

become law-breakers. No observant person can doubt that a high tariff produces these effects. There are multitudes of people in good standing as honest and reputable citizens in Canada and the United States, who do not hesitate when occasion offers to do a little smuggling on their own account or to oblige a friend. They do it without compunction, or if they have any qualms of conscience they allay them with the plausible fallacy that they have honestly bought and paid for the goods in question, and that it is unfair and unjust that they should be required to pay a second time. It is needless to go on to show how the habit thus formed of cheating one's conscience with fallacious reasoning, to say nothing of the virtual and too often actual falsehood into which the petty smuggler is so frequently driven, tends to lower the whole moral tone of a community or a nation. Is not this really a point worth more consideration than is usually given to it?

AN article on "Mr. Gladstone and the Welsh Landlords," in a recent number of the London *Spectator*, suggests a question of far reaching import which every fair-minded citizen, in these days of social revolutions and revolutionary ideas, would do well to think about. In a correspondence which took place between Mr. Gladstone and the Secretary of the Welsh Landlords' Association, the Prime Minister, in the opinion of the great Unionist weekly, "struck, in reality, against the whole idea of private property in land." Instead of telling the Welsh landlords that they were making a great economical mistake in not reducing their rents, and proving it by various arguments which readily suggest themselves—words to which no one could have objected—Mr. Gladstone, the *Spectator* says, "in effect attacked the Welsh landlords as bad men for not having reduced their rents, and, by inference, placed the Welsh tenants in the position of persons suffering a moral wrong, and enduring injustice and oppression." "But if property in land is to be maintained," the writer goes on to say, "this is about as reasonable as telling a hatter that he is a tyrant because he charges for his hats a sum which you consider exorbitant." This sentence gives the key to the whole argument, which is to the effect that the owner of land has the same right as owners of any other kind of property to "act in accordance with man's dominant instinct in matters of exchange," and obtain the highest price which the law of competition may enable him to exact. The only way in which he can be legitimately influenced in the matter is by appealing to his property-loving instinct by showing that it will be better for him pecuniarily in the end to reduce his rents. This well-worn argument raises two questions of primary importance to the social well-being. In the first place, taking the above illustration as typical, is it true that under all circumstances it would be wrong to call the hatter a bad man and a tyrant because he deemed the proper price for his hats to be what the law of competition might enable him to obtain, or hope to obtain? Suppose the hatter to be thrown with a large number of companions upon an unvisited island, and to have with him a large supply of hats, and suppose further that these were the only hats to be had on the island and that no material or means for the manufacture of others could be found. What kind of man should we deem that hatter to be, who under such circumstances should consider the proper price of his hats to be what the absence of competition might enable him to obtain? Or, to put the question in a still stronger light, suppose the whole supply of any article of food or clothing absolutely necessary to life or comfort to be placed by some chance of fortune, or by the operations of some shrewd combine, in the hands of a given number of traders, in a given country. It is evident that these men might, "in accordance with man's dominant instinct," decide that the true price of their commodity was the utmost that their fellow-countrymen's necessities might compel them to give. These dealers might thereby possess themselves of the whole property of the country, and reduce their fellow-citizens to beggary for their own enrichment. Would the impoverished mass suffer "any moral wrong" in such a case?

WHILE it is manifestly not very difficult to turn the *Spectator's* *reductio ad absurdum* against the assumption which underlies and supports its own argument, it is obvious to a little further thought that this mode of reasoning does not go to the root of the matter. Does not all such reasoning leave us dissatisfied? Do we not almost instinctively feel that the cases cited are not truly parallel,

that there is a difference in kind between property and in land, and every species of what we call "personal" property? This is, after all, the crucial question. Some such fundamental distinction seems to be hinted at by our use of the terms "real" and "personal" in law and in common parlance. If there be such a distinction, if it be the fact that, by reason of its natural limitations in quantity and other peculiarities, property in land is really *sui generis*, it follows that all such supposed analogies as that above considered fail, and the solution of the problem must be sought in some other direction. What that solution is, or in what direction it is to be sought, it is no part of our present purpose to attempt to discover. It is obvious, nevertheless, that those who seriously make the attempt must not allow themselves to be frightened from the path of searching and fearless investigation by the term "socialist," or any other scare-word with which the prejudiced or the timid may seek to deter them from thorough exploration. That which struck us on reading the *Spectator's* article, and which it seemed to us worth while to point out, is that the line of argument it adopts, or rather the assumed premise on which that argument is based, may be so easily reduced to absurdity in the case of a little principality like Wales that it is a marvel that it should find a place in the columns of so able a journal.

