

## RAILROADS PRIVATE PROPERTY?

In the Chicago live stock exchange case Justice Brewer, who rendered the opinion for the supreme court, said: "It must be remembered that railroads are the private property of their owners; that while, from the public character of the work in which they are engaged, the public has the power to prescribe rules for securing faithful and efficient service and equality between shippers and commodities, yet in no proper sense is the public a general manager."

Jeremiah S. Black, the famous lawyer, did not entertain Justice Brewer's idea. In a speech delivered before a committee of the Pennsylvania legislature in 1883 Mr. Black dealt with "the duties of corporations as public servants," and we are told by one authority "it is doubtful if any other speech on a technical question of law and industrial economy ever produced effects so profound and far-reaching."

Note the similarity between the arguments of the railroad literary bureau of today, and the contention of the railroad magnates of Mr. Black's time. Referring to these railroad claims, Mr. Black said:

"They assert that the management of the railroads, being a mere speculation of their own, these thoroughfares of trade and travel must be run for their interests, without regard to public right. If they take advantage of their power to oppress the labor and overtax the land of the state; if they crush the industry of one man or place to build up the prosperity of another; if they plunder the rich by extortion, or deepen the distress of the poor by discriminating against them, they justify themselves by showing that all this was in the way of business; that their interest required them to do it; that if they had done otherwise their fortunes would not have been so great as they are; that it was the prudent, proper, and successful method of managing their own affairs. This is their universal answer to all complaints. Their protests against legislative intervention to protect the public always takes this shape, with more or less distinctness of outline."

May we not, referring to these same claims, use the language employed by Jeremiah Black when in that same speech he said: "In whatever language they clothe their argument, it is the same in substance as that with which Demetrius, the silversmith, defended the sanctity of the temple for which he made statues: 'Sirs, ye know that by this craft we have our wealth.'"

It would be difficult to make better answer to these claims than that given by Mr. Black himself, and it would be well if every American citizen could read Mr. Black's speech in full.

Mr. Black laid down the doctrine that "the management of the railroads is not a matter of business to be conducted like private enterprises, merely for the profit of the directors or stockholders." He cited an opinion rendered by the supreme court of Pennsylvania, where it was determined that a railroad is a public highway and in no sense private property, and that "the corporation authorized to operate it is a servant of the state, much as an officer legally appointed to do any other public duty; as strictly confined by the laws and as liable to be removed for transgressing them;" and he said that no judge "whose authority is worth a straw" ever denied the doctrine for which he contended, the United States supreme court having affirmed it in scores of cases.

Because of the vast magnitude of the affairs intrusted to the railroad magnates, and the terrible temptation to which their cupidity is exposed, Mr. Black said that it was necessary that the people "hold them to their responsibilities, and hold them hard." He averred that a corporation intrusted to do a public duty must perform it with an eye single to the public interest, and that partiality or extortion should no more be tolerated on the part of the railroad official than when practiced by any other public servant.

"The people," said Mr. Black, "have rights of property as well as the corporations and ours are—or ought to be—as sacred as theirs. Between the great domain which we have ceded to them and that which still belongs to us, the line is plainly and distinctly marked, and if they cross it for purposes of plunder they should be driven back under the lash of the law."

Mr. Black showed that it is the duty of the state to open thoroughfares of trade and travel through her territory; that for that purpose she may take the property of citizens and pay for the work out of her own treasury; that she may

make that thoroughfare free to all comers or reimburse the cost by levying a special tax upon those who use it; that she may authorize the road to be built by a corporation or an individual and pay for it by permitting the builder to collect tolls; that she may empower a natural or artificial person to do this work, but that "in all cases the proprietary right remains in the state, and is held by her in trust for the use of the people."

Mr. Black said that the railroad corporation is charged with the duty to see that "every needed facility shall be furnished to all citizens, like the justice promised in Magna Charta, without sale, denial or delay." And because such services, if faithfully performed, are important and valuable, the corporation is authorized to pay itself by levying upon all who use the road a tax, or toll, or freight sufficient for a fair compensation. He added: "But this tax must be reasonable, fixed, certain and uniform, otherwise it is a fraud upon the people which no department of the state government, nor all of them combined, has power to legalize."

Mr. Black described the contempt shown by the railroad monopolist in his day just as it is shown today. He said that the corporation influence in official circles is "mysterious and incalculable," and that upon the subject of a popular demand for the enforcement of law "the press is shy" and the politicians are eager to take a smoother road than that which leads to conflict with corporation chiefs.

Referring to railroad impositions, he said: "They have destroyed the business of hundreds for one that they have favored; for every millionaire they have made ten thousand paupers."

