spectables have done this by whipping through a measure abolishing Spring elections in Ohio. Their confessed purpose is to promote partisanship by placing municipal candidates at the foot of Presidential and gubernatorial tickets. This is done by Gov. Herrick and his ring to promote the machine interests of their party (and when he says "the party" he means "the State," so he now explains) by a scheme of election adjustments which in effect "demand," as he puts it, that the "individual give way his personal allegiances to allegiance for the party." If, now, the "better classes" of Republicans in Ohio would stop advocating "civil service reform," they might escape the imputation of being hypocrites as well as spoilsmen.

Mr. Bacon in the Senate and Mr. Baker in the House protested last week against accepting the imperial present of a statue of the imperial Prussian, Frederick the Great (vol. v, p. 97). Mr. Baker made his protest in the form of a resolution, which recites that the Emperor of Germany has offered the statue, that the President has accepted it without the consent of Congress, that Frederick was an enemy to the political rights of man and an embodiment of the spirit of militarism and absolutism, and that he was actuated in his early recognition of American independence solely by hatred for Great Britain; and upon the basis of this recital it resolves—

> That this House, while earnestly desiring the most friendly relations between the United States and the German Empire, and also recognizing the valuable addition to our citizenship of those of German birth, and because we are mindful that the emigration of those people hither is due chiefly to a desire to escape the absolutism and militarism of their mother country, therefore we disapprove the acceptance by this government of the statue of Frederick the Great, regarding such acceptance as an indorsement of that military spirit which is not only inconsistent with but inimical to American institutions; and resolved, that this house condemns the acceptance of the statue of Frederick the Great, or of any other statue, by the President of the United States without the consent of Congress, as a violation of the spirit, if not the letter, of paragraph eight of section nine of article one of the Federal Constitution, and as indicating a dangerous spirit of Executive usurpation.

Mr. Baker's resolution is sound in both its parts. The acceptance of such a present from such a source is significant of a reactionary tendency; and its acceptance by the President without the consent of Congress is an assumption of doubtful authority which ought not to be permitted to pass without rebuke. In speaking on the 10th in support of his resolution, Mr. Baker gave point to these objections when he said:

> For centuries two ideas have been struggling for the mastery. One is the idea that God made every man in his own image, placed him upon this earth to work out his own salvation, and endowed him with the same equal and inalienable rights as every other man. This idea has never yet been acknowledged in its fullness, but it has found its highest expression in the United States and in American institutions. The other idea is diametrically opposed to this. It is based upon the assumption that the Creator in his infinite wisdom designed that one man, or a few men, should rule over their fellow men—the idea of the divine right of kings; the idea from which springs militarism and absolutism. Should the American people formally accept this statue, they will by that act strengthen the monarchical idea; they will be holding up militarism and absolutism as ideals to be worshiped. Should the President accept this statue without the concurrence and formal assent of Congress, not only will militarism be encouraged, but absolutism will be strengthened, and a tremendous impetus will be given to the idea that the head of our nation is responsible only in a limited degree to the will of the people.

POSSIBILITIES OF IMMEDIATE MUNICIPAL OWNERSHIP AND OPERATION OF THE TRACTION SERVICE IN CHICAGO.

In discussing the traction issue now pending before the people of Chicago on referendum vote, we took occasion two weeks ago (p. 755) to address one class of objectors to immediate municipal ownership and operation—those who fear the demoralizing effect upon local politics of an army of street-car employes subject to appointment and removal by politicians.

We think that we then demonstrated not only that a public function, like a city's traction service, should be performed by the public even at the risk of spoils influences, but also that spoils influences are no less injurious to the civil service under private operation of public functions and that worse forms of corruption are generated by it. Street car appointments in Chicago are even now a part of the patronage of Chicago aldermen, and street-car investors are the worst corruptors of the Chicago council.

On another class of objectors—those who are guided by their own financial interests, present or prospective—we wasted no space in our previous article, nor shall we now.

