On Picket Duty.

Let every subscriber read the notice printed in italics at the head of our editorial page.

Davitt says that he "favors the compensation of the landlords, not on principle, but as a practical politician." The great glory of Davitt's life hitherto has been his ideal championship of principles. As a "practical politician" he will sink into deserved insignificance.

John Stogun's withering denunciation of lawyers, printed in another column, cannot be commended too highly as a fiery and luminous index to the real sources of danger to the people's liberties; we would only supplement it by emphasizing the fact that, without the law, lawyers would be powerless for evil.

Liberty's editorial, headed "Michael Davitt and his Seducer," was written by Davitt's rival in this country. Statements made by him show a wider difference between his scheme and that of Henry George than the cable reports of his Liverpool speech would indicate.

The points, however, are not of sufficient importance to impair the substantial accuracy of our article. Therefore we leave it as originally written.

Patrick Ford tells a New York "Sun" reporter that: "the question which Mr. Parnell's plan brings to our attention is whether it is better to have six hundred thousand landlords than ten thousand." Well, is not the question which the plan proposed by George, Ford, Davitt & Co. brings to our attention whether it is better to have one landlord than ten thousand? Liberty's question is whether it is best to have any landlords at all.

We suspect that Davitt begins to see his mistake, and, being honest, finds himself in a painfully awkward position. At any rate, his laborious efforts to establish direct continuance by Davitt of the title to the land on the one hand and between himself and Parnell on the other, and at the same time to unify the trio as practically of one and the same mind, are making "confusion worse confused." This is what comes of attempting to be a "practical politician."

In America Mr. Davitt says that he does not intend to urge the adoption, or even the consideration, of his scheme. But in Liverpool, where he developed this scheme, he said: "I have promulgated my full programme, and I have only to say that from this night forth, so long as I have life to devote to the cause of Ireland, that life shall be devoted to furthering this programme in the interests of my countrymen."

Can any one be a "practical politician" reconcile these statements?

"If peasant proprietorship is conceded," says Mr. Davitt, "I am perfectly satisfied that the purchase money that must be advanced by the State for carrying out such a scheme will become the title to the land in Ireland, and that the nationalisation of the land will be the consequence." We have always understood Mr. Davitt heretofore to claim that the landlords had no title to their estates. Will he explain, then, how the State can acquire a title by paying money to those who have no title?

And will he point out, further, any one in whom a title to any natural birth is vested and from whom it can be acquired, by purchase or any other method, by any man or organization of men? If he can do this, he can nip the labor movement in the bud, and crush capital as the absolute and permanent death-pot of mankind.

Mr. Davitt presents as one of the advantages of land nationalisation the fact that it will levy all taxes on the tenant farmers and remove them from the commercial, professional, and industrial classes. The readiness of the average man to pay all the taxes himself and thus contribute to the support of the community is notorious. Imagine, then, the eagerness with which the Irish farmer will jump at this "unpopular" charge unless he is put forth by an intelligent and honest man?

We know no better words in which to sum up our opinion of Mr. Davitt's plan and of Mr. Davitt himself than those of the "Fall Mall Gazette": "The worst thing about Mr. Davitt's speech [at Liverpool], interesting as it has been written, has been the mere repetition of the most banal things along Garibaldi for the last few days. Suppose that they begin to see that Davitt is of no very different type."

Under Davitt's plan the amount of rent is to be governed by the necessities of the State, which exactly assimilates it to a tax. Under George's plan it is to be governed by the law of supply and demand and proportioned according to the relative values of different soils and locations. In both cases it is a burden unjustly imposed, but the latter has the advantage that no force of government need be resorted to in conformity with a well-defined and intelligible theory thereof. Of these two absurdities, equally criminal in their results, Liberty prefers George's as the more consistent.

This is the answer that "Honorable," of the "Irish World," makes to Davitt's proposal to constitute the British parliament Ireland's sole landlord: "There is but one peaceable and effective way to abolish the limitation imposed upon the Irish people through the power of the landlords to collect rents. The British parliament will never abolish that limitation. The people must do it themselves." A striking confirmation of the truth of "Honorable's" statement and its universal applicability came, a day or two after its publication, in a St. Petersburg daily melt, which announced that the peasants of one of the Russian villages had taken possession of the land in the neighborhood and appropriated it among themselves.

