president Wm. R. King was nominated unanimously on the second ballot. The platform added a long number of resolutions to that of 1840, the only important additions being one against abridging the privilege of naturalization (see AMERICAN PARTY), another indorsing the compromise of 1850, and another which attempted to hush the slavery question again as follows: "That the democratic party will resist all attempts at renewing, in congress or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made." In the presidential election of 1852 the democratic candidates were successful by a small popular, and an overwhelming electoral, majority. Only Massachusetts and Vermont in the north, and Kentucky and Tennessee in the south, voted against Pierce and King, and none of these by more than 3,000 majority. In the south the other states, which had been hitherto usually or always whig, Maryland, North Carolina, Florida, Georgia and Louisiana, were now permanently democratic; even Delaware, for the first time in her history, with the dubious exception of 1820, chose democratic electors. The promptness with which a majority of the southern voters recognized and accepted the democratic doctrine of strict construction as the only present means by which to defend slavery in the Mexican acquisition, brought pro-slavery southern whigs by thousands into the democratic party, and made it progressively more pro-slavery in that section; while in the north the prevailing belief that the compromise of 1850 was intended only to ignore the slavery question in the new territories, Utah, New Mexico and Arizona, to stop slavery discussion, and to restore the party's old economic principles to their paramount place in politics, retained and even increased the democratic vote. The seeds of the disruption of 1860 were thus planted in the opposite views with which the two sections of the party won the overwhelming victory of 1852.—The mistaken policy of 1844 still held the party in its grip, and its inevitable but unforeseen consequences began to unfold more rapidly. If a strict construction of the constitution required that the status of slavery in the new territories should be decided by the people of those territories, and not by congress (see POPULAR SOVEREIGNTY), surely this principle was equally applicable to *all* the territories, and the action of congress in 1820 in forever excluding slavery from the territories north of the Missouri compromise line (see COMPROMISES, IV.) was unconstitutional and void. The immediate consequence was, that the territories north of the Missouri compromise line, which were organized in 1854, were organized with the proviso that all questions pertaining to slavery therein were to be left to the decision of the people residing in them. (See KANSAS-NEBRASKA BILL.) But this was no quieting of the slavery question, no return to economic principles; it was only the evident precursor of a still greater prominence to the slavery question in the future. The consequent dissatisfaction began to show most plainly in the congressional elections of 1854 in the northern agricultural states, Maine, New Hampshire, Pennsylvania, New Jersey, Ohio, Iowa, Illinois, Indiana, Michigan and Wisconsin. In 1850 these states had chosen 55 democratic representatives to 33 opposition; in 1852, 61 democrats to 28 opposition; in 1854, 17 democrats to 72 opposition. Not one of these states had cast an anti-democratic electoral vote since 1840, with the exceptions of Ohio in 1844, Pennsylvania in 1848, and New Jersey in 1844 and 1848. In New York the party had also been completely wrecked, but its misfortune there was inextricably complicated with internal democratic dissensions. The southern representatives were unanimous on the great question, 52 being democrats and 37 pro-slavery whigs or know nothings. The party was evidently making up its northern defections by southern whig accessions; and their influence upon the party is further marked by a revival of the question of internal improvements. (See CONSTRUCTION, III.) A bill for that object was passed in 1855, but vetoed by the president.—June 2, 1856, the national convention met at Cincinnati. On the first ballot Buchanan had 135 votes, Pierce 122, Douglas 33, and Cass 5 Cass' vote did not change materially, but Pierce's vote fell and those of Buchanan and Douglas rose, until, on the sixteenth ballot, Buchanan had 168 votes, Douglas 121, and Cass 6. On the next ballot Buchanan was unanimously nominated for the presidency Breckinridge was unanimously nominated for the vice-presidency on the second ballot. The platform was a renewal of that of 1852, which included the original platform of 1840, with additional resolutions approving the Kansas-Nebraska bill, and the principle of popular sovereignty, and condemning the know nothing movement. (See AMERICAN PARTY.) In the presidential election the democratic candidates were successful, but the vote was of evil omen for the party. The cloud in the west had grown larger and more threatening. In that section only Illi-

nois and Indiana were now democratic, the former by a plurality of 9,000 and the latter by a meagre majority of 2,000; and these states, with California, Pennsylvania, New Jersey, and the entire south, made up the democratic electoral vote. Nor were the congressional elections much more cheering. In both branches congress was democratic; but the majority in the house was only attained by the almost complete unification of the 96 southern votes, and by an increase from 6 to 15 in the democratic representation from Pennsylvania. In the other states specified under the immediately preceding elections there was no sign of a return to the party; indeed, five of them now sent unanimous anti-democratic representations.—If the slavery question could now have been intermitted, and if the party could have reverted to its foundation principles, its agricultural losses might possibly have been regained; but it had now entered the rapids, and the falls were not far below. At the opening of Buchanan's administration, in March, 1857, the struggle between free state and slave state settlers for the possession of Kansas had gone far enough to show that the northern democratic idea of popular sovereignty in the territories was of no use to the south in view of the superior northern power in immigration, and the whole body of southern democrats soon swerved off to the extremely loose construction ground, formerly held by Calhoun, that slaves were recognized as property in the constitution, and that congress was bound to protect property in slaves in the territories, even against the wish of a majority of their people. This construction, though indorsed by the decision of the supreme court in the Dred Scott case, was evidently one which would be extremely distasteful to the northern democrats, and which, if made a party tenet, would still further reduce the northern democratic vote. The northern section of the party had acquiesced in Texas annexation in 1844, in the fugitive slave law and the abandonment of the Wilmot proviso in 1850, and in the application of popular sovereignty to all the territories in 1854; but it was not to be expected that in 1857 it should confess its own dogma of popular sovereignty in the territories to be worthless, and preach the direct opposite. Accordingly we find Douglas and a part of the already small northern democratic representation in congress in opposition to the administration on this single question. Their scission took the form of opposition to the admission of Kansas under the pro-slavery Lecompton constitution in 1858 (see KANSAS), and they were therefore known as "Anti-Lecompton democrats"; but the real line of demarcation lay further down and was to widen into a complete division in 1860. In the senate Douglas was almost the only anti-Lecompton democrat, and in this body Jefferson Davis, Feb. 2, 1860, introduced a series of seven resolutions, which were debated until May 24, and then passed. Of these the most important was the fourth, which declared that neither congress nor a territorial legislature had power, directly or indirectly, to impair the right to hold slaves in the territories. The vote on this resolution was 35 to 21; 28 of the majority from the south, and 7 northern democrats; 20 of the minority republicans, and 1 northern democrat. The introduction of these resolutions seems to have been intended as the ultimatum of the southern wing to the democratic party's national convention.—The national convention met April 23, 1860, at Charleston, S. C., and on the next day elected Caleb Cushing president and appointed a platform committee of one from each state. It was also agreed that no ballot should be taken for candidates until the platform should be agreed upon. April 27, three platforms were reported by portions of the committee, one, which may be called the southern platform, by 17 members; another, the Douglas platform, by 15 members (representing all the free states but California, Oregon and Massachusetts); and another, the Butler platform, by one member, B. F. Butler, of Massachusetts. As finally modified in debate, the southern platform contained seven, and the Douglas platform six, resolutions. The 3rd, 4th, 5th and 6th Douglas resolutions were the 6th, 7th, 4th and 5th of the southern resolutions, and included promise of protection to citizens at home and abroad (see BROWN, JOHN), approval of a Pacific railroad and the acquisition of Cuba, and condemnation of any attempt to defeat the execution of the fugitive slave law. (See PERSONAL LIBERTY LAWS.) The first three southern resolutions were, in brief: 1, That slavery in a territory could not be prohibited by congress or by a territorial legislature; 2, that the federal government was bound to protect slave owners in their property in slaves in the territories; and 3, that the right of the people to decide the question of slavery could only accrue when the territory became a state: while the first two Douglas resolutions declared, 1, that the democratic doctrines of past years were "unchangeable," but 2, "that the democratic party will abide by the decisions of the supreme court of the United States on the questions of constitutional law." The issue between the northern and southern democracy could hardly be more comprehensible or more cleanly cut. The southern delegates were no longer democratic; they were pro-slavery. The northern delegates, while not yielding their popular sovereignty principle in terms, would yield to the Dred Scott decision. But this was not acceptable to southern delegates; they wished to bind the party to the Dred Scott principle for all time to come, no matter how the composition of the supreme court might be affected by any future successes of the republican party.—The Butler proposition, to simply re-affirm the platform of 1856, was voted down, April 30, by 198 to 105. The Douglas platform was then adopted by a vote of 165 to 138. The majority was a free state vote with a few scattering votes from the border states. The minority was the slave state vote, with

California, Oregon, a majority of Pennsylvania, and a minority of Massachusetts and New Jersey. The vote was followed, on this and the following day, by the formal withdrawal of the delegates from Alabama, Mississippi, Louisiana, South Carolina, Florida, Texas, Arkansas, Georgia, and two delegates from Delaware; all these delegates united in a separate convention. The original convention then adopted the two-thirds rule, and proceeded to ballot. On the first ballot the vote stood: Douglas, 145½; R. M. T. Hunter, of Virginia, 42; James Guthrie, of Kentucky, 35; Andrew Johnson, of Tennessee, 12; and 18 scattering. The question now lay mainly, therefore, between a northern or a border state candidate. On the 57th ballot, Douglas had 151½ votes, Guthrie, 65½, Hunter, 16, and 19 were scattering. The convention then adjourned, May 3, to meet again at Baltimore, June 18, recommending the various states to fill vacancies in the meantime. When the convention again met, June 18, its first business was to decide upon the claims of new delegates to admission. From some of the states whose delegates had withdrawn at Charleston contesting delegations were present, and the Douglas majority, by generally admitting Douglas delegations, particularly from Louisiana and Alabama, induced a further disruption of the convention, this time on the part of the border state delegates. The Virginia, Tennessee, North Carolina, California and Delaware delegations, with part of the Maryland, Kentucky, Missouri and Massachusetts delegations, withdrew from the convention, and its president, Cushing, resigned. There were thus left in the convention but 17 border state votes, and 15 southern votes (Alabama and Louisiana). A new president was at once elected and balloting was renewed. On the 58th ballot (57 ballots having been taken at Charleston), Douglas had 173½ votes, Guthrie 10, Breckinridge 5, and 3 scattering; on the 59th ballot, Douglas had 181½, Breckinridge 7½, and Guthrie 5½. On neither ballot did Douglas have two-thirds of the original or full vote of the convention (303 votes), but the convention now resolved that, having two-thirds of its present strength, he was nominated. Benjamin Fitzpatrick, of Alabama, was nominated for the vice-presidency by 198½ votes to 1; and, as he declined the nomination, the national committee nominated Herschel V. Johnson. The convention finally adjourned June 22.—The seceders at Charleston had at once organized a separate convention, adopted the southern platform, and adjourned to meet in Richmond, June 11. In Richmond they continued to meet and adjourn without doing business until the 29th. In the meantime the seceders at Baltimore organized a separate convention, June 28, with Caleb Cushing, as president, and admitted the delegates whom the Douglas convention had excluded, including some of the delegates at Richmond. By unanimous votes on the first ballot in each instance, they adopted the southern platform, and nominated John C. Breckinridge for president and Joseph Lane for vice-president. Their action in every respect was ratified by the fragment of the Charleston seceders still in session at Richmond. Both bodies then adjourned, and the Charleston convention, in all its branches, was over.—The charge has been made, and supported by considerable concurrent testimony, that the withdrawals from the convention, at Charleston, if not at Baltimore, were part of a concerted design to split the party, insure the election of a republican president, and thus gain an excuse for secession. Such a design was very possibly active in the minds of some of the extreme southern faction, but the disruption itself was most certainly the natural outcome of the party's history for 16 years. The southern leaders had found their Mexican acquisition and their fundamental party principles too heavy a load to be carried together and had therefore discarded the latter; the northern leaders who had seen their party in the north growing weaker for eight years while assisting in slavery extension by strict construction, saw that they would be committing political suicide by following in the proposed new step of loose construction, and they therefore at last, and with an obstinacy born of personal peril, held back. The sectional division between the two factions may be seen by an analysis of the democratic popular vote in 1860. In the (afterward) seceding states, including Tennessee, the vote stood—Douglas 72,084, Breckinridge, 435,392; in the other border states, Douglas 91,441, Breckinridge 134,289; in the north, Douglas 1,211,632, Breckinridge 275,092—(213,205 of this credited to the two states of Pennsylvania and California). All the electoral votes of the slave states were cast for Breckinridge, except those of Kentucky, Tennessee and Virginia, which were given to Bell (see CONSTITUTIONAL UNION PARTY), and those of Missouri, which were given to Douglas. With the exception of three votes in New Jersey, where a fusion ticket of electors was supported by all the anti-republican factions, and three Douglas electors were successful, no northern electoral votes were given to either of the democratic candidates. It would have been, therefore, impossible for the democratic party, even without the disruption of the Charleston convention, to have carried the election of 1860, for the adoption of the southern platform could not have made the southern vote more effective, and would certainly, even if accompanied by Douglas' nomination, have still further diminished the northern vote. (See REPUBLICAN PARTY.)—VI.: 1860–81. The situation of the democratic party, when the extra session of congress met in 1861 (see REBELLION), was peculiarly unfortunate. Founded on a strict construction of the constitution, and yet called upon to face a war in which, as it was not foreign but civil, the constitution and laws were certain to be strained to their utmost tension (see CONSTRUCTION, III.; WAR POWER), it could only be at fault in whatever direction it turned. In the

midst of an enormous revolution of thought and feeling, it alone endeavored to stem the current and to apply to 1861 the precedents of 1850. In the measures which the dominant party held patriotic and necessary, the issues of paper money, the laws for the confiscation of rebel property and slaves and for drafts, the suspension of the writ of habeas corpus, and the arbitrary arrests of suspected persons, it saw only partisan attempts to make party capital, or direct violations of law for the purpose of increasing party votes or of gratifying the spite of party leaders. The mass of the party was therefore arrayed, throughout the rebellion, against the methods by which the war was conducted; but there was a strong underlying sentiment in the party that the war itself was unnecessary, and that the troubles of the country could be most easily settled by a convention of the states. An active minority, chiefly in the border states and a few of the western states, was avowedly anxious for the success of the south; and their busy persistence, the general withdrawal of the war democrats from the party, and the repugnance of the great mass of democrats to the more violent war measures, enabled the dominant party to give the name of "copperheads" to the whole democratic party.—In the first congress of the war the democrats had in the senate but 10 out of 50 members, and in the house but 42 out of 178; in the next congress (1863-5) they had 9 out of 50 senators, and 75 out of 186 representatives. But in both congresses there were enough border state members (7 senators and 28 representatives in the first congress, and 5 senators and 9 representatives in the second), who generally acted with the democrats, to make them a very effective opposition. The political folly of secession may be partially estimated by considering the fact that only the voluntary absence of the 22 senators and 66 representatives of the seceding states gave the republicans a majority in either house at any time until the real close of the rebellion. In state elections the democrats were very steadily defeated; throughout the last two years of the war but two northern states, New Jersey and New York, had democratic governors. But the majorities in these elections, with such exceptions as that of Ohio in 1863, were usually not large; and it would be fair to say that the two parties maintained about their proportional vote from 1860 until 1864, the continued democratic loss of voters who fell off to the republican party, through a desire for a vigorous prosecution of the war, being balanced by democratic accessions of republicans who were estranged by the gradual adoption of anti-slavery measures and attracted by the democratic opposition to them. (See ABOLITION, III.; SLAVERY.)—The national convention had been called to meet July 4, 1864, at Chicago, but in June its meeting was postponed to Aug. 29. The selection of a western city as the meeting place, just at this time, was undoubtedly a great mistake, for the western democrats had been intensely excited in May, 1863, by the arrest and military conviction of C. L. Vallandigham, one of their leaders in Ohio, for attacking the management of the war in his public speeches. The influences which surrounded the convention from its first gathering by no means tended to calm deliberation, and their result was seen in the platform adopted, whose wording was almost equally brilliant, bitter and fatal. For the first time in 24 years the platform of 1840, the basis of the party's legitimate existence, was dropped; and the platform of 1864 makes no mention of any economic principle on which the party proposed to manage the government, if successful. It consisted of six resolutions, all but one of which, the last, attacked the management of the war. The single exception expressed the sympathy of the party for the volunteers in the field. The others, 1, stated the party's adherence to the Union under the constitution; 2, demanded a cessation of hostilities, and denounced the administration for, 3, interfering with military force in elections, 4, suspending the writ of habeas corpus in states not in insurrection, and 5, refusing to exchange prisoners. The most important, the second, is as follows, in full: "That this convention does explicitly declare, as the sense of the American people, that, after four years of failure to restore the Union by the experiment of war, during which, under the pretense of a military necessity of a war power higher than the constitution, the constitution itself has been disregarded in every part, and public liberty and private right alike trodden down, and the material prosperity of the country essentially impaired, justice, humanity, liberty and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate convention of all the states, or other peaceable means, to the end that, at the earliest practicable moment, peace may be restored on the basis of the federal union of the states." The platform, therefore, made every issue on which the party had ever succeeded, or could ever hope to succeed, subordinate to an issue on which it had very faint hopes of success—a mistake which has been frequently repeated since. On the second ballot Geo. B. McClellan was nominated for president by 202½ votes to 23½ for Thos. H. Seymour, of Connecticut; and for vice-president Geo. H. Pendleton was unanimously nominated on the first ballot.—In 1863 the Ohio democracy had anticipated the error of the national convention of 1864, had nominated Vallandigham for governor on the single issue of his arrest, and been beaten by the enormous majority of 101,099 out of 476,223 votes. The result in 1864 confirmed that of 1863; the democratic candidates received the electoral votes of only three states, New Jersey, Delaware and Kentucky. The popular vote, however, had grown since 1860 parallel with that of the opposing party; in spite of the defection of war democrats, the secession of half a million of its former voters, and a platform

which did not gain a single vote, the party still polled 45 per cent. of the total popular vote. — From July, 1865, until July, 1866, the democratic party passed through the darkest part of its valley of humiliation. It was beaten by increased majorities in every northern state election excepting a majority of a few hundred votes in Kentucky against an anti-slavery state constitution; and outside of the late seceding states but one state, Delaware, had a democratic governor. In the congress which met in December, 1865, the democrats had but 10 out of 52 senators, and 40 out of 185 representatives. All the excluded votes from the insurrectionary states could not now have given them more than a respectable minority in congress.—The open breach between president Johnson and the republican majority, about March, 1866 (see RECONSTRUCTION, REPUBLICAN PARTY), was closely similar to that between president Tyler and the whig party, 25 years before, and seemed at first to promise similar advantages to the democrats. But the questions at issue were so complicated with the passions of recent armed conflict, and the democratic party had so long been dealing with questions not fundamental to it, that it was now unable to follow the course of neutrality, coupled with a constant pursuit of its own economic objects, which its leaders had so skillfully and successfully taken in 1841–2. The party's strict construction principles certainly compelled it to oppose reconstruction by congress, but every consideration of policy should have counseled it to prevent this, if possible, from becoming the controlling question of politics. On the contrary, it fought against the passage of the preliminary and comparatively inoffensive civil rights bill and freedman's bureau bill with an acrimony which only resulted in their final passage without change, in the complete maintenance of the enormous republican majority in the congressional elections of 1866, and in the passage of the act of March 2, 1867, which fairly began the process of reconstruction by congress, with the certainty of a republican majority of over three-fourths in congress, to complete it during the next two years. — The party thus renewed the mistake of 1864, and elected to fight upon ground of its adversary's choosing. During the remainder of president's Johnson's term of office (see also IMPEACHMENTS, VI.), it struggled vainly but pertinaciously against the completion of reconstruction by congress. The national convention met July 4, 1868, at New York city, and adopted a platform in eight resolutions, followed by a long arraignment of the republican party for various violations of the organic law. Most of the eight resolutions were devoted to the question of reconstruction. One of them, however, showed some signs of a return to the original political principles of the party; it demanded "a tariff for revenue upon foreign imports," though it was coupled with an ambiguous wish for "incidental protection to domestic manufactures" in arranging internal taxes. But it departed from democratic precedents in two points: 1. Since the freedmen were now legally persons and not property, the democratic principle of universal suffrage, for which the party had for 80 years contended, apparently attached at once to them also; the convention, however, declared in the strongest terms against negro suffrage. 2. The party had regularly resisted the establishment of any other currency than gold and silver by the federal government, not only as unconstitutional, but as eventually bearing most hardly upon the masses of the people, and within five years it had strenuously opposed the adoption of the legal-tender paper currency; the convention, however, seduced by the idea of forcing upon the bondholder the same currency which the people had been compelled to accept, declared in favor of the payment of the debt in legal-tender paper, except those portions of it which were in terms payable in coin.—The political course of chief justice S. P. Chase, particularly during the impeachment of president Johnson, had gained many friends for him in the democratic party, and the convention would probably have nominated him but for the determined opposition of the delegates from his own state, Ohio, who were anxious to nominate Pendleton. On the first ballot the vote stood: Pendleton 105; Andrew Johnson, 65; Hancock, 33½; Sanford E. Church, of New York, 33; and 79½ scattering. Johnson's vote immediately and rapidly decreased. Pendleton's vote rose to 156½ on the 8th ballot, and then fell until his name was withdrawn on the 18th ballot. The votes for other candidates underwent little change, except those for Hancock and T. A. Hendricks, which rose to 135½ for Hancock and 132 for Hendricks on the 21st ballot. On the next ballot the Ohio delegation insisted on nominating Horatio Seymour, and the unanimous vote of the delegates was at once cast for him. F. P. Blair was then nominated for vice-president.—The platform had emphatically declared the reconstruction acts of congress to be "a usurpation, unconstitutional, revolutionary and void"; and this declaration was made more prominent by a previous letter of the candidate for the vice-presidency (the "Brodhead letter" of June 30, 1868), to the effect that the president elect must "declare these acts null and void, compel the army to undo its usurpations at the south, disperse the carpet-bag state governments, and allow the white people to reorganize their own governments." Until this was done it was "idle to talk of bonds, greenbacks, gold, the public faith, and the public credit." In other words, every issue was still to be subordinate to that of reconstruction. In the presidential election the democratic candidates were defeated, but their proportion of the popular vote had risen to 47½ per cent. In the north there was no sign of a change in the electoral vote; in that section democratic electors were chosen only by New Jersey, Oregon and New York, and the votes of the last named state, it was widely believed, were carried by frauds in New York city. (See NEW

YORK.) In the congress which met in December, 1869, there were 15 democrats out of 72 in the senate, and 96 out of 227 in the house. —The congressional elections of 1870 resulted in a trifling increase in democratic strength. In the senate there were now 17 democrats out of 74, and in the house 105 out of 242 The first term of president Grant rapidly developed a strong feeling in a minority of the republican party, the so-called "liberal republicans," that the national police power had been exercised beyond legal limits in the southern states since their reconstruction. This "liberal republican" minority in 1872 held a national convention at Cincinnati, adopted a platform, and nominated Horace Greeley and B. Gratz Brown, of Missouri, as presidential candidates. The democratic national convention met at Baltimore, July 9, 1872. It adopted the Cincinnati platform by a vote of 670 to 62, and nominated the Cincinnati candidates by votes of 686 to 46 for Greeley, and 713 to 19 for Brown. The platform was in reality the most thoroughly democratic which the party had adopted since 1840, with the single exception of its refusal to decide for or against protection (see LIBERAL REPUBLICAN PARTY), and, as it formally recognized the validity of the last three constitutional amendments, but demanded in return local self-government for all the states, it probably afforded to the party the fairest possible avenue of escape from the difficulties of reconstruction. As might have been foreseen, the recent bitternesses of party conflict handicapped Greeley very heavily from the beginning; the number of democrats who refused to vote far more than counterbalanced the liberal republicans who voted for him, and the democratic candidates were defeated, receiving but 43 per cent. of the popular vote. The responsibility for the result is, however, fairly chargeable to the unwise selections of the Cincinnati convention; had it seen fit to nominate C. F. Adams and an acceptable democrat, the result might easily have been different. About 30,000 democrats voted for the nominees of a "straight-out" democratic convention, held at Louisville, Sept. 3, though the nominees, Chas. O'Conor, of New York, and John Quincy Adams, of Massachusetts, declined the nomination. The defeat in the presidential election of course included a falling off in the congressional representation; in the following congress the democrats had but 88 out of 290 representatives, the senate being almost unchanged.— Though the party had been so badly defeated in 1872, its prospects for national success date only from that year. By a single effort it had cast off the burden under which it had been laboring for years, had sloughed off that great mass of its voters who were democratic only on one point— the memories of the anti-slavery and reconstruction conflicts, and now stood, for the first time since before 1850, upon the ground of its economic principles, ignoring for the present the tariff question. It would be unfair to ascribe to this "new departure" alone the growth in the democratic vote for the next two years, for this was greatly assisted by many concurrent circumstances of president Grant's second term (see UNITED STATES), and particularly by the general financial distress which began to be felt in 1873; but it is at least certain that the democratic proportion of the vote of agricultural districts began generally to increase after 1872 for the first time since 1854. In 1874 the change was so marked that the elections of the year were commonly known as a "tidal wave." In the northern state elections of 1874–5, New Hampshire, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, California, Nevada and Oregon were carried by the democrats; even Massachusetts introduced into her state government the phenomenon of a democratic governor; and in the congress which met in 1875 the democrats had 198 out of 292 members of the house, though they still had less than one-third of the senate.— This sudden tide of success, however, in the north, was balanced by a more general but more portentous success in the south, for which a great part of the responsibility must fall upon the abandonment by the party in 1868 of its fundamental principle of broadening suffrage. Its action left no option either to southern negroes or to southern whites and taxpayers. it forced the former into the republican party, and compelled the latter, in sheer self-defense, to take the name of democrat, no matter what their political principles might be. The consequence was that, so early as 1874–5, the whole south, with the exception of South Carolina, Florida, Louisiana and Mississippi, were nominally democratic, and a full half of the democratic vote in the house was southern, comprising in its ranks democrats, protectionists, greenbackers and internal improvement men, all agreeing firmly on but one democratic doctrine, the right of each state to self-government. The homogeneity of the party was thus injured, its action hampered and crippled, and its policy dwarfed to the care of a single section, thus checking again the national growth which had fairly begun. Had the "Chase platform" of universal suffrage (see CHASE, S P.) been adopted in 1868 and adhered to, it would probably not have affected the negro vote in that year, or perhaps in 1872, but the party in 1874, with but a fair half of the southern vote, would have been in far better position to take the crest of the wave of opportunity and develop again into a true national party. Here, as always since 1844, the party felt the want of those leaders who, until 1844, strenuously and successfully opposed the acceptance of any issue whatever which would narrow the party action to the care of a section.—The national convention met at St. Louis, June 28, 1876, and adopted a platform which, like all modern productions of the kind, was too long for popular use and better adapted for a campaign document; but it was at least almost entirely in harmony with the party's he-

reditary principles. It again accepted the last three constitutional amendments; it "denounced the present tariff, levied upon nearly 4,000 articles, as a master piece of injustice, inequality and false pretense," and "demanded that all custom house taxation shall be only for revenue"; and for the first time in many years it relegated the southern question to an entirely subordinate position. On financial questions it demanded due preparation before the resumption of specie payments; and the rest of the platform was entirely an indictment of the republican party. On the first ballot for a candidate for president the vote stood: Tilden, 404½; Hendricks, 140½; Hancock, 75; Wm. Allen, of Ohio, 54; Thos. F. Bayard, of Delaware, 33; and 37 scattering. Before the second ballot was finished, Tilden's nomination was made unanimous. His leading competitor, Hendricks, was then nominated for vice-president. The result of the election was that the democratic candidates had a majority over all in the popular vote, obtained a majority of the representatives to the succeeding congress, and claimed a majority of the electoral votes, though this was finally decided against them. (See DISPUTED ELECTIONS, IV.; ELECTORAL COMMISSION.) There can be no doubt that the whole party believed that the forms of law had been foully perverted to its injury in this decision; but its peaceful submission to the result was at least a useful proof of the strength of the American form of government —The south, including even the four states which had formerly been exceptions, was now solidly democratic, though its unification was not based upon the acquiescence of a majority of its voters in fundamental democratic principles, but was still entirely a measure of self-defense against the one overshadowing danger which the improvident action of the democratic convention in 1868 had made permanent. This solidification, and the entire disappearance of the republican vote in many southern districts, were skillfully used by republican leaders, during the next four years, for the decrease of the democratic vote in the north and west; and the result was very plainly seen in the congressional elections of 1878. In the senate the democrats had 42 out of 76 members, and in the house 149 out of 293; but 30 of the senators, and 105 of the representatives, were from a single section, the south. Had this southern majority been strict constructionist, pure and simple, as in Jefferson's time, it would have injured the party very little; but in fact, outside of the wish for local self-government for the states, there was hardly an article of the democratic creed, from a revenue tariff to opposition to internal improvements, in support of which this nominally democratic representation from the south was at all unanimous. The party's prospects would have been far better in the hands of a congressional minority wholly devoted to its principles than in those of a majority on which it could not rely. During the period of its nominal control of one or both branches of congress (house, 1875-81; senate, 1879-81), it is hardly possible to specify any point of democratic policy which it even attempted to enforce, excepting the reduction of federal expenses and the freedom of state governments.—The national convention was held at Cincinnati, June 23, 1880, and adopted a platform which, though somewhat paragraphic and disjointed, was in the main in consonance with the party's principles, though its financial paragraph can hardly be considered entirely Jeffersonian. It declared for "home rule; honest money, consisting of gold and silver and paper convertible into coin; and a tariff for revenue only." The remainder of the platform was devoted to denunciation of the "fraud of 1876." On the first ballot for presidential candidates the vote stood: Hancock, 171; Bayard, 153½; H. B. Payne, of Ohio, 81; A. G. Thurman, of Ohio, 68½; S. J. Field, of California, 65; W. R. Morrison, of Illinois, 62; Hendricks, 50½; and 185 scattering. On the second ballot Hancock was nominated by all the votes of the convention, except those of Indiana for Hendricks, and 3 scattering. W. H. English was then unanimously nominated for vice-president. In the presidential election of 1880 the democratic candidates were defeated. The defeat would seem to have been due mainly to the party's congressional majority, not so much because of its sectional character, after all, as because of its long influence in preventing the development of a national party policy. Even when, late in the canvass, the republican party elected to fight upon democratic ground, the tariff question, the party, which had had no education on the question from its own representatives, weakly endeavored to avoid it, and lost votes by its weakness. On the popular vote the democratic candidates were slightly in a minority, of the electoral votes they received all those of the southern states, and in the north those of New Jersey, Nevada, and five of California's six votes. Of the congress to meet in December, 1881, the democrats elected 136 out of 293 representatives, thus losing the majority in the house for the first time since 1875; both parties had the same number in the senate. But it is noteworthy that, for the first time in many years, nine of the southern representatives were republicans, an augury, perhaps, of the party's release from the worst impediment to its national development.—In its history to the present time the party has had but three leaders of the first rank, Jefferson, Madison and Jackson. (See those names) Jackson's name must be included, despite his phenomenal ignorance of very many of the commonest subjects of human knowledge; his skill in reorganizing a party out of chaos, his unerring certainty and success in going to the very marrow of unexpected political difficulties and in marking out the party policy, his ability to *lead* his party in the path of its own principles in spite of ambitious subordinates, and the distinct stamp which he left upon the opinions of the school of politi-

cians who succeeded him in the control of the party until 1844, all show him to have been a leader more effective, in some respects, than either of the others. The number of leaders of a lower grade has of course been very great, and the reader must be referred, as to them, to Gillet's "Democracy in the United States," cited below. The theoretical basis of the party has always been the principles formulated by Jefferson, though these were not put by him into any connected form, except in two instances (see KENTUCKY RESOLUTIONS; BANK CONTROVERSIES, II.), but must be sought for in detached letters throughout his collected works, or in his messages. His first inaugural address, in 1801, is his nearest approach to the formation of a systematic political creed. The political writings of William Leggett, editor of the "Evening Post," of New York city (1834–6), which are cited below, are a collection fully as valuable to any one who desires to study the democratic side of American politics before 1844. (See also LOCO-FOCO.) Since that year it has been the party's misfortune that it has almost always been engaged in combating some one or more of its own fundamental principles, so that it is difficult to give any general reference during this period which would not be more or less misleading. Perhaps the "Democratic Review," up to its cessation in 1859, and Spencer's "Life of T. F. Bayard," would give a fairly consistent view of the party's application of its theory to the practical questions of American politics. The Jeffersonian doctrine, in its modern form, is also given incidentally in governor Horatio Seymour's lecture on "the History and Topography of New York," at Cornell university, June 30, 1870.—The future of the party must be largely a matter of speculation. Its destruction or disappearance is in the highest degree improbable; if there were no democratic party in existence, the first consistent policy proposed by an administration would force the evolution of one. But it seems probable that its future basis will, to some extent, be changed in the following direction.—The Jeffersonian basis of the party, however useful in its time, is open to one great objection: it ignores the progress of the country. It attempts to lay down the rigid rule that the exercise of certain derived powers by the federal government, no matter how imperatively it may be needed, no matter how much steam, electricity and war may have changed the basis of existence of the country, is still and always *a violation of the organic law.* No party, not the democratic party itself, not Jefferson himself, has ever lived up to the rule in practice; nor has any one who refused to live up to it felt himself to be really a violator of law. But the continued charge that a broad construction of the constitution is *unlawful,* coupled with the constant exercise of broad construction by all parties in emergencies, has done much to sap the reverence of the people for the constitution itself, and to give an air of unreality to the professions of democratic leaders; it has enabled the opponents of the party to meet every profession of democratic faith with apt precedents drawn from democratic theory or practice; and it has again and again forced the party into a demoralizing acceptance of that which it had but very recently been denouncing as a violation of law.—The change which is necessary seems to be the basing of the party upon expediency rather than upon claims of absolute law in the matter of powers which are fairly doubtful. Of course there are powers which are either flatly prohibited to the federal government, such as the power to tax exports, or are plainly ungranted, such as the power to impeach a private citizen; as to these there can be no difference of opinion in regard to the legality of their exercise by the federal government. But in regard to the great mass of doubtful powers the claim that it is inexpedient to exercise them is a far more fitting basis for a great political party than the claim that it is illegal to exercise them. The former not only gives an elasticity to party action which is wanting in the latter, but implies a consciousness of strength in argument; the latter is too often only a substitute for argument and a confession of inability to argue the question at issue. There are many symptoms of this change to a basis of expediency among thinking democrats, the last and most noteworthy being the address of Clarkson N. Potter before the American bar association in August, 1881.—The objection to such a change would be, that it would open the way to an indefinite latitude of construction by a dominant majority in congress; the answer to the objection is, that the dreaded result has always been the practical rule of American politics, even in face of the loudest assertion of the illegality of broad construction, and that a stand upon the inexpediency of broad construction would relieve the strict construction party from the lengthening chain of the past and give it easier access to the several elements of the opposing party in the future. The particularist element in the United States will always be strong enough to act as a controlling force upon broad construction, and the more highly the political sentiment of the country is educated the less necessary becomes the ultra-Jeffersonian idea of the absolute illegality, under all circumstances, of broad construction.—[The list of authorities given below is, with a few necessary exceptions, of works written from a democratic stand-point; those of opposite views will be found under the articles referred to among the authorities. For the relative strength of party representation in the successive congresses, and for the popular vote in the presidential elections, see UNITED STATES. For the electoral votes see ELECTORAL VOTES. For the party history in each state see the articles on individual states.] (See UNITED STATES, CONSTRUCTION, ADMINISTRATIONS.)—(A), *In General:* See Capen's *History of Democracy;* Gillet's *Democracy in the United States;* Van Buren's *Origin of Political Parties in the United States;* Cutts' *Treatise on Party Ques-*

tions; Harris' *Political Conflict in America;* G. Lunt's *Origin of the Late War;* Tucker's *United States* (to 1840); Wise's *Seven Decades;* Cluskey's *Political Text Book of* 1860; *Tribune Almanac* (1838–81); *North American Review* (Jan. 1876), Art., "Politics in America"; Draper's *Civil War;* Greeley's *American Conflict;* 1–3 Von Holst's *United States;* Young's *American Statesman;* Johnston's *History of American Politics; Statesman's Manual;* Benton's *Debates of Congress* (1789–1850); *Congressional Globe* (1850–61); Appleton's *Annual Cyclopædia* (1861–80). (B), *In Particular Periods:* (I., II.: 1789–1801), see 1 Schouler's *United States;* 2 Pitkin's *United States;* 2 Holmes' *United States;* 4, 5 Hildreth's *United States;* 1 Draper's *Civil War* (introd. chap.); 3, 4 Jefferson's *Works* (ed. 1829); 1, 2 Rives' *Life of Madison;* 2 Randall's *Life of Jefferson;* 1 Tucker's *Life of Jefferson;* Austin's *Life of Gerry;* Parton's *Life of Burr;* 1 Parton's *Life of Jackson;* Adams' *Life of Gallatin;* Hunt's *Life of Livingston,* 46–105; and authorities under ANTI-FEDERAL PARTY; FEDERAL PARTY, I.; BANK CONTROVERSIES, II.; WHISKY INSURRECTION; JAY'S TREATY; X. Y. Z. MISSION; ALIEN AND SEDITION LAWS; DISPUTED ELECTIONS, I. (III.: 1801–25), see 5, 6 Hildreth's *United States;* Bradford's *Federal Government;* 1 Hammond's *Political History of New York;* 3 Randall's *Life of Jefferson;* 2 Tucker's *Life of Jefferson;* 4 Jefferson's *Works,* (ed. 1829); T. Cooper's *Consolidation;* Parton's *Life of Burr;* 2 Davis' *Life of Burr;* Garland's *Life of Randolph;* Pinkney's *Life of Pinkney;* Adams' *Life of Gallatin;* Carey's *Olive Branch* and *New Olive Branch;* Jenkins' *Life of Calhoun;* Dallas' *Writings of Dallas;* Ingersoll's *Second War with Great Britain;* 4–6 Adams' *Memoir of John Quincy Adams* (Diary); and authorities under ANNEXATIONS, I., II.; BURR, AARON; EMBARGO; GUNBOAT SYSTEM; FEDERAL PARTY, II.; CLINTON, DE WITT; BANK CONTROVERSIES, II., III.; CONVENTION, HARTFORD; WHIG PARTY, I.; CONGRESSIONAL CAUCUS; COMPROMISES, IV. (IV.: 1825–50), see Benton's *Thirty Years' View;* 2 Hammond's *Political History of New York;* 1 Draper's *Civil War;* 2, 3 Von Holst's *United States; The Democratic Review,* (1838–50); Bradford's *Federal Government* (to 1839); Amos Kendall's *Autobiography;* Sumner's *History of American Currency;* 3 Parton's *Life of Jackson;* Hunt's *Life of Livingston;* Hammond's *Life of Silas Wright;* Holland's *Life of Van Buren;* Scott's *Life of H. L. White;* Mackenzie's *Life and Times of Van Buren,* and *Lives of Butler and Hoyt* (both useless except for the letters contained in them); Jenkins' *Life of Calhoun;* Parton's *Famous Americans;* Appleton's *American Cyclopædia,* Art. "Calhoun"; Chase's *Administration of Polk;* Hamilton's *Memoir of Rantoul;* and authorities under WHIG PARTY, I., II.; ALBANY REGENCY; ANTI-MASONRY; NOMINATING CONVENTIONS; CHEROKEE CASE; INTERNAL IMPROVEMENTS; FOOT'S RESOLUTION; NULLIFICATION; BANK CONTROVERSIES, III., IV.; DEPOSITS, REMOVAL OF; VETO; CENSURES; LOCO-FOCO; CONSERVATIVE; SLAVERY; ABOLITION, II.; PETITION; ANNEXATIONS, III., IV.; OREGON; WILMOT PROVISO; BARNBURNERS; FREE SOIL PARTY; COMPROMISES, V.; POPULAR SOVEREIGNTY. (V.: 1850–60), see 3 Spencer's *United States; Democratic Review* (cont. as *United States Magazine,* to 1859); 3–6 Stryker's *American Register;* 1 A. H. Stephens' *War Between the States;* Schuckers' *Life of S. P. Chase,* 128–195; Dickinson's *Life of D. S. Dickinson;* Botts' *Great Rebellion;* Pollard's *Lost Cause* (cap. 1); Buchanan's *Buchanan's Administration; Atlantic Monthly,* 1861, and *North American Review,* 1866 (articles on Douglas); Chittenden's *Peace Convention;* and authorities under POPULAR SOVEREIGNTY; FUGITIVE SLAVE LAW; KANSAS-NEBRASKA BILL; SLAVERY; AMERICAN PARTY, I.; WHIG PARTY, II., III.; REPUBLICAN PARTY; DRED SCOTT CASE; TERRITORIES; KANSAS; BROWN, JOHN; SECESSION; COMPROMISES, VI. (VI.: 1860–81), see Bartlett's *Bibliography of the Rebellion;* 3 Draper's *Civil War;* Guernsey's *Rebellion;* 2 A. H. Stephens' *War Between the States;* McClellan's *Republicanism in America* (to 1869); McPherson's *History of the Rebellion,* and *History of the Reconstruction* (comprising his *Political Manuals);* S. S. Cox's *Eight Years in Congress;* Delmar and Stern's *Social Science Review;* Ingersoll's *Fears for Democracy;* Barnes' *History of the 39th and 40th Congresses;* Spencer's *Life of T. F. Bayard;* Moore's *Speeches of Andrew Johnson;* Taylor's *Destruction and Reconstruction;* Schuckers' *Life of S. P. Chase,* 514–560; *The Nation,* 1865–81; and authorities under REBELLION; ABOLITION, III.; SLAVERY; RECONSTRUCTION, SUFFRAGE; IMPEACHMENTS, III.; REPUBLICAN PARTY; GREENBACK-LABOR PARTY.

