

the high seas, and this the court refused to do. Mary F. Butts, a negress, bought a first class ticket on the Merchants and Miners' transportation lines from Boston to Norfolk. She went from Boston on one boat and returned from Norfolk on another vessel of the same line. During the round trip it was claimed she had twelve times been denied equal accommodations under the civil rights act. She brought suit to recover \$6,000. She had been refused the same eating and sleeping accommodations as were furnished white people and was required to take her meals at a second table and sleep on the lower deck. In this city more than one-third of the population consists of negroes. They have assumed to possess equal privileges with white persons under the civil rights law. For years the rule here has been that if a negro seated himself in a fashionable eating house and gave an order he was politely informed that a small steak would cost him \$30. Under the recent opinion the negro will be plainly advised that his trade is not desired. No subterfuge to avoid serving him will be necessary hereafter, either in Washington or elsewhere.

THE supreme court is surely "going progressive" as one newspaper editor puts it. A decision involving Missouri, Arkansas, Oregon and West Virginia rate laws is of special importance. Referring to these decisions the Washington correspondent for the New York World says: Differentiation was made as to the various railroads involved. In application it was declared thirteen of the transportation lines could bear the additional burden, while in the case of five roads the imposition would prove confiscatory. Similar freight and passenger acts in Arkansas, the state freight rates made operative in Oregon and the two-cent passenger fare in West Virginia were pronounced constitutional. The contention was not advanced that these were confiscatory. It was determined by the court that they did not interfere with interstate commerce. The unanimous decision of the court was handed down by Justice Hughes, who wrote the elaborate and comprehensive opinion in the Minnesota rate case, delivered a week ago. He refused consideration for the claim that in either case the state laws contravened the regulations imposed by congress on interstate commerce. He took as a basis for his argument the conclusions reached in the Minnesota rate case. In fact, the decisions varied not a dot from the decree in the Minnesota case. The lower courts had decided in favor of the railroads in all the Missouri cases, declaring them to be confiscatory. In the ratio of 13 to 5 the state of Missouri won a victory. In those cases where rates were held to be confiscatory, the decree of the lower tribunal was modified, permitting the state railroad commission and the attorney general to bring application for further action when it became apparent that the additional burden imposed on the roads may be sustained, leaving reasonable compensation for the services rendered. The court held that it was perfectly legitimate and proper for a state legislature to classify any or all railroads for the purpose of valuation and assessment. There was no limitation to a state's right in that respect. The only handicap imposed was that the rates fixed must not be confiscatory. The opinion in the Missouri cases held the rates confiscatory on the St. Louis and Hannibal, Kansas City, Clinton and Springfield and Chicago Great Western railroads. The decision holding the rates confiscatory as to the Chicago Great Western was made to apply, by virtue of stipulation between the state and the railroads, to the Quincy, Omaha and Kansas City railroad and the St. Joseph and Grand Island railway. The decision was based upon the two-cent passenger and the maximum freight laws. The court held the rates valid as to the St. Louis Southwestern, the Missouri Pacific, the St. Louis, Iron Mountain and Southern, the Wabash, the Chicago, Milwaukee and St. Paul, the Chicago and Alton, the Chicago, Burlington and Quincy, the Atchison, Topeka and Santa Fe, the Kansas City Southern, the Missouri, Kansas and Texas, the Chicago, Rock Island and Pacific (including the St. Louis, Kansas City and Colorado) and the St. Louis and San Francisco.

THAT the state of Kansas has the right to fix reasonable rates for transportation of oil and oil products on railroads within its borders also was declared by the court. The Missouri Pacific Railway company contested a law giving the state this right and also impos-

ing penalties of \$500 for each infraction, payable to the aggrieved shippers. The Kansas supreme court upheld the law. On the contention of discrimination Justice Hughes said: "The contention raised by the complainants, that these legislative acts can not be enforced against one company unless enforced against all, can not be sustained. The argument in effect is, that although the charges of carriers may be clearly exorbitant, the state is powerless to compel them to put into effect reasonable rates because as to another carrier differently situated the rates thus prescribed might be unreasonably low. The acts are valid upon their face as a proper exercise of governmental authority in the establishment of reasonable rates, and each complainant in order to succeed in assailing them must show that as to it the rates are confiscatory." Reviewing the evidence submitted to prove confiscation, Justice Hughes said: "It is clear that testimony of this general character can not be deemed sufficient to support a finding of confiscation or to justify the annulment of the legislative acts of the state." The plan of valuing the entire property within the state by apportioning "between the interstate and intrastate business, passenger and freight, according to the gross revenue derived from each," was disapproved.

THERE was a spelling match recently in Washington, carried on under the auspices of the National Press club. Frank B. Willis, member of congress from Ohio, won the prize. The Washington correspondent for the Wichita Beacon tells the story in this way: Professor Houston, secretary of agriculture, propounded, and fourteen law makers faced fourteen newspaper men. The lines thinned rapidly and when Hydrocephalus got in its deadly work only Willis remained. Senator Myers stumbled on Acacia, spelling it "accacia." Senator Ashurst fumbled laryngeal, getting it "laryngal." Senator Poindexter and Representative Sims spilled hydrocephalus, turning it in as "hydrocephalous." Ogee was dropped by Representative Hardwick who hazarded "ogle," but who ever heard of ogee anyway? Representative Foster stumbled over desuetude, made famous by Grover Cleveland, spelling it "desuatude." Representative Roberts struck out on immiscible. Representative Reilly took the count on foliaceus. Senator Norris, who muffed cantaloupe, explained that he spelled it musk melon, anyway. Professor Houston propounded gneiss to Irwin Harbor, a newspaper man. Harbour fainted and after recovering claimed a foul, protesting that "There ain't no such word." He was conducted to a dictionary where he discovered that gneiss is a crystalline rock. When Prof. Houston shouted bdellium at Ira E. Bennett, a newspaper man, Mr. Bennett threatened to take his hat and go, saying he had done nothing to warrant the secretary in addressing him in such language. President Wilson and Miss Eleanor and W. J. B. and wife were in the audience and all reported a most enjoyable time.

