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The question of local transportation in Chicago has entered upon a critical stage. The principal street car franchises will expire, according to their original terms, within the next few months; and the city council, under pressure from the vast financial interests concerned, is now negotiating with a view to granting extensions. At the same time, that body is forced to recognize a great and swelling tide of local sentiment in favor of municipal ownership. The problem before it, therefore, is to formulate a practical plan which, while satisfying this sentiment, will also be acceptable to the financial interests.

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The necessity, real or fanciful, for meeting the demands of the financial interests, or even considering them in so far as they depend upon watered stock, grows out of certain peculiarities in the local situation. In the first place it is asserted by legal experts that neither municipal ownership nor municipal operation can be adopted by Chicago without an enabling act from the legislature. So far as ownership is concerned, this difficulty seems to appeal most strongly to those experts who are either opposed to municipal ownership or are dubious of its success. Others insist that while the policy of municipal operation is legally in doubt, municipal ownership could be adopted without an enabling act. Whatever the merits of this dispute may be, curious inquirers will be apt to ask why an enabling act is not passed and the question thereby put at rest. The legislature, at any rate, and the political party that controls the legislature, cannot evade responsibility for deferring municipal ownership by tearfully pleading the absence of an enabling act.

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But that is not the only question. Another arises out of the fact that all Chicago street car franchises do not expire next Summer. Some have several years—something less than 12 or 15—yet to run. It is conceded, however, that this difficulty, in and of itself, is of no moment. Were the expiring franchise rights resumed by the city, instead of extended, there would be no difficulty in negotiating a fair settlement with the other interests. But slight as this difficulty is in itself, it is magnified by another, with which it is complicated and to which we call attention next.

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The traction interests claim that some of the franchises supposed to be expiring are indeterminate as to time, and therefore (note the ingenuous "therefore") are franchises in perpetuity; while others were granted in 1865 for 99 years and still have over 60 years to run. If these claims were legally meritorious it is remarkable that the traction interests should have bribed through the infamous Allen law, with its 50-year franchise limit, a few years ago, and equally so that they should now be as deeply concerned as they evidently are for their expiring interests. These claims are not made in good faith. They are raised for no other purpose than to serve as a threat of tying up the city in the courts. Even if technically good in law, their inception was so infamous in fact that few equity judges would have the temerity to validate them, and every judge ought in decency to shrink from doing so. Still they might be used as a basis for troublesome lawsuits. It is predicted that upon the basis of these claims the traction companies could involve the city in litigation for from five to ten years, during which time street car service would be as bad or worse than now, and that the policy of municipal ownership might thus be fatally discredited at the start.

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These circumstances evidently present a genuine problem to the city council. It is one which may very well justify the most sincere advocates of municipal ownership and operation in urging a compromise at the present time upon the basis of the total relinquishment by the franchise grabbers of everything in the laws that serve as pretexts for their present legal "hold-up." The sincerity of advocates of municipal ownership cannot in such circumstances be fairly determined by the fact that they are either for or against municipal ownership immediately. But it can be determined by observing their attitude toward the baffling circumstances. Whether he be a member of the city council, or otherwise influential in professional, political or business life, every man whose vote or advice upon details shows that he welcomes the circumstances—protest he never so strongly that he deplores them—should be set down as hostile. He will at any rate bear close watching. And if he is a councilman, the public interest will be best conserved by retiring him for the present from the public service.

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Tried by that test, the 48 councilmen who voted on the 19th of January to substitute what is known as the "Jackson" bill in place of the "Finn" bill (p. 663) are hostile to municipal ownership not only immediately under the baffling circumstances, but altogether. The "Jackson" bill, while appearing to grant municipal ownership as soon as the people

