

# CURRENT TOPICS

SENATOR LODGE, of Massachusetts, recently delivered a speech in the senate on the railroad rate question, and because of Mr. Lodge's intimate relations with the president some of the things he said were so insignificant that they caused widespread comment. Mr. Lodge declared that he seriously questioned the wisdom of conferring upon the interstate commerce commission the mildest form of rate-making power, and referring to this speech the Associated Press says: "While the speech may not have had the approval of the president the fact that the president and Senator Lodge were out walking two hours and a half yesterday afternoon and that Lodge has been in daily consultation with the president is taken as suggestive, to say the least. Lodge's statement that in any event the fullest opportunity for appeal to courts should be granted railroads and shippers is assumed to indicate the decision of the president that an appeal amendment is proper and fair."

REFERRING TO THE Lodge speech the Associated Press said that in any event the statements coming from such a quarter have stiffened the backbone of the "conservative senators." Of course the Associated Press is more or less conservative—at times. So the real import of the Lodge speech may be best understood by reference to a dispatch sent to the St. Louis Globe-Democrat (republican) by its Washington correspondent: "The administration is prepared to accept the proposed amendment to the Hepburn rate bill which provides that there shall be a reference of the interstate commerce commission decisions to the courts before they are effective. The president has listened to the advice of Senators Knox and Crane and other of the administration's friends in the senate, and to his cabinet officers, Root, Taft and Shaw. He now backs down on his demands to the extent of accepting the reference amendment. No formal announcement in this connection has been made, but none is needed, as no other interpretation can be put on the speech of Senator Lodge of Massachusetts in the senate this afternoon. Senator Lodge has for years been one of the closest personal friends of President Roosevelt. He has frequently appeared as the administration spokesman in the senate during this session, and when not fortified with facts to refute criticisms of the administration he has gone to the telephone and talked with cabinet officers, posted himself along desired lines, returned to the floor and made the desired defense."

IN THIS SAME dispatch it is said on the afternoon preceding the day on which Senator Lodge delivered his speech this Massachusetts senator called at the White House, and for two hours he and the president tramped through the country contiguous to the national capital. The Globe-Democrat correspondent says that Senator Lodge rehearsed his speech to the president and let him know the announcement he proposed to make of his position. The Globe-Democrat correspondent adds: "With the action of Senator Lodge many another senator seeking an authoritative statement as to what the position of the administration will be on the proposed amendment, has his mind set at rest and will come out for it. With this important change there is a firm belief that the railroads will not oppose the executive further, realizing that it will be useless. It is also reasonably certain that the republican senators who have opposed the legislation in and out of the committee will favor the Hepburn bill as amended."

THERE HAS BEEN so much misrepresentation with respect to the vital issues in the Hepburn railway rate bill as it appears in the senate discussion that a writer in the Chicago Record-Herald, a republican newspaper, says: "It is well to hold the character of the problem clearly in mind." This writer says: "The Hepburn bill has not a word to say about any method by which the railroads can appeal to the courts to review any rate or rates established by the commission. What it does provide is a method by which the commission can go into court to force the railroads to obey its orders if they ignore them.

The commission may petition a United States circuit court to enforce its order. The court shall investigate 'the facts at issue or which may arise on the hearing of such petition.' If, then, 'it appears that the order was regularly made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to the order by a writ of injunction or other proper process, mandatory or otherwise.' When the railroad makes defense against mandatory process it, of course, has available its full constitutional rights. If it can show that the commission-made rate is confiscatory or encroaches unreasonably on its earning power it will win. But there is nothing whatever in the bill, so far as any reading of the text can show, which empowers a court to pass upon the justice of the commission-made rate in any other sense than this, or by any other standards. If, however, the bill should be amended so as to grant a court the power to review the full work of the commission, to pass upon its facts, its reasonings, and its conclusion, the whole tenor of the law would seem to be radically altered. And just such a change is the one that is intended in most cases when an amendment 'granting the right of appeal' is proposed."

ACCORDING TO this same authority the change would be radical first from practical, secondly from constitutional considerations. The Record-Herald explains: "On the practical side the importance lies in the fact that there is a wide margin of 'reasonableness' in specific railroad rates, from the standpoint of the road's finances, while at the same time many of these financially reasonable rates may be, from the shippers' standpoint, highly discriminatory and unreasonable. Now, if the commission is to have a delegated legislative or administrative discretion to decide what rate is fair for railroads and shippers alike, and if the railroads are then to be protected against positive unreasonableness in such rates by the courts, that is one thing. But if the railroads are to be able to take the whole question into the court, and have the court substitute its own judgment for the commission's judgment to the extent of rejecting any commission-made rate when that rate does not appear to the judges to be the only reasonable rate under all the circumstances, that is a very different thing. It would probably be next to impossible under this last arrangement for any commission-made rate to be sure of standing. There would be too much margin for the substitution of the judges' ideas for the commissioners' ideas. On the constitutional side the importance of such an amendment lies in the fact that a serious doubt would arise whether the commission and the court did not then have practically identical functions. If their functions were held to be the same there would be such a mixture of judicial and legislative powers in the one body or the other as to make the constitutionality of the law beyond hope. The thing to keep in mind is that the two forms of relation between commission and court are radically different, and that any man who says they are not is merely trying to pull wool over somebody's eyes."

