On Picket Duty.

Read the advertisement on the eighth page wherein the publisher of Olive Schreiner's "Three Dreams in a Desert" announces her intention of issuing an édition de luxe of that booklet, and asks for cooperation. There must be a few among Liberty's readers who will desire to take advantage of her liberal offer of ten copies for a dollar, as this remarkable work in new and dainty dress will make a pretty and appropriate souvenir for presentation to friends who can appreciate it.

By the death of William A. Whitlock Anarchism loses a comrade sincere, honest, genuine and generous. His interest in the movement was earnest and unflagging, and seemed never greater during the last year of his life, when, though too ill to attend to business, he found energy for propaganda in his stronger moments. He was an Englishman by birth, but had lived long in this country. The disease which led to his death on July 13, at the age of forty-nine, was cirrhosis of the kidneys. In the radical circles of Philadelphia, where he was ever present and ever welcome, the inspiration of his buoyant enthusiasm will be sadly missed.

My English correspondent, Orford Northcote, makes a woful mistake in characterizing Tennie Clafin as "a well-meaning person who writes voluminously on social subjects." She is not a well-meaning person, nor does she write voluminously on social subjects. It is true that voluminous contributions to the press of two continents appear over her signature, but she does not write them. I know that she does not, for I know that she cannot. If she were to undertake a public examination upon the subjects of which she professes to treat before the public, she would present a very sorry spectacle,—not as sorry, however, as that of England hambegged by herself and her still more reprehensible sister. It is true that we Americans too were once hambegged by them,—I among the number; but this does not excuse the English, who had ample opportunity to profit by our experience.

It not infrequently happens that a writer who has a new idea to present, in his anxiety to anticipate the criticism naturally to be expected from those in whom the new idea is likely to excite hostility, neglects the fact that other criticisms may come later from a more friendly source, and, in his care to make his argument proof against the former, so carelessly misstates his own position as to make it vulnerable by the latter. Such was the case of Colonel Greene when he wrote "Mutual Banking." At that time the banks of issue in vogue were the old State banks professing to redeem their notes in specie on demand. It was this system which he had to combat, and the entire assault of "Mutual Banking" is upon a demand-note currency. There being no other currency in the people's mind, he had not to guard against other ideas. Consequently he declared the mutual bank-notes' independence of hard money in language so absolute and unqualified as to give some color to the latter-day claim made by Henry Cohen that his plan excludes specie-redemption at any time and under all circumstances. If the passages which Mr. Cohen quotes in another column are to be construed with all the rigor that he seems to desire, they shabbily evade the use of the specie dollar; but that Colonel Greene contemplated no such exclusion is undoubtedly shown by his declaration that no paper bill of less than five dollars should be issued, in which case disuse of the specie dollar would mean disuse of all dollars, for the specie dollar would be the only dollar in existence. The alternative, then, is to construe these passages liberally rather than literally, and in the light of the fact that an essential feature of the Mutual Banking plan is the provision of a collateral to serve for the redemption of notes not cancelled in the ordinary fashion. Despite the keen intellectual quality shown in "Mutual Banking" as a whole, it contains here and there obviously incorrect statements that will not bear analysis. There is, for instance, the declaration that the mutual bank is by its nature incapable of owing anything,—a clear absurdity if vigorously insisted upon instead of being interpreted by the context; for Colonel Greene elsewhere defines the issue of mutual money as an exchange of credits,—an exchange inconceivable between two parties one of whom is by nature incapable of indebtedness. I might take up the cited passages servientia, but it is needless, for my general answer covers the ground. Possibly Mr. Cohen's suggestion that the security for uncancelled notes would be converted by sale partly into bank-notes and partly into gold, the former to satisfy the bank's claim and the latter to satisfy the borrower's equity, meets my argument that the collateral would have to be converted into gold because of the rights of the borrower,—though I have some doubts as to the practicability of the plan,—but my argument that the collateral could not be converted into bank-notes unless these bank-notes had first shown a greater power of general circulation than they would be likely to acquire by a mere agreement of members to receive them in trade regardless of redeemability in specie remains untouched. To be sure, Mr. Cohen urges that the notes will float if enough members join to secure their immediate convertibility into all marketable products; but to assume that a membership of this size and variety can be obtained, and that the non-enforceable agreement of the members to receive the notes in trade would inspire the same confidence in them that would be inspired by an enforceable agreement of the issuer to redeem them in specie, is to beg the question. It is this consideration—the necessity of inspiring confidence in the notes—that makes it desirable that the notes should mature,—that is, be made redeemable by the issuer under definitely-prescribed conditions. Which brings me to Mr. Tandy's criticism. His error lies not in his logic, which is sound, but in his false premise,—namely, that the tendency of the matured note to flow back to the bank is no greater, and perhaps less, than the tendency of the unmatured note to float back. If this were true, then the conditions ultimately resulting would not differ materially from those obtaining under a demand-note currency. But it is not true. Most of the mutual banks would probably be banks of deposit as well as of issue, and large sums of circulating currency would be constantly passing through their hands, as a result of which they would be able, not only by their individual efforts, but by their associative efforts taking effect through the clearing-house, to call in matured notes, paying out in their stead unmatured notes previously paid in by borrowers in cancellation of loans. Mr. Tandy hints, to be sure, that there would be a counter-effort on the outside to corner matured notes: in the hope of their going to a premium. I do not think this in the least likely, for people seldom execute movements which may be so simply and easily thwarted. It would not take a very expert financier to knock such a corner in the head. Suppose the bank notes were promises to pay in gold, dollar for dollar, thirty days after presentation at maturity or later, but subject to a provision that all notes presented later than a certain, say, ninety days after maturity should be liable, at the option of the bank, to a discount from the face value at a percentage rising in the ratio of the period of delay. How long, in Mr. Tandy's opinion, would such a corner in matured notes last under such circumstances? He has discovered a mine of net.
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LIBERTY.

