

chamber and almost *ex parte* hearing, the courts can grant no relief. The case in which that decision was made is reported in the United States Supreme Court reports, volume 198 at page 263. Its effect is summarized in Franklin Pierce's powerful work, "Federal Usurpation,"\* in these words:

If a Chinaman is born in the United States and unquestionably is a citizen of this country, and goes to China for a visit and returns, and is subjected to such a summary trial as to citizenship, and found by the Immigration Commission not to have been a citizen, and the papers are certified to the Secretary of the Treasury who determines that the decision of the Commission is correct, the man must be banished from the country, although he is a citizen, because the finding of the Commission under such circumstances, is conclusive upon him, and no court has the power to interpose and protect his liberties.

In legal principle the same thing would be as true of any other native American, whether of Irish, Scotch, German, Italian, or even Mayflower ancestry, if the Secretary of the Treasury should sustain the Commission of Immigration in falsely holding him to be an alien Chinaman.

Of course the same principle would apply if the Postmaster General should decide that any person's business is a fraudulent business, however legitimate it might be in fact. The truth of the charge could not be questioned in the courts. The only question there would be the decision of the postal bureau. If that bureau holds a business to be fraudulent, the person conducting it is thereupon, without further ceremony, sentenced to be deprived for life of all right to receive mail matter, his correspondence is returned to the senders, his business is destroyed, his reputation is sullied, and even his wife and his child are effectually prevented from corresponding with him by mail.

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Such a system obviously lends itself not only to great oppression in the spirit of fanaticism, but also to great corruption. Whether it has yet been corruptly used we are of course unable to say. But upon this point Edwin C. Madden's story of "The U. S. Government's Shame,"† throws several "side lights."

Mr. Madden was Third Assistant Postmaster General when the crusade against Lewis of St. Louis, referred to above, began in the Post Office Department, and he discloses the inner secrets of that case. Whether the bureaucratic assault upon

Mr. Lewis's business and the making of him a postal outlaw was corrupt or not, every reader of Mr. Madden's book may judge for himself. But there is one statement in this book with which everybody should heartily agree. It is this: "Some day, may it not be far distant, a great man will come out of the mass. He will write into the postal laws the sane provision that the use of the United States mails is the right of every person who pays the lawful postage; and that it is not a privilege to be taken away at the caprice of any official. He will make it necessary for the Postmaster General and his subordinates to give their attention to the management, perfection and expedition of the mail service, leaving private business matters to be dealt with according to the ordinary processes of law. This man will put an end to the tyranny of the postal establishment of today, and will make it impossible to destroy the good name and credit of any citizen by means of a fraud order."

Is there no such man in Congress now? Can no such man be sent to Congress at the coming election?

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## EDITORIAL CORRESPONDENCE

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### TRACTION QUESTION IN NEW YORK.

Brooklyn, N. Y., May 2.—The transit question in New York is a daily, almost hourly source of anxiety, distrust and anger to our citizens. In the words of the chief exploiter, Thomas F. Ryan, this city is a "clover patch." And verily, the control of this city's transit facilities is a gold mine—a placer mine with "pay dirt" of exceeding richness. No rock has to be removed to get at the gold, no blasting, except occasionally of a reputation theretofore considered impeccable. Here too the morganatic relations between the dominating factors in the nation's predatory combinations (the railroads, interstate; the urban—surface, subway and elevated; the giant gas companies, and the biggest of the industrials, the Standard Oil Co. and the Steel trust, the large newspapers, and the political bosses) are most nearly perfected. Few outside of the large cities, and not many within, realize the existence of this trinity which rules our municipalities, and through them much of the government, State and national. Because the "clover patch" is so rich, the trinity bitterly opposed the famous Elsberg bill, giving the city of New York the right to operate as well as construct future subways in default of satisfactory bids for private operation, also permitting bids for construction alone, leaving equipment and operation for a later date. Four years of ceaseless struggle was required to secure this measure. Not only did we have to fight the hired "accelerators of public opinion" but we also had to contend against the old Rapid Transit Commission.

Because of this union of hostile forces no real

\*Published recently by D. Appleton & Company, New York. See review in this issue of The Public.

†Recently published by the National Book Company, Detroit. Price 50 cents.

action was ever had under the Elsberg law. No bids were ever submitted. On one occasion they were ready but were withdrawn. The reason for withdrawal was the action of the Board of Aldermen in voting unanimously to require that the bids be asked for construction alone, leaving the matter of equipment and operation for a later time. The traction manipulators had planned, through the supineness, if nothing worse, of the Rapid Transit Commission, to gobble the whole business, hook, line and sinker. By getting the right to equip and operate with the construction contract, they aimed to shut out for generations all possibility of competition. Particularly were they anxious to obtain these enormously valuable franchises in advance of general knowledge of the richness of the subway "clover patch."