## THERE ARE OTHERS

An Associated Press dispatch under date of Washington, April 11, follows: "The army orders today contain a prohibition against political activity on the part of classified civil service employes and also against the contribution or solicitation of campaign funds. The order is based on a direction by the president to Secretary Taft, enclosing a communication from the civil service committee, setting forth regulations on the subject. The penalty for political activity, as set forth in the regulations is: Any man violating the provision of the rule in question renders himself liable to punishment by removal. The second case of the suspension of a civil service employe for political activity occurred today, when Acting Public Printer Brian, on recommendation of the civil service commission, suspended William A. Kroll, an employe of the bindery of the government printing office for alleged pernicious political activity. B. H. Warner, a republican candidate for congress in the Sixth district of Maryland, charged that Knoll served as chairman of political meetings in the interest of an opponent of Warner."

William A. Kroll, an humble employe of the government printing office, is disciplined for political activity because he worked against a republican candidate for congress. But what about some of the more important government officials? And what about the thousands of federal employes, high and low, in various sections of the country, who are working day and night for the nomination by the republican national convention of the present secretary of war?



## SILENT

The New Haven (Conn.) Union says: "Editor Pulitzer asks Editor Bryan about his interest in the people and Editor Bryan asks Editor Pulitzer about his interests in the trusts."

And although the question is pertinent and timely the World has not deigned to answer.



## A DEFENSE OF VICE

Mr. John McElroy has published through the National Tribune, of Washington, a little book entitled "The Economic Functions of Vice." It will be read with interest by those who are studying sociological and economic questions. The author of the book argues that vice removes the weaker members of society and thus aids the stronger and more virtuous. One paragraph will illustrate his position. Speaking of a royal family he says: "Idleness, luxury, and more or less flagrant debauchery have done their appointed work in removing the deteriorated forms of human life from the world, that their room might be had for more acceptable growths." He even defends intemperance, saying, "Whisky makes no man lazy, shiftless, dishonest, false, cowardly or brutal. These must

be original qualities with him. If he has them he will probably take to whisky—though not inevitably—which does the community the splendid service of hurrying him along to destruction, and of abridging his infliction upon the public."

He seems to be applying the Darwinian theory to man as we find him today and assumes that that which is destroyed by vice would have been hurtful if permitted to exist.

His argument will not meet with favor among those who believe in lifting up those who fall, and in strengthening the weak against temptation, and it is well to have every theory stated frankly and candidly, and Mr. McElroy has stated his theory very boldly in his little book.



## JUST BY THE WAY

By the way, the right of the state to regulate local freight rates has always existed and has never been denied by the federal courts. What rates were reduced in Nebraska during the six years that the demo-pop reformers completely controlled the state board of transportation?—Omaha Bee.

The fusion legislature—or "demo-pop" legislature, if the Omaha Bee prefers it that way—of 1893, passed a law very materially reducing the freight rates in Nebraska. The railroads took the new freight schedules into court, and the supreme court of the United States decided that under the then existing conditions the schedules were "confiscatory." The law was, therefore, by federal court decree, declared inoperative. However, the court did say that at some future time it might be persuaded to let the law become operative, provided the state could show that bettered conditions no longer made the rates confiscatory. The Omaha Bee and other republican organs vociferously claim that prosperity's return was coincident with the return of the republican party to power in Nebraska and in the nation. Will the Omaha Bee now be kind enough to tell us what move was made to secure the enforcement of that law?



## "THE BUSINESS MAN'S PARTY"

Representative Tawney of Minnesota, chairman of the committee on appropriation, recently addressed the house of representatives in these words: "With a deficit of sixty or sixty-five millions at the close of the present fiscal year, and with a prospect of a deficit of 150 millions at the end of the next fiscal year, our entire surplus in the treasury threatens to be wiped out, and it is almost certain that an issue of certificates of indebtedness will be necessary to meet our obligations. With this unpleasant prospect this congress is appropriating more money than any of its predecessors, and it is time for the members of this body to stop and reflect what we are coming to."

Yet they tell us that the republican party is the "business man's party!"

## A LITTLE HAND

## I.

Perhaps there are tenderer—sweeter things  
Somewhere in this sunbright land,  
But I thank the Lord for his blessings  
And the clasp of a little hand!

## II.

A little hand that softly  
Stole into mine that day  
When I needed the touch I loved so much  
To strengthen me on the way.

## III.

Softer it seemed than the softest down  
On the breast of the gentlest dove,  
But its timid press and its sweet caress  
Were strong in the strength of love.

## IV.

It seemed to say, in a strange, sweet way:  
"I love you and understand!"  
And calmed my fears, as my hot, heart-tears  
Fell over that little hand.

Perhaps there are tenderer—sweeter things  
Somewhere in this sunbright land,  
But I thank the Lord for his blessings  
And the clasp of a little hand!

—Atlanta Constitution.