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"In shallower root and interest, the last vestige of old-time liberty, the Revolution obsolete, at one stroke the sword of the executioner, the seal of the magistrate, the club of the policeman, the gage of the citizen, the badge of the property of the individual is lost forever, which gave liberty grins beneath her heel." —Frecourte.

The appearance in the editorial column of articles over other signatures than the editor's initial indicates that the editor approves their central purpose and general tenor, though he does not hold himself responsible for every phrase or word. But the appearance in other parts of the paper of articles by the same or other writers by no means indicates that he disapproves them in any respect, such disposition of them being governed largely by motives of convenience.

The Danger of Intelligence.

"On Being Civilized Too Much" is the title of an essay in the "Atlantic" which has elicited no little praise. The writer, Henry C. Merwin, is certainly plausible and clever, but it is plain that neither he or his sympathizers perceive the logical implications of his paradox. He argues in favor of closeness to nature, of the preservation of certain primeval impulses, such as pity, pugnacity, and pride. Nature, he says, has decided against the man who has lost these traits.

No one will denounce to this. But is it true, as Mr. Merwin avers, that men in highly-civilized societies and classes have lost these impulses, and therefore entered upon a phase of decadence and degeneracy? Here the question is simply one of fact. Do we really find that highly-educated men are deficient in those natural qualities which keep the race strong and vigorous? Let us accept the writer's own test, and ask whether the greatest men of the age have betrayed cruelty, meekness, and self-depreciation to any marked extent. Take the gentlest of the whole group of modern thinkers,—Darwin. He certainly was not "pugnacious," but did he lack pride, confidence, firmness, and courage? Was he deficient in sympathy and pity? And how about Tylney, Huxley, Spencer, Proudhon, Marx, or even Mr. Merwin himself? In point of fact, the notion that education and scientific culture have a weakening and demoralizing effect is without any substantial foundation. Cultured men have their share of pride and aggressiveness, and perhaps more than their share of pity. The trouble with men like the "Atlantic" writer is that he misconceives the significance of a very striking fact, and makes a hasty generalization. He does not find that men of education and reflective habits are, in certain respects and relations, inclined to be skeptical, indifferent, dubious, and passive. Deliberation, indecision, and aversion to summary and definite policies, in particular spheres, are confounded with a general inability to act vigorously and spontaneously. The source of the writer's error will perhaps appear from the following quotation:

"The sensible people, the well-educated, respectable people, of the day are almost sure to be on the wrong side of every great question when it first arises. They mean to do right, but they trust to their logical faculties, instead of to their instincts; and the consequence is that they are eager to stone those very reformers of whom, in later years, they become the most ardent admirers. These men are for unrestricted virulence to-day, just as they were for slavery forty years ago. . . . When any great moral emergency arises, the people will act upon it with substantial unanimity, because they decide such matters, not by balancing arguments, but by trusting to their instincts. On the other hand, popular government would probably be impossible in a nation of clever, well-educated people. If everybody were sophisticated and artificial, if everybody reasoned about everything and took care not to act from natural impulses, harmonious political action would become impossible. We should have, at first, factions instead of parties, then individuals instead of factions, and then chaos. There is an approach to this condition of things in France to-day.

The observations made are true, the conclusions drawn false. The educated people are sure to be wrong on every great moral question, provided we accept the multitude's idea of morality. The truth, of course, is that, as Ibsen says, the majority it is which is always wrong, because unprogressive and short-sighted and weak-headed people. If everybody were sophistical and artificial, if everybody reasoned about everything and took care not to act from natural impulses, harmonious political action would become impossible. We should have, at first, factions instead of parties, then individuals instead of factions, and then chaos. There is an approach to this condition of things in France to-day.

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In the second place, the issue was not whether unprogressive good or bad, necessary or unnecessary, but whether the constitution which was the charter of the federal government guaranteed and conferred the right of ascension. Are we to understand that instinct not only determines right and wrong, but questions of historical fact and logical interpretation?

The "Atlantic" writer has got hold of half a truth. Political education (not general education) conduces to division, doubt, and opposition to accepted doctrines and established institutions. Education is certainly not fatal to industry, manners, and social intercourse. Voluntary associations for recreation, pleasure, benevolent activity, and scientific research are certain to thrive in advanced communities. Religion, governmentalism, and conventional morality alone suffer, but the trouble is not with education. They do not bear inquiry, and fall into disrepute. Yes, to superstitious interpretation of every kind education is dangerous, but "closeness to nature" is not the safeguard or remedy. Ignorance and blind obedience are the pillars of whatever in present society is a survival from the dark past. Society is improving only slowly, not because the masses are obedient to nature, but because they are wofully ignorant —ignorant of nature as well as of art.
A Blow at Trial by Jury.*

Mr. President and Friends:

I hold in my hand an official reprint copy of Chapter 234 of the State laws of 1800, and this chapter is the same act in twenty-three sections, which, after reading the legislature, became a law by the affixing of Governor Morton's signature on April 23, 1805. It bears this title:

An act providing for a special jury in criminal cases in each county of the State having a certain population, and for the mode of selecting and procuring such special juries; also, creating a special jury commission for each of such counties, and regulating and prescribing its duties.