But still another class we recognized as objecting honestly, and promised to give attention to their views later on. It is our purpose now to redeem that promise. The class in question comprises those who object to immediate municipal ownership and operation, because they believe that the legal and financial obstacles in the way are at present insuperable, and that a 20-year compromise with the stock-jobbing traction interests is therefore imperative.

Let it be remembered that "immediate" municipal ownership and operation does not mean that the change from the stock-jobbing system is to be instant. What it means is that no dilatory contracts shall be made for the purpose and with the effect of postponing municipal ownership and operation. To demand of the city authorities that they adopt the policy of "immediate" municipal ownership and operation is simply to insist that they shall immediately proceed in good faith, and without dilatory arrangements with the traction stock-jobbers, whether residents or absentees, to establish the street car system of Chicago as a municipal system under city ownership and management.

That is not an impossible policy, nor is its success dubious. Obstacles there are, and no one blinks them. But they are not insuperable. They will cause some delay; they may cause considerable delay. But they will not cause as much delay as the postponement would cause. Neither

will the delay demanded by the stock-jobbing interests involve inferior traction service while it lasts.

Of all this we are assured by men in whose competency and disinterestedness we have confidence. Upon the faith of their assurances, weighed against the strongest opposing theories from the most trustworthy sources in opposition, it seems as clear to us as any question can be which must be decided by men, that the way is now open as it never has been before, and probably will not be again for more than a generation, to put a reasonably speedy end to the whole stock-jobbing conspiracy through which the people of Chicago have for two generations been pestered with inferior traction service, and have had their politics demoralized by corruption funds in city council and State legislature.

To give effect to this policy one thing must be done by the people themselves, and it must be done now. They must vote for the municipal ownership and operation policy at the April election. If the people do not vote for it, their opposition or indifference will be utilized by the stock-jobbing interests as an excuse for reviving the monopoly carnival in the City Hall.

In order to vote for this policy, the people of Chicago must vote for the three traction propositions that will be submitted to them at the city election on the 5th of April.

By voting "Yes" on one of these propositions, they will give legal life in Chicago to the Mueller law, which authorizes Illinois cities "to own, construct, acquire, purchase, maintain and operate street railways."

By voting "Yes" on one of the other of these three propositions, they will advise the city authorities to proceed at once, under the Mueller law, to establish municipal ownership and operation of the Chicago street car system.

By voting "Yes" on the third of these propositions, they will advise the city authorities to give no more franchises to the corporations as their franchises expire; but, in order to provide for traction service during the interval between the expiration of those franchises and the establishment of municipal ownership, to give to the existing companies short-term operating licenses.

This policy of immediate municipal ownership and operation having been thus approved by the voters of Chicago, the next appropriate step would be an offer by the city to purchase the property of the street railway companies.

If they refuse a fair price, the city should then proceed, under the Mueller law, to condemn that property to municipal use, just as railroad companies condemn private property to their uses.

To pay for this property, whether purchased or condemned, another appeal to the people would be necessary. The city could not issue its own bonds, for it would thereby exceed its constitutional debt limit. But by referendum authorization it could, under the Mueller law, mortgage the acquired property and issue certificates therefor.

If the companies pursued a policy of obstruction by refusing to accept those certificates, which would be as good a financial investment as a franchise, except for stock-jobbing purposes, the certificates could be offered to the people themselves in denominations of $10 and upwards. In floating such an investment there is no real necessity for dependence upon great financial syndicates. More than one experiment has demonstrated that the masses of the people are quick to invest in public securities when they are distributed in certificates of small denominations; and the certificates in question would be equivalent to the best of public securities, for they would rest upon a mortgage pledging not only all the tangible property of the municipalized system, in case of nonpayment of the certificates, but also a 20-year franchise. Nothing but a financial conspiracy could prevent the flotation of such a debt even in financial circles. Nothing whatever could prevent its flotation among the people if the certificates were in small denominations.

