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Perpetual Franchises

The circuit court of appeals of the United States has just decided a very important question in a suit brought by the city of Omaha against the Omaha Electric Lighting company. The principle laid down in the decision is a far-reaching one and, if sustained by the highest courts in the land, as it certainly should be, will relieve the nation of that growing menace—the perpetual monopoly. The court, in refusing to consider the franchise given the Omaha Lighting company a perpetual franchise says:

"Legislative grants of power to municipal corporations must be strictly construed, and can not operate as a surrender of legislative power except so far as expressly delegated or is indispensably necessary to the exercise of some other power which has been expressly delegated. Applying this rule to the present case we are of opinion that the conference of power in general terms to 'provide for lighting the streets, or to care for and control the streets' is not specific enough to warrant a grant by the city to a business corporation of the right to use the streets of the city forever for the purpose of conducting a general lighting business. That is a servitude not embraced within the ordinary control over streets usually given to municipalities. We therefore conclude that even if the mayor and council had intended to grant a perpetual franchise to the company they were powerless to do so."

The last sentence is of tremendous importance. The court speaks the words of truth and soberness. No legislative body should have power to grant a perpetual franchise. No constitution has specifically conferred that power upon any body, and such a power would not be implied. More than that, no generation has the right to enslave posterity even if it tries to do so, and a grant of power to a legislature to grant perpetual franchises would confer no authority because even the people themselves have not the power to bind their descendants forever. The people are just beginning to understand the iniquity of the perpetual franchise, and ere long it will be a thing of the past.

President Taft advocated the perpetual franchise while in the Philippine Islands, and a perpetual franchise granted by a temporary government there to people living in a foreign land would be even more open to criticism than a perpetual franchise granted here by a city council. But it is safe to say that even President Taft has undergone a change of opinion on this subject, for he is not in favor of granting perpetual franchises to the water power in forest reserves. He suggests that such franchises should be limited to a period of years. If it is unwise for the representatives of the people of the United States to grant a perpetual franchise in the United States to a citizen of the United States would it not be still more unwise for an irresponsible government

in the Philippine Islands to grant a perpetual franchise in those islands to a non-resident?

The world does move, and public men move with it. Two years of publicity have made the people think on the subject of the perpetual franchise, and, as is always the case, the people think right when they have a chance to consider questions. The court in the suit above referred to has given expression to the thought of an awakened people, and the supreme court is not likely to over-rule the decision. If it does over-rule that decision, it is only a question of time when a later court will confirm the doctrine that the granting of the perpetual franchise is beyond the power of any legislative body, municipal, state or national.

SENATORIAL SEAT PURCHASED

Senator William Lorimer, of Illinois, made a speech in the United States senate May 28 defending himself of the charge that his seat had been purchased. He declared that the whole thing was a conspiracy under the leadership of the Chicago Tribune. On the very day Senator Lorimer was speaking State Senator D. W. Holstlaw appeared before Judge Creighton at Springfield, Ill., and was given an immunity bath. Holstlaw confessed that he had received \$2,500 for his vote for Lorimer. Holstlaw is a democrat and he said that another democrat, State Senator John Broadrick of Chicago, paid him the money. He also claimed that Broadrick gave him \$700 additional as his share of graft on a furniture contract. The grand jury promptly indicted Broadrick together with Stanton C. Pemberton, of Oakland, Ill., a state senator, and Joseph S. Clark of Vandalia, a member of the lower house. All of these men were accused in Holstlaw's confession. All of the accused gave bonds. Broadrick denies the charge.

Meetings have been called by the chairmen of republican and democratic committees in several Illinois districts for the purpose of adopting resolutions denouncing graft in the Illinois legislature.

LET IT WORK BOTH WAYS

If a saloon keeper denies the right of the farmers living outside of town to vote on the licensing of saloons in the town, ask him what he would think of a law restricting the sale of liquor to people living in the town. Will the saloon keeper insist that he has a right to fill a man with liquor and send him out into the county to create a disturbance and then deny that the people who are disturbed have a right to be heard. The farmers are beginning to see that they have rights as sacred as those claimed by the liquor dealer.

