

# The Public

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Ownership of air is a logical sequence to ownership of land, and a Jerseyman has in a suit against a telephone company asserted his title. Without his consent the company has stretched wires through the air over his land, from poles set in the ground on adjacent lands, and he brings suit, contending that he owns the space all the way up, and that the company is a trespasser in his air!

The criticisms of Mr. Bryan for calling his paper the "Commoner" would be hardly worth while, even if they were well founded. But they become mere exhibitions of spleen when, as in the case of the Philadelphia Ledger, they characterize as "gross," "coarse" and "vulgar" Bryan's reference to the designation of what Lincoln called the plain people as "common people." Common people is not only the more familiar, but it is the older, term for the intelligent masses. The name of the British house of commons is a verbal monument to the respectability of the word commoner.

When opponents of woman suffrage resort to their shopworn arguments, protesting that women are unfit to raise families and to participate in government too, they should be reminded of Queen Victoria. She was a woman. She raised a large family, which has proved to be as good as the average. Yet, according to Lord Roseberry, her fund of knowledge was "unequaled by any constitutional historian," and, "without disparagement of other monarchs, she was the chief of European sovereigns."

In the light of that part of the Taft report from the Philippines in which it is stated that with the exception of "the Moros, who are Moslems, and the wild tribes, who are pagans, the Philippine people belong to the Roman Catholic church," and that "the total number of Catholic souls shown by the church registry in 1898 was 6,559,998"—in the light of that official concession, we should like to know how President McKinley explains his "only one little tribe" theory of Philippine resistance to "benevolent assimilation."

Most sincerely is it to be hoped that Justice Harlan uttered the words attributed by the reporters to his speech at the annual dinner of the Loyal Legion. It is gratifying to believe that he regards the constitution as holding in check all the departments of the federal government, so that no power can be exercised anywhere by that government except under restraint of its letter and spirit. But greater gratification still is afforded by his reinvigorating declaration of the rights of man. As quoted, his words were:

This government is founded upon the rights of man—upon the theory that a man has rights as a man—and if we enter upon the world-power business with any other theory in mind we shall enter it for evil and not for good.

That sentiment, so admirably expressed, is a touchstone by which Lincoln republicans may be distinguished from McKinley republicans.

Gov. Nash, of Ohio, who could not see his way clear to protecting Dowieite missionaries from the fury of Mansfield mobs because the sheriff made no complaint to him, has found a way, it is reported, of interfering with a prize fight at Cincinnati. We have no more sympathy with Dowieite agitation than we have with prize

fighting; but believing as we do that the persistent suppression of free speech is more dangerously immoral than the toleration of a prize fight, we cannot quite shake off the conviction that Gov. Nash is one of those officials who compound for winking at crimes they are inclined to by suppressing those they have no mind to.

Writhing under the deserved lashings of the independent press of Pennsylvania—and there are independent and honest papers in that state, prominent among them being the Philadelphia North American and the Johnstown Democrat—the corrupt political machine is trying to secure the passage of two extraordinary libel bills. One of them would repeal the law prohibiting the recovery of damages for libel when the accusation complained of is a proper public statement and true. So it seems it is not false libels that the Pennsylvania ring would suppress, but the truth. The other bill would require the submission before publication of all possibly libelous matter to the person involved. Such a bill can have no other purpose than to enable public rascals to try and head off exposures with hush money.

With the recent acquisition of the Southern Pacific railroad, a little group of some half dozen men come into control of all the great highway systems of the United States. They not only own the railways of the country, but they absolutely control the entrance ways into all our large cities. Without the consent of these men, no one can make railway connections with New York, Boston, Philadelphia, Chicago, San Francisco, Portland, the cities of Puget Sound, Galveston, St. Paul, Minneapolis or Omaha, to say nothing of other important points. Controlling the ter-

