

claimed that on December 29, the federal court at Philadelphia issued a subpoena commanding Mr. Rockefeller to appear and testify April 2, 1906, in a suit brought by an oil firm in Lyons and Paris, France, in 1889. The suit has been dragging through the federal court at Philadelphia for seventeen years. It was recently revived and for the last three months federal officers have been trying to obtain service on Rockefeller.

REFERRING TO THE suit in the federal court at Philadelphia, W. M. Newlin, attorney for the plaintiff, says: "Fenaille & Despeaux bought crude oil in this country and had it shipped to Communipaw, N. J., whence they carried it in their own ships to France to be refined. All their oil was shipped to Communipaw via the Pennsylvania railroad. This suit was brought in a strength of an agreement between the Pennsylvania railroad and a Standard Oil company, operated by Daniel O'Day, by which this oil trust was to receive not only a rebate of 20 cents a barrel on its freight, but was to receive 20 cents for every barrel shipped over the Pennsylvania by Fenaille & Despeaux, this to be taken out of the freight paid by the French firm. This written agreement was signed by A. J. Cassatt as third vice-president, and was directed by Robert W. Downing, who was then controller. Mr. Cassatt admitted on oath the existence of this paper. Daniel O'Day, who on oath, admitted that his firm got 20 cents a barrel rebate. Rockefeller's testimony is considered indispensable to the success of the Fenaille and Despeaux suit, and for this reason the trial will have to go over until he can be served with a subpoena."

THE WASHINGTON correspondent for the Milwaukee Sentinel says: "There is a decided flurry in the camps of both republican and democratic party organizations as a result of the stand taken by the representatives of the labor organizations relative to the coming congressional campaign. It was announced today that at a meeting of the labor leaders it was decided that the pronunciamento issued a few days ago, and which was the subject of calls by the labor men upon President Roosevelt and Speaker Cannon of the house, shall be followed by the labor organizations entering the campaign early to the extent of submitting to party candidates queries touching the standing of such candidates upon questions in which organized labor is interested. Just what steps the labor leaders intend taking subsequent to the responses of the candidates is not made clear, but it is assumed that the plan is to attempt to divert the votes of members of organized labor associations for or against candidates according to the responses to the queries."

WASHINGTON DISPATCHES say that Mr. Roosevelt and other republicans have agreed upon an amendment to the railroad bill, which they believe will settle the contest. The Roosevelt amendment follows: "That all orders of the commission except orders for the payment of money, shall take effect within such reasonable time as shall be prescribed by the commission and shall continue for such period of time, not exceeding two years, as shall be prescribed in the order of the commission unless sooner set aside by the commission or suspended or set aside in a suit brought against the commission in the circuit court of the United States, sitting as a court of equity for the district wherein any carrier plaintiff in said suit has its principal operating office and jurisdiction is hereby conferred on the circuit courts of the United States to hear and determine in any such suit whether the order complained of was beyond the authority of the commission, or in violation of the rights of the carrier, secured by the constitution."

IT SEEMS, HOWEVER, that all senators favoring rate legislation do not take kindly to the Roosevelt amendment. An Associated Press dispatch says: "Senator Tillman, who has charge of the railroad rate bill in the senate, said tonight that he was not satisfied with the court review amendment to the measure which was agreed on yesterday at a conference between President Roosevelt, several republican senators and members of the interstate commerce commission. The senator said he would oppose it on the floor of the senate and he expressed the opinion that not a half dozen of his democratic colleagues would support the amendment. Senator Tillman declares the amendment does not meet the situation fully, inasmuch as it makes no provision

setting forth specifically that there shall be no suspension of the railway rate fixed by the interstate commerce commission pending the judicial determination of any case which may be appealed from the rate as established. This is a contention which Senator Tillman and a number of the democratic senators have urged, as they argue that a failure to provide absolutely against a suspension of the rate, operates to nullify the object for which the legislation is desired. The senator added that he would prefer to vote for the house bill as it stood than to accept the amendment for the pending measure without the right to review where constitutional questions are involved."

IN ITS ISSUE of February 16, The Commoner printed the following editorial: "Inquiry has disclosed the fact that of government funds distributed among the banks the City National Bank of New York has on deposit something more than \$8,000,000. The Vigo County National Bank at Terre Haute, Indiana, has on deposit something more than \$16,000,000. The total deposits of government money amount in the neighborhood of \$65,000,000. Of that sum two banks have \$24,000,000, or more than one-third of the entire deposits. This is only one of the many mysteries at the national capital." This information was obtained from Washington reports printed in a number of eastern newspapers, but The Commoner now learns that the statement was not correct. It is true that there are now about \$65,000,000 on deposit, but these deposits are distributed in 839 banks. The National City Bank of New York holds nearly \$8,000,000 of these deposits, which is more than is held by any other bank. The report depended upon by The Commoner grew out of what was evidently a misunderstanding on the part of Washington correspondents. The senate passed a resolution asking how much money had been deposited in each national bank during a long term of years. In the report responsive to that request it was shown that the Vigo County National Bank of Terre Haute, Indiana, had received within the period \$16,000,000. Friends of Secretary of the Treasury Shaw say that the Vigo bank's maximum holdings were \$200,000. Mr. Shaw's friends further say that when he went into office there were \$112,500,000 on deposit in 465 depositories, and that at that time the National City Bank of New York held \$15,000,000. They say that Secretary Shaw has reduced this sum to less than \$8,000,000.