The peasants, the dispatch significantly added, "have appealed to the authorities for troops to dislodge them." From these few words the laborers of Ireland may learn a more valuable lesson than any that the author of "Progress and Poverty" or his new disciples will ever teach. Of such a landing of Russian peasants there is not a word in the "Irish World," itself, which represents to an exceptional extent various phases of the best radical economic thought. What J. K. Ingalls and William Brown think of land nationalisation is already known to the readers of that paper; William Hanson has energetically combatted the theory in his pamphlet, "Riches and Poverty," and took pains, at a recent labor meeting in Jersey City, to express his disapproval of Davitt's scheme (in fact, by the way, which the "Irish World" carefully omitted from its report);

"Trans-Atlantic" has repeatedly taken fundamental exceptions to the extraordinary economic propositions of his rival as foreign correspondent, Mr. George; and, as for "Honorable" and "Phillip," whose letters are, to thinking people, the most attractive and instructive portions of the paper, every one who has followed them need not be told how they will view the near departure. The "Irish World" without its "Honorable" and these men in active and co-operation would be the "Irish World" with the bulk of its brains left out. And we say this without at all underrating the great abilities of Mr. Ford himself.

Mr. Davitt complains that people on this side of the water jumped hastily to conclusions based on the telegraphic summaries of his Liverpool speech instead of suspending judgment until the arrival of the full text. He certainly has a right to a judgment of his position in its whole length and breadth. But Mr. Davitt has not been here in this case. His Liverpool speech is now before the public, and Liberty defies any man to put it by the side of his speech in New York last Monday night and two days. For instance, when defending himself against the charge that he is working to hand over the land of Ireland to the English government, he said: "Serious objections have been taken to the nationalisation of Ireland. It is feared that this will be the result of a great principle that cannot be accepted. What I did mean, and mean now, is this: Self-government for Ireland and the nationalisation of the land under the administration of an Irish parliament." No, what did he say in Liverpool? "The question of Irish land is an Irish question, and the Irish government should become the owner, steward, or guardian of the soil of Ireland which will at first sight appear to be one which involves a principle of renunciation nothing in common by Irishmen who belong to the extreme or Nationalist party. . . . . .

The nationalisation of the land of Ireland is no more a recognition of England's rule by us than is the payment of taxes. . . . . . While I yield to no Irishman in my allegiance to the principle of Ireland's right to govern itself, I would infinitely prefer to deal directly with an English government than with the exacting and unscrupulous mercenaries, the Irish landlords. This language is unassailable. It does not mean that Mr. Davitt contemplates handing over the land of Ireland to the English government, it means nothing at all; and the audience that applauded him of this charge did so from the warmth of their Irish hearts, and not from any clear perception of Mr. Davitt's real position. Liberty does not care a snap of her finger whether Mr. Davitt hands over the land of Ireland to an English or an Irish government, her grievance being that he should propose to hand it over to any government at all; but she does care a great deal whether he pursues his former straightforward, frank, outspoken course regardless of consequences, or twists and turns and equivocates in order to harmonise factions which at bottom have nothing in common and are really working for widely different ends.
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Notice to Subscribers.

During July and August, and possibly September, Liberty will appear monthly, after which fortnightly publication will be resumed. No. 56, therefore, will be published on July 29, and No. 52 on August 16.

The Red Cross Fund.

RECEIVED TO JULY 20, 1863.

Michael Davitt and his Seducer.

Seduction, the power of ideas, is always at work for good when the ideas are sound; sometimes well-nigh omnipotent for evil when the ideas are at war with Liberty and true social order. When an idea permeates a nation and becomes the recognized law of the land, it is raised; but, when a false idea captivates a whole army in a bunch and carries away the heads of its bravest and most sincere leaders, it is indeed a dire calamity.

Such a calamity we most deeply mourn in the latest astounding new departure of Michael Davitt, whom we had been proud to contemplate as the coming man in the great agrarian struggle the seat of which is in Ireland, but upon the settlement of which humanity has more at stake than on any issue with which the world ever grappled.

Some two years ago Henry George came into the literary market with his work on “Progress and Poverty,” in search of a publisher. A publisher had long been desiring to publish a book which would, as he knew, be the means of opening the eyes of the people; and he felt that he could not be unmindful of this adornment in his lifelong ambition to make the country better.