PARTY PLATFORM SACRED

The following letter from John P. O'Malley, Perry, Ia., a candidate for congress, is self-explanatory:

"Perry, Ia., May 28, 1910.—Charles W. Bryan, Publisher The Commoner, Lincoln, Neb.—Dear Sir: Your esteemed favor of May 24 to hand asking my opinion in regard to tariff and party platform. In reply will say I am certainly in favor of a revision of the tariff downward and believe that promises made to the people through party platforms should be sacredly kept.

"Yours truly,
"JOHN P. O'MALLEY."

WEARY

"If Europe can not sell us anything how can it buy from us?" asked Representative Hardy of Texas, a democrat, in the house.

"But they do buy from us," answered Representative Campbell of Kansas, republican.

"But how?" persisted Mr. Hardy.

"Oh, go and ask them," retorted Mr. Campbell.

Who can blame the standpat republicans from becoming weary in these days of interrogator marks?

The Nobility of Labor

One of the important lessons that the people of the United States are teaching the people of South America is that industry is honorable. There has been in those countries the old aristocratic idea that to be respectable one must avoid manual labor. In some places it is not thought proper to carry a bundle or a package on the street. The students who come from South America to the United States carry back this important lesson as one of their most important acquisitions. Mr. Bryan met a number of students and learned from them as well as from others that this is one of the most important discoveries made by those who visit the United States. The American people are at work—the idlers are few in number. Young men and young women work their way through college and they are not thought less of because they earn their way.

When Porto Rico came under the influence of the United States the same sentiment was found there, but it is giving way to the sensible view taken of the subject in the United States. While Mr. Bryan was in Porto Rico his attention was called to the following speech made by a Porto Rican to his own people. It deserves a place in our columns. Here it is:

"We, the Porto Ricans, have too much false pride. We will not carry a bundle on the street, if we are able to hire a boy to carry it for us. We never think of going into the field to work. We are after clerkships or other work of that class. The Americans came to Porto Rico and bought our lands which we could not make a living from and which, when the Americans first came here, we would have been pleased to sell for five dollars per acre.

"They have taken these lands that we thought had no value and on which we could grow nothing and today they have beautiful fruit groves, nice homes; have carpets on their floors; linen on their table, curtains at their windows, china for their tables and the lands that we were willing to sell for five dollars per acre are today worth from fifty to one hundred and fifty dollars per acre. How have they done this? I will tell you. They have used scientific methods and their cultivation; have attended to their places personally and have worked them with their own hands. They are not too proud to get out and cultivate the soil.

"I happened to be passing a few days ago a grove which belongs to an American doctor and I noticed some one in the field plowing and on approaching closer, I discovered the doctor at the plow handles plowing his orchard with a pair of oxen. A few days later I was in San Juan, and that same night I was at a reception at the governor's palace and that same doctor whom I had seen plowing a few days before was at that reception with his long tail coat on. We, if we are able to have a long tail coat and go to receptions are looking for political positions.

"I have, on many occasions, been passing the groves of the Americans and I have always noticed their pretty homes and groves and see the owners working out with the peons in the hot sun, but in the evening, if you will follow these same Americans you will find them in their comfortable and beautiful homes or at the receptions.

"Now gentlemen, we find one of the most important government positions on the island filled by an American and yet a few days before his appointment I was passing his place and saw him in the same way I had seen the doctor. He was out behind a pair of mules working his grove.

"I tell you we have got to learn to cultivate our soil and be not ashamed to do so before we can expect to make a success."

THE GREATEST

The New York Evening Post printed over one of its news dispatches these headlines:

"Roosevelt impressed—ex-president silent before tomb of Napoleon." And the New York World was mean enough to call this "Napoleon's greatest victory."

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