

# The Scranton Tribune

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## UNION LABEL

SCRANTON, JANUARY 31, 1905.

### THE SCRANTON OF TODAY.

Come and inspect our city. Elevation above the tide, 740 feet. Extremely healthy. Estimated population, 1894, 103,000. Registered voters, 24,829. Value of school property, \$750,000. Number of school children, 12,000. Average amount of bank deposits, \$10,000. It is the metropolis of northeastern Pennsylvania. Can produce electric power cheaper than Niagara. No better town in the United States at which to establish new industries.

**See how we grow:**  
Population in 1860..... 9,223  
Population in 1870..... 35,000  
Population in 1880..... 45,539  
Population in 1890..... 75,315  
Population in 1894 (estimated)..... 103,000  
And the end is not yet.

The Wilkes-Barre Leader finally although reluctantly admits that the people of Pennsylvania want compulsory education; but it carries the question by pleading for more legislative delay. We ask the Leader this question, which ought to be decisive: If thirty other American states have found compulsory education laws to operate advantageously to the public welfare, why should Pennsylvania put off a similar experiment? If such a law is worth passing at all, it is worth passing at once.

### An Important Decision.

Now that the subsidence of the crisis of affairs in Brooklyn renders expedient a review of the judicial incidents of the great trolley strike, it is in order, to consider, with some care, the remarkable opinion rendered during that strike by Justice Gaynor of the supreme court. In passing upon the application of one James Leader for a mandamus to compel one of the tied-up street railway companies to operate cars in sufficient number to accommodate the traveling public, the court said: "This corporation has a public relation to the people and a private relation to its stockholders. It must not be forgotten here, though it may seem to be growing wholly forgotten elsewhere, that in its public aspect it is a public corporation, having duties to perform to the public which transcend any obligation which, in its private aspect, it owes to its stockholders. Though the principles are old and inherent in the law of sovereignty of the people, it would seem that the recent rapid growth of corporate power, and the tendency to give public franchises for the arrangement and operation of public service and benefit of the public second, they have become somewhat overlooked and need to be restated. Then the court went on to state that while the directors of a private corporation may, actuated by greed or motives of private gain, stop business and refuse to employ labor at all unless labor comes down to their conditions, however distressing, for such are the industrial and social conditions, the directors of a railroad corporation may not do the like for they are not merely accountable to themselves, but are accountable to the public first and to the stockholders second. They must not stop their cars for an hour, much less a week or a month, thereby to coerce the price or conditions of labor down to the price or conditions they offer. In respect to the question of hours and wages, having the right to gradually and from day to day supersede its employees, if it can, by new employees who will work on its terms, or to supersede them all at once when it has obtained a sufficient number of new employees for that purpose; but in such a controversy it has not the right to stop its cars while it is gradually getting other men. Each party, the court has held, has the right to obtain the best terms it can, but if the company cannot get them at a price it thinks fair, it is bound to get them at a price it may deem expedient because its first duty is to operate its road.

One of the arguments at once raised against this ruling was that it did not give the company a reasonable time in which to restore its suspended schedule; and by an alternative writ subsequently issued, and made returnable in thirty days, the court deferred to this argument. In his first ruling, however, Judge Gaynor held that the claim of the company that it was prevented by violence from running its cars was not made out; that there was ample protection; and that the real difficulty was its refusal to hire men, except on its own conditions—a policy which can not be pleaded against the general public.

### They Do Not Clash.

Naturally, a decision of this sweeping character although true in the main to the law and to the equity of the case, has excited very general discussion, in which course it is freely intermingled with praise. For example, we have before us two morning newspapers of Minneapolis of the same date, each containing a leader upon this subject. The Journal praises the decision as "undoubtedly good law," and declares it to be "high time" that "the rights of the public, the party most interested and the party which always suffers the most in conflicts between corporations and their employees, were thus plainly and emphatically asserted." The Tribune, upon the other hand, after a facetious fling or two, proceeds to observe that a street railway company is under obligations to run its cars as per schedule; but equity will always take into consideration circumstances and conditions. If a sudden tidal wave should cover the streets of Brooklyn twenty feet deep, no court would decide that the company had forfeited its franchise for failing to operate its line while the flood lasted. If Brooklyn is inundated with the turbulence of the mob, and the authorities are powerless to preserve order and afford protection to men who want to work, no fair-minded court would declare its franchise void be-

cause of failure to run cars under such circumstances. The municipality confers a valuable grant in the franchise; but one of the things which makes it valuable is the protection to property which every well ordered community guarantees. If this protection is withdrawn, the franchise becomes worthless for the time being. The obligation is a mutual one between the company and the city. The company obligates itself to run cars, and the city to protect it in such operation. If the city is guilty of a laches in the obligation it has assumed, it cannot take advantage of its own negligence because of its own failure to enforce the law. If such a thing could be done, any set of schemers could procure the forfeiture of any franchise by simply fomenting a strike or riot and rendering the operation of the franchise physically impossible. Judge Gaynor's interpretation of the law, while correct in the abstract, may have no application whatever in the concrete.