THERE is a widespread misunderstanding among the people regarding the true meaning of the words "guaranteed under the food and drugs act," according to Dr. Carl L. Alsberg, chief of the bureau of chemistry. Dr. Alsberg states that "these words on a label are no assurance that the contents of a package are pure." In a recent address at Mobile, Ala., Dr. Alsberg spoke of the limitation of the federal bureau under the federal pure food law, appealed for closer co-operation between federal and state authorities and for uniformity of laws in the various states, based on the national law, looking to a less frequency of misbranding and to a better food and drug supply. The food and drugs act, Dr. Alsberg asserted, "not only does not give the department of agriculture power to act in many important matters, but actually prohibits its intervention in many things that call for immediate remedy. The people at large do not understand the limitations under which we act, nor do they realize that frequently we are even more disgusted than they at our inability to do things that we are more than anxious, but helpless legally to undertake." Dr. Alsberg explained that the word "guaranteed" on a can of soup or a bottle of nerve tonic did not mean that the bureau of chemistry had seen and analyzed it, but that the manufacturers put it on simply with the idea of protecting the jobber or retailer. All the guarantee does, he said, is to make it possible to prosecute the manufacturer if the goods were found to be in violation of the food and drugs act. "Constructive co-operation and practical collaboration with all

agencies interested in securing for the people a larger supply of better and purer foods and drugs," said Dr. Alsberg, was the policy of the department in enforcing the law. "Under this policy," he declared, "we are proceeding more vigorously than ever against the violators of the law, and are pushing many important changes which will establish many far-reaching precedents."

GOOD FOR SULZER

Governor Sulzer of New York has definitely broken the power of Chas. F. Murphy, leader of Tammany Hall. Democrats everywhere will say "Good for Sulzer." An Albany dispatch, carried by the Associated Press tells the story in this way: Accusing Charles F. Murphy of being "behind a conspiracy to blacken my character because I refused to do his bidding," Governor Sulzer gave in detail his version of his break with the Tammany chieftain. For more than an hour the governor sat in the executive chamber and told to the newspaper correspondents a story, bitter in its denunciation of Tammany's leader and replete with allegation that Murphy had attempted to influence the executive's action in matters of legislation, appointments and removals from office.

The governor said he had seen Muhpry but three times since his inauguration. The last meeting was arranged by a friend who wanted to straighten the differences between the executive and the Tammany leader.

"I listened to his propositions," the governor said, "but I refused to do what he wanted me to do because in my opinion he was wrong."

"Was it patronage?" the governor was asked.

"Yes, and the Stilwell matter and direct primary. I told him not to issue orders to save Stilwell and to let the legislature pass a fair and just direct primary bill. He refused, I left him. That was the last and that was final."

"I came back to Albany a sad man because some of my ideals had been shattered. I talked it over with Mrs. Sulzer because I have few confidants. I know I am surrounded by spies."

"When I finished telling the story to Mrs. Sulzer I said there were just three things for me to do—resign, surrender or fight. I have carefully considered it all and have made up my mind to fight. Mrs. Sulzer kissed me, and said: 'You are right; go on with the fight; I think more of you now than I ever did in my life.'"

The governor declared that he had been threatened with ruin unless he did as he was bid.

"I have always answered," he said, "as I am answering now, no man can ruin me but William Sulzer. I refused to do Murphy's bidding. I refused to be a part of a criminal conspiracy to loot a state."

A TRIBUTE FROM BRAZIL

The following address of His Excellency, Dr. Lauro Muller, in proposing the president's health at a dinner given by the secretary of state at Calumet Place, June 12, 1913:

"Mr. and Mrs. Bryan, Ladies and Gentlemen: The benevolence of the honorable, the secretary of state has arranged that, following the most cordial reception extended to the special representatives of Brazil, and that which he has been receiving from every high government officer, both military and civil, he has met, not to refer to the distinctions bestowed upon him by the members of the diplomatic body and the highly refined Washington society, Mr. Bryan's benevolence I say, has ruled that the great pleasure should be given me to receive me in his home."

"I deeply regret that words fail me to thank him enough for this honor."

"Here I am afforded the privilege of seeing the public man surrounded by the family, the family which is the moral halo brought forth by the heart in order to shine on the well formed heads. The public office may be the domain of reason; the home is the palace of the heart."

"I bow here, respectful and thankful, before Mistress Bryan, and contemplate with my eyes full of sweet recollections of my own family, this home of a public man, whom it has pleased our good God to grant with a great mind, a noble heart."

"I beg therefore, Mr. Bryan's permission to salute him and Mrs. Bryan as heads of a typical American family, in whose home they have wished to give me some hours of true happiness."

"And finally answering the very great honor conferred on me by Mr. Bryan, I raise my glass to the health of the president of the United States and the prosperity of the American nation."