COMMENTING on the remarkable charge given by the Chief Justice of the Supreme Court of Pennsylvania to the Grand Jury in the case of the Homestead riots, a writer whose articles have considerable prominence in one of the leading Toronto dailies says: "The address of Chief Justice Paxson is so calm, clear, and logical that no unprejudiced person can traverse his conclusions, which are likely to lead to important results." And again: "There is no doubt but that the doctrine advanced by Justice Paxson makes a decided advance in clear and wholesome reasoning and thinking." This strong commendation, and more especially the important result which would assuredly follow to society should Justice Paxson's arguments and conclusions be generally accepted, makes it worth while to glance for a moment at some of the peculiarities of his highly-praised logic. It will be remembered that the surprise in connection with the trial was that the strikers were arraigned, not for rioting or even for murder, but for treason. That this was a startling innovation will be seen when it is remembered that not even after the Civil War were any of the leaders of the Rebellion indicted for treason against the National Government, and that no trial for treason against a State has been had for nearly half a century. The crime of treason is defined by the Pennsylvania statute as follows: "If any person, owing allegiance to the Commonwealth of Pennsylvania, shall levy war against the same, or shall adhere to the enemies thereof, giving them aid or comfort within the State or elsewhere," etc. The task, then, to which the Chief Justice applied himself was to bring the acts of the Homestead strikers fairly within the scope of this definition. He was equal to the occasion, i.e., if his premises be admitted. His first distinction is between an unorganized and an organized mob. While the offence of the former is rioting, the same act committed by the latter is treason. To the contention that in order to make a given act treason it must be shown to have been done with treasonable purpose, his reply was to cite the legal maxim that "a man must be presumed to have intended that which is the natural and probable consequence of his act." When met with the common-sense objection that the overthrow of the State Government could not have been intended, or be regarded as the natural or probable consequence of the act in question, he replied that "such intention need not extend to every portion of its territory. It is sufficient if it be overturned in a particular locality." To meet the further obvious objection that not even the overthrow of the local government was contemplated, the Chief Justice laid down the doctrine that forcible resistance to any law in any particular, aims at overthrowing the Government from which that law emanates. It is pretty clear that, by a precisely similar line of argument, any half-drunken rowdy on the street who resists arrest by the nearest policeman or the village constable may be convicted of treason and punished accordingly. The case is well put by an influential American weekly which says: "The criticism to be made upon this course of reasoning is not the absence of ancient precedent for each particular step, but the absence of the modern American spirit, which has repudiated the refinements by which truckling courts converted common offences against public order into high

treason against the State . . . Chief Justice Paxson complains of 'the diseased state of public opinion which is growing up' with regard to lawlessness on the part of the poor. There is nothing which does so much to spread the contagion as the spectacle of courts serving as the defence for the rich, and as prosecuting attorneys against the poor, where the offence is identical."

PROFESSOR CLARK'S LECTURES ON TENNYSON—III.

IN MEMORIAM.

THE exposition of "In Memoriam" presents a task of no ordinary difficulty. It is not merely the frequent subtlety of thought, the obscurity of some of the allusions, and the difficulties of the language which we feel. It is also the peculiar nature of the subject which requires a peculiar state of mind in order to secure sympathy and understanding. Yet, on the other hand, it is a poem which appeals most strongly to those who are in sympathy with its theme, and is by many regarded as the highest expression of the genius of Tennyson. Readers, therefore, must not be disappointed if they do not care for this poem as a whole, or for special parts of it, nor need they, on this account, think worse of themselves or of the poet.

There are few of the abler critics who have not appreciated this great poem. Among these few may be placed M. Taine. It is this very considerable writer who complains that Mr. Carlyle judged of French character and life by English standards. Perhaps we might, in turn, accuse M. Taine of judging "In Memoriam" from a French point of view. Mr. Stedman speaks of "In Memoriam" as Tennyson's most characteristic and significant work: not so ambitious as his epic of King Arthur, but more distinctively a poem of this century, and displaying the author's genius in a subjective form. It is, he says, "the great threnody of our language, by virtue of unique conception and power." Then, after referring to the exquisite "Lycidas" of the mighty Milton, and the scarcely inferior "Adonais" of the sublime Shelley, and the beautiful "Thyrsis" of Matthew Arnold, he does not hesitate to add: "Still, as an original and intellectual production, 'In Memoriam' is beyond them all, and a more important, though possibly no more enduring, creation of rhythmic art." Dr. John Brown, author of "Rab and His Friends," one of the most beloved of the sons of men, says (in his article on A. H. Hallam, in *Home Subseque*): "We know of nothing in all literature to compare with the volume ('In Memoriam') since David lamented over Jonathan." Speaking of "Lycidas," he says: "We must confess that the poetry—and we all know how consummate it is—and not the affection seems uppermost in Milton's mind as it is in ours. But there is no such drawback in 'In Memoriam.' There is no excessive or misplaced affection here; it is all founded on fact."

This statement is based upon the memoirs of Arthur Hallam prefixed to a private volume of poems and essays by his father. There can be no doubt that to many the panegyrics heaped by Tennyson on his departed friend in this book have seemed strained and exaggerated. But we may well hesitate to form such a judgment when we remember what manner of man he was who wrote "In Memoriam," and that the poem was not published and a great part of it was not written until many years after the great loss which he sustained in the death of his friend. Arthur Hallam was a rare soul, one of the choice ones of the earth, and might have done great things in literature. At the time of his death he was projecting the publication of a volume of poems in unison with Alfred Tennyson, who was two years older than himself.

The memoir of young Hallam by his father is for the most reproduced in Dr. John Brown's article, and from this we make a few extracts. He was born at Bedford Place, London, February 1, 1811. His father afterwards removed to Wimpole Street, which is referred to in the lines:—

Dark house by which once more I stand,
Here in the long unlovely street;
Doors, where my heart was wont to beat
So quickly, waiting for a hand.

Very early—we learn from the memoir—there was discerned in him "a peculiar clearness of perception, a facility of acquiring knowledge, and, above all, an undeviating sweetness of disposition, and adherence to his sense of what was right and becoming. As he advanced to another stage of childhood, it was rendered still more manifest that he would be distinguished from ordinary persons by an increasing thoughtfulness and a fondness for a class of books which in general are so little intelligible to boys of his age that they excite in them no kind of interest." Young Hallam was never, in the ordinary sense of the word, a first-rate classical scholar, yet he possessed a real and wide acquaintance with ancient literature and with that of foreign lands, particularly of Italy.

He left Eton at the age of sixteen, and at this time had a great interest in Fletcher and other Elizabethan writers; "but it was in Shakespeare alone that he found the fulness of soul which seemed to slake the thirst of his own rapidly-expanding genius for an inexhaustible fountain of thought and emotion. He knew Shakespeare thoroughly; and indeed his acquaintance with the early poetry of England was very extensive. Among the modern poets Byron was at this time far above the rest, and