

eighteenth century. This was not the fruition of any one man's reasoning, but largely the result of circumstances; however, a most happy result, which has surpassed the expectations of those who conceived the plan. The builders wrought better than they knew.

"For many years our government was referred to among political circles in Europe as 'the great American experiment.' They said it would be impossible for this nation to live without developing into a strong central form of government, gradually wiping out of existence all separate state sovereignties, or else we would become split up into a number of distinct nations. Their words seem almost prophetic. The tendency to swing from one extreme to the other has been very pronounced in our history. The movement toward the creation of a large number of separate nations culminated in the Civil war. The result of that costly struggle put the stamp of success upon 'the great American experiment.'

OTHER NATIONS FOLLOW BASIC FEATURES

"When the success of this novelty in statecraft became assured, the basic features of the plan were followed by other countries. England has been forced to abandon the strong centralized form of government for her large empire, and to substitute the federal principle in most of her colonies. It is now being seriously proposed to go a step farther and to break up the small island itself into a number of separate sovereignties. A metropolitan daily a few years ago contained the following dispatch:

"The first lord of the admiralty today advocated a change in government whereby England would have a number of parliaments, on a plan similar to the state legislative system of the United States.

"Mr. Churchill outlined a system of federation for Great Britain. He said England alone was too large for a single parliament, which would be strong as an imperial parliament, and conflict of opinion would be disastrous.

"He suggested that England should be broken up into provinces, such as Lancashire, Yorkshire, Midlands, and London, and pointed out that the United States conducted its business through a larger number of parliaments in proportion to population than if there were 10 or 12 parliaments in the United Kingdom.

"The British government," said the first lord of the admiralty, "intended Irish home rule to be the forerunner of a genuine system of self-government in all four countries of the Kingdom."

"Germany and other nations followed our example during the past century.

"In the early part of the nineteenth century Tocqueville stated, as to our constitution:

"This constitution, which may at first be confounded with federal constitutions that have preceded it, rests in truth upon a wholly novel theory, which may be considered a great discovery in modern political science."

"In the latter part of the nineteenth century the eminent statesman, Gladstone, described this American plan of government as 'the most wonderful work ever struck off at a given time by the brain and purpose of man.'

"Now, in its heyday of prosperity, when its success has been proven and is acknowledged on all sides, it is proposed to gradually destroy the chief feature of the American plan. That which renders the United States unique in all history is the organization of a vast empire in territory and population, so as to preserve the largest possible home rule to the various parts of the nation. In the name of a new nationalism it is now proposed to eliminate this basic characteristic of our government.

"The fact is that men of the eighteenth century clearly anticipated just such situations as are here presented in the attempt to take away powers from the several states, powers which were undoubtedly intended at the beginning and which have been thoroughly established, exercised by many states, and recognized by all courts for a generation. Jefferson's autobiography contains the following remarkable passages:

"I deem it indispensable to the continuance of this government that they (our judges) should be submitted to some practical and im-

partial control; and that this, to be imparted, must be compounded of a mixture of state and federal authorities.

"It is not enough that honest men are appointed judges. All know the influence of interest on the mind of man, and how unconsciously his judgment is warped by that influence. To this bias add that of the esprit de corps, of their peculiar maxim and creed, that 'it is the office of a good judge to enlarge his jurisdiction,' and the absence of responsibility; and how much can we expect in impartial decision between the general government, of which they are themselves so eminent a part, and an individual state, from which they have nothing to hope or fear? We have seen, too, that, contrary to all correct example, they are in the habit of going out of the question before them, to throw an anchor ahead, and grapple further hold for future advances of power. They are, then, in fact, the corps of sappers and miners steadily working to undermine the independent rights of the states and to consolidate all power in the hands of that government in which they have been so important a freehold estate. But it is not by the consolidation or concentration of powers but by their distribution that good government is effected. Were not this great country already divided into states, that division must be made that each might do for itself what concerns itself directly, and what it can so much better do than a distant authority.' (Extract from the autobiography of Thomas Jefferson, p 81, Vol. 1, of the writings of Thomas Jefferson, published by Taylor & Maury, Washington, D. C., 1853.)

"Mr. Jefferson, in his first inaugural address, summarized what he termed 'the essential principles of our government,' and amongst the first of these he placed: 'The support of the state governments in all their rights as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies.'

