

the political and industrial principles that the revolt against the Democratic machine in Chicago aims at promoting, and they are not indebted for their nominations to the machine. They should, therefore, be cordially supported by all democratic Democrats. This is made somewhat difficult by the political bosses' law which forbids the printing of the same name in different party columns on the official ballot. But there is no necessity for nominating opposition Congressional candidates against the machine's ticket in districts like these, where the machine does not control the regular candidate. Detroit, also, has a pronounced democratic Democrat in nomination for Congress, in the person of F. F. Ingram.

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Traction Question in Detroit.

A traction controversy in Detroit promises soon to be at white heat; and, as usual, traction owners and traction politicians are figuring to humbug the people. The situation is not unlike that at Chicago before the franchise grabbers and their confederates were driven into the woods by Mayor Dunne's election. There is a claim to perpetual street rights for part of the system, which answers in Detroit to the purpose of the now defunct 99-year act in Chicago. The companies offer to trade it for an 18-year franchise for the whole system. Then there is the alluring bait, which was offered in Chicago, of bringing all the franchises to a focus so that they will expire at the same time. In some respects the Detroit offer is better than that which Mayor Harrison tried to railroad through for his traction friends in Chicago; but the general scheme is the same, and the object is the same—namely, to give a long lease of further life to traction stockjobbing.

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Roosevelt's Feat with the Decalogue.

In his key-note speech for the Congressional campaign in Maine, Senator Beveridge commended President Roosevelt for having "restored the decalogue." We should suppose that the astringent ambiguity of this compliment would not be especially acceptable to Mr. Roosevelt. It sounds too much like complimenting the man who has run away with your horse, for restoring it after getting caught. Wasn't it under the direction and for the behoof of the business classes who made McKinley and Roosevelt their political leaders, that the decalogue disappeared from American business circles? Better for Mr. Roose-

velt than Senator Beveridge's ambiguous compliment, would it be to restore some of the stolen monies that went into his campaign fund when his friends were playing hide and seek with the decalogue of which they now describe him as the restorer.

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Beveridge's serio-comic picture of Roosevelt restoring the decalogue is suggestive of the fabled Eastern traveler who upon looking into a well one brilliant night and seeing the moon's reflection upon the surface of the water at the bottom, exclaimed: "We are lost, we are lost! The moon has fallen into the well!" Then he dropped a bucket into the well, that he might mayhap by some dexterity catch the moon in the bucket and lift it out of the well. He did catch the moon in his bucket, but in his efforts to pull the bucket with its precious freight to the top of the well, he broke the rope and fell sprawling on his back upon the ground. As he lay there with upturned face, bruised and sore in body and limb, his eye caught sight of the moon sailing serenely over his head. "Allah be praised!" he then exclaimed. "I am indeed suffering sadly; but the moon, have I not lifted it out of the depths of the well and restored it to its place in the sky? Allah be praised! Allah be praised!"

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A HISTORIC AMERICAN MONOPOLY

All the navigable waters of the State of New York were once monopolized by two distinguished men. Lake Champlain, lower Long Island Sound, the Hudson River throughout its navigable length, and even the bay above Sandy Hook, were, for certain purposes of vast commercial importance, as completely and exclusively their private property at law as is any man's hat or his coat.

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This was not two centuries or more ago, under autocratic grants from Dutch High Mightinesses or English Kings, but within the century just closed, and by authority of the Republican legislature of the independent State of New York. And though the monopoly was neither absolute nor perpetual, being limited in character to steam navigation and in time to thirty years, its limitations would have proved frail barriers to complete and perpetual proprietorship had it once secured a firm legal foothold.

As Daniel Webster said, if the legislature could create an exclusive privilege of navigation by steam power for thirty years, it could create an

exclusive privilege of navigation by any power for all time, and we might look confidently forward to a period in the early future when sailing vessels as well as steamboats, if not licensed by legalized monopolizers of navigation, would be forever excluded from the navigable waters of New York.

It is no wild inference, either, that New York's example, followed by other States as it surely would have been—as indeed it was—might long before the present time have transformed common rights of internal navigation into private property rights not less general in their recognition or perfect in legal effect than are rights of property in the solid earth. That at least we should have suffered from repeated conflicts between discordant and disunited States there can hardly be a doubt. For the one thing, greater than Congress or courts or army, that has held the Union together until now, even through an epoch of civil war, and that will continue to hold it together in the future, is the popular appreciation of the vital importance of free trade between the States which welded them into the Union toward the close of the last century. Abolish free trade between the States, and the Union at once begins to dissolve. Yet precisely that abolition is what the navigation monopoly would have accomplished.

From this blighting possibility we were saved by the Supreme Court of the United States, through a decision which stands as one of the most valuable landmarks of liberty, though probably the most obscure, in our judicial history. Few lessons in the higher politics of this country are so instructive as that furnished by the interesting circumstances out of which this decision grew—the origin, development, and collapse of the Livingston-Fulton steam navigation monopoly.