This title does accurately and specifically describe the immediate objects of the act. I assert, nevertheless, that its ulterior purposes would have been more clearly revealed, and that its exterior would have better harmonized with its "true: mw. chuse," had it been entitled "An act providing for the enforcement of those laws of the State of New York which, having found their way into the statute-books only through the insidious machinations of a clique or a cabal or a boss or an interest or a handful of fanatics, are so unpopular with the citizens of the State of New York that a conviction of the violation of them can seldom, if ever, be secured from a jury fairly and impartially impaneled from the mass of sober-minded people."

This assertion it is now my purpose to make good. To do so it is unnecessary to make an elaborate statement of the provisions of the law. A circular setting forth its most obnoxious features has been distributed among you, and I shall assume that you are now familiar with them. I may say, however, in the briefest way, that the law provides that, in each county of the State containing five hundred thousand people,—that is, in New York and Kings counties only,—a special commissioner of jurors shall be elected by a majority of the justices of the appellate division of the supreme court; that his term of office shall be five years, but that he shall be removable at pleasure and without cause by the justices who appointed him, who shall also fix his salary, within a maximum limit of six thousand dollars yearly; that he shall select from the list of ordinary trial jurors, after personal examination, at least three thousand special jurors, and as many more as the appellate justices may direct, any of which special jurors he may thereafter strike from the special jury list at his pleasure, replacing them with others equally of his own selection; that he shall not select a special juror any person who has been convicted of a criminal offence, or any person who possesses such conscientious opinions in regard to the death penalty as would preclude his finding a defendant guilty if the crime charged be punishable with death, or any person who avows such a prejudice against any law of the State as would preclude his finding a defendant guilty of violating such law; that the special jurors chosen shall be exempt from ordinary jury duty, and that no one of them shall serve on a special jury oftener than once a year.

That in any criminal case, upon application from either side, the justices of the appellate division may order a special jury trial if for any reason the due, efficient, and impartial administration of justice requires it; and that, when the special jury trial thus ordered shall come on before the trial court below, the ruling of the trial court upon the admissibility to the jury box of any juror challenged for bias shall be final and not a subject of exception.

Under this law, two special commissioners have been appointed for the counties of New York and Kings, and their offices are in full operation. How much progress has been made in Kings I do not know, but in New York large numbers of citizens have been before the commissioner for examination at his office in the Constable Building at the corner of Eighteenth street and Fifth avenue, and it was stated a few days ago in the newspapers that he had so far secured 2,909 out of the needed 3,000 special jurors. Among others I had an interesting session with the commissioner,—or, rather, with one of his subordinates, for I did not suppose in person temple, but fell down at one of the outer gates. And I may note here, by the way, as the single favorable comment that can be made upon this special jury system, that the printed notices served upon those whom the commissioner wishes to examine, instead of commanding them to appear, request them to appear. You will observe that better manners prevail in the aristocratic offices of this aristocratic commissioner on aristocratic Fifth avenue than in the more democratic offices of the ordinary commissioner of jurors, who, within sight of the unemployed on the benches of City Hall park, has to deal with the common herd. Let us find a crumb of comfort, if we can, in this improvement in official deportment.

To each person appearing for examination a printed blank is supplied, which he is expected to fill out, sign, and swear to, as a condition of admission to the special jury list. Of the printed statements contained in the blank, the following, for reasons which I will give presently, are the most objectionable:

I have not been convicted of a criminal offence.

I do not possess conscientious opinions with regard to the death penalty which would preclude me from finding a defendant guilty, if the crime charged be punishable with death.

I have not such a prejudice against any law of the State as would preclude my finding a defendant guilty of violating such law.

In connection with this blank each person receiving it is subjected to a personal examination by the commissioner or one of his subordinates. He is examined in detail upon each of the statements contained in it, and, in the multitude of questions asked him, two hypothetical cases, evidently chosen with deliberation, are propounded, accompanied by a request that he state what course he would pursue in each.

Here let me say that, in presenting my views of this matter before a small company recently, I found the phrase "hypothetical question" to be a cause of misunderstanding. Even a lawyer, then present, who ought to have known better, supposed a hypothetical question to be a question that might be asked, but is not asked, whereas every lawyer ought to know that in legal usage a hypothetical question is one which is actually asked, but which assumes hypothetical or supposed conditions, and inquires of the party questioned what course he would pursue, or at what conclusion he would arrive, under the supposed conditions. Do not misunderstand me, then. The hypothetical questions now referred to were actually put to me at the commissioner's office; they were actually put to others; and, in my belief, they are actually put to all, or nearly all, the persons who appear for examination.

They are of importance, because they clearly indicate the intent of the framers and executors of the special jury law to use it for the enforcement of unpopular statutes which the average juror will not consent to enforce. Not that the framers and executors have seriously at heart the enforcement of the particular unpopular statutes involved in the two hypothetical cases, but they are confident that any man submissive enough to aid in enforcing these will also prove submissive enough to aid in enforcing the laws which have seriously at heart,—the laws that maintain the privileged classes in their privileges, and the laws that strip the masses of their rights in order to make them an easy prey for the exploiter.

These, then, are the two hypothetical questions propounded, as nearly as I can remember them:

1. "Supposing you to be a juror in a case where a girl is accused of killing a man who had betrayed her and declined to fulfill a promise of marriage, and suppose the evidence to clearly establish the defendant's guilt, would the knowledge that a verdict of guilty would result in the imposition and execution of a death sentence prevent you from finding such a verdict?"

