

expense of an increased navy to command its observance. If President Roosevelt is going to wipe out the second principle of the Monroe doctrine by interpretation, as he did the rights of the civil service army, if he is going to continue to meddle in the political quarrels of European powers, if he proposes to police the world, he must prepare to back that policy up with ships and men and money, for Europe will most certainly retaliate.

And that is exactly what President Roosevelt proposes to do. He is not a man of peace; the fever of war is in his blood. This was recognized in Washington during the Cuban campaign, when it was ordered that in the event of battle Roosevelt's regiment should be permitted to go to the front; and doubtless it was a great disappointment to him that he struck Kettle hill, from which the last Spaniard was fleeing, instead of San Juan hill, which had been taken by the Negro troops. Since that day he seems to have brooded upon war. War is his theme. He is spreading broadcast the doctrine of war, and if he is re-elected in 1904 the United States will be plunged into war, if not before that time. The mimic war games going on are in anticipation of the real wars which are almost upon us. When we began meddling in European affairs in '98, we antagonized Germany to the very point of hostilities, and Germany has not forgotten it. Already we have cast covetous eyes upon the British West Indies. That is why we are told "they want annexation." That is another reason why we need an "efficient navy." Any thoughtful person who has had his eyes and his ears open for the past two years knows that we also need an "efficient navy" to benevolently assimilate the South American republics, and a little later, Mexico.

President Roosevelt is now engaged in preparing the American mind for the new conditions and in spurring it on to approve his policy. After interpreting the Monroe doctrine in a way which cannot fail to make trouble with Europe, by ignoring the principle which gave protection to Europe, he says to the American people: "If our formulation consists simply of statements on the stump or on paper, they are not worth the breath that utters them, or the paper on which they are written. Remember, the Monroe doctrine will be

respected as long as we have a first-class navy, and not very much longer." But he failed to tell us that this additional expense upon the taxpayer only became necessary after we ceased to respect the Monroe doctrine ourselves, and only because we repudiate one of its principles.

The president continues to "dare" the American people thus: "In private life he who asserts something, says what he is going to do, and does not back it up, is always a contemptible creature, and as a nation the last thing we can afford to do is to take a position which we do not intend to try to make good."

After this stirring dissertation, which is evidently intended to launch the increased navy, with which we will meet the European powers in whose matters we have meddled and intend to meddle, the president cries: "Shame to us if we assert the Monroe doctrine, and, if our assertion be called in question, show that we have only made an idle boast, that we are not prepared to back up our words by deeds;" which, being interpreted, meaneth, Shame if the American people fail to endorse an interpretation of the Monroe doctrine which will ensure war, and under cover of its smoke enable Roosevelt to make a grand charge and capture a second term.

REBECCA J. TAYLOR.

THE OWNERSHIP OF THE RAILROADS.

For The Public.

The irrepressible conflict between the rights and liberties of the people and the arrogance and greed of the railroad cormorants, has reached a critical stage. The coal strike has forcibly demonstrated the danger and folly of intrusting to individuals the control and management of enterprises that are completely monopolistic.

The idea, assiduously inculcated by the privileged classes, that railroads are the private property of the stockholders, is as preposterous as it is pernicious.

Railroads are public, and not private property; the fact that they are managed as if they were private property does not alter their character.

A railroad is a public highway, and its managers are public agents or state officials. It is impossible to regard them in any other light, or conceive any other relation. A railroad that is not managed by public agents is not a public highway. The state could not exercise its right of eminent domain if a railroad was private property. To

take the property of one person and bestow it upon another, even with just compensation, would be such an arbitrary exercise of the sovereign power that no state constitution would tolerate it.

Judge Jeremiah S. Black, of Pennsylvania, one of the ablest jurists this country has produced, clearly defined the legal relations existing between the state and the persons whom she authorizes to manage her highways, in an opinion rendered in the case of the Erie & N. E. R. R. vs. Casey (2 Casey pp. 307-324).

T. F. MONAHAN.

JUDGE BLACK'S DECISION.

