

TRUST CONTROL

Jeremiah W. Jenks, professor of political economy in Cornell university, discusses "How Congress May Control Trusts" in The Outlook of December 13. The first is Attorney General Knox's remedy as outlined in his Pittsburg speech, October 14, 1902—an extension of the scope of the Sherman act, making corporations engaged in interstate business subject to "visitorial supervision" and requiring them to do business in every state upon precisely the same terms and conditions. Professor Jenks is not inclined to take much stock in this plan for the reason, as he says, "that a law forbidding discriminations, as well as one requiring publicity, can be easily evaded. It is impossible in many cases to get evidence. But direct methods of evasion are also even now employed." "The principle of discrimination in freight rates on railroads," says Professor Jenks, "it is generally conceded, is evil; but railroads are natural monopolies. It is useless to talk of encouraging competition among them. On the other hand, the so-called trusts are industries which are normally competitive, and we wish to keep them so." There was his opportunity to suggest public ownership of the natural monopolies as a step toward solving the problem—but he refrained.

The second remedy discussed was that recommended by the industrial commission in its final report—a tax on corporations engaged in interstate commerce. This, Professor Jenks thinks somewhat better. "The act of imposing a tax," he says, "shows most strikingly the power of a government, and the courts have been inclined, when a tax is in itself constitutional, to give to the executive all the power needed to enforce the tax."

The third plan is that of national incorporation. "It seems clear," says Professor Jenks, "from the best authorities that congress could constitutionally act in any of the ways indicated. Will congress find it wise to take any action at all? Hardly likely, The Independent is inclined to believe. Anything which would tend to stop the process of making the rich richer and the poor poorer will hardly be considered "wise" by a republican congress. Yet it is possible that some make-believe remedial legislation may be enacted, simply for political effect.

THINGS FUNDAMENTAL

The tremendous possibilities for good which lie in the law of eminent domain, are just beginning to be understood. This is a law that cannot be abrogated and neither can it be "construed" out of existence by a plutocratic supreme court, for no government at all could exist without it. It is the antithesis of the doctrine that every man has a right to do as he pleases with his own, regardless of the public welfare. There is no piece of property of any description in all the world to which any man has an absolute ownership. It is all held subject to the public welfare and this is provided for, not only in the law of eminent domain, but in many other laws, all of which have had the universal sanction of every department of government. A man owns a horse, but he cannot do to it what he wills. If he is cruel, the law steps in and says to him you cannot do with it as you please. He cannot destroy property although he owns it, for he will be punished for the destruction of property by the law of every state in the union. He cannot use property so as to annoy the public. If he creates a nuisance the law steps in again and says to him: "Although you own this property, you must use it subject to the public welfare." The ownership of property is limited in hundreds of ways in all civilized nations. You may build a house with the labor of your own hands, but if the public welfare demands it, it is torn down and a highway is constructed over its site.

The general principle is thoroughly established that no man, corporation or combination can so use property as to be detrimental to the public welfare. And furthermore, the principle is as well established that when the public welfare demand, it, property of any kind can be taken from the private owner and the title invested in the public. Nothing in all the field of law is more firmly established than these two things. Furthermore, the courts have universally held that property can be taken from one owner and transferred to another owner, if such transfer is for the interest of the community at large. This has been done to a very great extent in the United States. If it is to the interest of the public that a railroad shall be built, land is taken under this power of eminent domain from one private corporation or individual and con-

ferred upon another. The principle has been established that the government has not only the right to take private property and confer the title to it upon the whole people, or, as we generally say, government ownership, but it has the right to take property from one individual or corporation and place it in another individual or corporation. It is upon these fundamental laws, common to all civilized governments, that populists base their theory of the government ownership of railroads, telegraphs, street car lines, waterworks and gas plants. Whenever the public welfare demands the transfer of the title to these things from private corporations or individuals to the government, there stands the laws of all civilized nations ready to sanction it.

Great Britain, according to the latest information, is about to make a broader application of the law of eminent domain than was ever made in all history before. It is said that a bill will be introduced in parliament which the government intends to make the first order of the day until disposed of, which will under this law take over from the English land holders a very large part of all Ireland and confer it upon the present tenants. The value of the land involved in this transaction is said to be \$750,000,000. This is done because the public welfare requires it. Ireland has been a storm center of rebellion and discontent ever since the land was taken from the people and given to favorites of the English crown. Centuries have not allayed the constant protest against it, and under this law of eminent domain the wrong is at last to be righted.

The plutocrats of this country are for the most part Anglophiles. If their model government can take practically the whole of Ireland and transfer the title in small lots to Irish tenants, they ought not to talk about anarchy when the populists propose to transfer the title to the railroads and telegraphs from private corporations to the government itself.

It seems hardly necessary to remark that in all cases where property is taken under the law of eminent domain, the law itself requires that a just compensation must be made to the owners from whom it is taken.

"IF YOU DON'T WATCH OUT"

Public Opinion should beware. The gold gobble-uns 'll get it 'f it don't watch out. Commenting on the recent decline in the price of silver bullion it said:

Silver on November 26 reached the lowest price in its history, the London quotation on that date being 27 7-8 pence or 43 3-4 cents per ounce. At this rate the silver in a dollar of our coinage is worth exactly 33.6 cents, a trifle over one-third of its coinage value, which is \$1.29 per ounce. This further fall in the price of the metal is attributed partly to the payment of the Chinese indemnity in silver and the suspension of free coinage at the mints of Siam. This, together with the decline of the price of silver at Bombay several points below the London quotations, for the time being completely closes the markets of the world to the white metal against which so many crimes have already been committed by the financial world.

This is certainly treason! "So many crimes" must, of course, include the crimes of '73 and '93.

The assembling of the Mad Mullahs of the republican party at Washington shows what their ideas about tariff revision are, and to sum them up they take the following shape: The tariff must never be touched in times of prosperity for that would bring on a panic and ruin business. The tariff must never be touched in times of adversity for then the government would need the revenues and good times could never return without it. That is the plan that the republicans have adopted in regard to a tariff that forces American citizens to pay 40 per cent more for goods than the manufacturer sells them for to foreigners.

The English language is a poor vehicle for expressing imperialism. The president speaks of "rights granted" to the Filipinos. Neither he, the American government nor any other power on earth can grant "rights" to the Filipinos. "Rights" are inherent, not granted by any one. Congress has granted a few "privileges" to the Filipinos, but never any "rights." The "rights" of the Filipinos exist by nature. They cannot be granted or taken away. That is what Jefferson meant when he wrote "unalienable rights."

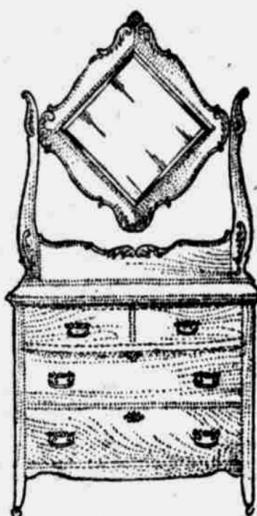
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