2. "Supposing you to be a juror in a case where a man is accused of criminally assaulting a girl under eighteen years of age, and suppose the evidence to clearly establish that the act was committed with the girl's knowledge and consent and at her desire, have you any prejudice against the law making such an act, so committed, a criminal assault, punishable by the heavy penalties that attach to such an assault, which would preclude you from finding the defendant guilty of violating it?"

In addition to these two hypothetical questions, particular mention should be made of a third and general question which is asked: "Would you, being a juror, and being charged by the court upon a point of law, and knowing this point of law to be unsound, decline to accept the ruling?"

Now, a word as to the origin of this special jury law. Something less than two years ago, I think, in consequence of great difficulty that had been experienced in getting a satisfactory jury in a celebrated criminal case, much emphasis was laid in the newspapers on the pressing necessity of removing this obstacle from our legal proceedings. Shortly thereafter the newspapers published a proposed special jury law purporting to have been drafted by Justice George C. Barrett, of the New York supreme court. This proposed law was generally commended by the press, and was nowhere attacked, so far as I now remember, save in a paper which I have the honor to edit. Happily or unhappily, according to the view...
one takes, that paper is read only by thinking people, and consequently the attack never came to the knowledge of our lawmakers,—which need not be regretted, since it would have exercised no influence upon them, if it had. Apparently the matter found its way before the legislature in some form, and action was taken. My memory does not permit me to state whether the law as it now stands corresponds in every particular with Justice Barret-

t's draft, or that they differ, differing in detail alone. The plan and purpose of the existing law are substantially the plan and purpose of Justice Barrett's draft. And be it noted here that the bench record of the author of this law is one of hostility to the rights of organized labor, and that he is himself a member of that appellee division of the supreme court which this is confronts with a new and unprecedented power.

The law must have been engineered through the legislature with great secrecy, for I, though my profession compels me to be an exceptionally diligent reader of newspapers, saw no record of a subsequent discussion of it, lay first knowledge of the existence of the law coming to me almost a year after its passage in the shape of a notice to appear for examination under its provisions. And up to a month ago, before the publicity given by the present agitation, I had not met a single person, even among lawyers, who had any knowledge of this law which was not the result, directly or indirectly, of the examination of some individual concerning his fitness for special jury service. In the press, up to a month ago, a silence had been maintained regarding it which could hardly have been more complete had it been maintained by conspiracy. And even at this date it can be said that the excellent editorial, adverse to the law, which appeared a few days ago in the New York Daily "News" is the only word of opposition to the law that has appeared in the editorial columns of the New York press.*

Now, my friends, I have laid before you nearly all the information at my disposal concerning this new law. And here I believe that I might safely leave the subject in your hands. It seems to me that argument against this measure is almost a superfluity. The facts alone appear quite sufficient for its condemnation. Nevertheless, with your permission, I will indulge myself in a few words of criticism.

But let me say that I am not here tonight to question the motives of all who have furthered this law. Doubtless some have acted with the best of intent. The main question to-night is not what motive inspired the law, but what is its purpose for men of bad motive to do with the law when once it has been placed in their hands as an instrument. Even were we to assume, then, that all the initiators, framers, enactors, and executors of this law had been and are prompted only by the purest intent, that they are devoted to facilitate the administration of perfect justice, it would still remain true that, if, on the contrary, they had been actuated by the most diabolical of designs, by an intent to destroy individual liberty, to undermine public welfare, and to utterly emasculate that chief remaining safeguard of both, the jury system, even in the condition of decline from its former high estate to which previous and gradual judicial usurpations have reduced it,—even then, I say, they could scarcely have framed an instrument better adapted to this law for the fell purpose.

In detailing my criticisms I shall begin with the minor and proceed to the major.

This law, then, is unjust and a piece of special legislation. It requires that it applies to only two counties in the State, not and still substantially in the counties of New York and to, and, if impartial administration of justice requires that such cases be tried by a special jury in one or two counties, it requires that they be so tried in all counties. At the present time, in fact, a very important murder trial is in progress at the State, at Batavia in Genesee county, and, in consequence of the ridiculous system of examining jurors now in vogue, much trouble has been experienced in impaneling a jury. In this jury system facilitates the administration of justice, why should Genesee county be deprived of this blessing? If the new law tends to promote justice, then the people of the State at large are discriminated against in being shut off from its benefits. If it tends to promote injustice, then the people of New York and Kings are discriminated against in being alone subjected to the evil and oppression that grow out of it.

This law, again, is a public menace in that it clothes the judges of the higher courts, who already exercise prerogatives that are nearer akin to absolute despotism than anything else that this country knows, with alarming, and far-reaching power. It places in the hands of these judges an absolute control of the make-up of the jury in whatever cases they may see fit to try by special jury. The ordinary commissioner of jurors is an appointee of the mayor, not of the courts, and he is not subject to removal by the courts. But this new and special commissioner of jurors is an appointee of the appellate division of the supreme court, and is removable at its pleasure and without cause. The appellate division selects the commissioner and can discharge him at will, and the commissioner selects the jurors and can discharge them at will. This appellate division fixes the commissioner's salary and the salaries of his subordinates, controls the appointment and removal of all such subordinates, and decides what cases shall be tried by special jury. Thus it has the whole special jury machinery under its immediate and irresponsible control, and can see to it, therefore, that jurors to its liking, and no others, are admitted to the special jury list from which will be drawn the juries to try the most important cases that arise. I submit that this is a distinct and dangerous departure in the direction of judicial usurpation and despotism.

