

Johnstown, Pa., April 28, 1891.

Dear Judge:-

I address you thus familiarly because I remember very well my good fortune in meeting you at Mr. Nixon's. I have read with great pleasure all of your books, and have taken delight in the literary art which you use to enforce a moral. I have just finished your last book at one sitting, and it was good Sunday reading. It tells a probable story in an interesting way, and in general, it coincides so thoroughly with the conclusions which I reached in my little book "Man and Labor", that I may claim to be a member of your church and school of political economy.

I think you state the exact fact on page 273, "the function of the church as an element of civilization is not to prescribe methods, not to devise remedies; that is the function of government, the duty of society. The function of the church is only to inspire action to provide impulse, to exalt and purify motive, to incline men to apply the Christ spirit to collective human relations". That is the only safe ground for the church, and if there could be such an underlying and general motive in all reforms, there would be nothing to reform.

I like your analysis of conscience on pages 470 and 471. It accords with the perfect analysis given by Spurzheim. He makes conscience to consist of the ⁿin_{ate} emotional part which he calls consci-~~ence~~

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ousness, which like all other emotions is blind, and which merely enforces the law adopted by the intellect. Our Quaker friends make a mistake in their doctrine of the inner light which would lead to great abuses were they not very good people.

You struck a great truth in saying "it is individuality that blesses the world, not uniformity", and it is individuality that is necessarily sacrificed in all the popular schemes of socialistic reform.

This leads me to a criticism of your practical propositions adopted by your League. The first is: "that the true function of Christian civilization is to equalize conditions and promote the general welfare of mankind". The socialistic Baboef equalizes conditions in a certain way, and so also does barbarism. You qualify this proposition by proposing to maintain the family and private property, and not to take away from the individual the motive to the largest possible exercise of all of his powers.

And now, having most inadequately told you what I like about the book, allow me to make some little criticism of it. You have not wholly escaped the danger of overstatement or partial statement upon one side of the case. You say: "the earth yields enough for all, and hunger and want prevail largely because the rich circumscribe and restrict her abundance in order to increase their individual excess". That, I think, is a statement which cannot be maintained. If true at all, it is true only in certain exceptional cases, in excep-

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tional times and exceptional places. I cannot think what you may have had in your mind, unless it is the theories of Henry George which are wholly unfounded.

I think your indictment of American Courts on page 367 is not, in the main, true, and I think the case is exceptional where a rich man or a corporation is not at a great and most unjust disadvantage in an American Court. I regard this as one of the demoralizing tendencies of the times that jurors disregard their oaths and work injustice in almost every case where they have the opportunity of doing it, if it ^{is} merely an injustice done to a rich man or a corporation. Now, I get upon legitimate ground, because a lawyer has always a right to dissent from an opinion of the Court. What is the measure of damages in an action for breach of covenant of general warranty in a deed? Is it not the amount of the purchase money with interest? You say on this head "Valentine's heirs were entitled to the land with all improvements". That is the common law rule, which I am ashamed to say, is still in force generally in the United States, though the Province of Ontario in the Dominion of Canada ^{has} discarded it. You say "Kishu was liable to the parties for the difference between the present value and the price paid so long ago". This, I think, is not good law, but it may have been an artistic necessity, as Mr. Kishu was to be entirely overwhelmed and blotted out, and upon that ground, it may be pardoned.

And now, I am only sorry that I have not a copy of my lit-

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tle book to send you, and I am more than ever tempted to get out a new edition of it.

Very truly yours,

Lyman Eldred

Hon. Albion W. Tourgee,

Mayville, N.Y.

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