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A man with an "overheated conscience" is one who talks right and votes wrong.

"In life as in war," said President Roosevelt at the banquet at New York in honor of the installation of the new president of Columbia university, "patriotism and devotion are necessary; but if a man have these and also a slight tendency to run away, his usefulness is impaired." It is doubtful if Mr. Roosevelt thought of himself, except as a spectacular warrior, when he uttered those words. But they are certainly suggestive of one of his tendencies, and not a slight one either, as a character in civil life.

The wielder of the spoilsman's ax in the post office department during President Harrison's administration was James S. Clarkson. Mr. Clarkson now lives in New York, and President Roosevelt has made him surveyor of customs there. As Mr. Roosevelt had denounced him as a spoilsman, saying with reference to him in that connection that—
there is a certain difference between being paid with an office and being paid with money, exactly as there is a certain difference between the savagery of an Ashantee and that of a Hottentot, but it is small in amount—
some wonder is expressed at this appointment. The New York Times speaks of it as "amazing and incomprehensible." But it is nothing of the sort—not to anyone who has observed Mr. Roosevelt's career. It is on the contrary strictly harmonious.

When the Republicans were busy making up tariff schedules in the name of the American workingman but for the benefit of the American trust,

they gravely assured the public that a tax on imports is paid by foreigners. "The foreigner pays the tax," said they, with wearisome iteration, for permission to share market privileges! At last the British ministry have recognized the advantages of this method of supporting government, and have proposed taxes which will enable them to put the financial burden of the war in South Africa upon foreigners. They have long been able to get mules from America, and now they aim to get money from the same source by taxing grain and flour. According to the Republican theory, this tax must be paid by foreign farmers and millers; and if English consumers pay more for bread that is only an interesting but purely accidental phenomenon. "The foreigner pays the tax."

The labor party mayor of San Francisco has adopted a policy with regard to labor strikes, the outcome of which will be awaited with profound interest. It promises to give peculiar historical and legal value to the street car strike in San Francisco, which at latest reports had caused a complete "tie-up" of the street car service in that city. Mayor Schmitz has departed absolutely from the custom of turning peaceable strikes into riots by permitting the employers to overcome passive resistance with deadly weapons and aiding them in doing so.

As usual in such strikes, the street car managers proposed to man their cars with armed private guards commissioned as special policemen. There had been no riot, no violence of any kind, nor any indications of violence. But the managers made the plea that their non-union men refused to work unless protected by armed guards. This plea is worthless. Had the non-union men gone voluntarily to work and been molested, then there would

have been a case for criminal prosecution; and if the molestation had been general by mobs, there would also have been a case for peremptory police interference in defense of the public peace. But in the absence both of overt acts and of threats imperiling the public peace, police interference and other armed displays are insulting to peaceable strikers, and unlawful as being themselves acts calculated to disturb the public peace. The mere refusal of non-union men to work without armed protection is not a justification for such demonstrations. They can serve no other purpose than the unlawful and inexcusable one of exciting the anger of strikers and so bringing about the very injuries to private rights and breaches of the public peace which they are professedly designed to avert.

That that is the object, hardly admits of doubt. A formidable strike can always be defeated by baiting the strikers until a few respond with acts of violence. This not only concentrates general public sentiment against the strike, but it disheartens the strikers themselves, most of whom are men of peace. It is, therefore, part of the tactics of strike resistance to confront the strikers at the earliest possible moment with a display of armed force. This has been the history of all strikes against monopoly corporations. But Mayor Schmitz has taken a new departure. Not as a labor union man, but as mayor of the city charged with the preservation of the public peace, he has prohibited the arming of private guards by the street car managers. And in this he has been supported by the supervisors, who have furthermore refused to man the cars with policemen.