[To be continued.]

What's This? A Mare's-Nest?

To the Editor of Liberty.

In your article concerning Comrade Cohen's interpretation of Greene, in the April number of Liberty, you use this phrase: "so that no one would ever present a note to the bank, even after maturity, for redemption in specie." When you wrote these words I was startled! Were the article in question written by one less careful in the use of language, it would seem trivial to pick out a subordinate sentence like this for criticism. If it is a slip on your part, I have but to accept it as such. But from several similar remarks I have noticed in the editorial columns of Liberty from time to time, I infer that you believe all mutual bank notes should mature at definite dates, and be redeemable in specie at the bank any time after that date.

If a mutual bank were to operate upon such a principle, one of two things would be inevitable. Either the bank would be compelled to accept from its borrowers, in connection with loans, the notes but notes which have reached maturity; or else a very large portion of the notes which has in circulation will soon be redeemable in specie on demand. To illustrate, I negotiate a loan of $1,000 from a mutual bank which has notes to the extent of $90,000 outstanding. In return for this sum I give my personal note, amply secured, payable at any, six months. In order to simplify the matter, we will suppose that the mutual bank note matures at the same time. During the six months which follow, the $90,000 the bank lends in circulation will mature, and be replaced by other notes which will have six months to run. When my note matures, therefore, the bank will have to repay, of which $1,000 have reached maturity, all $90,000 have not. If I have $1,000 in my possession, probably $ will be in matured notes and $900 in unmatured. There will also be other people's notes $900 of the $1,000 I have originally borrowed, and these notes will be payable in specie on demand at the bank.

If the bank accepts its matured notes as well as its unmatured notes, it will have outstanding $900 payable in specie. If it continues to conduct its business, it will only be a short time till all of its notes are payable on demand. In short, we come almost back to the specie basis. If the bank refuses to accept its own unmatured notes, I will have to buy them and swap my $900 for matured notes. This will involve much time and labor. In order to save myself that labor, I find it to my advantage to go to a notebroker and pay him a premium for the matured notes. From this will surely spring a new and flourishing note business.

FRANK D. TANDY.

The Special Jurv Mass Meeting.

The mass meeting called by the Central Labor Union and Typographical Union No. 6. to protest against the new special jury law was held in Cooper Union on Friday evening, July 23, but in point of numbers was not a success, scarcely more than three hundred people were present. The chief attention was attributed by some to the heat, and by others to insufficiency of advertising. Neither explanation is correct. Successful meetings have been held on hotter nights, and the meeting was more than usually well advertised. The true explanation is that the meeting was held... It has put a number of important people on record, and undoubtedly will cause the authorities to be less lazy; in availizing themselves of the processes offered by the objectionable law. Thanks are due especially to Comrades James McGill and Aug. McCuturn, whose hard and earnest work made the meeting a possibility, and to the Manhattan Liberal Club, which justified its name by liberally abandoning its own regular meeting in order...
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that its members might attend the Cooper Union meeting. Comrade McGill presided, and, in addition to the address delivered by the editor of Liberty, publication of which is begun in this issue, and will be completed in the next, prior to its appearance as a pamphlet, stirring speeches were made by E. B. Furland, Chauncey Depew, Addams, Charles Ladd Davis, Henry Weissmann (secretary), Thaddeus P. "African," and Dr. E. F. Smith. The following remarks, offered by the editor of Liberty, were unanimously adopted:

Whence, the legislature of the State of New York for 1868 passed, and the then governor of the State, a special jury law whereby the trial of important criminal cases will be taken out of the hands of ordinary juries and placed in the hands of special juries drawn from a special panel of at least three thousand men; and

Whence, special jury commissioners have been appointed. It is true that in the city of New York and Kings—the only counties to which this law applies—and are now engaged in selecting special jury lists; and

Whence, this law creates a new and dangerous departure by placing the selection and control of special juries and of the special jury commissioners in the hands of the judiciary; and

Whence, it forbids the selection for special jury duty of any such as a prejudiced man against any law of the State as would preclude his finding a defendant guilty of violating such law, thereby preventing every man whose Intelligence and sense of justice may allow him to become an instrument for the execution of a particular law, to join revolting, from serving as a jury in any criminal trial of high importance, even though he thoroughly approves the law whose violation is the occasion of such trial; and

Whence, it further forbids the selection for special jury duty of any person who has been convicted of a criminal offence, notwithstanding the fact that many of the judges of the law as a profession criminal may be and are committed daily by men whose unqualified intelligence, honesty, and love of order peculiarly fit them for jury service; and

Whence, there are 1888, this law is thrown out of the special jury box all men of independent mind, and fills it with more tools for the execution of unjust and tyrannical designs; and

Whence, by exempting from jury duty the three thousand men selected for the special jury list in each county where the law applies, it also alters the ordinary jury list as to make it less representative of the community at large, and thereby strikes a blow at the jury system, nothing of making the burden of ordinary jury duty necessary by largely diminishing the number of men liable to such duty, while leaving but very little the sum total of such duty; and

Whence, as a condition of exemption from jury duty, the three thousand men on the special jury list in each county are to be selected from the names of men who have not been convicted of any crime, and who are not citizens of the county, and are permitted to dismiss themselves, and to furnish themselves with any other jury lists, and especially by declining to render a verdict at the dictation of the court.

That it is the duty of every member of the bar, in the interest of justice, of his profession, and of the public welfare, to second the efforts of jurors to maintain their prerogatives.

