time they may join in measures ruinous and destructive to their States, even such as should totally annihilate their State governments, and their States cannot recall them, nor exercise any control over them.

This extract affords an interesting instance of political prophecy, for all that Mr. Martin predicted as an outcome of irresponsible representation in Congress has been realized. Our representatives misrepresent with impunity. But the extract has additional value in showing that the "new fangled," "foreign," "socialistic," "anarchistic," etc., Recall, is strictly an American device of representative government and coeval with our Republic.

Common Sense About Patents and Franchises.

A British judge, Parker of the King's Bench, has recently decided that the patenting of inventions is primarily for the benefit of the community and not merely of the patentee. He has therefore revoked a patent which had been used not to promote but to fetter industry. His decision was under a peculiarity of the British patent law, but the principle is sound universally. It used to be observed by our own courts. Injunctions for the protection of patents were not granted unless the owner of the patent satisfied the court that his invention was freely open to general use upon reasonable royalties. But the accession of life term corporation lawyers to the Federal bench by appointment, has reversed that wholesome practice; and it is now no uncommon thing for patent owners to restrict the manufacture and use of inventions to favored corporations, or even to suppress their use altogether. This is the practice to which the Wall-street Journal of April 14 alludes when it says:

A patent which is granted but not used, the title to which is retained purely to restrict fair competition, is a monopoly in restraint of trade. It confers a privilege never contemplated or intended. It fails to come within Justice Parker's definition of a grant for the benefit of all. Failure to manufacture under a patent within a reasonable time should be automatically followed by the canceling of that patent, with free permission to everybody to utilize the protected process or principle.

Nor does the Wall-street Journal stretch the principle at all, when in applying it to other forms of franchise it says:

If this is true of a patent it is equally true of a franchise. The traction company or railroad which uses the grant of a right of way not to transport passengers and minister to the public convenience, but to restrict competition, is abusing the privilege which the sovereign people has conferred. It is ridiculous to suppose that a creature can be greater that its creator, and all franchises of this character should be reassumed by the state. There is no confiscation involved. One specific privilege was granted but the holder of it has seen fit to exchange it for another which was not granted. We are undoubtedly making strides in such matters as this and we can well afford to go faster and further. There is no need to specify here the names of railroads who so abuse their franchises or of corporations who hold patents unused purely to check formidable competition. There are plenty to be found, as every business man knows, and it is the duty of our legislatures to seek out these abused privileges and extinguish them.

The Traction Campaign in Cleveland.

The character of the traction controversy in Cleveland has become plain enough to any observer who sees what he looks at. It is a contest between the old Johnson movement for low fares and public ownership, on the one hand, and, on the other hand, the old monopoly movement for high fares, watered stock and private exploitation.

What the vote will be nobody can assuredly tell. What it ought to be, no one can seriously question. Whoever favors private exploitation of public service, thinks the vote ought to be *against* the Schmidt ordinance; whoever favors public service for the public good and not for private profit, thinks it ought to be *for* the Schmidt ordinance. On these lines the goats and the sheep are separating.

For the Schmidt ordinance would place 80 per cent of the traction system of Cleveland at once upon the 3-cent basis—a rate of fare the financial success of which has now been demonstrated by actual and continued experience. The alternative to the Schmidt ordinance, which the Council adopted, is the Tayler ordinance, which it refused to adopt. This is the alternative because the Tayler ordinance is the only one the old company is willing to accept. To this ordinance the Chamber of Commerce, controlled by private traction interests, is committed; yet the Plain Dealer, which has joined the Chamber of Commerce in opposition to the Schmidt ordinance, now says of the Tayler ordinance, that "its defects are patent and vital." This ordinance of defects that are "patent and vital" is the one in behalf of which a stampede was promoted, that might have swept over the opposition of a less able leader than Mayor Johnson, or any leader with a less intelligent or less disinterested group of supporters.

The indications are that the people of Cleveland are awake to the significance of this latest

attempt of the traction ring to "put it over" them. Not only are the essential facts getting to be understood, but the refusal of the Chamber of Commerce to debate the question, and the evident coming together against the Schmidt ordinance of all the old time traction-ring leaders and camp followers, are having their natural and wholesome effect. The indications point to the adoption of the Schmidt ordinance at the referendum on the 3d, as distinctly as the arguments against it show the weakness of the case of its adversaries.

GRAFT.

Very comprehensive is this term "graft," and both definite and elastic. It is, therefore, a dangerous word to use at random. Belonging in the domain of ethics, though outside of law, it involves the thought of getting something for nothing, or of appropriating covertly, indirectly, or by stealth that which is not rightfully ours, yet without legal criminality. To grasp its significance we must consider what *is* rightfully ours, This is necessary in order that we may know what is *not*, and thereby apply the ethical test.

Starting with the assumption that our existing possessions are morally as well as legally ours, let us ask this question: "How can those who desire money, wealth or property get possession of it?" The answer seems to be: By working, or by begging, or by stealing.

Working (giving service in some form of hand or brain labor) is simply earning, and squares with the moral law. Begging is inexcusable and immoral except where the beggar is crippled or suffering from deprivation of opportunity to labor. Stealing is recognized by the Mosaic tablets in the command, "Thou shalt not steal," and is noted by statutory law, along with many near-synonyms such as purloining, embezzling, borrowing-and-forgetting-to-return, robbery, plunder, pillage and the rest. But modern life has developed a dangerously subtle method of obtaining the wealth or property of others which hardly comes under the head of earning or begging or stealing. This method we call "graft."

Probably the only difference is in the manner of appropriation, and not in the moral turpitude of the acts, which run all the way from taking a peanut from the vender because you are a policeman, to plundering a city of its public service utilities or pillaging a nation by tariff laws.

At first, borrowing - and - forgetting - to - return methods might seem to belong in the graft category, but examination will show a delicate difference—a difference that may suggest the earmark of all graft. Whereas the borrower requests and the lender voluntarily accedes, the grafter demands and the graftee complies, not voluntarily, but under coercion.

In the petty individual grafts illustrated by peanut appropriations, we have the coercive force of official position pressing for concessions from the vender who looks for immunities or protection that might not be otherwise obtainable. In the case of public service plunder we have a greater complexity of minor factors converging into economic and institutional conditions, based on general ignorance of social rights and relations.

The concession of a franchise, is the granting of a private privilege. It creates a class having the power of government over the many. With public service corporations that control public highways, this power is almost incalculable. It involves control of city streets, of county and State roads, and of national highways. It embraces gas, electricity, light, heat, sometimes water, telephone, telegraph, and street, State and national railways, etc.—the entire arterial system of the nation for the transportation of persons and property and the transmission of service and intelligence. This is truly a government by the few within a government of the many.

The granting of a franchise is not needed for a grocery store, carpenter shop or blacksmith shop. Yet the greed for privilege is gradually extending into the smaller details of commercial life through fine interferences called licenses. Were public service corporations merely commercial or manufacturing affairs there would be no need of franchises. Financial investments would be made on the ordinary basis of sound business. Charges would be levied to cover the legitimate investment —including maintenance of unimpaired property, and cost of producing the required service, including wages and interest on investment. This is all that morally legitimate business has a right to or does demand.

But in franchise grants there is something vastly more important than legitimate business. There is a delegated taxing power of government which is capitalized by the grantees. This capitalized power is sold on the market. With the proceeds the tangible equipment is paid for. And then the people, whose grants have paid for all, are com-