

but the machinery for constitutional and legislative readjustment does not respond to the people's will.

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It would seem to be proved, by the experience of Michigan as well as other States, that the method of amending a State constitution which ties the hands of the people until two-thirds of each branch of the legislature approves of the proposed change, is vicious in principle and has most dangerous consequences. Is there valid objection to allowing the people to adopt an amendment by majority vote after the filing of a petition for an amendment signed by a small percentage of the electors? In view of the experience of the past few decades, it would seem that the danger lies chiefly in interposing obstacles to needed changes, and that the people are not likely to take the trouble to adopt changes faster than they are needed. The great mass of the people are averse to change until its necessity has been demonstrated. Under the proposed plan a small minority can propose a change and bring it to a vote, but a majority must approve before it becomes effective. This affords the means of education, promotes serious and intelligent discussion, and gradually prepares the people for the making of real progress. The people can be trusted to withhold their approval from hasty and ill-considered proposals. Indeed, in the experience of Switzerland, where the system of direct action by the people has been applied most completely, it has been found that measures ultimately approved by the people often have to be voted on several times before such approval is given; and steps once taken seldom have to be retraced because found to be unwise. At any rate, it seems safer not to load down the safety valve with obstacles to constitutional change when the majority of the people are ready for the change; and it seems better to trust the people to correct whatever mistakes they may make. We may be sure that their mistakes will not be so unwise as the mistakes made under past methods, which have prevented any harmonious and prompt readjustment of our system of government to the rapid and radical changes in industrial conditions. A necessary change in government, too long deferred, may be of little use. Direct amendment of constitutions and direct making of laws by the people, will tend to bring reforms more seasonably and prevent their postponement until conditions become unendurable. How much more effective government control of railways would have been, if it had come before private control had allowed the building up of immense monopolies through special privileges in public highways. It is sometimes said in law that time is not "of the essence" of a contract. It may be said most emphatically that time is "of the essence" of remedial legislation.

JESSE F. ORTON.

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"Did he lose his money?"

"No; only his reputation."

"Ah, well, that's not so bad—he can buy that back."

—Chicago Examiner.

## NEWS NARRATIVE

To use the reference figures of this Department for obtaining continuous news narratives:

Observe the reference figures in any article; turn back to the page they indicate and find there the next preceding article on the same subject; observe the reference figures in that article, and turn back as before; continue until you come to the earliest article on the subject; then retrace your course through the indicated pages, reading each article in chronological order, and you will have a continuous news narrative of the subject from its historical beginnings to date.

Week ending Wednesday, August 1.

### Mayor Johnson's Contempt of Court.

The circumstances of Mayor Johnson's defiance of an injunction in connection with the traction controversy in Cleveland (p. 398) are now fully reported. The City Council had ordered the old traction company to move its track in Fulton Road, in order to permit the 3-cent fare company to lay a parallel track, and had directed the proper city officers to move it if the company should fail to do so within 30 days. After the lapse of 45 days, the company having ignored the order of the Council, Mayor Johnson and W. J. Springborn, the director of public service, set a body of men at the work of removal on the 24th at 7 in the morning. It was not until three-fourths of the half mile of track had been removed that the traction company was able to get and serve an injunction, but one was issued by Judge Ford and served before noon. Mayor Johnson and Mr. Springborn completed the work of removal, however, and in the afternoon were cited to show cause on the 26th before Judge Ford, why they should not be punished for contempt. Upon the return of the citation on the 26th, motions to quash the whole injunction proceeding were made, and the case was postponed to the 31st. Arguments were begun on that day but no result is yet announced. Meanwhile the 3-cent fare company is prohibited from further work in laying its tracks in Fulton Road.

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In an interview on the subject in the Cleveland Plain Dealer of the 26th, Mayor Johnson said:

On June 11, the City Council by resolution ordered the railway company to move its single track on Fulton road and directed the Board of Public Service to move the tracks unless the company complied within thirty days. That was six weeks ago, and the order has been utterly ignored by the company. The railway has been violating the law all this time, and has shown no inclination to obey the city's order, which was a perfectly reasonable and usual one. It is a strange situation when the city has no power to enforce its own laws and control its own streets. If we had the power of injunction there would be no delay; but the city has to wait the pleasure of the railway company in dealing with such matters, and when the city undertakes to assert its rights it is enjoined by the courts for doing so. There have been more than forty days during which the railway company has violated the laws of the city, and at any time during these weeks they might have interposed any legal objections to the city's doing the work itself. Apparently, the corporation thinks the city is bound to do its bidding in all things, but that the half a million people in this city have no rights at all in their own streets.

When a private individual defies the laws of the city, the police court enforces them. When the street railways are in contempt of the laws of the city, the only thing the city can do is to enforce its ordinances in the way we have done. It is the business of the executive department of the city to carry out the council's orders and enforce the laws even when they are violated by a corporation as big as the street railway company.

