

much public interest as did the presence of John D. Rockefeller and other officials of the Standard Oil company in the court room on July 6. The crush was so great that a large force of deputy marshals had much difficulty in controlling the crowd that was anxious to force its way into the court room. The government was represented in the court room by United States District Attorney Sims and Assistant District Attorney Wilkerson. The attorneys who tried the case for the Standard Oil company, John S. Miller, Moritz Rosenthal and Albert D. Eddy were not present, the company being represented by Merritt Starr, a partner of Mr. Miller, and Chauncey Martyn, from the office of Mr. Eddy. Under the seven indictments still pending against the Standard Oil company an additional fine amounting to \$88,440,000 may be levied against the company, if it is found guilty on trial. There are in these seven indictments, a total of 4,422 counts."

TWO DAYS AFTER Judge Landis assessed the big fine against the Standard Oil company the Associated Press carried a long dispatch from which the following is taken: "Significant revelations are made public in a report submitted to President Roosevelt by Herbert Knox Smith, commissioner of corporations concerning the operations of the Standard Oil company. In a previous report the means and methods of the Standard were explained. The present report sets forth the results of these methods and the effect they have had on the consumer of oil and on the profits of the Standard Oil company. Commissioner Smith says: 'The Standard has consistently used its power to raise the price of oil during the last ten years, not only absolutely but also relatively to the cost of crude oil.' The Standard has claimed that it has reduced the price of oil; that it has been a benefit to the consumer; and that only a great combination like the Standard could have furnished oil at the prices that have prevailed. 'Each one of these claims,' says Commissioner Smith, 'is disproved by this report. The increase in annual profits of the Standard from 1898 to 1904 was over \$27,000,000.' The report says: 'The total dividends paid by the Standard from 1882 to 1906 were \$551,922,904, averaging thus 24:15 per cent per year. The dividends, however, were much less than the total earnings. It is substantially certain that the entire net earnings of the Standard from 1882 to 1906 were at least \$790,000,000 and possibly much more. These enormous profits have been based on an investment worth at the time of its original acquisition not more than \$75,000,000.'"

GOVERNOR SWANSON, of Virginia, in a newspaper interview denounced the attempt of Judge Pritchard of the federal court to contest the law-making power of a sovereign state. A Richmond dispatch to the Chicago Record-Herald says: "The governor says the railroad rate situation in Virginia is different from that of North Carolina, as no law establishing rates in this state has yet been perfected and the paramount authority for fixing rates is vested in the corporation commission, which Judge Pritchard recently enjoined from publishing its order for a uniform two-cent rate. The governor says that under Judge Pritchard's injunction the commission was prevented from 'perfecting the third act necessary to fixing the rate,' (publication thereof), and that thus there is no two-cent law in Virginia today. 'Under the constitution,' said Governor Swanson, 'in order for the commission to fix a rate it must take three necessary steps—viz.: give notice to the transportation companies to appear; second, give a hearing and enter an order; third, publish the order four weeks before it can take effect. The order of Judge Pritchard in the Virginia case is outrageous. He says the fixing of a rate by the corporation commission is a legislative act, and yet he restrains this legislative body in Virginia from doing what is absolutely necessary to complete an act of legislation under our constitution. The corporation commission is paramount to the general assembly of Virginia in fixing rates. If Judge Pritchard can enjoin the corporation commission from performing its duties in fixing a rate and completing it, he can enjoin the legislature—he can enjoin congress from passing laws until he has examined and ascertained whether they are, in his judgment, just and constitutional. If this rule or order of his is permitted and sustained, it means the destruction of legislative bodies and means that they shall become subject to the courts. It means the destruction of the very foundations of free institutions. I have favored and continue

to favor ignoring this order of Judge Pritchard, prohibiting the corporation commission from publishing their order, as required by the constitution, and I am in favor of the publication proceeding and the act being completed as required by our constitution. To acquiesce in a federal judge arresting the legislative body of a state in their processes of enacting legislation is destructive of state sovereignty and all free institutions. This order of Judge Pritchard makes the Virginia case broader and far more important than any question of passenger rates. The members of the corporation commission are prepared and willing to proceed with publication or to do anything else that is necessary to vindicate their rights or to attain the purposes desired. The delay in action has been to enable counsel to look into the matter thoroughly, and to reach a definite conclusion as to what they think the best and most advantageous course for the state to pursue. The rights and dignity of the state will be maintained to the fullest extent. When the two-cent rate is perfected by publication and becomes operative in the state it is my purpose to see it enforced and to do this I shall exercise all the powers possessed by me as governor."

THE NEW YORK World has made an investigation and has concluded that the Roosevelt administration through appointments made by it dominates federal judiciary to this extent: "Supreme court, three associate justices, one-third of the membership. Circuit court, twelve of the twenty-nine judges, or 41.7 per cent. District court, forty-two of the eighty judges, or 52.5 per cent. By the end of his present term, March 4, 1909, it will have been possible for him to appoint: Seven of the nine justices of the supreme court, nearly 78 per cent of that tribunal; seventeen of the twenty-nine judges of the circuit court, or nearly 59 per cent; forty-seven of the eighty judges of the district court, or nearly 59 per cent. Should he be elected for another term, ending March 4, 1913, it will be possible for him to appoint judges as follows: Eight of the nine justices of the supreme court; twenty of the twenty-nine judges of the circuit court, or substantially 70 per cent of its membership; fifty-one of the eighty judges of the district court, or substantially 64 per cent of its membership."

