for a congressman, a governor or a president, whereby they are denied the right of suffrage in the election of city councils. The third is the denial to the governor of any effective veto power upon legislation, however vicious or tainted or premature. The fourth is the method of choosing judges by the State legislature; which has resulted in the custom, now well established, of electing only members of that body to the State Supreme Court. The Governor had all of these points in mind, when convening the legislature in special session; and he has also called attention to the need of more stringent bribery laws, and the viciousness of the so-called post-election session which the Republican leaders have revived again this year.

The Rhode Island system is made a burlesque upon popular government by these various devices. The legislature has done nothing, it has even refused to consider the measures framed to remedy the evils and wrongs complained of. Governor Garvin, therefore, has done well to force the issue to the front again, and he has adopted the best possible way to command public attention. In his special message he proposes the Constitutional Initiative, which, if adopted, would enable the people to modify the present rotten borough system of representation and make the legislature truly representative of the people. He proposes equal suffrage and the veto power for the executive. His programme, in short, meets the needs of the hour, and, in pushing it upon a reluctant and enraged legislative majority, he discharges his duty to the people who elected him to office. No one can say that Governor Garvin has not been true to his pledges in these matters, and has not kept the faith that was in him.

The Governor had a most successful day with the legislature in the five hours' session, judging from the reports. He has prodded the inert body of public opinion, and it comes to a lively consciousness of its mission once more. He has again enfuriated a conservatism that has crowned an oligarchy of dollars as the ruler of the commonwealth. All goes well. It will be a sad day for Rhode Island when it has no more Garvins to defy its happy and contented plutocracy under the dome of the "marble palace."

"If our combination is illegal," said the capitalist, "I suppose we will have to change it."

"Wouldn't it be easier to change the law?" asked his associate.—Chicago Evening Post.

THE CHICAGO TRACTION QUESTION.

Contribution of Louis F. Post to the Chicago Record-Herald, of September 14, 1904, in the series arranged for the Record-Herald, and described by it as follows:

"The Record-Herald has arranged for the publication of a series of discussions of the tentative ordinance dealing with the local traction problem so far as it pertains to the Chicago City Railway. The contributions will be from men who have given the traction question generally and the tentative ordinance specifically serious consideration. Representatives of the numerous schools of opinion that have grown out of the local traction situation will be given an opportunity to be heard, so that from the variety of expression Chicagoans who have not made a special study of the subject may be able to glean the best arguments from all sides and to form an unbiased opinion of the pending ordinance. The contributors will furnish expression of individual opinion only, and will not speak for any organization with which they may be affiliated.—Editor the Record-Herald."

Under existing circumstances the question of whether or not the pending traction ordinance would be a desirable compromise is, in my judgment, of secondary concern. The primary question now, is whether this or any other extension ordinance shall be officially approved by the mayor until it has been sanctioned by the people on a referendum vote.

That question springs from a deep political principle and involves serious civic consequences. For the mayor is firmly pledged, by his campaign platform and his campaign speeches, to withhold his approval from all extension ordinances not so sanctioned; and pledges of this character cannot be lightly broken without endangering republican institutions. The immediate tendency would be to weaken, the ultimate effect to destroy, public confidence in the election pledges of all candidates for office.

I am not unmindful of the mayor's denial of having made pledges inconsistent with the action he now proposes. But he is mistaken. His platform pledge is embodied in the Democratic platform for the municipal election of 1903, at which he was last elected. After insisting that "it is more important that the traction question be settled right than that it be settled speedily," this platform declares that one of the terms "necessary to a proper settlement of the traction question" is "the reference of all proposed extension ordinances to a vote of the people for their sanction and indorsement." The same pledge was made by Mr. Harrison himself in his campaign speeches. Of these he wrote at the time, over his own signature, the following description:

> In every speech I am making in the present campaign I am calling attention to the necessity of the referendum on all proposed franchise-extension ordinances, and am giving my pledge to the people direct to withhold my approval from any ordinance which does not give to the people a right they expect and demand, viz.: A referendum vote on all franchise-extension ordinances passed by the city council.

