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Penn. avenue and street.

The street-car company has won its Bull

Run; the Appomattox of the people of In-

dianapolis will be won four years hence.

Judge Showalter did not inform the people

how the real prosecutor in a case can

enjoin himself. That would have been in

the nature of interesting information.

Sooner or later the people of Indianapolis

will defeat the street-railroad clique which

proposes to extort fares from them which

will make \$6,000,000 of bogus capitalization

real capital. The fight is on.

Still, the people understand that the plant

of the insolent clique controlling the Citizens

Street-railroad Company has not cost

the promoters over \$2,000,000, and that a 2-

cent fare will pay a good return on that

amount.

The Senate seems to have passed a bank-

ruptcy bill which seems to have met the

approval of nearly all the real lawyers in

the Senate. There is reason to believe that

a bankruptcy law is needed if a judicious

measure can be devised.

Those who claim to be wise assert that

the appointment of Mr. Sewall as minister

to Hawaii is evidence that the annexation

of that island is on the programme of the

administration. This does not mean that

Hawaii will be made a State, but a Territory.

There are those who believe that the

United States Courts have no right to re-

strain a prosecutor of the State from per-

forming his duty in regard to the violation

of state laws. Unfortunately, Judge Show-

alter did not touch that important con-

sideration.

The framers of the Constitution had seen

the evils of special and local legislation and

they tried to make it impossible in any

case where a general law would apply. An

attempt by legislation to evade or over-

ride the provisions of the Constitution on

this subject is destructive of the intent

of its framers.

Ohio county, the smallest in Indiana, has

an area of one hundred square miles and

abuts on the Ohio river. Under the Jackson

county decision the Legislature could pass

a code of special laws for counties having

an area of not more than one hundred

square miles and lying on the Ohio river

that would apply to Ohio county alone.

Chicago has a bench of able and fair-

minded judges, representing both parties.

The Republican county committee has de-

cided to nominate these judges according to

precedent, but the Democrats, flushed over

their recent victory, have called a conven-

tion to nominate a ticket. The press sup-

ports the proposition to re-elect the judges.

The sending of Osman Pasha to take

chief command of the Turkish army simply

means that the Greeks are making a better

fight than the Turks anticipated and that

the Sultan finds it necessary to push things.

Osman Pasha has an established military

reputation, and though he is sixty-five

years old he is probably good for a

vigorous campaign.

Judge Showalter has indicated in his de-

cision on a bill that he can draw magnates

of the street railroad cannot break through.

When the next Legislature shall meet a bill

will doubtless be presented and passed

which will meet the objections of the judge

so that when the Street-car Company as-

sumes the purpose of the State to terminate

its charter Judge Showalter can be quoted

as an authority.

Senator Elkins does not intend to let his

plan for re-establishing the American mer-

chant marine be ignored if he can help it.

In a speech delivered a few nights ago in

New York, where he was the guest of

honor at a banquet given by the Manu-

facturers' Association, he said that of the

sixty ocean passenger and freight lines

leaving New York for all parts of the world

only seven are American. These lines,

owned by foreign steamship companies, are

simply making the profits from business

that Americans should do, and especially

in carrying what Americans buy and sell.

Senator Elkins's plan would put an end to

this state of things. "Without raising any

question of a political character," he said,

"I venture to suggest that the best remedy

would be that adopted by the makers and

founders of the Republic. It provides that

goods imported into the United States

should pay 10 per cent. duty in addition to the

duties prescribed by law, but all goods, wares

and merchandise imported in American ships

would pay no additional duty.

It appears from an examination of the

records that the conclusions of Mr. A. F.

Collins in a communication published yester-

day are erroneous. He selects one board

and leaves those who read to infer that all

are similarly constituted. The make-up of

the several boards tells the story. The

Reformatory has two Republicans, one

gold and one silver Democrat. The law

creating the institution declares that it

shall be managed upon nonpartisan prin-

ciples. The Prison North has three Repub-

lican trustees. Two Republicans and one

Democrat constitute all of the insane-ho-

sital boards. The Institute for the Feeble-

minded has one trustee of each party and

a woman. The Institute for the Blind has

two Republicans and one Democrat, the

Institute for the Deaf and Dumb two Dem-

ocrats and one Republican. Of thirty-three

police commissioners appointed in eleven

cities twenty-two are Republicans and

eleven are Democrats. Competent superin-

tendents of insane hospitals who have

shown a desire to manage the institutions

upon a nonpartisan basis in accordance

with the pledges of several Republican

conventions have not been removed. Despite

these facts the correspondent bases an ar-

gument upon the one board on which there

are two Democrats, leaving the inference

that all the boards are under Democratic

control, which is incorrect.