That, agreeing with Justice John Dean, of the supreme court of Per. "vanities, that the jury should "represent the whole people," we demand the repeal of that section of the regular jury law which exempts from jury duty all persons not worth two hundred and fifty dollars.

That a printed copy of these resolutions, signed and certified to by the secretary of this meeting, be forwarded by him to the governor and lieutenant-governor of the State, to the secretary of State, to ex-members of the legislature of 1868, to every new member of the legislature of 1869, to every member of the State court of appeals, to every supreme court justice of the State, to every member of the House of Assembly, and to the chief justice of the three judges of special sessions, and to the district attorneys and commissioners of jurors, ordinary and special, of New York and Kings counties; and that these should be sent to ex-officials hereby requested to regard these resolutions as notice to them that the citizens of New York and Kings are alive to their interests, jealous of their liberties, and determined to protect both.

A strong letter from Dr. W. J. O'Sullivan, the eminent criminal lawyer, was read, in which the writer announced his sympathy with the purpose of the meeting, and prefaced that he would be de-
Love and War.

Come—

Why separate yourself from me?

When youthful blood in both of us

Flows like a fountain full and fire?

Ah! are you to resent that kiss?

The tassel of the rolling drum

Blood of your race to battle calls,

To battle calls; but think of this—

In forest and on the plain,

And I am here to kiss and kiss.

See, as the sunset glides my hair,

Am I not sweet? Am I not fair?

Is not my eye like the ripe and warm?

Let those who honor me, then not me,

Whose hearts are wild with misery

And b-bells pealing for the charm

Of some loved woman's sapphire form.

Let youthes follow you yet to feel

Love's reckless ecstasy; let boys

Who have scant knowledge of the joys

Of interwoven passion,—

And press their hearts against the steel;

Or those who now are surfeited

And past their prime, and Venus fed

So long they faint would turn to Mars

For wholesome change,—let their blood flow

In those sacred剜 distributed wars.

But you and I were planned to mate,

Pasculated and powered to re-create,

So to fulfill the bond of clay

Engagement here and hereafter.

My willing scape: must yield to you,

Your strength, your beauty, your desire,

Must be as fuel to the fire.

That every day breaks out anew;

This is the life, the freedom

Taketh, then, what is by fate your due.

My form your form was fashioned for;

And what affection I can give

To nurse desire, to sate desire,

That human life may never cease to live.

William Walton Gorkok.

Tennie Clafin's Pet Tyranny.

To the Editor of Liberty:

Lady Cook (née Tenenin, Clafin) is one of those well-meaning persons who write voluminously on subjects of the most trivialities of knowledge and interest. Her latest effort is a piece of verse which in two columns are vol. 4. c. 10. The anecdote

and with the conclusion, entitled, of 2+ contagious diseases acts, which she wishes to see re-imposed in England. Some of her arguments are worth reading, for it is only to show what puerile

people it is possible to put forward in favor of establishing a tolerable tyranny.

Writing in the "Agnostic Journal" (June 5, 1891), she says:

"Worse than those, who disseminate it (venereal disease) do so in almost every case, knowledge and willfully, and as, a class, the least worthy of any tender consideration."

This aptly illustrates the methods of writers like Lady Cook, whose literary prop's — "force is a combination of hysteria and zealotry. Are there no facts at hand with which to adorn an argument? Then it is the simplest matter in the world to dive into

conscience and bring up pseudo-facts with which to confute an opposing adversary. In what other way, indeed, could Lady Cook have come by her alleged fact that "those who disseminate venereal disease do so knowingly and willfully in almost every case"? Did she take the time of some optimized male relation, or had she the key to the motives of all the venerally diseased who, up to the time of her writing, had over communicated such disease? We might safely ask her to produce her blue books, or other statistics which she referred to in her assertion, for, in the very nature of the case, it is impossible to compile such statistics. On the other hand, the writings of acknowledged experts may be cited to show that venereal disease may be frequently communicated without the party so communicatins having been even aware of the existence of the disease in his or her person. First, all the authorities are agreed that the customary period of the syphilitic chance is a long one, varying from one to six or more weeks, during which period the diseased person is a possible source of contagion and is completely ignorant of the fact.

Risht says:

"It results that in women the chance is rarely proved to exist de novo. It is developed in almost all cases in an insidious way, without apparent symptoms, and the woman becomes an involuntary source of contagion."

Fournier says:

"The slightestasons of the secondary period are those which are most dangerous as agents of contagion. They are also the most dangerous because of their benign appearance. They seem to be of such small importance, and have so insidious an appearance, that no attention is paid to them, and their nature is unsuspected, and consequently he (or she) who is suffering from them, is the most unwise of the way of communicating the complaint. Let us add that they may very easily remain unperceived."

Risht, another high authority, says:

"Women will frequently communicate a gonorrhoea without having it themselves. They give it twenty times for one that they receive from it."

But, in spite of this easily available evidence to the contrary, Lady Cook rushes into print with an assertion that in nearly every case venereal disease is communicated knowingly and willfully. This palpable slander is in itself insensate, and what shall we say to her proposal to make the communication of venereal disease a penal offence? Her extraordinary proposition reads:

"Let it be a penal offence to every one suffering from this disease to expose another to the risk of infection, and strongly penalize and deter the same. Let it be open to any one to lay an information, so that it be done circumspectly and without malice."