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Motives for the establishment of iniquitous institutions are usually good motives; if the devil were not a gentleman he would miss his richest prey. And this monopoly made no exception. The motive of the legislature in creating it, in so far as it was a serious motive, as well as that of Livingston and Fulton in procuring it, was of the best—a desire to promote the public welfare by means of steam navigation, which at that time was a dream somewhat like our own as to aerial navigation. Though successful steam engines had been invented long before, all attempts at applying them to water transportation prior to 1807 were failures, and it was supposed that a grant of

exclusive rights of navigating with steam might stimulate invention along this line and be an appropriate reward for success.

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Originally the monopoly was not granted to Livingston and Fulton, but to John Fitch. This was as early as 1787.

Fitch was a Connecticut farmer's son who had been at different times sailor, clockmaker, brass-founder, silversmith, sutler in the Revolutionary army, and deputy surveyor of Virginia. He had his attention turned to the possibilities of steam navigation when as deputy surveyor he experienced the difficulties of crossing lakes and exploring rivers by oar and sail. After crude preliminary experiments upon the "bottomless" Kolck, the once famous fresh water pond of Manhattan Island, long since filled in to make a site for the Tombs, now the site of the criminal courts building in New York City, he succeeded in 1786 in launching a steam packet upon the Delaware.

But he had been anticipated. About a year before, a boat was propelled by steam upon the Potomac, under the management of James Rumsey, its inventor, a fact which comes down to us upon the authority of Gen. Washington, who testifies to having seen the experiment.

Yet neither Fitch nor Rumsey secured any substantial reward. Some of the States granted monopoly rights to Rumsey, and a company, with Franklin as its president, was organized; but the business went no further. Fitch had a similar experience. With monopoly grants from New Jersey, Delaware and Pennsylvania, he organized a company which ran his steam packet on the Delaware regularly, but at a loss that soon plunged the company into bankruptcy and ended the enterprise; and though New York had also given him a monopoly, the one of 1787 already referred to, he seems to have done nothing practical in that State. In 1798 he committed suicide. His invention is now regarded by mechanical historians as having proceeded upon false principles.

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The fact of Fitch's death was immediately brought to the attention of the legislature of New York, and a similar monopoly solicited for Robert R. Livingston. The bill for this purpose was referred to the Council of Revision, at that time part of the law-making machinery of the State, of which the first Chief Justice of the United States, John Jay, then Governor, was a member. It is significant of the innocent public sentiment of

that period regarding plutocratic possibilities, that even so shrewd and conscientious a man as Jay should have thought of no fundamental objection, and that he and his associates reported adversely merely from solicitude for the unexpired interests of Fitch, whose death had not been judicially declared, lest those interests might be forfeited without due process of law. Their objection did not weigh with the legislature, and by an act passed in 1798 Livingston became the possible steamboat monarch of the navigable waters of New York.

The new grantee was one of the great public men of his time. Descended from the first possessor of Livingston Manor, which he had inherited; a brother of Edward Livingston, the distinguished jurist, whose fame makes part of the history both of Louisiana and New York; himself Chancellor of New York in the Revolutionary period; a member of the Continental Congress and of its committee that drafted the Declaration of Independence; Secretary for Foreign Affairs at the close of the Revolutionary War, and later our Minister to France, he was in a position, when great names and great families commanded peculiar respect and consideration, to secure the most favorable private legislation not incompatible with prevailing standards of justice and honor. He encountered no serious difficulty, therefore, either in procuring the original grant in place of Fitch, or in obtaining extensions of time for experimenting. But all his experiments were futile. Neither political influence nor social standing were enough, without mechanical talent of the right sort, to successfully harness a steam engine to a paddle wheel.

But it was Livingston's fortune to secure the necessary mechanical talent. While residing at Paris as the American Minister to France, he met Robert Fulton, a Pennsylvanian pupil of Benjamin West, who had abandoned art for mechanics and under the patronage of Napoleon was experimenting unsuccessfully upon the Seine with steam power for naval purposes. Kindred ambitions drew Livingston and Fulton together, and when the former obtained a further extension of his privileges from the New York legislature in 1803, the latter was included as joint grantee. The partnership produced no fruits until four years later. Every experiment resulted in failure until Fulton had procured from its inventor the description of a steamboat then in more or less effective operation in Scotland. Improving upon this, in 1807 he produced the "Clermont," so named after Livingston's country seat, which

silenced all the scoffing that previous failures had provoked, and marked the beginning of a new commercial era, as it pushed through the waters of the Hudson without sails and against currents, winds, and tides.

Though the "Clermont" was about the sixteenth steamboat of greater or less practicability that had been built in different parts of the world, the popular recognition of Fulton as the true inventor of steam navigation is approved by mechanical history, which accords him the honor because his boat was the first in which the strength and sizes of the various parts were apportioned to their respective strains and functions.

Further and more favorable grants were now promptly obtained. These gave the steam navigation of the navigable waters of the State to Livingston and Fulton for five years for every steamboat they might build, the whole duration not to exceed thirty years; and, forbidding any steam navigation of any such waters by any other person without their license, authorized them to seize all steamboats caught infringing their privileges and to appropriate them as their own property. By 1812 enough boats had been built to secure the monopoly for the full term, and a line was running regularly to Albany.