A DISPATCH TO THE Chicago Record-Herald under date of Jacksonville, Ill., Feb. 12, follows: "William J. Bryan, who is president of the board of trustees of Illinois college of this city, has written from Hongkong, China, tendering his resignation, to take effect at once, and it was accepted tonight by that body. Mr. Bryan refuses to serve as a trustee because the board wishes to take advantage of the offer made by Mr. Carnegie to extend aid to western colleges. He says 'the colleges that accept are selling out to the plutocrats of the land who are seeking to strangle economic truth.' 'The issue presented,' writes Mr. Bryan, 'seems to me to be a vital one, and even if Carnegie refuses, the same question will likely arise if some other trust magnate invites requests. Our college cannot serve God and Mammon. It cannot be a college for the people and at the same time commend itself to the commercial highwaymen who are now subsidizing the colleges to prevent the teaching of economic truth. It grieves me to have my alma

mater converted into an ally of plutocracy, but having done what I could to prevent it, I have no other recourse than to withdraw from its management. I regret that the action, if it must be taken, was not taken before I gave my notes, for I regard the money given as worse than wasted, if the college is to be under the shadow of a great monopoly.' After the reading of the letter to the trustees they voted unanimously to accept Mr. Bryan's resignation. A month ago Judge Owen P. Thompson and M. F. Dunlap, both prominent Illinois democrats, who were trustees of this college, resigned from the board because Mr. Carnegie was to be asked to assist the institution in its finances. Illinois college was established in 1830, and is the oldest educational institution west of the Alleghany mountains. It is a small college, and in a straitened financial condition. Mr. Bryan was elected chairman of the board of trustees about a year ago, and at that time pledged \$2,500 to the school."

IN ITS ISSUE of January 12 The Commoner reproduced a Washington dispatch to the Boston Transcript under the headline, "A Story of Two Resignations." A prominent citizen of South McAlester, Indian Territory, writing to The Commoner, says: "This article unwittingly does a grave injustice to Mansfield, McMurray & Cornish, the general attorneys for the Choctaw and Chickasaw nations. These attorneys prevented the enrollment of something near four thousand court claimants as citizens of the Choctaw and Chickasaw nations; they enforced the payment of cattle and tribal taxes in the courts over the vigorous and vicious opposition of an element that adopted every known subterfuge to violate the laws governing intercourse with the Indians; they unearthed fraud and perjury in the citizenship cases that exposed men of high standing. In fact, they espoused the cause of the under dog (the Indian) with such zeal that they aroused the undying enmity and hatred of a large contingent here; and it is a notorious and undeniable fact, that the indictments referred to in the article hereinbefore mentioned, was the result of a conspiracy upon the part of those who had been exposed. As a result of the efforts of these attorneys it is reasonably estimated that they have saved to the Indians some twenty million dollars worth of property. It is not true that the United States district attorney resigned or even offered to resign before he would dismiss the indictments in question. It is a fact, however, that he agreed with Attorney General Moody, after an investigation was had, that a conviction was impossible under the statements of facts. It is undeniable that every dollar which this firm was charged with embezzling was expended in the payment of necessary expenses incidental to the prosecution of the fraudulent court citizens and in the protection of tribal property. The friends of Messrs. Mansfield & Cornish believe that The Commoner has unintentionally given credit where it does not belong and has erred in the reproduction of the article above mentioned, in this that it does not state the facts as they exist."

THE WASHINGTON correspondent for the New York World tells this more or less interesting story: "Senator Depew was today for the first time in many months, recognized as a factor in federal patronage. He was summoned by the president for consultation regarding the selection of a collector of customs for Buffalo. Senator Platt also was requested to be present. This was Mr. Platt's first conference with the president since before the Christmas holidays. Mr. Platt, incensed at the frequent consultations here by the president with younger politicians of the state, had declared himself the only boss, and asserted that he would never visit the president again until sent for. The invitation came today. Senators Platt and Depew both indorsed Fred O. Murray for collector and the president gave him the appointment. The president had indicated a pronounced preference for Mr. Murray, who is an anti-Odell man. The Odell candidate was Henry W. Brendel, the present incumbent. He was formerly a supporter of Platt, and it was Platt who got him the collectorship."