While the various civic bodies which joined with the labor organizations in the agitation for the Elsberg law have been content to rest from their labors, the forces of privilege have been sleepless, conducting a continuous campaign for its repeal or emasculation. Their "accelerators" having been found out, other agencies had to be employed. With the unlimited loot from their exploitation of existing public utilities, this is always an easy matter. No one believes that the "half million" and more which its officers admitted on the witness stand that that prince of monopolists, the "Warwick" of the Cleveland administration, Wm. C. Whitney, took from the treasury of the traction trust and of which no accounting was ever asked or made, represents the limit of the debauchery of public officials, or that such acts are obsolete. By such methods the Robinson bill, intended to "take the sting" out of the Elsberg law, was forced through the legislature just before adjournment.

In order that the demand upon the Governor that he sign it should not be too baldly antagonistic to the popular will, some kind of public endorsement of the amendatory measure must be had. For this there existed no better atmosphere than historical Cooper Union, if it could be judiciously handled. Because of its association with all the great popular movements for several decades it was the one place from which an endorsement would best suit the purposes of the traction bosses, who could then say, Even the radicals admit private construction is inevitable.

The first attempt was made in advance of the action of the Assembly in voting for the bill. This failed, owing to the alertness and aggressiveness of a few of the Henry Georgeites of 1886 and 1897. By vigorously protesting from the body of the audience, appealing to it not to be fooled by those who were trying to pull the traction chestnuts out of the fire, the scheme for a popular endorsement ignominiously failed.



On the 28th the effort was renewed. But the educational work performed at the prior meeting had borne good fruit. Despite the most strenuous efforts to commit the meeting to the program of endorsement, the opposition to it, ably led on the floor by John Martin and Fred. C. Leubuscher, were overwhelmingly victorious. Only six votes were recorded

in favor of the bill, while the audience of 1,200 to 1,400 rose en masse to vote in the negative.

But mark what followed. With twice as many reporters present as at the previous meeting (the proceedings of which were reported at considerable length in all the papers), with the proceedings at an end as early as 10:15 p. m., and with nothing of importance such as a large conflagration, a mine disaster, a railroad accident, a shipwreck, or even a proclamation or special message from the White House to crowd other news from their columns, not one of the New York papers had a line about the meeting. Except for the few thousands who may learn of it at first hand from those present, the six or more millions who get the New York papers daily will have no knowledge that such a meeting took place, and of course cannot know how completely this effort to steal a popular endorsement of a vicious act of the legislature was beaten.

Nor is that all. Announcement was made by the chairman of the meeting that the bill would have a hearing before the Mayor at 2 p. m. on the 29th. Several of those who had participated in the people's victory of the previous night intended to be at this hearing and voice a further protest. Arriving there at the announced hour, they learned that the hearing had been at 10:30 a. m. Fortunately, Fred. C. Leubuscher had made inquiries and discovered the time the hearing was to be held. It should be explained here that under the city's charter all exclusively city bills have to be referred to the Mayor for action. If disapproved they are returned to the legislature, if still in session, for repassage; otherwise they are defeated. If so repassed, they then go to the Governor. Arriving at 10:28 a. m. Mr. Leubuscher was informed that "as no one had appeared in opposition" the bill had been passed along. This was tantamount to approval. Pointing out that he had arrived before the hour set for the hearing, Mr. Leubuscher claimed the right to be heard in opposition, so the bill was rather ungraciously taken up and Mr. Leubuscher voiced the sentiments of the meeting of the previous night. He called upon the Mayor to respect the will of the people as expressed in a referendum vote in 1894, when the people declared by more than three to one for city construction.



But the Mayor signed the Robinson bill and it went to the Governor for final action. A closer examination of its provisions discloses greater dangers than heretofore suspected. Competent lawyers now declare that the Public Service Commission can under its terms grant extensions of the present elevated roads in perpetuity, and that contracts for all future subways can be so drawn as to be considered as "extensions" and, therefore, on same terms, viz., fifty years with a twenty-five renewal, and to be "free from taxation."

A hearing having been asked of the Governor, his secretary writes that Governor Hughes "will not be able to give hearings on thirty day bills."