This variation of opinion is probably general throughout the country; and it illustrates the extent to which the public has drifted away from the true principles underlying corporation grants conditioned upon the extraordinary law of eminent domain.

Judge Gaynor's interpretation of the law impresses our Minneapolis namesake as being "correct in the abstract," but irrelevant in the concrete. In other words, it is just in principle, but impossible in every day practice. Now why should a definition of law which, in principle, all persons must command be regarded as useless in daily application? When such is the case, something is manifestly wrong; for real justice is nothing if not uniform and impartial. Does it not appear that the public itself is in a wrong position? Has it not, in the rapid recent multiplication of franchise grants, somewhat grown confused as to its own rights in these premises, and fallen partly into the superstition that it has no rights except such as are secondary to and in harmony with the selfish purposes of the holders of those grants? The spectacle of a public dumfounded by so fair and palpable a truth as this one of Judge Gaynor's that the holder of a public franchise owes his first allegiance to the public which gave him that franchise would be an anomalous enough thing to see if it were not that it is too serious a thing for levity. The road was built upon a distinct promise that it would perform certain public services. It should perform them or go out of business. The notion that so soon as it gets its franchise it may sing and the public whistle is out of harmony with both law and equity. The Gaynor decision marks an important step in the development of corporate power. It is the beginning of, not a socialistic, but a scientific recoil from corporate aggressiveness and greed.

Representative Connell, in a recent letter to the Central Labor union, wrote as follows: "I desire my every action watched and if I make any mistake I want to be told about it. I consider my duty here is not so much to introduce new bills as it is to keep a watchful eye on bad bills and to help to kill them." This frank declaration has the right sound. There are exceptions, of course, but as a rule the member who serves his first term at Harrisburg would act wisely to keep his eyes open and his mouth and ink-bottle shut. The more experienced members can generally introduce sufficient bills at each session to save the commonwealth and have several left over.

### Pass the Farr Bill.

In support of a movement before the Minnesota legislature to secure the enactment of a law prohibiting child labor in factories, the Minneapolis Times properly observes that "all children that come into the world are our creditors, and remain our creditors as long as they are children. They have a right to food, clothing, shelter, education, kind words, careful protection. We are poor paymasters if we do not give them these things."

This is precisely the point at issue in Pennsylvania. In the movement in behalf of compulsory education. The commonwealth, by legal enactment, has decreed that children between 8 and 13 years of age shall not be forced to wear their young lives out in mines, breakers, shops or factories; but it yet permits 175,000 of these children, to roam the streets in idleness or to neglect the opportunities open to them for the acquirement of a good, common school education. These children are absolved from blame because of their ignorance; but what about their parents? Shall parental indifference to the rights of children be permitted indefinitely to throw upon society's care a large and growing burden of illiterate citizenship?

It is well enough to guard the proper rights of parentage; but has society no rights in the premises that need protection, too? Is the state unfit to be considered in this connection? Has childhood no claim to the care which is denied it by callous parents?

Pass the Farr compulsory education bill!

Representative O'Malley's invitation to his constituents to confer with him, from time to time, and to keep him posted as to their wants, is a generous imposition of self upon the altar of public duty. We trust that Mr. O'Malley will have no reason to regret it.

Amem. Say We All.

Philadelphia Record: "The bill introduced by State Representative Niles, of Tioga county, to provide that where the various phases of a criminal act can be included in a single indictment of one or more counts no more fees shall be allowed to a district attorney than for a single indictment, proposes a change of practice measure that ought to pass upon its merits. The practice of requiring justice in the circulatory practice to largely prevalent in this state of drawing up a whole batch of formal charges to cover a single offense, is not only wasteful, but it should take this occasion to reform it all together."

of the other. If there is any apprehension in any quarter that the success of the Lackawanna hospital appropriation would necessarily jeopard the chances of the West Side project, it should be dismissed as without foundation in fact.

The Lackawanna hospital, as the pioneer institution of its kind, deserves the unstinted support of every citizen of this entire community. The Kirkness of next week, for its benefit, should receive the cordial patronage of every resident of Scranton. The hospital, within the limits of its now meager accommodations, closes its doors to none; and it is to return should encounter the apathy of none. But the liberal and earnest support of this hospital is by no means inconsistent with confidence in the success of the proposed miners' hospital for Hyde Park; and it would be a serious error on the part of our West Side friends to feel that their interests are a matter of indifference or of opposition to the active supporters of next week's Kirkness.

The reported displeasure of the Mexican people at the offer of this government to assist, if possible, in the bringing about of a peaceful settlement by arbitration of the boundary dispute between Mexico and Guatemala is founded on temper rather than common sense. The method taken by our state department in expressing its peaceful overtures may not have been fortunate; but the national feeling back of it is one not of petty interference but of a sincere friendliness supplemented by a laudable wish to honorably avert the sacrifices of war. The Mexican who would take offense at that would be himself blameworthy.

