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SUPPLEMENT.

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"A Public Highway Cannot be Private Property."

MR. PRESIDENT, AND GENTLEMEN OF THE BRYAN CLUB:

I find that the question, "The Highways of the Republic," upon which I have been invited to speak, is a very large question. I have had matters of weighty importance upon my mind within the last thirty days, and I have not been able to give this subject the consideration which its magnitude demands, and I therefore desire to apologize to you for the very imperfect manner in which I shall be able to present this subject.

"The Highways of the Republic."

The duty of providing public highways for the people has always been one of the first duties of the government. Since the first dawn of civilization, highways have been created by government. The highways built by the Roman Republic, throughout Rome and all her provinces, were the pride of Rome, and the marvel even of our day. Many of the roads built by the Roman government, it is estimated, cost more in labor and material than our modern steam railways. Some of them were sixty or eighty feet wide, and their foundations were laid two or three feet deep in the best of crushed stone and cement. Now, then, since the very beginning of government, the great principle in all and every public highway is, and always has been, that they must be open and equal to all of the citizenship. And to stop or interfere with any one on the public highway was and is, a crime against the State, hence, the penalty for the crime of highway robbery is second only to murder. The principle is, that the public highway must be safe, open and equal to all men. In our land, the State first built State roads. Later, they created turnpike companies, and authorized them to build highways, and take a certain, fixed, uniform toll from all alike. Then the State built canals, which were open to all without favor.

But the development of steam power revolutionized modes of transportation, and the State created railway corporations, and authorized them to build steam railways. These steam railways then became the "highways" of the Republic, and the same principle that controlled in the State road, the turnpike and the canal, controlled in this new and better highway, created by the State through these corporations, the principle which provides that every man shall be treated alike. Now, for the purpose of coming to a fuller understanding of the duties of these highway companies to the people, I desire to quote from a letter written to the New York Chamber of Commerce, in 1878, by the late Jeremiah S. Black. That letter went over all of the questions as to the relations of the railways to the people, and none of the paid attorneys, of these railway corporations have ever attempted to deny the principle therein set forth.

It is true that some of the railroad officials have claimed that these rail-

"The Highways of the Republic."

BY HON. M. L. LOCKWOOD.

A Speech Delivered Before the Bryan Silver Club, of Zelig-nople, Pa., December 3rd, 1897.

ways were their private property; that they had a vested right; that they could do with them as they pleased, without any regard or consideration for the public good. Upon this point, Mr. Black said:

"But on this question, railroad men misunderstand the situation. They believe, or pretend to believe, that railways are the private property of the companies authorized to run them, which is a cardinal error, and the parent of much false argument. A PUBLIC HIGHWAY CANNOT BE PRIVATE PROPERTY, and a railroad laid out and built by the authority of the State, for the purpose of commerce, is as much a public highway as a turnpike road, canal or navigable river.

"It is the duty of the State to promote intercourse and trade by making highways of the best sort through her territory. To this end, she may take lands and material, which is an exercise of the power of eminent domain. She can build a railway at her own expense, using the direct agency of her own officers, and after it is built, she can make it free to all comers, or reimburse the cost by a special tax on individuals who have occasion to use it. She can delegate the taking and taxing power to a corporation, or natural person, and that is what she does when she grants a railway charter. But in either or any case, the road belongs to the State, and all the people have a right to use it upon compliance with the necessary regulations and payment of the proper tax.

"The corporations, who have got in the habit of calling themselves the owners of the railroads, have no property right, title or claim in the roads themselves, but in a mere franchise annexed thereto and exercisable thereon. They are the agents of the State, for the performance of a public duty. If the franchise be forfeited or surrendered, or if it expires by efflux of time, the State takes possession of the road, and runs it herself or employs a new agent. THE COMPANY CANNOT KEEP THE ROAD ANY MORE THAN AN OUTGOING COLLECTOR OF A PORT CAN APPROPRIATE TO HIMSELF THE CUSTOM HOUSE WHERE HE DID HIS OFFICIAL WORK.