ALEXANDER JOHNSTON.

DENMARK. We shall here consider successively the constitution, administrative organization, finances and resources of Denmark. I. CONSTITUTION. The Danish monarchy comprises the kingdom of Denmark, properly so called, the Faroe isles, to the north of Scotland; the island of Iceland, in the Arctic ocean; colonies in Greenland; and the three islands of Santa Cruz, St. Thomas and St. John, of the Little Antilles isles, in the West Indies.—Denmark consists of the isle of Bornholm, in the Baltic sea, the islands of Zealand, the Fionian isles, and the peninsula of Jutland, containing altogether 14,553 square miles, with about 1,969,464 inhabitants. Besides these, the Faroe isles have 510 square miles, with 9 992 inhabitants; Iceland, 39,756 square miles, with 69,763 inhabitants; the three Antilles islands, 118 square miles, with about 38,000 inhabitants: and Greenland, 46,740 square miles, with 9,825 inhabitants.—After the middle of the thirteenth century, at which time a Danish nobility was formed, Denmark had for several centuries a feudal constitution, very different, however, from that of France or Germany. The fiefs were merely personal, and were held more absolutely from the crown. In principle, the king should have been elected by the entire people; but, from

the epoch above cited, his election passed into the hands of the *council of the kingdom* (*rigsraad*), composed of members of the nobility and clergy, appointed, in fact, for the most part by the king himself, but who, nevertheless, restricted his power in many ways, especially by the solemn pledges they administered to him at the time of his accession, the clauses of which were stipulations for the benefit of the privileged classes. These engagements the king was obliged to sign and promulgate before his election.—In 1536, when Protestantism was established in Denmark, the clergy lost all political influence, and fell to the rank of the other non-privileged classes, the bourgeoisie and peasantry. The state was thereby compelled to reform its institutions, in order to give to the state power the authority due to it. In 1660, under Frederic III., the ancient constitution was changed. The three inferior orders declared the royal power hereditary in the male and in the female line of the family of the reigning king, and conferred upon the king *absolute sovereignty*, so that the nobility lost their political prerogatives. This constitution is embodied in the *royal law of Nov.* 14, 1665 (*lex regia*), which law, although it was chiefly a *family* regulation of the dynasty, was, nevertheless, extended in fact to all the countries then subject to the king, and to all those which he acquired later. This extension of the royal power was expressed, first of all, in article 19 of the law itself, and was frequently admitted afterward. It was clearly approved, and even guaranteed, first by France and England, and afterward by Russia in the case of Schleswig, when, in 1721, king Frederic IV. confiscated that duchy to the crown, though a part of it had formerly belonged to the duke of Holstein-Gottorp.—The *royal law*, of which we are speaking, remained the organic law of the state until king Frederic VI. established, by an ordinance of May 28, 1831, the provincial estates, to be consulted on all that concerns their civil interests, property, and changes in the taxes imposed and levied; but these estates received no power over the budget. There were four provincial assemblies; for the Danish isles, for Jutland, for Schleswig and for Holstein. In 1843 Iceland had a separate consultative assembly, under the ancient name of *althing*, which, despite the changes that occurred somewhat later in the rest of the kingdom, still exists under the same form. But this constitution of Denmark, under which the representative assembly had only a consultative voice, and which, besides, rested upon a basis none too liberal, since it required that both voters and candidates for office should be land owners, could not permanently satisfy the liberal tendencies then prevalent in Denmark, as in the other parts of Europe.—In fact, in the month of March, 1848, Frederic VII., when about to succeed his father, Christian VIII., freely and spontaneously declared his willingness to grant a truly constitutional organization to that part of his states situated beyond the limits of the Germanic confederation. He promised at the same time to give to the institutions of Holstein a liberal development, similar to the German federal legislation; but the execution of these intentions was frustrated by the insurrection of that duchy. With the concurrence of an assembly convoked for this purpose he established a constitution for the kingdom of Denmark, which was promulgated under the name of the *fundamental Danish law of June* 5, 1849. This constitution, based upon the most liberal principles, was intended to extend to the whole of Denmark, including Schleswig. This, however, was rendered impossible by the insurrection of the duchies, which proposed to unite Schleswig and Holstein, and form of them a German state, with an exclusively agnatic succession, and which eventually should have only a *personal union* with Denmark. In 1850, when peace was re-established, the king of Denmark had to renounce his intention of immediately applying to Schleswig the fundamental Danish law of June 5, 1849. In promulgating the *royal patent* of Jan. 28, 1852, he announced his intention of making of the Danish monarchy an *indissoluble* unit (*hœlstat*): all the countries belonging to the crown of Denmark were to have a common representation for general interests, without diminishing in anything the authority of the different provinces, such as Denmark, Schleswig and the German states, within the limit of their private interests. The great powers and Sweden signed at London, May 8, 1852, a protocol, by which they recognized the integrity of the Danish monarchy. By this treaty the same powers guaranteed a new order of succession to the throne, to provide for the case in which the male line of the reigning dynasty should become extinct, a case which in fact occurred on the death of Frederic VII. and the hereditary prince, his uncle. The crown was then to devolve on prince Christian, of Glucksburg, prince of Denmark, and to his male descendants, born of his marriage with the cousin of the king. Thenceforth the succession was to become purely agnatic. The *rigsdag*, the legislative assembly of Denmark proper, voted this order of succession, which was promulgated July 31, 1853, as the law of the entire monarchy. For the countries beyond the jurisdiction of the *rigsdag*, this law was enforced in virtue of the absolute sovereignty which the king then possessed in these countries.—After numerous conferences with the leading men of Holstein, the king of Denmark, Frederic VII., with the advice of his council of state, and intending to arrange for the best common interests of the entire monarchy, caused to be drawn up and promulgated a *common constitution of Oct.* 2, 1855. But the Germanic confederation refusing to recognize this constitution as valid for Holstein and Lauenburg, it was restricted by a royal patent of Nov. 6, 1858, to Denmark, properly so called.—From what we have already seen it is quite clear that the Danish monarchy, particularly since the ac-

cession of Frederic VII., in 1848, has been subjected to numerous constitutional agitations, owing chiefly to opposition and interference on the part of Holstein, Prussia and Germany. The fundamental Danish law of June 5, 1849, intended to embrace southern Jutland or Schleswig (*Sønderjytland*), could not be established in *this province*. But, on account of foreign interference, two provincial constitutions were promulgated; one for Schleswig, Feb. 15, 1854, and the other for Holstein, bearing date June 11, 1854. Next came the common and general constitution of Oct. 2, 1855, and the same reformed Nov. 2, 1858. But as the German opposition and pretensions were still unsatisfied, the king and his council prepared a draft of a new constitutional law for Denmark, including Schleswig, having obtained in advance the assent of the cabinet of Berlin. In the meantime Frederic VII. died, Nov. 15, 1863. His successor, Christian IX., signed the draft of the constitution; but the cabinet of Berlin at once *rejected it*. War was declared, and Denmark invaded by the German armies. By the treaty of peace of Vienna, Oct. 30, 1864, the king of Denmark ceded to Prussia and Austria together, Schleswig, Holstein and Lauenburg. — After this dismemberment, Denmark alone could have no need of two constitutional or fundamental laws, one general, the other provincial; nor of two legislative representations, the general *rigsraad* and the provincial *rigsdag*. This called for consideration; and, moreover, experience had shown the need of a revision of the fundamental Danish law of June 5, 1849, especially with regard to the *landsthing*, the upper house. It was only after repeated efforts, and in spite of the most persistent opposition on the part of the democratic party, that on July 28, 1866, the fundamental Danish law of June 5, 1849, *revised*, was finally voted and promulgated.—In what concerns the rights and liberties of citizens, the position of the monarch and of the national representative assembly, the division of legislative and administrative authority, etc., this new constitution of July 28, 1866, remains the same as that of June 5, 1849. The *folkething* is composed of 102 members, one deputy for every 16.0 0 inhabitants. They are elected by universal suffrage. Every respectable man is a voter at the age of 30, and eligible to office at 25.[1] The elections are held publicly on the same day in all the electoral districts of the country. The deputies are elected every third year; they receive a per diem remuneration during the sessions, which are held annually. The *landsthing* and *folkething* elect their presidents and other functionaries, and control their own internal government. The ministers are allowed to be present at the meetings, and to take part in the debate, but they do not vote, unless they are deputies.—The *landsthing* has 66 members, 12 of whom are named by the king, and hold office for life; seven are elected by the city of Copenhagen; 45 by the great electoral circuits, comprising both the cities of the province and the rural districts; one by the island of Bornholm; and one by the *lagthing*, the elective assembly of the Faroe isles. The election of the 45 members is of two degrees; that is, they are elected by special electors chosen by voters having the right to vote for members of the *folkething*, but in such a manner that one-half of the final electors, or electors of the second or higher degree, are elected exclusively and separately by the general body of voters in the several electoral districts who pay the highest amount of taxes. The final elections are held according to the proportional method (first suggested by J. Stuart Mill), which is favorable to the candidates of minorities. The term of the elector's commission is eight years.—Public officers are not required to obtain the authorization of the government in order to be elected. The *rigsdag* meets every year, and enjoys in full all constitutional rights: it votes taxes, and no expense can be incurred without its authorization. The budget must be submitted to the *folkething:* all other projected laws can be first brought before either the *folkething* or the *landsthing*. The assembly has the right of initiative, the right to question the government, and to bring articles of impeachment against ministers for mal-administration, but the king can dissolve the *rigsdag*, and has the power of absolute veto. The fundamental law guarantees to the citizen most ample civil and political liberty. The elections are perfectly free; and the citizens likewise enjoy the most complete liberty to associate and meet, and to use the press with no other restrictions than those imposed by general legislation. Individual liberty and respect for property are assured. The nobility enjoy no privileges, and the tendency is toward the abolition of the *majorats*. There is complete liberty of conscience: the religion he professes deprives no man of his civil and political rights. The evangelical Lutheran church, however, is recognized as the church of the people, and as such is subsidized by the state, which also appoints its ministers. The marriages celebrated by them (Lutheran ministers), and those solemnized by Catholic priests, by the pastors of the Reformed church, and by rabbis, are the only ones recognized as valid by the civil law.—The democratic element and democratic ideas are rapidly spreading in Denmark. In the *rigsdag* (composed of the *landsthing* and the *folkething*), as well as in the country at large, political parties are clearly defined, and mutually contend for the mastery. There are three principal parties: the conservative, the liberal national, and the popular party

[1] There is nothing in this provision about age that need surprise us. As every man is a voter, it was proper to take the necessary precautions to secure maturity of choice. Voters of the age of 30 years offer all requisite guarantees on this point. It can, therefore, be left to them to appreciate whether such or such a fellow-citizen of the age of 25 years may not, by his extraordinary talents, be able to render desirable service to his country. The younger Pitt was made a minister at 23. M. B.

It is particularly since the accession of king Christian VIII., or since the year 1840, that these parties have been formed and developed.—The conservative party, without advocating absolutism, or blindly opposing all progress or innovation, still holds to a rather slow and deliberate course in the changing of established institutions, and advocates the maintenance of many of the rights and prerogatives which had their origin in the past. This party, which is the weakest in point of numbers, is composed principally of old men who find it difficult to familiarize themselves with the novelties of our day, and of certain large landed proprietors who have to suffer from the abrogation of ancient privileges, and the modern tendency to universal leveling.—The liberal national party approaches somewhat to that which we designate by the epithet *doctrinarian*. It is what we may call the middle party, drawn principally from the middle classes of society. Its ranks are recruited mainly from among educated men. It also numbers among its adherents many public functionaries and distinguished journalists; and it has, since 1848, supplied the greatest number of constitutional ministers in Denmark. Without sympathizing with radicalism and demagogism, it is this party certainly which has labored most successfully in the cause of the public, to assure the triumph of patriotic and liberal ideas, to create and develop constitutional government, and to disseminate public instruction. If this party rules, it is because of its knowledge and capability, for it is not, nor can it become, the most numerous. Besides, where there is most individual enlightenment, there is least blind or complete submission to leaders, and consequently there is less probabi ity of obtaining unanimity of opinion and of votes in the balloting of the representative assembly, or in popular elections.—The people's party (*Menigmandsparti*, or *Bondevenner*, friends of the peasants, the party which, since 1871, has received the name of the *united left*) is very strong and very numerous, because in all countries the lower classes form a numerical majority, and the masses, being always and necessarily the least enlightened portion of the nation, are inclined to follow their chiefs *en masse*, to obey the orders and commands of those who constitute themselves their leaders and pretend to be their advocates. The rise of the people's party is due mainly to the system of universal suffrage, which was established in Denmark, rather prematurely perhaps, in 1848. This party pretends to represent the people only, excluding from the idea of people all who are above the common. The efforts of this party constantly tend to belittle superior intelligence and civilization, and institutions of art and science, and to excite contempt for all public functionaries, as an interested class who absorb the fruits of the people's labor. In this party, therefore, more particularly, we find tendencies to social leveling, and the democratic, or rather demagogic, ideas which are striving to attain the ascendant. As an impelling power such a party as this is useful, and it can not be denied that it has given the impulse to just and salutary improvements and reforms; but, on the other hand, if it is not constantly and wisely combated and restrained, it will end by disorganizing everything.—II. ADMINISTRATIVE ORGANIZATION. As long as royal absolutism lasted, the judicial and the administrative power were united in the same hands. But since the re-establishment of constitutional government, the administrative power has been separated from the judicial power, as also from the legislative power. The king is the head of the administration, and it is in his name that the administrative functions are exercised. He appoints all functionaries, whether administrative or judicial. To be appointed to office it is necessary to be a Dane, and to fulfill the general conditions as to capacity prescribed by law. With the exception of the judges, all officials are removable for administrative reasons; and unless their removal is the result of an abuse of power, they are entitled to a pension, which is payable also to their widows. Their official salaries are fixed by law.—The administration of the country is directed by the ministers. These collectively form the *state council*, presided over by the king in person; in which council the most important resolutions are passed, and bills discussed before they are presented to the legislative assemblies. The ministers may be members of these assemblies; they always have access to their sessions, and are heard when they ask to speak; they themselves present and support the laws which are of their own suggestion. The ministers are seven in number: the ministers of foreign affairs, of finance, of war and of the navy, of justice, of the interior, of worship, and of public instruction.—Local administration is intrusted to authorities acting under direction of the ministers. For this purpose the country is divided into 18 bailiwicks, besides those of the Faroe isles. The capital, Copenhagen, has a separate administration, and is not included in these 18 bailiwicks. The bailiff, or prefect (*amtmand*), is the representative of the government in the bailiwick, and the representative of the bailiwick with the government; he decides, or at least he has a consultative voice in, all administrative matters, such as communal administration, agriculture, public charities, schools, roads and police. Although he has properly no judicial authority himself, he controls the exercise of justice, and it is he who institutes examinations in all criminal affairs. In the towns and districts the inferior authority is exercised by sub-prefects (*byfoged, herredsfoged*), who are at the same time judges of first resort. In the rural communes there are mayors (*sognefogder*), chosen and appointed by the authorities from among the inhabitants of the commune itself, to aid in all that concerns local police. As to communal affairs, we must distinguish between the capital city, the other cities of the country, and the villages. In all the cities the communal administration is composed of the *magistracy* and of *elected*

representatives; who together constitute the municipal council. In Copenhagen the *magistracy* consists of a president, appointed by the king; four burgomasters, elected by the representatives, and confirmed by the king; and four counselors, appointed by the representatives. The representatives, 36 in number, are elected by the inhabitants of the capital. In the other cities of the country the *magistracy* has usually only one burgomaster, appointed by the king; the number of representatives elected by the inhabitants is proportioned to the population. In the country districts there are the commune, the bailiwick and the rural commune. The former comprises the whole bailiwick; it is presided over by the bailiff, and the representatives are elected from among the inhabitants, but by two degrees of election. The sessions of the representatives occur every three months. Each parish forms a rural commune, whose representatives are elected by the inhabitants of the parish, and they themselves name their chief officer. The difference between the commune of a bailiwick and the commune of a village consists merely in the relative extent of their jurisdictions.—We include under the term communal interests all that concerns local affairs, as schools, public charities, public hygiene, seaports, local police, national guard, precautions against fire, communal revenues and communal property, the apportionment of certain taxes, etc. The communal budget must be approved by the higher authorities; that of the capital alone is dispensed from this approval. In the fundamental law of Denmark of June 5, 1849, the autonomy of the communes constitutes one of the principles of the law of the country.—The Faroe isles form a bailiwick apart, and they alone of the remote dependencies of the kingdom send a deputy to the *rigsdag*. For the preparation and examination of bills, as well as for many administrative affairs, there was instituted, by a law of April 15, 1854, a *lagthing*, a representative assembly of 20 members elected by the people of the island and presided over by a bailiff.—Iceland is divided into four bailiwicks. It has a secondary tribunal, and a representative assembly, the *althing*, composed of 27 members, six of whom are named by the king, and the other 21 elected by the people. It is presided over by the chief bailiff of the island.—The 16 colonies, or trading posts, of Greenland are administered by two higher inspectors, one in the south, the other in the north of the country.—The colonies of the Antilles are administered by a governor. They have a secondary tribunal, from which there is an appeal to the superior court at Copenhagen. According to the colonial law of Nov. 27, 1863, the legislative authority is exercised by the king and the *council* of each colony, by means of ordinances afterward presented to the *rigsdag*. The colonial council of the island of Santa Cruz is composed of 18 members, and those of St. Thomas and St. John together, of 15. Five members of the former, and four of the latter, of these councils, are appointed by the king; the others are elected by the inhabitants of the islands. The governor presides over both councils.—III. FINANCE. 1. *Administration, Budget, etc.* The administration of finance is organized in one uniform manner in the different parts of the monarchy. The minister of finance concentrates in his hands and directs the collection of taxes, payments, and controls the making of the budget and the national accounts. His ministry is divided into different departments, corresponding to the principal branches of receipts and disbursements—postal service, toll, public domain, public debt, general treasury, etc.—It is established, as a general principle of administration, that the official who receives the money, and who has the handling of it, is never authorized to disburse it (to pass accounts), and *vice versa*. The money received by the local treasuries is sent to the one main treasury of Copenhagen. Statements of the condition of the treasuries are sent every month to the minister of finance, who thus knows at all times the amount that should be in each treasury, and can examine them through special inspectors.—The collection of direct taxes in the cities is made by the officials of the communes (mayors or others); in the country, by the receivers of the bailiwick, of which every bailiwick has one or two. The collection of indirect taxes is managed differently according to the nature of each kind of tax.—To make up the budget, each minister collects the elements of it which concern his department, and these materials are arranged by the minister of finance. The proposed budget is first submitted for the royal sanction in council, and afterward presented to the legislative assemblies. The receipts and the disbursements are most rigorously separated in the budget. Both are divided into ordinary and extraordinary. The budget is very detailed. The representative assembly can amend it, and does not merely vote the total sums, but deliberates over each item. The strict observance of the law relating to the finances (or of the budget voted) is rigorously enforced; no arbitrary transferring from one account to another, or from one year to the next, is allowed; every modification of the budget must be approved, and no expense can be incurred unless it has been approved by the chambers.—At the end of the financial term the minister of finance presents his report, and then the process of revision or *verification* begins. The examination of particular accounts is made by general revisors, or comptrollers, higher administrative officials belonging to the several ministries. Besides, the general account of the finances of the state is afterward submitted to a control provided for by the constitution, effected by auditors named for this purpose by the representative assembly. The assembly passes resolutions upon the remarks and notes of the auditors, in such manner that the responsibility of the ministers may be fixed by them. The common cor-

stitution of Oct. 2, 1855, gave rise to the hope that a court of accounts for the entire monarchy would be established; but as this promise has not yet been fulfilled (1872), the revision continues to be made in the administrative way, and the account of the finances, after it has been presented for examination to the national assembly (*rigsdag*), is submitted for royal sanction.—2. *Revenues, Taxes, Expenses.* The revenues of the state are derived, partly from the public domain and other property, and partly from taxes. The Danish islands in the West Indies have their finances separate, the surplus only is each year turned into the common treasury of the monarchy. In Denmark there is no longer any fiscal immunity for anybody.—The *indirect taxes* consist of customs duties, the tax upon playing cards, the navigation tax, the tax upon the manufacture of alcohol, postal and telegraph duties, the costs imposed by courts, stamp duty, the tax on inheritances, and the tax on real estate transfers. The excise tax was definitely abolished in 1851. As to the principles of *customs legislation*, some absolute prohibitions and high protective duties were in vigor until, toward the end of the last century, an ordinance of Feb. 1, 1797, established a much lower tariff. The tariff of May 1, 1838, had not yet broken with the protective system, but the customs law of July 4, 1863, was a long stride toward free trade. Export duties have been abolished. The number of articles enumerated as dutiable has been reduced more than half. The import duties on cereals have been removed, and those still imposed upon the chief articles of consumption and upon raw materials considerably lessened; to compensate for the decrease of receipts which would have resulted from this reduction, the duties on certain articles of luxury have been increased.—While speaking of customs, we must mention the *sound toll*, which consisted of a duty paid from time immemorial by every ship that passed the sound and the belt. This toll amounted, during the last years of its existence, to nearly 2,000,000 rigsdalers ($1,200,000) per year. It was abolished by the treaty of March 14, 1857, between Denmark and nearly all the states of Europe and America, and the powers engaged to pay an indemnity of 30,500,000 rigsdalers ($18,000,000), of which 1,120,000 was the share to be paid by Denmark itself. By a law of May 6, 1857, this capital was to form a special fund, known as the "sound" fund, the interest of which was to be turned into the public treasury; but since the law of Sept. 17, 1865, this capital has ceased to form a separate fund.—The tax imposed on the manufacture of alcohol is regulated by a law of Feb. 7, 1851. The tax is levied upon the apparatus used in manufacturing it, thus 64 skillings (a little less than 2 francs) for each ton of grain which the vats hold. The permit to establish a brandy distillery is given by the minister of the interior; the apparatus is measured and stamped by the customs officers. The revenue from customs, taxes on alcohol, stamp duties, playing cards and navigation together amounted, in 1843, to 5,000,000 rigsdalers (about $3,000,000), and during the year 1860–61, to 7,400,000. According to the budget of 1871–2 the net amount of these revenues was 7,878,183 rigsdalers (about $4,750,000). We must bear in mind, besides, that the figures for 1843 and 1861 related as well to Denmark as to the duchies of Schleswig-Holstein and Lauenburg; while those for 1871 are for Denmark alone.—The net revenue from the postoffice was, in 1845, 240,000 rigsdalers; in 1860–61, 270,000; and in 1871, 166,989 rigsdalers, for Denmark alone. This net revenue is turned over to the state treasury. Since April 1, 1851, there has been a uniform postage of 4 skillings (about 2½ cents) on each ordinary letter.—Stamps are required on all documents containing a contract involving a pecuniary consideration. Journals and periodical publications are not subject to this tax. A law of Feb. 19, 1861, considerably lessened it. In 1845 the revenue from this source amounted to 390,000 rigsdalers; in 1860–61 it amounted, in Denmark alone, to 730,000, and in 1870–71 to 700,000. According to the ordinance of Feb. 8, 1810, the tax on real estate transfers is ½ of 1 per cent. of the purchase money. The tax on inheritance, modified by the law of Feb. 19, 1861, is, for the ascending and descending lines, 1 per cent., for the collateral line, 4 per cent. In all other cases of succession to property, it is 7 per cent. In 1845 the tax from these two sources amounted, in the kingdom alone, to 140,000 rigsdalers; in 1860–61 it amounted to 400,000, and in 1871 to 460,000. (A rigsdaler is equivalent to about $1.12.)—Court costs, and fees for copies of legal documents, amounted, in 1845, in the kingdom alone, to 140,000 rigsdalers; in 1860–61, to 500,000; and in 1871, to 684,500.—Of the *direct taxes*, the land tax and the tax upon houses are the most important. The unit which serves as a basis in imposing the land tax in the kingdom is the tun of corn (*tönde hartkorn*); that is to say, a tax considered as equivalent to a measure of corn. A certain quantity of a product being taken as a unit, it is easily seen that we must take a greater or less amount of land to obtain this quantity according to its quality; that is to say, that in one place 10 acres, and in another place 20 acres, will be required to produce a hectolitre; consequently, 10 acres of fertile land shall be taxed one hectolitre in kind, and 10 acres of medium good land shall be taxed one-half a hectolitre. In the first years of this century a new valuation of all the arable land of the kingdom was made, and in accordance with the results of that valuation, the ordinance of Jan. 24, 1844, established a new land tax, on the basis of the unit, or *tun of hartkorn*, according to the quality of the land. In reality, the land tax is nominally divided into the old and the new tax: the former, ever invariable, is regulated according to the ancient *cadastre* (official table of the quantity and value of real property); the latter, varying according to the

needs of the state, is regulated by the new taxation. The woods and forests are assessed in a similar manner.—There is also imposed upon land the *partition tax*, which, under a law of June 20, 1850, has taken the place of some ancient and less important taxes, and the *road tax*, regulated by ordinance of Sept. 29, 1841, and intended for the maintenance of public roads. The tax upon houses is assessed, according to the ordinance of Oct. 1, 1802, on all buildings that are not intended for the service of agriculture; consequently upon town buildings, buildings to be used as places of amusement, factories and workshops. It is reckoned according to the aggregate superficies of all the stories of the building. The revenue from the varied sources of direct taxation in the kingdom amounted, in 1845, to 3,300,000 rigsdalers; in 1860–61, to about 4,000,000; and in 1871, to nearly the same amount. — As the communal assessments do not figure in the state budget, we have not introduced them into this exposé. These assessments are apportioned according to the land tax, and the profession and fortune of the citizens. Income tax, properly so called, is levied in the commune of Copenhagen (law of Feb. 9, 1861.) — 3 *Financial Situation.* On March 31, 1861, the public debt of the monarchy amounted to the nominal sum of 98,000,000 rigsdalers, 68,000,000 of which constituted its home indebtedness, and 30,000,000 its foreign debt. [The foreign debt was paid off in 1877 and 1879.] — Of the home debt, 62,500,000 were really due, namely. 61,000,000 at 4 per cent.; 300,000 at 5 per cent.; the balance at less than 4 per cent., even as low as 3 per cent. The floating debt amounted to 1,500,000, and consisted principally of funds belonging to minors, and bonds of public officials. There is a constant effort to diminish this debt. Of the foreign debt, nearly 6,000,000 bear interest at 4 per cent., and about 24,000,000 at 3 per cent. — In 1835 the state debt was 130,000,000; in 1848, 105,000,000; in 1850, after three years of insurrection and war, it amounted to 121,000,000; and in 1861 was reduced to 98,000,000. This very considerable reduction of the debt was effected, although during the same period numerous and extensive public works were undertaken. We should bear in mind that the sums indicated for the years previous to 1864 embrace all three countries, Denmark, Schleswig-Holstein, and Lauenburg; from 1864 downward they refer to Denmark alone. The nominal debt of the state amounted, in 1866 to 131,000,000 rigsdalers, in 1868 to 132,000,000, and in 1870 to 116,000,000; while the state property, not including railroads owned by the state, amounted, in 1866 to 65,000,000 rigsdalers, in 1868 to 67,000,000, and in 1870 to 48,000,000.—As to the *annual financial balance*, the reports returned for the year 1845, for the whole Danish monarchy, as it then existed, showed a revenue and an expense of about 17,500,000 rigsdalers. In 1854 the revenue amounted to 23,000,000, and the expenses to 25,000,000. In 1861 revenue and expenses amounted to about 26,500,000; during the eight years from 1854 to 1861 the mean balance was about 22,750,000. During the six years from 1866 to 1871 the budgets for Denmark were increased to about 22,500,000. The amount in the treasury at the end of each of these years was from 5,000,000 to 6,000,000.—IV. MILITARY ORGANIZATION, ARMY AND NAVY. — Military affairs of both the army and navy are under the control of the ministers of war and of the marine. Recruits are obtained by conscription; every Dane who is able to bear arms is, without distinction, obliged to contribute his personal aid to the defense of his country (law of Feb. 12, 1849). The only ones excepted are the ministers of all churches or religious associations recognized by the state. Criminals are excluded, as unworthy of serving in either army or navy. At the age of 15 young men are entered upon the rolls, of which there is one kept in the district of each court of first resort; and 22 years is the age for conscription. Since 1867 the use of substitutes has been entirely abolished. Under the law of March 21, 1861, conscription is made for both army and navy. The recruits are apportioned between army and navy, according to the needs of the service, though regard is had, as far as it is possible, for the preferences of each. For sailors who have served on shipboard for some time, and become proficient seamen, there is a separate list, and those inscribed on it serve exclusively in the marine service. Although there are always a great many sailors at sea, either on board Danish ships, or on those of foreign nations, there has nevertheless never been any difficulty in completely manning the fleet with skilled native seamen. —The army has been reorganized according to a law of July 6, 1867. Under this law the infantry is composed of 20 battalions of the line, 10 battalions of reserves, 10 of re-enforcements (*landwehr*), forming five brigades; and the guard, which consists of one battalion of the line, and one of re enforcements. The cavalry numbers five regiments, each consisting of two squadrons of the line, one squadron of reserves, and one division of recruits. The field artillery consists of nine batteries of the line, and three of reserves, forming two regiments, and one train division. Of stationary artillery there are six companies of the line and three of re-enforcements, formed into two battalions. The technical artillery has an arsenal division and a laboratory division. The artillery has a staff, as have also the engineers. The corps of engineers forms a battalion of the line, a battalion of reserves, and a *torpedo* division. There is a general staff of the army, a corps of military judges, a corps of physicians, and a commissariat corps. Each branch of the service has an inspector general. With their full complement in time of war the battalions number 800 fighting men, and the cavalry squadrons 120. The army is made up of 32,000 fighting men.—The young soldiers, enrolled at the age of 22 years, form part of the line and of the reserve for eight years, and during the

next eight years of the re-enforcement (*landwehr*). For conscription the country is divided into five circuits, each of which furnishes a brigade of infantry and cavalry. The young recruits spend from four to nine months in the drill school, after which they are sent back home, excepting the number of men necessary for service in time of peace, and those who are made corporals or officers. For several years after this the soldiers are called out for from 30 to 45 days for drill, and manœuvre practice. The officers and non-commissioned officers of the line and of the reserve remain permanently in the service; those of the re-enforcement are called into service only in times of a general enrollment. No one can become an officer who has not served as a soldier, and as corporal, and who has not, besides, passed the examinations in the military school. This school has a special class for the instruction of artillery officers, and officers of engineers.—The *Danish fleet* consisted, in 1872, of three frigates and four ironclad floating batteries, which were screw steamers; one ship of the line, four frigates, three corvettes, four schooners, and seven iron gunboats, which were screw steamers; six side-wheel steam corvettes; one sailing frigate, and one sailing cutter; eight oared gunboats, and 21 iron transports. The entire fleet mounts 320 pieces of cannon, and is supplied with engines whose combined capacity aggregates 6,700 horse power.—V. PUBLIC INSTRUCTION. The public educational system comprises lower and higher primary schools, secondary schools (called Latin schools, or learned schools), and schools of the exact sciences (*realschulen*), special schools, and finally a university, which imparts higher education.—Primary education was formerly under the care of the church, but now, according to the ordinance of July 29, 1814, it is entirely secular. Although the state has the supreme direction of primary education, it is regarded as a communal matter. Attendance at the primary school is compulsory (law of July 29, 1814) in this sense, that every child that does not receive a sufficient education elsewhere is obliged to attend the public school of the parish from the age of seven to the age of 14 years. Primary instruction in these schools is given gratuitously, as prescribed by § 90 of the fundamental law of June 5, 1849. Besides the ordinary primary schools, there are, in the cities, higher primary schools, which, in consideration of a certain amount of money, offer a more extended education. Each commune appoints its own superintendents, who act in concert with the pastors. The expenses are in general defrayed by the communes themselves. However, outside of Copenhagen the communal schools derive some assistance from an educational fund, formed by each bailiwick, by means of a tax levied on the whole district, and administered by a council composed of a bailiff, an ecclesiastic, and a certain number of members chosen by the towns and the rural communes (law of March 8, 1856). Finally, the state appropriates regularly every year 50,000 rigsdalers to primary education. The city of Copenhagen expended for primary education, in 1860, 100,000 rigsdalers, and in 1865, 91,300; the provincial cities taken together, in 1860, 190,000 rigsdalers, and in 1865, 200,400; and the rural communes, in 1860, 1,235,000 rigsdalers, and in 1865, 779,261.—The teachers are appointed by the general board of direction of primary schools; exceptionally, for some communes, by the bishop of the diocese; always and everywhere, after mature deliberation, and after having been proposed by the communal council. They are laymen. For the teaching and training of teachers the country has five primary normal schools.—Since 1852 there have been formed in the country districts of the several provinces *secondary schools for the peasantry* (*bondehöiskoler*), of which there were in 1872 nearly 50 in existence, and the number has been increasing. They are private institutions, independent of the administration, although the government has commenced to grant them subsidies. The young men, from 16 to 18 years of age and over, who frequent them, are not subjected to any examination, either on entering or on leaving them. While developing their primary education, they tend essentially and systematically to arouse their ambition and enliven their patriotism, and to create a respect and desire for education, by the aid of free, familiar oral lessons on antiquity, mythology, the history of their native country, the phenomena of nature, etc., and by singing together, by committing songs to memory, and by lively and instructive conversations. In short, the inculcation of liberty and individual independence, and the quickening of the pupils' minds, are the objects sought to be attained by these schools.—They have begun to organize similar semi-annual courses for young peasant women.—The secondary public schools are under the control of the state. Besides the public schools there are also many secondary private schools. In Denmark the public Latin schools (lyceums, colleges) which prepare students for the university, are twelve in number; they are, at the same time, schools of the exact sciences (*realschulen*), that is to say, they have, at the same time, classes in literature and the sciences. Each school is governed by a rector, who is also one of the faculty. The expenses of the secondary schools are paid partly by numerous special foundations and partly by the state. The total of these expenses in 1860-61 was about 200,000 rigsdalers; in 1872 about 250,000.—Besides numerous private special schools there are many public special schools, such as the royal academy of fine arts, the higher veterinary school, the school of scientific agriculture, the forestry and surveying schools, the polytechnic school, the primary normal schools, the military schools, naval schools, etc. The expenses of these schools, inasmuch as their special funds are not sufficient thereto, are borne by the state.—Denmark has only one university,

