sacred. The other was that, the practice of annulling charters once begun, it would be taken for a precedent, would be frequently resorted to or threatened, and thus not only put all rights created by a charter in constant peril, but would transfer the corruption of which we now complain in the Board of Aldermen, to the Legislature itself. In other words, we presume, money would be paid to induce the Legislature not to annul charters as it is now paid to the Aldermen to grant them.

All this, however, suggests but does not answer the question, why the power of regulating charters is reserved to the Legislature. What is the object or use of this power? What good purpose did those who reserved it expect to be served by it? The State, as represented by the Legislature, was surely not armed with it simply as an ornament or for the purpose of levying blackmail. It cannot have been intended simply to compel the holders of charters to work the railroads for which the charters are granted, because this is provided for otherwise. Charters of which no use is made can be forfeited by proceedings in the courts instituted by the Attorney-General. Why, then, does this power of repeal exist?

It exists, we take it, for the same purpose as all the other powers with which the Constitution arms the Legislature—for the same purpose as the Legislature itself exists—for the purpose for which charters are granted—the promotion of the public interest. Franchises are not bestowed in this or any other civilized country in order that a particular set of men may make money out of them, or that securities furnishing a convenient form of investment may be based on them, or, in other words, in order that they may become valuable property in the hands of a small number of persons. The prospect of making money out of them, or of basing securities on them, is undoubtedly what induces individuals to ask for them; but that, the franchise once granted, the State is bound not to interfere with the money-making, and is bound to see that it goes on undisturbed under all circumstances, is a doctrine which we believe no civilized State has yet adopted.

What the Legislature has to consider first and foremost in exercising any of its powers, the power of annulling charters among others, is the effect on the public welfare. In deciding whether it will take Sharp's franchise away from him or not, it ought, of course, to weigh the benefits of the proceeding against the advantages. This has to be done in nearly all legislative action. Hardly anything it does or can do is unmixed good. The interests of Sharp's bondholders, or of that comparatively small number of them—say $1,500,000 worth—who can be called "innocent holders," should undoubtedly not be overlooked, but no injury to them which the law allows should stand in the way of great benefit to the community at large. As a matter of fact, in this case, no injury need be worked to them at all. Their bonds can be readily paid out of the proceeds of a sale of the franchise at auction.

Now, what is the first duty of the Legislature in this matter of the Broadway Railway? It is to put a stop to what was called by one of the witnesses before the Committee, the "Aldermanic business"—that is, the business of selling franchises. The commoner and the longer established this business has been, the more solemn and imperative is the obligation resting on the Legislature to break it up. If it be true, as Jaehne is reported to have said, that the Aldermen have been paid for every railroad franchise granted in this city within twenty years; or even if it be true, as some of Sharp's apologists have said, that all franchises granted by any legislative body in this country now are paid for regularly by the grantees, the more needful is it that such action should be taken as will warn all persons applying for franchises and all persons investing money under them, that, as far as this State and city are concerned, they are not a good purchase, and that all money put into them runs the risk of being lost. It will never do in this community and this age to surrender to the notion that because an evil is great it is incurable, or that because it is of long standing there is no use in attacking it.

It is not the business of the Legislature to punish the individual bribers or bribed. That duty belongs to the courts or the police. But it is the duty of the Legislature, and its highest duty, to take such steps as may seem likely to be effective to stop or impede the practice of bribery, by making it unsafe and unprofitable. It was for just such purposes and emergencies as this that, in our opinion, the power of revoking charters was granted. It is not once in a hundred years, too, that so good a case for the exercise of this power offers itself as Sharp's case. It is a power which, as being liable, we grant, to great abuse, should never be exercised unless its justification be clear to the public eye. But a plainer case than Sharp's could not be asked for. The evidence, even if it be not sufficient to procure his conviction and that of his confederates before a court of justice, is abundantly sufficient for legislative action. His own confessions, and those of Kerr, Richmond, Foshay, and Hayes, coupled with the revelations made as to the sudden accessions of wealth at a certain period, of some of the Aldermen, are ample proofs of the use of money to procure the charter. No civilized government, we venture to affirm, having the power to strip Sharp of his spoils, would, in view of what is now known of his operations, fail to exercise it. Moreover, the very enormity of his corruption and its audacity furnish the best possible defence against the danger to which Mr. Carter points, that an attack on it may be converted into a precedent dangerous to honestly acquired franchises. Sharp's offence is so flagrant that we shall probably not for a hundred years see anything which could be made to look like it as an excuse for legislative interference with vested rights.