All the more firmly is Mayor Harrison seen to be bound by these pledges when the referendum vote of last spring is considered. By that vote the principle of the ordinance now proposed was condemned by the people of Chicago. It was condemned by an overwhelming majority of the voters who were intelligent enough to have formed an opinion on the subject and public-spirited enough to express their opinion at the polls.

Mayor Harrison cannot escape these obligations by shifting to other persons the responsibility for securing the 100,000 signatures necessary for a referendum. This responsibility does not in fairness rest upon private citizens whose petition against the principle of the ordinance was sustained less than six months ago; it rests upon a mayor who is pledged not to approve any extension ordinance whatever until it has been sanctioned by referendum.

Even if the mayor be released from his obligation to procure petitions, he cannot relieve himself from the rest of his pledge by requiring that the petitions be started before the ordinance is formulated by the council. Formulation by a council committee is not enough. How can there be a fair referendum upon an ordinance not yet considered by the council? Between the starting of the petitions and the time for the referendum vote it may be so altered, for better or worse, as to lose its identity.

On this point the Record-Herald itself has spoken in no uncertain phrase. In 1903 this paper, standing firmly for an opportunity for a fair referendum on every ordinance of the kind now in question, anticipated a possibility of the objectionable course the mayor now contemplates, by suggesting a method of preventing it. I quote from its editorial of January 31, 1903. After stating that, in the Record-Herald's opinion, the traction question should be settled substantially in accordance with certain specified terms, this editorial placed the following condition at the head of the list:

> When the council has formulated a measure acceptable to it, a pause should ensue and an opportunity be given voters to demand a referendum.

I feel safe in assuming that the Rec-

ord-Herald does not regard Mayor Harrison's pause for a referendum, made before the council has even considered the proposed ordinance, as being substantially the same thing as its own demand for a pause for a referendum, to be made "when the council has formulated a measure acceptable to it."

Under these circumstances, there can hardly be more than two legitimate objections to a referendum on the pending ordinance.

One of the two is a possible necessity, unforeseen at the election—not a mere desirability, but a reasonable necessity—for consummating the proposed compromise before next spring's election. Such a necessity, if frankly explained, might indeed excuse a breach of the election pledges for a referendum. But that point is thrust out of the discussion by the mayor's offer to postpone until spring if the requisite petitions are signed. A compromise that can be postponed upon petition is not sufficiently urgent to excuse a violation of election pledges on grounds of unforeseen necessity.

The other of these two objections is the plea that there is no authority in law for passing an ordinance with a proviso that it take effect only on referendum approval. That objection begs the question. What if there is no legal authority for this particular method of referendum, does it follow that every possible method would be illegal?

Suppose the council were to refer the ordinance now pending before it to committee of the whole; suppose the committee of the whole were to amend it to their satisfaction, thereby formulating a measure acceptable to the council, yet not finally acted upon by that body; suppose they were to report it to the council with a recommendation that it pass in that form; suppose the council were then to make it a special order for the 10th of April next; suppose the council were thereupon to provide for the circulation of petitions for a referendum on the ordinance at the spring election under the public policy law, or were to complete the above described preliminaries long enough before that election to give opponents of the ordinance ample time to circulate petitions themselves; suppose that after the referendum vote the council should in their own discretion decide, in accordance with that vote, either to pass or to reject the ordinance—suppose some such procedure were followed, would it be unlawful?

If not, then what is there to hinder the mayor from causing the adoption of that course by advising the council that if it is not adopted he will veto their extension ordinance? And if there is nothing to hinder this, then what law or lack of law stands in the way of his redeeming his election pledges if he wishes to?

These queries may be addressed as well to aldermen who are similarly pledged as to the mayor.

The merits of the ordinance may easily give rise to honest differences of opinion. But if some of its opponents do suspect corruption honest advocates of the measure must not be too swift to rebuke them, for the circumstances are by no means entirely free from suspicious appearances.

Among the sinister signs is the evident disposition to rush the ordinance through without referring it to referendum vote, and in the teeth of the election pledges. Why this unseemly urgency?

Another thing is the fact that this improved ordinance is advocated no less ingenuously and urgently than was the tentative ordinance of a year ago. Yet that ordinance contained some important provisions so objectionable that they could not stand public inspection, so manifestly unfair that they have been omitted from the present ordinance. How did they get into the first ordinance, and why were they clung to so tenaciously for months if an honorable compromise was intended?