that of Copenhagen. It has faculties of theology, law, political economy, medicine, philosophy, mathematics and the natural sciences; it has 57 professors. The number of its students is from 800 to 1,000. It is supported entirely by its own revenues, which are derived in part from landed property. Its annual expenses amount to nearly 200,000 rigsdalers. Besides the university there is a separate establishment called the *community*, which, with its annual revenue, of about 100,000 rigsdalers, is intended to furnish scholarships to poor students, and assistance to different educational institutions.—To sum up, without reckoning the revenues of particular foundations of certain institutions, the general educational fund, or the communal expenses, the state expends annually about 300,000 rigsdalers for the benefit of public education and the sciences. It besides devotes an equal sum every year to subsidies: to the royal theatre at Copenhagen (50,000 rigsdalers), to the veterinary school (nearly 50,000 rigsdalers), to the royal academy of fine arts, to the public libraries, museums and art collections.—The results of public education in Denmark may be considered as quite satisfactory. The obligation of attending school, together with the gratuity of education, has rendered it a thing of very rare occurrence to find any one who can not read and write.—VI. PUBLIC CHARITY. We must distinguish between obligatory public charity, and private charity. According to § 89 of the fundamental law of June 5, 1849, *the commune is bound to aid every person that is unable to provide himself with the means of subsistence.* For this purpose there is established in every commune a poor bureau, for the support of which the inhabitants of the commune are taxed according to their means. In olden times the support of the poor was intrusted to the vestrymen, and controlled by the pastor. Each commune constitutes a poor district. The supreme direction of charities is vested in the minister of the interior. The local administration is intrusted in Copenhagen, to four burgomasters of the city, assisted by one inspector general of charities. In the other cities there is a commission of charities, composed of one member of the magistracy and several inhabitants of each parish, chosen by the representatives of the commune. This commission is submitted to a management consisting of the bishop and the bailiff of each bailiwick. In the villages the administration of charities is in charge of the representatives of the commune, who are under the control of the council of the bailiwick. Finally, in all the communes, except Copenhagen, there is a poor fund, formed chiefly of voluntary gifts; it is administered by three inhabitants of the commune, elected by their fellow-citizens. This fund is intended for the aiding of those who are not inscribed on the general poor list of the commune, or who are not entitled to assistance therefrom. The right to assistance is acquired by an uninterrupted residence of five years, after having attained the age of 18 years. In default of this title, it is to the place of one's birth that he must apply for assistance. In this matter children follow their parents. As far as possible employment is furnished those who can work. Obstinate mendicants are sent to the workhouses, and submitted to a rigorous discipline. Those who are unable to work receive assistance at home, either in money or in food or other necessaries of life, or else they are placed in the poor-houses, to be found in every commune. In many places there are, also, besides the hospitals properly so called, hospitals for the old and the infirm. —The local administration of charities exercises a certain disciplinary authority over all those who receive its aid. The public charity fund also has revenues which it derives from capital and real estate which belong to it, and which serve to augment the income derived from special taxes. In 1860 Copenhagen expended (in charities) about 300,000 rigsdalers; in 1865, 293,200; in 1870, 558,595. The other cities of the kingdom, taken together, expended about 186,000 rigsdalers in 1859, 256,300 in 1865, and 391,063 in 1869; the rural communes, together, 970,000 in 1859, 934,400 in 1865, and 2,139,851 in 1869. Besides the board of charity, properly so called, the state supports hospitals and institutions for the blind and for deaf mutes, and there are in the kingdom three large insane asylums. Moreover, the state maintains under its control, and bearing its guarantee, a *life annuity fund*, and a *widow's fund*, by means of which every married official of the government can assure to his widow an annual pension proportioned to his salary.—It would be difficult to speak of any private charitable organizations, for the existence of compulsory state aid has done away with all need for such organizations. Nevertheless, there are throughout the country numerous charitable establishments founded by private citizens, or which are enabled to subsist by voluntary annual contributions, such as infant asylums, public refectories for the poor, hospitals for the aged and the infirm, pious foundations of all kinds for persons who need them, family foundations, and canonicates for noble ladies (such as Vallø and Vemmetofte, and others in Zealand, which are possessed of very great wealth). Among the members of mechanics' societies there are numerous associations for mutual aid, sickness and burial funds, aid and relief funds, etc., etc.—VII. WORSHIP. According to the fundamental law of June 5, 1849, § 3, the *Evangelical Lutheran church* is the church of the Danish people, and to this church the king must belong. It is the only church subsidized by the state. The administration of the church is in the hands of the minister of worship and education. Denmark is divided into seven bishoprics or dioceses. The bishops, possessed of no real ecclesiastical authority, are mere intermediaries between the ministry and the pastors. Between the pastors and the bishops are placed the *provosts*, or deans, in the capacity of inspectors, each for his district. All the pastors of the Protestant church are appointed by the king. They

are paid by the parishes, both in form of voluntary offerings and by fees (for baptisms, marriages, interments); they are given a residence and revenues or dues legally fixed, especially the tithes established in the ancient constitution of the country, which are now, however, changed almost entirely into dues to be paid in money. In the cities the salaries of the ministers are raised by a personal (capitation) tax upon the parishioners. The church owns no real estate.—The position of the Lutheran church, in its quality of national church, does not restrict the liberty of conscience or of worship recognized by §§ 5 and 81 of the fundamental law. Those of different creeds regulate their affairs without the intervention of the state, provided they do not teach or practice anything contrary to good morals or public order. Religion is never made a pretext for depriving a citizen of any right whatever. The public exercise of worship, under whatever form, is allowed without asking any special authorization. Nevertheless, marriages are not valid before the civil law, unless solemnized either by the pastors of the Lutheran or the Reformed church, by Catholic priests or by rabbis. Dissenters obtain the legal solemnization of their marriages by contracting them before the municipal authority (civil marriage).—VIII. JUSTICE. The judiciary is organized in three grades in both the civil and the criminal courts. There are in Denmark two courts of appeal (at Copenhagen, and at Viborg in Jutland), and a supreme court at Copenhagen. For the city of Copenhagen there are only two higher courts, and no court of first resort, properly so called. The courts of first resort have but one judge, who is also intrusted with administrative functions. The courts of appeal, or superior courts, are composed of several judges, whose functions are purely judicial. The judges are appointed by the king, but according to the fundamental law (§ 78) they can not be removed, except by a judicial decree.—Before the supreme court proceedings are oral and public; before the other tribunals they are made by written pleadings, as well in civil as in criminal causes; nevertheless, § 79 of the fundamental law promises that oral and public proceedings shall be introduced in all the jurisdictions, and that a jury shall be established for political causes, and for important criminal causes. There will then be separate counsels for the prosecution, and the judges of first resort will no longer be charged with administrative functions. A law of Feb. 19, 1861, created at Copenhagen a tribunal of commerce and navigation, with oral and summary procedure.—IX. AGRICULTURAL AND INDUSTRIAL RESOURCES. The Danish monarchy is an agricultural and stock raising country; manufactures, commerce and navigation are of only secondary importance. The fisheries, also, are beginning to attract attention. Its crop of cereals amounts to about 18,000,000 tons (4½ cubic feet), 2,500,000 of which are exported. The most important cereals, enumerated according to the quantities produced, are oats, barley, rye and wheat; to which we may add peas, beans and buckwheat. The culture of wheat has greatly increased of late years at the expense of rye. Potatoes, different kinds of radishes, turnips and other vegetables, although they are found, can not be regarded as regular crops. The cultivation of commercial plants, such as rape seed, madder and succory, is inconsiderable. Hops and flax are grown in different districts, but the crop is not sufficient for home consumption. Clover is extensively used for feeding cattle. Agriculture is constantly and rapidly progressing, owing especially to the more extensive use of draining, and the employment of artificial fertilizers and of marl.—Denmark is not rich in mineral wealth; there is nothing of the kind found there, except marl. In several places there are extensive chalk and lime quarries. Clay suitable for the manufacture of bricks and drain pipes is abundant. — Manufacturing interests are very little developed. They have, however, been improving, especially in the branches of manufacture which pertain to agriculture, commerce and navigation. There are numerous iron foundries, and the number of machine shops is increasing. The employment of steam power in the breweries and distilleries has worked a wonderful progress in these establishments. In 1860 there were manufactured about 42,000,000 *pots* of alcohol (a *pot* equals 4 litres), of which 2,000,000 were exported. In 1870 the manufacture of alcohol in Denmark alone amounted to 31,778,652 *pots*, of which 923,044 were exported. The building of merchant vessels is a flourishing industry. There are also tile kilns, and sugar refineries, paper mills, cloth mills, etc., are prosperous. There are oil mills, and tobacco, porcelain and piano factories. The minor industries are of more importance than the greater ones, and their products will bear honorable comparison with the best productions of foreign countries.—We give some estimates of the state of commerce and navigation. In round numbers the traffic of Denmark, during the years 1865-70, amounted to about 2,700,000,000 pounds weight, 1,800,000,000 of which were imported and 900,000,000 exported. The exports are chiefly agricultural products; the imports, manufactured articles and colonial produce. In 1870 the merchant marine of Denmark numbered 2,800 vessels (with a tonnage of four tons or more), having a total tonnage of 178,648 tons. Of these vessels, 89 were steamers, with a total tonnage of 10,458 tons, and aggregating 4,981 horse power; and besides these there are 10,667 smaller vessels, of four tons or less.[1]

ROTHE.

[1] Under a charter dated Jan. 5, 1874, and which came into force Aug. 1, 1874, Iceland has its own constitution and administration. By the terms of the charter the legislative power is vested in the *althing*, consisting of 36 members, 30 elected by popular suffrage, and six nominated by the king. A minister for Iceland nominated by the king, and responsible to the *althing*, is at the head of the administration; while the highest local authority is vested

DEPOSITS, Removal of. In the course of his struggle with the bank of the United States (see BANK CONTROVERSIES, III.; JACKSON, ANDREW), president Jackson, in his message of Dec. 4, 1832, asked for an investigation into the truth of rumors which, if true, affected the safety of the government deposits in the bank. By section 16 of the act of April 10, 1816, creating the bank, the funds of the federal government were to be deposited in the bank or its branches, "unless the secretary of the treasury shall at any time otherwise order and direct; in which case the secretary of the treasury shall immediately lay before congress, if in session, and if not, immediately after the commencement of the next session, the reason of such order or direction." As the charter was accepted by the bank with this proviso, it would seem that the secretary of the treasury had been accepted by both the contracting parties as a sort of arbiter to decide upon the possible future question of a removal of the deposits from the bank; and the only punishment for a misuse of the discretion by the secretary would seem to be impeachment and removal, a punishment which the bank's friends in congress could not inflict in 1833 for want of a two-thirds majority in the senate. The question, then, lay, not in the right to remove the deposits, but in its necessity; and this necessity the president's mind found in his belief that the bank was using the public funds for a large expansion of its discount business, under the irresponsible direction of a committee appointed by the president, Nicholas Biddle, from which the government directors were excluded; that a large share of these discounts were in favor of members of congress or of their friends; and that, unless the deposits were soon removed, the bank would thus, in this or the next congress, secure to its support a majority sufficient to impeach and remove not only the secretary, but the president himself, if necessary. In the president's opinion the warfare between himself and the bank had been the fundamental question of the presidential election just ended, and his re-election was to him a certain proof that the people sustained him and condemned the bank. For these reasons he had made the suggestion above given in his message, and soon after seems to have decided to force the secretary of the treasury, McLane (see ADMINISTRATION, XIII.), either to remove the deposits or resign.—March 2, 1833, by the strong majority of 109 to 46, the house, which is always regarded as the special overseer of the treasury and its secretary, resolved that the deposits might be safely continued in the bank. On the following day congress adjourned, and the president was left master of the field until the following December. In January, 1833, he had received from Wm. J. Duane an acceptance of the office of secretary of the treasury. June 1, Duane entered on the duties of his office, McLane having taken the state department, from which Livingston had retired to accept a foreign mission. During his first day of office the new secretary was unofficially informed that the president had decided to remove the federal deposits from the bank To this Duane objected, and from his own statement his objection seems to have been made, first, to the impossible project, fathered by the president, of making deposits in future in state banks (see INDEPENDENT TREASURY), and, second, to the hasty method of removal without waiting for congress to meet in December. He seems to have been no friend to the bank, and not anxious to have deposits made there, if congress would relieve him of responsibility. To all his objections the president persistently replied by offering to "assume the responsibility" himself, and he seems to have been unable to understand Duane's feeling that he was sworn to exercise his own discretion, and not to shift his responsibility to the shoulders of the president. Late in July Duane incautiously promised that, if satisfactory state banks could be found in which to make the deposits, he would "either concur with the president or retire." At cabinet meetings, Sept. 10 and 17, the president argued vehemently in favor of the removal, and, Sept. 18, he announced to the cabinet that the removal was resolved upon for Oct. 1, and that he assumed the entire responsibility for it. Under these circumstances Duane seems to have become satisfied that a resignation, for the purpose of making room for a secretary who would fulfill the president's wishes, would not be a fulfillment

in the governor, called *stiftamtmand*, who resides at Reikjavik.—The annual revenues of the state, during the five financial years ending March 31, from 1874 to 1878, averaged £2,750,0.0. The expenditure during this quinquennial period was fully balanced by the revenue, with an annual surplus employed for the reduction of the public debt.—In the budget estimates of revenue and expenditure for the financial year ending March 31, 1880, the revenue was calculated at 46,557,518 kroner, or £2,586,528; and the expenditure at 41,049,390 kroner, or £2,280,522. The sources of revenue were as follows: Surplus of domains, 1,495,014 kroner; interest of reserve fund, 2,955,365; direct taxes, 9,038,400; stamp duty, 2,448,000; duty on inheritance and transfer of property, 1,580,000; law fees, 2,024,000; custom house dues and excise on distilleries, 22 081,000; surplus on postal and telegraph department, 70,779; surplus on state railways in Funen and Jutland, 1,118,505; contribution from the sinking fund, 1,687,910; miscellaneous receipts, 2,058,545; total revenue, 46,557,518 kroner, or £2,586,528. The branches of expenditure were as follows: Civil list and appanages, 1,422,384 kroner; *rigsdag* and council of state, 306,616; interest on national debt, (interior 6,702,400, foreign 615,800), 7,317,700; pensions, including invalids of war, 3,273,395; ministry of foreign affairs, 373,512; ministry of interior, 1,699,697; ministry of justice, 2,435,385; ministry of public worship and education, 982,085; ministry of war, 8,722,842; ministry of navy, 5,357,670; ministry of finance, 2,950,402; ministry for Iceland, 109,600; miscellaneous expenses, 3,886,375; management and sinking fund of the national debt, (interior 100,000, foreign 72,600), 172,600; public works, etc., 2,039,127; total expenditure, 41,049,390 kroner, or £2,280.522.—State debt, 1872, £12,740,087; 1875, £10,324,201; 1877, £9,791,580; 1878, £9,710,108.—On Jan. 1, 1878, the merchant marine of Denmark consisted of 3,279 vessels, of an aggregate burden of 258,325 tons. Of these, 188, of 45,124 tons, were steamers. Included in this amount were all vessels of not less than four tons. The mass of the shipping consisted of vessels under 300 tons. Of vessels over 300 tons there were 135, of an aggregate burden of 72,015 tons.

of the duty with which he stood charged by congress. He therefore asked the president peremptorily "to favor him with a written declaration of desire that he should leave office," and the president, after long expostulation with the secretary, for whom he had great liking, did so, Sept. 23. The same day, Roger B. Taney, the attorney general, was made secretary, and three days afterward he gave the necessary orders. There was in reality no removal. The order directed government collecting officers to deposit their moneys in certain state banks, named in the order. The deposits already made in the bank were left there to be drawn upon, and 15 months afterward nearly $4,000,000 were still there on deposit.—Of the *economic* recklessness of the removal of the deposits, without the substitution of any efficient custodian for them, the panic of 1837 is a fair proof. (See INDEPENDENT TREASURY.) Of the strict *legality* of the removal there is less doubt than of the legality of the president's action. He was not, apart from congress, a party to the contract between the bank and the government; and yet, availing himself of the fact that one of his cabinet had been appointed arbiter between the parties, he had used his power of removal to gain by indirection a control over the contract which he had not directly. But there is this to be said, and it applies to every phase of the struggle between the president and the bank: there was not room in the United States government for both Andrew Jackson and the bank of the United States. Instead of following the simple and natural plan afterward adopted (see INDEPENDENT TREASURY), by which the whole fiscal business of the federal government was intrusted to the treasury, congress had undertaken to graft a private corporation upon the treasury. The larger the fiscal business of the government grew, the more powerful and dangerous grew this extra-governmental excrescence. The very even balance of the war between the president and the bank is of itself strong evidence of the power which the bank was able to exert in politics so early in our history as 1831-2. Had it continued to enjoy the use of the increasing revenues of the federal government it would have become more and more dangerous, either as the tool or as the master of a popular government, and the succeeding administrations would have found it more and more difficult to shake off its weight. Jackson showed more political wisdom than is usually credited to him in forcing the struggle so early. When the struggle was once begun, it became a struggle for existence, in which both parties were certain to strain every point of law in the charter and elsewhere. In such a conflict it is matter for thankfulness that the most exceptionable action on either side was a violation, not of the letter, but of the spirit and intent of the law of 1816.—Dec. 4, 1833, secretary Taney, as required by law, gave congress his reasons for the removal of the deposits. Duane, who saw no reason for their removal, would have been unable to perform this office, even if the president's assumption of responsibility had been allowed by him, and this inability was the main cause of his obstinate refusal. Taney believed firmly that right and reason were conjoined in support of the removal, and he therefore argued the case, not as the mere mouth-piece of the president, but with perfect good faith. Debate upon the removal occupied the whole time of congress, Dec. 2, 1833–June 30, 1834. Petitions in great number were offered, most of them for the restoration of the deposits, but, beyond debate, the friends of the bank could do nothing. The president was impregnable against remonstrance or petition; the necessary majority to remove the president could not possibly be secured; and, after a three months' almost constant debate, the only result was a vote of censure by the senate. (See CENSURES, I.) The nomination of Taney was deferred by the president until June 23, and was then promptly rejected by the senate. It was, therefore, a personal satisfaction to the president that, when Martin Van Buren, whose nomination as minister to England had been rejected by the senate in 1832, was inaugurated as president in 1837, the oath was administered by chief justice Taney, whose nomination as secretary of the treasury had been rejected by the senate in 1834. (See BANK CONTROVERSIES III.; DEMOCRATIC-REPUBLICAN PARTY, IV.; WHIG PARTY, II.)—See H. F. Baker's *Banking in the United States;* Gilbart's *Banking in America;* Goddard's *Bank of the United States;* Gallatin's *Considerations on the Currency;* Hildreth's *Banks and Banking;* Clarke and Hall's *History of the Bank of the United States;* Moulton's *Constitutional Guide;* Gouge's *Short History of Money and Banking in the United States;* 2 von Holst's *United States*, 52; 1 Benton's *Thirty Years' View*, 373; 3 Parton's *Life of Jackson*, 498; 3 Webster's *Works*, 506, and 4: 3; 2 Colton's *Life and Times of Clay;* 2 Clay's *Speeches;* 2 *Statesman's Manual;* Tyler's *Life of Taney;* 2 Story's *Life of Story;* 11, 12 Benton's *Debates of Congress.* Duane's *Address to the People*, with his own and Jackson's letters, is in 2 *Colton*, 86; his *Narrative* is in 3 *Parton*, 509; the act of April 10, 1816, is in 3 *Stat. at Large*, 274.

ALEXANDER JOHNSTON.

DESCENT OF PROPERTY. (See INHERITANCE.)

DESPOTISM. Montesquieu defines despotic government to be, that in which "a single person, without law and without rule, carries everything by his will and caprice." He distinguishes it from absolute government or monarchy, in which a single man rules also, but conformably to fixed laws.—According to Guizot, despotism is nothing else than absolute power, whenever this power, "instead of being a means, becomes the end itself, and the monarch, guided by views completely egoistical, seeks in power only the satisfaction of his own passions, of his insignificant and tran-

sient personality." The distinguishing mark of despotism, then, is selfishness. Following this theory, this same writer depicts Philip the Fair as "an egoistical despot, devoted to himself, reigning for himself alone, and asking of power nothing but the accomplishment of his own will."—Still, Guizot does not hesitate to place in the rank of despots, two monarchs, for whom, according to his own statement, power was a means and not an end: "Charlemagne, for example, and Peter the Great of Russia, were real despots, but not exclusively egoistical despots, busied only with themselves, consulting only their own caprices, acting only for personal ends. They both held views with regard to their own country and mankind, in which the satisfaction of their passions had but a small part." (*Histoire de la civilisation en France*, t. iv.) There are, then, according to Guizot, despots who are egoists, and others who are not; but in this case what becomes of his definition? It is evident that his language, usually so clear, lacks precision here; that he does not go to the root of the matter, and that he confounds despotism with absolute power.—The same confusion is found in the writings of Benjamin Constant, who, however, understood the difficulty, but did not seek completely to clear it up. "I do not understand by despotism," he says, "governments in which power is not expressly limited, but those in which there are, nevertheless, intermediaries; where traditions of liberty and justice restrain the agents of the administration; in which authority has regard for custom; and in which the independence of the courts is respected. These governments are imperfect: they are more so in proportion as the guarantees which they establish are less assured; but they are not purely despotic." The absence of all limitation to supreme power, and of independent powers to form a counterpoise, is, according to the celebrated publicist of the restoration, the characteristic feature of despotism. This distinguishes it, it is true; but from what? From constitutional government, but not from absolute power, whose character it is also not to admit of limit nor to recognize any independent intermediary, under pain of being no longer absolute.—"I understand by despotism," continues Benjamin Constant, "a government in which the will of a master is the only law; in which corporations, if they exist there, are only its organs; in which this master looks on himself as the sole proprietor of his empire, and sees in his subjects merely usufructuaries; in which liberty can be wrested from the citizen without authority deigning to explain the reason why; in which the courts are subordinated to the caprice of power; in which their decrees may be annulled; and in which the acquitted may be brought before new judges, instructed by their predecessors, who are there only to convict and condemn the accused." (*Cours de politique constitutionnelle.*)—Instead of the definition which we expect of him, this writer gives us examples which are nearly all as applicable to absolutism as to despotism. But Benjamin Constant goes a step further, and says: "I speak only of the principle of despotism, * * that principle is arbitrary power." It is, in fact, a principle that we are looking for; let us see if this is, really, the true principle. First, how does Benjamin Constant define arbitrary power? "It is," he says, "a negative thing [arbitrary power a negative thing! arbitrary power supposes the exercise of will]; it is the absence of rule, of limit, of definition; in a word, of everything that is precise. Now, as rules, limits and definitions are inconvenient things, one may easily wish to shake off their yoke, and thus fall into the arbitrary without suspecting it." Consequently, and in virtue of this definition, a man might be a despot without knowing it!—But arbitrary power and despotism are far from being the same thing. Doubtless, the arbitrary implies a discretionary power in reference to the object on which it is exercised. Thus, we speak of the arbitrary power of a judge, *ad arbitrium judicis*, which does not mean his despotism or his tyranny, but only implies the exercise of absolute power. This arbitrary power can be used for good as well as evil, and it in nowise excludes the doing of good.—We have seen that egoism, which may be met with everywhere, is not the distinctive trait of despotism; nor does arbitrariness constitute its essential characteristic.—In one of the most eloquent chapters of "The Spirit of Laws," Montesquieu has stated what the principle of despotic government is, better than the two publicists whom we have just quoted. That principle is terror. "The government," he says, "has fear as its principle. Everything here must turn on two or three ideas: it does not, therefore, need new ones When we train an animal we take good care that his master is not changed, any more than the task he has to learn. We impress on his brain two or three movements, not more. Charles XII., being at Bender, and experiencing some opposition from the senate of Sweden, wrote that he would send one of his boots to command it. This boot would have governed as a despotic king. * * In despotic states, men, like beasts, are the slaves of instinct, obedience and punishment."—If we follow Montesquieu in his thoughts on despotism, we shall find egoism and arbitrariness put down as the consequences, as the accessory characteristics, but not as the first principle and the motive power, of despotic government.—Most generally despotism is in the hands of a single man. "It results from the nature of despotic power," says Montesquieu, "that the individual who exercises it causes it to be administered by another individual. The appointment of a vizier is a fundamental law in such a state. It is said that a pope, at his election, conscious of his incompetency, raised numberless objections to his election. He accepted it at length, and turned over to his nephew the whole management of affairs. He was filled with admiration at the result, and said, 'I could never have believed it would be so easy.' And so it is

with the princes of the east."—It would be an error, however, to suppose that despotism is necessarily exercised by a single person. All power may become despotic. History affords us examples of the despotism of representative bodies or of assemblies; and the representative body which in our day declared that it governed by terror, would by that very declaration brand itself a despotism. The majority may, indeed, show themselves despotic and oppress the minority; but the minority may also violently gain possession of power and oppress the majority.—An aristocracy may be despotic. So may an oligarchy. The example of despotism exercised by a democracy is not rare. Public opinion, which, in modern society, plays so great a part and wields such power that it has been called the queen of the world, becomes despotic when it swerves from the right, and when the fear which it inspires becomes the sanction of its tyranny. Finally, the law itself, which, by its nature is imperative and commands obedience, may also become a despotism, as we shall see directly.—Still, how is it possible that the majority should ever be despotic? Has it not the right to make the law and impose its will on the minority in every case? Are not its decisions, therefore, always necessarily legitimate? Such was the opinion of J. J. Rousseau, who made the general will the very source of right. According to him, this general will could not err. Legally expressed, it is, he maintains, always right, and always tends to public utility. In it sovereignty resides; and the law which is its act, sharing its infallibility, is absolute, but can never be despotic.—Benjamin Constant gave forcible expression to the consequences of this doctrine, which attributes to an entire nation, or, to speak more correctly, to the majority, an unlimited authority. "The consent of the majority," he says, "is in nowise sufficient to justify its acts in all cases. There are some which nothing can sanction. When any authority commits such acts, it matters little from what source that authority emanates, it matters little whether it is an individual or a nation; and it may be the whole nation minus the one citizen whom it oppresses; the authority would not be any the more legitimate for that. Rousseau ignored this truth; and his error has made the 'Social Contract,' so often appealed to in favor of liberty, the most terrible ally of every kind of despotism." If a nation actually transfer to its representatives its own unlimited power, and the authority of the depositary is absolute, no member of that nation can have the right to oppose it. "Whatever pleases the prince," say the Institutes of the emperor Justinian, "has the force of law, because the Roman people, by the *Lex Regia*, which constituted the empire, delegated and conceded to the prince their authority and power." This was the theory of Rousseau reduced to practice.—Montesquieu, in his "Spirit of Laws," considered despotism one of the three forms of government, one of its three primitive types; and he follows in this the example of Aristotle, "not that he has much to say on the subject, but to give it a place among them, and because he has called it, also, a kind of government." Montesquieu has been bitterly reproached with having raised, in a manner, to the rank of a regular government, a state of things which is merely the negation of right, which rests merely on violence, and is maintained only by fear. To describe it, say what are its laws, tell how it comes into existence, and what are the forces which destroy it, is to do it too much honor. We do not say that the bandit who takes violent possession of a town and pillages it, is the head of a government. Despotism is not less contrary to nature; and it should have been left outside the pale of all law. This criticism has been frequently passed on the "Spirit of Laws" since Voltaire's time. We do not think it is well founded. First of all, it would not be right to believe that Montesquieu justified despotism, nor even that he painted it in too weak colors. "No writer, even in antiquity, has found words more eloquent to stigmatize a state of things no less oppressive to the despot who can not escape it than to the people themselves." He merely found it occupying *de facto*, if not *de jure*, a large place in the history of humanity. He saw entire nations fatally condemned to endure it for centuries, by reason of the influence of race, of climate and of religion, and of the most complex causes. He was obliged to take it into account as a fact in the life of nations. He had, moreover, had a predecessor here. Macchiavelli before him had written his book "The Prince," which is neither an apology for, nor a satire on, despotism. The celebrated Florentine submitted a social phenomenon to a cold analysis. He described it without passion, without anger, as Thucydides described the plague.—Before Macchiavelli, and Montesquieu, Aristotle, whom the two others consulted, and whose principal traits they borrowed, treated the question of despotism thoroughly and exhaustively. According to Aristotle, despotism is contrary to nature, and by nature he understood that which constitutes the complement and the perfection of every being. Despotism is, therefore, contrary to the nature of man considered as a social being. It is an obstacle to his moral development and to the fulfillment of his destiny. (See Aristotle, Politics, book v., ch. xi.)—We have said that the law itself may be despotic. It is so, whether it emanates from the arbitrary will of an individual, or from the will of several, or even of the majority, if it is not in conformity with the principles of justice and equity which are the invariable and necessary rule of the moral world.—To say in a few words what it is that makes power legitimate, what it is that distinguishes it from despotism, in whatever hands the power be placed, whether in the hands of one or many, whether limited or unlimited, we may say that what makes power legitimate is justice. "Right

is the rule of political society." (Aristotle.) Despotism is nothing but authority exercised in violation of the principles of right. Let us see if this definition is more exact than those which we have criticised. We are told, to begin with, that despotism is egoism; and it is true that egoism must be most frequently, but not always, the secret motive of the despot. Ignorance, prejudice and fanaticism are, much oftener than personal interest, the motives of governing bodies and of the multitude who, having seized upon power, transgress the moral law. We have been told, then, that despotism is arbitrariness; but we have seen that arbitrariness is the attribute of absolute power, which is different from despotism. What is the general character of those acts which all publicists have justly considered as despotic? It is the violation of the liberty of the citizen, the jeopardizing of his life, condemnation and punishment without trial, deprivation of the citizen of his property: in a word, that which characterizes all the crimes of despotism is the violation of justice and the substitution of brute force for right.—Such was, in substance, the opinion of Benjamin Constant, who did not consider governments despotic, in which the tradition of justice and liberty still lived. (See ABSOLUTISM, ARBITRARY POWER, DICTATOR, LAW, SOVEREIGNTY, TYRANNY.) EMILE CHÉDIEU.

DICTATOR. This word comes from the Latin, as the office which it describes originated with the Romans. The dictator was a magistrate appointed to meet an exceptional difficulty, and who, instead of receiving his investiture from the people as the consuls did, was designated by one of the consuls at the demand of the senate. The dictator had the most extensive powers, and had no colleagues, so that he might have full freedom of action. He could dispose of the liberty, the property and the lives of all citizens, but he needed the authorization of the senate and the order of the people to spend the public revenues. The legal duration of the dictatorship was fixed at six months, but the dictator often abdicated after the disappearance of the danger which it had been his mission to oppose. Thus, certain dictators, like Cincinnatus, exercised their office only during 15 days; others, like Q. Servilius, kept it but a week. The dictator could not leave Italy without losing his rights immediately. After the installation of the tribunes the dictatorship was an arm which the senate employed to defend itself against the people, and when Sylla was invested with this magistracy it had not been exercised for nearly 120 years.—The legal dictatorship is not found in modern constitutions; all dictatorships instituted since the fall of Rome are dictatorships *de facto*, which must be carefully distinguished from the ancient magistracy. It is generally in times of disturbance and during revolutionary periods that people, wearied with conflicts, take refuge in a dictatorship, and demagogues are generally the first to propose it as a sovereign remedy.—Opinions are still divided as to the usefulness of a dictatorship at certain times and to meet exceptional difficulties. It is necessary, therefore, to know the arguments urged against it and in its favor. Montesquieu remarked of dictatorship "The usage of the freest people that has ever been on earth makes me think that there are cases in which it is necessary to draw a veil over liberty for the moment, as one conceals statues of the gods." This thought sums up in a very exact and sufficiently precise manner the opinions of the partisans of dictatorship. They admit, in principle, the necessity of the liberty and independence of individual interests; but in fact, they proclaim that at certain moments of crisis or demoralization, it is necessary for society to bethink itself, and personify itself in a single man, or in an energetic and moral group of men. Once a nation is saved, purified, regenerated, its discords ended, public spirit restored, the man or the group should be dismissed, and the government *de facto* succeeded by the government *de jure*. An ordinary government, harassed by factions, thinking most of its own preservation, influenced by its own vicious surroundings, would be powerless, and liberty would not find bases solid enough for its own support; while a dictator, free from every influence, sure of his position, and obeying only his conscience, will not be embarrassed by childish formalities or miserable questions of petty interests. As the commander of a ship gives up his power for a short time to an experienced pilot, the nation should in time of danger permit a firm and able hand to conduct it to the harbor. This opinion on dictatorship is shared by a great number of modern socialists and by the entire school of demagogues.—The adversaries of dictatorship bring up, first of all, a practical difficulty, the choice of a dictator. If a dictator is only needed for a demoralized or agitated society, are we not to fear that the dictator will be no better than the people by whom he is chosen? Logically, this would be the case, for voting only gives an average of the opinion, the morality and the knowledge of the voters. In this first case dictatorship will be opposed to its object, for, by throwing themselves into the arms of a savior, they will have simply obtained a master. But if we go further, and admit the hypothesis of virtuous dictators, whose sole object is "to compel virtue through terror," it is said that the dictator will become a tyrant, by force of circumstances, while society, far from becoming moral, will sink lower; because, however virtuous we suppose him, he is a man, and every man who acquires the habit of not counting with any obstacle and not imposing any restraint on himself, reaches a degree of willfulness which becomes his own ruin. The second reason is, that a dictator governing by himself alone is a chimera, while the real dictator is necessarily surrounded by a crowd of flatterers, who praise him, excite him beyond measure, and ruin him the more promptly, as no

contradiction, no advice can act as a counterpoise to his flatterers. The very virtue of the dictator is a danger to him, in this sense, that it serves him as a pretext while it is used as a mask for the passions of those who surround him. When the dictator is thus demoralized there would be a remedy if regenerated society could deprive him of power. But his surrounding, far from becoming better, has become worse. Under the influence of servitude, public spirit has completely disappeared; every one has acquired the habit of looking at public affairs as something strange, and opposition to the will of the dictator as a senseless revolt; from a bundle of wills a collection of interests and appetites have been created, without connection and without force. Does this crowd deserve liberty? and could it use it? If it was unfitted for it at the moment when the dictatorship was established, is it less so now? and if the dictator found in the general enfeeblement a sufficient reason for assuming power, will he not find similar and better ones for keeping it? He has less desire of granting liberty because he has no longer an inclination for regular government; there is less desire to have liberty because the habit of doing without it has been acquired. No wish to yield, on the one hand; no alertness in demanding, on the other: this is the end. Rousseau summed up this opinion in the following terms: "Thus, it is not the danger of abuse, but that of abasement, which causes me to blame the ill-judged use of this magistracy."—We do not think that it is permitted to hesitate between these two arguments for and against, and we believe that to prepare a people for liberty, the best means is to give it to them. It is in the rude school of experience that the physical temperament of individuals is formed, and it is in this same school that the moral and intellectual temperament of peoples is formed. Let us leave, then, to wise and enlightened minds a sort of moral dictatorship which people will not deny them; but if they were ten times as wise, let us not expose them to the danger of too great a temptation; and let us not forget that the first rule in politics is, that a power restrains itself only to the extent that it is limited.

CLÉMENT DUVERNOIS.

DIETS AND DIETINES.—Diets are political assemblies in which the different estates or classes of the same country meet to deliberate on affairs within their jurisdiction. — Germany, Poland, Switzerland and Sweden have given this name to their assemblies. These countries, having very different forms of government, are not to be confounded in the same study; we shall therefore describe the diet of each country separately.— *The German Diet.* During the time of the German empire the diet was assembled according to the good pleasure of the emperor alone; afterward the consent of the electors became necessary to its being assembled; and finally, the *capitulations* imposed on the emperor the obligation of convoking the diet at least every 10 years. Under the feudal régime all nobles whose possessions were held directly from the emperor took part in the deliberations. In 1500 Maximilian I. deprived them of this right. The counts regained them, however, by submitting to the form of collective suffrage. Until the diet was divided into colleges its deliberations were almost entirely the work of the magnates and the nobility, but this was changed, beginning with the assembly of Nuremberg held by Fredrick III. in 1467. These *colleges* were three in number: The *college* (or *chamber*) *of electors*, the *college of princes*, and the *college of imperial cities*. After the *college of electors* had arbitrarily assumed to itself exclusive rights, the treaty of Westphalia defined the rights of the diet, as well as those of the emperor, whose power was at this time almost nominal, in consequence of the influence which Austria and Prussia had acquired over the small principalities. Later, from 1815 to 1866, the Germanic confederation, for which a new diet was instituted, simply vegetated. Finally, we have the German empire, created in 1871, which has a *reichstag*, the Prussian parliament being called *landtag*, words which may both be translated diet. — *The Diet of Poland.* Even when the kings of Poland exercised absolute power they consulted on important affairs the magnates who formed, so to speak, their senate. At the diet of Chencing, in 1331, Ladislas the Dwarf convoked the entire nobility; since that time the nobles neutralized the power of the magnates. In proportion as enlightenment increased, the meetings of the diet became more frequent, but their convocation took place at the pleasure of the king, and had no regular form. The nobility met there in a body, discussed affairs on horseback, and separated at the end of a few days. The law of 1468 having determined the form of the diets, the petty dietine arose. Two deputies represented each district at the diet, after having received the instructions of their constituents. There were assemblies of all the nobles of each district, and these assemblies took the name of *ante-comitial dietines* or dietines of instruction. When the business of the diets was terminated, the deputies gave an account of their action to their constituents, in *post-comitial dietines* or diets of account.—After the extinction of the Jagellon dynasty the government underwent great modifications. The *pacta conventa*, imposed on Henri de Valois, in 1573, put all important power in the hands of the diet, fixing the times and places of the sessions, as well as the length of each session. In spite of the *unanimous agreement* declared necessary to give force to the decisions of the diet, a majority of votes governed in its deliberations up to 1651. Sycinski, a deputy from Upita, gave at that time the first example of the *liberum veto*, annulling, by his protest, all *deliberations taken and to be taken*. This abuse, tolerated at first, was constitutionally recognized in 1718, and placed the country, so to speak, at the mercy of a single man. In this way *diets* were

seen broken up by a single *veto*, pronounced even before the opening of the session. It sometimes happened that the author of the *veto*, when the gauntlet was thrown down to him, carried his opposition with him into the tomb, and in that way restored full liberty of action to the deputies. The *liberum veto* was abolished at last by the constitutional diet, which lasted four years, from 1788 to 1792, and which gave to Poland the wise *constitution* of May 3. When the monarchy became elective, there were *diets of convocation*, which took place after the death of the king, in order to provide for public tranquillity during the interregnum, and to fix the date of the election. At the diets of election all the nobility participated in a body, by virtue of a motion made in 1573 by John Zamoyski.—*The Helvetic Diet.* The first eight Swiss cantons, bound together by a federal pact, sent their respective deputies, from time to time, to a place agreed upon, to consult concerning their mutual interests. These assemblies, which date from 1481, appear to be the origin of the Helvetic diet. The federal cantons having increased, and with them the power of the confederation, these assemblies became more necessary and more frequent. It was then decided that the diet should be held every year. The canton of Zurich had the right of convocation, and its first deputy was president of the diet. The session lasted one month, and the place of reunion was fixed at Baden, in Aargau; in 1712 it was transferred to Frauenfeld, in Thurgau. Each canton sent two deputies, whose deliberations touched upon the differences between the cantons or between them and their allies, and upon measures fitted to guarantee the federal pact. The diet next examined the accounts of the bailiwicks or districts, and gave decisions in appeals both in civil and in criminal matters. Each canton preserved its autonomy in internal affairs; but the diet centralized in itself all power relating to foreign affairs.—The Helvetic diet presented at this period a strange contrast. Admired abroad for its simplicity, its soundness of judgment and its justice in relations with foreign states, it was distracted at home by petty hatreds, provincial jealousies, a smoldering rivalry, and mutual distrust among its members. On this account, it was powerless to remedy the evils of the constitution. The federal pact was approaching its dissolution; the French revolution caused its fall. The desertion of the diet united at Aargau in 1797, enabled France to break up the confederation, in order to form the Helvetic republic. The two chambers then took the place of the diet, but with a feeling of antagonism to the new government. A bloody struggle was about to take place for the re-establishment of the federal pact, when Napoleon interfered as mediator, and made Switzerland a federal state. The diet was re-established by virtue of the constitution of Feb. 19, 1803. It assembled every year in the month of June, alternately in each of the chief towns of the five directing cantons, and the sessions lasted one month. Each canton sent a deputy; but Berne, Zurich, Aargau, the Grisons and Saint-Gall had each a double vote; there were 25 votes. All higher power was in the hands of the diet, whose deliberations were simply reflections of the ideas of the powerful mediator who had re-established it. The congress of Vienna confirmed the new federal pact made by Switzerland in 1815, and left the same powers to the diet. It met the first Monday in the month of June, and was composed of 24 deputies. Profound changes have taken place since then.—As to the Swedish diet, as well as those of the different German states, we refer to articles devoted to these countries.

HENRY LEGEAY.