These steps taken, municipal ownership would be an accomplished fact; and if a referendum vote under the Mueller law had meanwhile resulted in favor of municipal operation, that also would be an accomplished fact.

Against the foregoing programme it is urged that the city cannot totally condemn traction franchises owned and operated by private corporations, for any such use as ownership and operation by a municipal corporation.

The objection is manifestly baseless so far as it rests upon the assumption that the Mueller law does not grant the power of condemning franchises.

An act which expressly authorizes the condemnation, as this act does, of all the property of the traction companies, "real, personal or mixed," cannot be said to withhold authority to condemn franchises.

The contention that such authority is withheld, borders on the absurd when one thing is considered. The Mueller law expressly provides, as to franchises, that in no valuation of street railway property in condemnation proceedings shall any sum be included as the value of franchises, "except of street railways now operated under existing franchises." Here is a distinct requirement that existing franchises shall be valued in the authorized condemnation proceedings. No law which so distinctly requires the valuation of a specified kind of property when condemned, can be supposed to withhold authority to condemn.

So far as the objection to condemnation rests upon the contention that franchises granted to a private corporation cannot be wholly condemned for the same use by a municipal corporation, either with or without statutory authority, it is, as we are assured by reputable members of the Chicago bar, equally baseless. Their reasons are that the Constitution of Illinois authorizes the condemnation of the property of incorporated companies; that the Mueller law provides for the condemnation to municipal ownership and use of the existing traction franchises of incorporated companies; that under the uniform decisions of the Supreme Court of Illinois, the legislature is the sole judge of the propriety of condemnation for public use, except as to whether the use is public and the proceedings are regu-

lar; and that the Supreme Court of the United States has decided that legislatures can authorize condemnation of the franchises of private corporations by municipal corporations for the same public use when such condemnation is necessary for the use intended.

If these views are sound (and they have not yet been controverted by any lawyer otherwise than with professional "hot air"), the validity of condemnation proceedings under the Mueller law would be sustained by the courts. Consequently, irresistible proceedings to take over the traction property—99-year franchise and all—can be instituted immediately after the Mueller law is adopted at the coming election, should the companies refuse to sell on fair terms.

The foregoing answer to the objections to condemnation proceedings serves as an answer also to part of the objection that the proposed certificates would be of dubious legal validity and therefore of little or no commercial value. If the condemnation proceedings were valid the certificates also would be valid, so far as that ground of objection to them is concerned.

But it is further urged that the constitutional limit to the city's indebtedness would stand as an objection to the validity of these certificates even though they created no liability against the city at all, but only against the particular property of the city for the purchase of which it gave the certificates. This objection appears to be purely fanciful. No court decisions have been cited in its support, while very respectable and pointed court decisions are cited against it. Some of these have been favorably referred to by the Supreme Court of Illinois; and that court appears itself to have decided one case bearing on the question, by which it sustains the principle that, unless a municipality incurs liability for an excess of debt, the excess of debt is not within the constitutional prohibition. On that principle these street-car certificates would be valid so far as the debt limitation affects them.

Yet it is further objected that although the certificates be valid they are involved in undecided legal questions, and no one would buy them until their validity had been established by the highest court.

Perhaps financial syndicates would not buy them, though the probabilities are otherwise. Financial syndicates are accustomed to taking "long chances" that the courts will strain a point to enforce public liabilities in favor of "widows and orphans" and other innocent investors.

But whether financial syndicates would take these certificates or not, the people of Chicago would have no hesitation in buying those of small denominations.

Moreover, let the traction companies once realize that "the jig is up" with them, that the city is determined to take over the traction service and put an end to stock-jobbing in street monopolies here—let the companies once realize that this is to be done, and they will take the certificates for their old plant and their corrupt franchise claims as eagerly as a schoolboy takes a vacation.

These are points which require no special knowledge to understand. If one understands human nature one understands enough to know that the financing of the municipal street car system will be the easiest of the difficulties to overcome.

