

removed as one could well be from the ideal public servant and his influence on the president is likely to be as harmful as was the influence of Morton.

There is another objection to his appointment. He is not only the constitutional successor to the president in case of the latter's death, but his appointment gives him a boom for presidential nomination. Being the appointee of the president, the president's friends can not well oppose him and the corporations ought to be entirely satisfied with him. As secretary of state he does not have to show his hand on economic or corporate questions and therefore can avoid exciting the wrath of the people.

All things considered the appointment of Mr. Root is not a good sign. If Mr. Roosevelt really means to be a reform president he ought to surround himself with those who are in sympathy with his work. He will find the path rugged enough at best; he cannot afford to fill his official household with those who have grown rich by furnishing legal advice to exploiters of the public. Mr. Root has not exhibited the "civic conscience" about which the president speaks so frequently.

THE PASS AS A BRIBE

The Kansas City Journal, a republican paper, is authority for the statement that the managers of an eastern railroad have refused all requests for free transportation coming from the congressmen who supported the Esch-Townsend bill. The Journal says that the president of this road has written to certain members of congress a letter saying that since favors do not induce on the part of the recipient "even a fair consideration of the railroad's rights," his company will grant no more of these free passes. In the same letter this railroad president says:

I never was in favor of granting political transportation, and now I have a good opportunity to cut off some of those objectionable deadheads. I am not handling them with gloves, either. Transportation has been given them in the past upon the theory that they were friends, but when we needed friends they were not there.

Several years ago a member of the Illinois legislature applied to the president of the Santa Fe railroad for a pass. In reply the legislator received the following:

Your letter of the 22nd to President Ripley requesting an annual over the railroad of this company has been referred to me. A couple of years ago, after you had been furnished with an annual over this line, you voted against a bill which you knew this company was directly interested in. Do you know of any particular reason, therefore, why we should favor you with an annual this year?

These two letters state as plainly as language can that a railroad gives passes to legislators and to public officials as a matter of business expecting to receive a favorable consideration in return. They show further that the legislator who refuses to recognize the pass as a bribe must not expect to get any more passes.

Perhaps the most striking illustration of the evils of the pass system, and also a demonstration of the fact that the evil is recognized in law, is to be found in the very general practice among our courts. If it was known that a juror in a case to which a railroad company was a party held a pass over that railroad company's lines, the presentation of that fact to the court would bar that juror from participation in the case. Recently such an objection was raised in a western court. It was shown that a juror had received a trip pass over the lines of the railroad company which happened to be defendant in that particular case. The attorney for the plaintiff made objection on this ground, and the judge promptly told the juror to stand aside. At the same time, however, the judge who made that ruling had in his pocket an annual pass over the lines of that same railroad company.

It is true that the man who had accepted a trip pass was not qualified to serve as juror in that case. Who will deny the truth of the statement that the man who had accepted an annual pass from that same line was not qualified to act as judge in that case?

The whole pass system is an abomination. When a pass is given to a private citizen it is unjust to the travelling public generally, and when it is given to the public official it is given with the expectation that the company will receive considerably more in the way of official

favors—in the matter of things done which should not be done and things left undone which should be done—than could be derived from the payment by that official of cash fares.

In refusing passes Secretary Bonaparte showed that he understood that the pass is in the nature of a bribe. But other members of Mr. Roosevelt's cabinet have not yet followed Secretary Bonaparte's good example.

TRIAL BY JURY

Why should any one be surprised because Secretary of War Taft made bold in his Yale address to question the sacredness of "trial by jury?" Mr. Taft has eminent republican authority for his position.

Have we forgotten that when a republican president sent his instructions to the Philippine commissioners he used the language of the sixth amendment to the constitution, barring a very important clause? While in the language of the sixth amendment he directed that "in all criminal prosecutions the accused shall enjoy the right of speedy and public trial" he omitted the balance of the sentence, to wit: "by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law."

When Senator Lodge offered an amendment to the Philippine bill extending to the inhabitants of the islands a bill of rights, it was noticeable that he had excepted the clause granting jury trial and the right to bear arms.

That eminent republican newspaper, the New York Tribune, referring to Senator Lodge's proposition, asked "what more can the Filipinos ask and what more can anybody ask for them?" The Tribune explained that trial by jury was denied to the Filipinos because, as it said: "It is obvious that jury trials among a people even the most advanced of whom have not the slightest conception of Anglo Saxon jurisprudence would be a complete failure. Instead of being a guaranty of justice it would amount to a denial of justice. We guarantee the substance of the Anglo Saxon liberty freed from forms unsuited to Philippine conditions."