DIPLOMACY. "This is the designation of the sum total of knowledge and principles necessary for the good and proper conduct of public business between states," says Klüber, in his treatise on International Law. This definition, however, does not exhaust the meaning which usage has given to the word *diplomacy*. Klüber, in his definition, had in view only the science of diplomacy; but the practice or the application of this science, if science it be, is diplomacy, too.—The thing, diplomacy, is old; the name is modern. Relations have existed at all times between states. Even nomadic hordes and savage tribes do not always incline to attack and exterminate one another the moment they meet. Hence the necessity for every country or community to confide to representatives the business of looking after its interests with foreign states and tribes. The art of negotiation may be acquired to a certain extent, but the superior adroitness of the negotiator is as much a natural gift as is the talent of the painter or musician. So long as the relations between states were comparatively simple, and especially when they were not frequent, governments limited themselves to choosing, in each instance, the person who seemed peculiarly fitted for the mission. At a time when there was no tradition in diplomacy, no apprenticeship was needed. But as civilization spread over wider territory, states which recognized its laws increased in number, and there was established, if not a code of doctrine, at least a collection of rules and practices, purely conventional in part, but in part having their origin in the very nature of things—a collection of rules which it was necessary to know and to apply. Traces of these rules are found in antiquity, and still more in the middle ages; but it was in modern times that they were reduced to a real system. In modern times also, it was that some countries required of agents charged with international affairs certain preparatory studies.—Diplomacy, and we include in this term both its theory and practice, has been of great service; it has contributed to soften international relations and to lessen the number of wars. The first negotiators were more frequently the conquered, who, on one side, appeared as pleaders in their own cause, and on the other, conquerors.

often brutal, who did not think themselves bound to give any quarter, or obliged to show any consideration. Generally they never met again. Human respect, public opinion, and so many other restraints which moderate the expression of violent passions, either did not exist then, or had no influence. But when, especially after the peace of Westphalia, the custom of permanent missions became general, and the men sent on these missions were chosen either from the higher nobility or from persons frequenting the courts, customs of courtesy became established of necessity, the value and importance of which it would be wrong to under-estimate.—One of the most direct results of these customs was to decrease the number of wars. The facility given the sovereign of a country easily to confer with the representative of a government with which he had had a dispute, was enough to smooth over many difficulties. The evils of war are so great that nations generally prefer to come to an amicable understanding rather than expose themselves to them. Besides, the more relations become intimate, or merely frequent, between two men, the more they feel a repugnance to commit injustice against each other. This restraint is of course not always strong enough; but, whatever may have been its action before the growth of public opinion, there was no power but that of the diplomatic body capable of putting a certain restraint on governments in their international relations. The intervention of this body was not caused solely by the solidarity existing between all civilized states, a solidarity close enough to cause to be felt, even in the farm lands of France and England, the effects of a civil war which raged on the banks of the Potomac and the Mississippi. This intervention is founded also on the principles of eternal morality, and sometimes even it has been able to limit itself to invoking social decorum. It was in this way that the diplomatic corps, led by the representative of France at Lisbon, Hyde de Neuville, prevented, in 1824, by common action, the insurrection of Dom Miguel against his father. And this is not the only act of this kind recorded by history. Diplomacy has more than once moderated the severities of war and religious persecution.—Diplomacy thus has been an instrument of peace. Why, then, is it in such ill repute? Is not diplomacy often taken as a synonym of cunning and dissimulation? Is not a diplomate, who must be distinguished from the diplomatic agent, in the estimation of many persons, a deceitful man with a talent for "using language in such a way as to conceal his thought"? There was a time when this unfavorable opinion had a certain foundation. But it was not altogether the fault of the institution. We may say here, like master, like man. An ambassador, or minister plenipotentiary, is simply an agent; he is obliged to execute the orders of his government and of the sovereign, "his august master." At the time when all these sovereigns were absolute monarchs, and some of them despots in the strictest sense of the word, ideas of honor, of loyalty and good faith, were not so general as they are now, and society was not so exacting on this point as at present. It is easily understood why absolute and ambitious princes gave their agents tasks morally reprehensible, and why these agents, in order to succeed, had to employ deceit, falsehood, intrigue and other means, which arouse our indignation. Pursuing an end which frequently it would not do to acknowledge, and generally through means which were still less to be acknowledged, diplomates had also to shroud their actions in the most profound mystery, and their most highly valued power was that of knowing how to speak and say nothing.—At present the diplomatic agent is more than ever the proxy of his government, but the telegraph and the rapidity of communication have almost entirely deprived him of all initiative. His task often consists in delivering to the minister of foreign affairs of the country to which he is accredited the paper containing the ideas of his superior, and in reading it, leaving with the minister a copy or not, according to the orders he has received; and it is not always he who is charged with transmitting the answer. Thus, the French ambassador at London is charged with making a communication to the chief of the *foreign office*, and the latter answers the French government through the English ambassador at Paris. With duties such as these the influence of diplomacy is reduced to very little. But people often attribute to diplomacy the moral action which governments exercise upon each other.—The new political system introduced into most civilized states, and the usage which has become more or less frequent of publishing diplomatic correspondence, must cause the last traces of ill will against diplomacy to disappear. Cabinets subjected to graver responsibility weigh their instructions and their orders more seriously, and it rarely happens nowadays that the end in view can not be confessed, and still more rarely that dubious means are used. These means, moreover, in our time would have fewer chances of success than formerly. At present there exists a power which must be respected—the power of public opinion. Whoever counts this power among his allies can do what he likes. Many measures are taken, therefore, in order to win this favor; and, as formerly secrecy and dissimulation were the most usual, in our time publicity and frankness are applauded, and not without reason, as the best methods of reaching success. It is only to be desired that this publicity should always be complete, and this frankness always *sincere*.—The difference between the mission of diplomatic agents in former centuries and that intrusted to them to-day, may be described as follows: formerly they were the organs of personal politics, the instruments of their sovereigns' ambition; at present they represent the general interest of their country, and are called upon, in a certain measure, to facilitate international rela-

tions, which is one of the conditions of the progress of humanity. Their present task is much more difficult than that of their predecessors. If they have less initiative, they need more extensive and varied knowledge in order to instruct their governments on the condition of the country to which they are accredited. They have no longer merely to follow its politics; they must also look at its economic movement, whose influence will at some time be felt everywhere, especially in free countries. This double task is considered so weighty that it has been divided; generally the ministers now have the political power, and the consuls the commercial.—The special information needed by diplomatic agents are the law of nations and certain ideas found in various works. We shall only mention the following. *l'Ambassadeur et ses fonctions*, by Wicquefort (Paris, 1764, 2 vols.); *Histoire générale et raisonnée de la diplomatie française*, by Flassan, 2nd ed. (Paris, 1811, 7 vols.); *Ueber den Begriff der diplomatie*, by Liechtenstern (Vienna, 1814); *Système de la diplomatie*, by Winter (Berlin, 1830); *Traité complet de diplomatie, par un ancien ministre (comte de Garden)* (Paris, 1833, 3 vols.); *Guide diplomatique*, 4th ed. (Leipsig, 1851). (See AGENT, DIPLOMATIC; AMBASSADOR; CIPHER DISPATCHES.)

MAURICE BLOCK.

DIPLOMATIC AGENTS. (See AGENT, DIPLOMATIC.)

DISCOUNT. An allowance paid on account of the immeditae advance of a sum of money not due till some future period. It is usually said to be of two kinds, viz., discount of bills, and discount of goods; but they are essentially the same.—When a bill of exchange is presented at a banker's for discount, it is the practice to calculate the simple interest for the time the bill has to run, including the days of grace, which interest is called the *discount;* and this being deducted from the amount of the bill, the balance is paid over to the presenter of the bill. This is the method followed by the bank of England, by the London and provincial bankers, and by commercial men in general. But it is, notwithstanding, inaccurate. The true discount of any sum for any given time is such a sum as will in that time amount to the interest of the sum to be discounted Thus, if interest be *five* per cent., the proper discount to be received for the immediate advance of $100 due 12 months hence is not $5, but $4.76, for this sum will, at the the end of the year, amount to $5, which is what the $100 would have produced. Those, therefore, who employ their money in discounting, make somewhat more than the ordinary rate of interest upon it.—The rule for calculating discount on correct principles is as follows: As the the amount of $100 for the given rate and time is to the given sum or debt, so is $100 to the present worth, or so is the interest of $100 for the given time to the discount of the given sum.—Bills in the highest credit are discounted on the lowest terms; the discount increasing according to the suspicions entertained of the punctuality or solvency of the parties subscribing the bills. During the continental war the rate of interest, or, which is the same thing, of discount, was in England comparatively high; for some time afterward it was seldom above 4, and often as low as 3 and even 2½ per cent. — During the ten years 1856–65 the average rate of discount in England was 4¾ per cent. — Discount on merchandise takes place, when, after making a purchase of goods at a fixed term of credit, the buyer finds means to make his payment before the expiration of that term, receiving from the seller a discount or allowance, which is commonly a good deal above the current rate of interest. The discount on goods varies, of course, according to the interest of money. During the late war the loans to government were so large, and the facility of investing money was such, that the discount on goods was often as high as 5 per cent for six and 10 per cent. for 12 months. Now, however, the discount on goods has fallen, with the fall in the rate of interest to 7 or 7½ per cent. for 12 months; being about double the current interest arising from funded property, or the discount of good mercantile bills.—Long credits and discounts upon goods have for a lengthened period, been usual in England. This arose from a variety of causes, but principally, perhaps, from the magnitude of the exports to the United States, Russia and other countries, where there is a great demand for capital; but in whatever causes it originated, it has latterly been carried to what seems to be an injurious extent. In France and Germany the manufacturers, in general bare of capital, are obliged to stipulate with the merchants for short credits. In Holland the *usage* of the exporting merchants has been to pay either in ready money, or at so short a date as to put discounting out of the question, the manufacturer setting at once the lowest price on his goods.

J. R. M'CULLOCH and H. G. REID.

DISPUTED ELECTIONS (IN U. S. HISTORY). When the electors have failed to give any one a majority of all the votes, the house of representatives, voting by states, and each state having one vote, was empowered by the original terms of the constitution to choose a president from the *two* highest candidates on the list. Amendment XII. enlarged the limits of choice to *three* candidates, and directed the senate in like case to choose a vice-president from the two highest candidates for that office. (See CONSTITUTION, III., EXECUTIVE.) There have been three such disputed presidential elections in our history, and one (1876) in which the majority of electoral votes was disputed.—I.: (1800). In the election of 1796 it had been generally agreed by the leading men of both parties, as a concession to the personal dignity and feelings of the candidates, that Jeffer-

son and Burr, and Adams and Pinckney, should receive, as far as possible, equal consideration from the electors. The independent judgment of the electors prevented the faithful observance of this agreement, and it was more formally renewed by a congressional caucus of each party in 1800, apparently without reflection that a rigid adherence to it by both parties would certainly result in no choice, since only the highest candidate on the list became president. Both parties adhered to the agreement, except that one federalist elector (in Rhode Island) was acute enough to give his second vote to John Jay. Burr, it has been charged, on doubtful authority, endeavored in like manner to gain one vote on Jefferson in New York. Feb. 11, 1801, Jefferson and Burr were found to have a tie vote, 73 each (see ELECTORAL VOTES), and the house, in which the federalists had a majority both of members and of states, proceeded to choose between the two democrats. In anticipation the house had settled, Feb. 9, the rules for balloting, which became precedents for 1824. Their most important provisions were as follows: "2. That the senate should be admitted. 3. That the balloting should not be interrupted by any other business. 4. That the house should not adjourn until a choice was made. 5. That the balloting should be in secret session. 6. That the representatives should sit by states; that each state should ballot separately, cast its ballot in duplicate, marked with the name of its choice or with the word "divided," into its own ballot box; that two general ballot boxes should be provided, the duplicate state ballots going into separate boxes; that each state should have a teller; that, if the results of the count of the two boxes tallied, the result of the ballot should be announced, but that, if the two reports disagreed, the ballot should be null and void. 7. That, as soon as any person had a majority of the state ballots, the speaker should announce his election."—Partly to balk the evident desire of the democrats for Jefferson, and partly from an idea that Burr would be less dangerous to the commercial interests of the country, the federalist caucus had determined to vote for Burr for the presidency. Had all the federalist representatives obeyed the caucus, Burr would have been elected president at once; but the single federalist member from Georgia, one federalist member from Maryland, and one from North Carolina, whose representatives were evenly divided, decided to conform to the wishes of their constituents, and vote for Jefferson. This gave him the state vote of Georgia and North Carolina, and divided that of Maryland. Jefferson was thus sure of eight states, all those south of New England except Delaware, Maryland and South Carolina; and Burr of six states, Delaware, South Carolina, and all New England except Vermont, which, with Maryland, was divided. There was thus still no choice by the house, Jefferson lacking one of a majority of the 16 states. Bayard, of Delaware, Morris, of Vermont, and Craik and Baer, of Maryland, while yielding to the decision of the federal caucus and voting for Burr, very early came to a common agreement that, as any one of them, by voting for Jefferson, could at any time give him a majority of the states, they would not allow the balloting to be prolonged to any dangerous extent.—The balloting continued for a week, the house having 19 ballots on Wednesday, Feb. 11; nine on Thursday, Feb. 12; one on Friday, Feb. 13; four on Saturday, Feb. 14; one (the thirty-fourth) on Monday, Feb. 16; but all with the same result, eight states for Jefferson, six for Burr, and two divided. This protracted uncertainty was enlivened by frequent caucusses of both parties, by the presence of sick members who had been carried into the house in their beds and remained there to insure their votes, and by the angry and exaggerated rumors which naturally floated out from the secret sessions to the people outside. The federalists were charged (and justly in the case of some of them) with a design to prolong the balloting until the expiration of Adams' term, March 3, and then either to leave the government to the strongest and most active, or, by special act, to give it in trust to the federalist chief justice, John Marshall, who was then also acting as secretary of state. In any such event the democrats, after debating a proposition to call an extra session of the next congress in March by a proclamation signed by Jefferson and Burr, in one of whom the presidential title was vested, seem to have decided to have the middle states seize the capital by a militia force and call a general convention of the states to provide for the emergency, and revise the constitution. For all this nervous agitation there was no occasion while Bayard was in the house, and exerted his influence, as he always did, for good; but it was very fortunate that at this session congress had changed its meeting place from a large city to the little village of Washington, and had thus avoided all danger of interference by mobs.—For seven days the house remained in session, nominally without adjournment, though, after sitting out the first night, the resolution not to adjourn was evaded by taking recesses as convenience demanded. Monday, Feb. 16, the four associate federalists decided that the party experiment had gone far enough, and that, if a guarantee for the civil service could be obtained from Jefferson, Burr should have but one more ballot. Tuesday, Feb. 17, the thirty-fifth ballot took place with the usual result, and, an hour afterward, the thirty-sixth ballot began. Jefferson had given the necessary guarantee through a friend; Morris, therefore, by absenting himself, allowed his democratic colleague to cast the state vote of Vermont; Craik and Baer, by casting blank ballots, made Maryland democratic, and Jefferson received 10 state votes out of 16 and was elected. Delaware and South Carolina voted blank ballots. The vice-presidency devolved on Burr, for whom the New England states, except Vermont, voted to the end. Jefferson entered office without any feelings of gratitude to the

federalists who had given him the position, but with great irritation against them for having voted blank instead of voting directly for him, and his account is to be taken with caution.—II.: (1824). The dissolution of the federal party after 1815 had left nominally but one political party, the democratic-republican, in the United States. But the debates in congress alone will show that there was still the abiding difference between those voters in the north who wished to construe the constitution broadly, for the benefit of commerce and a strong federal government, and those in the south and west who wished to construe the constitution strictly, for the benefit of agriculture and the conservation of the state governments, and that the all-prevailing democratic-republican party was really divided into two factions, strict constructionist and broad constructionist. In 1820 and 1821 these two branches of the party opposed each other, though not under distinct party names, in animated contests for the speakership of the house. The want of regularly organized parties, with recognized principles, only resulted in the degradation of the presidential election of 1824 into a personal contest between John Quincy Adams, secretary of state, Henry Clay, speaker of the house, William H. Crawford, secretary of the treasury, and Andrew Jackson, who, when nominated by his state legislature, had resigned his position as senator and become a private citizen of Tennessee. Of these the two first named were broad constructionists, federalists in reality, though they would have scouted the name, and the two last named were strict constructionists. In the presidential election Albert Gallatin, who had been nominated by the congressional caucus for the vice-presidency, had no votes, being ineligible, and John C. Calhoun, of South Carolina, was generally supported by the friends of all the presidential candidates. The electors failed to choose a president (see ELECTORAL VOTES), and the duty of choosing between Jackson, Adams and Crawford, the three highest candidates on the list, devolved upon the house. In balloting, the rules of the house in 1801 were adopted, after much opposition to the exclusion of the public. Clay standing fourth on the list, was ineligible, and the whole struggle in the house turned on the success of the other candidates in winning the Clay vote. This, very naturally, went to Adams, though only as a choice of evils, and the result of the first ballot, Feb. 9, 1825, was 13 states for Adams, seven states for Jackson, and four states for Crawford. Adams thus became president.—Jackson had received a plurality of the popular and the electoral vote, and the general feeling that the working of the constitution had done him an injustice aided greatly in carrying him triumphantly into the presidency four years after. (But see DEMOCRATIC-REPUBLICAN PARTY, IV.)—A more patent result in politics was the charge, first advanced by George Kremer, of Pennsylvania, in the house, and by his own confession without one tittle of evidence, that a "corrupt bargain" had been made between Adams and Clay, by which the former was to receive the Clay vote in the house, and the latter the position of secretary of state in Adams' cabinet. Adams' subsequent nomination of Clay to this very position was, to the democratic mind, incontrovertible proof of this corrupt union of New England and Kentucky, "of the puritan and the black-leg." This charge lay like a stumbling-block in Clay's path, eluding however his eager search for an authority until 1827, when it was formally reiterated by Jackson himself, on the authority of James Buchanan, representative from Pennsylvania, who at once declared Jackson's impression "erroneous." And yet the charge was renewed quadrennially for 20 years after the only authority ever alleged had fully repudiated any responsibility for it. (See CLAY, HENRY.)—III.: (1836). Feb. 8, 1837, the electors having failed to choose a vice-president, (see DEMOCRATIC-REPUBLICAN PARTY, IV.), the senate, from the two highest candidates on the list, chose Richard M. Johnson by a vote of 33 to 16 votes for Francis Granger. (See ELECTORAL VOTES.)—IV.: (1876). The origin of the dispute over the result of the presidential election of 1876 may be found in the constitutional provision that each state shall appoint electors "in such manner as the legislature thereof may direct." Of the 369 electors, 184, one less than a majority, had, without question, voted for the democratic candidates, Tilden and Hendricks; but at least 20 of the remainder were disputed. In the three southern states of Florida, South Carolina and Louisiana, the legislatures had directed the counting of the popular vote for electors to be done by returning boards, with plenary power to cast out the entire vote of any county or parish in which fraud or force had vitiated the election. By exercising this power the returning boards of Florida and Louisiana had converted an apparent democratic popular majority into an apparent republican majority, and given certificates to the republican electors. It was known before February, 1877, that double returns had been sent by the democratic and republican electors of the three states named, and from Oregon. (See ELECTORAL COMMISSION, for the facts in this case.) It was impossible to give the votes in the alternative (see ELECTORS), for, by a single vote from any of the states above named, Tilden and Hendricks would be seated. By the twenty-second joint rule the democratic house could have thrown out all the doubtful states and given the democratic candidates a majority; but the republican senate had repealed the joint rule, Jan. 20, 1876, and some of its members began to assert the arbitrary and absolute power of the vice-president to "decide which were legal votes." Under these circumstances the electoral commission was created, whose decision was only to be reversed by concurrent vote of both houses. As each decision of the commission in favor of the republican electors was announced to the two houses, the senate

voted to sustain it, and the house to reject it, by strict party votes, and the commission's decision held good. In each of the states of Michigan, Nevada, Pennsylvania, Rhode Island, and Vermont, one elector was objected to as holding an office of trust or profit under the United States; but both houses concurred in admitting all these votes. After a session lasting from Feb. 1, 1877, until 4:10 A. M., of March 2, the vote was finally announced as 185 to 184 for the republican candidates, Hayes and Wheeler. (See ELECTORAL VOTES.)—See (I.) 5 Hildreth's *United States*, 402; 1 von Holst's *United States*, 168; 2 Gibbs' *Administrations of Washington and Adams*, 488; 7 J. C. Hamilton's *United States*, 425; 9 John Adams' *Works*, 98; 6 Hamilton's *Works*, 480–523 (and Bayard's letters there given), 2 Randall's *Life of Jefferson*, 573; 2 Tucker's *Life of Jefferson*, 75, 510; 3 Jefferson's *Works* (ed. 1829) 444, and 4:515 (*Ana*); 1 Garland's *Life of Randolph*, 187; Parton's *Life of Burr*, 262; 3 Sparks' *Life and Writings of Morris*, 132; 2 Benton's *Debates of Congress*. (II.) 2 von Holst's *United States*, 4; 3 Parton's *Life of Jackson*, 54; 1 Colton's *Life of Clay*, 290; *Private Correspondence of Clay*, 109; 1 Benton's *Thirty Years' View*, 47; Sargent's *Public Men and Events*, 70; 2 Hammond's *Political History of New York*, 177; 8 Benton's *Debates of Congress*. (III.) 13 Benton's *Debates of Congress*, 738. (IV.) 23, 24 *Nation*; Appleton's *Annual Cyclopædia*, 1876–7; *Tribune Almanac*, 1877; *Congressional Record*, 1877; and authorities under ELECTORAL COMMISSION.

ALEXANDER JOHNSTON.

DISTILLED SPIRITS, considered in reference to Taxation—Experience of the United States. Since the time of Charles II, when taxes were, for the first time in England, imposed on distilled spirits, this article has been regarded by the legislators and fiscal administration of all civilized states as an eminently proper subject for taxation for the purpose of revenue. Great Britain at present (1881) imposes a tax on distilled spirits of 10s. ($2.50) per imperial proof gallon of 227 cubic inches, which is equivalent to 7s. 4d. ($1.80) on the proof wine gallon of 231 cubic inches, adopted as the American standard; and for the fiscal year 1881 she derived a revenue from this source of £14,393,572 ($71,967,000) on a home consumption of 29,047,303 imperial gallons. For the year 1878 the revenue derived by France from taxes on the production and consumption of all domestic liquors was returned at 81,716,000 francs ($16,345,000); and in Sweden, in 1874, at $3,718,000. In Russia the manufacture and sale of distilled spirits is a strict government monopoly; and of the entire income of the government from ordinary sources, fully one-third is derived from the taxes on domestic liquors. The existing taxes are believed to be equivalent to about one dollar gold per gallon. The taxes on distilled spirits in the other European states vary greatly in amount and as respects the methods of assessment and collection; and the average rate is much less than that established in Great Britain or Russia.—The experience of the United States in this matter has been most peculiar and instructive, and its record, which it is here proposed to make, constitutes one of the most extraordinary and interesting of chapters in the history of economic science. The first attempt to tax distilled spirits of domestic production in the United States was made in 1791; the annual product at that time, according to the report of the secretary of the treasury, Alexander Hamilton, being about 6,500,000 proof gallons; of which 3,500,000 was estimated as derived from the distillation of foreign materials, mainly molasses and syrups. Although the taxes imposed were comparatively light, (from 9 to 11 cents per proof gallon), and the necessities of the government for revenue most urgent, their imposition provoked great opposition and resistance; and in 1794 the western counties of Pennsylvania rose in open insurrection against the enforcement of the law. And it was not until an army, drawn from the militia of the neighboring states, had marched into the disturbed district and seized the leaders of the insurgents, that the authority of the federal government was re-established. The cost of this insurrection to the government was $1,500,000; while its total expenditures for the same year for all ordinary purposes, were only $4,362,000. Upon the accession of Mr. Jefferson to the presidency in 1800, and upon his recommendation, the whole system of internal taxation by the federal government was repealed; and although temporarily renewed in 1813, in consequence of the war with Great Britain, such taxes practically formed no part of the fiscal system of the government of the United States during the more than half a century that elapsed between 1817 and 1862. During the whole of this period, therefore, the manufacture of distilled spirits in the United States was free from all specific taxation or supervision by the federal government, and also to a great extent by the governments of the several states; and, being produced mainly from Indian corn, the cheapest of all cereals, at places adjacent to the localities where the corn was cultivated, they were sold at a very low price; the average market price in New York for the five years preceding the year 1862 having been 24 cents per proof gallon; with a minimum price during the same time of 14 cents per gallon. Under such circumstances the production and consumption of distilled spirits in the United States previous to the war, for a great variety of purposes, had become enormous; the product for 1860 being returned by the census of that year at 90,412,581 proof gallons, an estimate which subsequent investigations proved was rather *under* than *over* the then actual production; while the maximum quantity ever exported in any one year was not in excess of 3,000,000 gallons.—The peculiarities of manufacture, trade and consumption, growing out of the circumstance that the United

States at that time—alone of all civilized countries—enjoyed an almost unlimited supply, at an extraordinarily low price, of an article so essential to many arts, and so extensively desired for personal use, was also very remarkable; and especially interesting, also, from the contrast between the condition of things in Europe, where the price of the same article, by reason of a government fiscal policy universally adopted, was constantly maintained at such an extraordinarily high rate as to restrict its consumption in the arts and for personal uses to the narrowest of limitations. Thus, one of the purposes, unknown in Europe, for which this product of spirits was extensively used in the United States at this time, was for the manufacture of an illuminating agent termed "*burning fluid*," which was composed of one part of *rectified* spirits of turpentine, technically termed "camphene," mixed with from four to five parts of alcohol, each gallon of alcohol thus used requiring for its manufacture 1.88 gallons of proof spirits, by which is to be understood a mixture of about 50 per cent. alcohol and 50 per cent. water. Large quantities of burning fluid were also prepared at the south and west by mixing alcohol direct with the crude or commercial spirits of turpentine; and the whole quantity of alcohol used for all such purposes in the United States in 1860, was estimated by the United States revenue commission to have been at least 16,000,000 gallons, requiring over 25,000,000 gallons of proof spirits. Some idea of the extent of the production of this article may be gained from the statement that the manufacture of burning fluid in 1860, in the city of Cincinnati alone, required an amount of alcohol equal to the distillate from 12,000 bushels of corn for every 24 hours. The excessive cheapness of alcohol—its price in the New York market from 1856 to 1862 ranging from 30 to 60 cents per gallon—also led to its extensive use for a multitude of other industrial purposes: such as the manufacture of varnishes, hat-stiffening, furniture polish, perfumery, tinctures, patent medicines, imitation wines, percussion caps, and in dyeing, cleaning, lacquering, bathing, and even as fuel in domestic culinary operations. Many preparations for the hair, which at that time in other countries, as now almost universally, were prepared very largely on a basis of fats and oils, were in the United States then compounded almost wholly on a basis of alcohol; the comparative difference in the price of this article in the United States and Europe giving an entirely different composition to products of large consumption intended to effect a common object. From testimony given before the United States revenue commission in 1865, it was established that the sales of one single rectifying house in the city of New York averaged over 30,000 gallons of alcohol (equivalent to 56,000 gallons of proof spirit) per annum, for the preparation of hair tonics; 81,000 gallons of alcohol to one firm for the manufacture of a popular article of cheap perfumery; 125,000 gallons to another firm for an imitation wine; and 41,000 gallons to a third for a patent "pain-killer." A single firm in western New York, engaged in the manufacture of a horse medicine, reported a consumption for this purpose of over 50,000 gallons of proof spirits per annum; and one distiller in the same section of country reported a regular *monthly* sale of 8,000 gallons of proof spirits, or 96,000 gallons per annum, for the single purpose of "fortifying" cider intended for export to tropical countries, or for sale in the southern states or California. Instances were also made known of individual hair-dressers in the large cities using 400 gallons of alcohol yearly in their local business; and of others whose consumption of alcohol in the preparation of articles having merely a local sale reached 2,000 gallons per annum.—The necessities of the federal government for increased revenue, consequent upon the outbreak and continuance of the civil war, early demanded an increase in the amount and sphere of national taxation; and distilled spirits were among the first articles of domestic production and consumption upon which the new taxes were levied. The first tax imposed (act of July 1, 1862,) was 20 cents per gallon. By the act of March 7, 1864, this rate was raised to 60 cents; by the act of July 1, 1864, to $1.50; and Jan. 1, 1865, the rate was further advanced to $2. The first effect to be noticed of the imposition, alteration and rapid increase of these internal taxes upon distilled spirits, is their industrial influence. This amounted, in fact, to an industrial revolution, essentially modifying and even destroying great branches of industry; and yet these effects, in presence of other and greater events, continually and contemporaneously occurring, and which affected the life and destiny of the nation, passed comparatively unnoticed. For example, the manufacture of "burning fluid" entirely ceased; the increase in the price of its principal constituent—alcohol—from an average of 34 cents per gallon in New York in 1861, to $4.25 per gallon in the spring of 1865, having converted it from one of the cheapest to one of the dearest of illuminating agents, and made its general use impracticable. But by one of those happy circumstances which have so often characterized the experience of the United States, the industrial and economic disturbances which might naturally have been expected from this change, were to a great degree speedily neutralized by the almost contemporaneous discovery (1859) in Pennsylvania, of vast supplies of petroleum and the rapid utilization of its distillates for the preparation of a cheaper illuminating material than even burning fluid; so that in a short time the business of collecting, preparing and exporting petroleum became, as it yet is, one of the most important industrial interests of the country. And as a further curious illustration of the changes consequent upon the disuse of burning fluid and the introduction of petroleum products for illumination, it may be stated, that the demand for the new patterns of lamps and their appurtenances, adapted to burn the new material,

was alone sufficient to employ the then entire manufacturing capacity of all the glass works in the country for a period equivalent to two years. Druggists and pharmaceutists estimated the reduction in the use of alcohol in their general business, consequent upon its increased cost from taxation, at from one-third to one-half. Manufacturers of patent medicines and cosmetics abandoned their old styles of preparation and adopted new. The manufacturer of horse medicine, before noticed, who used proof spirits at the rate of 50,000 gallons per annum, testified that his business was wholly destroyed. Varnish makers reported a reduction in the use of spirits in their business to the extent of 80 per cent.; other and cheaper solvents for the constituent gums, such as wood naphtha, benzine, etc., being substituted. Hatters, who before used large quantities of "stiffening" composed of shellac dissolved in alcohol, in the manufacture of hat bodies, substituted glue in its place, or used cloth in the place of felt. The export of cider, tinctures and cheap perfumery was seriously curtailed; while the increased price of vinegar, before manufactured largely from whisky, so far affected the cost of the manufacture of pickles and white lead as to greatly diminish domestic consumption, and almost entirely prevent exports. No very large sales of distilled spirits for the manufacture of cheap imitation wines were reported after 1864. The curators of some of the leading museums—anatomical or natural history—of the country, attached to institutions of learning, memorialized congress, that, owing to the high price of alcohol, they were not able to make good the constant waste of this substance (leakage and evaporation) as employed by them for scientific purposes; and that, in consequence thereof, many important collections were becoming rapidly impaired in value, while the progress of scientific discovery and research was greatly impeded. Congress accordingly provided for the supplying of alcohol to such institutions from bonded warehouses, free of tax.—Concerning the influence of the increase of price on the use of spirits for drinking purposes, there was considerable discrepancy of opinion from those best qualified to judge. Previous to the war raw whisky was retailed in every part of the country at from 7 to 15 cents per quart; and at such rates it was within the ability of every laborer to indulge freely. The weight of testimony taken by the United States revenue commission was to the effect that no marked diminution of the sales of liquors by retailers to the poorer classes of consumers was noticed until the tax was raised above 60 cents per gallon; but that subsequently, when the tax was advanced to $1.50 and $2 per gallon, the reduction of consumption was considerable; and that beer was largely substituted for whisky. On the contrary, with all those classes with whom, by reason of abundant means, the enhanced price of liquors was a matter of but slight consideration, the consumption of distilled spirits was probably not diminished. The tariff on imported liquors having been at the same time increased in a greater proportion than the tax on domestic spirits, the demand for "foreign" liquors largely fell off: but this loss was fully or more than supplied by an increased sale of American whisky, which, under the popular name of "Bourbon," became nationalized as a beverage to a greater extent than at any former period. As was naturally to be expected, with the large increase in the cost of the *original* product of spirits, the temptation to adulterate the *final* product sold by retailers was greatly augmented; and the extent to which adulteration was practiced is shown by the circumstance that, when gin purporting to be of foreign manufacture was selling in New York in 1860 at 65 cents per gallon, the low retailers of that city charged six cents per glass; and that subsequently, when the wholesale price of the same liquor was $3.25 per gallon and upward, the former retail price remained unaltered. It is also to be noted that, from about the time when taxation largely enhanced the price of distilled spirits in the United States, the consumption of certain drugs which can be used as stimulant substitutes for spirits, particularly opium and its derivatives and Indian hemp, began to increase. Thus, in 1860, with a duty of $1 per pound, the importation of opium, crude and prepared for smoking, was 119,525 lbs.; in 1865, with a duty of $2 50 per pound, the importation was 123,470 lbs.; in 1872, with a reduction of duty to $1 per pound, the importation was returned at 205,829 lbs; in 1875, 251,012 lbs.; in 1878, 262,556 lbs.; and in 1880, 320,408 lbs. The importation of morphine and its salts, which was merely nominal in 1864, was returned at 172 ounces in 1865, 687 ounces in 1867, 1,884 ounces in 1869, 3,002 ounces in 1878, and 3,490 ounces in 1880. What proportion of this increase was due to the high prices of alcoholic liquors, and what to the excitements of the war and the speculative periods which succeeded, can not be affirmed; but that all these causes have proved operative, and that the consumption of opium and Indian hemp has progressively increased since 1864–5, in the United States, can not be doubted.—We come next to consider what to the economist is the most interesting portion of this experience in progressively and inordinately taxing distilled spirits, namely, its fiscal results. The first tax imposed on distilled spirits of domestic production, was, as already stated, 20 cents per proof gallon. This tax, exclusive of the revenue derived from licenses to wholesale and retail liquor dealers, for rectification, etc., yielded for the fiscal year ending June 30, 1863, a revenue of $3,229,911,[1]

[1] In addition to the tax directly imposed on the distilled spirit, the internal revenue system of the United States from the first imposed a number of other and collateral taxes—*i. e.*, licenses, fees, permits, etc.—on the business of producing, refining and vending of spirits, which, although assessed and collected independently, are included under a general return of aggregate revenue from distilled spirits. Thus, the total revenue returned as collected in any one year is always considerably greater than the receipts from

indicating a production of 16,149,955 proof gallons. As production, in anticipation of the tax, was, however, for some time previous to its imposition, pushed to the utmost extent, the amount received in revenue from distilled spirits for the year 1862–3 (and also for like causes in subsequent years) constitutes no criterion of the actual production and consumption of the country. The tax of 20 cents continued in force until March, 1864, when the rate was advanced to 60 cents per proof gallon. The direct revenue from distilled spirits for the fiscal year ending June 30, 1864, under the two rates as above indicated, was $28,431,000. On July 10, 1864, the tax was further advanced to $1.50 per proof gallon; and on Jan. 1 succeeding, to $2. The revenue derived from this source for the fiscal year ending June 30, 1865, was $16,007,776; and for the succeeding fiscal years, 1866–7, with a continued and uniform tax of $2, was, respectively, $29,482,077 and $29,164,000. With the imposition of the high taxes upon this product, however, the inception and practice of frauds upon the revenue commenced upon a most gigantic scale, and soon became so successful, and so reduced to a system, that in 1868 it seemed as if the whole country and the government itself were becoming corrupted and demoralized. In the outset, while the war and its varying fortunes were engrossing the attention of the government and the people, the efforts made to repress and punish frauds in this department of the revenue were of absolutely no account whatever; and, indeed, it may be alleged with truth, that the whole spirit and working of the statute was in the direction of the encouragement and promotion of fraud; congress, in the first instance, under the influence of speculators, having advanced the rate of taxation on three occasions with ample premonition, and without making the advance applicable to stocks on hand, which had been manufactured specially in anticipation of the legislation in question; and secondly, by so devising the law and providing for its execution as to make the detection and proof of fraud almost impossible. The immediate effect of the enactment of the first three and successive rates of excise, was to cause an almost entire suspension of the business of distilling, which was resumed again with great activity as soon as an advance in the rate of tax in each instance became probable. The stock of whisky and high-wines accumulated in the country under this course of procedure was without precedent; and congress, by its refusal to make the advance in taxation, in any instance, retroactive, virtually legislated for the benefit of distillers and speculators, rather than for the treasury and the government. The profits realized by the holders of stocks, thus made in anticipation of the advance in taxation, has probably no parallel in the history of any similar speculation or commercial transactions in this country, and can not be estimated at less than $50,000,000. When the opportunity for the realization of profits from manufacturing in anticipation of the tax ceased by the prospective permanent maintenance of rate, the opportunity offered by the imperfections of the law was in turn eagerly cultivated and improved. Testimony brought to light repeated instances where individual distillers manufactured, conveyed to market, and fraudulently sold spirits in quantities varying from 20,000 to 80,000 gallons and upward, without a suspicion on the part of local officers that the business was not in all respects conducted legally and honestly. It was sworn to before the revenue commission in 1865–6, that the determination of the strength of the distilled spirits preparatory to assessment, was often made by mere physical inspection or taste, and that the use of instruments (for which no uniform standard was provided) was regarded as something wholly unnecessary. It was also not unfrequently the case that barrels were inspected and branded some days in advance of their being filled, and the future regulation—filling and removal—left entirely with the manufacturer. Distillers and their workmen were sometimes constituted inspectors of their own products; and in one instance an assessor was known to have been appointed who did not possess sufficient intelligence to understand and correctly use either a gauging rod or a hydrometer. Thus it was at the commencement of the period of high taxation; but subsequently, and after the close of the war, when the administration of the new revenue laws became more intelligent and vigorous, and some degree of concealment to the projectors of fraud became necessary, the expedients successfully adopted for the evasion of the tax were in the highest degree characteristic of the ingenuity of the people. One of the most fertile of these was made available through a provision of law which allowed spirits to be made and stored in bond, or exported in bond, without prepayment of the taxes. Thus, for example, spirits deposited in bond were, through the connivance and corruption of poorly paid officials, acting as guardians, secretly withdrawn from bond, the barrels filled with water or some cheap compound, and subsequently exported. On receipt of the landing certificate, obtained through a consul of an inferior grade, the bonds given by the manufacturer for the payment of the taxes were canceled, and the profits derived from the sale of the untaxed spirits in the domestic market, at the tax paid rate, were divided among all concerned. Warehouses from which spirits deposited in bond had been fraudulently withdrawn, were also frequently burned, and the bonds canceled on evidence of loss, wholly fraudulent, but so strongly supported by perjury, as to be difficult of dis-

the direct tax on the spirit itself. These annual aggregates, since the first imposition of the tax, have been as follows: 1863, $5,176,520; 1864, $80,329,149; 1865, $18,731,422; 1866, $33,268,171; 1867, $33,542,951; 1868, $18,655,630; 1869, $45,071,230; 1870, $55,606,094; 1871, $46,281,848; 1872, $49,475,516; 1873, $52,099,371; 1874, $49,444,089; 1875, $52,081,991; 1876, $56,426,000; 1877, $57,469,000; 1878, $50,420,000; 1879, $52,570,000; 1880, $61,185,000.