Totally ignorant of the views of medical experts as to the facts of venereal disease, Lady Cook bases against the unfortunate class of the venereally diseased as a whole a grossly unfounded charge of criminally communicating disease, in nearly every case, and then proceeds to virtually communicate of such disease, with absolutely no raising exceptions whatever, should be made strongly penal. Whether the disease has been communicated knowingly or unwillingly, it is to be open to any one to lay an information, and the presence of Lowell's of the middle ages, when venereally diseased persons were publicly flogged, branded with hot irons, and starved to death.

Oxford Northcote.

Mutual Bank Paper.

Mr. Tucker's belief that Greene made provision for the acceptance of spoons and silver in "Freedom" is entirely out of place. Greene says:

"But Mutual Banks, having no fear of a run upon them, they have no means of preventing the people from tendering to pay specie for their bills, can always discount good paper."—Page 98.

But we are not limited to these quotations, but have Greene's own words on this subject, which appeared twenty four years after, at the very time when Mr. Tucker speaks of his matured thought and more careful methods.

In his "Phrases"—"A number of his essays composing..." Col. Greene reviewed several of the part of the petition, and made the following comment. The italics are his.

When we presented ourselves before the committee on banks and banking of the Massachusetts legislature, session of 1830—31. We defied the proposition (to issue bills redeemable at any time, not by forfeiting the old ones), which is the same as is the case when the public upside down, on new ones, but by requiring at their face value, in discharge of claims, by each and all of the members of the particular mutual banks, member owned, title vested as pre-postest. The bill of 1846, and as hardly deserving to be taken into serious consideration. It would hold that such bills, because not ultimately convertible into specie, would never circulate. Time brings many changes, and, among other changes, in men's opinions. We have lived to see 4 U.S. States destined of all currency other than one composed, on the band of, inconvertible paper notes, redeemable, by the public at large, paid down on their face, at no time and e-where, but redeemable in cash at the pleasure of the parties issuing them, for certain classes of taxes; and composed, on the other hand, of all currency, inconvertible, on presentation, into inconvertible treasury notes, of such value, in his opinion, if the national banking law, and the law requiring payment of current due's of gold, should be repealed, that the United States would have cash, if not gold, as an element. As for the latter, as a currency, they would be held, as they ought to be, of their unconstitutional and illegal tender character, would float at par with gold, to an amount corresponding to the total amount of all the paper money—greenbacks and bank notes—now floating below par with gold in the United States.—Pages 93-51.

Had Greene believed in ultimate specie redemption, he would have said so right out. We have no reason to suppose now the United States ado, ted an irredeemable currency system. This currency circulated at a discount. To bring it up to par, all that Col. Greene thought necessary was to strip it of its legal-tender attribute, and make it receivable for customer's dues.

Besides the above quotations from "Mut. & Banking," there are twenty-five which give color to my interpretation; this makes one quotation for every two pages in the book. Were they existent, it would be impossible to open the book anywhere without being confronted by one.

Mr. Tucker admits that Proudhon did not believe in ultimate specie redemption. In the extracts translated by Greene Proudhon's position is expressed, yet Greene, who criticizes a number of features in Proudhon's plan, passes over this without comment.

From the evidence, positive and negative, I think we are justified in saying that Greene fully shared his master's belief. But, whether he did or not, Mr. Tucker certainly disents from it. In an article written by him for the "Conservator," in reply to one of mine, he says:

"While under Greene's plan probably more than ninety-nine per cent. of the bank notes would be canceled by re-exchange for the individual mortgage notes agreed to, this would not be the main stronghold and the circulating power of all these bank notes would reside in the fact that the realization of them as might not be canceled in the manner mentioned would, at an ultimate, be redeemed, to the full extent, in the commodity employed as a standard of value."

This idea is repeated in Liberty, No. 353, where it is said to that a large volume of mutual bank notes merely on the strength of the members' agreement to redeem them in lieu of specie is an assumption of unwarrantable violence.

Cannot a large number of notes be floated when enough members join a bank to make it possible for a number of notes to buy the same products or services commonly needed?

If a note is immediately convertible into many products, and since each and every one of these products can be exchanged for every other, one can have at one time the standard is included. This gives the holder of the note the opportunity of immediate convertibility into the commodity chosen as the standard.

Why then, is the ultimate redemption in one product?
duet a greater source of strength than the immediate reduction in all property.

Mr. Tucker admits the probable cancellation of ninety-nine and a half per cent. of the note's worth. Let us see if Greene's plan does not provide for the cancellation of all.

Suppose A borrows $1,000 at the bank. It is secured by a mortgage on $2,000 worth of property. The mortgage note falls due and is paid. The property is sold, and brings $1,000. Should A insist on gold for the principal and interest, he necessarily has to pay $000, of the $1,000 in gold to pay him; but, since this sum is the amount over and above the bank's claim, it has nothing to do with the cancellation or redemption of the notes. But, so long as the bank retained the claim the bank would receive its own notes, and they would be paid in, because the bidder would lose $50 if he paid in any other kind of money.

Mr. Tucker speaks of presenting a note to the bank after maturity. This is to me an entirely new point. May it be desirable to have the notes mature?

Henry Cohn.

Blackmail by Legal Process.

The Chicago "Chronicle" lately published the following letter from Edward Osgood Brown, prominent in Chicago as a lawyer, a Single Taxer, and an Individualist:

I insist, through the columns of your paper, that actions must be performed under the direction of a State board of officials appointed by the governor, which, to my mind, are, little short of conspiracy and extortion.

