

pretation of an instrument emanating from those or similar sources, the rule of *cy pres*—French words which signify as near as—is invoked as a means of bringing about all that was intended but not expressed. It is simply, in other words, a means of accomplishing substantially and actually what ought to be accomplished. In arriving at a conclusion as to what was meant or desired in a more or less open document or law, as we all know, attendant circumstances, the purpose actuating the maker, the context, the spirit as well as the letter of the instrument are to be taken into full consideration; and it was to further such ends that the branch of jurisprudence known as equity was established. To invoke the aid of this system of practice to bolster up or excuse a distorted construction or a departure from the plain or even the hidden meaning of a document submitted for analysis, is at once to do violence to our innate sense of justice and pervert the established rule of law itself. How much more, then, must it be an offense to the "eternal right" to not only ignore the demands of those plainly entitled to benefits by reason of their having created them and the law not opposing such rights, but to actually convert those benefits into hostile political capital!

We repeat: The rule of *cy pres* is for the purpose of enabling courts to fill up gaps with material in consonance with the structure as a whole; not that results at variance with what was intended, and inimical to the best interests of those upon whom a measure of benefit was intended to fall, may be accomplished.

HOW IT WAS DONE.

We are pleased to be in a position to state that Judge Loofbourrow was in no way responsible for the questionable and one-sided act of giving copies of his report on the Church case to the morning papers before it was filed in the Supreme Court. The document was given to the *Tribune* by another person for the purpose of placing it ahead of its contemporaries and, of course, of the court itself. Subsequently the *Herald*, after a hard struggle, succeeded in also obtaining a copy. The *News* has never asked for anything but a fair deal, and would not consider it proper even to request that the rights of the courts be treasured upon to enable it to get ahead of other journals. The incident in question is so manifestly flagrant and unjustifiable that we have considered it proper to notice it, and, in this second allusion, to relieve Judge Loofbourrow from any suspicion that might exist to the effect that he was a party to the job.

FREE TRADE IN ENGLAND.

A LONDON letter in a recent issue of the *New York Mail and Express* gives some startling accounts of the present economic condition of England. It deals entirely with the practical working free trade in that country. It says that the once boasted "roast beef of Old England" now comes from the plains of Australia, the pampas of South America, and the prairies of Dakota or Texas. In like manner the breadstuffs now used in England are brought from abroad.

In 1869 when free trade in wheat and all other farm products was first fully established, 17,500,000 of England's total population of 19,000,000 were fed on English home-grown wheat. That is 97 per cent of the population of England in 1869 were fed on home-raised wheat.

In 1890 only 5,000,000 of England's 28,000,000 were fed on home wheat, that is, only 20 per cent. of the population. Richard Cobden, in 1846, confidently predicted that free trade in cereals would ultimately increase the English product of wheat to 200,000,000 bushels. In that year the acreage under wheat was 3,500,000 acres; in 1886 the acreage was 1,200,000—a decline of 66 per cent. in forty years. What once were agricultural farms are now turned into pasture lands. The English farmer who had to pay heavy rentals for his lands, could not compete in his own market with United States wheat growers who owned their lands and cultivated them with improved machinery.

The estimated yield of wheat in England averages 28 bushels to the acre, in France 16, in Germany 11, in the United States 13, in Italy 10, in Russia 8, and in New England 25. This shows that sterility of soil has nothing to do with the decrease. In 1869 the value of England's wheat crop was almost \$153,000,000 while that of 1890 was only a little over 32,000,000 with the same yield per acre.

In 1869 English farmers supplied 80 per cent. of the home demand for farm products, while the other 20 per cent. was imported, amounting for the United Kingdom to the sum of \$555,000,000. This is about equal to one third of the whole value of British exports for the year 1890.

These figures show that Great Britain is almost entirely dependent on foreign countries for her bread and beef and now her manufactures are being injured by protective tariffs from European and American countries. This is a serious condition of affairs. But it is a question whether the apparent evil is as appears on the surface.

If England cannot produce a given article except at a high figure is it not better for the consumers to import that article and turn their energies to the production of something they can raise or make at a profit? Anything the *Mail and Express* says on this question must be taken with a grain of salt. There is something too in the landlord and the tenant farm system that cuts a big figure in the argument. A reform is about to be inaugurated in land tenure. Both the great parties have pledged themselves to measures that will lead to small farm ownership or peasant proprietorship, or something of that kind. The government will undertake to aid tenant farmers to buy their holdings at a valuation. The fund for this purpose will be raised by taxation. This scheme is, for England, a radical one, but both parties have decidedly pledged themselves to some measure that will lead to a change in the present system, and that of itself shows that all the trouble is not traceable to free trade.

LABOR TROUBLES IN AUSTRALIA.

ABOUT a week ago the Central Labor Union of Massachusetts received a report of the condition of labor at the Antipodes from the Australian Labor Federation. This report was received in reply to a communication forwarded last August from Boston to Queensland, for accurate particulars of the labor situation in that country. Numbers of mechanics and laborers of all kinds left the United States for the Australian colonies during the fall of 1890 and the early part of 1891. The report was current that a scarcity of white labor prevailed out there. On the other hand, it was stated that such was not the case. Finally the Central Labor Union authorized its secretary, Mr. Abrahams, to communicate with the Australian Labor Federation and ascertain what were the real facts.

A reply was received on the 3rd inst, stating that the condition of white labor in Queensland was anything but alluring. It had to contend with Chinese, Malays, Japanese, Cingalese, Polynesians and hordes of other aliens from the Asiatic Continent and from the equatorial regions. The report says: "For nearly a generation the white working population of Queensland has been engaged in a struggle for its very existence against the capitalists, who prefer the profits of cheap labor to the well being of their own flesh and blood. Not only in the sugar growing industry, but in the wool fruit and mining industries have employers invidiously and persistently attempted to replace the white workers