proof. Large losses were also sustained by the government by the acceptance, as the basis of large transactions, of bonds which subsequent investigation, contingent on the exposure of more open frauds, showed were purposely made and given by persons of no responsibility, who, in some instances, by pre-arrangement, agreed to accept the risk of prosecution and trial, with an almost certainty of non-conviction by a jury, for a stipulated compensation or a share in the anticipated fraudulent profits. In short, the tax of $2 per proof gallon on distilled spirits (amounting to above 1,000 per cent. advance on the average cost of manufacture), and the enormous profits contingent upon the evasion of the law, coupled with the abundant opportunity which the law, through its imperfections and the vast territorial area of the country, offered for evasion, constituted a temptation which it seemed impossible for either manufacturers, dealers or officers to resist; and the longer the tax remained at a high figure, the less became the revenue and the greater the corruption. During the year 1867 the revenue directly collected in the United States from distilled spirits, as already stated, was about $29,000,000, indicating a domestic production of some 14,500,000 gallons. But during the succeeding year, 1868, with no apparent reason for any diminution in the national production and consumption of spirits, and with no increase, but rather a marked diminution in the volume of imports of foreign spirits, the total revenue from the same source was but little in excess of $14,000,000, indicating a production of only 7,000,000 proof gallons; proof spirits at the same time being openly sold in the market, and even quoted in price currents at from 5 to 15 cents less per gallon than the rate of tax and the average cost of manufacture. We have also, in these figures, the materials for approximately estimating the measure and strength of the temptation to evade the law, and the amount of profit that must have accrued in the single year 1868 from the results of such evasion. For as the consumption of distilled spirits for all purposes in the country during that year was probably not less than 60,000,000 gallons,[1] and as out of this the government collected a tax upon only about 7,000,000 gallons, the sale of the difference at the current market rates of the year, less the average cost of production (estimated as high as 30 cents per gallon), must have returned to the credit of corruption, a sum approximating $80,000,000. To this must be added a further unknown but undoubted loss of revenue, growing out of the circumstance, that the influence of successful fraud in the matter of distilled spirits seemed to infect and demoralize almost every other department of the internal revenue.—But notwithstanding the fact that the current price at which distilled spirits were sold in the markets of the country was everywhere recognized and commented on by the press as less than the amount of the tax, and as allowing nothing whatever for the cost of manufacture, and notwithstanding that the existence and extent of the frauds in the manufacture and sale of spirits was for three years annually reported upon and in detail by the officials of the treasury, it was with great difficulty that congress could be induced to take any action looking to remedies by the enactment of more perfect laws, providing for more efficient administration or for diminishing the temptations to fraud by reducing the tax; and it was not until the revenue from this source bid fair to disappear altogether, and the popular manifestations of discontent became very apparent, that anything really was accomplished; a report from the committee of ways and means of the house of representatives, in favor of a new law and a reduction of the tax, having been actually delayed in 1867 a whole year, by the appeal of a leading member of the committee for postponement of action, on the ground that it would be derogatory to the honor of a great nation to confess, after having triumphed in the most gigantic of civil wars, its inability to control the domestic production and sale of whisky. How expensive this speech and its resulting delay proved to the national treasury is shown by the circumstance, that the receipts from the direct tax on distilled spirits fell off in the fiscal year 1868 to the extent of $14,874,000 as compared with the receipts for the previous fiscal year, 1867, or from $29,164,000 to $14,290,000; while, on the other hand, when by the act of July 20, 1868, the direct tax was reduced to 50 cents per proof gallon, the receipts for the ensuing and incomplete fiscal year increased at once to the extent of nearly $20,000,000, or from $14,290,000 in 1868 to $34,245,000 in 1869, and $39,244,000 in 1870; or, including all taxes on the manufacture and sale of distilled spirits, licenses, etc., the advance was from $18,655,000 in 1868 to $45,071,000 in 1869, and to $55,606,000 in 1870. It is to be here noted, that in framing the law of July 20, 1868, by which the direct tax was reduced from $2 to 50 cents per proof gallon, the intent, which was realized, was to make the total aggregate tax 70 cents per gallon, but to impose only 50 cents as a maximum tax on the spirit as an article of manufacture, and to distribute the balance (20 cents) in the way of licenses, fees, etc., at points intermediate between the manufacture of the spirits and their final sale to consumers, but so remote from and so disconnected with the process of manufacture as to render collusion between producers and distributors, with a view to gain by evading the law, almost wholly impracticable. Another leading object was to fix the direct tax at such an amount as would keep down the temptation to fraud to the greatest possible extent consistent with the procurement of such an amount of revenue as was demanded by the necessities of the government. The sum recommended by the then United States special commissioner

[1] The reader will here do well to look forward and see what was the consumption in subsequent years, when the tax was reduced.

of the revenue, and subsequently adopted by congress, was 50 cents per proof gallon; because investigations, carefully conducted, showed that on the average the product of illicit distillation costs, through deficient yields, the necessary bribery of attendants, and the expenses of secret and unusual methods of transportation, from two to three times as much as the product of legitimate or legal distillation. So that, calling the average cost of spirits in the United States 20 cents per gallon, the product of the illicit distiller would cost from 40 to 60 cents, leaving but 10 cents per gallon as the maximum profit to be realized from fraud under the most favorable conditions—an amount not sufficient to offset the possibility of severe penalties of fine, imprisonment and confiscation of property, which were made an essential feature of the new enactment. In the whole history of political economy, finance and jurisprudence, there never was a result that so completely demonstrated the value of careful scientific investigation in connection with legislation in these departments. Illicit distillation practically ceased the very hour the new law and new rule came into operation; and evasions of law were confined to occasional false returns, and a re-use, on a very limited scale, of the stamps with which the tax was for the first time made payable by purchase and cancellation. Industry and the arts experienced a large measure of benefit from the reduction in the cost of spirits; while the government collected during the second year of the continuance of the act *three* dollars for every one that was obtained during the last year of the continuance of the $2 rate.—The subsequent history of the experience of the United States in the matter of taxing distilled spirits may be quickly told. In 1869 a new national administration came into power; and during the next two years, frequent removals of revenue officials were made for political purposes. The result showed itself in a decrease of the gross revenue from distilled spirits from $55,606,000, in 1869–70, to $46,281,000, in 1870–71; increasing to $49,475,000 in 1871–2. In June, 1872, congress, on the recommendation mainly of a commissioner of internal revenue (who was selected for the office for reasons other than economic knowledge, or experience in respect to taxation), aided also by a speculative interest, increased the direct tax on spirits from 50 to 70 cents per proof gallon. The result for the first year of the new tax showed an increase in gross revenue of only $2,624,000 as compared with the receipts of the previous year, 1871–2, the last of the 50 cent rate; and a loss of $3,507,000 as compared with the receipts of 1869–70. The next year, 1873–4, the gross receipts were $33,911 less than the receipts of 1871–2. Uninstructed, however, by this experience, congress, in March, 1875, on the recommendation of men who, as subsequent events showed, had no thorough acquaintance with the subject, again advanced the tax from 70 to 90 cents per proof gallon, at which rate it has remained up to the date of the present writing—1881. The result was exactly that which no gift of prophecy was requisite to anticipate or predict. The rate of 70 cents per proof gallon constituted a moderate temptation to fraud. Its increase to 90 cents constituted a temptation altogether too great for human nature as employed in manufacturing and selling whisky, to resist; and fraud and evasion of the law on an extensive scale were soon inaugurated. During the years 1875–6, highwines sold openly in the Chicago and Cincinnati markets at prices less than the average cost of production, plus the government tax. Investigations conducted under the then secretary of the treasury, Hon. B. H. Bristow, showed that the persons mainly concerned in the work of fraud were the government officials rather than the distillers; and that a so-called "whisky ring," organized for the purpose of fraud and having its centre at St. Louis, extended to Washington, and embraced within its sphere of influence and participation, not merely local supervisors, collectors, inspectors and storekeepers of the revenue, but even officers of the internal revenue bureau, and probably, also, persons occupying confidential relations with the executive of the nation. As the result of these investigations, many arrests were made and prosecutions instituted, and a few prominent persons were finally convicted, and punished by fine or imprisonment. But such, nevertheless, was the political influence of the "whisky ring," and such the offense given by the secretary of the treasury by reason of his energetic action and sturdy unwillingness to compromise and cover up fraud, that this gentleman, to the disgrace of the nation, felt compelled to resign, and withdraw from his office. The general result of legislation in respect to federal taxation of distilled spirits since the reduction of the tax from $2 to 50 cents per proof gallon, in July, 1868, is shown by the following summary statement: The average quantity of proof gallons which paid a tax, and presumably entered into consumption, during each of the four years of the 50 cent rate, *i. e.*, from July, 1868, to June, 1872, inclusive, was 68,312,780 gallons; the maximum amount in any one of this period of years having been 78,490,196 gallons, during the fiscal year 1869–70. The average quantity of proof gallons which paid tax during the three years of the 70 cent rate, was 63,721,000 gallons. The average quantity which paid a tax during four fiscal years of the 90 cent rate, or from 1876 to 1879 inclusive, was 56,775,000 gallons. For the fiscal year 1880, the last for which complete returns are available at present writing, it was 62,131,000 gallons; or, in other words, with an increase of 80 per cent. in the amount of the tax since 1872, with an increase in population of at least 8,000,000, with no apparent diminution of consumption, and in a year unparalleled in the history of the country for the prosperity of the masses and the activity of manufactures, the annual production of proof spirits in the United States in the year 1880,

of which the government was able to take cognizance, and assess for revenue purposes, was upward of 16,000,000 gallons less than were demonstrated to have been produced and consumed in the year 1869–70, or 10 years previously. With larger experience and a purer and better administration, illicit distillation and other evasions of the laws relating to the taxation of distilled spirits have *apparently* largely diminished in the United States. In the mountainous, sparsely settled districts of the southern states, illicit distillation is systematically carried on, and has thus far resisted all efforts of the civil and even military power of the government to effectually suppress it. Isolated cases of violation of the law are also frequently detected in other sections of the country. But these instances, though extensive as regards number, can do little more than meet a comparatively small demand for local consumption, and probably add nothing of any consequence to the general requirement for distilled spirits of the trade and manufactures of the country. At the same time, it is the opinion of persons engaged in the trade, and who are presumably well qualified to form an opinion, that the present (1881) annual requirement or consumption of distilled spirits in the United States is not less than 80,000,000 proof gallons, exclusive of any requirements for export; and that the demand is in some way regularly supplied. If this supposition be correct, it follows that an annual product of some 18,000,000 gallons at present successfully evades this revenue, involving an annual direct loss to the revenue of at least $16,000,000. But in support of this conclusion there is manifestly no actual proof.—The economic and moral lesson to be deduced from this curious record of experience, is, that whenever a government imposes a tax on any product of industry sufficiently great to indemnify and reward an illicit and illegal production of the same, then such product will be illicitly and illegally manufactured. When that period is reached, the loss and penalties consequent upon detection and conviction—no matter how great may be the one, or how severe the other—will be counted in by the offenders as a part of the necessary expenses of their business, and the business, if suppressed in one locality, will be invariably renewed and continued in some other. It is the part of a civilized government, therefore, in framing laws for the assessment and collection of taxes, to know when the maximum revenue point in the case of each tax is reached, and to recognize that beyond that point the government "over-reaches itself." In the case of the United States, this view of the matter has evidently not been considered worthy of any consideration, since the repeal of the act of July, 1868, which reduced the rate of taxation on distilled spirits from $2 to 50 cents per proof gallon. Nay more, the most striking lesson of experience in all economic and fiscal history—*i. e.*, the increase in revenue in a single year, in consequence of this reduction, from $14,000,000 to $34,000,000—has been wholly disregarded. On the contrary, as has been aptly and wittily remarked, the government "now holds out the temptation on the one hand, and the writ of seizure on the other, and thus announces its readiness to proceed to business."—It remains but to answer a question, which will doubtless suggest itself to the reader, namely, how is it that Russia and Great Britain can successfully impose and collect a rate of tax on distilled spirits, which in the United States has proved to be impossible or attended with the greatest difficulties? The solution of this problem is to be found in the fact, that the circumstances in the cases under comparison are altogether different. In Russia the whole business of manufacturing and vending distilled spirits is a government monopoly, maintained through the agency of an extraordinary police and military force, and by a thoroughly despotic form of government. In Great Britain the business of distilling and rectifying spirits is carried on under such stringent conditions of law, and under such a system of official inspection—a system wholly impracticable in a country of large geographical area, sparse population, and with a limited police and auxiliary military force—that only about 300 distilling and rectifying establishments exist in the whole United Kingdom; as compared with 1,193 similar establishments in operation in the United States in 1860, and 702 in 1880. A provision, not recognized in the United States, also exists in Great Britain, whereby spirits required in the arts are allowed to be used free of duty. But notwithstanding this limitation and rigid control of the business, detections for illicit distillation in Great Britain are still numerous, and, during the year 1866, 3,557 were reported. Of these only 41 occurred in England, and only 11 in Scotland; the remainder, 3,505, occurring in Ireland, where sparsely settled districts, and an unemployed, poor and non loyal population offer greater advantages and inducements for violations of the law than exist elsewhere in the kingdom.

DAVID A. WELLS.

DISTRIBUTION LAWS. (See INTERNAL IMPROVEMENTS.)

DISTRIBUTION OF WEALTH. The study of the principles which determine the distribution of wealth, of the means by which that distribution is effected, and of the phenomena pertaining to it, constitutes one of the great divisions of political economy. This science is commonly divided into two or three parts; the first treating of the production, the second of the distribution, and the third, when a third is admitted, of the consumption of wealth. Hence, this is not a special subject, but a vast field of study embracing a great number of different subjects. To discuss the whole subject a volume would be necessary. It will suffice here merely to give some general notions of the subject, and to point out its prin-

cipal subdivisions. We refer, for each of these subdivisions, to the special articles which treat of them.—It is well understood that under the head of distribution of wealth we only mean here, and can only mean, the distribution or the division of the revenue of society, such as regularly takes place among all its members. To understand this distribution it is necessary to consider, in the first place, of what this revenue consists, and what are the principal agents which have concurred in its formation.—"The whole amount of profit," says J. B. Say, "derived by an individual from his land, capital and industry, within a month, or within the year, is called, respectively, his monthly and his annual revenue. The aggregate of the revenues of all the individuals, whereof a nation consists, is its national revenue."—Some writers on this subject have fallen into a grievous error, an error which has led them to the strangest conclusions. They imagined that in the revenue of a country was to be included only the net profit of the capital employed in the country, that is to say, in other words, the net profit of those engaged in industry, who are especially charged with turning capital to account. Thus, in an industrial enterprise, it would not be proper, according to these writers, to consider as gain to the community at large, at the end of the year, anything beyond the net annual revenue realized by persons engaged in industry themselves. They have not taken pains to observe, that the expenses incurred by the persons thus engaged in industry during the course of the year in order to attain their object, consist in great measure of wages distributed under various forms, and that these wages constitute the revenue of the workmen who receive them. The sums, too, which have been expended in the purchase of raw material or implements have been, in like manner, diverted into other channels for the support of labor, and have become sources of revenue for other workers. That which is to one man outlay, or an advance made to production, is revenue in the case of another. It is not, therefore, the net product but the gross product of industrial enterprises which constitutes the revenue of society or of a nation, and which, under various forms, is distributed among the individuals who compose the nation. —In order to know how or among whom this revenue is to be distributed, it is necessary to know who those are who have concurred in its formation; in other words, who have been the agents of production in general.—Production is generally the result of the co-operation of three principal agents, namely: 1. Land capable of cultivation, mines, quarries, and all natural agents. 2. Capital, which includes the implements of labor (among which are to be reckoned farms, factories, workshops, etc.), materials to which present labor is to be applied, means of subsistence for workmen, and generally all kinds of value, the fruits of past labor, which may serve to facilitate present or future labor. 3. Labor, meaning by this term not merely physical labor, but every exercise of the intellectual or physical faculties of man, which tend directly or indirectly to the production of revenue.—All production is, we say, the result of the co-operation of these three agents, or of these three productive forces. They are combined in very different proportions, according to the kind of product sought to be obtained, but each is indispensable in the general work of production Without land capable of cultivation, mines and quarries, raw material could not be obtained, without capital, it would be impossible either to obtain it from the earth, or to work it; without labor, capital and land would be idle.—Since, then, each of these agents is indispensable to production, it seems natural that each should share in the results, according to the measure of the service it has rendered This, in fact, is what actually takes place. There are, however, certain observations to be made on this subject.—When natural agents are not appropriated, they have no claim on the result of production. The services they render are in such a case gratuitous. But when they are appropriated, as land capable of cultivation, mines, quarries, waterfalls, etc., generally are, their possessors naturally claim a part in the products due to their co-operation. These possessors exact payment for the services rendered by the natural agents which belong to them. It is very clear, of course, that it is not these inanimate natural agents which claim their share, but the men who have the services of these agents at their disposal, because they have become the owners of them. With the question of the right of thus deriving a revenue from the services of inanimate agents we have here nothing to do; that subject will be treated of in its proper place. (See PRODUCTION.) It suffices for the present to state it as a fact, as being the natural and necessary result of the appropriation of these natural agents. As to capital, which is always appropriated, since it belongs of right to those who have brought it into existence or to their successors, it always claims its share; and this is equally true, and with greater reason, of labor which, excepting in certain rare cases, is not and never can be gratuitous.—It is, therefore, between these three great agents of production that revenue is divided. To each of them there corresponds, besides, a distinct form of compensation, suited to the nature of its services.—Rent corresponds to the services rendered by land or by other natural agents. — *Profit* is the term used to denote the ordinary remunerations paid for the use of capital, either when the holder of the capital uses it at his own risk, whether alone or in association with the capital of others; or *interest*, when the holder of capital, instead of employing it himself and at his own risk, lends it to another in consideration of a fixed rate of remuneration.—The compensation of labor is generally expressed by the term *wages*, a term capable of universal application, although other terms may be employed according to the kind of labor referred to. But whatever term is used, and to whatever kind of labor applied, remunera

tion remains essentially the same, and is as much *wages*, as when used to express the compensation of the common laborer.—It sometimes happens that the same individual participates in all three kinds of remuneration, rent, interest and wages, as the farmer, when he is at once, land owner, capitalist and workman. As proprietor of the land, he receives rent; as capitalist, profit or interest; and finally, as remuneration for his personal care and attention, he receives wages.—The case of the same individual participating in two of these kinds of remuneration is much more usual. Such, for instance, is the case with a great number of landed proprietors, who commonly receive in rent remuneration for the use of the land, and, in interest or profit, remuneration for the use of the capital expended upon it. This is more especially the case with men in industrial enterprises who, without exception, receive, in addition to the remuneration of their labor, the profit on the capital to which that labor is applied. This is the case, too, with a great number of people who constitute the so-called wage-paid classes, such as laborers, servants, soldiers, sailors, etc.; for among these individuals there are many, who, besides the wages they receive for their labor, receive also interest on some amount of capital placed either in savings banks or elsewhere.—There are also, however, a great number of individuals who receive but one kind of remuneration. In this category may be ranked, in the first place, the great mass of the wage-paid classes who have no other source of revenue than their wages; and many simple workmen, soldiers, sailors, even employés and public officials, are in this position; and there may also be included in it capitalists who live exclusively on the interest or the profit of their capital, invested either in the public funds, or in industrial companies, or elsewhere. But in whatever way these different kinds of remuneration are divided among men, the principle of the distribution of revenue is not changed, and the relation which we have established between remuneration and service remains intact.—In consequence of the action of competition where that competition operates unopposed, these different kinds of remuneration constantly tend to become regular, being reduced to a common level for equal services. Thus, two pieces of land yielding equal advantages to those working them, will generally rent for the same amount. Two separate amounts of capital employed or invested in the same place but by different persons, will also usually bring the same profit or the same interest. In like manner, the labor of two men equally strong, equally active, equally skillful, will commonly obtain, under given circumstances, equal wages. There are, however, in respect to each of these species of remuneration, various causes which, under the action of competition itself, may produce great inequalities, quite as natural, too, as the general equality which we have just mentioned. — In the first place, as regards arable land, it is very natural that more fertile or better situated land should bring a higher rental than land of less fertility or less well situated. As it is here the inequality of the services rendered which determines the inequality of remuneration, this circumstance does not in the least invalidate the general law which we have just established. As regards capital, there are inequalities as great, perhaps even greater, which are due to other causes. If it is a question of the *profit* to be realized by one employing his own capital, it is easily understood that this profit is in many respects aleatory, that is to say, subject to a great many risks, which may in certain cases transform it into a loss. It is therefore natural that this profit, in case of success, should sometimes be very great. The *interest* of invested capital seems more fixed, and in fact it is so; and yet it is susceptible of great variation due to the position of the borrower, and of the risks run by the lender. Finally, as regards wages, considerable variations may be noticed, but nearly all are explained and justified by the greater or less skill of the workmen, that is to say, by the inequality of the services rendered. Two manual laborers working under similar conditions, and with like energy, generally get the same wages, and the skillful workman gets higher wages simply on account of his skill. For the same reason the foreman of a workshop, the draftsman, the architect, and the public officer, although merely workmen too, yet commonly receive better wages than the best laborer, because to the labor of their hands they add also an intellectual labor, rarer and more precious. But we do not want to dwell upon these considerations; we merely wished to point them out briefly, referring for additional information to special articles, namely: on the subject of the remuneration of services rendered by natural agents, to the word RENT; on the subject of capital, to the words INTEREST and PROFIT; and on the subject of labor in general, to the word WAGES. — There only remains for us to make two observations, one relative to the mechanism of the distribution of revenue, the other relative to the tax received by the state. The mechanism of the distribution of revenue is as simple as the principle itself. This distribution takes place everywhere through the intermediation of those engaged in industry, because these latter centralize in their hands, each in his own sphere, the means necessary to production, and because the results of production are realized in their hands also. Thus, the farmer who cultivates a piece of land, frequently the property of another, pays in the first place to the owner the rent of the land, plus the interest or the profit of the capital invested in it. He distributes, besides, among his regularly employed workmen, as also among those whose services he requires from time to time, wages for their labor. Sometimes, too, when he employs borrowed capital he pays to the lenders the interest due them. And all this comes from what his working of the land has produced. That which remains over and above

this is his personal profit, and he keeps it as the wages of his own labor, and the profit of his own capital Thus, within the range of his occupation, rent, profit, interest, wages, are distributed by him. The same is true of all others engaged in industrial enterprises, each of whom is, in his sphere, the distributor of the products which he has realized. What he must distribute to others is ordinarily fixed and determinate; what he may keep for himself is variable, on account of the risks he runs, and of the greater or less success that may attend his operations; but this does not in the least affect the order of distribution. All that results from this is, that the person engaged in industrial enterprise, instead of finding a surplus at the end of the year which he takes as his own share, may be confronted sometimes with a deficit, and that as a consequence there should be some defect in distribution.—Some economists have regarded the state as a fourth party sharing in the results of production, and the tax which the state receives as a particular form of remuneration to be added to the others. This manner of regarding the state and the taxes received by it, does not appear reasonable to us, inasmuch as it would completely disturb the simple order and mechanism of the distribution of revenue. It appears to us more consonant with the true principles of political economy to consider the state as a great business concern, and the government as a man of enterprise who renders to the nation which he governs certain services demanding, in return for them, a certain remuneration like any other *entrepreneur;* which remuneration he afterward distributes among his servants in the shape of wages. The state is indeed a business concern of a peculiar kind, which does not admit of competition within the sphere which it embraces, and the tax which it receives in payment for its services, instead of being freely debated about and voluntarily paid, is, on the contrary, and as the nature of things requires it, imposed by itself. But these differences which are without doubt characteristic in other respects, and which constitute government an *entrepreneur* (undertaker) of a special kind, change in nothing the nature of things. CHARLES COQUELIN.

DISTRICT OF COLUMBIA, The, or *The Federal District*, a territory of the United States, originally ceded by Maryland, Dec. 23, 1788, and Virginia, Dec. 3, 1789, and accepted by Congress under article I., § 8, ¶ 17, of the constitution, was organized by acts of July 16, 1790, and March 3, 1791. By acts of April 24 and May 13, 1800, the seat of government and the meetings of congress were removed to Washington (see CAPITAL, NATIONAL); and by act of Feb. 27, 1801, congress took complete control of the district, retaining the laws of Virginia and Maryland in the portions respectively acquired from those states (See SLAVERY, PETITION.) The 36 square miles west of the Potomac were retroceded to Virginia by act of July 9, 1846. (See TERRITORIES; ABOLITION, III.)—For the acts above given, in their order as mentioned, see 1 *Stat. at Large*, 130, 214; 2 *Stat. at Large*, 55, 85, 103; 9 *Stat. at Large*, 35. (See also authorities under CAPITAL, NATIONAL.)
ALEXANDER JOHNSTON.

DIVIDE AND REIGN. The weak have had recourse to artifice in all ages, and, under certain circumstances, the severest morality can hardly frown upon its use. When weakness results from the number of one's enemies, an equality of power may be brought about by dividing them, if that be possible. People resort to this means instinctively. We all know the story of the fight between the Horatii and the Curatii, and how the only survivor of the Horatii killed his three adversaries by separating them from one another. — But that which may be justifiable in a case of legitimate defense could scarcely be approved when, for instance, it wished to establish a despotism. In the first place, we can not see under what circumstances usurpation of sovereign power, or conquest, conforms to the precepts of a healthy code of ethics. A small number of such acts, it is true, seem to have been followed by good effects. But *utility* has not yet been adopted by the public conscience as the criterion of our acts. Moreover, the question of the morality of the act should be weighed before doing it, not after. And its utility is often not established by evidence until after a number of years. We conclude that no one should aim at or maintain himself in power except with the general consent; and then there is no reason for fomenting division and dissension.—So much for the principles: let us now look at the facts. The precept of practical politics which forms the subject of this article, applies above all to foreign relations. Every state is interested in preventing a coalition which has for object to injure it, the conquest of a portion of her territory, or the imposing upon her of any humiliation whatsoever. Now, how can a nation prevent the formation of a hostile combination against it? The surest way is to acquire, by appealing to its interests, the good-will of the power which threatens her safety. When self-interest does not lead to the desired result, resort is sometimes had to dangerous measures, which are at least questionable. The passions are appealed to, and those especially excited on which some hold can be had. Men are called upon in the name of religion, or in that of principle, absolute or liberal. Much is made of a common ancestry or nationality, self-respect is appealed to, jealousy is aroused, to say nothing of the arguments or motives of action which circumstances may inspire or bring into play. Family ties between princes have hardly any bearing nowadays upon events.—In home politics, also, the maxim "divide and reign" finds application also. But if favorable results are only obtained by the greatest prudence *abroad*, how much more carefully ought the matter to be conducted at home! In constitutional governments in which the people rule, through the elec-

tions only can any influence be wielded. Some governments, indeed, make use of brutal means, such as threats and abuse of the authority they hold under the law. But this method is fraught with more than one danger. Less dangerous, though not without peril, is the influence directed through the channel of subtle or secret corruption.—In countries governed absolutely divisions are sometimes excited among the population belonging to different nationalities or of different religions, sometimes between the different classes of society. Here, the clergy are depended upon; there, the nobility; again the peasants, the laborers or artizans; and these are sought at different crises as allies. Thus the government provides itself with masters whom it is obliged to flatter, and therein lies its well-merited punishment.—The best thing a government can do is to satisfy the just demands of reasonable people It will by this means keep the mass of the people from union with one of the extreme parties which are found in all countries, at least dormant, and which are not to be feared so long as the aggregate of citizens have no real grievances to complain of. When disaffection takes root among a people, division becomes a method of very little efficacy. We repeat: only by serious reforms can a sovereign regain the popularity necessary to a peaceful reign.—We would say, in closing, that those among whom it is sought to sow the germs of disunion should have ever in mind the axiom which Belgium has inscribed upon her coat of arms—"Union is strength." MAURICE BLOCK.

DIVINE RIGHT. In religion some minds accept the principle of authority, and others the principle of free investigation. In politics the same difference is found. Some advocate the principle of divine right, others that of national sovereignty. Must it be admitted that reason was given to man that he might not use it, and that he must blindly submit his opinions to those of a man clothed with ecclesiastical authority? Or may he freely use his intellect and reject what seems to him inadmissible? It is not our business to decide this question here.—We enjoy more liberty relatively to divine right. We may affirm that all men are equal before God, and that the nation was not created in the interest of a prince, but that the prince exists, at least in principle, only for the good of the nation. We say in principle, for, in reality, more than one monarch proved the scourge of his people. Moreover, nations have prospered under a republican form of government. But under the monarchical form, as well as the republican, sovereignty belongs naturally to the nation, which may delegate its powers, if it thinks best to do so. To believe that there exists any one family having rights directly emanating from God, is to ignore history and close one's eyes to evidence. M. B.

DIVISION OF LABOR. The division of employments is a natural consequence of the life of man in society. It is, moreover, an element of productive power and of intellectual development. In the infancy of society each individual, each family, manufactures with difficulty and in an imperfect manner the objects it needs; the wisest, the old man of the tribe, preserves in his head the treasure, as yet very meagre, of acquired knowledge, which he endeavors to transmit by word of mouth to those who are to survive him. But as tribes grow larger, and improve, they come to sanction and maintain the right of the individual property of each man in the fruit of his labor; they come to understand the utility of exchanges freely consented to; and henceforth each man can devote himself to the special occupation for which he feels himself peculiarly fitted. He achieves greater results in the branch of labor to which he thus devotes himself, and produces more than is personally necessary to him; he lacks, on the other hand, everything that his individual labor is unable to supply, and exchange provides him with the means of establishing an equilibrium between what he produces himself and what he wants but can not produce; he gives his surplus in return for what he requires, and thus barters the services which he renders for those which he himself has occasion for.—When nations become greater and more enlightened, the division of labor becomes more marked. Certain individuals now devote themselves to hunting, to fishing, to the cultivation of the soil, others to manufactures: others there are again who devote themselves exclusively to the culture of the mind: these latter discover the laws of nature which God has placed at the service of man, whom he has charged to discover them and turn them to useful account. Thus they effectively help in the production of the wealth, upon the aggregate of which society subsists.—In each branch of production the division of labor tends to extend and multiply; farming adapts itself to the nature of the soil, and to the atmospheric condition of the land; in one place cereals are grown, in another the vine, in another cattle are raised: and these various products are afterward exchanged, one for another or for manufactured articles.—In the industries which convert raw material into manufactured products, the division of employments is soon pushed further still. One man becomes an iron worker; another hews wood; others still are weavers and cotton spinners. — To facilitate exchanges, yet another great industry is developed, namely, that which undertakes to place all products within the reach of the consumer, either by carrying them from one place to another, or by the simple division, on the spot, of the merchandise into quantities proportioned to individual wants: this is commerce. Here, too, division of employments soon takes place; the same merchants do not engage in sea, land and river transportation; the same merchant does not sell groceries, hardware and woolen goods. To facilitate commercial operations, a class of intermediary agents spring up. bankers, brokers, commission men. — It is

plain that the division of labor is both a consequence and a cause of the development of nations, and of the progress which they make in all branches of human knowledge. The division of labor tends constantly to increase, and is checked only by the limited extent of the market, that is to say, by the limitation which the wants of the population put to the possible sale of each kind of product. — In countries, remote from cities, where agricultural operations on a large scale are carried on, those who work in the fields cultivate, too, near their cottages, vegetables for their own use; while in the neighborhood of large cities, kitchen gardeners make it their sole business to cultivate vegetables and fruit; often even they devote themselves to a single branch of gardening; there are some who make floriculture, and even the culture of a single kind of flower, a specialty.—In villages in which consumption is limited, commercial industry does not admit of a division of labor; in such places there is often but a single shop, a grocer's, who sells sugar, coffee, candles, clothing, nails and stationery; while, on the other hand, in cities each of these branches becomes the object of a different commercial enterprise; each one of which frequently grows to an importance of great dimensions. Thus it is that in metropolitan cities huge emporiums exist for the exclusive sale of tea, candles or chocolate.—But it is especially in manufacturing industries that the division of employments has attained the most marvelous results, and that its influence is unparalleled in the increase of the values produced. Hence, the first economists who critically examined the vast mechanism of the production of wealth were struck at once with this great phenomenon.—Adam Smith says, in his "Inquiry into the Nature and Causes of the Wealth of Nations": "The greatest improvement in the productive powers of labor, and the greater part of the skill, dexterity and judgment with which it is anywhere directed or applied, seem to have been the effects of the division of labor." (Book i., c. 1.) And to make the full bearing of this observation understood he instances the case of the pin-maker, and shows what an immense difference there would be between the results of a man who should attempt, alone and unaided, the manufacture of pins, and those obtained in a workshop where the labor is suitably subdivided among men skilled each in a distinct branch of their manufacture. Here one draws the wire, another straightens it, a third cuts it, while a fourth points it; it is a distinct process to prepare one end to receive the head, while the head itself is the result of two or three different operations. Then the pins have to be whitened; and lastly the perforation of the paper and the wrapping up are additional and separate departments. It is thus that in the important industry of pin-making there are 18 operations, which in certain factories are the work of as many different hands. The establishment which Adam Smith visited was, as he says, small, and indifferently furnished with suitable machinery; only 10 workmen were employed, and yet it produced 48,000 pins a day, that is, an average of 4,800 apiece. In the presence of such production, and, owing to improved methods much greater to-day than when Smith wrote, how insignificant indeed would be the results of one attempting alone the manufacture of pins; scarcely would he perhaps by dint of the hardest labor make 20 in a day.—J. B. Say has taken as his example the manufacture of playing-cards, and there is no branch of industry in which immensely greater results are not obtained from the co-operation of individual effort and the division of employments —If Adam Smith had extended his analysis, he might have shown that many other partial operations are divided among different workmen to complete that small product of human industry the value of which is so little, and which is called a pin. He might have directed attention to the work of the miner who brings to the surface of the earth the ore of copper, and to that of the miner having a different origin and habits, who, in another part of the world perhaps, has had to dig out the ore of tin necessary for alloyage and for whitening the pin. But in addition to the labor necessary to bring these metals to the requisite degree of purity, they must besides have been transported by sea and by land to the pin-maker's manufactory How many different operations divided among an infinite number of workmen have not been necessary in the mere construction of the ship employed in carrying the tin from a port of India to England! And what shall we say of the compass which has been used in guiding this vessel across the seas? What an amount of time and of observations of different kinds, by a great number of individuals, was necessary to put mankind in possession of the compass! The imagination is appalled at the extent of the research needed to exhibit all the labor which has been necessary to bring to perfection the most trifling product, in a single branch of any manufacturing industry of our day.—To return to the consideration of the increase in productive force effected in a branch of manufactures by division of labor. Adam Smith attributes it to three causes: first, to the greater dexterity acquired by each workman in a single and often repeated act; second, to the saving of time commonly lost in passing from one kind of employment to another, and lastly, to the stimulus given to the mind concentrated upon a single purpose, to invent more rapid processes, or even machines to supplement human labor.—Undoubtedly the first two of these causes have a great effect; the saving of time is an important consideration in industry, bearing at once on the individual labor of the workman and on the capital employed in the undertaking, the interest being less heavy the shorter the term for which the interest is borrowed.—As to the invention of expeditious methods and of machines for supplementing human labor, division of labor certainly con-

duces to it, and instances can be given of more than one improvement in mechanism due to the workmen themselves, the discovery of which has permitted of economizing and replacing labor. It must at the same time be observed that it is not alone to the division of labor in workshops, that the great and numerous discoveries constantly made in the arts and sciences are due. The honor of these discoveries belongs rather to the division of labor among all classes; it is to the power that the mind can attain when devoted to one single line of study and investigation, that the greatest achievements are due, that is to say, the discovery of all the laws of nature we are acquainted with, and the combination of means to be employed to render them practically useful.—The advantages of the division of labor in the production of wealth are, therefore, incontestable; but we must not forget to call attention to the drawbacks which may be consequences of these advantages The most glaring and one specially calculated to attract the attention of generous minds, is the effect which the restriction of a man to a single piece of work always the same and constantly repeated, may have upon his moral development. It is a melancholy thing, it has been observed, for one reaching the end of life to have to realize that his every day has been passed in making pin heads. Those who present the disadvantages of the division of labor under this dramatic form are, in part at least, unjust to humanity. Man must not be thus personified in the only work which it is his business to do; though a worker, he is one of a family; he is a citizen; in addition to the labor which he gives in exchange for the services of others of which he has need, he participates in all the advantages of the society in which he lives; he has his share in the progress made about him. In all vocations the working man has intervals of rest, and it is especially according to the use to which he turns his spare moments that man can elevate himself and come to enjoy the general advantages offered him by society. A steady and unvaried occupation does not necessarily dull the mind; and the artist who, during a year or two, grows pale over the same plate of copper or steel that he may produce a master-piece, does not live wholly amid the regular lines traced successively by his graver. —It would, moreover, narrow the question of the division of labor to see it and to study it within the walls of a manufactory only; it is not less worthy of observation in the little work shops of a great city like Paris. There, occupations are not only apportioned among the workingmen employed, but also among a great number of petty manufacturers, each the possessor of a small capital, each conducting for himself some undertaking and affording employment to one or two workmen and an apprentice. A single little article of Parisian manufacture is thus often the result of the successive co-operation of many; for instance, the wood-work of a lady's work box is made by a cabinet maker; each separate article which goes to complete it comes from a distinct trade, that of the turner, the cutler, the engraver, etc.; while finally, another tradesman, a furnisher, having selected these different articles, fits up the inside of the box. In the manufacture of artificial flowers the division of the labor of workmen and of manufacturers into departments is carried to quite as great an extent. The manufacture of what are called the preparations for flowers is very extensive, and gives rise to important industries; there are color makers, and mould makers, those who crimp the cloth, and those who make the stamens, the seeds and other accessories, and all these different people hand over their productions to the *monteurs;* among these latter, again, some make buds only, others roses, and others mourning flowers, and so on. This great division of labor largely reduces the cost of production, and the article is of improved quality. It may be observed, also, that among this vast laboring class where each one's employment is so narrow, quickness of wit and intelligence is developed to a much greater extent than in vocations where work is less subdivided.—Thus division of labor greatly facilitates and increases production; but it is at the same time a material aid to investigation and to the development of the sciences. Hence its influence is as deserving the attention of philosophers as of economists.

HORACE SAY.

