

been resorted to with respect to the trust magnates? And is it not strange that after it has been demonstrated that the beef trust magnates have practically ignored the injunction and have continued their combination in the face of that injunction—is it not strange that the indictment has not been resorted to as the effective weapon in these cases?

It is significant that in the presence of this gigantic evil, an evil which is being felt by every consumer in the land, the attorney general, representing a party that has been in control of all branches of the federal government for nearly six years, could only cite four instances in which proceedings had been taken against monopolies?

One of the most interesting features of Mr. Knox's address was that wherein he gave an illustration showing the difference between a reasonable and an unreasonable arrangement or contract at common law.

He cited as a reasonable and valid arrangement an instance where a business and its good will was sold with the agreement on the part of the venter not to engage in competition in a similar business. He pointed out that—

"This covenant is, of course, in restraint of trade, and interferes with competition. But to make a contract such as this illegal is not only restrictive of the liberty of contract, but it is depriving one of his property without due process of law. Good will is property capable of being appraised, bought, and sold. In many cases it is the main ingredient of value. It represents all the struggle, industry, tact, and judgment that makes success. In estimating the worth of a business it is not infrequently reckoned more valuable than the buildings and machinery that make up the physical plant.

"Such a contract has been held reasonable and valid."

Then Mr. Knox proceeded to give an unreasonable agreement. He referred to the case entitled "Morris Run Coal Company vs. Barclay Coal Company," in the supreme court of Pennsylvania. The principal question was as to the validity of a contract made between five coal corporations of Pennsylvania by which they divided between themselves two coal regions of which they had the control. Mr. Knox explained:

"The referee in the case found that those companies acquired under their arrangement the power to control the entire market for bituminous coal in the northern part of the state, and their combination was, therefore, a restraint upon trade and against public policy."

It was contended that the real purpose of the combination was to lessen expenses, to advance the quantity of the coal and to deliver in markets intended to be supplied in the best order to the consumers; but the supreme court of Pennsylvania answering this contention, said:

"The important fact is that these companies control this immense coal field; that it is the great source of supply of bituminous coal to the state of New York and large territories westward; that by this contract they control the price of coal in this extensive market, and make it bring sums it would not command if left to the natural laws of trade; that it concerns an article of prime necessity for many uses; that its operation is general in this large region, and affects all who use coal as a fuel, and this is accomplished by a combination of all the companies engaged in this branch of business in the large region where they operate. The combination is wide in scope, general in its influence, and injurious in effects. These being its features, the contract is against public policy, illegal, and therefore void."

This was Mr. Knox's sample of an unreasonable and an unlawful agreement; and yet less than two or three weeks ago Mr. Knox reported to the president that he could find no authority for proceeding against the gigantic coal trust that is now imposing upon the coal consumers of this country!

Will it not occur to the average man that the very court decision which Mr. Knox here cited by way of illustrating what he believes to be an unreasonable and an unlawful agreement condemns also the unreasonable and unlawful agreement by which the coal barons of this country are imposing upon the people?

In one portion of his address Mr. Knox said: "Every constitutional question is an open one until it is authoritatively closed by a decision of the supreme court." How, then, does it happen that

Mr. Knox has advised the president that proceedings should not be commenced against the great steel trust or the great coal trust? And how does it happen that he has not advised the president that the criminal clause of the Sherman act be enforced against all trust magnates? If the question is "an open one until it is authoritatively closed by a decision of the supreme court," why does this republican attorney general hesitate to enforce the law as he finds it on the statute books, exerting his best efforts, with the means within his reach, and making it necessary for these wealthy violators of the law to persuade the supreme court to close these "open questions" before the man presumed to be the law officer of the people considers the questions closed?

In another portion of his address, Mr. Knox said:

"The time never was when the English-speaking people permitted the articles necessary for their existence to be monopolized or controlled, and all devices to that end found condemnation in the body of their laws. The great English judges pronounced that such manifestations of human avarice required no statute to declare their unlawfulness, that they were crimes against common law—that is, against common right."

What are the people of the United States doing when they see the articles necessary for their existence monopolized and controlled by greedy men? And what are their representatives in Washington doing? The republican congress has failed to provide new legislation and the republican attorney general has proceeded in but four instances, while with respect to two of the greatest trusts he has reported to the president that the plain and explicit statute relating to trusts is not disobeyed by these combinations. And yet in his stump speech this same attorney general tells us that "the great English judges pronounced that such manifestations of human avarice required no statute to declare their unlawfulness, that they were crimes against common law—that is, against common right."

Is it not strange, then, that this eminent lawyer, admitting that these things are crimes against common law and being required to admit that they are crimes against explicit statutory law, reports to the president that he is unable to proceed against the steel trust or against the coal trust and can point to only four instances in which he has commenced proceedings?