The authority given by the Act of Assembly of October, 1855, to the defendant to take possession of the railroad is asserted by the plaintiff's counsel to be an act of confiscation—a taking of private property for public use without compensation. If this be true, the injunction ought to be awarded; for no legislature can do such a thing under our constitution. When a corporation is dissolved by the repeal of its charter, the legislature may appoint or authorize the governor to appoint a person to take charge of its assets for the benefit of its creditors and its stockholders; and this is not confiscation, any more than it is confiscation to appoint an administrator to a dead man or a committee for a lunatic. But money or goods or lands which are or were the private property of a defunct corporation, cannot be arbitrarily seized for the use of the state without compensation paid or provided. This act, however, takes nothing but the road. Is that private property? Certainly not. It is a public highway, solemnly devoted by law to the public use. When the lands were taken to build it on they were taken for public use; otherwise they could not have been taken at all. It is true the plaintiffs had a right to take tolls from all who traveled or carried freight upon it according to certain rates fixed in the charter, but that was a mere franchise, a privilege derived entirely from the charter, and it was gone when the charter was repealed. The state may grant to a corporation or to an individual the franchise of taking tolls on any highway, open or to be opened, whether it be a railroad or river, canal or bridge, turnpike or common road. When the franchise ceases by its own limitation, by forfeiture or by repeal, the highway is thrown back on the hands of the state, and it becomes her duty as the sovereign guardian of the public interests to take care of it. She may renew the franchise, give it to some other person, exercise it herself, or declare the highway open and free to all the people. If the railway itself was the private property of the stockholders, then it remains theirs, and

they may use it without a charter, as other people use their own—run it on their own account—charge what tolls they please—close it or open it when they choose proper—disregard every interest except their own. The repeal of charters on such terms would be courted by every railroad company in the state, for it would have no effect but to emancipate them from the control of law, and convert their limited privileges into a broad unbounded license. On this principle a corporation might be rewarded, but never punished for misconduct. Repeal of its charter instead of bringing it to a shameful end, would put "length of days into its right hand, and in the left riches and honor." But it is not so. Railroads made by the authority of the commonwealth upon land taken by her right of eminent domain, and established by her laws as thoroughfares for the commerce that passes through her borders, are her highways. No corporation has any property in them, though corporations may have franchises annexed to and exercisable with them.

Such a franchise the plaintiffs had, but they have it no longer. The right to take tolls on a road is an incorporeal hereditament, which may be granted to a corporation or to an individual, and the grantee has an estate in the franchise. But what estate? The estate endures forever if the charter be perpetual; for years if it be given for a limited period; and at will if it be repealable at the pleasure of the legislature. This corporation, after its privileges were abused, had an estate at will and the commonwealth chose to demand repossession. That terminated the estate as completely as an estate for years would be terminated after the expiration of the term. The grant was exhausted, the corporation had lived its time out. Its lease of life was expressly limited at the day of its creation to the period when the legislature should dissolve it for misconduct. When the legislative will had spoken the hour had come. Having no right to keep the franchises any longer, it would be absurd to claim compensation for taking them away. To say that the stockholders have a right to compensation for the franchises, because they are wrongfully taken, and that they were wrongfully taken because they have a right to compensation, would be reasoning in a very vicious circle. If the stockholders had a right to retain the franchise, the charter could not be repealed at all with or without compensation. If they had no right to retain them they have no claim to compensation.

A brief recapitulation of the main points in the case may serve to make the grounds of judgment somewhat plainer.

1. The charter was granted with a reservation of the right to repeal it, if

the franchises should be abused or misused.

2. We are satisfied that, in point of fact, those franchises were abused and misused.

3. After that event happened, the general assembly was invested with the full power to repeal the charter, and the corporations held their franchises from the state merely as tenants at will, in the same manner as if there had been an unconditional reservation of the right to repeal.

4. After the interest of the corporations had been cut down by their own misconduct to an estate at will, the legislature only could enlarge the charter, so as to make it a perpetual grant or put the corporators on another term of probation.