DIVORCE. The right of the husband to repudiate the wife preceded divorce in all nations, just as force always precedes justice. The Persians, Hebrews and ancient Romans made extensive use of the right which they had arrogated to themselves. The principle of equality between man and woman began to be sanctioned, under Solon in Greece, Herod at Jerusalem, and Domitian at Rome, by the right given the wife of repudiating her husband. The fathers of the church themselves were much divided upon this important question of the indissolubility of marriage, and if Sts. Ambrose and Epiphanius permitted divorce, St. Augustine rejected it with all his energy. In 860 pope Nicholas I., who wished to force Lothair I. to take back his wife Teutbergia, maintained the doctrine of the absolute indissolubility of marriage with so much authority that the king finally yielded. This was a sort of recognition, by the civil power, of the principle established by the court of Rome. Still later the rupture of the eastern and western churches, and the reformation, divided Europe into two factions on the subject: the Roman Catholics holding to the indissolubility of marriage, on the one hand; the Greek Christians and Protestants making a large practice of divorce, on the other. At last the law of 1792 allowed divorce in France. The provisions of this law rendered very easy the rupture of a union become irksome to the married couple. It provided for two kinds of divorce: separation by mutual consent, and divorce on account of incompatibility of temper. —When two people,

married to each other, wished to be divorced, and when, consequently, the consent was mutual, they had to convoke at least six of their nearest relations, or, these failing, friends. This call could be made through the instrumentality of a bailiff, or by simple verbal invitation. The two had to present themselves in person at this meeting, and there make their request. The matter was then discussed, and each one of the parties gave his or her reasons for desiring a separation. Remarks could be made by those present, and if, when the case was heard, the two parties persisted, a document was prepared, setting forth the uselessness of all attempts at reconciliation, and the irrevocability of the decision of the parties. — Nevertheless the legislator, wishing to surround the dissolution of marriage with all proper safeguards, and understanding that in such cases it would be dangerous to take no account of time, decided that so soon as the formalities just indicated were gone through with, the married couple should wait at least one and at most six months, before appearing a second time before the civil officer. The latter was then obliged to decree the divorce. — The same forms were used when the divorce was for incompatibility of temper. In this case, however, the act assuming a litigious character, several modifications of a secondary nature were introduced. Thus, both complaint and defense had to be made regularly, and the plaintiff, after choosing his three relatives or friends, was obliged to summon the defendant officially to appear on a certain day before the assembly prescribed by law. The defendant, on the other hand, had to bring forward three relatives or friends to complete the assembly. Two meetings should take place on the day fixed upon, and indicated by the summons of the plaintiff; and if the defendant, duly summoned, did not present himself with the members of the tribunal chosen by himself, the divorce could be decreed by default. The civil officer, a mute but indispensable witness at the two reunions, was charged with the proper execution of all the formalities prescribed by law. After the decision of the two meetings the same conditions of delay were imposed. — This law can be criticised from many standpoints, and it is needless to say that it was the object of violent attack, inasmuch as it was abolished. Nevertheless we must call attention to this fact, that the legislator of 1792 in France made the witnesses in this affair, so delicate in every respect, the relatives of the parties, that is, the persons the most interested. The interests and dignity of the husband and wife were protected by the very nature of the tribunal before which they exposed their troubles, at least as much as by the power which they had of seeing to its composition themselves; and morality could only be the gainer by the patriarchal form prescribed by the law. — The authors of the civil code retained divorce, but changed the character given to it by the law of 1792, and instead of a natural act, and one implying nothing blamable whatever, they sensibly approached the Catholic doctrine, and looked upon it only as an evil sometimes necessary, and tolerated by the law. In retaining it they rather bowed before public opinion than obeyed their conscience. Divorce now became little accessible to the poorer classes, by reason of the precautions and formalities with which it was surrounded. Even this law, a mean between divorce frankly accepted by the law and its abolition, recognized several kinds of divorce Every action for divorce gave rise to the following measures: The providing of maintenance for the children was imposed upon the husband, whether plaintiff or defendant, unless otherwise ordered by the court. An action for divorce did not suspend marital power, but during the course of the trial the wife could leave the conjugal roof, and receive alimony from her husband. Her place of domicile was fixed by the court. The husband remained master, during the trial, of his wife's rights and acts. Such was the situation of the married couple during the trial. But the solicitude of the legislator did not end here, for he evolved a mass of formal detail whose evident object was to prevent the frequency of divorce, by imposing costly and disagreeable obligations upon the married couple. For instance, the law directed the husband and wife to sacrifice the half of their fortune to their children, and made a second marriage of the parties impossible before the lapse of four years. A petition for divorce for a determinate cause had to be preceded by an effort toward reconciliation and by a preliminary judgment. An investigation took place, and judgment was not pronounced until after one year of trial. The divorce could not be granted unless the husband was at least 25 years old and his wife 21, nor unless the marriage had lasted at least two and at most 20 years. In no case did the mutual consent of the parties suffice; the agreement of their fathers and mothers was necessary, or, these failing, that of the other living ancestors, following the rules prescribed at the time of marriage. A divorce once pronounced was irrevocable, and the divorced could by no pretext again unite legally. Even renewed cohabitation could not revive the marriage. — In 1816 the tendency of ideas was against divorce, and one of the first acts of the Catholic reaction was to re-establish the indissolubility of the marriage bond in France. We may easily understand this eagerness on the part of the *emigrants*, and of those who saw in the restoration only the victory of Catholic and monarchical principles over those of the revolution. But it is harder to comprehend the persistency of the chamber of peers, under Louis Philippe, in combating divorce — After the revolution of 1830 M. de Schonen proposed, in the chamber of deputies, the abrogation of the law of May 8, 1816. An immense majority approved the consideration of this proposition, and a committee *ad hoc* was appointed. M. Odilon Barrot was the reporter of its deliberations. This illustrious orator commenced by proving that the right of divorce would change the very es-

sence of marriage, if that right were to exist unconditionally for both husband and wife; that, consequently, there could be debate only on the civil code system, as compared with that of the law of May 8, 1816. According to M. Barrot, the civil code offered a happy mode of reconciliation between the imperfections of our nature and the necessity of insuring in case of marriage at least an *intention* of perpetuity. "Laws, to be obeyed, must not do too great violence to our nature, which is always able to avenge itself upon the despotism of the law, either by crime, which is a violent reaction, or by corruption, which is a slow and continual protest against despotism." It is thus right, in the opinion of M. Barrot, that the law should take into account human imperfection, and that it should depart from an absolute principle, which breeds crime and propagates corruption. As to the children, M. Barrot thought their interests were of two kinds, financial and moral, and that divorce preserved these better to them than the doctrine of the indissolubility of marriage.—The proposition was adopted by the chamber of deputies, but rejected by the house of peers. Twice the deputies insisted on it; and twice the peers opposed their veto to it. In the presence of this resolve the deputies themselves rejected a proposition of the same nature, whose fate was foreseen.—Divorce is permitted in England, Russia, Sweden, Germany, Denmark, Holland, Belgium and the United States. Compare the family morals of these privileged countries with those of France, Italy, Spain and other countries in which the indissolubility of marriage has become an article of faith! "Divorce from bed and board is left us by the law," it will be said. Admitted; but by an inexplicable anomaly the rupture of corporal bonds and division of interests do not involve the loss of the rights of the husband. If the unfortunate or imprudent wife legally separated, finds in an illicit union (she can form no other) support, consolation or joy, the husband is, in France, authorized to accuse of adultery the woman who is in fact no more his wife. The husband, on his part, lives without the pale of the law, and this disunited couple, transformed into a public danger, drag down in their fall two others with them.—Therefore a legislation in harmony with morals and the progress of liberal ideas ought, we think, to have a tendency by its wise provisions, if not to do away with, at least to diminish, adultery and concubinage, the fatal consequences of the indissolubility of marriage. The first consul said, "marriage is indissoluble in this sense, that at the moment when it is contracted each of the parties ought to have the firmest intention never to break it, and ought not to foresee the accidental, and sometimes culpable, causes which may in future render a separation necessary. But that the indissolubility of marriage can be modified in no case whatever, is refuted by the maxims and examples of every age. It is not in the nature of things that two beings organized separately, should ever be perfectly identified. Therefore, the legislator should foresee the results that the nature of things may bring about. The fiction of the identity of husband and wife has always been modified, for that matter—by the Catholic religion, in case of impotence—everywhere by divorce." We are of the opinion of the first consul in this matter, and we think, with Montaigne, that the more the marriage knot is tightened, by taking away all means of dissolving it, the more the bonds of the will and affection are loosened. Marriage is anterior to all law, civil or religious, just as the will of the contractors is anterior to any law regulating the conditions of a contract. We must go back to this our starting point in order to judge, in a healthy way, what part of a contract law and religion may claim to exercise any right over. HECTOR PESSARD.

DOCTRINARIANS. Doctrinarian is a word for the original meaning of which custom has substituted an unfavorable acceptation. — The signification of the word *doctrine* is well known. It means the aggregate of certain principles, certain maxims, of reasoned precepts; and the man who acts according to a doctrine, in other words, the *doctrinarian*, is entitled to a certain amount of esteem even when his system is false Very likely we shall meet with opposition on this head; for there is a prevailing habit of venting the same reprobation on men who hold certain principles, as on men with a multitude of projects, and hobby-riders. It must be admitted, however, that it is better to act according to an approved doctrine than to follow the dictates of caprice or even of a so-called rational interest. The laws of a country constitute a body of doctrine, and the government which does not act in their spirit is either despotic or arbitrary.—A doctrinarian in politics is one who places axioms above the vicissitudes of events, even above the decision of the majority and above the letter of the law. France has had several constitutions which recognized proscriptive indefeasible rights, which no law could ignore. The authors of these constitutions and those who accepted them were doctrinarians. Many persons and many opinions, whose classification under the same name would surprise everybody, are thus united in the same category. There are the doctrinarians of the republic as well as the doctrinarians of monarchy. The principles of 1789 in fact are a body of doctrine, and we are among those who inscribe them on our banner; we incline toward being a doctrinarian of '89.—Our definition is perhaps not one of those which would occur immediately to the mind of our readers. In truth the great majority do not attach any definite meaning to the word *doctrinarian*. This term merely recalls to their memory the names of some eminent men who, rightly or wrongly, were exposed to violent attack. People are too easily caught with words. —The term doctrinarian, to denote political opinion, dates from the winter of 1816–17. The word

was invented by the ultra-royalists to designate a group of men of whom Royer-Collard was the chief at the time. This group comprised at different periods, the Comte de Molé, duc de Broglie, Guizot, de Barante, the abbé Louis, Camille Jordan, Comte de Saint-Aulaire, Beugnot, and even de Serre, Pasquier Sébastiani and others. This group represented then a shade of the tendencies of liberal opinion which was equally distant from the extreme left, a portion of whom wished to lead the nation once more back to imperialism, and from the extreme right, which intended to return even to the old régime. These doctrinarians were the intermediary group which demanded "the charter, all the charter, and nothing but the charter."—Statesmen who avoid extremes are always in a difficult position; they are, so to speak, between the frying pan and the fire. They are harassed from all sides, and, as a natural consequence, they please no one, in the end. Such was the lot of the doctrinarians. Let us now examine their opinions. We shall take as an example the opinion of Royer-Collard which people do not yet understand. We quote: "He inquired what were the conditions necessary to the existence of governments. Liberty in all its forms appeared to him to be the primary want of both individuals and nations; he respected it in the region of conscience by dividing by an insurmountable barrier civil from religious life, both in the actions and the interests of all, by giving them as a guarantee the law and the irremovability of judges: he respected it in the political rights of the nation by inviting all those whose capability had been recognized, to participate in public affairs, by the election of a part of the legislators and by the admission of citizens into those tribunals in which their private and public interests were discussed. His love for liberty made him love order, which is only respect for the liberty of others; he never separated liberty from order. According to his opinion the final object of political institutions, the supreme result of the labor of centuries, was to reconcile liberty with order and to unite them." (Vingtain, "Public life of Royer-Collard.")—Royer-Collard has been reproached with living in theories and abstractions. Let us, therefore, cite a second passage: "To the immovable foundations of the constitution of governments, society adds other elements. Sometimes a powerful aristocracy strives to govern everything by privileges and exceptions; then the democratic spirit threatens to level everything to a deceptive equality. It behooves the legislator to restrain these tendencies; but above all it is indispensable to know them. The observation of his own period is the first, but it must not be the only object of his study. History must explain to him the reason of what is by what has been, and show him what will be by the contemplation of what is." (Vingtain.)—It is not without interest to know the opinion of this eminent man on the liberty of the press. We therefore quote two passages from his parliamentary speeches. "The liberty of the press," he said, Jan. 22, 1822, "which has become a public right, is the foundation of all liberty, and gives the nation back to itself; freedom of speech flows from it, and thus publicity watches over the public powers, enlightens them and checks them; if they are freed from this salutary control they have no other, for written right is as feeble as individuals. It is therefore strictly true that the liberty of the press has the character and the energy of a political institution. It is true that this institution is the only one which restores to the nations their rights as against the power which governs them; and it is true that on the day the liberty of the press perishes, we shall return to a state of slavery."—On Dec. 16, 1817, he said: "The license of the press may make ravages in society and imperial governments, as the excess of repression can annihilate legitimate liberty. To establish the liberty of the press by repressing the abuses it might indulge in, without the abuse of repression destroying liberty itself, is the problem which has to be solved It is a difficult problem, but one which appears continually and under every form in free countries, and which is nothing but a particular form of the general problem of the reconciliation of order and liberty. Whenever a solution is despaired of, the nations are said to be doomed to the inevitable alternative of despotism or anarchy."—Royer-Collard and his friends gave expression to less liberal opinions on other points; but what shall we think of an author who, during the first years of the July government said of them: "A party with principles respects those principles before all else; the doctrinarian party having none, thinks that the end justifies the means, and its only end is the possession of power. * * A party representing national opinion, a party the efforts of which are encouraged by the public, a party enjoying the confidence of the masses, is always calm and dignified; its confidence in the future deserts it in no calamity, and forbids it the use of violence either to acquire or to retain power. The party of doctrinarians which represents only itself, the ambitious individuality of its partisans, has professed from the legislative tribune that there is no possibility of governing without intimidation, and we have not forgotten that by this expression doctrinarians mean permanent terror and the suppression of all liberty."—We shall not name the author of this diatribe because, although he has remained faithful to his ultra-democratic opinions he might nevertheless find, after so many years of agitation, that polemics drove him too far.—These attacks were directed more especially against the duke de Broglie and M. Guizot. History has as yet passed no impartial and intelligent judgment upon them. Still we must observe that a part of the reproaches addressed them are out of place. People in France and even elsewhere seem to believe that doctrinarians were liberal only under the restoration, and that after the revolution of July they turned reactionaries, or, at

least, that they ceased to advance. There is nothing in this to surprise us. The liberals of the restoration, once in power, could practice only their own doctrines, and not those which came after them. Their accession to power was an advance; a certain time was needed to develop the consequences of this accession, and that a new "more advanced" party might be formed.—In relation to the new liberals the doctrinarians became conservatives. This lay in the nature of things, and it would in no way be becoming in us to ratify throughout the judgment of the opposition of 1830–48, in France.—E. Laboulaye in his introduction to the *Cours de politique constitutionnelle*, by Benj. Constant (Paris, Guillaumin, 1861), thus expresses himself: "If I have chosen this question (the freedom of the press) to show the difference between two liberal policies, it is because the error of Royer-Collard is here clearly visible, but on ten other points we can find the same distinction. There has always been system in the school of the doctrinarians. It thought itself wiser than the liberals in seeking to reconcile two contradictory policies with each other; it has always more or less mixed prevention with repression; it has had no less confidence in the wisdom of the administration than in the free efforts of individuals. Benjamin Constant, on the contrary, has but one idea. In religion, in education, in politics and in industry his motto is always the old French motto: *Laisser faire, laisser passer; no prevention, but energetic repression.* And with regard to individual rights his motto is: *Nothing to the administration, everything to justice.* "This rigorous logic," Mr. Laboulaye continues, "is to the taste of the French. We easily go to extremes, even at the risk of going beyond our goal. We have, therefore, had to regret, more than once, that we did not stop at the happy medium; but this happy medium, excellent when dealing with men and caring for interests, is of no advantage when there is a question of truth and liberty. Half-truth and half-liberty are an unnatural alliance with untruth and force; an alliance which conceals a secret struggle between two irreconcilable enemies. Union between the church and the state, education regulated by the state, industry protected by the state, elections guided by the state, a press defended by the state against its own excesses—these are so many errors which bring forth nothing but discord. On the contrary, separate church and state, and the religious questions which have been troubling the world for the last 15 centuries, cease as if by magic to trouble it. Who ever heard of religious questions in the United States? Grant the freedom of education as in Belgium and the United States, and by this one stroke you put an end to the fears of the clergy and the oppression of free thought. Establish free competition and you are at once disembarrassed of the heavy responsibility which crushes you in times of dearth or crisis. Let voters choose their representatives themselves, and you will know what the country wants. Until this is done you will hear only the echo of your own voice, an echo which has thus far never instructed or saved a man. Give full rein to the press: much will be printed; there will be noise, dust and smoke; but at the same time the phantom which has been frightening all governments for the last 40 years will disappear. This great publicity will, no doubt, trouble the indolence of some and the calculations of others, but it will insure the reign of the public conscience." Guizot thus characterizes doctrinarianism: "Doctrinarians have been much attacked. I wish to explain their ideas, not to defend them. To men and parties who have exercised any influence on events and occupied a place in history it is important that they should be known as they are. Once this object is attained, they should rest in peace and allow the world to pass judgment on them. It is neither their intelligence nor their talent nor moral dignity—merits these which not even their enemies have denied them—which constituted the original character and the political worth of the doctrinarians; other men of other parties possessed these merits, and public opinion will give these rivals of their intelligence, eloquence and sincerity, their proper rank. Doctrinarians owe to another cause their name, their influence which has been great in spite of their small number. It is the great character—very dearly paid for—of the French revolution to have been the product of the human mind, of its conceptions and its pretensions, while it was also a struggle between social interests. Philosophy boasted that it would regulate politics, and that institutions, laws and the public powers would be only the creation and the servant of scientific reason. Senseless pride, but still brilliant homage paid to what is noblest in man, to his intellectual and moral nature! Reverses and disappointments were not slow to give the revolution some hard lessons. But up to 1815 the commentators on its bad fortune were either its implacable enemies or disabused accomplices; the former thirsting for vengeance, the latter for rest; these opposed the revolutionary principles with the scepticism of fatigue, the others retrograde reaction. 'In the revolution there is nothing but error and crime,' said some; 'the old régime was right in opposing it.' 'The revolution sinned only through excess,' said others; 'its principles were good, but it carried them too far; it abused its power.' The doctrinarians rejected both these assertions; they were opposed both to a return to the maxims of the old régime and to an adhesion—even entirely speculative—to the revolutionary principles of the revolution. While frankly accepting the new French society, such as not only 1789 but the whole history of France had made it, doctrinarians undertook to found a government on a rational basis and yet quite different from the theory in the name of which the old structure had been destroyed, and to the incoherent maxims which were appealed to in its reconstruction. Called upon, in turn, to combat and to defend

the revolution, they placed themselves from the beginning boldly in the intellectual order of things, opposing principles by principles, appealing not only to experience but also to reason, asserting rights instead of interests only, and asking France not to confess that she had done nothing but evil, nor to declare herself impotent for good, but to come out of the chaos into which she had plunged herself and to lift her head toward heaven, there to find light again.—I must own it; there was also in this attempt, much pride, but a pride which began by an act of humility, for it proclaimed the errors of yesterday together with the will and the hope not to fall into them again. This was at once to render homage to human intelligence and to warn it of the limits of its power; it was to perform an act of respect to the past without abandoning the present and renouncing the future.—I shall tell, without hesitation, according to what experience has taught me, by what defects this generous design was successively affected, and which interfered with or prevented success. What I have most at heart at the present moment is, to define its true character. It is to their admixture of philosophic elevation and political moderation, to their rational respect for rights and facts, to their doctrines, new, conservative, anti-revolutionary, and yet not retrograde, that, modest, although often haughty in their language, the doctrinarians owed their importance and their name. In spite of so many miscalculations of philosophy and human reason, our times retain a taste for philosophy and investigation, and the most determined political practitioners sometimes feign to act upon general ideas, considering them as a good means to justify and accredit themselves. The doctrinarians thus satisfied a real and profound want, although not yet clearly felt in France; they had at heart both the intellectual honor and the good order of society; their ideas appeared adapted both to regenerate the country and at the same time to put an end to the revolution. And by this double title they were brought into contact now with their partisans and again with their adversaries, this contact insuring to them, if not absolute sympathy yet great esteem; the Right held them to be sincere royalists, and the Left, although combating them with asperity, knew very well that they were neither the defenders of the old régime nor of absolute power." (*Mémoires pour servir à l'histoire de mon temps*, vol. i., p. 156, etc.)—It now remains to us to formulate what we consider the opinion of moderate men on the doctrinarians; we shall do it in the terms which, we believe, the historian of the future will use. They were, he will say, chosen men, distinguished for their talents, the honor of their lives, and adherence to their principles. Their political system was comparatively liberal, and in other times they would have stood at the head of the progressive party. Unfortunately they came into power at a time when "democracy was sailing under full sail" (de Serre); they could neither check nor direct the waves, and not wishing to be carried on by them they were swallowed up by them. MAURICE BLOCK.

DOMINION OF CANADA. The dominion of Canada comprises the British provinces of Ontario, Quebec, Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, Manitoba, the district of Kewatin, and the Northwest Territories. The British North American act for the federal union of these provinces into one dominion under the crown of Great Britain, was passed by the English parliament in 1867. At that date, Upper and Lower Canada—since called Ontario and Quebec—Nova Scotia and New Brunswick were the only provinces included in the confederation desiring political union. The act, however, contained provisions to admit any of the remaining British provinces whose people might subsequently desire to join the union; and British Columbia, and the province of Prince Edward Island, within a few years, became members of the federation. The act of union was proclaimed July 1, 1867. Soon afterward the Northwest Territories were transferred to the dominion. These are the vast district, "which not having before been granted to any British subject, nor belonging to the subject of any other Christian prince," Charles II. granted to the Hudson's Bay company, and throughout which that company so long monopolized a lucrative trade. The province of Manitoba, and the recently established district of Kewatin, are both portions of the territory formerly controlled by the Hudson's Bay company.—The union was purely of provincial origin, but received the hearty support of England, as it tended to consolidate British American interests. The time chosen was specially opportune for the success of such a project in Canada, as there were clouds there on the political horizon, which foreboded trouble. When Upper and Lower Canada were united in 1840, the two provinces had equal representation in the legislature, and no change in the number of representatives could be made without the consent of two-thirds of all their members. But as the increase of population was greater in the upper than in the lower province, for some years prior to 1867, there was considerable clamor in Upper Canada for a re-adjustment, on the basis of population, of the parliamentary representation. While the justice of such a demand was beyond controversy, Lower Canada declined to sanction any change which placed her in a legislative minority. Under such circumstances the discontent in Upper Canada steadily increased. This was but one of a series of vexatious questions which gave her majesty's loyal opposition in Canada a complete outfit of weapons of offense, and made it impossible for the most wary political leaders to retain their majorities. The strongest administrations that could be formed held their existence on but a precarious tenure, and were short-lived. Disputes respecting political griev-

ances, between people homogeneous in race and religion, are not always easy to control, but when they are accompanied by the antipathies and antagonisms skillful dealers in disturbing questions can bring into play between people as wide apart as Scotch Presbyterians and French Catholics, they become dangerous. This fact was timely recognized in Canada. Political leaders grew apprehensive that their followers might become unmanageable and urge the strife beyond a war of words, and thoughtful, non-partisan people turned to a union of all the British provinces as the surest and most practicable means of avoiding impending trouble. This, it was thought, would afford an opportunity to dispose of perplexing questions, and prevent the recurrence of these annoying dead-locks into which the evenly balanced strength and rancor of political parties were constantly bringing the legislature. Aspiring public men in each of these provinces also foresaw, that the pent-up area of their field of political action must thereby be enlarged and made more important. In this way confederation grew to be considered the most feasible solution of the problems which puzzled the rulers of Canada. The act of union was the outcome of the deliberations of the ablest public men of Canada, New Brunswick and Nova Scotia, as representative men of all parties aided in the work. The act passed the English parliament essentially as it was left by the Canadian delegates. A coalition government was formed to initiate the new order of things in the dominion, and but few men of influence withheld their aid from the attempt to make the new machinery of government run smoothly at the start.—Quietly as this change was effected, it was an important transition for Canada; and that country to-day widely differs from what it was a decade and a half ago. The former Canada was but a fringe of settlements along the heavily timbered banks of the St. Lawrence, the Ottawa, and a few other large rivers of the country; and along the shores of the great lakes. It had no prairies, inviting to the immigrant, because they require but a minimum outlay for cultivation, and will yield a quick return for labor. It had no accessible seaport of its own during winter, and had per force to be content with its isolated position more than half of each year, or be dependent on the courtesy of its neighbor for a winter port. The Canada of to-day contains all the British possessions in North America, except Newfoundland. It commands fine harbors, on both sides of the continent, and has at its disposal stretches of virgin prairie, nowhere surpassed. East and west it extends from ocean to ocean; and north and south from the frozen ocean and Hudson's bay to the frontier of the United States. The area within these boundaries includes more than 3,000,000 square miles, and is surpassed in extent only by the vast territories of the United States, and the imperial possessions of Great Britain, Russia and China.—Canada is naturally divided into three immense geological basins, draining into the Atlantic, the Pacific, and the Arctic ocean and Hudson's bay. The great lakes and the St. Lawrence are the outlet from the eastern watershed. For several hundred miles they form the boundary between the United States and Canada. They constitute the largest and purest body of fresh water known. The St. Lawrence is 1,500 miles long, and drains an area of 330,000 square miles, the larger portion of which is in Canada. In the northern basin of the Saskatchewan, the Saskatchewan, Nelson and Mackenzie rivers, together, are 2,700 miles long, and drain an area of 890,000 square miles. West of the Rocky mountains the Fraser river is 450 miles long, and drains an area of 30,000 square miles. The Fraser, Columbia and Peace rivers are the chief streams of British Columbia. The Peace river rises in the angle formed by the Peak range with the Rocky mountains and the Coast range. It receives the gold-bearing tributary, Findlay's branch, passes the great range of the Rocky mountains and joins the Mackenzie river, which, after a course of 2,000 miles, reaches the frozen ocean. The Columbia river rises in the Rocky mountains, and after receiving important tributaries enters the United States territory and falls into the Pacific. The entire western basin is about 800 miles long by 400 miles wide. From California northward the line of the Pacific coast is singularly unbroken up to the straits of Fuca, about 750 miles from San Francisco. But north of the straits there is a perfect maze of islands which were explored by Vancouver nearly 100 years ago. To seaward of this archipelago, and divided by a sound, are the islands of Vancouver and Queen Charlotte, the former being furthest to the south, and separated from the main land by a channel, which, at its narrowest parts, is only a few thousand yards wide. On Vancouver's island Great Britain established a separate colony, with the town of Victoria as capital, but the government of the island was united to that of the main land in 1866. The island is 250 miles long and 70 wide. It contains coal and other minerals, while in parts it is heavily timbered and adapted for agriculture.—If the temperature of this continent in northern latitudes were similar to that prevailing in corresponding latitudes of the other hemisphere, all the older settled parts of Canada would enjoy a climate like that of the countries of central and southern Europe. But though favored with skies as bright as these countries, Canada, influenced by arctic currents, experiences a degree of cold to which they are strangers. On the Atlantic side of Canada, long before the latitudes are left which map out some of the most highly civilized countries of Europe, a region is reached unfit for settlement, where the Indian, undisturbed by civilization, may continue to hunt and fish, and live in squalor, as his forefathers lived for generations before him. Still traced westward, the isothermal lines are found to trend to the north, and there is a difference of 25 per cent. between the

temperature of the Atlantic and Pacific coasts at the same latitude. At the mouth of the Columbia river, which corresponds in latitude with Quebec, the climate is as mild as that of the south of England. The milder climate of the Pacific coast is attributed to the warm winds from the Pacific ocean. It is stated on the authority of the Canadian government, that wheat can be grown with profit in latitude 60°, at longitude 122° 31′ west. The Ontario peninsula between the great lakes has a climate like that of the adjacent states of New York, Michigan and Ohio. The cities of Toronto, Hamilton, London, Guelph and Brantford have grown up in that district. The Hon. David A. Wells referred to it, in the "North American Review" for September, 1877, as being as fair a country as exists on the American continent. Prof. Kingston, of the Toronto observatory, gives the mean temperature of Toronto, as shown by the observations of seven consecutive years, as 44.4° Fahrenheit. The lowest temperature registered, during the seven years, was —16° F, and the highest, 95.4° F. The climate of Quebec and the maritime provinces closely corresponds with that of the northern parts of New York, Vermont and Maine. Summer is nearly as hot there as in Ontario, but is shorter. The winters are more extreme than in the upper province, being colder, and from three to four weeks longer. At Esquimault, on Vancouver's island, British Columbia, where a meteorological station has been established, Prof. Kingston reports that the mean temperature is 48.42° F., ranging from a maximum of 85° F. to a minimum of 8° F. Some of the finest timber in Canada is in that district. At Spence's Bridge, a British Columbian station, said to fairly represent the valleys of the southern plateau, the temperature runs to greater extremes. Prof Kingston gives 105° F. as the highest temperature recorded, and —29° F. as the lowest; the mean temperature being 47.79° F. The mean summer temperature of the prairie region of Canada is stated in governmental reports to be 60° F., but the summers are short and hot, and the winters of that region are long and cold. At Battleford, in the Kewatin district, toward Fort Edmonton, the temperature falls to —40° F., but the air is dry, and the cold is said not to be disagreeable. In latitude 51° 30′ at the Touchwood hills, cattle remain out all winter, and find pasturage on the bunch grass which the snow partly covers. The snowfall is lighter in the prairie country than in the same latitudes further east. In most of the settled parts of Canada there are copious spring and summer rains. In 1877 Mr. Bell, F. G. S., explored the southeastern coast of the Hudson's bay, the Mediterranean sea of this continent. From July 11 to Sept. 21 he recorded a series of thermometrical observations of the temperature of the water in five rivers of the district, and of the temperature of the sea and of the air. The mean temperature given by his observations was: of the rivers, 61° F.; of the sea, 53° F.; and of the air, 62.5° F. The temperature of the surface water of Lake Superior varies from 40° F. to 42° F., about the temperature of the air. At a depth of 60 feet the thermometer invariably falls to 38° F. The great lakes but seldom are frozen for more than a narrow strip along the shore. They exert a great influence on the climate of the interior of Canada —The act of union requires a census to be taken in Canada every 10 years. That for 1881 has just been taken, and some of the returns are available. The population of the dominion is now 4,350,933, an increase over that of 1871 of 664,337. The population of each constituent province, during the present and two preceding decades, and the territorial area of each province, are given in the following table:

PROVINCES.	Area in sq. miles.	Population		
		1861.	1871.	1881.
Ontario	107,780	1,305,691	1,620,851	1,913,460
Quebec	193,355	1,111,566	1,191,516	1,358,469
Nova Scotia	21,731	330,857	387,800	440,585
New Brunswick	27,322	252,047	285,594	321,129
P. E. Island	2,173	80,857	94,021	107,781
Manitoba	14,340	.....	12,228	49,509
British Columbia	220,000	.....	33,586	60,000
Northwest Ter's	2,750,000	.....	60,500	100,000
Total	3,336,701	3,280,428	3,686,096	4,350,933

The returns of this year's census showing religious creeds are not yet published; those for 1871 gave

Roman Catholics	1,492,029
Presbyterians	554,998
English Church	494,049
Wesleyan and other Methodists	567,091
Baptists	239,343
Lutherans	37,935
Congregationalists	21,829
Miscellaneous Creeds	65,857

For the remainder of the population no religious creed was given. —The detailed returns of the census of 1871 showed that about four-fifths of the population were of native birth. Those of foreign birth were returned as follows:

Born in Ireland	219,451
Born in England and Wales	144,999
Born in Scotland	121,074
Born in United States	64,447
Born in Germany	24,162
Total foreign born population, 1871	574,133

—The Indian population of Canada is about 100,000.—The population of the chief cities of Canada, in 1861, 1871 and 1881, was returned as follows:

CITIES.	PROVINCES.	Population		
		1861.	1871	1881
Montreal	Quebec	90,323	107,225	140,802
Quebec	Quebec	59,990	59,699	62,447
Toronto	Ontario	44,821	56,092	86,415
Halifax	Nova Scotia	25,026	29,582	36,102
St. John	New Brunswick	27,317	28,805	* 26,028
Hamilton	Ontario	19,096	26,716	35,065
Ottawa	Ontario	14,669	21,545	27,417
London	Ontario	11,555	15,826	19,763
Kingston	Ontario	13,743	12,407	14,091

* St. John, New Brunswick, during the decade, was destroyed by fire.

—Most of the Canadian people are engaged in avocations of agriculture, lumbering and manufacturing of lumber for foreign markets, fishing and mining. During the last few years a protective fiscal policy has favored the establishment of manufacturing industries, and several classes of goods, formerly imported, are now manufactured by Canadians at home. Among these are boots and shoes, agricultural implements, machinery of various kinds; and in textile fabrics, tweeds and domestic cottons. The principal shoe factories are in Quebec, Montreal, Toronto and Hamilton. The cheaper and lighter classes of boots and shoes are, for the most part, made in Quebec. The manufacture of agricultural implements is carried on in almost every district of Ontario. Cotton factories, with the latest equipments, are in operation in St. John, Montreal, Valleyfield, Cornwall, Merriton, Dundas and Hamilton.—The export returns of the customs department of the government afford the best clue to a knowledge of Canadian industries. The gross exports from Canada for the year ending June 30, 1880, and the two preceding years, were: 1878, $79,323,667; 1879, $71,491,255; 1880, $87,911,458. Foreign products in transit are included in the above figures of gross exports. The exports which were products of Canada amounted in value, for 1880, to $70,096,191. The value of the various classes of Canadian products, is as follows:

Products of the mine	$ 2,877,351
Products of the fisheries	6,579,656
Products of the forest	16,854,567
Animals and their produce	17 607,577
Agricultural products	22 294,328
Manufactures	3,242,617
Miscellaneous articles	640,155

These goods were exported to 30 different countries, the 10 principal buyers, and the amount taken by each, being as follows:

Great Britain	$35,208,031
United States	26 762,705
British West Indies	1,488,726
Newfoundland	1,355,480
Spanish West Indies	1,318,587
South America	755,755
France	694,228
Belgium	475,420
British Guiana	260,633
French West Indies	217,314

Of mineral produce, the coal of British Columbia and Nova Scotia takes a leading place. British Columbia exported, in 1880, 204,525 tons of coal, valued at $700,142. The coal exports of Nova Scotia, for 1880, were 132,796 tons, valued at $238,390. The principal output of coals in British Columbia is on Vancouver's island. The coal beds of Nova Scotia are in the counties of Cape Breton, Pictou and Cumberland.—Gold mining is carried on with success in both these provinces. From 2,000 to 4,000 hands, mostly Chinese, have found employment at gold mining in British Columbia since 1860. Their yearly produce has been from $1,000,000 to $3,735,850. The official report of the gold dust, etc., exported from British Columbia for the year ending June 30, 1880, gives the amount as $964,484, but it is estimated that one-third more than is officially returned is exported. The returns for 1880 show that the exports of Nova Scotia gold mining produce were $121,350. The lodes of auriferous quartzite and gold-bearing slate in Nova Scotia are reported by Mr. Selwyn, the director of the Canadian geological survey, to extend through a formation having an area of 3,500 square miles. Oil and salt wells are in operation in the counties of Lambton and Huron in Ontario. The iron ores, which abound in almost every province of Canada, have hitherto scarcely been touched. The export of iron ore, in 1880, was mainly from Ontario, the amount being insignificant; value, $76,474. The value of exports of copper ores was $150,799. New Brunswick exported last year to Great Britain 1,395 tons of manganese ore, valued at $15,139. Near Ottawa city there are large deposits of phosphate of lime or apatite. Shipments of this in 1880 to Great Britain were 6,792 tons; to the United States, 1,182 tons; total value, $119,882. Of Canadian salt, 492,467 bushels, worth $46,190, were exported in 1880.—Small quantities of ores of antimony, lead and plumbago were exported in 1880, but, up to the present, these ores have been of more value as an index to the minerals of the country, than the intrinsic economic worth of their exports.—The United States buy more fish from Canada than are bought from her by any other country. The value of the fish of all kinds—fresh, dry salted, pickled, smoked and canned—shipped to the United States in 1880, was $1,618,881. If to this we add the value of the fish and seal oils, and that of the skins of marine animals bought by the United States for that year, the total value of the Canadian fishery products taken by the United States for 1880, amounts to $1,738,870. The West Indies, Great Britain and South America are the next best markets for Canadian fish.—The following is a list of the chief articles of agricultural produce exported by Canada in 1880, and their value:

Wheat, bushels	5,090,505	$5,942,042
Barley, bushels	7,239,562	4,481,685
Oats, bushels	4,717,040	1,707,326
Peas, bushels	3,819,390	2,977,516
Wheat flour, barrels	544,591	2,930,955
Malt, pounds	38,026,588	843,570

