

Moody, replying to Harmon and Judson said: "I have not as yet been able to overcome my repugnance to proceeding individually against the officers of the railroad for contempt of the injunction without some evidence with respect to every individual proceeded against that he had some culpable connection with the contempt of court." And he said that, for instance, there was not a syllable of testimony that Mr. Morton had an connection whatever with the rebates granted to the Colorado Fuel and Iron company.

REPLYING to the Attorney General, Messrs. Harmon and Judson pointed out that the corporation can not be imprisoned and that punishment by fine is not only inadequate but reaches the real culprits only lightly, if at all, adding, "the evils with which we are now confronted are corporate in name but individual in fact. Guilt is always personal. So long as officers can hide behind their corporations no remedy can be effected. When the government searches out the guilty man and makes corporate wrong-doing mean personal punishment and dishonor, the laws will be obeyed." They said that while they respected the attorney general's opinion, "the end and circumstances of our appointment impose a certain independent responsibility upon us which we feel would not be by a proceeding against the corporation alone." They therefore resigned and their resignations were accepted.

MR. ROOSEVELT sustains the attorney general, saying: "I entirely agree with your conclusions. In my opinion you would be wholly without justification in proceeding individually against the officers of the Atchison, Topeka & Santa Fe railway for contempt when neither the interstate commerce commission or the special counsel you have employed have determined a single fact of any kind beyond the holding of their offices tending to implicate any one of these officers." He says that the fact that one of these officers is a member of his cabinet is not to be allowed to shield him, nor, on the other hand, is it to be allowed to cause him to be singled out for attack. Mr. Roosevelt points out that documentary evidence shows that Mr. Morton repeatedly called the attention of his subordinates to the law and the necessity for complying with it.

AT THE SAME time Mr. Bowen's statement was made public the president caused to be published a letter written to him by Secretary Morton and the president's reply thereto. Mr. Morton wrote this letter after he resigned. In this letter he says: that he issued instructions to all of his subordinates telling them to comply strictly with the law, but "notwithstanding all these precautions" rebates were given. He said he had nothing to do with these rebates and is in no wise responsible for them. In his reply to Mr. Morton's letter President Roosevelt says that his secretary of the navy is entirely exonerated from the charge of participating in the violation of law, adding, "I don't think that you need pay any further heed to the accusations that have been made against you." Mr. Roosevelt concludes his letter with a reference to Mr. Morton's new occupation as head of the Equitable Life Assurance society and he gives him a fine certificate of character. He refers to the scandals in the Equitable and says that he knows that Mr. Morton will give every one "a square deal."

THE CHICAGO INTER OCEAN, a republican paper, prints a story relating to the Paul Morton affair. The Inter Ocean says that Mr. Morton was saved from prosecution as an officer of the Santa Fe railroad only by the powerful intercession of the president and attorney general. The Inter Ocean declares that the order not to prosecute is in direct conflict with the vigorously expressed opinion of Former Attorney General Judson Harmon, of Cincinnati, and Frederick N. Judson, of St. Louis, who were employed as special counsel to investigate the case and recommend a course of procedure, and in the face of Mr. Morton's own admission that he was cognizant of the arrangement by which the rebates were paid. A copy of the secret circular described "for the information of employes and not to be given to the public," is printed by the Inter Ocean. In this circular rebates were authorized by the Santa Fe for the Colorado Fuel and Iron company.

THE INTER OCEAN prints the following extracts from the law:

"The willful failure upon the part of any carrier to file and publish the tariffs or rates and charges as required by said acts, or strictly to observe such tariffs until changed according to law, shall be a misdemeanor, and upon conviction the corporation offending shall be subject to a fine of not less than \$1,000 nor more than \$20,000 for each offense; and,

"It shall be unlawful for any person, persons or corporations to offer, grant, or to give, or to solicit, accept, or receive any rebate, concession or discrimination in respect to the transportation of any property in any interstate or foreign commerce by any common carrier.

"Every person or corporation who shall offer, grant or give or solicit, accept or receive any rebates, concession, or discrimination shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$20,000.

"Whenever any carrier files with the interstate commerce commission or publishes a particular rate under the provisions of the act to regulate commerce, or acts amendatory thereto, or participates in any rates so filed or published, that rate as against such carrier, its officers, or agents, in any prosecution begun under this act, shall be conclusively deemed to be the legal rate, and any departure from such rate, or any offer to depart therefrom, shall be deemed an offense under this section of the act."—Elkins Amendment to Act to Regulate Commerce, enacted February 19, 1903, after issuance of Santa Fe secret tariff, repeals imprisonment clause; secret tariff maintained by Santa Fe after Elkins amendment enacted.

EXTRACTS from testimony before the interstate commerce commission at Chicago, December 29, 1904, are printed as follows:

"When your published tariff said your rate per ton on coal from Trinidad to Deming was \$4, what rate did the Santa Fe actually receive from the Colorado Fuel and Iron company?"—N. B. Field, attorney.

"We received \$2.90 per ton."—W. B. Biddle, freight traffic manager of the Santa Fe system.

"What was done with the difference, \$1.10?" Attorney Field.