But upon entering the chapters of Book III., the secret was woefully revealed. George here entered upon a defense of poverty more damaging in its influence than the standard exposition of the Marxian and other socialists. Here was a price too great for his most nationalization schemes, which were not new, and which capitalists and landlords well understood; never obtain a lasting hold on the laboring masses. A socialist and labor reformer publishing house should consent to scatter such widely molten truths.

The momentous accidents of the campaign all proved hard for George. Michael Davitt was sent to prison, and fortune so favored the successful seducer of Ford that “Progress and Poverty” was the last book he ever wrote. Davitt was not allowed to see the book.

If the American money-grabbers in whose interest the Appletons published the work had themselves arranged it, they could not have executed a happier conspiracy with British landlords by which to destroy a nobler book. Davitt’s last effort to save his work was to write to George in despair, as a letter to the “Irish World,” that Davitt read and re-read his book several times. Now, in the solitude of his cell, he was his only mental food. He saw no other work refuting its steady defense of the “Irish World,” and made it his own only love. Its unfrequented supper room in the mind of Davitt. He, too, like the editorial recluses, Patrick Ford, was ripe for capture when the glad tidings of his release reached him.

Now was a timely opportunity for the “Irish World.” It was just, if the State be endowed with a monopsony of its labor. But the Irish laboring man, the laboring man, and the former victim of Patrick Ford is securely bagged.

In his Manchester speech, we find grave Michael Davitt—the man who once recorded his fame in letters of fire by declaring rent an immortal taxation under the law of the land—to the national revenue, without compensation. Where now is the no-rent hero, whose words once made the heart of landlordism a thunderbolt? Verily, gone the way of that other victim, Patrick Ford, from whose “Irish World” the tax-revolt of the pamphlet of the pamphlet type have departed, perhaps forever.

A deadly and diabolical calamity has divided the Land League movement. The Nationalists have all the Leaguers on the hip. Patrick Ford will find out that his principles and his laws, even under the seduction of Henry George is the heaviest blow over struck at his influence and the prestige of the “Irish World.”

To let go of the all-conquering weapon of the rent-title in the shape of the deftly handled by George is an offence to Ford. So much for the harbor the habit of the title of the name of the tenant. To swap no-rent for universal rent, with the State as sole monopolist, is serious business for the man who has so long clammed the hearts of true reformers with his “Irish World” column. We regret exceedingly to speak in such scathing terms of the great “Industrial Liberator” and its provider, whom we love to cherish as the Irish Garrison, but as the late turn in the tide of affairs is too ominous and far-reaching in its consequences to be dealt with mincingly.

And what is it all about? What is the secret of this dangerous inflation that has carried off the world of Patrick Ford and Davitt? The secret is that which has ever taken captive those in whom an ingrained faith in salvation through authority and government is innate. It cannot be that Patrick Ford has been induced by George to believe that misery is just. He is a man of principle, and the novelty of the idea is gone.

The anti-sweat column should be stricken out, and no more labor and type should be wasted in protesting against rent as the mammal crime which afflicts humanity.

But such is the amazing faith in governments which lurks in the brain of Ford that he has been induced to subscribe to the astonishing delusion that, if an immoral tax is the result of the use of state power in the way and distributed on political cushions, the tax thereby becomes just and beneficent. According to this miserable logic theft becomes a virtue if one big boss thief can be crowned the sublime monopolist of it, in the holiest of holy professions that he will distribute the plunder equably.

Sunk in the slough of this pitiable superstition, Michael Davitt stands accused of advocating communism whose former faith in him was unmerited. Published, the whole story of the State and its operations, and distributed on comprehensive plans, the tax thereby becomes just and beneficent. According to this miserable logic theft becomes a virtue if one big boss thief can be crowned the sublime monopolist of it, in the holiest of holy professions that he will distribute the plunder equably.

