time they may join in measures ruinous and destructive to their States, even such as should totally annihilate their State governments, and their States cannot recall them, nor exercise any control over them.

This extract affords an interesting instance of political prophecy, for all that Mr. Martin predicted as an outcome of irresponsible representation in Congress has been realized. Our representatives misrepresent with impunity. But the extract has additional value in showing that the "new fangled," "foreign," "socialistic," "anarchistic," etc., Recall, is strictly an American device of representative government and coeval with our Republic.

Common Sense About Patents and Franchises.

A British judge, Parker of the King's Bench, has recently decided that the patenting of inventions is primarily for the benefit of the community and not merely of the patentee. He has therefore revoked a patent which had been used not to promote but to fetter industry. His decision was under a peculiarity of the British patent law, but the principle is sound universally. It used to be observed by our own courts. Injunctions for the protection of patents were not granted unless the owner of the patent satisfied the court that his invention was freely open to general use upon reasonable royalties. But the accession of life term corporation lawyers to the Federal bench by appointment, has reversed that wholesome practice; and it is now no uncommon thing for patent owners to restrict the manufacture and use of inventions to favored corporations, or even to suppress their use altogether. This is the practice to which the Wall-street Journal of April 14 alludes when it says:

A patent which is granted but not used, the title to which is retained purely to restrict fair competition, is a monopoly in restraint of trade. It confers a privilege never contemplated or intended. It fails to come within Justice Parker's definition of a grant for the benefit of all. Failure to manufacture under a patent within a reasonable time should be automatically followed by the canceling of that patent, with free permission to everybody to utilize the protected process or principle.

Nor does the Wall-street Journal stretch the principle at all, when in applying it to other forms of franchise it says:

If this is true of a patent it is equally true of a franchise. The traction company or railroad which uses the grant of a right of way not to transport passengers and minister to the public convenience, but to restrict competition, is abusing the privilege which the sovereign people has conferred. It is ridiculous to suppose that a creature can be greater that its creator, and all franchises of this character should be reassumed by the state. There is no confiscation involved. One specific privilege was granted but the holder of it has seen fit to exchange it for another which was not granted. We are undoubtedly making strides in such matters as this and we can well afford to go faster and further. There is no need to specify here the names of railroads who so abuse their franchises or of corporations who hold patents unused purely to check formidable competition. There are plenty to be found, as every business man knows, and it is the duty of our legislatures to seek out these abused privileges and extinguish them.

The Traction Campaign in Cleveland.

The character of the traction controversy in Cleveland has become plain enough to any observer who sees what he looks at. It is a contest between the old Johnson movement for low fares and public ownership, on the one hand, and, on the other hand, the old monopoly movement for high fares, watered stock and private exploitation.

What the vote will be nobody can assuredly tell. What it ought to be, no one can seriously question. Whoever favors private exploitation of public service, thinks the vote ought to be *against* the Schmidt ordinance; whoever favors public service for the public good and not for private profit, thinks it ought to be *for* the Schmidt ordinance. On these lines the goats and the sheep are separating.

For the Schmidt ordinance would place 80 per cent of the traction system of Cleveland at once upon the 3-cent basis—a rate of fare the financial success of which has now been demonstrated by actual and continued experience. The alternative to the Schmidt ordinance, which the Council adopted, is the Tayler ordinance, which it refused to adopt. This is the alternative because the Tayler ordinance is the only one the old company is willing to accept. To this ordinance the Chamber of Commerce, controlled by private traction interests, is committed; yet the Plain Dealer, which has joined the Chamber of Commerce in opposition to the Schmidt ordinance, now says of the Tayler ordinance, that "its defects are patent and vital." This ordinance of defects that are "patent and vital" is the one in behalf of which a stampede was promoted, that might have swept over the opposition of a less able leader than Mayor Johnson, or any leader with a less intelligent or less disinterested group of supporters.

The indications are that the people of Cleveland are awake to the significance of this latest