The laudable purpose of the San Francisco officials under the new re-

gime is simply to preserve the public peace; and they are not making this a pretense, according to the usual custom, for taking sides with one of the parties to the strike. Their admirable spirit is disclosed in the mayor's letter to the police department. A demand upon that department had been made by one of the street car companies, for permits to employ "special armed deputies" to guard its cars, and in advising the police department Mr. Schmitz wrote:

As mayor of this city I am taking part with neither side to the controversy, but what will not be permitted to the striking employes will certainly not be allowed to the employer. All violence must be discouraged and suppressed and all action on either side tending to riot and bloodshed must be stopped. It is well known that the employment of armed men to represent either side of the present difficulty would naturally result in producing conditions of violence and disorder. I therefore request and direct that during the continuance of this strike no permit to carry weapons be issued by your board and that no private detective agency be granted the right to employ and arm special private detectives for the purposes indicated. The regular municipal authorities and the regular police department are amply able to handle the situation and to do their full duty to the people in the premises. If armed men be permitted to convey cars it will naturally follow that armed men will shortly thereafter be found also among the men on strike and the result is not difficult to prophesy. Conditions are now peaceful and orderly and they must remain so.

Pierpont Morgan is reported to have set up the doctrine, while testifying last month in a lawsuit in New York in connection with the consolidation into the Northern Securities company of New Jersey, of the northwestern railroads, known as the "Northwestern merger," that men who own property may do what they like with it. To any person with a well-balanced intellect and reasonably sensitive conscience this would appear to depend upon how they own the property. If it is justly and wholly their property, unincumbered by other interests, it is true that they may do as they like with it, provided, of course, they do not

use it to the prejudice of the rights of other people. If a man owns a sulphur match, for instance, he may not use it to fire his neighbor's barn. He may use it, however, to light his own cigar with, even if somebody else wishes him to devote it to an altruistic purpose. But when a man's property is charged with a trust, he is bound to execute the trust. Consequently the question of whether a man may do what he likes with his own property depends upon whether or not a trust encumbers it. And a trust does encumber the ownership of the northwestern railroads. The highway privileges which constitute a part of those properties, are gifts from the people in trust; and one of the conditions of the trust is that there shall be no combination by or between lines traversing the same territory.

This is conceded. But a Wall street organ of high standing in its way, The Commercial and Financial Chronicle, insists that in the case under consideration—
there is and was no combination intended or made either direct or indirect.

That is an astounding assertion, since the object of organizing the New Jersey corporation is to centralize in it the control of these competing roads. But listen to the explanation of the journalistic attorney for Mr. Morgan already quoted:

Certainly no combination can be inferred from the circumstance that a purchaser buys the stock of two competing roads in large amount, or that he sells the stock in large amounts of roads so situated to a single individual or a single company. The law is the same to all—when one sells a hundred shares or when his neighbor sells a million shares.

That is to say, though the ownership of these public highways is in trust upon condition that competition between them shall not be strangled by their combination, yet they may be lawfully combined and the trust set at naught by the simple process of selling a majority interest in all to a corporation organized for that express purpose! If courts of equity

cannot grapple with such a plain evasion of their obligations by owners in trust, those courts had better limit their jurisdiction hereafter altogether to labor strikes.

Of course the law applies alike to the purchase of a hundred shares or a million—as to beneficial ownership. But as to the due execution of the trust, it might be very different in the one case from what it might be in the other. If from a purchase of a hundred shares no combination would result, with its consequent throttling of competition, the public would have no rights in the matter for the law to operate upon. But if from the purchase of a million, or even of a hundred, or only one, the combination would result and the obligations of the trust be thereby evaded, then the public would have rights in the matter to be protected. And the latter is precisely the case in the merger transaction. When the New Jersey company buys a majority of stock in each of these competing roads it thereby effects an unlawful combination in breach of the trust with which the property is charged. The case, therefore, is not one in which the owners "may do what they please with their own." They must in good faith execute the trust.

Minnesota is in a queer state of helplessness before the law with reference to this "merger" matter, one which seems completely to discredit the old legal maxim that in the law "there is no right without a remedy." In behalf of competition her domestic policy forbids the consolidation of railroad interests. But her principal railroads have evaded that policy, expressed distinctly in the Minnesota statutes, by organizing in New Jersey the Northern Securities company, a stockholding corporation, which takes up the stock of the Minnesota roads in exchange for its own, thereby consolidating the ownership of those roads as effectually as if they were made into one by the Minnesota legislature. The purpose is obvious; the evasion is manifest. Yet the in-