"We paid that to the Colorado Fuel and Iron company."—W. B. Biddle.

"As a matter of fact, what rate did you charge other companies for hauling coal from Trinidad to Deming?"—Attorney Field.

"The published rate, \$4 or \$4.05 per ton."—W. B. Biddle.

"What rate did you charge the Southern Pacific road?"—Attorney Field.

"We had a special contract with them to charge \$3.45 per ton."—W. B. Biddle.

Interstate Commerce Commissioner Prouty is quoted by the Inter Ocean as having made in Chicago, December 28, 1904, the following statement: "In all my experience with railway operations I never saw such barefaced disregard of the law as the Santa Fe railroad and the Colorado Fuel and Iron company have manifested in this coal case. For years the railroad company has received less than its published rates from the Colorado Fuel and Iron company, while its competitors have paid higher rates. The evidence in this case will be presented by the commission to the attorney general."

OTHER EXTRACTS presented by the Inter Ocean follow: "I don't care to talk railroad matters. Everybody knows all about the case. I will say, however, that what Mr. Biddle did was exactly right, in my judgment, and if I had been in his place I should have done the same thing."—Statement by Paul Morton, Secretary of the Navy, at Washington, December 31, to Representative of Chicago Daily News. "Who was in the supreme charge of all freight matters of the Santa Fe at the time of the issuance of the order by which the Colorado Fuel and Iron company was granted rebates?"—Query by Reporter for the Inter Ocean, December 30, 1904.

"It was not rebating. It was simply a figure agreed upon by private contract. Mr. Paul Morton was cognizant of it, and, although his name may not be affixed to the order of its being carried into effect, he was the man from whom Mr. Biddle, the freight traffic manager, got authority to haul coal for the Colorado Fuel and Iron company on the terms which you mentioned."—Reply by E. P. Ripley, President of the Santa Fe system.

"Did you also know of it, Mr. Ripley?"—Query by Reporter.

"Why, yes, as I know of all our business. I consider it absolutely legitimate, and will do it tomorrow again if I like. Mr. Morton was responsible for all traffic matters, and it must be over two years since we began deducting a difference in the case of the Colorado company."—Reply by E. P. Ripley.

"Was Mr. Morton in office when the order was given favoring the Colorado Fuel and Iron company?"—Query by Reporter.

"Well, you mean the order which gave them a reduction as per contract. Why, certainly; Mr. Morton did not leave his position as second vice president of the Atchison until September, when he entered the president's cabinet."—Reply by E. P. Ripley.

CONCLUDING its interesting arraignment of the republican administration, the Inter Ocean said: "The act to regulate commerce requires carriers to publish and adhere to their tariffs. The Atchison, Topeka & Santa Fe Railway company has for the last five years wilfully and continuously violated this provision of the law in the respects above stated. February 19, 1903, the so-called Elkins bill was enacted, providing that carriers should in no case transport traffic until a tariff had been published, and that the published tariff should be observed, and providing a penalty of not less than \$1,000 nor more than \$20,000 for each offense. The provisions of this statute extend both to the railway company which grants and the party which receives the concession. Both the Santa Fe and the Colorado Fuel and Iron company systematically and continuously violated the provisions of that act in the particulars mentioned from the day of its passage down to November 7, 1904, when the tariffs under which this case moved were reduced in all cases \$1.15. It would seem that the El Paso & Southwestern railroad was also in violation of the same statute during that period, but that company was not a party to this proceeding, and has not been heard. It should be further observed that on March 25, 1902, the United States circuit court, in a suit begun at the instance and request of the interstate commerce commission enjoined the Atchison, Topeka & Santa Fe Railway company to observe in all respects its published schedules of rates. That company from the date of this injunction down to November 27, 1904, was apparently in continuous disregard of that order of court in its failure to maintain these coal tariffs."—Conclusion of Decision rendered by the interstate commerce commission, February 1, 1905, "in the matter of alleged unlawful rates and practices in the transportation of coal and mine supplies by the Atchison, Topeka & Santa Fe Railway company."

THE CONSCIENCE IN POLITICS

Mayor Weaver's great victory in Philadelphia illustrates the power of conscience when applied to public affairs. The conscience of the people was aroused and the people immediately won a signal triumph. But while Philadelphia had the reputation of being the worst governed city in the United States there are other cities, large and small, in which graft and corruption are rampant, and it is high time that good citizens bestirred themselves.

Mayors who know of corruption should point it out; councilmen who are aware of graft should speak out; citizens who have information of the subject should make it known. There should be in every city a citizens' good government league and this league should see that honest and incorruptible candidates are brought out by all parties. Every betrayal of trust by officials gives new men a chance to become known and to win public confidence. Every crisis teaches again the truth that men are of little value except as they assist some worthy cause, and the best way to impress the public is to put the case above the individual. The man who forgets himself in devotion to the public welfare is more likely to be remembered than the man who is chiefly concerned in his own advancement.

If each citizen will ask himself whether he is doing his full civic duty and then courageously follow the dictates of his conscience, there will be a great political revival in this country—a revival which will result first in purer city government and then in better state and national government.