The difficulty most likely to influence timid voters is the possibility which the complicated situations offers for "endless litigation."

Those who are at all influenced by this consideration do not seem to realize that "endless litigation" cannot be prevented if the companies determine to fight to the last ditch. It cannot be prevented now, if they so determine, nor can it be prevented 20 years from now, should the city weakly buy them off with a compromise ordinance.

The ordinance with which it is proposed to buy them off is pregnant with all manner of litigious possibilities at the end of the proposed term. One of its provisions is so manifestly calculated to offer opportunities for "endless litigation" as a club with which to demand another 20-years' franchise, that it alone need be mentioned.

In considering it let the reader remember that this proposed ordinance is made ostensibly for the purpose of buying peace, by giving a highly valuable franchise of 20 years for a waiver of the 99-year claim upon the basis of which all the "endless litigation" is threatened. By that ordinance this claim would indeed be waived; but in such a way that it would almost certainly revive—at least for all the purposes of again threatening "endless litigation"—at the end of the new grant.

This is the manner of it: During the 19th year of the grant, neither before nor after, the city council may give notice that it will take over the companies' plant and not renew the franchise. If it gives such notice, it must either take over, paying an immense lump sum at the expiration of the 20th year, or find a corporation that will. In the event of the failure of the city council to give that notice within that particular year, it must grant a further franchise, at the expiration of this one, "on terms to be then agreed upon."

That provision makes the whole matter turn on the action of the council in office during the 19th year of the franchise. If that council be negligent, or corrupt, or find the city in no financial position at that time to make a binding contract, the notice will not be given. And thereupon the city would be bound to extend the franchise on "terms to be then agreed upon."

If the company would not make reasonable terms, but should demand 20 years more, the city would have to accede, or the waiver of the 99-year claim would lose its force, and that claim, with all its possibilities of "endless litigation," would revive. The city council has been advised by its own able and distinguished lawyers that in those circumstances this claim would revive, and their advice is doubtless sound.

The plain truth is that if the traction companies can now effectively threaten endless litigation, despite all their waivers of their 99-year claim, there is no contract into which the city could enter with them that would be an absolute guarantee against the force of similar threats in the future. "Endless litigation" will be a possibility as long as the public function of traction service in the city remains in private hands.

The only wise course is to challenge this threat of "endless litigation" now, and have done with it. That is also the only honest course. We of this generation in Chicago have no right to hand down the traction monopoly burden to our successors as our predecessors have handed it down to us.

It is a burden that ought never to have been taken up. Having been taken up it ought to have been thrown off 20 years ago. Having been strapped on tighter than ever then, it ought to be thrown off now.

That this can be done we have shown already. That the inconvenience of bad service or no service during the litigation is not to be dreaded can easily be shown.

Pursuant to the policy of immediate ownership and operation, no new franchises would be granted as old ones expired. But this would cause no deterioration of traction service. If the city were not yet ready or able to take over, whether for legal or financial reasons, the city council could grant revocable or short-term licenses to the existing companies. Should they refuse to operate under such licenses, the question as to them would be out of the way. But they would not refuse. The time has not yet come when a traction company will refuse to operate its existing plant for 5 cents a fare for a 2-cent ride even under a revocable license.

But is it asked what kind of service they would give? They couldn't give worse than they have given for years and are giving now; and if the city council chose, it could compel them to give better service.

The advantages of "endless litigation" are not all on the side of the stock-jobbers. The city is now in better condition to ameliorate the hardships of "endless litigation" than the companies are. They would suffer as much or worse than the people would, and in a more sensitive place—the pocket nerve. The city may never again be in a better position to fight for its rights. Besides the advantages indicated above, it has others which the companies fear and which would doubtless be decisive if availed of.

Let the people of Chicago vote emphatically at the April election for the policy of immediate municipal ownership and operation, and the prophecy is a fair one that the people will have good traction service under municipal ownership and operation sooner than there is any reasonable probability of getting it through compromises with the traction stock-jobbers.

