

of the squire and the gentleman. For a century Great Britain has sent her strongest and most forceful sons. 'Send forth the best ye breed,' and the nation breeds from the second best.

"And in this loss of fair and strong, the unreturning brave, we may find an answer to some of England's most desperate problems.

"Where is the country squire of English life and English history. Where are his rosy-cheeked and strong-limbed daughters? Where, indeed, is the typical John Bull of the time-honored cartoon? Why is it that three or four—some say eleven—millions of Englishmen are unable to earn a decent living, or any living at all, in England today? Why is it that these same unemployed are found unemployable in Canada, in Australia, or wherever they may go? Why is it that the tendency in all average physical standards is downward, while the standards of the best are growing always higher? The answer lies in the reversed selection of war.

"Its effects are found in England and everywhere else where strength and courage have been rewarded by glory and extinction. England has exchanged her country squires for the memorial tablet. More than for all who have fallen in battle, or were wasted in the camps, England should mourn 'the fair women and brave men' that should have been descendants of her strong and manly men. If we may personify the spirit of the nation, England should most grieve, not over her unreturning brave, but over those who might have been but never were.

"For 150 years the wars of Britain the world over have called to Scotland: 'Send us the best ye-breed.' The best were sent. From moors and glens they went, from the shires and from the islands. Generation after generation they went, all the upstanding and fit, from the cottage and from the college, sons of the manse and sons of the glen—the best they bred.

"Tell me have the fittest survived? Go through their cities and over their moors and down in their glens. The glens that bred the men of the Forty-second and the Seventy-eighth and the Eighty-fourth and the Ninety-third have none left of that breed to give. In vain the recruiting sergeant goes through Strathspey and Strathglass and Glengary and Glen Tilt and Glenelg and Glenorchy and Strathconon and Strathfarrar and Glencoe, and the glens of the west and the islands.

"The best ye breed,' is war's insatiable call. Send your best, your fittest, your most courageous, your youths of patriotism and your men of loyal worth, send them all and breed your next generation from war's unfit remainder. Do that, as Scotland has done it, and what says your biology? Like father like son. Like seed like harvest. You can not breed a Clydesdale from a cayuse, neither can the weakling remnant of a war nation breed a new nation of heroes for a new generation's wars.

"By the law of probability as developed by Quetelet, it is claimed that there will appear in each generation the same number of potential poets, artists, investigators, patriots, athletes and superior men of each degree. This law, however, involves the theory of continuity of paternity, that in each generation a practically equal percentage of men of superior mentality will survive to take the responsibilities of parenthood. Otherwise this law becomes subject to the action of another law, that of reversed selection, or the biological law of 'diminishing returns.'

"Breeding from an inferior stock brings race degeneration, and such breeding is the sole agency of such degeneration; as selection, natural or artificial, along one line or another is the sole agency for race progress. And all laws of probabilities and averages are subject to a still higher law, the primal law of biology, which no cross-current of life can check or modify. Like the seeds is the harvest. When conditions change, so change the products of heredity.

"What shall we say of our own country, with her years of peace, and her two great civil wars, the struggle of children with their parents, of brothers with brothers? It may be that war is sometimes justified. It is sometimes inevitable, whether necessary or not. It has happened once in our history, that 'every drop of blood drawn by the lash must be drawn again by the sword.'

"It cost us \$50,000 lives of young men to get rid of slavery. I saw not long ago in Maryland one hundred and fifty acres of these young men. There are some 12,000 acres filled with

them on the fields of the south. And this number, almost a million, north and south, was the best that the nation could bring. North and south alike, the men were in dead earnest, each believing that his view of state rights and of national authority was founded on a solid rock of righteousness and fair play. North and south, the nation was impoverished by the loss. The gaps they left are filled to all appearance. There are relatively few of us left today in whose hearts the scars of forty years ago are still unhealed. But a new generation has grown up of men and women born since the war. They have taken the nation's problems into their hands, but theirs are hands not so strong or so clean as though the men that are stood shoulder to shoulder with the men that might have been. The men that died had better stuff

in them than the father of the average men of today.

"Those states which lost most of their strong young blood, as Virginia, Louisiana, the Carolinas, will not gain the ground they lost, not for centuries, perhaps never.

"Dr. Venable, president of the University of North Carolina, told me not long ago, that one-half the alumni of that college up to 1865 were in the civil war. One-third of these were slain. We can never measure our actual loss nor determine how far the men that are fall short of the men that might have been.

"The same motive, the same lesson, lasts through all ages, and it finds keen expression in the words of the wisest men of our early national history, Benjamin Franklin, 'Wars are not paid for in war time: the bill comes later.'

Powers of States Conceded by Higher Court

Following is an Associated Press dispatch: Washington, D. C., June 9.—The power of the states to fix reasonable intrastate rates on interstate railroads until such time as congress shall choose to regulate the rates was upheld today by the supreme court of the United States in the Minnesota freight and passenger rate cases.

