

Table with columns for location, temperature, wind, and other weather-related data.

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AN IMPORTANT QUESTION.

In the House of Representatives on Tuesday, Robeson of New Jersey offered a provision, intended, as he said, as an amendment to the charter of the subsidized railroads, to the effect that they shall receive as compensation for carrying the mails 50 per cent. of the amount now allowed them by law for that service. He explained that this proposition was introduced "in order that the question whether Congress has or has not control over this matter should be brought fairly to the test of a judicial decision, and settled for the present and future." Hewitt of New York opposed the amendment, pointing out that the clause in the law which was relied upon as justification for the course proposed, declared that "Congress may at any time, with regard to the rights of said companies, so alter, amend or repeal this Act." He asked, "Having due regard for the rights of said companies, was Congress prepared to begin the work of modification of private property, which, when once approved by a vote of this House, would proceed with fearful strides until it ended in the logical result—'communism'?" That there is ground for apprehension on this head is obvious to all who have followed the course of legislation and judicial interpretation with regard to railroad questions during the past ten years. Mr. Hewitt objects to Robeson's amendment that it is "a proposition to insert into the charters of these companies conditions subsequent." This is perfectly true, but unfortunately it is not the first time it has been done. The Four-mile Act was an unquestionable violation of that legislation the Supreme Court advanced the dangerous principle laid down in the Chicago Elevator case, very considerably.

The question of the limits of Congressional interference with these contracts is no doubt a very difficult one. It appears inevitable on the face of the situation that the State must reserve to itself the right of alteration of action on the part of the people; but the closer the case is looked into the more impossible does it appear to hold the exercise of this supremacy within equitable bounds. In theory a contract entered into between the State and a corporation certainly ought to be as binding and as permanent as a contract between two citizens. In both cases the essential principles and motives and considerations are identical, and it is as necessary to the well-being of the State that it should keep its pledges as that the same should be done by individuals. But when a legislative body is invested with the power to alter, amend or repeal a charter, and when it is always possible that the said body may be subjected to powerful pressure by a public opinion, either ill-informed or directed by studied malice, it follows that great instability in all such contracts must exist, and that the weaker parties can never be secure in the possession of the rights guaranteed to them. And though the right to alter, amend, or repeal may be conditioned upon a proper recognition and conservation of corporate rights, recent decisions of the Supreme Court have really so far removed all responsibility from legislative bodies in these cases that, under the influence of passion and prejudice, they may at any time decree changes which will not only eliminate all value from the contract, but cause the destruction of valuable property.

When a legislative body is told that it has the right to make any changes it pleases in the charter of a railroad corporation for corporate rights, to suit itself. Legislators are dependent for their positions upon popular favor, and if they know that hostile legislation against railroads is popular they are very likely to ignore the rights of the companies in order to improve their own records. And when, as in the case with the Pacific railroads, public opinion has been educated to forget all the obligations entered into by the United States, and in fact to regard the whole matter precisely as though the corporations had never rendered any equivalent for Government assistance, and as though the Government had never undertaken to do certain things for and in consideration of the performance of other things by the companies, it is to be apprehended that Congress may be tempted to take the common and altogether erroneous view of the situation, and so commit great wrong. Sooner or later, and the sooner the better, it will become absolutely necessary for the people of the United States to realize that when they make contracts through their agents they must adhere to them honorably, and not take advantage of their superiority to conduct private property under any pretense whatever. For unless this realization is reached it is already plain that the Legislatures and the Courts will drift every year nearer to the communism hinted at by Mr. Hewitt, while every fresh invasion of private rights will tend to facilitate and encourage further injustice.

The people, of course, can do what they please, so far as the mere exercise of force is concerned. There is no power able to cope with them, or at all disposed to try. But with all their sovereign power they cannot make wrong right, nor can they prevent the commission of injustice from producing deleterious consequences. Nor is this question one which concerns railroads alone. It is of far wider scope. It goes to the very marrow of national policy and national honor. It involves the question of finance, of the currency, of commerce. It is the question whether the people can be warranted in employing their sovereignty to evade their obligations. It is idle to pretend that there is no objection in this connection, for there has always been a distinct and powerful element in the community favorable to precisely this dishonest line of policy. The experience of the country in resisting repudiation is an illustration very near to the point, and the same element which then and for so long stood up against honorable financial action may be relied upon always to uphold the same cause, no matter what the subject in issue.

THE SAN FRANCISCO INDUSTRIAL SCHOOL. The San Francisco Grand Jury has censured the Industrial School very severely in its report. It declares that institution to be very much worse than useless. It says: "So far as we could observe, nothing of a reformatory character is going on under the present management; and our opinion the chances of reformation would be much greater outside than within that institution, and that beyond the mere confinement of these youthful 'criminals' no good whatever is accomplished." But it is further shown that the mere detention of the young criminals is not productive of any good, but is productive of positive evil, for the report states

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