5. The judicial proceedings against the corporation did not and could not disarm the legislature of its reserved right to repeal, nor enlarge the estate of the corporation in its franchises, nor change the terms of the original grant, for these are things which the judiciary cannot do, nor the executive either.

6. The power of the legislature is not restricted by the rules of pleading and evidence which the courts have adopted; and therefore the state may act in the legislature upon a truth which she would have been estopped to show in a court had not the legislature interfered.

7. The power to repeal for abuse of corporate privileges is a different right from that of demanding a judicial sentence of forfeiture.

8. The charter being constitutionally repealed the franchises are as a necessary consequence resumed to the state, and the road remains where it always was—public property.

9. The corporators cannot be entitled to compensation, for they had no property in the road, and after their default they held the corporate franchises at the will of the legislature, and the exertion of that will in the resumption of the franchises did them no injury but what they agreed to submit to.

The injunction which the plaintiffs have moved for is refused.

In the estimation of the French-Canadians, Sir Wilfrid Laurier is the greatest, if not the only great, person living. Some time ago a "habitant," arriving in the city of Quebec, met an old friend and fell to talking politics. In the course of the conversation he happened to mention the name of Queen Victoria, and the friend informed him that the queen had been dead for more than a year. "Dead!" exclaimed the countryman, "and who, then, rules in England?" When it was explained to him that the prince of

Wales had succeeded to the throne he shook his head wisely. "Mon dieu!" he said, "but he must have a pull with Laurier!"—Cleveland Plain Dealer.

It will be seen at a glance that the eagle's mouth is fitted for screaming rather than for licking revenue stamps.—Puck.

BOOK NOTICES.

MEMOIR OF SIR GEORGE GREY.

Readers of that delightful book, the "Life of Henry George," by his son, will remember the pleasant allusions to Sir George Grey, governor of New Zealand, who, as far back as 1880, had written to Henry George, saying: "It has cheered me much to find that there is so able a man working in California upon subjects on which I believe the whole future of mankind now mainly hangs." His enthusiastic reception of Henry George at Auckland is told in the Life, how they "conversed until the very last moment of the stay, walking on the wharf together while the captain considerably held the ship something beyond her time." At the period of this meeting Sir George Grey had been four times governor of important colonies, and was still, as Henry George said of him, "an intense democrat."

Knowing this much of Sir George Grey and the bare details of his life as told in the encyclopedias, I looked with eager anticipation at the attractive volume before me, handsomely published by Longmans, and illustrated with three beautifully engraved portraits of the subject of the memoir. Besides, the title page showed the author of the memoir to be the distinguished historian and bishop, Dr. M. Creighton.

Alas! the reading of a few pages disclosed the fact that the Sir George of the memoir was not the Sir George of New Zealand. They were contemporaries, they both held important offices, they both were men of exceptional character, and yet, except remotely, they seem not to have been of the same family.

The Sir George Grey of the memoir was a distinguished member of Parliament, having been elected in 1833, immediately after the great victory of parliamentary reform. His most distinguished service was as home secretary, and he will probably be longest remembered as the official to whose lot it fell to quench the revived chartist movement of 1848. He was, however, while opposed to violence, an advocate of reform, and vindicated Whig principles, as founded on "progressive improvement." He would support a measure for upholding order in Ireland, but on the other hand he was ready to support measures of justice and reform. He strongly opposed the foisting of the established Church of England upon Ireland as the established church of the Irish, and called it "an act of arbitrary and unjustifiable force" for England to deprive the Roman Catholic clergy of Ireland of their revenues and transfer them to others. He always heartily advocated factory reforms and the shortening of hours of labor, and he was once presented with a handsome set of silver by thirteen thousand workmen of Northumberland for his support of the cause of free trade. When the miners of his constituency began to organize, they had his full sympathy in their efforts to better their condition.

But the chief value of this memoir, that which makes it worth reading and causes us almost to forgive this Sir George Grey for not being the man we took him to be, consists in the beautiful picture we have of a beautiful private life, refined, self-controlled, dignified, and yet at bottom sympathetic and loving. The fruits of such a