Worse, it will be communism without equality. If that were the case, we should not be here. Governments, which exist solely for plunder, always divide the spoils among the few schemers who set themselves up as their figure-heads. Will George’s new scheme, which is better than the old one? To us it is evident that it will do vastly worse. For professional thieves become vicious and audacious in exact proportion to the richness of the spoils. George’s scheme of universal rent apportionment securely established, by a class of absolute fractionalization of real estate, becomes just for the State, which is the true landlord. Is it possible for the State to become the sole owner of real estate? Yes, it is possible. The State, which is the true landlord, may hold the land for the laboring man to keep from starving by virtue of the limitations put upon legislative theft, under this new scheme the power of the few political thieves and their capstans packed with their plunder and their plunderers.

Cicero was right. "Men are like Patrick Ford and Michael Davitt gone mad that such immense absurdity can possess them."

The source of George’s wild scheme may be found in his utter oversight of the fact that the just basis of possession must first be fixed before any safe investigations can begin in economics. He bases the justice of rent on the various degrees of fertility of various soils, as does Ricardo. But he assumes that one individual can properly be possessor of many tracts of land, irrespective of occupation, cultivation, and improvement. Admitting that the title of such individual is valid in equity, then, of course, tenants have the right to the best for the past, the degree of fertility that will barely sustain life being the minimum of rent.

But the assumption that any individual can justly hold more parcels than he can personally occupy and cultivate is in its essence absurd, and was the just basis insisted upon, rent would be totally impossible, since no one could be the landlord of more than his own domain. This George entirely overlooks, and assuming that individuals can properly become landlords of tracts of land, in various degrees of fertility, he proposes to take the business out of their hands, vest it solely in the government, and divide the spoils among all the people. In other words, he creates the spoils and then makes the apliners, instead of making them impossible in the hands of the people by fixing upon a just basis of possession. Under the guise of this absurdity he would abolish "peasant
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proprietorship" (passant possession, we prefer to say) and substitute a despotic State monopoly of landlordism, which is evident that the trouble is not in passant proprietorship but in the disregard of the just basis of passant possession and all other passant

Taken all together, a more absurd and ridiculous tautology of economic error was never spun and published than George’s scheme. That such unscientific and evidently spurious should have succeeded in obliterating the difference between what John Locke and Michael Davitt is as amazing as it is lamentable. Not because these fallible mortals count for more in themselves than others do we lament their misjudgments, but because they have yielded them authority in this momentous struggle. We earnestly hope that they may be speedily led to see the error of their ways before the great Land League movement is irrecoverably divided against itself and its glorious promises brought to naught. But better, if need be, that the Land League should die than that George’s monstrous error should live.

The Liverpool speech, it seems, was delivered by Davitt in response to a challenge from the English press to explain the meaning of the phrase, “The land for the people.” We hope they understand it now.

The “land for the people,” according to Parnell, appears to mean a change of the present tenants into proprietors of the estates by allowing them to purchase, or, at any terms fixed by the State and perhaps by an Englishman like peer, and a maintenance thereon of the present system of rents by law.

The “land for the people,” according to Davitt, appears to be the same as according to Davitt, except that the State is to acquire the land by confiscation instead of by purchase, and that the amount of rental is to be inversely adjusted to the rental of the land in the possession of whatever land they personally cultivate, without distinction between the existing classes of landlords, tenants, and laborers, and the positive refusal of the protecting power to lend its aid to the collection of any rent whatsoever; this state of things to be brought about by inducing the people to steadily refuse the payment of rent and taxes, and thereby, as well as by all other means of passive and moral resistance, compel the State to repeal all the so-called land titles now existing.

Thus, the “land for the people,” according to Liberty, is the only “land for the people” that means the abolition of landlordism and the expropriation of rent; and all else that Davitt or Parnell propose is “a proprietorship necessarily nothing more than an extension of the landlord class” is the veriest rot, which should be thrown back upon him by the charge that landlordism means more than a diminution of the landlord class and a hundred-fold multiplication of the landlord’s power.

The very fact that Mr. Davitt proposes to compensate the landlords should condemn his plan in advance. But, for curiosity’s sake, let us look at his figures for a moment. He says that the Irish farmers now pay an annual rent of from six million pounds out of an annual product of sixty million pounds. After the nationalisation of the land they would pay, first, a permanent tax of nine million five hundred thousand pounds to meet the costs of civil administration, and, second, a special annual tax for fifty years of seven million pounds to pay the interest and principle of the compensation money, — a total of sixteen million five hundred thousand pounds out of an estimated annual production of eighty million pounds.