This excludes all produce not raised in Canada, shipped from Canadian ports. The chief markets for this grain, etc., were Great Britain, the United States, Newfoundland, France and Belgium. The value of this class of produce shipped to Great Britain in 1880, was $12,641,961; of that shipped to the United States, $8,086,795.—Canada exported, in 1880, timber and sawed lumber to 27 countries, each province shipping some of the products of its forests. Most of the shipments from Ontario were to the United States. In 1880 these were, of lumber, planks, boards and joists,

and amounted in value to $4.137,662. The pineries of the upper Ottawa and those of the Georgian bay are of immense value. They are the sources of a large annual supply of logs. The returns of the Crown timber office at Ottawa, show that there were cut in the Ottawa district during the year ending June 30, 1880, 2,555,981 saw logs, and 108,957 pieces of square timber. British Columbia sent masts and bridge timber to China and Japan, and the maritime provinces sent timber to Africa. The Douglas fir (*Abies Douglasii*) grows in British Columbia to a great size; some trees are more than 300 feet high. Pot and pearl ashes, and bark for tanning, are important forest productions. The value of ashes exported in 1880 was $304,381; and of bark, $441,360. Great Britain bought, in 1880, productions of the Canadian forest, worth $8,673,336, and the United States bought in the same period, $6,532,418 worth.—Canadian animals and their produce were exported in 1880 to 12 countries. Great Britain bought of these to the value of $11,104,223; and the United States bought $6,016,988 worth. In 1880 Canada exported 21,983 horses, worth $1,880,379. Of these the United States took 20,594, worth $1,798,616. For the same year there were 54,944 horned cattle exported, worth $2,764,437, of which Great Britain took something more than double the number taken by the United States.—Butter and cheese have within a few years become important articles of export from Canada. In 1880 there were shipped of butter, 18,535,362 pounds, valued at $3,058,669; and of cheese, 40,368,678 pounds, valued at $3,893,366. The United States bought, in 1880, from Canada, 3,551,906 pounds of wool, worth $911,271.—The manufactures exported from Canada in 1880 amounted, as per figures in the statement given, to less than the fisheries exports, but to more than her mineral products. They were shipped to 37 different countries, but Great Britain and the United States were buyers of two-thirds of the amount shipped. The actual figures of the amounts they bought are: Great Britain, $1,386,746; United States, $1,283,342. Newfoundland and the British West Indies were, in 1880, the two next best customers for Canadian manufactures, but Newfoundland took hardly a fifth of the amount of manufactured goods shipped to the United States, and the British West Indies hardly a third of the amount sent to Newfoundland. More than 60,000 pairs of boots and shoes were exported to Great Britain during 1880, and about 2,000 pairs to the United States. 27,603 sewing machines, worth $201,545, were exported in 1880 to 17 different countries. About $40,000 worth of these were sent to Africa.—The value of all Canadian imports in 1880 was $86,489,747. They were $1,421,711 less than the gross exports for the same time. For the first time in Canada last year's returns show an excess of exports over imports. But if the comparison of exports and imports during 1880 be restricted to goods of Canadian production, and to goods entered for Canadian consumption, the imports are in excess. Imports, in 1880, of goods for Canadian consumption, $71,782,349; exports, in 1880, of goods the productions of Canada, $70,096,191; excess of imports for consumption over exports of Canadian production, $1,686,158.— The aggregate trade, in 1880, of Canada with Great Britain, shows an increase over the trade of 1879, amounting to $13,018,438, while the aggregate trade between Canada and the United States for the same period decreased $8,207,863.—There were 18,370 sea-going vessels entered inward and outward at dominion ports during 1880. These had a registered tonnage of 6,786,714 tons, and crews numbering 220,113 men.—The arrivals and departures of vessels engaged in the coasting trade were registered at dominion ports in 1880, as 70,493. Tonnage, 14,053,013 tons.—The number of vessels of all kinds on the register books of the dominion, as per report of minister of marine and fisheries, was, Dec. 31, 1880, 7,377, measuring 1,311,218 tons register tonnage. At an average value of $30 per ton, the value of the registered tonnage of Canadian vessels is $39,336,540. —In the trade on the lakes and rivers between Canada and the United States there were, in 1880, 17,441 Canadian and United States vessels entered inward at Canadian ports. These vessels had a registered tonnage of 3,707,885 tons, and their crews comprised about 150,000 men.—There are in Canada, 36 banks, acting under charters granted by the dominion government. The official statement of the deputy minister of finance shows that these banks had, on May 31, 1881, paid-up capital, $59,370,840; and notes in circulation, $25,575,729. They held specie, $5,572,600, and dominion notes, $10,833,900. Their aggregate liabilities were $119,551,299; and their assets, $193,580,659. The most important Canadian banks are: bank of Montreal, with a paid up capital of $11,999,200; bank of Commerce, paid-up capital, $6,000,000; and bank of British North America, paid-up capital, $4,866,666. In 1871 the paid-up capital of chartered banks in Canada was $37,915,390, or $21,455,450 less than in 1881.—The charters of Canadian banks issue subject to the provisions of the general banking act of Canada. This enjoins that no bank shall circulate notes or commence business until the sum of $200,000 capital be *bona fide* paid up, and the treasury board has certified to its payment. Notes in circulation must never exceed unimpaired paid-up capital. A bank must receive its own notes at par, but is not compelled to redeem them in specie or in dominion notes except at places where they are made payable. The head office of a bank must always be one of the places at which the notes of a bank are payable.—At the close of the fiscal year of the Canadian government, June 30, 1870, there were 226 postoffice government savings banks in Canada. During 1870, $1,347,901 were deposited, and during the same year $664,555 were withdrawn from these

banks. The entire cost of management for the year was 0.44 per cent. of the balances due depositors. June 30, 1880, there were 297 offices; deposits for the year were $2,720,216; and the withdrawals for the year were $1,820,213. Entire cost of management for the year, 0.49 per cent. of the balances due depositors. Any person may deposit in the government savings banks any sum, from $1 to $300, and has the direct security of the dominion by statute therefor. Interest is allowed at 4 per cent., but deposits may be withdrawn, and invested at higher interest in dominion bonds. Since 1871 the sum of $4,466,700 has been thus withdrawn and re-invested. Taking into account this sum, together with the aggregate increase of deposits over withdrawals, to June 30, 1880, at the postoffice and other savings banks of the dominion, the investments in Canada in the government savings banks will amount to $15,670,856.—Prof. Cherriman, the Canadian superintendent of insurance, states in his report to the minister of finance, April 30, 1881, that there are 65 companies doing insurance in Canada. Of these 36 accept life insurance, 28 fire, 6 inland marine, 6 ocean marine, 5 accident, and 3 are guarantee companies. The government holds $6,609,767 for the protection of the policy holders in these companies. The risks held by the fire companies, April 30, 1881, amounted to $411,563,271. Premiums charged on these, $4,348,826, or $10.57 on each $1,000 at risk. Nine of the companies in Canada engaging in fire insurance are Canadian, 15 are British and 4 are American. The losses paid by the fire companies in 1880 were $1,666,578; the premiums received were $3,479,577; the losses for the year being 47.90 per cent. of premium receipts. The marine companies fared badly in 1880. The losses of the inland marine companies were 28.80 per cent. in excess of the premium receipts, and the losses of the ocean marine 24.88 per cent. more than the premiums received during 1880. The 34 companies engaged in effecting life insurance in Canada, have policies in force for insurance amounting to $90,280,293. The Canada life assurance company had, on April 30, 1880, policies in force for life insurance amounting to $21,547,759. The amount of life insurance effected in Canada during 1879 and 1880 was: Canadian companies, 1879, $6,112,706; 1880, $7,547,876. British companies, 1879, $1,877,918; 1880, $1,302,011. American companies, 1879, $3,363,600; 1880, $4,057,000.—The progress of Canada accords with Fox's dictum, "that the only means of retaining distant colonies to advantage, is to enable them to govern themselves." What advantages accrue to England from such a mode of governing Canada, Englishmen themselves have not been able to agree in deciding. Indeed, one school of English politicians, intellectual and earnest, if not numerically strong, insist that the old idea of trade following the flag is a myth; that colonial possessions are a loss instead of a gain, and but little better than hurtful suckers at the parent stem. With such a question we have nothing to do here. Truth, however, compels the admission that by Fox's method of governing, England has easily retained her authority in Canada. For though the formal bond of union be but as a silken thread, the attachment of Canadians to England is genuine and unmistakable. But we also care less for this, than to show what progress Canada has made in the art of self-government, and that, after several tentative efforts, she has settled down into a method of managing her affairs, legislative, executive and judicial, in consonance with the character of her people, and that she is not likely soon to experience much change, but such as is incident to a condition of sturdy growth.—In accordance with the provisions of the British North American act of 1867, which regulates the constitution of the dominion, the government of Canada is controlled by a parliament, consisting of the governor general as representative of the queen of England, a senate and a house of commons. The appointment of a governor general to aid in carrying on the government on behalf and in the name of the queen, and the appointment of a commander-in chief of the militia and military and naval forces of Canada, are the only exercise of authority in Canadian affairs beyond the control of the Canadian parliament; and the one reminder left to show that the age of colonial tutelage is not entirely outgrown.—The senate comprises 78 members. Each senator must be at least 30 years old, a native born or naturalized subject of Great Britain, and the possessor of property in his own province to the value of $4,000, over and above his debts and liabilities. Appointment to the senate rests nominally with the crown, which is virtually with the ministry of the day, for under the English system, though the queen reigns, the premier *pro tem.* governs. Senatorial appointments are for life unless the appointee resigns, turns traitor, becomes bankrupt, or forswears allegiance to the crown of England.—The number of members in the house of commons is not fixed definitely as is the membership of the upper house. It varies with the returns of the decennial census. Quebec has 65 members in the commons, and this number remains the same whatever may be the change of population in that province, and the proportion this number of members bears to the number of the population of Quebec, after the census of that province is taken, determines the members to be returned by the whole country, as each province is entitled to send members to parliament in the same ratio to the number of its inhabitants that 65 bears to the population of the province of Quebec. According to the census of this year, this arrangement gives Quebec a member of parliament for every 20,000 of her population, and members to the other provinces in the same proportion, except to the smaller provinces who were assured a minimum representation till their numbers brought

them an increased representation under the general rule. When the representation is adjusted as the new census requires, the provinces will have the following number of members in the house of commons: Ontario, 92; Nova Scotia, 21; New Brunswick, 15; Quebec (fixed number), 65; Prince Edward Island, 6; British Columbia, 6; Manitoba, 5; (in the last three the number of members is given by terms of union). Total number of members, 210.—The voting for members of parliament in Canada is by ballot. There are some assessment qualifications for voters required by the election law, and these vary as between cities, town and country districts, but practically almost every owner or occupant of a house has a vote.—The governor general, like the constitutional sovereign he represents, keeps aloof from party in the state. He governs solely through his ministers, who are his advisers, and so long as they have a majority of the people's representatives at their back, he must hearken to their counsel. In this he has no choice. In the most extreme case, the utmost stretch of his authority only permits him to exercise the royal prerogative, dismiss his ministers, dissolve the parliament, and obtain a new expression of the will of the people In a constitutional way, as advised by his ministry, he speaks as with the voice of the nation; were he to speak otherwise, his words would have no more weight than the gossip of the messenger at his office door. Each minister of the crown is required to have a seat in the house of commons, or in the senate—a reservoir on which premiers rely when other sources of ministerial wisdom fail them. As the estimated sum to be expended by each department has to be passed in committee of supply in the lower house at each session, the ministers of the more important departments are generally members of that house, in order there fully to explain the operations of their departments.— The public business controlled by the dominion government is transacted through 13 departments, each of which is under the control of a member of the ministry. They are: The department of the interior, controlling Indian affairs, dominion lands, and the geological survey; and the departments of finance, public works, secretary of state, railways and canals, agriculture, postmaster general, minister of justice, marine and fisheries, customs, inland revenue, militia and defense, and president of the council. These include all the branches of public business coming under the control of the dominion government, viz., management of trade, commerce, indirect taxation and management of the public debt; postal service; the census and statistics; militia and defense; payment of public officers; light-houses, navigation, shipping and quarantine; fisheries; currency, banking, coinage and legal tender; weights and measures; bankruptcy; patents and inventions; naturalization laws, and laws of divorce; penitentiaries and criminal law; railways, canals and telegraphs, if extending beyond the limits of a single province.—Some promoters of confederation would have preferred, instead of that system, a legislative union of the provinces, if such a union had been practicable. But that of Upper and Lower Canada, in 1840, had, to a certain degree, proved to be, what Brougham called it at the time, "a case of being paired, not matched," and each province, for the protection of its own peculiar interests, decided to retain a large measure of "home rule." Thus, each province regulates its local affairs through its own legislature, and administration. Provincial authority extends to the control of all public lands belonging to such province before the union. The appointment of all officers required for the administration of justice, except judges, is retained by the provincial authorities. They also regulate education; asylums, hospitals and charities; jails, prisons and reformatories, except penitentiaries; municipal institutions; shop, tavern and other licenses; local works; marriages; property and civil rights; administration of justice in provincial courts, both of civil and criminal jurisdiction; the appointment of magistrates and justices of the peace; and emigration, so far as concerns provincial lands.—A lieutenant governor for each province is appointed by the dominion government. No province has the power to organize or maintain a military force; and the dominion government has the power to disallow any enactments of the local legislatures which are *ultra vires*. Neither in the provincial legislatures nor in the dominion parliament can a ministry remain in office unless sustained by a majority of the representatives of the people. This gives to important parliamentary debates as keen an interest as attaches to elections. The machinery of government was by degrees made directly responsive to public opinion, and became so more from practical necessity than theoretical predilection. This, however, has grown so distinctive that publicists, both American and English, have referred to the Canadian system as virtually one of the most democratic in existence. —The dominion government at the time of confederation assumed the public debts of all the constituent provinces. These amounted to the gross sum of $93,046,051, or, deducting the total assets, $17,317,410, to a net sum of $75,728,641. It was also agreed to pay the provinces an annual subsidy for the relinquishment of their right to levy indirect taxes, such as customs and excise duties. The subsidy is equivalent to 80 cents per head of the population at the time of union, and an annual allowance to defray the cost of governing each province. The subsidy thus granted amounted, last year, to the sum of $3,430,846.—The increased expenditure since the union, on railways, canals and other public works, and a heavy outlay on account of the Northwest Territories, have added to the public debt, which, June 30, 1880, was $199,125,323; or, deducting the total assets, $42,182,852, it amounts to $156,942,471. There is of this indebtedness, $137,024,582 payable in

London at the following rates of interest: at 4 per cent., $89,059,999; at 5 per cent., $33,926,195; and at 6 per cent., $14,038,386.—The revenues from customs duties, excise and other sources, surrendered by the several provinces, at the time of union, to the dominion government, were to form a "consolidated fund" to defray the cost of future government. The receipts on account of this consolidated fund, for 1880, were $23,307,406; the expenditure, $24,850,634. The gross receipts of the dominion government, for 1880, were $53,177,628; expenditure, $50,879,241. Receipts for customs duties, for 1880, were $14,071,343; for excise duties, $4,232,427.—A large proportion of the public expenditure of Canada has been on works to enable the grain, timber and other products of the country to be cheaply taken to market. Up to 1867, the time of confederation, $60,210,600 had been expended on public works in Upper and Lower Canada. Since that time the ordinary expenditure on public works has been $13,405,921. In addition to this sum, $23,467,285 for public works have been charged to capital since that date. The Intercolonial railway has cost $23,467,285, and the sum of $16,488,759 has been spent on the Canadian Pacific railway; both sums were paid out of capital. The canals and river improvements on the St. Lawrence, Ottawa, Rideau and Richelieu rivers, are about 250 miles long. In 1871 it was decided to make a second enlargement of the Welland and St. Lawrence canals, to facilitate the traffic between Lake Erie and Montreal. The locks were to be 270 feet long, 45 feet wide, and to have a depth of 14 feet of water. The work on the Welland canal is nearly completed; that on the St. Lawrence canals is in progress. From Montreal to Port Colborne, on Lake Erie, is 375 miles; and there are on the route seven stretches of canals, with 53 locks having a lift of 533¼ feet. Lake Erie is 550¾ feet higher than the river at Montreal; the discrepancy, 17½ feet, between the lockage and the true difference in height being made up by the gradual declivity in the river during the distance. When these canals are completed, vessels of from 1,000 to 1,500 tons will be able to use the St. Lawrence route. At present, with vessels of 600 tons cargo it has received a fair share of traffic, for, in 1880, there were 710 sea-going vessels, having a tonnage of 628,271 tons, which came to Montreal during the season of navigation. The expenditure on the Welland and St. Lawrence canals to June 30, 1880, was $31,189,276.—The railway system of Canada has been developed since 1851, and now consists of about 7,000 miles of railway in operation, representing a capital of about $350,000,000. A gauge 5 feet 6 inches wide was chosen for the first roads built, but has been abandoned, as has also the 3 foot 6 inch gauge, tried on one or two small roads, for the medium gauge of 4 feet 8½ inches. The Canadian Pacific railway, at present under construction, is the most important work hitherto undertaken in Canada. The survey for this road was commenced in 1871; and in 1872 an attempt was made to subsidize a private company offering to construct it, but the project failed through political contention, and the work was continued by the government. Last year a syndicate contracted to complete the construction, and to equip and operate the road, for $25,000,000, and 25,000,000 acres of land. The surveys have been made, advance telegraph lines built, about 500 miles of road constructed, and the work is vigorously proceeding. Winnipeg, where the head offices of the company are located, has already a population of 13,000. The distance by the railway from Lake Superior to the Pacific will be about 2,000 miles. The surveys of lands in the northwest give townships six miles square, each township being divided into sections of one mile square — 640 acres. The railway company take alternate sections, and the government offer, for cash, lands within 24 miles of the road, for $2 50 per acre, and lands beyond that belt for $2 per acre; or a reduction of one-half of these prices to colonies.—The receipts for 1880, on the railways operated by the government, were $1,742,537; working expenses and repairs, $1,851,489. The canal receipts, for 1880, were $347,746; expenses and repairs, $369,213.—The Montreal telegraph company founded in 1847, and the Dominion company which was established as a rival line, have both been recently leased by the Northwestern telegraph company who guarantee the proprietary a fair dividend on their stock —There is no public school system common to all the provinces, although the school act passed in the old province of Canada, in 1841, is the groundwork of the present system in Ontario and Quebec, and has influenced the systems adopted in the other provinces. One feature is common to the whole, the legislative grant for school purposes is proportionate to the amount raised by local assessment. The local funds for schools are raised by the municipal authorities of the villages, towns, cities, townships and counties. In Ontario, 750 people constitute a village, 2,000 a town, 10,000 a city. Townships are from 8 to 10 miles square, and each has its reeve, deputy reeve and four councilors elected yearly. The townships are divided into school sections of about two miles square, each having three school trustees, one of whom retires annually from office. A number of townships, villages and towns form, for municipal and school purposes, a county. The county has a council composed of the reeves and deputy reeves of the townships, and is presided over by a warden, elected by the councilors themselves. The township council arranges the school sections, and levies such school rates as the school trustees require. The county council raises a sum equal to the legislative grant to the schools in the county, appoints a legally qualified school inspector, and pays one-half of his salary, the legislature paying the rest. In cities the inspector is paid by the school board. The public schools in Ontario are free, and the whole system is under the control of a minister of education,

who is a member of the cabinet of the provincial premier. The last report of the minister of education for Ontario shows that there are in that province 5,123 schools, 487.012 pupils, 6,596 teachers; and the expenditure for the year was $2,833,084. There are 104 high schools, at which pupils may continue their education to the stage of fitting themselves for entering a university. There are also county model schools, and two normal schools for the preparatory instruction of teachers. Sectarian religion is carefully excluded from all public schools, the school act providing that "no person shall require any pupil to read or study from any religious book, or to join in any exercise of devotion or religion objected to by his or her parent." Roman Catholics under the act can have separate schools. Of these there are 191 in Ontario. In Quebec, where Catholics are in a majority, there are separate schools for Protestants. There are 14 universities in the dominion. These annually confer degrees on from 300 to 400 students. The universities of Toronto, Halifax, McGill, Montreal, and Laval in Quebec, have been founded many years and are well patronized. Many who desire to advance the interests of higher education in Canada think the authority to confer degrees should be restricted to one or two corporations in each province, but such a result is by no means likely to be attained.—A military college has been established at Kingston, for the instruction of a limited number of young men in the sciences requisite to be known by such as follow a military profession. The province of Ontario has established an agricultural college, and an institute of technology, where farmers and mechanics may obtain a knowledge of all that pertains to the theory of their respective vocations. Within a few years several societies have been established for the advancement of art in Canada, and have rendered good service in elevating the public taste.—A supreme court of the dominion and court of exchequer was established in 1875. It is composed of a chief justice and five judges, and holds three sessions at Ottawa, the capital of the dominion, each year. Throughout the dominion law courts, English legal procedure is closely followed, except in the province of Quebec, where civil cases are still judged according to French law.—All the male inhabitants of Canada, between the ages of 18 and 60, can, in a fixed order of their age, and their responsibility for others, be called on to serve in the militia. The present militia law of Canada permits the training annually of 45,000 men. Since the withdrawal of the imperial troops, two batteries of artillery, organized in Canada, have occupied the military works at Quebec and Kingston.—Parkman, Garneau, Smith, Bibaud and Bouchette have given in detail the principal occurrences in the history of Canada. The "Nouvelle France" of Charlevoix, Hennepin's "Travels," and the "Relations" of the Jesuits, afford charming pictures of the exploits and experiences of the early French settlers. Cartier entered the gulf of the St. Lawrence only 42 years after Columbus first landed on one of the Bahama islands, and in 1535—the next year—he entered, on St. Lawrence's day, the great river which ever since has borne that name. The French king Francis I. paid no heed to the protests of his brother monarchs of Spain and Portugal, that such expeditions were an encroachment on their rights, remarking "there was no clause in father Adam's will giving them alone so rich a heritage." Although Normans, Basques and Bretons came and fished off the banks of Newfoundland, and Huguenots and nobles turned to America longing eyes, there was no actual settlement in Canada till in 1608, when, 12 years before the landing of the Pilgrim Fathers, Champlain established a little colony on the site of the present city of Quebec. Most of the early history of Canada is taken up with the wars of the French and Indians, or French and English. But while the nobles and their vassals were fighting, the pères of St. Francis, and of the order of Jesu, extended with such undaunted zeal their missions, that Bancroft's words are literally true, "not a cape was doubled nor a stream discovered, that a Jesuit did not show the way." The feudal system held full sway in Europe when Canada was settled by the French, and feudalism was naturally enough introduced by them into their new France. Seignories, extending over 10,000,000 acres, were given to merchants, military officers and religious corporations. Altogether there were 168 of these seignories. The first—that of St. Joseph—was registered in 1626. The seigneurs owed fealty to the king, and their land was burdened with a ground rent of two sous per acre, and half a bushel of grain for the entire concession. The chief tributes paid were called *Quints*, and *Lods et ventes*. *Quints* were a fifth of the purchase money of an estate *en fief*, to be paid the sovereign. *Lods et ventes* were the twelfth part of the purchase money of an estate, to be paid the seigneur, unless the purchaser were a direct descendant of the vendor. The renter of land had to have his corn ground at the seigneur's mill, and render to him, as toll, the fourteenth part of what was ground. The seigneurs also had the right, though they did not often use it, to try cases of felony and high and petty misdemeanors. Such a system had its bright as well as its dark side, but soon became out of joint with the times. After 1759, when Wolfe's victory made Canada English, that system made no further progress, and became more anomalous. Still it was hard to kill, and lingered on till the legislation for its abolition in 1854. The current public accounts of Canada still have an item referring to the indemnity of seigneurs. What the seigneurs were as aids to the settlement of Lower Canada, the Canada company to a certain extent were to Upper Canada. The Huron tract of 2,300,000 acres was purchased by the Canada company from the government in 1826, shortly

after their incorporation. For their land—wild at that time—they made an annual payment to the crown, of sums of from £15,000 to £20,000, amounting, in the aggregate, to £295,000. John Galt, the novelist, was secretary to the company, and under his auspices the towns of Guelph, Goderich and Galt were located. Besides this immense tract, they held smaller tracts in almost every county of the province. The good they did has been, by this generation, almost forgotten, and the evils of their system are alone held in remembrance. That the Canada company, in their day, rendered good service to Canada is beyond question. Still, all such adventitious assistance has been merely auxiliary to the prime cause of Canadian progress, namely, the plodding, unremitting industry which has been applied to the development of her natural resources.

H. B. Witton.

DORR REBELLION (IN U. S. History), an effort made in 1840–42, to overturn the state government of Rhode Island by revolutionary means. While the other states, before and after the declaration of independence, formed new governments, Rhode Island and Connecticut were contented to retain the charter governments under which they had lived as colonies. In the following half century the Rhode Island government became progressively more distasteful to many of her citizens, two-thirds of whom were disfranchised by its provision that the right of suffrage should be exercised only by the owners of a specified amount of real estate and by their eldest sons. Thomas W. Dorr, of Providence, a member of the assembly, took the lead in the effort to obtain a more extended suffrage, but the legal voters and their representatives were equally obstinate, and Dorr's proposition received only seven votes out of 70. Dorr then resorted to mass meetings through the winter of 1840–41, as an indication of popular feeling, and finally to a convention of delegates, which met in October, 1841, prepared a constitution, and submitted it to a popular vote. It claimed to have received 14,000 votes, a majority of the legal voters of the state, but its opponents asserted that the figures were fraudulent. Jan. 13, 1842, the new constitution was proclaimed in force. April 13, a state election took place, at which only the "suffrage party" voted, and at which Dorr was chosen governor and a full legislature elected. The legitimate state government treated these proceedings as nugatory, so far as they went to establish a new constitution, and criminal, so far as they proposed to legalize the exercise of authority by persons unauthorized to do so.—May 3, 1842, the rival governments assembled, the "charter legislature" at Newport, with governor Samuel W. King, and the "suffrage legislature" at Providence, with Thomas W. Dorr as governor. The suffrage legislature sat for two days, chose a supreme court, and transacted considerable business on paper. May 4, it adjourned until July, but never met again. In the meantime the charter legislature had passed bills to define the crime of treason, and to authorize the governor to proclaim martial law. The governor did so, and asked help from Washington. President Tyler directed the secretary of war to confer with governor King, and, whenever they should deem it necessary, to order in Massachusetts and Connecticut militia and terminate the rebellion at once. The suffrage party appealed to arms, and, on May 18 and 25, endeavored to capture Providence and its arsenal. Their forces each time dispersed at the approach of the state troops, and, May 28, Dorr fled to Connecticut and thence to New Hampshire. A reward was offered for his arrest, whereupon he voluntarily returned, was indicted in August, 1842, tried in March, 1844, convicted of high treason, and sentenced to imprisonment for life. In 1847 he was pardoned, and in 1852 the legislature restored him to his civil rights and expunged the record of his sentence.—In the meantime a new constitution had been framed, in November, 1842, by the charter party, had been adopted by the people, Nov., 21–23, and went into operation in May, 1843. It extended the right of suffrage by reducing the property qualification to a nominal amount, but maintained the principle on which the Dorr rebellion had been put down, that when the people have once established a government, it is the legitimate government with all its limitations, and that no new government can be introduced except under the provisions of an act of legislation by the existing government. (See Rhode Island; Insurrection, Domestic; Broad Seal War.)—See Luther *vs.* Borden, 7 *How.*, 1; 3 Spencer's *United States*, 421; Peterson's *History of Rhode Island;* 6 Webster's *Works*, 217; Frieze's *Concise History;* King's *Life of Dorr;* Judge Potter's *Considerations on the Rhode Island Question;* 15 *Democratic Review*, 122; F. H. Whipple's *Might and Right;* Goddard's *Change in the Government of Rhode Island;* F. Wayland's *Affairs of Rhode Island; Reports of the Select Committee of Congress on the Affairs of Rhode Island*, (1845); Bartlett's *Bibliography of Rhode Island;* 15 Benton's *Debates of Congress*, 130.

Alexander Johnston.

DOUGLAS, Stephen Arnold, was born at Brandon, Vt., April 23, 1813, and died at Chicago, Ill., June 3, 1861. He was admitted to the bar in Jacksonville, Ill., in 1834, and in 1841 was chosen judge of the state supreme court, for which reason he was usually known afterward in Illinois as Judge Douglas. He was a representative in congress 1843–7, and United States senator from 1847 until his death, Abraham Lincoln being his opponent in 1859. From 1850 until 1860 he was the principal leader of the northern democratic party, from which the ultra southern wing gradually drew further away on the question of the extension of slavery to the territories, until, in 1860, the party split into two parts.

(See KANSAS-NEBRASKA BILL; POPULAR SOVEREIGNTY; ELECTORAL VOTES; DEMOCRATIC-REPUBLICAN PARTY, V.) His small stature and great ability gave Douglas his popular name, *The Little Giant.*—See Sheahan's *Life of Douglas;* Savage's *Living Representative Men; Addresses in Congress on the Death of S. A. Douglas;* 8 *Atlantic Monthly;* 103 *North American Review;* Warden's *Voter's Version of the Life of Douglas;* 1 Wheeler's *History of Congress,* 60.

ALEXANDER JOHNSTON.

DRAFTS (IN U. S. HISTORY).—I. THE DRAFT OF 1814. The letters of Washington during the revolution contain abundant evidence of the evils of a reliance in war upon the militia, which force he characterized in general, Dec. 5, 1776, as "a destructive, expensive and disorderly mob." Under the confederacy nothing could be done to improve the discipline of the militia, but, by the constitution, power to organize, arm and discipline it was given to congress, with the idea of thus furnishing a substitute for a standing army. Knox, the secretary of war, who either had or drew from Hamilton very radical ideas on the subject, submitted to congress, in January, 1790, a plan for the classification of the militia into an "advanced corps" (18 to 20 years of age), a "main corps" (21 to 45 years of age), and a "reserved corps" (45 to 60 years of age). Each corps was to be divided into sections of 12 persons each, and in case of necessity for an army one person was to be taken by lot from each section, or from a group of sections of the advanced corps or of the main corps. Nothing was done with Knox's plan, and the militia law of 1795 simply adopted the state militia systems without any idea of draft or of compelling military service by federal authority. Knox's idea, however, was not forgotten, and after 1805 Jefferson several times revived it in his messages, but without success. It was as yet evident to the democratic (republican) leaders in congress that the militia was a state institution, and that, when it should be called into the federal service, the power to select the regiments or organizations to fill the state quota must be in the states exclusively.—When war was declared in 1812, the war party, acknowledging the weakness of the regular army, placed a large but vague reliance upon militia as a reserve force. This confidence was from the first found to be baseless. As soon as the invasion of Canada had called off most of the regular troops from the seacoast, requisitions were made upon the state governors for militia to do garrison duty in their stead. The call was at once refused by the governors of Connecticut and Massachusetts, on the ground that none of the constitutional contingencies of rebellion, invasion or resistance to the laws had occurred so as to justify the summons for militia. Even when invasion and blockade compelled the mustering of the militia, long wranglings were induced by the articles of war, which gave regular officers precedence over those of the militia, and thus, as the latter complained, took away the right of the states to officer their own troops. In 1813 a bill for classifying the militia passed the house, but was lost in the senate. The excessive demands of Great Britain as the price of peace in the next year revived the war feeling among the people, and increased the necessity for an increase of the army, to which volunteering was incompetent. The state legislatures of New York and Virginia led off in proposing to the federal government a classification and draft from the militia. This plan was recommended by the president in his message of Sept 20, 1814, and a bill to carry it into effect, mainly drawn up by Monroe, was at once introduced into congress. It occasioned great alarm and indignation among the federalists, (see CONVENTION, HARTFORD), and even among the democrats was generally looked upon as of doubtful utility and more than doubtful legality. Nevertheless it passed the senate Nov. 10, and the house Dec 9; but in the latter body, probably with a design unfriendly to the bill, the term of service had been reduced from three years to one year. On this convenient issue the two houses disagreed, and the bill was lost. The "Draft of 1814," as it is often called, was therefore a failure.—II. THE DRAFT OF 1863. During the first years of the rebellion the armies were filled by volunteering, with the exception of an occasional call for militia for short terms. No attempt was made to enforce enlistments. When, Feb. 5, 1863, the debate was opened upon the *Conscription Bill,* its whole theory and defense were based upon the idea of enrolling the militia by federal authority and drafting individuals therefrom to fill up the president's calls for troops, very much after the plan of the draft of 1814. It was very soon found impossible to meet the democratic objections to the constitutionality of a bill for this purpose, and Wilson, of Massachusetts, on the 16th, took the new ground, upon which the act was subsequently upheld by the courts, that the bill was based upon the power "to raise armies"; that it had no reference whatever to the state militia; but that it called every able-bodied citizen of military age into the federal service, and selected the necessary number by lot. By the terms of the bill, as it became law March 3, 1863, with the amendments of Feb. 24, 1864, and July 4, 1864, the enrollment of the able-bodied citizens between 18 and 45 was to begin April 1, under the direction of provost marshals; the quotas of congressional districts, under future calls for troops, were to be filled by drafts from the enrolled citizens, in default of volunteering; substitutes were to be accepted; a commutation of $300 for exemption from the draft was allowed; and all persons refusing obedience were to be punished as deserters. The application of the draft principle to a call for 300,000 troops early in May, was the cause of intense excitement in eastern cities, where quotas were already in arrears. Charges were made, and to a considerable extent proved, that subordinate

officials had so arranged the draft as to bear disproportionately on democratic districts. Thus, from nine democratic districts of New York state (with a voting population of 151,243), 33,729 soldiers were to be drafted; while from 19 republican districts (with a voting population ot 457,257), but 39,626 were to be drafted. These manifest discrepancies were promptly corrected by the war department, but the absence of the state militia in Pennsylvania enabled the mob in various cities to resist the draft, with considerable temporary success, as an oppressive, illegal and partisan measure. New York city was completely at the mercy of the rioters for four days, July 13–16, but in other cities the police force was strong enough to enforce the law. Wherever the draft had been stopped by violence, it was afterward resumed and carried into full effect.—III. CONFEDERATE STATES' CONSCRIPTION. Conscription in the southern states preceded and, to some extent, compelled the adoption of conscription by the federal government. The act of April 16, 1862, with the amendment of Sept. 27, 1862, was rather a levy *en masse* than a conscription. It made no provision for draft, but placed all white men between the ages of 18 and 45, resident in the confederate states, and not legally exempt, in the confederate service. July 18, 1863, by proclamation, president Davis put the conscription law into operation, and directed the enrollment to begin at once. Feb. 17, 1864, a second conscription law was passed. It added to the former conscript ages those between 17 and 18, and between 45 and 50, who were to do duty as a garrison and reserve corps. It excepted certain classes, such as one editor to each newspaper, one apothecary to each drug store, and one farmer to each farm employing 15 able-bodied slaves, and provided that all persons who should neglect or refuse to be enrolled should be placed in the field service for the war. No substitutes were or could be accepted, for every person able to do military duty was himself already conscripted. Very little resistance was made to this sweeping levy, for the government of the confederate states showed little mercy to opposition of any kind. Only through the conscription were the southern armies filled for the last two years of the war, and its enforcement was so rigorous and inquisitorial that toward the end of the war the confederacy generally had more men in the field than it could provide with arms.—IV. DRAFTS IN GENERAL. The liability of every able-bodied citizen of military age to do military duty, or to render its equivalent, has been imbedded in the constitutions of the various states, the reason being thus clearly stated in the New York constitution of 1777: "It is the duty of every man who enjoys the protection of society to be prepared and willing to defend it." By parity of reasoning, it would seem impossible, even in the absence of express stipulation on the subject, to deny the obligation of the citizen to be "prepared and willing to defend" the federal government, the national society, also, whose protection he enjoys, or the power of congress, if necessary, to make military service compulsory. The constitution, however, has not left the matter in doubt or to construction (see CONGRESS, POWERS OF, VIII.); it has expressly given to congress the power to "raise armies," without any restriction or limitation as to the manner or extent. Until 1863, nevertheless, the power to draft, with which the power to raise armies is pregnant, remained in abeyance, and its first exercise in 1863 marks strongly a great advance in the nationalization of the government. In 1795 the military reliance of the country, outside of the regular army, was placed exclusively on the state forces of militia. In 1798 the authority given by congress to the president to accept organizations of volunteers, and commission their officers, was widely censured as an infringement upon the militia rights of the states. In 1814 public opinion had advanced so far as to consent to the employment of volunteers under national authority, but insisted that armies were to be "raised" only by voluntary enlistment, and resisted a draft even when disguised as an enrollment of the militia. In 1863 the general government claimed and exercised the right to compel service *ad libitum* from the mass of its citizens, a power which justice Story in 1833 did not suggest, and probably did not dream of. And yet, when this power was first exercised in 1863–4, the constitutional arguments against it were surprisingly feeble. They were, in brief, that liability to compulsory military service was due, before the adoption of the constitution, to the states; that it had not been granted to the federal government by the constitution; and that it must, therefore, still be enforced, if at all, only by the states. Further arguments were drawn *ab inconvenienti*—from its possible absorption of state militia, and even of state civil officers, into the federal service—but these we may pass over. On the other hand, the courts have steadily held that, as the constitution has given to congress the unlimited power to "raise armies," it has given therewith unlimited discretion of choice of the method by which armies shall be raised, whether by volunteering or by draft.—But, however sound may be the theory of conscription or draft in the United States, in practice it has always been found troublesome, irritating, and very barren of results compared with volunteering, because of inevitable exemptions, rejections, and desertions. In 1863, on an enrollment of 3,113,305 able-bodied citizens between 18 and 45, it is doubtful if 100,000 conscripts were obtained for the army. The usual results of the draft are exemplified in one of provost marshal general Fry's periodical reports in 1864: *Number of drafted men examined*, 14,741. Number exempted for physical disability, 4,374; number exempted for all other causes, 2,632; number paid commutation money, 5,050; number who have furnished substitutes, 1,416, total, 13,472 *Number held for personal service*, 1,269. The results in substitutes and recruits must be

still further diminished by the ultimate loss from desertion, which is not estimated here. All the hardships of the system came with most crushing severity upon those least able to endure or to avoid them. But it must not be understood that the conscription law was therefore useless; on the contrary, as an assertion of the enormous reserve power of the federal government, and as a stimulus to the energy of states and individuals in encouraging volunteering, it was of the very greatest value. It is very evident that if the United States should ever again be compelled to maintain large armies, volunteering will still be the rule, and the draft power will only be held *in terrorem* to insure the prompt action of the states in filling their quotas. (See CONVENTION, HARTFORD; REBELLION; WAR POWER; CONFEDERATE STATES; UNITED STATES.)—See (I.), 1 Schouler's *United States*, 130; Dwight's *Hartford Convention*, 247, 318; 6 Hildreth's *United States*, 529; 2 Ingersoll's *Second War with Great Britain*, 270; Carey's *Olive Branch*, 378; 3 Spencer's *United States*, 262; the act of Feb. 28, 1795, is in 1 *Stat. at Large*, 424, and see also 12 *Wheat.*, 19. (II.), McPherson's *History of the Rebellion*, 261; Appleton's *Annual Cyclopædia*, 1863–4; D. M. Barnes' *Draft Riots in New York;* Baker's *History of the Secret Service;* 4 Victor's *History of the Rebellion*, 124; the acts of March 3, 1863, Feb. 24, and July 4, 1864, are in 12 *Stat. at Large*, 731, 13 *Stat. at Large*, 6, 379. (III.), Pollard's *Life of Davis*, 325; 16 *Gratt.*, (*Va.*), 443, 470; 34 *Geo.*, 22, 85; 38 *Ala.*, 457; 39 *Ala.*, 475, 609 (IV.), law authorities under CONGRESS, POWERS OF, VIII.; Whiting's *War Powers* (10th edit.), 205; 1 Hough's *New York Convention Manual of* 1867, 33; Story's *Commentaries*, §§ 1173, 1202; Tiffany's *Constitutional Law*, § 430. ALEXANDER JOHNSTON.

DRAWBACK, a term used in commerce to signify the remitting or paying back of the duties previously paid on a commodity on its being exported.—A drawback is a device resorted to for enabling a commodity affected by taxes to be exported and sold in the foreign market, on the same terms as if it had not been taxed at all. It differs in this from a bounty—that the latter enables a commodity to be sold abroad for *less* than its natural cost, whereas a drawback enables it to be sold exactly at its natural cost. "Drawbacks," as Adam Smith has observed, "do not occasion the exportation of a greater quantity of goods than would have been exported had no duty been imposed. They do not tend to turn toward any particular employment a greater share of the capital of the country than would go to that employment of its own accord, but only to hinder the duty from driving away any part of that share to other employments. They tend not to overturn that balance which naturally establishes itself among all the various employments of the society, but to hinder it from being overturned by the duty. They tend not to destroy, but to preserve, what it is in most cases advantageous to preserve—the natural division and distribution of labor in the society."—Were it not for the system of drawbacks, it would be impossible, unless when a country enjoyed some very peculiar facilities of production, to export any commodity that was more heavily taxed at home than abroad; but the drawback obviates this difficulty and enables merchants to export commodities loaded at home with heavy duties, and to sell them in the foreign market on the same terms as those fetched from countries where they are not taxed.