minal facilities, they control the cities, and are thereby masters of the country. To regard this situation, as some newspapers and public men do, as being good or bad according to the manner in which the terminal owners may manage the property, whether for the better accommodation of the public or not, is sheer fatuity. The real question is not what use these potentates may make of their unprecedented privileges, but what use they can make of them. These men, with the privileges they possess, are stronger than an absolute monarch. And their power is not dissimilar. They are not business men uniting their business interests. They are owners of sovereign power, of governmental power, of power which originates not in business but in law. The cars, rails, station houses and other railway equipment—which belong to them as business assets—are trifles in comparison with their rights of way and terminal rights, which belong to them as creations of sovereignty. Indeed, the time is coming when they will retain no interest in rolling stock, but will lease to business men the business privilege of running trains, while they themselves retire upon the landlord's function of collecting rents for rights of way and terminals. It is evident now that the highways of the country will soon be directed by one master mind whose power, greater than that of any other man on earth, will control ballot box and cartridge belt as well as rail and tie, unless—and only this can prevent it—the people themselves resume the ownership of their highways and terminals. Such a man, holding the livelihood of all railway employes in the hollow of his hand, would be a spoilsman infinitely more dangerous than the worst boss that political spoils could possibly develop.

The celebration of Marshall day was in reality a tribute to the triumph of federalism—the triumph, that is, of Hamilton's policy of empire in contradistinction to Jefferson's policy of self-government. It was not so much

Marshall's greatness, and he was indeed a great man—so was Napoleon, so was William the Conqueror, so was Alexander,—that his eulogists praised, as his use of his powers in changing the constitution from a federal compact into an imperial charter. To read the speeches of the day is to realize that Hamilton's programme has revived in the American mind; or, at least, that the orators of the day thought it had. Even democrats, or men who so label themselves, applauded federalism in Marshall's name; while republicans, who once had learned from Abraham Lincoln to respect the name and principles of Jefferson, were swift to take advantage of the opportunity to belittle his name and to sneer at his principles.

Our corporate masters are becoming as reckless as cynical when they feel secure enough in their places of plutocratic power to do what Thomas W. Lawson, of Boston, one of the Standard Oil crew of pirates, but better known as the "copper king"—for having, in connection with Rockefeller, organized the copper trust—has done. Apropos of a gas investigation proposed by Representative McPherson, of the Massachusetts legislature, Mr. Lawson has issued an astounding address. He cynically advises Representative McPherson that—

the Massachusetts legislature, the present one or that of any of the four or five years past, is, or has been, as absolutely at the command of those who control it as those of either New York, Montana or Pennsylvania.

That—

when it is settled, as it is this session, that there shall be no investigation of gas corporations, or any other corporation affairs, there will be none.

That—

Mr. McPherson or other legislators of this kind may rant and fume, but they must, I repeat, take the medicine prepared by those who control legislatures.

And he asks Mr. McPherson if he knows that—

a certain enterprise paid \$30,000 to

simply shunt his investigating order from his committee to the one on rules.

That—

in the last day or two of the last session of the legislature it cost some one over \$100,000 to see that the work of his committee came to naught, and that in the one before that it cost over \$150,000 to see that the committee's work did not become real soul-stirring.

That—

if a real investigation was held by simple men like himself it would be demonstrated that this one enterprise has spent over \$2,000,000 to see that the Massachusetts legislature was properly educated as to its duties, and that on its books would be found a single item of \$1,000,000 paid for that laudable purpose.

Finally Mr. Lawson assures Mr. McPherson that it is a waste of time for him to try to get real gas investigations this year, for he cannot have any—

because it has been so decreed by those who have more to do with legislation than legislators.

The farcical character of personal property taxation is further exposed by the comptroller of the state of New York, who in his report to the present legislature shows that the proportion of state revenues from personal property taxation has fallen from 22 per cent. in 1870 to 11 per cent. in 1900. If the truth were known, this dwindling personal property tax comes almost wholly from widows and orphans and men of moderate means. The rich escape with comparatively light payments. It is because they escape that the proportion of revenues from personal property taxes diminishes. And that is the experience of the centuries. Personal property taxes cannot be fairly collected. Yet we struggle on, experimenting with more and more drastic and less and less effective measures, trying to make personal property values bear public burdens that ought to rest wholly upon other kinds of property. The values of monopolies such as railroad rights of way, and the values of especially desirable land—kinds of property that now contribute but little toward maintaining the institutions which