was napping, for it makes ducks and drakes of the "widows and orphans" curative clause. Very concisely does Judge Rufus B. Smith—with whom the other judges, Ferris and Dempsey, concur—describe the fatal defect of that clause. "It simply regrants," says Judge Smith, "all unconstitutional grants heretofore made"! He then proceeds:

If it had been given a prospective as well as a retrospective operation it would be simply a reenactment of the Rogers law. As it stands, it is a reenactment of the Rogers law, limited in its operation to the past. The unconstitutionality of such a law is self-evident. The contention that it is constitutional proceeds on the theory that the General Assembly controls the constitution, instead of the constitution controlling the General Assembly. That an unconstitutional law can be vitalized by repassing it, and that a grant made under an unconstitutional law can be made valid by a declaration by the General Assembly that it shall be considered valid is absurd. It might as well be claimed that a false statement can be made true by repeating it, or that a thing which does not exist may be brought into existence by the mere insistence that it shall exist.

Our comment upon the "Warning" sent out by the San Francisco Labor Council (p. 17), in which workingmen throughout the United States are urged to ignore the efforts of Pacific coast employers and the transcontinental roads, and stay away from the Coast, has brought us a letter of explanation from the California Promotion Committee of San Francisco (evidently an organization of employers and railroad managers) which advises us that—

there is some misconception, not only here, but throughout the country, as to the class of people who are being brought to California. These people are not as a rule laborers who will compete with the laborers already established here, but they are more than often farming people who are already possessed of some capital, experience and means. They are people of families, and when they come here they are able to buy property and settle down and add their wealth to the community.

We quote also the final paragraph of this letter of explanation, as throwing light upon the character of the Committee, with reference to labor matters:

The California Promotion Committee is in a position to actually realize these facts, as it is in correspondence with thousands of people throughout the East, and realizes just what is being done, and the class of people who are emigrating to this section. We are very friendly, indeed, to labor, and this is the reason why I write you.

The explanatory letter is signed in the name of Rufus P. Jennings, as executive officer, by Hamilton Wright, the chief of the publication bureau of the committee.

While so much American sympathy is being extended to the people of Ireland who suffer from evictions, and so much American indignation is poured out upon England for enforcing those evictions, it might be a wholesome moral exercise for Americans to look at home. They are worse than the English. A New York city official, Julius Harburger, was quoted in the New York World of April 5 as saying:

In one judicial district in this city there have been more evictions within the last three months than have occurred in the whole of Ireland during the same period. Judge Roesch, of the Fourth municipal district court, had before him on April 1 350 such cases, and there were at least 100 more within the following two days. In the clerk's office of the same court over 1,000 dispossess warrants were issued during the month of March.

That brief statement of fact is in itself a whole essay on the universality, as well as the oppressive character of landlordism. Terrible as the word "eviction" is to Irish ears, it is no less terrible to impoverished multitudes in the American metropolis.

In writing a syndicate article on the subject of the road to success for young men, the president of the Erie railroad makes a grave admission. "Of all the men I know," he says, "who have from a small beginning created name, place or a fortune for themselves, not one can tell just how it was done." It may be that some couldn't tell because they are ashamed and wouldn't like to; but what the writer evidently means is that the secret of so-called success is a mystery hidden even from those who profit by it. This admission might embarrass the Yankee-doodle optimists who say that everybody can succeed who tries. It would embarrass them if they could be embarrassed by anything.

RATE OF PAY FOR WORK.

One of the recent efforts to arbitrate labor controversies over questions of wages has had a comical outcome.

The steam engineers at the Chicago stockyards, who were the parties on the labor side of this controversy, agreed to submit the matter to the arbitration of three clergymen—two Protestant ministers and a Catholic priest. After spending something like 48 hours upon the case, this clerical board of arbitration reported that 30 cents an hour would be fair pay for the stockyards engineers.

The award was hardly satisfactory to the workmen, though they accepted it with grim good humor. But the end was not yet. The engineers had agreed to pay half the expenses of the arbitration, and when they were confronted with the arbitrators' bills for services the amount staggered them. In comparison with what the same arbitrators had considered fair pay for engineers, their estimate of fair pay for themselves seemed superbly liberal. For they charged $1,000 apiece, or about $21 an hour.

After due consideration the engineers' organization decided that, inasmuch as the preachers had thought 30 cents an hour good wages for men working as engineers, they ought themselves to be satisfied with that amount for acting as arbitrators; especially as it is easier to make such a decision as they had made than to run a power plant. Accordingly a motion was carried to pay the arbitrators $14.40, which is at the rate of 30 cents an hour; and an order for half the amount, $7.20, was drawn on the treasurer in favor of each arbitrator. This done, the engineers tore up their arbitration agreement and went on strike.