AFTER HIS acquittal in the trial at Boise, Idaho, William D. Haywood made this statement: "I appreciate the support extended to us by workmen throughout the country. I hope to be able during the coming year personally to express that appreciation. I have no ill-feeling nor ill-will toward any person. I am charitable toward all. My intention is to go back to Denver and take up my work where I left it off when I was placed under arrest. I appreciate the kindness and consideration with which my family has been treated by the people of Boise. I appreciate, and in so stating express the sentiments of my companions in jail, the courtesies extended to us by Sheriff Hodgins, his deputies, and former Sheriff Moseley. As to the outcome of the trial I have never had any fear and would have expressed the same belief I expressed when first arrested that is: 'With a fair trial and an impartial jury the verdict would be such as has been given to the country.' Senator Borah treated me most fairly and I appreciate it. Judge Wood was eminently fair to me and I have extended to him my thanks for his treatment of me during the ordeal of this trial. I do not in any way blame Governor Gooding for the position he took. In closing I wish to express appreciation of the wonderful support given to me by the presence in the courtroom during the trial of the representatives of labor, industrial and political organizations."

REFERRING TO the verdict at Boise, Clarence Darrow, attorney for the defense said: "The result is a triumph for the cause of labor and a proof of the inherent justice of the American people. Mr. Haywood was brought from Denver, 1,500 miles, into a community which was alien and hostile. For a year and a half the local papers had been busily teaching the public that Haywood was guilty. This sentiment was so strong that the legislature had passed two or three acts to expressly affect this case, one allowing ten challenges for the state against five under the settled practice from the time courts were established in Idaho. In drawing the jury all members of labor unions and all wageworkers were carefully excluded. The jury was made up mainly of small farmers. Most of these had some acquaintance with ex-Governor

Steunenberg. Practically all of them had some opinion as to the defendant's guilt at the time they were sworn and this opinion was unfavorable to Haywood. That an acquittal was secured under these circumstances is almost proof positive of the innocence of the defendant of the horrible crimes laid to his door. Colorado and a part of Idaho have been living for a number of years in a state of industrial war. The mine owners have stubbornly resisted organization and fought the miners at every turn. Although I never have believed and can not believe that the Western Federation of Miners or its officers were responsible for any of the crimes charged, still both mine owners and miners have committed acts of violence and disregarded law. The anger of one has only inflamed the anger of the other. Wise people should try to learn a lesson from this great struggle and each side to endeavor to recognize the other and lay aside past differences and live and work together in the development of the west. The wise counselor on either side will urge conservatism, moderation and toleration for the future."

WRITING TO THE New York Evening Post, Frederic Almy, of Baltic, N. Y., says: "In your issue of April 18 you suggest that Lord Cromer's wonderful success in Egypt may become the best object lesson the world has had that no government, however admirable, is so good as self-government. It seems to me that this lesson is human as well as national. The George Junior Republic, for instance, demonstrates that with boys, as with races, character is better formed by liberty of choice and the natural consequences of mistakes than by the military methods of most reformatories. A militant civilization is as bad as a militant Christianity. Civilization by contact and civilization by commerce are good, but civilization by compulsion or by conquest develops dependence, as well as rancor and reaction. For this reason India and Egypt, under the most intelligent tutelage the world has ever known, seem to be less fit for self-government than the republics of Central America and South America."

BISHOP FALLOWS, of Chicago, delivered an address at the dedication of the Hicks Memorial monument for the Wisconsin soldiers of the civil war. On this occasion Bishop Fallows urged the building of the strongest navy and the training of two millions of soldiers for the policing of the world and for the fighting of the battles of righteousness against millions of people fired by lawless ambition and the lust of conquest. He said: "Maudlin and unenlightened sentimentality may dream of immediate world-wide peace, but there is many a holy war for liberty and righteousness yet to be waged, and there are a thousand millions of people fired by lawless ambition and the lust of conflict who must yet be reckoned with by the civilized, Christian people. It is next to high treason to weaken by word or deed the tenacity of the iron molecules in the martial blood of our American youth."

COMMENTING UPON Bishop Fallows' suggestion the St. Louis Post-Dispatch says: "Is the golden rule a delusion, a fiction of 'maudlin and unenlightened sentimentality?' Is Christianity, the essence of which is love for our fellow-men, a fallacy? Is civilization founded upon justice, good will, peace, a farce? Are we the agents of Providence charged with the duty of destroying all those who do not conform to our standards of righteousness? Can human brotherhood and the principles of Christianity be established in human hearts only with the sword? Is destruction or instruction, kindness or force, the instrumentalities for the promotion of Christian civilization? If our only hope of regenerating the world lies in armed force, as Bishop Fallows seems to think, then all that we have suffered, all that we have learned, all that we have done for the promotion of Christian civilization is in vain. The golden rule is invalid; evil is not to be overcome with good, but with evil; the message of peace and good will to men is meaningless; the soldier trained to slay and the nation armed for destruction of other nations are the only moral forces. But why pursue the subject further? That the worn-out fallacies of the doctrine of force which barbaric militarism has preached should be revived by a professed disciple of the founder of Christianity, is appalling. I. jingoism is a crime in those who do not profess the doctrine of the supremacy of good and the omnipotence of love what must it be in the leader of those who do profess this doctrine?"