Finally, we would ask legislators to consider for one moment what the effect will be of allowing Sharp to get clean off with his 9,520 shares of stock, and his $788,000 of bonds, upon the generation which has been growing up since the civil war in this city, and which has learned to consider money the chief earthly good, its possession the one final proof of talent and success, and the purchasability of every public man and public body one of the fundamental facts of our social and political system. We heard a political observer of high standing maintain very recently that our Government was now so permeated with corruption that, in trying to effect any public improvement, one had to calculate on the venality of legislators as one of the essential conditions of the enterprise, like the hardness of rock or the weight of clay. Does any sane man suppose that this state of things, or rather this state of feeling on the part of good citizens, can continue indefinitely without danger to everything that is valuable in public or private life? Would it not, in view of it, be madness to allow men like Sharp and his confederates, not only to escape punishment for their misdeeds and to grow rich on them, but actually to erect a monument in our streets, both of their own successful villany and of the feebleness and corruption of the Government they thrive under?

THE WASTE OF TIME AT COURT.

The administration of justice in this city suffers under a multitude of abuses, most of which are perpetuated because it is for the pecuniary interest of some one to perpetuate them. But there is one most vexatious abuse which is apparently an exception to this rule. It is the compulsory attendance at court of a large number of people upon the bare possibility that their attendance may be necessary. This particular evil seems to involve no advantage to any one, and to be the object of the united execrations of both lawyers and clients. It is highly injurious to the business of lawyers, not only because it wastes a great deal of their time, but also because it deters their clients from invoking legal aid in procuring their rights. It is injurious to the general business of the community because it operates as a denial of justice. It destroys the satisfaction of victory by the enormous loss of time that it involves, and for the same reason it makes defeat more crushing. The bench and the bar, clients, witnesses, and jurymen, all groan under this affliction, and all are apparently equally helpless.

The abuse in question is an instance under the familiar law that institutions in their origin well adapted to their purposes may become grossly oppressive when changed circumstances have destroyed this adaptation. In former days, when communities were of moderate size and business was of moderate volume, a single court might without great inconvenience dispose of the cases at issue in any term by placing them all upon its calendar for a given day. Even now this probably remains true throughout the greater part of the land. The number of cases is not very large, so that in any event no one will suffer from prolonged delay. The attorneys are acquainted with one another's cases, and can calculate the probable course of things; and all parties, including judges, are generally in such intimate personal relations as to be compelled, even if not disposed, to be accommodating. But with the enormous calendars of the courts of this city such calculation and accommodation has become impracticable. Instead of a single

court, with a calendar of a dozen or twenty cases for the term, there are, besides the City Court, three courts of nearly equal jurisdiction, each of which is divided into a number of parts. Each of these parts has upon its day calendar from twenty to forty cases, and each case involves the attendance of two attorneys or their clerks, and possibly three or four witnesses. It is no exaggeration to say that upon almost any morning of the term a thousand men are obliged to leave their business and make a journey to the court-house simply as a matter of precaution. It is very certain that not more than one hundred of the thousand will find that there is anything to be done but to wait for half an hour and then return; but, as it is impossible to determine whose presence will be required, it is not safe for any one to stay away.

If this vexatious experience were not too many times repeated, it might be tolerable; but it is not uncommon for a case to appear on the day calendar for weeks at a time, and it may be necessary to stand ready to go to trial upon any day during that period. When there are many witnesses, and especially when there are witnesses from out of town, the expense and inconvenience caused by this delay are almost inconceivable. Business men are usually reluctant to leave their own affairs and go to court to testify about matters in which they have no interest; and though it may be possible to overcome this reluctance upon one or two occasions, their patience is exhausted by demands too often repeated. Lawyers frequently do not summon their witnesses when they really ought to do so, because they are afraid of exasperating them even when willing, and, if unwilling, of losing them altogether. Hence they are often caught finally unprepared, although they may have been for weeks in a state of complete preparation, and must choose between two evils: they must either go to trial when they are not ready for it, or lose their chance for weeks or even months, only to have the same experience repeated. "Cases must be ready when reached" is the rule of the court, and though when a case is first called this rule is not rigidly applied, any further accommodation is a matter of chance or favor. Many judges seem to think it a fine thing to be severe in the application of this rule, regardless of the fact that their arbitrariness often condemns innocent parties to the loss of the labor of weeks, and not infrequently drives them to abandon their causes altogether.

The trial terms of our courts do not average more than five hours a day of actual session, and of this time nearly one-fifth is frequently taken up with the disposition of the calendar and procuring a jury. Arrangements ought to be made by which a part at least of this time should be saved, so that the actual trial of causes might begin before midday. A reform of this nature would do much to remedy the present delay of justice, but it would not go to the root of the evil. So long as the number of cases exceeds the capacity of courts to dispose of them, suitors must wait, and the rule "First come, first served" must apply. But it is certainly possible so to arrange matters that after a man has necessarily waited a year for his cause to be reached, he shall not unnecessarily be kept with his witnesses dancing attendance for weeks at the Court-house.