"The railroad being public property, in which all the people have equal rights, and the companies that run them being public agents, it is absurd to say that the State has no right to control them in the performance of their functions, by such laws as will prevent partiality, plunder or extortion. THIS IS A POWER OF WHICH NO FREE STATE CAN DISARM ITSELF BY ANY ACT OF ITS JUDICIAL, LEGISLATIVE OR EXECUTIVE OFFICERS. They could as lawfully sell out the State, and deliver up the entire population to sack and pillage. But

are not the franchises property in which the company has a vested right? Yes. The privilege of taking a certain, fixed, prescribed, uniform rate of toll from all persons alike, according to the use they make of the road, is a power that the State may bestow upon any person, natural or artificial, BUT NO LAWFUL FRANCHISE TO TAKE TOLL ON A PUBLIC HIGHWAY CAN EXCEED THOSE LIMITS. A CHARTER THAT GOES BEYOND THIS IS VOID."

Now, then, I have always held that when railroads discriminated in the charges between citizens, giving one a lower rate and charging the other a higher rate, that they thereby violated the very conditions on which their charters were granted, and that said charters should be forfeited and returned to the State. The power now exists in government to take private property, except for the advancement of the general welfare, and it therefore follows [the railways having, by the power of eminent domain, taken private property on which to lay down their roads] that whenever they pursue a policy detrimental to the public good, they violate the very conditions on which they were created. But do these railroads pursue a policy detrimental to the public good? Yes, they have, and do now, pursue a policy of discrimination that has created, and now maintains, monopolies, trusts and combines. They have parcelled out the resources of the country, to the detriment of the people. The Standard Oil Company has been made the lords of the oil business. The "Big Four," of Chicago, Armour, Swift & Co., have been given the live stock and dressed meat business. The Anthracite Coal Combine has the anthracite coal business. They have parcelled out the bituminous coal fields of the country among their friends. The iron ore of our land is fast being absorbed by Carnegie and Rockefeller. Today, by virtue of the power of railway discrimination, all of the great resources of our land are under the control of some kind of a trust or monopoly.

Under this accursed management of the highways of the Republic, the wealth of the Republic is being absorbed by a few men, and the masses of the Republic are being pauperized, bankrupted, and reduced to servitude. Is there any calamity that could happen the Republic so great as this? But they say the law prohibits railway discrimination. TRUE, but these great monopolies have become TOO BIG for the law and the courts. The records of the last twenty-five years demonstrate that, before a man can get justice in the courts against the railroad power, they will have destroyed his business and bankrupted his resources.

"A Monopoly or Trust Creates no Wealth."

A short time ago, the Atchison, Topeka and Santa Fe Railroad went into the hands of a receiver, and almost the first thing the receiver found out was that, within the last two years prior to his appointment, that road had paid out rebates to the monopolies and favored shippers over \$7,000,000, and although the Inter-State Commerce Law makes it a State prison offense to discriminate between shippers, there seemed to be no power in government sufficient to bring these great criminals to justice. Attorney General Olney, of Cleveland's administration, could find no time to prosecute these criminals who had violated the Inter-State Commerce Law to the extent of \$7,000,000. He could find no cause to prosecute the great trusts of the land under the anti-trust laws. In fact, he could find no trusts to prosecute, while these very trusts were taking illegally hundreds of millions of dollars annually of the wealth produced by the people. But when the people, stung to madness by the oppression and wrong heaped upon them, by a corporation at Chicago, struck to maintain their rights, it was easy for Olney to figure out a provision in the Inter-State Commerce Law, enabling him to call out United States soldiers, and drive these American citizens back into subjection. Alas, the people are sadly learning that these great trusts and monopolies, created by the men who control the highways of the Republic, are not only manipulating legislation, but that they are absolutely dictating the appointment of the Attorney General and Supreme Court Judges.

The railways, the National banks, the monopolies, trusts and combines of the land, contributed many millions of dollars to the campaign fund that elected McKinley to the presidency. The reward that they asked was that one McKenna, an attorney and lobbyist of the Central Pacific Railroad Company, should be appointed Attorney General in McKinley's cabinet. They got their reward. Have any of you heard of McKenna indicting the managers of the Standard Oil Trust, the Sugar Trust, the White Lead Trust, the Anthracite or Bituminous Coal Combines, for a violation of the anti-trust laws? Have any of you heard of McKenna indicting the railroad officials for a violation of the Inter-State Commerce Law?

No! No! This man, McKenna, sues these trusts and monopolies first rate. He is their man, and they have now induced McKinley to appoint him to—. To what? To the Supreme Court of the United States. Yes, this attorney and lobbyist of the Central Pacific Railroad is appointed to a position where, for a lifetime, he can protect these monopolies and railroad combines in their robbery of the people. Verily, the web of oppression is being gradually woven about us.

And McKinley, anxious to get another Attorney General who would be