A more detailed statement by Mayor Johnson, made on the same day, was as follows as published on the 27th in the Toledo News-Bee:

I am glad that at last an issue has been made between the people of Cleveland and the Cleveland electric railways as to how far the courts can be abused and the laws insolently twisted to protect the arrogant policy of that company. In the case now in court, I believe that if there is contempt it is the railway and not the city officials which has committed it. The facts are so clear. It is all public record. Listen to the history of the case. The City Council granted the Cleveland Railway Company or its successors the right to operate a single track line in Fulton road. The general ordinances of the city—and they are the law—provide that a street railway must lay its tracks where the city may direct and that tracks must be moved from time to time as the city may order. The City Council then granted the Forest City Railway Company a franchise to lay a single track in this part of Fulton road. The Cleveland Electric Railway attacked that franchise, fought it out in the courts and the court declared that the Forest City Railway had the right to construct its tracks there. The City Council, in accordance with the court's finding, properly and in the usual and lawful way, then notified the Cleveland Electric Railway to move its tracks to one side and ordered the executive department of the city to move the track if the railroad failed to do so within 30 days. Formal notice was served upon the railroad company and was not even acknowledged. The 30 days elapsed and then fifteen more went by and the executive department of the city proceeded to carry out the command of the council, as its members are sworn to do. This was not done at night or by stealth, but in open day. The railroad company then committed a contempt of court and of the State by seeking to have the court repair the company's delay and laxity and disregard of law. The railroad company rushed into court with a lying petition, deceived the court, misstated the facts and conditions, and when the court suggested that the city be heard before an injunction be issued the railway further deceived and persuaded the court. But even the court refused to grant all the prayer of the railroad and only allowed a modified injunction. The railroad then had served upon the city officials a paper which showed nothing of what had been granted, and which, if it showed anything, misrepresented the court's decree. Then, in court the railroad's attorneys admitted the petition had not told the truth. Admitting that the court had been deceived and tricked, the railway declares that the honor of the court must be sustained. The attorney for the railroad then went on to deliberately misinform the court as to my attitude and Mr. Springborn's as to the court. He told the court that we "sneered at the court," which is false; he told the court that Mr. Springborn said: "I don't know whether I am enjoined from blowing my nose or from what," which was equally false. He repeated imaginary remarks and mythical attitudes, and then he talks about contempt of the court. In business such conduct is called buncoing; in law, pettifogging; and in plain every day English, lying. Contempt! Why, for years the courts of this county and State have been contemptuously used by this corporation. Contempt if I fail to comply with an unserved and fraudulently secured mandate! Or is it contempt to secure a court's order by fraud, deceit and chicanery?

**The Cleveland Traction Question.**

The counter proposals made to the Cleveland council by the old traction company and the 3-cent-fare company on the 23rd (p. 397), have been summarized by A. B. du Pont, general manager of the 3-cent-fare company. As published in the Cleveland Press of the 24th this summary is as follows:

Old Company.	Three-Cent Fare Company.
	<b>Cash Fares.</b>
Five cents.	Three cents.
	<b>Ticket Fares.</b>
Seven for 25 cents; 3 4-7 or 3.57 cents.	Three cents.
	<b>Transfers.</b>
Limited as at present and to lines to be built.	Universal, under constant council regulation.
	<b>Franchises.</b>
Irrevocable grants. Bargain to be made now for 25 years.	Revocable grants. Franchise to be terminated at any time.
	<b>Service.</b>
Promises, with no reserved right to the council to enforce.	Full power left to council to regulate at any time under penalty of revoking franchises.
	<b>Extensions.</b>
Promised, but at discretion of the company; profit on unlimited capitalization.	Promised and discretion left in the city; profit on actual cost only.
	<b>Subways and Elevated.</b>
Subways or elevateds some time, if a rate of fare can be agreed upon.	Subways and elevateds whenever council directs, and at a 3-cent fare.
	<b>Capitalization.</b>
\$150,000 per mile.	\$50,000 per mile.
	<b>Dividends and Profits.</b>
All that can be gotten on \$150,000 per mile.	Only 6 per cent. on actual money investment within \$50,000 per mile.
	<b>City Ownership.</b>
Prevented for at least 25 years.	Always possible if desired by the people and permitted by the legislature.
	<b>Title to the Streets.</b>
Passes absolutely for 25 years.	Remains absolutely in the city for all time.
	<b>Publicity.</b>
Books closed to the council, city and public.	Books kept open to all who may care to look.
	<b>Popular Vote.</b>
One vote to be binding for 25 years.	Submission to the people at any time.
	<b>Finality of Settlement.</b>
Makes a repetition of the present struggle continuous and inevitable.	Ends the struggle by eliminating private interests from this public service.
	<b>Growth in Net Earnings.</b>
All benefits reserved to the stockholders of the company.	All benefits reserved to the people of the city of Cleveland.
No action on these proposals has yet been taken by the Council.	

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**The Pan-American Conference.**

As reported last week (p. 395) the Conference of American Republics opened at Rio Janeiro on the 23rd. Elihu Root, Secretary of State of the United States, arrived on the 26th, and received an enthusiastic welcome. The dinner given in his honor on the 29th by the Brazilian Minister of Foreign Affairs,