The laugh surely seems to be

upon the preachers. Yet it is easier to laugh at them than to show that they were wrong. What they had been called upon to decide was not the essential worth of a day's work at running the engine of a power plant, but the worth of such work according to usual standards. They were compelled, therefore, to govern themselves, in arriving at a decision, by prevailing customs relative to wages, and by the cost of customary living for engineers.

They could not have awarded the engineers a scale of wages at the rate of $21 an hour, nor even a tenth of that amount. Had they done so they would indeed have been laughed at, with a loud and irreverent guffaw, and by no one more derisively than by engineers themselves.

The same rule applies to the pay of the arbitrators. It is not what their service was worth in itself, it is not what they actually earned or could earn, it is not what it would cost them to live if they lived as engineers live, it is not what a board of mechanics would have done the work for—none of these things determine the proper rate of pay for such work when done by professional or business men. What does determine it is what such men engaged in such service are accustomed to receive.

Precisely as in the case of the engineers, it is the usual standard and not the essential worth that determines rates of pay; and, measured by that standard, $21 an hour would not be very excessive — not excessive enough, certainly, to excite anything like the derisive laughter among business and professional men that the same rate if proposed for power plant engineers would excite among the class commonly called "workingmen."

There is a lesson in this episode for all good people who would settle rates of wages arbitrarily. By no possibility can wages according to earnings be adjusted by means of arbitration or of any other arbitrary process. All that can be done in any of these ways is to decide approximately upon customary wages. Nothing can be done but what the courts do in law suits for services rendered without agreement as to price. They allow one class of workingman a dollar a day and another five hundred; not at all with reference to any difference in their usefulness, but altogether with reference to differences in the standards of pay in different vocations.

But what is it that makes these standards?

They are made by competition. Nothing else can make them. And whether they are fairly made depends wholly upon the degree of freedom in which all the competitive forces operate.

If these forces operate with absolute freedom, the usual standards of pay for work will tend all the time to coincide with the usefulness of the work. In that case it would be the most useful workers, and not the kind we now regard as most respectable, who would command the highest pay.

In those circumstances it might very well be—we express no opinion —that the usual standard for preachers turned labor arbitrators would be 30 cents an hour, while the standard for power plant engineers was $21. That might then be without exciting special wonder or derisive laughter; but if such were the result, we could be sure that the engineers were, by that much, generally regarded as the more useful workers.

When competitive forces are obstructed, however, so obstructed that they operate in one-sided ways, the standards of pay for work get to be lopsided. In consequence we see useless workers well paid and useful ones getting but a pittance.

According to some theories regarding pay for work, all workers ought to be paid alike, hour for hour. This would be the logical outcome, too, if the arbitration principle were applied universally. Such plausibility in justice as that theory has, it derives from an untenable interpretation of the doctrine that "labor produces all wealth."

Now, it is true that labor produces all wealth. Nothing ever has or ever can be produced except as it is produced by labor. But the meaning of the term "labor," when used in this way, is "laborers." For it is not true that the whole body of labor produces every particle of wealth. Some laborers produce some wealth, other laborers produce other wealth, and so on. Consequently, while wealth, considered as the whole product of exertion, may be said to have been produced by labor considered as the whole body of laborers, it is fallacious to conclude that any particular share or portion is produced by all.

This distinction becomes important when we are dealing with the subject of wages. For that subject relates to the distribution instead of the production of wealth; and in distribution each laborer is entitled, in fairness, to the equivalent of his own contribution.

It will not do to say that there is so much interdependence throughout the industrial field that no one can be said to have contributed more than another. The obtrusive fact cannot be ignored that some workers do contribute more than others. That the work of others contributes somewhat, or is necessary to the general result, makes no difference. He who is more skilled, more attentive, more faithful, more learned in his calling, contributes more to the general production of wealth in an hour than does he who lacks those qualities, even though his less effective work may also be needed. The only fair rate of pay, therefore, is to each in proportion to his own contribution to the result. Any other rate, if with intention, has to do with pauperism or theft rather than with honest industry.

But how can that rate be measured?

Not by arbitration certainly. Not by boards of preachers who award power plant engineers only one-seventieth of what they ask for themselves. It can be determined in no other way than by abolishing every monopoly and thereby unshackling all the forces of competition. Out of the conflict of unrestricted competition in trade, comes equity in distribution.

This is a hard saying to many people who do not understand that free competition and monopoly are antithetical. But monopolists confirm it. "Unrestricted competition," tes-

tifies the liberally paid president of the Lehigh Valley railway monopoly, one of the constituents of the great anthracite coal road trust, "would be one of the worst evils to which the country could be exposed." This has been the theory of the privileged classes since they began to subject their brethren to slavery. And in their view of what is evil for a country, it is a sound theory. It is the favorite philosophy of special privilege and the sacred creed of the monopolist.

EDITORIAL CORRESPONDENCE.