Still another suspicious fact is the treatment to which two of our best judges have been subjected for very properly warning the public against what they conceived to be consequences of the ordinance which the public would not willingly invite. This deplorable treatment was not the insolence of an irresponsible mob nor the impudence of unsophisticated faddists; it was the deliberate response of intelligent leaders in the movement in behalf of the ordinance. Why such suspicious tactics if the compromise proposed is a worthy one?

Add to these and similar circumstances the fact that vast pecuniary interests are at stake, of a kind commonly believed to be administered by unscrupulous agents, and you have a situation that calls for a better explanation of the ordinance than the public has yet been favored with.

Very far am I from making or approving accusations of corruption. In the probity of some who support this ordinance I have unshaken confidence; against none have I any special information. Nor am I at all inclined to suspect the integrity of particular public servants, although not simple enough to believe that public affairs are administered without corruption, nor unsophisticated enough to suppose that public corruption is accomplished only by raw bribery. Many a man who would not take a $50,000 bribe in the raw will take a tithe of it in the form of an appreciation or the prevention of a depreciation of his property, and account it pay for an honest day's work. In no sense, however, do I imply that corruption is "the man behind the gun" in promoting this compromise ordinance. I refer to suspicious circumstances for only two purposes: First, incidentally to admonish those who sneer at the cry of corruption that the accusation is not without justifying appearances. Second, in order to submit to the public the important consideration that a compromise so circumstanced should be accepted with extreme caution, no matter how desirable some settlement may be in fact, nor how fair the details of this particular settlement may seem to be upon the face of the ordinance.

Only experts can intelligently discuss the details of such a settlement. The public is therefore entitled to know more from experts than they have heard. From one class—traction experts—they have heard nothing in plain language. May not the non-expert citizen fairly ask, then, whether the proposed compromise, simply as a traction question, isn't all "give" and no "take"?

And in this connection may he not ask specifically what considerations have necessitated the increase of fares from 4.17 cents (subject to compensation to the city) on a ten-year grant, as proposed by Alderman Bennett's outline ordinance of 1901, to 4.75 cents (after deducting compensation to the city) on a 13-year grant, as proposed by the pending ordinance?

About two years ago one of the best traction experts in the United States, Tom L. Johnson, made the following offer to Cincinnati:

> I will personally guarantee that a syndicate, if given the opportunity, will bid and put up a forfeit for a 20-year franchise, with complete system of transfers, at a three-cent fare for the street railway lines of Cincinnati, and agree to pay present owners full value as a going concern for all tangible property, and 20 per cent. in addition; agree to public inspection of the books, and further to the sale of the lines to the city at any time for a price ten per cent. in addition to money actually invested.

Legal complications aside, why wouldn't those terms be as fair for the territory of the Chicago City Railway company as for Cincinnati? I am not venturing to assert that they would

be. But if not, why not? What is the nature and extent of the difference—apart from legal questions?

From legal experts something has been heard on both sides, but those who advocate the ordinance have done little more at the time I write than to make very general assertions. To what particular statutes, for instance, did Edwin Burritt Smith allude when he wrote that "under our statutes the board has this power," meaning that the board of directors of the Chicago City Railway company has the power to surrender its 99-year claims? A citation of statutes conferring this power might go far toward removing one of the objections to the proposed ordinance.

The questions for legal experts to answer with precision and lucidity are not numerous, but some of them are very important.

For example: If the object of the settlement be to quiet the 99-year claims, what reasonable certainty is there that this ordinance would do it? Can the directors surrender those claims in derogation of the rights of stockholders, inclusive of interests of the legally incompetent? And are those 99-year claims so well founded in law, and so important for traction operation, as to make a costly settlement desirable?

Again: If the object of the settlement is to avoid the possibility of eight or ten years of vexatious litigation, what reasonable assurance is there that this ordinance would accomplish that result? The bare possibility of litigation cannot be guarded against. But does this ordinance securely guard against eight or ten years of litigation? If not, where is the advantage in swapping litigious possibilities?