At the same time the court laid down far reaching principles governing the valuation of railroad property for rate making purposes, and, according to these, held that the state of Minnesota would confiscate the property of the Minneapolis and St. Louis Railroad company by its maximum freight and 2-cent passenger law. It enjoined the state from enforcing these laws as to this road for the present. In the cases of the Northern Pacific and Great Northern, however, the court held that these roads had failed to show that the rates were "unreasonable" or "confiscatory" and consequently reversed the United States district court of Minnesota which had enjoined their enforcement as both confiscatory and a burden on interstate commerce.

The decision, regarded as one of the most important ever announced by the court, had been under consideration for fourteen months. Railroad commissions from eight states and the governors of all the states filed briefs in support of the state in the cases, recognizing that the principles involved affected them all.

Rate cases from Missouri, Arkansas, Oregon, Kentucky, Nebraska and West Virginia were not decided today, but the points announced in the Minnesota cases are regarded as governing them generally. These cases probably will be disposed of tomorrow, when the court will hold another session, as it will also do Monday, June 16, the final day of adjournment for the term.

The criticism of the apportionment of value between interstate and intrastate business on a gross revenue basis and the apportionment of expenses by regarding intrastate freight business as two and a half times as expensive as interstate business was regarded here as favorable to the state of Missouri in its fight to uphold the validity of the maximum freight and 2-cent passenger rate law enacted by it.

The states of Oregon and Kentucky were regarded as almost certain to win their rate cases, involving the validity of state freight rates, because in each instance practically the only objection to the laws was their reputed interference with interstate commerce.

The decision was announced by Justice Hughes. Justice Hughes considered the attack upon the state rate in two parts, the one that they placed an unlawful burden on interstate commerce and the other that they were so low as to confiscate property of the railroads.

In considering the interstate commerce phase he took it for granted that the state had the power to regulate rates between points within the state of Minnesota on railroads not crossing the state lines and so far from the boundaries as not to compete with the cities of other states or otherwise affect interstate commerce. He next reached the conclusion that intrastate rates, whether on purely intrastate railroads or on interstate railroads, had not been regarded by the courts as being a direct regulation of interstate commerce.

The most intricate argument on this phase of the controversy was made by the justice in considering whether state rates on interstate carriers could have such an indirect bearing on interstate commerce as to exclude the states from imposing them. He reached the conclusion that this was a well known field—the states could exercise their authority until congress had seen fit to regulate this field exclusively. Finally he arrived at the conclusion

that congress in all its rate making legislation had expressly provided that the regulation should not extend to transportation wholly within the state.

Among the laws which the states may pass indirectly affecting interstate commerce were mentioned state inspection laws, state employers' liability laws and quarantine regulations. He said that state rate making was to be classified with these.

"It has never been doubted," said he, "that the state could, if it saw fit, build its own highways, canals and railroads. It could build railroads traversing the entire state and thus join its border cities and commercial centers by new highways of intercourse to be always available upon reasonable terms. Such provisions for local traffic might indeed alter relative advantages in competition, and by virtue of economic forces those engaged in interstate trade and transportation might find it necessary to make readjustments extending from market to market through a wide sphere of influence, but such action of the state would not for that reason be regarded as creating a direct restraint upon interstate commerce and thus transcending the state power.

"Similarly the authority of the state to prescribe what shall be reasonable charges of common carriers for intrastate transportation unless it be limited by the exertion of the constitutional power of congress is statewide * * *

"To say that this power exists, but that it may be exercised only in prescribing rates that are on an equal or higher basis than those that are fixed by the carrier for interstate transportation is to maintain the power in name while denying it in fact. It is to assert that the exercise of the legislative judgment in determining what shall be the carrier's charge for the intrastate service is itself subject to the carrier's will. But this statewide authority controls the carrier and is not controlled by it; and the idea that the power of the state to fix reasonable rates for its internal traffic is limited by the mere action of the carrier in laying an interstate rate to places across the state's border is foreign to our jurisprudence.

"If this authority of the state be restricted it must be by virtue of the paramount power of congress over interstate commerce and its instruments; and in view of the nature of the subject a limitation may not be implied because of a dormant federal power; that is, one which has not been exerted but can only be found in the actual exercise of federal control in such measures as to exclude this action by the state which otherwise would clearly be within its province."

In taking up the confiscatory phase of the controversy Justice Hughes first considered whether the rates were confiscatory as applied to the Northern Pacific. He said this would turn upon what was the "fair value" of the railroad property. He tested the lower court's theory of arriving at a fair value by finding "the reproduction cost new" by ascertaining how this theory worked on the value of the railroad lands. He declared that the lower court was in error in adding 30 per cent to normal value of the land in some instances and 200 per cent at the big terminals, in arriving at what the court considered the "cost of reproducing its property."

"It is manifest that an attempt to estimate what would be the actual cost of acquiring the right of way, if the railroads were not there, is to indulge in mere speculation.

"The cost of reproduction method is of service in ascertaining the present value of the plan, when it is reasonably applied and when