"If the national government is permitted to gradually absorb those functions formerly exercised by the states it will only be a question of time until some great evil will demand some great remedy. Agitation will follow agitation. There will be no opportunity to try out the new proposal; the nation as a whole must adopt it or reject it. Those will be trying times, when the foresight of the best of us will differ and the future of this American system will be at stake.

"It would be wise for us to weigh well the advantages of that which we have before exchanging it for that which we have not.

STATES A DISTINCT FACTOR

"We believe the federal plan as conceived by our fathers is better than the new nationalism. We believe the states are a distinct factor in our scheme of government. There is a function for the national government to exercise and there is a function for the state. This federal plan is a sort of safety valve against political and industrial revolution, and it is the greatest ever devised by the makers of government. New ideas are tried out in a few states before they are adopted in others or by the nation.

"The state government is far closer to the local needs and demands of traffic conditions than is the national government.

"Practically every important advance step in the regulation of railroads, corporations, and the great consolidations of our generation has originated with the states.

"The first legislative acts to regulate the business of our railway companies were passed by a few middle western states. This occurred in the early seventies, many years before the federal government ever took a similar step.

"At first these commissions were largely figureheads, but several states provided for commissions with full power to fix maximum rates during and prior to the year 1887. It was not until 19 years later that the federal government gave the interstate commerce commission actual power to fix maximum rates.

"It was in the nineties that the supreme court stated that the fair value of the properties devoted to the public service should be the basis of all computations relative to reasonable rates, and it was in the nineties that one of the states made a valuation of her railway properties. Since then 20 different states have valued one or more railroads. It has now been

more than a decade since the interstate commerce commission first asked congress for facilities to make a valuation of railway properties in this country. Year after year they petitioned for this, and their efforts were entirely in vain until March 1, 1913.

"Each important step of progress along these lines has been initiated in the states. No one except the ignorant or he who is not in his right mind will claim that we have solved these problems concerning the regulation of railroads. We are only at the threshold of this subject, pioneers along the edges. Now, at this stage is it wise to cut off that which experience has demonstrated to be the principal source of progress?

"There is a natural reason why the states have always acted first and will continue to do so in the future. It is easier for a small group of men of moderate means, realizing the value of a new line of action, to command the attention and consideration of a state. In order to secure the serious consideration of the same thing by a great nation it takes many years of agitation and large sums of money; indeed, it is doubtful if a nation scattered across a continent like ours would ever have taken many of these steps for generations to come had it not been because they proved practical and effective when tried in different states. It is only the rich, the extremely powerful, who are able to start out and persuade the nation along a given line of policy; but if one state adopts it, and it proves to be wise, then another state adopts it, and then another state, and finally it grows until the nation adopts it. That is the natural result of our method or system of government.

"These facts are true not only as applied to railroads. We abolished slavery in the various states long before we did in the nation.

"We have had efficient temperance legislation in the states long before any substantial steps have been taken by the nation. We had pure-food acts in the states long before the nation acted.

"As one state after another finds the action of their neighboring commonwealth to be wise and good, they have followed her and adopted similar provisions. In this way progress or reform is gradually brought about in the nation as a whole. The states form a sort of experiment station, and where they have gone wrong the courts are quick to check them, or there is developed a tremendous public sentiment in the country as a whole which quietly destroys that which is not wise.

"It is no reflection on state commissions that they should have been reversed occasionally; they have been blazing the way. In the matter of the regulation of railroad rates these carriers can have little to complain about as to the different states. The records show that the interstate commerce commission has been reversed by the courts on railroad questions as often as all the state commissions put together. Where mistakes have been made the companies have had ready access to the federal courts. So long as this continues the railroad companies have nothing to fear. Upon the other hand, they have much to hope for if they can succeed in destroying the state regulation of rates.

"In view of the remarkable history of the origin of these movements, it is little wonder that the carriers are extremely solicitous in their efforts to prevent and to remove the possibility of further advance steps in the different states.

ELEMENTS OF STRENGTH AND VALUE

"This novelty in statecraft, this federal government of ours, which combines the strong central government with local self-government into one whole, has some elements of value and strength never dreamed of, perhaps, by those who worked out the details in the latter years of the eighteenth century. It is precisely this local self-government which keeps regulation close down to the needs and demands of different localities and different states.

"It has been said that the railroad business is so complicated, state business is so closely interlaced with interstate business, and the details of the costs, rates, earnings, values and the physical handling of the traffic are so interwoven and connected together that it is an impossibility to make any separation. Therefore it is claimed that this business is of such