shall demand it by referendum, is plainly designed to put off indefinitely what its authors evidently regard as "the evil day." Alderman Finn had presented a bill to be recommended by the council to the legislature. It may have been defective, but of its sincerity there isn't room for honest question. Yet no effort was made to cure its defects by amendment while preserving its desirable features, but Alderman Jackson's tricky substitute was passed by a vote of 48 to 19. He was reported at the time to have asserted that this substitute had been drawn or approved by leading Chicago lawyers, though refusing to disclose their names. Subsequently, however, some of his supporters in the chamber publicly declared that he had announced the name of Walter L. Fisher as the leading lawyer who had drafted or approved his bill. Mr. Fisher is the secretary of the Municipal Voters' League, an energetic reformer of the voters' league type, an estimable gentleman, and a lawyer of ability, though hardly ranking yet as a leading lawyer. Mr. Jackson's reference to him, therefore, as if his opinion were authoritative at the bar as an expert, was not altogether candid. Moreover we have the best of reasons for believing that Mr. Fisher neither drafted nor approved the "Jackson" bill. Personal elements wholly aside, however, the "Jackson" bill is a traction companies' bill, a bill well calculated to obstruct the adoption of municipal ownership and to nullify it if adopted; and this is true no matter who drafted or who approved it. Though it provides for referendums on municipal ownership and operation, it makes each proposition entirely dependent upon the council, thus reducing to a few councilmen the number of men necessary to be "seen" or "influenced" by the traction interests in order to head off municipal ownership. This result is neatly accomplished by excluding all possibility of a popular initiative. The council could, indeed, provide for municipal ownership, and also for operation, and the ordinances for those purposes would become effective only after a referendum; but the people could not by petition force the council to submit a referendum on either question. Thus the whole matter could be tied up indefinitely by hostile or corrupted councils.

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That this omission was not accidental is evident enough. A clause for a ten per cent. initiative appeared in the "Finn" bill for which the "Jackson" bill was substituted, and the substitute cut it out deliberately. Besides that fact, at least one alderman, who appears fairly to represent the sentiment of the majority, gives as a reason for omitting the initiative that it would enable a few people, "influenced by agitators," to force the question to a popular vote. We allude to Alderman Badenoch, who declares that there should be no popular initiative for this purpose on a petition of less than 25 per cent. of the voters —a monster petition, in other words, of over 100,000 men. The man who believes that, ought candidly to declare that he is opposed to both initiative and referendum and not very friendly at heart to municipal ownership. If further evidence of the presence in the council of this undemocratic sentiment were needed, it is afforded by the council proceedings of the 19th. The "Jackson" bill having provided that in case of municipal ownership the city should have power to lease to corporations for not more than 20 years, Mr. Finn sought to amend by subjecting leasing ordinances to a referendum, if petitioned for within 60 days by 10 per cent. of the voters. Alderman Jackson moved to table this amendment, and his motion was carried by a vote of 45—the same councilmen, with four or five exceptions, that had voted with Jackson for his bill. One of these, Alderman Bennett, afterward had the audacity to inform a public meeting in Englewood that the Finn amendment was laid on the table because it was not germane to the bill! That was an evasion, of course; for if the bill could constitutionally provide for leasing municipally owned street railways, as it does, it could provide for an initiative and referendum on the leasing ordinances. But that is not all. As it stands, this bill requires a referendum of 60 per cent. of all who vote at the election, in order to empower the city to operate its own street car lines. Yet it authorizes the council to lease them to private corporations without any referendum. In other words, the referendum is brought in and made difficult, as a means of carrying out the popular will; but is rejected when it might obstruct the schemes of franchise grabbers. What better evidence of animus could be desired.

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Although these facts plainly point to a disposition on the part of the majority of the council to override popular sentiment while seeming to bow to it, it would be unfair to suspect personal or official corruption. The probability is that in this fight, so far at least, no councilman has been bribed—consciously, vulgarly. The "gray wolf" period, thanks largely to the Municipal Voters' League, has probably come to an end in Chicago. But when financial interests running up into the millions are at stake; when some $60,000,000 of pure water may by a deft bit of legislative work be turned into $60,000,000 of pure gold; when in all business and respectable social circles shrewd suggestions are rife regarding the "rights of capital," the investments of "widows and orphans," the impudence of "agitators," the necessity of curbing majorities; when the better classes, and even some of their well approved aldermen not unlikely own shares of the stock that is in jeopardy, or possibly have even bought some of it "long" upon the market in the hope that good luck may favor their investment—when in these circumstances the rights of all the people need legislative protection, vulgar "boodlers" are by no means the most dangerous men in the community. The men to watch then—not suspiciously, perhaps, but vigilantly nevertheless—are not your "gray wolves,"

who take dirty bribes, but your respectable business element, both within and without the council, who are swayed by fears, etc., for the stability of financial interests and the "property" of "innocent" investors.

Senator Rawlins is trying hard to carry through the Senate a resolution calling for the records of court-martial trials in the Philippines. But Senator Lodge struggles to keep these records out of sight with the ingenuity and grim determination of a criminal's lawyer objecting to the admission of a particularly incriminating piece of evidence. The worldly wisdom of Mr. Lodge's policy is evident when it is considered that Maj. Glenn, charged with torturing natives, and pleading in his defense that he did it under orders, has been acquitted by the court-martial that tried him.