EDITORIAL CORRESPONDENCE.

WASHINGTON.

Washington, D. C., March 14.—The throttling power of party organization has seldom been more conclusively shown than in the action last week of the Republican members in the matter of investigating the post office department. For days, member after member had risen on the Republican side and delivered bitter speeches denouncing that department for including their names in a report to the committee on post offices and post roads, this report having made specific mention of 151 Congressmen who had recommended increased post office allowances, either for rent, for clerk hire, or for "separating." As the report was headed with "Charges Against Congressmen," they were justified in assuming that their constituents would be prejudiced against them, no matter what the particular circumstances of their recommendations might be, and that the fact that whoever drew up this "unfathered" report had added a paragraph near the end to the effect that "where the increased allowance had not been discontinued or reduced it was according to law," would not relieve them of the cloud of suspicion which must necessarily rest upon every man whose name was mentioned therein Grosvenor even denounced it as being "conceived in sin and born in iniquity."

Not alone Democrats, but Republicans, were furious. They charged that the purpose of the wholesale inclusion of the names of Congressmen was an intimation to Congress that it had better go slow in ordering an investigation of the post office department, as that department held over their heads matters which, if disclosed, would "queer" them with their constituents.

When the size and temper of the storm became apparent to the Republican leaders, attempts were made by Mr. Overstreet, the chairman of the committee on post offices and post roads, to postpone the debate until this week; but having failed in that on the 9th, he attempted on the 10th to get the vote upon the resolution postponed until the 12th, his object obviously being to secure all the time possible to whip the Republican recalcitrants into line; and this, notwithstandng that he had originally refused to consent to set apart the amount of time which the Democrats insisted was necessary for a proper discussion of the report. In fact, having failed to postpone the debate until this week, he announced to the House on the 9th, at the end of the one hour which he had secured in order to discuss his motion, that he had achieved the "real" purpose he had in mind, viz., the securing of an extra hour for debate. It is claimed, and I think with good warrant, that the death of a South Carolina member early on the 10th, and the consequent adjournment of the House immediately after the reading of the journal of that day, was the only thing that saved the Republican leaders from being swamped by insurgent Republicans. They thus had a whole day to "put on the screws" and bring pressure upon the insurgents, who confined themselves to speeches of protest against the report, so as to set themselves right with their constituents, but abstained from carrying that protest to the point of voting down the substitute for the "Hay" resolution which the Republicans had drawn and entrusted to McCall, of Massachusetts.

How general and bitter was the feeling, not only at the post office department, but even at the White House, was shown in the remarkable demonstration on the 11th, when William Alden Smith, of Michigan, having cited the cases of Blaine and Garfield as men who had been taken from the House membership to become the party nominee, said that he hoped the time was near at hand when the 30 years of service of Speaker Cannon would be crowned with the Republican Presidential nomination. The instantaneous and ostentatious endorsement of this proposition embraced practically the entire membership of the House, saving only a few Republican leaders like Payne, Dalzell, Hepburn and Overstreet. Had the Speaker followed the suggestion made shortly after by Congressman De Armond, and permitted the point of order raised against the Democratic substitute motion to be decided by the House itself, I think there can be no doubt that it would have been declared in order and adopted, and the effect would not unlikely have been to have drawn the line sharply and distinctly between the House and the President. This would have made Speaker Cannon the central figure of the antipathy of the Republican members to the President, so that the refrain would probably have at once been taken up, "Cannon, Cannon, four long years of Cannon," thus creating a popular idol around which the opposition to Roosevelt could gather, and which might possibly have defeated him for the nomination. The Speaker was thus shown to be either a poor politician, in depriving his friends of the opportunity of making him a popular idol, or else so intense a partisan that he would not permit even the bait of a possible Presidential nomination to interfere with his use of the great power of his position to prevent a thorough investigation of the postal department.