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Until this time the several grants of exclusive rights of steam navigation had cut no figure in industrial affairs. They were of less apparent importance than exclusive rights to navigate the air by means of electricity would be now. Few expected the rights to accrue for few supposed that steam navigation would ever be a fact. But from the moment the "Clermont" moved, the character of commerce began to change, and a common right of no importance yesterday was vital to-day.

When steam became the principal motive power of navigation, to recognize the monopoly was in effect to place commerce under private control. The advantage of this to the monopolists was quickly seen and utilized by that class of shrewd men who are always alive to the main chance and readily adjust themselves to the rules of the game. "Hustlers" we should call them now. Specimens of this genus induced Massachusetts to grant to them similar rights on the Connecticut River, New Hampshire on the Merrimac, Pennsylvania on the Susquehanna, Tennessee on the Tennessee, and Georgia on all her waters.

Some States retaliated, and a war of legislation began which would have developed into a war of

blows but for the decision disfranchising the New York monopoly. Connecticut forbade the entry into her waters of any steamboats licensed by Livingston and Fulton, and New Jersey provided for the punishment of any person found within her jurisdiction who should interfere under the Livingston-Fulton monopoly with any citizen of New Jersey in the exercise of his rights of inter-State navigation. This State's mode of retaliation was doubtless suggested by the fact that Livingston and Fulton had sold the exclusive privilege of steam navigation for the upper bay of New York, including the water route from New York City to Elizabethport, N. J., to Aaron Ogden, one of New Jersey's ex-Governors. It was this transaction which finally brought the monopoly to the bar of the Supreme Court of the United States.

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Thomas Gibbons invaded the part of Livingston and Fulton's private domain in the bay and harbor of New York that they had parceled out to Ogden. He did so with a steamboat that had been enrolled and licensed by the United States for the coasting trade. Gov. Ogden at once asserted his monopoly rights under Livingston and Fulton's license by applying to the New York Chancellor for an injunction. The injunction was promptly granted, the highest court of the State having already sustained the legality of the monopoly. Gibbons fought back, but of course without success until the case reached the Supreme Court at Washington.

The hearing there began early in February, 1824. For three successive days Daniel Webster argued for Gibbons against the monopoly. With all the forensic force of which he was master, he pressed the point that the monopoly was unconstitutional because in effect it regulated interstate trade, the power to do which had been lodged in the general government, not concurrently with the States, but absolutely and exclusively. His argument, rooted in broad principles of right and in commonsense constitutional interpretation, was in sharp contrast with the pedantry of his leading adversary, Oakley of New York, whose logical ascent from precedent to precedent, in total disregard of primary principles, should delight a practicing lawyer of the old school or a law professor of the new. Thomas Addis Emmet, brother of the Irish patriot, Robert Emmet, and Attorney General of New York, also appeared for the monopoly. Though less pedantic than his associate, he rested his case upon the fact that similar grants were common in the different States,

a fact which really constituted one of the most urgent reasons against the side for which he spoke.

The decision of the court was pronounced by Chief Justice Marshall. Among the justices at his side were Bushrod Washington, nephew of the first President and inheritor of Mount Vernon, and Joseph Story, father of the famous sculptor and poet, and one of the most delightful law writers since Blackstone. Chief Justice Marshall based the decision upon the ground that the Livingston-Fulton monopoly conflicted with the license for the coasting trade which Gibbons's vessel had received from the Federal government.

That reason was legally conclusive. But there was one justice too courageous to allow the decision of so grave a question to rest upon a reason so narrow and technical. This was William Johnson, a South Carolinian, who, though only fifty-three years of age at the time, had been a member of this court for nearly twenty-five years. He delivered an additional opinion, in which he declared that the monopoly must fall, even if the Federal enrollment and licensing laws did not exist, because the power to restrain interstate trade is completely vested in Congress, and except as Congress restrains it, it remains free.

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The decision put an end to the Livingston-Fulton monopoly, but it was Webster's argument and Justice Johnson's opinion that gave true color to the decision and made it a landmark in the history of that commercial freedom between the States which makes ours the brilliantly successful example of the greatest free trade experiment in history. More than any other one cause, perhaps, or any number of other causes together, this absolute free trade between the States makes our people homogeneous, promotes their prosperity, and blends the States inseparably into one great nation.

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An old colored man stole a pig and after getting home with the animal knelt to pray before retiring. His wife heard him praying to the Lord to forgive him for stealing the pig. She went to sleep, with Uncle Eph still praying. Later in the night she woke up and saw her husband still kneeling in prayer. At daybreak his supplications had not ceased.

"Eph, why don't you come to bed?" asked his wife.

"Let me 'lone, 'Riah; de mo' I tries to 'splain to de Lawd how I come to steal dat pig de wusser I gits mixed."—The Tarboro Southerner.