Upon President Roosevelt's recent speech at Canton, in which he lightly shifted the responsibility for barbaric war in the Philippines, from the Americans against whom it has been proved, Erving Winslow makes this suggestive comment:

The President again asserts at Canton as a matter now patent to all men that the abandonment of the Philippine Islands would have "led to a welter of bloody savagery." Does the President really believe that his high office can give any permanent value to this unjustified assertion, however often reiterated? The peaceable establishment of a government by the Filipinos, with excellent auguries for its continuance, is a well known historical fact. The "welter of bloody savagery" is, as his own words imply, a purely gratuitous invention of the President's imagination, invoked perhaps like a back-fire to divert attention from that which has been proved, alas, against the United States in the conduct of the Philippine War. Compare with the orders given and approved by General Bell, General Smith, General Chaffee and the War Department, to "kill and burn," to "obtain information at any cost," to make a "howling wilderness" of suspected provinces—one of the last proclamations of General Malvar, of which a translation follows:

Orders and general instructions issued by the commanding officer of the South of Luzon for strict compliance in this district:

The generals, chiefs and officers of the army of deliverance will prevent any ill-treatment in word or deed, by soldiers or peasants, of any disarmed, sleeping or drunken enemies and of all those who, throwing their guns down and raising their hands, declare thus their surrender, or of any others that may become prisoners in any way; meting out exemplary punishment to all who act against this order.

They will receive with kindness and courtesy, and accord good treatment to all soldiers, officers and chiefs of the army of invasion who may come to our camp, after leaving their guns at a predetermined place, to prevent any deception, conceding to them the best of treatment as specified in previous orders.

At the headquarters, April 28th, 1901.

The Commanding General,

MIGUEL MALVAR.

The responsible authors of what was indeed a "welter of bloody savagery" are in a painful position when they try to persuade us that such an one as Gen. Malvar would have created such conditions, had he and his compatriots been left to work out their own fate. Which is the Christian here, and which the savage?

When impartial history answers that question, as in time it will, Americans who are not shameless will blush for their ancestors who invaded the Philippines and cruelly tortured and wantonly slaughtered their inhabitants.

The usually logical Pilgrim, of which Willis J. Abbot is editor, drops into the common error of supposing that it is a logical fallacy to test theories by carrying them to their logical end. This is another form of the notion that there are exceptions to every rule. The truth is that no rule which really expresses a natural law either in morals or physics has any exceptions. It is easier, of course, when a rule is found to lack that universality of application which belongs to natural law, to acknowledge the rule and assume an exception than to investigate the exception and if need be bring the supposed rule to new tests. But it is not "scientific," as the professors say.

The particular matter the Pilgrim was considering had to do with Prof. Bascom's distinction between taking for colleges, churches, etc., money derived through immoral conduct in defiance of law and money derived through unjust institutions in accordance with law. We regard the distinction as sound, both logically and morally. There is no question involved of rule and exception. There are two rules. One holds that money acquired by individual wrong doing carries with it the taint of its origin into the church or college treasury. The beneficiary condones the individual wrong by taking it. The other holds that money acquired through established institutions, for which society and not the individual is responsible, carries no taint. The offense in the first case consists in acquiring money wrongfully; the offense in the other does not consist at all in acquiring money, but in supporting a wrongful institution. For illustration: A vegetarian society might properly take money from a butcher to propagate vegetarianism, while a church could not properly take the proceeds of a bank robber from the burglar. Better still, a peace society might take money from a general in the army, part of his salary, though a Sunday school could not with propriety accept the gate money of a prize fight. So a free trade society may take money from a free trader who derives his money from a protected business; a socialist society might take it from a captain of industry; a single tax society might take it from a single tax beneficiary of land monopoly. It does not follow, however, logically or otherwise, that they could properly take money from a common swindler.

If James Ford Rhodes writes history with no more regard for its verities than he displays in some parts of his magazine article on "The Presidential Office" in the February Scribner, history from his pen, however interesting, needs to be read with extreme caution. His reiteration of the fiction about Jackson's having introduced the spoils system, may be passed over, perhaps, as of little or no importance; but his comment upon President Cleveland's armed invasion of the State of Illinois, in Altgeld's day as governor, cannot be so lightly ignored:

In the railroad riots of 1894 Cleveland, under the advice of his able attorney general, made a precedent in the way of interference for the supremacy of law and the maintenance of order. The governor of Illinois would not preserve order, and the