On June 1, 1904, the United States supreme court rendered an opinion in which the right of trial by jury figured. The case under consideration was a libel suit in which the editors of a Manila paper had been convicted after being refused a trial by jury. It was another "five to four" opinion. The majority of the court, speaking through Justice Day, said that the government of the Philippines has been expressly left by the Treaty of Paris in the hands of congress, and that congress because of the incapacity of the people of the islands, had purposely withheld the right of trial by jury. The court confirmed the conviction of the editors in the Manila court, and held that the refusal of the jury trial was correct.

Justices Harlan, Peckham, Brewer and Fuller dissented. In the dissenting opinion Justice Harlan declared that the decision of the majority amounted to an amendment of the constitution. He considered that a most dangerous step, declaring that the right of trial by jury was fundamental and necessarily extends to any place controlled by the United States and gives a privilege which cannot be taken away by any power of congress.

If the right of trial by jury is so far from being a sacred right that we can safely deny it to the Filipinos then why need we be surprised when the right is seriously assailed when applied among the people in our own immediate land? According to the old fashioned view it was a sacred right. Mr. Jefferson considered it "the only anchor ever yet imagined by man by which a government can be held to the principles of its constitution," and among the complaints enumerated in the Declaration of Independence is that King George was "guilty of depriving us in many cases of the benefits of trial by jury."

A COMMON MISTAKE

Mr. William Travers Jerome, while on his western tour, made a mistake all too common on the part of eminent New York gentlemen who imagine that all wisdom is confined to a limited area bounded on the east by the Atlantic and on the west by the Alleghany mountains. His attempt to make Kansans believe that the trusts have bettered and cheapened everything they have touched was a dismal failure for the very simple reason that the Kansans know by bitter experience that the very reverse is true. During all of his western speeches and interviews Mr. Jerome talked like a man who labored under the impression that he was addressing tyros in politics, but the truth is that the western prairies

are full of men who know more about American history, more about American politics and more about economics than Mr. Jerome can ever hope to know, and they know it because they have learned it in the school of experience.

It is true that the populist party, which had its greatest strength in the west, did not elect many senators and congressmen, but thoughtful men will not dispute the fact that as a political educator the populist movement never had a superior in the history of this country. It taught men the practical lessons of economics, it set men to studying problems of government, and it started economic reforms inside of other parties. Men like Mr. Jerome may sneer at some of the visionary plans and policies of the early populist leaders, and they may extract great amusement from the futile efforts of inexperienced but honest men who endeavored to rescue the country from present ills, but the efforts of the early populist leaders have resulted in giving a great deal of trouble to the eminent financiers who fondly imagined that this republic was an oyster to be opened for their particular delcctation. Mr. Jerome taught westerners nothing new while on his much advertised tour because he was addressing people who knew more about his subject than he did. And if Mr. Jerome learned nothing new it was his own fault. The opportunities were plentiful.

WHAT DOES IT SIGNIFY?

A newspaper dispatch says "demands are made that Chauncey M. Depew resign as director of the Equitable Life Assurance society. It is also said that the demand will be made that Mr. Depew resign as trustee of Yale university and that recent disclosures may affect the senator's relations with other institutions."

Has anyone heard of a demand being made for Mr. Depew's resignation as United States senator?

Is it not strange that a man who has been gully of such offenses that his resignation as director of an insurance society, as well as his resignation as a trustee of a college, is demanded, should be permitted to continue as a member of the United States senate without even a protest from the people whom he is presumed to represent?

Senator Burton of Kansas was tried and convicted, yet it was never seriously suggested that he resign his position in the senate.

Senator Mitchell of Oregon was tried and convicted, yet no demand for his resignation as a senator has been made.

Senator Dietrich was indicted and escaped on a technicality, yet Mr. Dietrich's resignation as a senator was not demanded.

Some members of the lower house have been arraigned in court charged with serious offenses, while important disclosures concerning many others have been made, and yet there is no demand that any of these men surrender the commission they hold from the people.

What does this signify? Does it show that we are so careful of our business institutions and our colleges that we insist that any one connected with those institutions shall resign in the face of charges affecting his integrity while we do not have the same concern for the public service?

Can the people afford to have a lower standard for the public official than they have for the business director or the college trustee?

CABINET SALARIES

The Chicago Tribune announces through its Washington correspondent that an effort is to be made in the next congress to raise the salaries of cabinet officers. The complaint is made that the secretaries can not live in the style they should on the money they now receive. Well, that is a matter of opinion. If our country is going to ape the monarchies of the old world and attempt to awe the masses with gorgeous social display then it will be necessary to raise salaries all around. But if government officials are willing to observe the simplicity that befits a republic the present salaries are sufficient. The congressmen and senators who live within their salaries are the best officials in those bodies and it would not be difficult to find competent cabinet officers who could live on cabinet salaries.

Instead of trying to imitate the extravagance of European officialdom it would be refreshing to see our country set an example in the careful use of public money. Every increase in official salaries tends to lessen the number from which selection can be made. There is a growing tendency to measure men by their incomes—those who give all their time to money making being