Again: If the object of the settlement is to secure good service, in what way would this ordinance effect that result? Reference has been made to the forfeiture clause. But would that be effective without long and vexatious litigation, if the company chose to resist? Reference might be made also to the clause reserving to the city the right of regulation for the safety, welfare and accommodation of the public. But doesn't the city already possess that right? If it does not, what power does the clause reserve to it? If it does, why not enforce it now? Could good service be secured and long and vexatious litigation be prevented by this ordinance except through the grateful good will of the company? If not, why make the settlement? If it could, how?

Again: If a peaceable initiation of municipal ownership at the end of 13 years is intended, would this ordinance make it legally any more peaceable and financially any more feasible then than it is now? If so, in what manner? Could the purchase price be legally fixed as against the corporation by an arbitration award agreed to by the directors 13 years before? Could the city compel that arbitration, if the corporation refused on the ground that arbitration agreements are not binding until award is made? Could the city avail itself of the corresponding privilege of refusal without being forced back by a cry of "bad public faith"? With the tendency of the Federal courts to interpret public contracts with private corporations liberally in the interest of the latter, might not a board of arbitrators controlled by Federal judges interpret the valuation clause—"fair value for street railway purposes" (see page 45, line 52, of the ordinance; also page 44, lines 10 and 11)—so as practically to include occupation value, notwithstanding the express exclusion of that element under the name of "franchise" and "license"? Would it not be safer to change the phrase just quoted so as to read: "structural value plus five per cent"—or even 10 or 15 per cent.—than to leave the arbitrators free to decide what values the phrase, "fair value for railway purposes," includes? Was there, indeed, any pressing reason for modifying the Bennett outline ordinance of 1901 in this respect? In that outline the valuation clause suggested payment by the city, upon taking over at any time after ten years, of "the full value of the property for street railway purposes (which value shall be taken to be the cost of duplication less depreciation), with five per cent. additional thereon as compensation for the compulsory sale." Why has this explicit form been changed for one comparatively ambiguous? Under this general head, moreover, would the pending ordinance increase the feasibility of providing public funds for the purchase price? Unless these questions can be satisfactorily answered, why should the ordinance be adopted as a municipal ownership measure?

Conceding with George C. Sikes, as I freely do, that "the battle of the American city against the intrenched public utility corporation" cannot be won easily and speedily, the practical question remains: How would this ordinance advance the fortunes of that battle? And this question he does not dispose of. Both Judge Tuley and Judge Dunne answer that so far from advancing the battle it would end it in the interest of the intrenched corporations.

These judges have spoken without reserve on the merits of the ordinance. No one denies their competency, and no one has reason to question their motives. If they have refused to surrender their citizenship with their assumption of the gown, they have at any rate gone behind no doors to express their opinions. They have taken the whole people into their confidence. Whatever, therefore, the conventionally-minded may think of the propriety of their conduct, none can doubt either the good faith or the expert value of their opinions. These opinions, as yet unrefuted, emphatically and circumstantially condemn this ordinance as an unnecessary, one-sided, costly and ineffective compromise, and one which would destroy all hope for municipal ownership of the traction facilities of Chicago.

But let the merits of the proposed extension ordinance be as they may be, Mayor Harrison's election pledges remain for the present the question of primary concern. Only in the face of unforeseen and insuperable obstacles, and upon a frank and full explanation to the public, may such pledges be deliberately broken. To break them without necessity and explanation tends inevitably to raise suspicions of corruption when great financial interests are thereby served, and otherwise to shake public confidence in representative government when those interests are not involved. The integrity of representative government here at hazard is more important than the merits of any ordinance for a settlement of the traction question.

I am homesick—
Homesick for the home that I never have seen—
For the land where I shall look horizontally into the eyes of my fellows,—
The land where men rise only to lift.—
The land where equality leaves men free to differ as they will.—
The land where freedom is breathed in the air and courses in the blood.—
Where there is nothing over a man between him and the sky,—
Where the obligations of love are sought for as prizes and where they vary with the moon.
That land is my true country. I am here by some sad cosmic mistake—and I am homesick.
—Ernest Crosby, in The Whim.

BOOKS

A LITTLE GARRISON.

Of all the recent realistic novels that have been published in any languge no one has produced such immediate