J. R. M'C. and H. G. R.

DRED SCOTT CASE, The (IN U. S. HISTORY). I. ORIGIN. In 1820 slavery was prohibited in the province of Louisiana, north of latitude 36° 30′, by the Missouri compromise, an act of congressional legislation; in 1846–50 it was attempted to extend this congressional prohibition to all the territory acquired from Mexico; this attempt was defeated by the compromise of 1850, by which congress refrained, and ordered the territorial legislatures to refrain, from meddling with the subject of slavery in the new territories; and in 1854 the abrogation of the Missouri compromise, leaving the people of each territory to decide the question of freedom or slavery for themselves, began the Kansas struggle, which, in 1856, had gone far enough to show that free state immigration would always overwhelm slave state immigration in a contest of this kind. The question of slavery had come to overshadow all others in politics, and the advocates of its extension and of its restriction had begun to exert every means to obtain control of all departments of the government. The former held the presidency and the senate, while the latter, under the name of anti-Nebraska men, had just gained control of the house; the Dred Scott case, which had been in the federal courts since 1854, was now to be the test of the affiliations of the supreme court. (See COMPROMISES, IV., V.; ANNEXATIONS, I.; WILMOT PROVISO; KANSAS-NEBRASKA BILL; SLAVERY; DEMOCRATIC-REPUBLICAN PARTY, V.; REPUBLICAN PARTY, I.)—II. FACTS. In 1834 Dred Scott was the negro slave of Dr. Emerson, of the regular army, who took him from Missouri to Rock Island, in Illinois, where slavery was prohibited by statute, and thence, in May, 1836, to Fort Snelling, in Wisconsin, or upper Louisiana, where slavery was prohibited by the Missouri compromise. In 1836 Dred married Harriet, another slave of Dr. Emerson, and in 1838 Dr. Emerson, with his slaves, returned to Missouri. Here Dred, sometime afterward, discovered that his transfer by his master to Illinois and Wisconsin had made him a free man, according to previous decisions of the Missouri courts; and in 1848, having been whipped by his master, he brought suit against him for assault and battery in the state circuit court of St. Louis county, and obtained judgment in his favor. On appeal, the supreme court of Missouri, in 1852, two justices in favor

and the chief justice dissenting, reversed the former Missouri decisions, refused to notice the Missouri compromise or the constitution of Illinois and remanded the case to the circuit court, where it remained in abeyance pending the argument and decision in the supreme court of the United States.—III. PLEADINGS. Soon after the hearing in the state supreme court, Dr. Emerson sold his slaves to John F. A. Sandford, of the city of New York. On the ground that Dred and Sandford were "citizens of different states," of Missouri and of New York, suit against Sandford for assault and battery was at once brought in the federal circuit court for Missouri. Here Sandford, at the April term of 1854, pleaded to the jurisdiction of this court, on the ground that plaintiff was not, as alleged in the declaration, a citizen of Missouri, but "a negro of African descent: his ancestors were of pure African blood, and were brought into this country and sold as negro slaves." To this plea Dred demurred, that is, claimed judgment and acknowledgment as a citizen, even on defendant's own showing, and the demurrer was sustained. Sandford, answering over, then pleaded in bar to the action that the plaintiff was his negro slave, and that he had only "gently laid hands" on him to restrain him, as he had a right to do. The court instructed the jury that the law was with the defendant; plaintiff excepted; and on the exception the case went to the United States supreme court, where it was argued at December term, 1855, and again at December term, 1856, but judgment was deferred until March 6, 1857, in order to avoid any increase of the excitement already attending the presidential election. The essential points for decision were two: 1. Had the federal circuit court jurisdiction, that is, was Dred Scott a "citizen of Missouri" in the view of the constitution? 2. If the court had jurisdiction, was its decision against Dred Scott correct? In considering these two questions it must be remembered that federal courts are required by the act of 1789, section 25, to follow the statutes and constructions of the respective states wherever they come in question, unless they are in conflict with the constitution.— IV. DECISION. The Missouri supreme court had decided, on the evidence submitted, that Dr. Emerson's residence in Illinois and Wisconsin was only temporary and in obedience to the orders of his government; that he had no intention of changing his domicile; and that, whatever might be Dred's status while in Illinois and Wisconsin, on his return to Missouri, the local law of Missouri attached upon him and his servile character redintegrated. On this general ground chief justice Taney, with the assent of justices Wayne, Nelson, Grier, Daniel, Catron and Campbell (McLean and Curtis dissenting), decided that the plaintiff in error was not a citizen of Missouri in the sense in which that word is used in the constitution; that the circuit court of the United States, for that reason, had no jurisdiction in the case and could give no judgment in it; and that its judgment must, consequently, be reversed and a mandate issued, directing the suit to be dismissed for want of jurisdiction.—Had the supreme court confined its action to a denial of jurisdiction in this case on the ground taken by the Missouri state supreme court, the decision would probably have been accepted generally as law, however harsh, in the case of slaves removed temporarily from state jurisdiction and then brought back. But, impelled, as has been charged, by a superserviceable desire to forward the interests and designs of slaveholders in the territories, or as is much more probable, by the wide sweep taken by counsel on both sides in their arguments, the chief justice and the assenting justices proceeded to deliver a course of individual lectures on history, politics, ethics and international law, the exact connection of which with the legal subject matter in hand it was in many cases difficult for the justices themselves to make perfectly clear. In these additions to the denial of jurisdiction lay the interest, importance and far-reaching consequences of the Dred Scott decision. These additions were a denial of the legal existence of the African race, *as persons*, in American society and constitutional law, a denial of the supreme control of congress over the territories, and a denial of the constitutionality of the Missouri compromise —1. Sandford's plea, given above, denied the circuit court's jurisdiction, on the ground that Dred was of the African race, as if that necessarily implied lack of citizenship. The circuit court had overruled the plea, and, although this was not one of Dred Scott's exceptions, the supreme court reverted to the plea and sustained it. The opinion of the court asserted that the African race, for over a century before the adoption of the constitution, had been considered as a subordinate class of beings, so far inferior that they had no rights which the white man was bound to respect; that they had not come to this country voluntarily, as persons, but had been brought here as merchandise, as property, as *things;* that they held that position in the view of the framers of the constitution, and were not included in the words "people" or "citizens" in the declaration of independence, the articles of confederation, or the constitution; and that, even when emancipated, they retained that character, and were not, nor could by any possibility ever become, citizens of the United States or citizens of a state in the view of the constitution, capable of suing or being sued, or possessed of civil rights, except such as a state, for its own convenience and within its own jurisdiction, might choose to grant them Of the two dissenting justices, McLean denied, and Curtis admitted, that the plea of Sandford was properly before the supreme court and might be examined on writ of error; but both relied on the plain distinction between "citizens" and "electors," on the constitution's repeated mention of negroes as "persons," and on the undoubted fact that free negroes, at the time of the adoption of the constitution, had

been not only citizens but voters in at least five of the states, and were still voters except where, as in North Carolina and New Jersey, the right to vote had been taken away by a subsequent change in the state constitution; and held that, even though free negroes might not be *electors* in any particular state, they were still always *citizens*, capable of suing and being sued, at least on the same footing with women and minors.—2. The arguments of counsel had brought up the question of the power of congress (under article IV., § 3, ¶ 2, of the constitution) to "make all needful rules and regulations respecting the territory or other property belonging to the United States." On this point the opinion of the court held that this language, by previous decisions and the plain sense of the words, referred only to the territory and property in possession of the United States when the constitution was adopted, and not to Louisiana and other territory afterward acquired; that the right to govern these last-named territories was only the inevitable consequence of the right to acquire territory, by war or purchase; that congress, therefore, had not the absolute and discretionary power to make "*all* needful rules and regulations" respecting them, but only to make such rules and regulations as the constitution allowed; that the right of every citizen to his "property," among other things, was guaranteed by amendment V.; that slaves were recognized as "property" throughout the constitution; and that congress had therefore no more right to legislate for the destruction of property in slaves in the territories than to legislate for the establishment of a form of state religion there. On the contrary, the dissenting opinions held that slavery was valid only by state law, and that a slave was "property" only by virtue of state law; that the constitution was explicit on this point (as, "no person held to service or labor in one state, under the laws thereof," etc.); that the slave, when taken by the master's act out of the jurisdiction of the state law which made him a slave, at once lost his artificial character of property and resumed his natural character of a person; and that the state law could not accompany him to the territories. Of course this reasoning, which it seems impossible to overthrow, would necessarily have made all the territories, south as well as north of latitude 36° 30′, free soil, unless slavery should be established there by act of congress or by popular agreement in forming state constitutions.—3. From the preceding doctrine the opinion of the court necessarily held that the act of March 6, 1820, commonly known as the Missouri compromise, which prohibited slavery in the province of Louisiana north of latitude 36° 30′ and outside of Missouri, was an unconstitutional assumption of power by congress, and was therefore void and inoperative, and incapable of conferring freedom upon any one who was held as a slave under the laws of any one of the states, even though his owner had taken him to the territory with the intention of becoming a permanent resident. Mr. Justice Catron, dissenting from the majority's denial of the power of congressional legislation for the territories, yet denied that an act of congress could override article 3 of the Louisiana treaty of 1803, which guaranteed to the inhabitants of the ceded territory the full enjoyment of their liberty and property until states should be formed there; and also held the Missouri compromise void, as violating the constitutional equality of citizens of the different states in their rights, privileges and immunities. On the contrary, the two dissenting justices held that the majority had "assumed" power to attack the Missouri compromise; that that act was a proper instance of the power of congress to legislate in full for the territories, which had been exercised without question since the foundation of the government; that it was no violation of the equality of citizens for the reasons above assigned; and that the Louisiana treaty had nothing to do with the question, since the organization of the slave states of Louisiana, Arkansas and Missouri had embraced every slave in the entire ceded territory.—When a court has decided a question or case before it, any further remark or expression of opinion, even by the supreme court of the United States, on a point not legally involved, is an *obiter dictum*, of no great weight for other courts as an authority or precedent, and of no weight at all for the public at large. How far the voluminous opinions of the Dred Scott decision were *obiter dicta* after the denial of the circuit court's jurisdiction is at least doubtful. Chief justice Taney and justice Wayne endeavor to establish the connecting link between the denial of jurisdiction and the attack on the Missouri compromise upon the ground of the difference between writs of error to a state court and to a federal circuit court. In the former case the inquiry would be whether the supreme court had jurisdiction to review the case, and, if not, the writ would be at an end; but in the latter case the inquiry would be whether the circuit court had jurisdiction, and to settle this the whole case, including the merits, was open to inspection. But the following extract from judge Curtis' opinion deserves consideration: "I dissent, therefore, from that part of the opinion of the majority of the court in which it is held that a person of African descent can not be a citizen of the United States; and I regret that I must go further, and dissent both from what I deem their assumption of authority to examine the constitutionality of the act of congress commonly called the Missouri compromise act, and from the grounds and conclusions announced in their opinion. Having first decided that they were bound to consider the sufficiency of the plea to the jurisdiction of the circuit court, and having decided that this plea showed that the circuit court had not jurisdiction, and consequently that this is a case to which the judicial power of the United States does not extend, they have gone on to examine the merits of the case as they

appeared on the trial before the court and jury, on the issues joined on the pleas in bar, and so have reached the question of the power of congress to pass the act of 1820. On so grave a subject as this I feel obliged to say that, in my opinion, such an exertion of judicial power transcends the limits of the authority of this court, as described by its repeated decisions and, as I understand, acknowledged in this opinion of the majority of the court. * * A great question of constitutional law, deeply affecting the peace and welfare of the country, is not, in my opinion, a fit subject to be thus reached."—The Dred Scott decision was the last attempt to decide the contest between slavery extension and slavery restriction by form of law, and the course of events began at once to tend with increasing rapidity toward a decision by force. (See SECESSION, SLAVERY.)—The Dred Scott decision was finally overturned by the first section of the 14th amendment, which made "all persons born or naturalized in the United States, and subject to the jurisdiction thereof," citizens of the United States, and of the state wherein they reside. (See CIVIL RIGHTS BILL; CONSTITUTION, IV.)—See (I.), authorities under articles referred to. (II.), Dred Scott *vs.* Emerson, 15 *Mo.*, 682. (III.), Dred Scott *vs.* Sandford, 19 *How.*, 393; Benton's *Examination of the Dred Scott Decision;* Tyler's *Life of R. B. Taney*, 373, 578; 2 B. R. Curtis' *Works*, 310; 9 *Curtis*, 72; 1 Greeley's *American Conflict*, 251; Hurd's *Law of Freedom and Bondage;* Buchanan's *Buchanan's Administration*, 48; Giddings' *History of the Rebellion*, 402; Nott's *Slavery and the Remedy; Slaughter House Cases*, 16 *Wall.*, 36; and authorities under SLAVERY, and TANEY, R. B. ALEXANDER JOHNSTON.

DUELING. John de Liniano defines dueling: "a combat between two men, agreed upon on both sides, to avenge an injury, for honor's sake, or to gratify one's hate;" and Bonacina: "a single combat, agreed upon between two parties of their own accord, and on certain conditions, with chances of death or of serious or slight wounds." —According to Denizart, a duel is a combat between two or more individuals, for reasons of a personal nature, at a place indicated in a challenge. According to Cauchy, a duel is a *private war* preceded by a challenge, by which each of the belligerent parties is warned to be on his guard and to resist force by force. John Reynaud describes a duel as a combat agreed upon in advance between two individuals, who, by this fact, place themselves without the pale of all social laws. Dupin is more severe, and his definition strongly resembles a judgment without appeal. According to him, "dueling is the savage state; it is not the right but the argument of the stronger and more adroit, and sometimes of the more insolent."—Of the origin of dueling little is known, and we shall not trace it back to Cain, who, according to some, was but a fortunate duelist. We find the first traces of it in Germany, whose inhabitants, says Montesquieu, "made war upon one another for murder, theft and injury. This custom was modified by subjecting these wars to rules. They were engaged in by order of the magistrate; this was preferable to a general license to fight." Gondebaud, king of the Burgundians, was the first to introduce into the code the judicial duel. A law called the *Gombette* law, promulgated in 501, regulated it. Charlemagne imitated this example, and this barbarous legislation can scarcely be said to have been seriously altered until during the reign of Philip the Fair in 1296. Duels properly so called, that is, duels to which any of the definitions given above may be applied, date from the period when tournaments and the judicial duel ceased. The discourse of Brantome *on duels* furnishes us some curious information as to the rules which duelists recognized in the sixteenth century. The combatants, if they followed the advice of the malicious chronicler, should take good care not to fight without witnesses, first, in order not to deprive the public of a fine spectacle, and then, not to expose themselves to be prosecuted as murderers. "It is not necessary, in these matters, to speak of courtesy," says the author of *Dames Galantes.* "The man who enters the lists should propose to himself to conquer or die, and above all, never to surrender; for the vanquisher disposes of the vanquished as he pleases. He may drag him over the field, hang him, burn him, hold him as a prisoner, or dispose of him as a slave. A soldier may fight his captain, provided he has served two years and asked to leave the company. If a father accuse his son of any crime by which he might be dishonored, the son may justly challenge his father to a duel, since the father has done him a greater injury by dishonoring him, than he did him good by bringing him into this world, and giving him life." In 1560 the states general of France, assembled at Orleans, besought Charles IX. to proceed with severity against dueling, and the third estate drew up a petition to the same effect. In 1566 an ordinance was issued which served somewhat later as a basis for the successive edicts of Henry IV. and Louis XIV., and which put dueling on the same footing as crimes punishable with death. The severity of the laws produced no effect, for in March, 1607, the *Journal d'Estoile* informs us that since the accession of Henry IV. (1589), that is, in 18 years, 4,000 gentlemen were killed in duels. (It would be a mistake, however, to take this figure without some grains of allowance.) The edict of 1626, of which cardinal Richelieu made such terrible use, proportioned the punishment to the degree of criminality. Provoking to a duel was punished by deprivation of office, confiscation of goods, and banishment for three years. Dueling, when it did not result in the death of either of the participants, was punishable with infamy and the scaffold. The seconds and witnesses were also punished with infamy. The death of Bouteville, who was exe-

cuted June 22, 1627, on the *place de Grève*, produced a salutary effect upon the fighters. Richelieu, in this case, was relentless, and prevented Louis XIII. from granting the pardon which was begged of him, saying: "Sire, it is a question of cutting the throat of dueling, or of your majesty's edicts." Edicts against dueling appeared also in 1643; May 11, 1644; March 13, 1646; September, 1651; May, 1653; August, 1668; Aug. 13 and 14, and Sept. 14 and 30, 1679; December, 1704; and October, 1711. The rage for dueling, calmed for an instant, broke out again with renewed force, and in 1723 Louis XV. renewed solemn declarations, which were scarcely better respected than those of his predecessors.—With the revolution of 1789 the political duel had its origin. The men of that epoch, however, were too thoroughly convinced of the mission they had to fulfill, and too conscious that they were risking their lives in the common interest, to do homage to the prejudice which had caused the death of so many. We read in Beaumarchais' memoirs: "I have not given information of Bertrand's challenge to the minister of public affairs, as many honorable men advised me to do. It is true, moreover, that I did not inflict a sword wound on Bertrand's thigh, because I found he had a heart to pierce; but I, in turn, summoned this captain, by a stamped challenge, to appear in the lists, in the hall of the palace, where my agent waited in vain for him for two days in succession." — Camille Desmoulins refused to fight with two actors who took offense at his criticisms. "I would have to pass all my life in the Bois de Boulogne, if I were obliged to give satisfaction to all whom my frankness displeased. Let men accuse me of cowardice if they will. I very much fear that the time is not far distant when opportunities of dying gloriously and more usefully will not be wanting." At the same epoch, Mercier, Loustalot, and Prud'homme opposed dueling. June 15, 1792, the assembly condemned the deputy Jonneau to three days in the *Abbaye* for striking his colleague Grangeneuve. Nevertheless, the constituent assembly did not pass any law against dueling and the legislative assembly issued a decree of amnesty in favor of citizens detained for that cause. Duels were frequent in France under the empire, but politics had nothing to do with these single combats, which were generally between military men. Political duels re-appeared with the restoration: of royalists with Bonapartists, of Frenchmen with foreigners, of brigands of the Loire with the *habits blancs*. In 1830 rencontres were of almost daily occurrence. The same causes led, in 1848 and 1849, to the same effects. Gavini and Bailly presented to the legislative assembly a bill prohibiting dueling and condemning combatants and witnesses, whatever the issue of the rencontre, to a deprivation of civic rights for not less than one, nor more than ten years. The assembly rejected the proposed law.—In France it was generally admitted, down to the year 1837, that the penal law was silent upon the question of dueling, but, beginning with this year, the court of appeal, in accordance with several requisitions of the *procureur général*, abandoning the tradition on the point, decided that homicide, or wounds resulting from a duel, should be punished conformably to the provisions of the penal code.—Dueling is of frequent occurrence in Germany, especially in the universities. There are special tribunals charged to take cognizance of them. The new penal code, promulgated in Austria in 1855, contains special provisions relating to dueling. When a rencontre has occurred without either of the combatants being wounded, both have to undergo an imprisonment of from six months to one year; in case of wounds, the maximum of punishment is six years.—If the combat has been a mortal conflict, the challenger is condemned to 10 or 20 years in *carcere duro*. The witnesses are liable to from six months' to five years' imprisonment, according to the results of the rencontre.—In Switzerland, also, dueling has been made the object of special legislation, which, however, with very rare exceptions, has never been enforced. The Belgian penal code resembles in this point the Austrian code. The Dutch code is silent on the subject.—In 1835 a law was passed by the legislature of Mississippi, which condemned the survivor in a duel to pay the debts of his victim.—In 1841 a law was passed in Naples, inflicting eight years of compulsory labor on every person who participated in a duel, either as a combatant or as a witness. The Sardinian code is now in force throughout Italy Its provisions against dueling are very severe. In January, 1854, the criminal court of Genoa condemned to 20 years' banishment an aid-de-camp of the national guard who had killed one of his fellow officers in a duel.—In 1855 all the journalists of Madrid, with the intention of preventing the deplorable conflicts which were becoming more numerous every day, established a tribunal of honor, before which all contests which might result in an armed encounter, should be carried.—In 1859 a young Russian captain who had the misfortune to kill his adversary in a duel, was taken before a council of war. He was condemned to military degradation, and the loss of his decorations.—"In China and in Persia," says E. Colombey, the author of a very remarkable history of dueling, which we have consulted with profit, "dueling is unknown; the insult recoils upon the one who offers it. The law takes it upon itself to inflict vengeance." When two Japanese quarrel, they agree to cut open their own stomachs; the one who performs the operation first is the conqueror, the other is disgraced. There are other points of information and many strange laws to be found in the work of de Cauchy on "Dueling," vol. ii.—Before giving our personal opinion on dueling, it remains for us to analyze the opinions of different authors who have written on the subject. La Bruyère, who agrees with Mendez upon this point, says that

dueling "is the triumph of fashion, in which it has exercised its tyranny with most display. This practice has not left the poltroon a chance to live; it has led him to death at the hand of a braver man than himself, and confounded him with a man of courage; it has attached honor and glory to a foolish and extravagant act." We do not believe we need introduce here J. J. Rousseau's eloquent apostrophe to duelists, and we shall continue our citations from the adversaries of dueling with the following from the works of the republican journalist Loustalot: "I ask every French patriot: do you wish to be free? Undoubtedly. Then renounce dueling; it is incompatible with every kind of liberty. What becomes of public liberty, if you are going to deprive the people of its best defenders, by making them fight duels? What becomes of individual liberty, if the first fool or the first miscreant that meets you can force you to stake your life against his? What becomes of the liberty of the press, if for every phrase, every expression, an author must fight with every man who finds it false or out of place?" According to the count of Portalis, society can not admit a theory which supposes other laws than its own. Dupin is of the same opinion as the count of Portalis, and, like him, thinks that "the theory of duels is the destruction of lawful order." "It is an astonishing thing," says Dupin a little further on, "that among the apologists of dueling are found writers and orators who ask for the abolition of capital punishment, who hold that the right of man over man does not go to that extent, and who, nevertheless, even at the very moment they are denying to society as a whole the exercise of this right, claim it for themselves and accord it to the first chance comer." We will leave it to de Girardin to defend journalism against the accusations of Dupin. "In the times in which we live," he says, "duels are an anachronism; they belong to another régime, to manners and ideas which no longer exist. We declare that dueling has been an error in our education against which our experience protests. To the inferiority of injury let us oppose the superiority of scorn. If you are a man of honor, if you have nothing to hide at the risk of a wound, if you need not seek refuge in the intimidation of a pistol ball, will you avenge yourself upon the wretch or clown who has injured you by forcing him to redouble his injuries? The less moderation he shows, the more assured you will be of your revenge. If he began by having public opinion in his favor, he will not be slow to turn it against him. Then your satisfaction will be complete, and surely more effectual than if blood had flown. Every duel that ends without a wound is a farce. Every duel that ends with the death of one of the two combatants is deplorable. Every duel, therefore, is an absurdity, an insurrection of rashness against reason, a last resort of barbarity against civilization, an anachronism." There are authors, however, who undertake the defense of this custom, which is so violently attacked. Duclos thinks that dueling maintains a certain sensibility of soul more generous and especially more powerful than simple duty. Guizot believes that it is good, moral and useful; that it has jurisdiction over all those cases which ordinary jurisdictions do not reach. Thanks to this individual justice, urbanity of relations, and of social convention is maintained.—For our own part it would be hard for us to defend dueling. The sword to us is no more reason than force or skill is right; but the impotency of repressive laws, the persistence of a custom against which everything has been said and well said, prove, as we imagine, that dueling is a fact which must be taken into consideration. In theory, every one believes that dueling is to be deplored; in practice, every one is inclined to resort to arms to avenge an injury. A prelate, when asked what he would do if one were to slap him in the face, replied, with witty candor, that he knew well what he *should* do, but did not know what he *would* do. Now, everything in the morals of a people ought to pass into its institutions; and to refuse to concern ourselves with the subject of dueling under the pretext that its existence should not be recognized, is to imitate the ostrich, which imagines itself concealed because with its head hidden in the sand it can see nothing. We think, therefore, that society, which is so much interested in the matter, should take cognizance of the terrible game in which the life of a man is so often staked. We could wish, for instance, that there should be established everywhere *juries of honor*, before which those who wish to have recourse to arms should present themselves with their witnesses, to settle their quarrel. The members of this jury, chosen from among men whose integrity should make their decisions beyond appeal, would investigate the causes of the rencontre, sanction or forbid it according to circumstances, and by dismissing immediately all with futile pretexts, would render duels more and more rare. John Reynaud is of this opinion; and P. Stahl observes that this system of the *jury of honor* would offer greater guarantees than dueling as it is actually practiced, which is always in some way clandestine. "It is an anomaly for the law to tolerate what it forbids; justice which shuts and opens its eyes at will is no justice." We are entirely of this opinion, and for these reasons we could wish to see the law intervene in these strictly personal affairs only when one or other of the two adversaries refused to submit to the decision of the *jury of honor*, or should, by some dishonest act, enroll himself in the list of criminals.[1]

HECTOR PESSARD.

[1] We think, with our honorable collaborator, that something should be done against dueling. Experience has proven that a Draconian penalty would remain powerless. There is too flagrant an injustice in confounding with the assassin the honorable man who, yielding to a prejudice which reigns like a king in society, kills his equal, for public sentiment not to cry out against this too radical solution

DUTY, Political. It was the fashion during the eighteenth century, and to a small extent at the beginning of the nineteenth, to speculate as to what might have been the ideas and feelings of man, if he had not lived in society. This kind of speculation resulted only in perfectly gratuitous hypotheses; and moreover it was founded entirely upon an erroneous idea. Man has never lived in such a state of isolation; he could not exist in such a state; he is made for society. He would be not only unhappy and powerless without society; he would be simply an inexplicable being. If there be one truth more than another which is the evident outcome of all there is in man of weakness and of strength, it is, that nature intended us to be, *par excellence*, sociable creatures.—But what is the fundamental principle of society? Is it that we are necessary to each other? This amounts to inquiring whether a society based exclusively on the principle of interest be possible. Most assuredly if all men were intelligent and wise, and were never mistaken as to their true interests, society could exist without any other bond. But since nothing is so rare as a prudent mind, and a will master of itself, it is certain that, if we were reduced to a calculation of interests only, we should be in a continual state of war. What prevents this state of war, or, in other words, what makes society possible, is the existence of certain obligations by which we are bound to one another. Between the idea of society and that of obligation there is a relation of identity, because society and obligation suppose each other, and can not exist without each other.—The reciprocal obligations by means of which society subsists may be conceived as resulting from force only, or from a social contract, or from justice. But upon reflection it is clear that they result only from justice. Shall we say that they have their foundation in force? Let us agree, in the first place, that if there were no justice it would be a very good thing for man to be subjected to force; for any society, even an oppressive and cruel society, is preferable, for man, to the absence of society. But what would be the nature of this society based upon force? that is, on an unintelligent principle? It would be neither regular nor viable, for it is of the very essence of force to change its location. It may put itself in the service of order; but itself and by itself it can not produce order. The same may be said of the social contract; it is a hypothesis only admissible on condition that it be regulated and governed by a higher principle. For if this contract be founded upon interest only, no legislator would have foresight enough to draw it up, nor would any criminal be so simple as to submit to it. We therefore conclude that humanity is not intelligible without society, society without obligation, nor obligation without justice.—It follows that justice is not of human creation. In fact, it can not be a result of society, since the latter itself is a result of justice. When we firmly and intelligently resolve to think for ourselves, and to reject all that our mind has received whose legitimacy and solidity we can not personally verify, we surely find many ideas which we can easily banish from our understanding as useless or dangerous guests; others, which seemed certain, become only probable or doubtful after examination; but there are some—and justice is one of them—which resist all our efforts to dislodge them, and which skepticism is powerless to overcome, however hard it may try. Not only are we unable to refute them, but we can not even remove them. Their empire over us is absolute. These ideas are of various kinds, for some of them relate to physics, like the idea of causality, without which we can not understand motion; others to logic, such as the principle of identity, without which we can not reason; others to morals, like the principle of justice. It is as impossible to believe that motion can originate without a cause to determine it, as that a man can commit murder to conceal a theft without becoming a criminal. We must admit this twofold impossibility, or else renounce reason altogether. Thus justice is doubly true, doubly necessary; first, that society may exist; secondly, that man may think. Justice makes us what we are—sociable, reasonable creatures.—Justice governs in the world of liberty, just as the principle of causality governs in the world of fatality. Thus, from the standpoint of society, two things must be considered in free action; the being who produces the action or the agent, and the being who suffers it. I know, by the idea of justice I have, that it is permitted to no one to take my life, to curb me in my faculties, to embarrass me bodily or to deprive me of my property. The assertion of this peaceable possession of my life, my liberty and my property, is what I call my rights. I do not claim these rights by virtue of any contract, or by hereditary transmission; they are natural rights, and because natural, universal; for nature is the same to all, and we are all men by the same title. All men have necessarily an equal right to live, to act, and to possess property; my right exists only by reason of *the* right. Duty is a result of the universality and necessity of right, that is, it is an obligation we are all under to respect the rights of others, or rather *the right in*

of the question. But we hesitate to admit the theory proposed by Mr. Pessard, although his proposition has already begun to be put in practice. The tribunal of honor can not but diminish the number of duels, but it does not attack the root of the prejudice. Rather would it strengthen it. Now, all our efforts should aim at its extermination. The best means to obtain this result will be, we believe: 1, to deny social recognition to any one who has challenged and then killed his adversary in a duel; 2, to have it admitted by the code of honor that no one is obliged to fight with a man who has already killed an adversary, or who, from the fact of having been engaged in three previous duels, has come to be considered as a professional duelist (we avoid using a stronger word); 3, rigorously to enforce the payment of fine and heavy pecuniary indemnity to the family of the victim; this last point is already reached. We do not flatter ourselves that we have thus solved the problem, but we would be happy to have indicated the true remedy. M. B.

others. *Right* and *duty* are, therefore, two expressions for justice, according as we consider it in the actor or in the sufferer; in the sufferer, it is the right, the right not to be injured. In the agent it is duty, the duty not to injure others. Although opposed to each other, these two terms are correlative.—It has hence been concluded, a little hastily perhaps, that duty is measured by rights, and *vice versa*. This doctrine is true in this sense only that we ought to respect all rights. But we must not conclude from this that duty is not of greater extent than right, nor that the latter is in any case a consequence of duty. On the contrary, it is certain that to respect all rights is only to accomplish a part of one's duty; which is equivalent to saying, in other words, that we have duties to fulfill, the fulfillment of which no one, except God, has the right to demand of us. —This distinction is so important that in ignoring it we should render both civil and political society alike impossible. This distinction is misunderstood by two classes of men very unlike in origin, character and intentions, who are irreconcilable enemies, but who, notwithstanding, reach by opposite ways the same result; these are absolutists and communists. For the first, confounding politics with morals, give governments the right to compel their subjects to practice all duties; and the second, deceiving themselves as to the very nature of morals, deduce right from duty, and arm the egoism of each man against all the members of society taken individually, and against society as a whole. Thus, for example, the absolutists usurp the government of consciences, under pretext that every man is bound to work out his salvation, and the communists conclude from the duty of giving, which is one of the sanctions of the right of property, to the right of exaction, which is the negation of property. We have here represented each of these two doctrines by its most salient feature; but when we consult history impartially, we can not fail to observe that they are met with everywhere, that the right of confiscation is a logical consequence of absolute power, and intolerance a necessary consequence of communism.—In well-organized society, that is to say, in all society which tends toward order through liberty, the civil law enacts only what is legally right, leaving to morals the care of enacting or prescribing what is duty. Why is this? 1. Because human law is made for purposes of protection, not to command. 2. Because the formula of universal law or legal right is, at the same time and by the same title, the formula of individual law or legal right, whereas the formula of duty can only be applied to a particular case by being transformed and by losing some of its logical comprehension.—That human law is intended to protect and not to command, results from its very institution, for if all the precepts of the moral law were written in human law, and sanctioned by a penalty, there would be no room for liberty nor for right. Consequently, since legal right has three ends in view, namely, life, liberty and property, it is an implied contradiction that laws enacted to protect liberty should destroy it. In fact, the law can not protect my legal rights, without commanding others to respect them, and without commanding me, in turn, to respect those of others. But law can reach command only by the road of protection. Law declares legal rights, and has to do only with such rights. As a result of this, its commands are exclusively negative. It forbids injury, but does not command service. —Suppose, for instance, that we are speaking of the right to live. Every man has the right to live; such is the formula of general and of individual law or legal right. Since every man has the right to live, human law ought to declare that right. This declaration is equivalent to a command and this command amounts only to this: No one has the right to put another's life in danger. Now, this formula of duty is the only one which results from the formula of legal right; and although the latter includes *all* legal rights, the formula of duty does *not* include the whole of duty. The idea of duty can not be conveyed altogether by any particular formula.—From the foregoing it follows that there are two kinds of duty; negative duty, and positive duty. The former, called also, in the language of the schools, *imperfect* duty, is strictly measured by legal right; the latter does not correspond to a legal right which can be directly exacted by individuals. It is a duty of the higher kind, which can not depend upon human law, but only upon the moral, that is, divine law.—Negative duty is ordinarily expressed by the following formula: "Do not unto others that which you would not have done unto yourself." And positive duty by this formula: "Do unto others as you would have others do unto you." These two formulæ have the merit of showing very well the opposition which exists between the two kinds of duty, of being very clear, easy to understand and easy to be remembered. The feeling of human fraternity with which they are stamped causes them strongly to appeal to our sympathies. We can not, however, look upon them as really scientific formulæ. They have the common fault of measuring legal right and duty by individual feeling; and moreover, the first formula goes beyond the measure of legal right, unless we insert into it the idea of law itself, the consequence of which would be to render it useless. In fact, what I ought to spare other men is not all that I fear myself, but rather all that I have a *right* to fear and to ward off. In reality, nothing supplies the place of the notion of right, and since right is a first principle, it can not be expressed by a comparison.—Certain men of a selfish nature reduce all morality to the fulfillment of negative duties; others, less scrupulous and more generous, believe that the observance of positive duties may absolve them from the nonperformance of the negative. These are two equally fatal errors. Every man is always under an obligation to fulfill the whole of duty. It can

only be said that he is not under obligations always in the same way to such fulfillment.—Negative duty is more imperative than positive, because it is more definite, and more necessary. Positive duty is nobler than negative, because it supposes a more generous nature, and because it can not be enforced by law. In general, the performance of a duty is more meritorious in proportion as the obligation to fulfill it is less strict, and the sacrifice greater. But although there are degrees of obligation and of merit, obligation is always present. To content one's self by not injuring others simply, without doing them any good, is to degrade one's self voluntarily; for the worth and dignity of each one of us are measured by his service to mankind. On the other hand, doing good to others and failing in the performance of negative duties is to be a bad man with some virtues. The practice of virtue does not excuse any one from the observance of probity; probity without virtue suffices to make an honest man before the law and in the eyes of the world, but a useless man in the sight of God and of conscience.—It is a question with writers on politics whether a constitution should simply declare rights, or whether it should also prescribe duty. No one can deny the existence of political duties; but we can and ought to deny that human law has for its object the prescribing of duties. All human law is a declaration of the principles of right and their application, and it can not be any more than this without attacking liberty. There are therefore, properly speaking, no political duties which can be included in a constitution or in a code. The right only, and the duty of each one to respect the right, can be written there, for this latter kind of duty is indissolubly connected with right, and is always understood, both as a sanction and as a consequence, to be part of the formula of right.—But if human law can not prescribe political duties, or if it only prescribes them indirectly, the moral law, on the contrary, enjoins upon us very directly and very imperatively political duties of the positive kind —We owe duties to every man individually considered, and special duties to the different categories of persons into which the human species is divided with respect to ourselves. These categories are four in number: society, country, friends and benefactors, and family. Besides, we must distinguish between the duties we owe to the entire category, and those we owe to the individuals who compose it. For instance, I have more duties to perform to a fellow-countryman than to a foreigner; but I have many more duties to perform to my country than to the citizens taken individually whose fatherland is mine. Of course there are degrees in each category: country, province, city; father, brother, and the most distant relative. Morality is obliged to descend to all these details; we shall give here only the most universal rules.—The duties we owe each person individually and solely, in his quality of human being, are measured strictly by his rights, and consequently extend no further than the observance of the written law, when this latter is good. This is as much as to say that we have only negative duties to perform toward other men, taken individually. For instance, the matter of property, an individual man being supposed one whom we shall consider simply in the quality of a human being, making abstraction of the category to which he may belong—it is our duty not to rob him, but not our duty to give him anything. He has a right not to be injured in his property by us; he has no right to demand any sacrifice of ours. The duty to give exists only from the standpoint of the categories, and consequently creates no right to the advantage of an individual, considered simply as such. Thus I am obliged to give of my wealth to the poor, although no poor man individually can assert any claim whatever against my property. In order clearly to understand the special duties, which are at the same time positive duties, and which have relation to all four categories, we may picture them to ourselves as four concentric circles, with man in the centre of all: the largest circle represents society, the smallest the family. Here is the rule: our duties are both more numerous and less imperious, as they approach the centre. The words "less imperious" must not be left ambiguous; since every duty is imperious, the duty which outweighs another, when we are compelled to choose between duties, is considered the more imperious. For instance, my country can not exact from me so many sacrifices as my family; but when the interests of my country and my family conflict, and it is left to me to decide between them, I should sacrifice my family to my country. This is what is meant when it is said that my duties to my family are the more numerous, while those to my country are more imperious. If we take into consideration, not the entire category, but the persons who compose it, duties become both more numerous and more imperious as we approach the centre.—This rule, which suffices for all other categories of duties, is less clear in the case of politics, and for this reason: the constitution of other societies or categories is natural; that of political society is human. In other words, there is the country, which is a natural society, and the government of the country, which is factitious. Every government tries to prove that it is the natural organization of the country, and consequently the legitimate one; and this pretension, if it were proven, would elevate political law to the dignity of natural law. But let us ask if any government is legitimate simply just because it exists. This is the same as asking whether right can be the result of a fact—which is absurd. There are, therefore, legitimate governments and others which are not legitimate, and consequently it may happen to be the duty of a citizen to disobey his government in order to be true to his country. Can morality determine the duty of a citizen who looks upon the government of his coun-

try as illegitimate and pernicious? Evidently it can; for it is contrary to common sense that human liberty should be without rules, in a question of such importance. We must distinguish two kinds of illegitimate governments, namely, those which injure only interests, and those which are hurtful to morality. It is never allowable to endure the latter; the former should be resisted only when two things are very certain: 1. That we are not blinded by our private interests to ignore the general good. 2. That we do not injure the general good more by the insurrection than the government we are trying to overturn does by its existence.—As to legitimate governments, that is to say, those which are conformable to good morals and to the best interests of the country, the citizen owes them obedience and assistance. That he owes them obedience is a self-evident truth; that he owes them his assistance is not less evident, considering that the skaking of the strength of such a government puts order, and consequently justice, in peril. When this last duty is well understood in a country, it is seldom that it does not elevate a people to the first rank, whatever be its extent and wealth. But in a great many states, and especially in those in which the government takes charge of everything, the citizens resign themselves to a passive obedience, which degenerates into disobedience in certain cases. Thus, they do not do what the law commands before being required to do so; they do not lend a helping hand in the maintenance of order; unless, perchance, they hold office. They abstain from a declaration of their views, when it is necessary or useful; they refuse, for instance, to make known the full amount of what they own, which compels the state to replace exact and equitable contribution by uncertain taxation; in their enterprises they consult only their own interests—never those of the public. Such practices among the citizens make the government strong, and the nation weak; or rather, they invest the government with a mischievous power. Only duty can make men, and only men can make a people—a nation.

JULES SIMON.

END OF VOLUME FIRST.