On the face of it, the expropriation of the soil for a half century to come, is to be reduced from twenty-five per cent. to twenty-one per cent. of the proceeds of his soil. What an enticing prospect! Really, the game seems hardly worth the candle. How long will liberty, or freedom maintain their present heroic altitude, how long will Irish-American generosity continue to empty its pockets to attain so pitiful a result? Only, too, at the end of the fifty years the tenants are not destined to be left behind, but are to be given ‘property’ in the land of their ancestors. So that they have not only failed to escape the net of the new powers and opportunities which the nationalisation scheme would give them, and themselves completely at their mercy.

George’s proposal that rents shall be paid by all the people for the benefit of all the people is somewhat similar to that of the co-operative politicians who would have profits paid by all the people for the benefit of all the people. Only the difference is that the former propose that all the people shall have the grace to actually redistribute the profits among the people in such a way that each may control the disposition of his share, while George adds the outrageous assumption that ‘the people’ may taxate, regardless of the minority’s right to spend its own money in its own way. To unphilosophical believers in liberty, unacquainted with “practical politics,” it seems the simpler, fairer, freer way to collect no profits or rents at all.

Law and Authority.

I.

"Extracted from "The British Law."

The law is a relatively recent product; for humanity existed centuries and centuries without any written law, not even engraved in symbols on stones at all. If a native of an obscure corner of the earth described the relations of men to each other were regulated by simple customs, by habits, usages, which constant reiteration and enforcement by the necessity of things acquired in the course of experience and necessity of things, and in his infancy, as he learned to procure his sustenance, to hunt, to catch, to steal, or otherwise.

All human societies have passed through this primitive stage, and even yet a large portion of humanity has no written laws. "Tribes have manners, customs, — a common law," as the jurists call it; they have social usages, and those suffice to put the members of the tribe in relation to each other by simple custom generally accepted. The peoples of Russia, Italy, Spain, and even large sections of France and Eng land have seen in them a threat to itself into their only living its relations with the State; as for their relations with each other, they are related by the same custom according to ancient customs. Formerly this was the ease throughout the world.

An analysis of the customs of primitive peoples shows two very distinct currents running through them. Since man does not live alone, he develops within himself feelings and habits useful in the preservation and multiplication of his own individuality. Without it, the social sentiments, without the practices of solidarity, life in common would have been absolutely impossible for the early human beings; they are anterior to all laws. Neither is it religion that prescribes them: they are anterior to every religion; they are found among all animals that live socially. They develop themselves by the very force of circumstances, as by the laws; as by the law of organic development. These are the result of an evolution useful and even necessary to the maintenance of society and the existence of society as a social group of individuals.

Savages finally stop eating each other because they find it much more advantageous to apply themselves to the work of life; they begin to enjoy once a year the luxury of feeding on the flesh of an aged relative. In these tribes, absolutely independent, the food of the door, and each man has his territory of land; the habit of living in society finally develops in them a certain feeling of fraternity and solidarity; they feel a desire to maintain the existence of the differences. The hospitality of primitive peoples; respect for human life; the sentiment of retribution; pity for the weak; valor, extending even to self-sacrifice in the interest of another, the practice of which is first learned towards children and friends, and then towards the other members of society: all these qualities are developed in man prior to the existence of laws and independently of any religious belief, as well as all other sentiments and practices are the inevitable result of social life. These sentiments and beliefs (metaphysics consider them), these qualities are the consequence of life in common.

But, the side of the relations necessary to the life of society and the preservation of the race, are produced in human associations other desires, other sentiments, other customs. The desire to rule others and impose on them one’s own ideas is the desire to get the labor of a neighboring tribe; the desire to subjugate other men in order to surround one’s self with enjoyments imposed on them by the will, the natural gratification of the servile and these slaves produce all that is necessary to procure every pleasure for their master and satisfy all his passions, — food, slaughter, selfish enjoyment, according to custom, according to habits and customs. The priest on the one hand, a charlatan who cultivates superstition and, better, to obtain his living from the means of life, and degrades it among others; the soldier on the other hand, a bully who urges on the invasion and pillage of his neighbors in order to return laden with booty and followed by slaves,— both, — one day be improved, by the same time and advantage to themselves, by tending to perpetuate their domination over the masses. Profiting by the division of the fees that constitute, and thanks to the constant repetition of the same acts, they at last establish permanently customs which become the solid basis of society.