It would be absurd to deny that it is extremely difficult to devise a remedy for these abuses. The trouble is of a two-fold nature. It is impossible at present either to determine the time that cases will occupy in trial, or to know whether they will be ready when called. A case that will occupy weeks may come on at any time, and on the other hand twenty cases may melt away in as many moments. The remedy, therefore, must meet both these difficulties. There should be a classification of cases as they are put upon the calendar, according to the probable length of time that their trial will consume. Of course, only a rough estimate of this kind could be made; but that such an estimate is practicable appears from the existence of the "short cause" calendar, an institution that might well be constituted upon somewhat more enlightened principles than at present. Wherever possible the calendar clerk should be informed when a note of issue is filed whether the case will be ready for trial upon short notice or not, in order that there may be a supply of cases that can be drawn upon in an emergency. There should always be one judge unassigned, ready to hold a term for the trial of cases that were ready at their appointed time, but were crowded out of their regular place by unforeseen delays.

With these arrangements, it would become possible when a case was put upon the calendar to set it down for trial upon a particular date, no matter how far in the future. If at that date another case having priority was still on trial, the extra term could be resorted to. If on the other hand the calendar was cleared sooner than was calculated, the reserve of cases ready upon short notice could be called upon, or the judge could hold the extra term for the trial of cases that were ready and waiting. Immediate notice of the settlement of cases should be required and advertised, in order that the time thus set free might be claimed by those who wished to advance their suits, or by those whose places had been lost by accident or mistake.

Doubtless many improvements upon this remedy could be suggested by members of the bar, and it would obviously require calendar clerks of a high order of ability as well as of a certain degree of impartiality, and nowadays calendar clerks are changed according as Tammany or the County Democracy gets the upper hand. No doubt, also, many imperfections in the scheme would reveal themselves in practice. But no one can deny that something of this kind ought to be attempted, and that it ought to be attempted very soon. As we have suggested, there is no reason to expect opposition on the ground of pecuniary interest in the existing abuses, and on the other hand lawyers are losing a great deal of money by their continuance. If things remain as they are, it will soon become the general conviction of business men that it is better to let small claims go, no matter how just they may be, or how solvent the debtors, rather than to lose the time required to collect them by litigation.

CURATIVE PROPERTIES OF THE WATERS OF LA BOURBOULE.

THE traveller who takes his way southward for two hundred and sixty miles from Paris, by Nevers, will find himself, after a nine hours' ride, at Clermont-Ferrand, at the foot of the mountains of Auvergne, and on the eastern periphery of the railroad circle, or rather quadrilateral, that encompasses them. This mountain region, more than a hundred miles across in its least diameter, was untouched by railways until 1881; but in that year a road was opened from Clermont to Brives, carrying the traveller through some of the finest hill and mountain scenery in France, and some of the most interesting in Europe, for the ancient volcanoes of Auvergne rise upon the left hand of the new route. An hour from Clermont brings the traveller to Laqueuille station, and here he finds the diligence waiting to carry him still further and higher among the hills to the thermal mineral springs of La Bourboule and of Mont-Dore.

After two hours of ascent and descent among the hills, one is set down at his hotel door, upon the right bank of the Dordogne River, and in the mountain village of La Bourboule—a village of six hundred inhabitants according to the census; but more than six thousand people spend a part of the year at the springs. The bottom of the valley lies at 3,782 feet above sea level. At this elevation the climate is, of course, variable, yet it is not trying; the range of the thermometer during the season is from 53° to 86° Fahr., and some patients prolong their stay beyond the close of the regular season (September 30th) for the sake of the pleasant autumn weather. A rude granite cliff walls in the valley on the north. From the "tormented ground" at its foot spring the precious thermal waters whose curative values I will describe.

No mineral waters that I know have more legitimately acquired their title of "precious" than these. While many of their constituents, as the chlorides and the alkaline carbonates, remind us that they belong to the great family of the waters of Auvergne, the large quantity of arsenic (nearly half a grain to the gallon, or two grains of the arseniate of soda, according to Lefort's analysis in 1878) gives to these waters an individuality which is rivalled by no other. It must be added, however, that since the deepening of the Choussy well in 1878 the amount of arsenic has been somewhat diminished. Four of the springs are thermal, ranging from 85° to 140° Fahr.; the two Fenestre springs are at 66° Fahr. These are less rich in arsenic than the others, but have iron in them, and are well charged with carbonic-acid gas. They are used for drinking only, or to temper the excessive heat of the stronger springs as used for bathing.

(1.) What, first, are the strictly physiologic effects of these waters? One might almost call them pathologic at the outset. Taken as a drink in the morning, they produce a sensation of warmth and fulness, somewhat like that of veal broth, which indeed they resemble in taste; but they disturb the digestion, diminishing the appetite, and sometimes bringing on looseness, though the patient generally gains flesh under their continued use. But if they cause indolence of the digestive tract, on the other hand they excite the circulatory system to an almost febrile activity. Under the influence of their stimulus, which extends to the capillary circulation, the skin becomes dry and hot; the subjacent tissues are tense; cutaneous affections become more irritating, and the invalid's sufferings may be at first increased. But it is in this very development of circulation and cutaneous energy that the physician finds his resources for the cure, whether of a grave constitutional dyscrasia like