WRITING TO THE New York Evening Post, Ryerson W. Jennings of Philadelphia, says: "While the whole civilized world stands aghast, and looks with horror, upon the massacre in the Philippines, where 'the brilliant feat of arms so well upheld the honor of the American flag,' it would be well to name the word that has caused this and all the other wars, that we, as a nation, are suffering from, Commercialism. Dewey's guns had hardly cooled off in Manila Bay, when this telegram was forwarded: 'Dewey, Manila: Report at once the resources of the islands as to coal and iron, etc.—Hanna.' The answer must have been satisfactory for we commenced 'benevolent assimilation' at once. Commercialism is responsible for the pitiful condition of child-labor, for tenement-house misery, for the debauchery of the ballot, for the crimes of Standard Oil, for the decadence of the United States senate, and lastly for the greatest crime of all, the destruction of a party that produced a Lincoln, for the party is destroyed, even if its so-called leaders are not aware of it."

DAVID B. HILL, former governor of New York and United States senator from that state, is said to be seriously ill. A Campden, South Carolina, dispatch to the New York World says: "Mr. Hill has practically given up his business, and in accordance with instructions from his physician is devoting his entire time to trying to recover his health." While not confined to his room his condition is such as to alarm some of his friends. When Judge Parker and Judge O'Brien were here the other day they found the democratic chieftain in anything but robust health. They spent the day with him. Other friends who have visited Campden since Mr. Hill came here two months ago "to spend a few weeks" have been impressed with the fact that he is showing the effect of the grip from which he suffered before he came south. He sits outside the hotel on fine days and apparently is not interested in anything beyond his struggle to regain his vitality. He has undertaken no business

of any kind. Several attaches of his law firm have been here to see him, but have not taken up any business with him. One of them was here last week and found the senator far from well. Mr. Hill has not made any plans for returning north. He will not go until warm weather, and his friends do not expect him to take up his business for several months, if at all."

RECENTLY THE New York World said editorially: "Mr. Cornelius N. Bliss, the treasurer of the republican national committee, who received the insurance campaign contributions, has called upon District Attorney Jerome. It will now be in accord with Mr. Jerome's past conduct for him to certify that he has found evidences of 'moral obliquity,' but nothing on which to bring in indictments." Within three days after that editorial appeared in the World District Attorney Jerome announced that he was unable to find any law making the contribution of the funds of a corporation to a political party for campaign purposes a crime. In his statement Mr. Jerome said: "The fundamental idea in the English common law of crime was that there could be no crime without the evil intent." He cites a large number of authorities and continues: "From the above cases and similar ones, which could be cited very numerous, it appears that in the law of larceny criminal intent, or, as it is usually called, felonious intent, is something necessarily present or there is not crime even if the act done is prohibited by law and the doer is sane. Now, in the presentment in question the act or acts supposed in the first four hypothetical statements to have been done are not in themselves prohibited by law. There is no legal prohibition against giving to a political party. If these acts are criminal they must be so because the property was the property of a corporation. All our crimes today are statutory, and unless the cases supposed constitute larceny, I am unaware of any statute making such acts a crime."

AFTER A CHASE OF two months Henry M. Tilford, one of the Standard Oil officials wanted as a witness by the state of Missouri, was caught by a process server March 20 at Fifth avenue and Fifty-second street, New York. The New York World says that the process server, M. E. Palmedo, was painfully hurt while discharging his duty. Tilford emerged from his office building and entered an automobile. The process server called to him, but Tilford jumped inside and slammed the door. The window being open the process server reached in to deliver the subpoena. The World's report says: "Mr. Tilford seized the strap that raises the window, pulled hard and caught Palmedo's arm at the wrist. The chauffeur started the machine with a full speed jerk and the process server was dragged helplessly along. But the subpoena and the money were in the millionaire's lap. Palmedo yelled with pain as he was dragged along, and after a few yards Mr. Tilford loosened the window, the process server falling into a snow-drift. The automobile shot down Fifth avenue. One block away it stopped by order of its owner. The chauffeur jumped down, opened the door and was interrogated. Picking himself up the process server ran to the automobile again, his left arm almost useless from bruises and strained muscles. Appearing at the door he said: 'So there may be no question of legality of service, Mr. Tilford, I now show you the original subpoena of which I already have given you a copy.' The Standard Oil official scowled in rage: 'Go away; go away from here,' he shouted. Then he drove swiftly away." Parenthetically it may be observed that Mr. Tilford was one of the "defenders of national honor" and one of those highly moral men who spent his money freely in 1896 to save the country from wicked democrats.

A LETTER WRITTEN by the late John A. McCall the day before his death, and addressed to Alexander E. Orr, president of the New York Life Insurance company, has been made public. Mr. McCall says that Alexander Hamilton was employed by him to attend especially to matters of taxation and legislation; that Hamilton refused to accept the task unless it was made confidential and secret, and that no accounting of moneys advanced to him should be asked of him. McCall said that he assented to this proposition, and that in employing Hamilton he believed that he was acting for the best interests of the company and the policyholders. Hamilton has refused an invitation to appear before the investigating committee appointed by the directors of the New York Life.