Mr. Knox delivered a very interesting address, but he did not give the people the right to hope that the republican administration's boasted "campaign against trusts" will be at all serious. The things which he said, and said well, in the effort to make a polished and attractive speech can only serve, in the judgment of intelligent men, as a condemnation of the inactivity of the republican administration with respect to trusts—an inactivity which, we may well believe, Mr. Knox has been, in a large degree, responsible for.

### A Bit of "Horseplay."

The New York Tribune, a republican paper, connects the Roosevelt administration with a bit of what in the parlance of the street is known as "horse play." The Tribune actually charges that on several occasions during Mr. Roosevelt's visit to New England the president was impersonated by Mr. Moody, the secretary of the navy, who bears a striking likeness to the president. The Tribune says:

"Passing through the numerous New England villages that were close together, it became somewhat of a task for the president to show himself and greet the crowd at every station. The resemblance of the secretary of the navy to the president in height, build and general physical appearance offered a plan by which Mr. Roosevelt could be rested. Mr. Moody, donning a high silk hat, putting on a pair of eyeglasses and buttoning a frock coat tightly across his chest, would repair to the rear platform, lift his hat and smilingly bow right and left to the throngs as the train passed slowly along. 'There he is. There's the president,' the people would shout, and cheer after cheer would roll up."

Undoubtedly the members of the administration party had a great laugh over the successful way in which they had deceived the New England villagers. There was, too, a bit of the pathetic in the situation. Men and women who assemble in order to do honor to the president of the United States and to get a glimpse of that personage are hardly deserving of being made the victims of prac-

tical jokes by men supposed to be sufficiently dignified to occupy cabinet offices.

Indeed it would be difficult to believe that Mr. Roosevelt would consent to such a misrepresentation or that a cabinet officer would engage in a joke like this unless the informant were a republican paper that could have no possible motive in misrepresenting either Mr. Roosevelt or Mr. Moody.

And yet we may be pardoned for suggesting the thought that there is not a wide difference between the misrepresentation practiced by Secretary of the Navy Moody in palming himself off as the president and the "campaign against trusts" which the administration has been pretending to wage in the presence of a patient and long suffering people.

### Lawless Coal Companies.

The Commoner, in a recent issue, suggested a federal law prohibiting railroads engaged in interstate commerce from owning coal mines. The Washington Star calls attention to the fact that there is such a law now in Pennsylvania, the statute reading as follows:

"Sec. 5. No incorporated company doing business of a common carrier shall directly or indirectly prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company directly or indirectly engage in any other business than that of common carriers or hold or acquire lands, freehold or leasehold, directly or indirectly, except as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the product of its mines and manufactories on its railroads or canals not exceeding fifty miles."

But the law is not enforced and it is not fair to leave the rest of the people to the mercy of the coal trust merely because a republican governor will not enforce the law. It should be the federal law also and should be enforced in the interests of the whole people.

The coal mine owners present a pretty spectacle demanding protection from lawlessness when they are themselves conspicuous law-breakers, and the governor who is so prompt to call out the militia to protect the mines ought to explain why he takes no steps to punish the larger violators of the law.

### "Prosperity" and Prosperity.

An interesting editorial appeared in the Minneapolis Times of September 19. In this editorial it was said:

"When republican leaders of eastern affiliations and the men who kotow to them, like Shaw, Henderson of Iowa, some of our Minnesota officials, and others who might be named throughout the country at large, insist that prosperity is dependent upon protection and that to reduce the tariff on iron and steel, for instance, would be to frighten capital, they must mean that prosperity is dependent upon the size of the dividends paid on watered stocks in the United States Steel company and similar organizations. They must mean that, if manufacturers had to be content with tens instead of hundreds of millions of profit; had to put up with a yearly increment on the capital invested that a decade ago would have seemed enormous instead of returns that never before had been heard of, the country would go to the demnition bow-wows. Plain people are not prepared to believe that prosperity is the child of any such conditions, is dependent upon the satisfaction or the disgruntlement of men who have been made enormously rich by tariff impositions."

It is a good sign when republican papers speak thus boldly. Many people have been persuaded to believe that prosperity is dependent upon the size of the dividends paid on watered stocks; some plain people have been prepared to believe that prosperity is the child of the conditions against which the Times' editorial inveighs and that prosperity is dependent upon the satisfaction of men who have been made enormously rich by tariff impositions and by other impositions made possible by the favors of the republican party.

"We need not close our eyes to the truth. We need not flatter ourselves that the people will not be again and again deceived. It is the duty of men who think and of newspapers that dare to print the truth to place the truth before the people at every possible opportunity in order that the plea that if the republican party should be defeated 'capital will become frightened' may not operate successfully for republican victory and against the interests of the masses of the people.