There is but one way now to defeat this infamous measure. Only by bombarding the Governor with letters of protest denouncing the contemplated outrage upon the citizens of New York can it be defeated. Let him be made to understand that the people are

as keenly alert to the conspiracies of the traction trust as he seems to believe them to be against race-track gambling, and that they will hold to account all who aid these conspiracies, as he appears to believe they will hold to account those who continue to oppose his anti-gambling measure, and we can yet save future subways from spoliation at the hands of those who use a part of their ill-gotten gains to corrupt our politics.

At this time when the nation's leader in the cause of municipal ownership has achieved a splendid far-reaching victory in Cleveland, supineness on our part here in New York would be nothing less than a crime.

ROBERT BAKER.

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## ONTARIO'S TREATMENT OF JUVENILE DELINQUENTS.

Toronto Junction, Ontario, May 2.—J. J. Kelso acts under the Ontario government much in the same capacity as Harris R. Cooley in Cleveland. Formerly boy criminals were sent to a reformatory built according to the old fashioned ideas of prison discipline, with high stone walls and barred windows. In this building there was, of course, no sort of home life or sympathetic intercourse with the boys, and it had long been known that it was a reformatory in name only. It was in fact an elementary training school in crime, from which the boys graduated into the jails and penitentiaries of the Province.

The government becoming convinced of the failure of their own system of treatment, though with but little faith in Mr. Kelso's theories, some years ago gave him the power of guardianship over all the boys at that time in the institution, with liberty to remove them at his discretion. He gradually withdrew them, placing them upon their honor for good behavior in homes throughout the Province, and the old reformatory building has been converted into an asylum for the insane.

Mr. Kelso exhibits views, showing the boys as he found them, and after they had been placed in surroundings more favorable to character development. His experiment has been eminently successful. Views are also shown of the districts from which many of these boys come, the original breeding places of crime, which indicate the need of a more fundamental reform than that of the treatment of criminals—a reform that will abolish the incentive to crime.

S. J. CHUBB.

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## THE DAY BEFORE.

San Francisco, April 30.—We San Franciscans fondly imagine all eyes are turned us-ward these history-making days. At present writing we are in the last-minute throes of getting ready. It is a prodigious, a herculean task, for the brave, struggling, overburdened city. Yet San Francisco is the ultimate argument in this contention fairly forced upon her, and she must respond. Time has been when she would easily have lifted herself, a miracle of light, and transcending beauty, from the embrace of her circling waters. She will do her best to sustain the old-

time reputation; but the fact remains she has so many ways for money in rehabilitation, not one cent ought to go for this useless pageant.

In spite of all, the spectacle will be like that of a beautiful woman commanded to appear when her superb toilet is but half made—costly ornaments in her coiffure with her feet in frayed boudoir slippers.

Since the putting to sleep of the proposed city ordinance to raise liquor licenses, and the decree of beautiful souvenir certificates for saloon and restaurant contributors, the slow-growing fund has taken a new start. The liquor interest always carries a club concealed about its person.

Well and anyway, San Francisco wanders up and down her picturesque hills and away to the blue waters of bay and ocean the same, her breeze is as invigorating, wild flowers crowd the slopes and dells—the old and nameless charm remains. Dancing and feasting are the same in all cities—and all for the glorification of man's lowest and most brutal instinct. Think what the thousands of men and the millions of money could do for the material development of the country.

The whole spectacular affair is a Roosevelt-Republican campaign feature, but there is danger that when the tumult and the shouting dies, a boomerang has cleft the air. There is a suspicion that "the people," in whose name all this war racket is kept up, do not thirst for militarism, with the back-bending, heart-breaking burdens that go with it.

EUFINA C. TOMPKINS.

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## THE FLEET IN SAN FRANCISCO BAY.

For The Public.

Oh beautiful, oh wonderful, oh pitiful—

These words are on our lips  
As from our green Presidio hills  
We watch the battleships.

What grace in every curved line,  
What grandeur in the sweep,  
As they part the swirling waters  
And tread the mighty deep.

Oh wonderful the genius  
Of man's God-like brain and hand,  
To build these glorious monsters  
And hold them in command.

Oh pitiful the story  
Of human wrong and sin:  
Man builds these beauteous monsters  
For slaughter of his kin!

EUFINA C. TOMPKINS.

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The increase of standing armies and navies, accomplishing no result but increased burdens on the people, is inevitable unless the practical men of the civilized world insist upon a rational settlement of international difficulties. Is it not time for rational beings, who have abandoned tattooing, eating raw flesh, and all other savage practices except the savage practice of settling difficulties by war, to take for their motto, not the outworn charge, "In time of