Senator Gobin, the exuberant economist of yesterday, does not act like the Senator Gobin of last week, who was so anxious to increase the salary of the proposed commissioner of banking; but candor compels us to say he is the same person.

It is easy to criticize a poor president. Suppose we now take a different tack, and first pity, then assist him.

One Democratic legislative district in Lackawanna county is ample; but the question is, "Which one?"

### LEGISLATIVE TOPICS.

**The Proposed Anti-Company Store Law.** Representative Wyatt's anti-company store bill, now pending in the house at Harrisburg, is as follows:

Section 1. Be it enacted by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same, that from and after a report of two or more employees to the date of the passage of this act, it shall not be lawful for any mining or manufacturing corporation or limited partnership to carry on by direct or indirect means any store or stores known as company stores or general supply stores, other than such as have been mined or manufactured by the mining or manufacturing corporations or limited partnerships.

Section 2. That no mining or manufacturing corporation or limited partnership shall compel their employees by direct or indirect means to buy their necessities or any particular store to buy their necessities, nor shall any mining or manufacturing corporation or limited partnership through its officers or stockholders, by any rule or regulation of its business, make any contract with the owners of company stores, whereby the employees of such mining or manufacturing corporations or limited partnerships shall be obliged to trade, and any such contract made shall be a violation of this act, and the value or values expended by such contract or agreement shall be recoverable by law with six per centum added to go to the employee, and one hundred (\$100) dollars fine to go to the school district in which said act is broken.

Section 3. No assignment of wages under the provisions of this act shall be valid, unless any agreement be made to the contrary by the mining or manufacturing corporations or limited partnerships, and the same shall be null and void.

Section 4. It shall be the duty of the factory inspector and his deputies to bring action in the name of the commonwealth against any mining or manufacturing corporation or limited partnership violating the provisions of this act upon complaint of any citizen of this commonwealth.

Section 5. All laws or parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

### Attending Strictly to Business.

Cardinals Anthracite: Hon. Charles F. Valley is attending strictly to business at the state legislature. He is much interested in securing legislation that will benefit his constituents, and in a letter to us he makes the following statement: "There is a formidable 'Labor Combine' in the present house representing all the industrial districts of the state. They are over thirty members in it. Its object is to select the best bill aiming at certain results and push them. I think it is going to be the means of securing some benefits for the working class people at this session. In the matter of committees I am fortunate in being on judiciary general, which, as you know, handles the mining and other bills presented to the house. It is a great school for a young man. I am also on mines and mining, so that I have the greatest opportunity of being of service to my people on all matters concerning them and where it is most needed, in the committee. I shall be happy to receive suggestions from my constituents. I consider myself their servant and in duty bound to carry out the will of a majority of them on any matter pertaining to their needs. I am striving hard to look after the interests of my people, and trust that when the session closes I will be able to go back to them with the knowledge that I have discharged the trust they reposed in me to their satisfaction."

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### THE PROPER METHOD.

From the Erie Dispatch. The Nicaragua canal bill has passed the United States senate after a career of several years and debate which would make volumes. It provides, in a word, for the guaranteeing of the bonds of a private corporation organized to construct the canal. The government will be responsible for the payment of \$40,000,000 just as it is now responsible for the \$35,000,000 Union Pacific bonds, with no security whatever, the victim of shrewd speculators in the guise of capitalists and fraud in the name of enterprises. There is no one with a spark of patriotism who does not believe that the Nicaragua canal ought to be built, and when constructed be controlled by the United States. Unless it is it will naturally be a formidable menace to our commerce and to the Monroe doctrine, for the European powers will not long allow the rotten boroughs of Central America to control so valuable a waterway. All are agreed to the proposition

that the United States should control the canal. Then why not have the government build it? If \$70,000,000 guaranteed bonds will fall short of constructing the canal, will not the government be called upon to place its indorsement on still more bonds? and what compensation do we get? Possibly the same as in the Union Pacific deal, where, worthless, prior claims will have to be met, the road closed out and the people—who are the government—will have only the debt to show. If the Nicaragua canal is to be built by an indorsement of the United States, let the government build it, own it, and control it!

**IN FLORIDA.** Somewhat nearer the equator, where the smiling alligator and the cool and sweet pertater lead the scene a tropical air. There is woe and lamentation for defeated expectation of joyous speculation, and no oranges to spare. But there's balm for every trouble, and the breaking of the bubble gives excuse for charging double for the winter tourist's keep. Higher, higher, rise the prices, till—we see by late advice—seven dollars scarce suffices for a supper and a sleep. —New York Recorder.

## Useful and Ornamental Goods

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  - \$8, from 10.
  - \$17, from \$20.
  - \$25, from \$30.
  - \$28, from \$32.
  - \$55, from \$70.
  - \$48, from \$58, etc.

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