Cleveland, May 5.—Yesterday was a red-letter day in Cleveland, at least to a majority of its citizens. Its local government under the new municipal code (vol. v. pp. 457, 536), which is applicable uniformly to all the cities of the State of Ohio, was organized after one of the most exciting city elections its inhabitants have ever known. Although a similar organization was effected in every other city in the State, Cleveland was the center of greatest interest, because of the peculiar circumstances of her political situation.

The antecedent facts are all well known, but the situation will be better understood if they are recapitulated.

For 50 years or more the cities of Ohio had what amounted to special charters. Though applicable in terms to all the cities of the State (to comply with a requirement of the State constitution), each charter was, nevertheless, so drawn as to affect only the city for which it was intended. For illustration, cities of not less than 25,000 inhabitants nor more than 25,250, might be put in a specified class, and provisions then be made for the government of all cities of that class. Only one city, of course, would come within the class. It was a transparent evasion of the constitutional prohibition of special legislation, but for more than 50 years the courts winked at or approved it.

Under this practice a charter for Cleveland was granted some dozen years ago, which did away with all the antiquated and corrupting systems of board rule, and established what was known as the "federal plan." The essential feature of the "federal plan" was its concentration of responsibility. Legislative functions were left to the city council, but the mayor was invested with all executive functions, coupled with a legislative veto. This plan worked admirably. When an administration was bad, the people knew where to place the responsibility, and the mayor had to bear the brunt. He was responsible even for bad legislation, unless two-thirds of the council were willing to override his vetoes.

In course of time Mayor Johnson came into the mayor's office. This was two years ago. His first act was to veto a corrupt ordinance, which his predecessor would have signed but for a timely injunction. In control of the council he found a Republican majority, and among the Republicans there were enough expert corruptionists to dictate the organization, if the ordinary party caucus were to be allowed to run its course. But Mayor Johnson interposed. Getting together a majority of the council, both Democrats and Republicans, he said to them, in substance: "Gentlemen, the Republicans are in the majority in this council. Therefore the organization ought, in fairness, to be Republican. But the honest Republicans, and not the crooked ones, ought to control. I propose, therefore, that this joint caucus of honest councilmen of both parties, join hands to effect an honest Republican organization of your body." It was done. A year later Johnson had carried the city for the Democrats, and thereupon an honest Democratic organization of the council was secured. The effect of all this was decidedly renovating. When the last council came to go out of office, hardly a "crook" of either party had a seat in it.

Two principal subjects—each with many ramifications, however—commanded Mayor Johnson's attention during his first term. One of these related to the street car service, and the other to local taxation.

It was his unconcealed purpose to establish in Cleveland a complete system of street car lines to be owned and operated by the municipality. To promote this movement, and at the same time to undermine the spoils system, he placed Prof. Bemis in charge of the waterworks, already owned and operated by the city, and gave him instructions to organize that department strictly upon the merit system of civil service. This work Prof. Bemis has most effectively performed, while Mayor Johnson has faithfully protected him from all partisan interference. But without waiting until municipal ownership and operation of street car service could be established, Mayor Johnson undertook at once to reduce fares to three cents.

He encountered obstructions at every turn. Though the council fell in with his plans, Senator Hanna did not. As leader of the Republican party, Hanna enlisted his party organization in the work of saving his highly-watered street car interests.

Similar opposition was encountered by Mayor Johnson in his efforts to equalize taxation. In this fight Senator Hanna was able to enlist the practical sympathies, not only of investors in street car stock, but also of all the tax-dodging interests. And at last, when every other device had failed him, he secured from an attorney general who owed the office to him, and from a Supreme Court composed principally of railroad lawyers, a decision declaring unconstitutional the whole system of municipal charters which had so long prevailed in Ohio.

Considered in itself, this decision was doubtless right. But when it is remarked that Mr. Hanna's attorney general refused to proceed against the Republican city of Cincinnati, even while he was proceeding against the Democratic city of Cleveland; when it is remembered that it was not until the city of Cleveland had been "Johnsonized" and corporate privileges there were consequently in jeopardy, that the Supreme Court discerned how fundamentally unconstitutional the Ohio municipal system was; and when it is considered, withal, that only such a decision could save corporate privileges from Johnson's relentless onslaught—when these things are noted, one may be pardoned for suspecting the entire good faith of that revolutionary decision.

The burden was now upon the legislature of creating a new and uniform system of municipal government for the whole State. For that purpose a special session was called. But the legislature had no opportunity to work out a code for the benefit of the people. Hanna, of Cleveland, with his personal interests, and "Boss" Cox, of Cincinnati, with his, compromised upon a code, which they then whipped unceremoniously through the legislature.

With reference to Cleveland, this code-making went upon the assumption that Johnson could be beaten at the municipal election. Although that was after Johnson's first election, and his subsequent victories in the legislature and the school elections, it was before he had carried Cleveland for Bigelow, the Democratic candidate for