To this end they cultivate first the spirit of routine which is enveloped in the idea of a custom, and so they create in a degree in children, in all savage tribes, and which we also notice in animals. Man, especially, must be afraid to break the link, to become free, or to be afraid with the loss of its customs, and the commentator to the text of this same custom. It is not the law of this custom which is to be feared, for even then, even if in the past such usages were broken, — it may be even be said that the unshackled man is, the more he fears that change anything whatever through fear of becoming free and leading a new life. A few glimpses of comfort must prompt his sorrowful task before he can begin to wish for something better, something that is not tied to himself, and so afraid to be willing to risk something in the hope of changing it. Until this hope has penetrated man, until he can utter a cry of alarm against the innovators. A savage, for instance, would rather suffer death than allow the transgressions of any of his inferiors. In his fancy he was told that the slightest infractions of established customs would bring him misfortune and thus he has come to the conclusion that the way by which his ancestors, economists, and so-called revolutionists act under the idea of approaching to a vanishing past! — How many have any other concern than to search for precedents! How many fiendish habits are but copies or precedents of savages!

This spirit of routine which has its source in superstition, indulgence, and cowardice has constituted the strength of savages in all ages; and in primitive human societies it was skillfully made use of by priests and military chiefs to perpetuate the customs, and to maintain the slavery of the people, which they succeeded in imposing upon the tribes.

A priest, skillfully turned to account, sufficed to assure the enforcement of chiefs upon the liberty of individuals; as well as to maintain the monopoly of the market and the forcible and arbitrary power of the courts and ever increasing penalties to enforce it. A priestly society commenced to divide itself more and more into two hostile classes, one seeking to impose the custom of work without reward, while the other to draw itself from there, then the struggle began. The conqueror of today hastens to establish the accomplished fact, that he is superior and makes it holy and venerable by every means which the conquered can respect. The Law makes its appearance, protected by the weight of the weapons of the soldiers. It labors to establish these customs and the military Authority undertakes to secure obedience to it. At the same time the soldier finds in this new law, a new source of power; he no longer makes use of simple brute force; he is the defender of the Law.
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But if the Law consisted simply of a collection of prohibitions, the majority of the people would have difficulty in getting itself accepted and obeyed. Therefore the legislator confronts in one and the same expanse of legislation, conditions which we have spoken—namely, the maximizing: the principles of morality, which are subject to development according to the times and the commands forever concerning inequality. Customs absolutely necessary to the very existence of society are skilfully mingled with practices imposed by the tyrants, and the masses are not expected to respect both alike. "Do not kill," says the Code, and the "Do not steal!" It happens to add, "Do not steal! says the Code, and immediately after, "He who will not pay his tax shall be put out." Such is the Law, and this double character it has retained up to the present day. The origin is in the desire to perpetuate the customs which they have imposed for their own advantage. Its character is the cunning mixture of principle and practice, of custom, and the authority of the community—customs which have no need of the law to make them respected, with those other customs which prevent no advantages except for the tyrants, are harmful to the masses, and are maintained only by fear of punishment.

No more than individual Capital born of fraud and violence and developed under the auspices of Authority may be said to respect the legal profession in the following energetic fashion:

In the business of subverting the liberties of our beloved country, I do not dread the soldier with his rifle, nor the cavalry with its spurs, nor the artillery with its shell, nor the fanatic, or the demagogue, nor the king in his regalia, nor the cleric with his mitre, nor the editor with his quill, nor States with their horses, nor yet the millionaires with their millions if they have but a fair field. The man to be dreaded in this Republic is the lawyer; legal instruction is the thing of menace and danger, and the lawyer is the absolute and permanent enemy of all the day when the people shall see fit to break their chains.

We shall show this still more conclusively when we come to analyze in a succeeding article the utter development of the Law under the auspices of religious authority, and the existing parliamentary system.

John Swinton on Lawyers.

At the recent meeting of workingmen recently held in Cooper Union, New York, to condemn the infamous provisions of the new penal code of that State, John Swinton paid his respect to the legal profession in the following energetic fashion:

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