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EDITORIAL

“LEVY” AND “SMOKING-OUT.”

By DANIEL DE LEON

THE Stocks Coal Company of Georgia brought an action against a dentist named Burt, and got judgment; execution was levied upon Burt for the collection of the judgment, and the only thing of value found was his “dentist’s chair,” which was seized and sold. Burt then brought an action against the coal company for the recovery of his “dentist’s chair” on the ground that the same was “a common tool of trade,” as such was needed by him to earn his living, and, consequently, was exempt from levy. The court decided that “a common tool of trade” was exempt from levy; but did not consider a dentist’s chair to be such a tool, and it dismissed Burt’s complaint.

Leaving aside the question whether the court’s opinion was wrong or right as to whether a dentist’s chair is “a common tool” under the purview of the law, the principle recognized and bowed to by the court is the point of importance, to-wit, that the tool needed by a man to work with, technically called his “common tool of trade,” is sacred, and may not be taken away.

The whole brigade of professional ranters against Socialism as a “despoiler” and wrong-doer goes to smash against that principle of the Common Law.

Already the tool of production had assumed a significance which it did not have before the Common Law principle was established. The principle, in fact, reveals an economic development or stage, in which without the tool man “fell from grace,” so to speak. The law, ever the product of the class that is “in grace,” so to speak, told accordingly quite clearly what was the conception of that class on the matter. It laid down the principle, and a just one it is, seeing it is a sound one.

Now, then, by what process of reasoning can that power be denied to the law which is tolerated otherwise. If the law may not order the sheriff to deprive a man of the tools, without which he can no longer hold his own, by what right can

individuals deprive a man of those same tools? What is the difference between a “levy” by law, and a “smoking-out” by more powerful capital and the pressure of competition? If the former is wrong, how can the latter be right? Finally, is not the spirit of that Common Law outraged by capitalism?

As we have more than once shown, the constitutional provision vesting Congress with the power to “regulate commerce” is ample power to expropriate the capitalist class and set up the Co-operative Commonwealth; so now may be added: The principle that underlies all the homestead and exemption laws in the land is an ample morality to act like molten lead down the throats of all the “moralists” of capitalism and anti-Socialism preachers of honesty.

Transcribed and edited by Robert Bills for the official Web site of the Socialist Labor Party of America.

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