JUDGE SHOWALTER'S DECISION.

The decision of United States Judge

Showalter does not decide much of any-

thing nor go far towards settling ultimate

questions. The points decided are not dis-

cussed in a fundamental way and no new

light is thrown on any aspect of the case.

For some days past public opinion has been

tending to the conclusion that the injunc-

tion asked for would be granted, and, that

done, the reasons for it are not very im-

portant. Certainly, Judge Showalter does

not invest them with any new importance

or interest. There is now a word in the de-

cision to indicate that the court realized

that the question was one involving the

rights of the people in their sovereign cap-

acity as against the claims of a law-defying

corporation, or that it embraced in its

scope other cities and corporations than

the parties to this suit. The judge contents

himself with a superficial discussion of the

authorities bearing on the technical points

and hands down an opinion which is more

of a postponement than a decision. A great

lawyer would have seen that the case of-

fered an opportunity for a great decision,

and would have made one. Judge Show-

alter did not recognize the opportunity. The

patry question of 3-cent fares is settled for

the time being, as also the question of

federal jurisdiction in a case of this kind,

of which there was very little doubt. Beyond

that nothing is settled, except by implica-

tion or conjecture. The fight of the peo-

ple for their rights against any and all cor-

porations must be renewed and continued.

They must not yield a point except what

they are obliged to yield by this decision,

and whatever ground they lose by it they

must try and recover through the next

Legislature, or the next until they do suc-

ceed.

AS TO SPECIAL LEGISLATION.

It is a singular coincidence that on the

same day that a federal court held the

three-cent fare law unconstitutional on the

ground, among others, that it was special

legislation, the Supreme Court of the State

should have decided that special legisla-

tion of a certain kind is constitutional. The

Supreme Court decision referred to is that

in the Jackson county-seat case. In pur-

suance of the plain and determined pur-

pose of the framers of the Constitution to

prohibit local and special legislation it

names specifically seven matters or subjects

concerning which the Legislature "shall not

pass local or special laws" and adds: "In

all the cases enumerated in the preceding

section, and in all other cases where a

general law can be made applicable, all laws

shall be general and of uniform operation

throughout the State." Among the sub-

jects specifically named by the Constitu-

tion on which local or special laws may

not be enacted are "regulating the practice

in courts of justice," "regulating county

and township business," and "for the assess-

ment and collection of taxes for the State,

county or township purposes." Local or

special legislation touching either of these

subjects is especially prohibited. The

Legislature of 1855 passed "An act provid-

ing for the relocation of county seats in

counties of this State having an area of

more than five hundred square miles, au-

thorizing and regulating the levy and col-

lection of taxes, and the issue and sale of

bonds by the trustees of the townships where

such county seat is relocated, to provide

funds for the erection of a courthouse and

for the erection of a jail, and for the

defining of certain officers therein named,

prescribing punishments and penalties for

the violation of its provisions, and declar-

ing an emergency." Although the county

of Jackson is not named in the title of the

act, it was intended to apply to that

county alone, and to provide for the re-

moval of the county seat from Brownstown

to Seymour. As there are nine counties in

the State which have an area of more than

five hundred square miles, the limitation

of the act to Jackson county was further

sought to be secured by a provision that

"No county seat shall be relocated under

the provisions of this act at a point within

twenty miles of any State boundary line

of this State." This excluded the counties

of Benton, Jasper, Knox, Kosciusko and

Laporte, to which it would otherwise have

applied. Three other counties were ex-

cluded by providing that the law should

not apply to any county "where a sum ex-

ceeding \$20,000 has been expended in the

erection or repair of the courthouse or jail

of said county within three years next be-