By an act which was passed in 1881, amended in 1887, amended in 1889, and finally in 1895, the "practice of pharmacy" in Illinois is regulated. A board of pharmacy consisting of five members is provided for, to be appointed by the governor from the recognized pharmacists of this State actively engaged in the practice of their profession. The ostensible object of this act is, of course, to put the public from the danger of incompetent, unscrupulous practitioners. The purpose of the act seems to have been struck, its inception, is to assist in maintaining a strict truce among druggists, and the discouragement as much as possible of competition to retail the drugs. Since the advent of this law, has been the policy of the board of pharmacy from the beginning. This may not be, under the circumstances, unnatural, however blameworthy. But the methods of enforcing this policy, as now extended, push the matter so much more than a mild criticism. I will leave the issue in point. The proprietor of a general merchandise store keeps a small assortment of such drugs and household remedies as are needed by those in his vicinity for the convenience of persons who, in trading at his establishment, sometimes include in their orders a small quantity of such preparations as "saranapilla," or perhaps a few quinine pills. His sales are extremely small of drugs or medicines of any kind, and he compels no prescriptions. As state, he keeps medicines at all pure for the convenience of customers in other lines. With a praiseworthy interest in the law, he has entered the register pharmacy as the law requires, and displayed the certificate of registry in the proper place.

At the lunch hour, between 10 and 12 o'clock, a few days ago there came into the store a man who dealt in a small field of cutaneous diseases and sprays his indentations given by the proprietor, but out of a spirit of accommodation, a small bottle of these pills was sold by a salesman who was not a "registered pharmacist." He is fined $50 for the offense.

The man thus buying the quinine was a person who has been for two years employed by the "board of pharmacy" of the State of Illinois to go to such dealers in such sort of/kinds of commercial and veterinary medicines as are sold to the public. In the course of his work, he has been able to trap, and purchase drugs in this manner. He straightway went to a justice of the peace who is himself a druggist, and took out a summons for the proprietor of the general merchandise establishment. When the proprietor traveled some miles to the office of the justice before whom the complaint was made, he was confronted by this witness, who told the story of his purchase, and by a lawyer, who said that he was detailed for the purpose of prosecuting these cases by the State's attorney's office. The proprietor testified in his own behalf that he tried to conform to the law in every particular; that he had given strict orders that no drugs of any kind should be sold except by the registered "pharmaceuticals" whom he had in his employment; that he knew nothing of this particular sale, and therefore could not deny that at some moment when the registered pharmacist was absent from the counter the quinine pills in question might have been sold.

He was quickly fined $50 and costs. He appealed, whereupon he was informed by the lawyer representing the State's attorney that they had the power to issue a subpoena on the kind of the rules in the reserve, and proposed to serve it upon him upon his call. This was of course to appear to the clerk of the justice that it would be a good idea to dismiss the case, and ap- peal, and finally to propound a proposition by the lawyer to the charge of the case:

If you consent to a second recovery of ten dollars and costs, and will undertake within sixty days to close up entirely the drug department of your establishment, I will undertake, in behalf of the people of the State of Illinois, that you shall not be prosecuted for the other violations or the law of which we are "well informed."

To enforce the desirability of this proposition the sad experience of other department-store proprietors was cited, who, after having several times been paid to the inconvenience of appearing before the justice, had concluded to settle.

This one instance that I have given will illustrate my actual experience to-day, but it is not isolated by any means. The conclusion is that the board of pharmacy and its employees, and there is not a department-store proprietor in town who cannot testify to its efficiency as a method of blackmail.

The law in question provides that all penalties collected under the provisions of the act are to be paid into the board of pharmacy, and that the secretary and members of the board shall receive the compensation allowed to them from such fees and penalty, and that any surplus shall be paid to the county for the support of the county poor. This is as it was intended to meet the expenses of the board and the expense of the Illinois Pharmaceutical association.

The motive for the blackmailing association—for it is nothing else—is thus rendered very plain. But can the State of Illinois afford to pay such expenses? Would it not be wise for the State's attorney to withdraw the delegation of his power to the lawyer above described, and if the ill-advised drugstore pharmacy to enter the employment of the spy and informer in question?

Anarchist Letter-Writing Corps.

The Secretary wants every reader of Liberty to send in as many envelopes as possible for the purpose of urging the members to pledge themselves to write, when possible, a letter every fortnight, on Anarchist or Libertarian subjects to the "target" assigned in Liberty for that fortnight, and to notify the secretary promptly in case of any letter which is thought to be harmful. (Such letters are hoped to not often occur, or in case of temporary or permanent withdrawal from the work of the Corps. All other letters or notes of the officers of the corps to the secretary of the corps, the latter of which we never have done. For the present at least, there is a need for it. We hope, however, that the time will come when each individual in society will be disposed to respect the rights of his neighbors therein, and, when that is the case, this government will cease to exist, as there will then be nothing for it to do. Mr. Becklin said in the course that natural rights, and what he said about rights seems to have been taken from the "laws of nature" organization, the latter of which we have never done. For the present at least, there is a need for it. We hope, however, that the time will come when each individual in society will be disposed to respect the rights of his neighbors therein, and, when that is the case, this government will cease to exist, as there will then be nothing for it to do.

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A Judge Disputed with the Law.

(The New York World.)

The monotonous gruel of justice in Yorkville Court stopped yesterday afternoon when the sergeant led up to the bar William M. Stiles and Sophia McIntyre, both colorized, and attired in their best clothes. "We prefer a judgment," said William M. Stiles, "no charge at all, sir," replied the sergeant.

"They just want to get married." The magistrate looked so doubtfully at the young couple before him that William M. Stiles added, "I must decline. I don't care to discourage you, but in my experience on the bench I see too much trouble in married life. I never perform a marriage ceremony."
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