

courts will not be argued by any federal judge, but will be conceded. Those courts are as high-minded and as learned as are the federal courts, but that is not the question. It is a question of jurisdiction, and this court has jurisdiction and will maintain its jurisdiction. That the states have the right to manage their own local affairs will even be maintained. But it is too late to talk about states dictating to the government or riding down its courts. This is a nation. Its commerce will not be interfered with by any state, because for that almost alone we adopted our constitution. The commerce clause will always be upheld and the rights of the citizen, including corporations, will ever be protected in their just rights under the fourteenth amendment. These are national questions, and the supreme court will hold the scales of justice with the evidence before them. I do not know, and of course do not state, that the state legislature has wronged these railways. That is the case on its merits. But the railways say they are being wronged, and they must have a hearing, and a hearing on the evidence, and that evidence carried with the record to the supreme court. And if, upon the evidence, they are being compelled to transact business at a loss, no one need doubt that the supreme court will nullify the statute. Tentatively, subject to argument and subject to change of opinion, if I should hear the cases, my present view is that the two-cent passenger fare statute should be put in force and kept in force for some months at least, with the right of the railways later on to review their motions to enjoin the enforcement of the statute. One class of people claim that with a two-cent fare travel will so increase as to make it remunerative. Others deny this. The Wisconsin commission but lately declared after months of investigation that in that state a two-cent fare would be confiscatory, and Governor Hughes, by a recent veto message, so declared in the populous state of New York. How is this question to be determined? Is it not all speculation and guess work? Of what value will be the testimony of an ordinary business man? And of what value will be the testimony of railway experts?"

IN THE WESTERN land convention held in Denver the land policy of the Roosevelt administration was vigorously discussed. The first day's proceedings are described by the Denver News in this way: "The voice of the west was lifted yesterday in a demand for those things which the west regards as its rights. As if from one strong man, so great was the unanimity, came the protest in the land convention against the public land policies of the federal government. Governor Buchtel called the gathering to order. Senator Thomas H. Carter of Montana was made temporary chairman and delivered a strong speech. The position he outlined was that there were many details in the federal policy which must be eradicated or modified. Henry M. Teller, Colorado's senior United States senator, delivered the great speech of the day, hauling the government over the coals. Teller demanded that the federal government go out of the business of becoming a gigantic landlord of citizen tenants. He accused the administration of ignoring the laws and setting up its own rules in defiance of law. James R. Garfield, secretary of the interior, and R. A. Ballinger, commissioner of the general land office, presented the Roosevelt side of the questions in issue. Dr. J. M. Wilson of Douglas, Wyo., was chosen permanent chairman of the convention. Fred P. Johnson of Denver was named permanent secretary. Having been one of the Wyoming presidential electors, and voted as such for Roosevelt, Dr. Wilson created a profound sensation by declaring Roosevelt's western policies wrong, and promising that the west would vote so as to secure its demands. The same ground for the government was gone over at a real estate exchange banquet at the Savoy hotel in the evening, Garfield making the principal talk."

THE BIG LAND convention at Denver adjourned June 20. The resolutions adopted were not so radical against the Roosevelt land policy as was expected. An Associated Press dispatch says: "A letter from President Roosevelt was a feature of today's session. The resolution over which was the most dispute read: 'We oppose any change in the existing laws and customs as to grazing live stock upon the public domain, outside of forest reserves.' The resolutions say that experience has demonstrated the wisdom of the policy of treating the lands of the nation as a public trust to be disposed of in all cases and whenever possible to

actual settlers. The people of the west are unalterably opposed to any change in this wholesome and beneficial policy. Forest reserves should only be created where they do not infringe this policy. In cases the rights of the states and the people of the states to the free and unhampered use of all waters within forest reservations should be not only permitted, but encouraged, and no charge should be imposed thereon. The necessity of forest reservation is recognized, and reasonable regulations by the government commended. The resolutions, however, favor the prompt elimination from forest reservations of all lands not timbered or suitable for reforestation or reasonable use necessary to conserve the flow of streams used for irrigation. It is especially urged that the reports of the special and secret service agents of land department and of the department of agriculture shall be made under oath. A modification of any existing orders which prevent bona fide filings on any of the public coal lands is demanded. The national irrigation law is heartily endorsed. It is asked that congress legislate appropriately with respect to school lands in reservations so that each state deprived of these lands may receive its full quota of lands or its equivalent for the purpose for which they were originally intended. It is finally demanded that in states wherein forest reserves are situated and not desired and are excessive, the reservation should be reduced to reasonable limits, whether the land restored contains timber or not."

SENATOR THOMAS M. PATTERSON is opposed to the administration's land policy and in an editorial printed in the Denver News, says: "The west is opposed to government landlordism. On that there will be no compromise. We object to the leasing system, both because it is a visible sign of the landlordism we are fighting and because it tends to perpetuate the evil from which it springs. We want the land filled with homes. And we know that homemaking is hindered by red tape; hindered by anything which grants a title, even though temporary, to the big cattle and sheep companies whose interests lie in a sparse population. We have no objection to the conservation of the forests. We do not deny that the lack of regulation of public lands has resulted in some unlovely things. But we know, too, that the worst of these are trifles compared to what may spring from a landlord who is backed by all the powers of the national government, and we have no disposition to mend bad with worse. The free settlement of the vacant lands has done more to build up the country than all other factors put together. We see no reason why the present administration should be allowed to put an end to the period of home expansion. When the land is really used up we shall know it without any information from Washington; and, until that time comes, we object to having a limit arbitrarily set to our growth and prosperity."

IN THE HAYWOOD trial at Boise, Idaho, the prosecution introduced Supreme Justice Goddard of the Colorado supreme court as a witness to corroborate, in part, Orchard's testimony. The Associated Press report says: "To Justice Luther M. Goddard himself fell the task of telling the story of the finding and preservation for use as evidence of the bomb with which Orchard tried to kill him. His appearance on the stand added another to the many dramatic scenes and situations that have characterized the trial, and his testimony was clear and minutely circumstantial. The veteran Colorado jurist testified that the first information that he received about the bomb came to him from Orchard's confession, which was shown to him at Denver on February 13, 1906, by Detective McParland. He at once returned to his home and in his gate discovered the screw-eye which Orchard said he placed there. It was rusted and corroded by ten months' exposure. The witness said he examined the ground outside the gate where Orchard said he placed the bomb and found a slight depression with the soil packed very hard around it. The bomb was dug up the next day by General Bulkeley Wells, who used his pocket knife to cut the soil away and raise the pine box containing the bomb. There was a small phial on top of the box, and attached to the rubber cork of the phial was a piece of rusted wire. The bomb and its attachments were at once taken to the office of the Pinkerton detective agency and carefully sealed in wrappers and envelopes that were signed by half a dozen witnesses, including Justice Goddard, and after that they were placed in a vault to the door of which five seals, including

that of a notary public, were attached. There they rested until the following May 22, when believing the Haywood case was to come to trial they were removed in the presence of the same witnesses and all save three of the forty sticks of giant powder contained in the bomb were exploded. The explosions occurred in the presence of the witnesses at a point in the suburbs of Denver, and of the bomb itself twelve giant caps and two wrappers torn from sticks of giant powder were saved as evidence."

IT HAS BEEN announced that President Roosevelt will ask congress to remit a large part of the huge indemnity exacted from China after the boxer uprising. The Washington correspondent for the Chicago Record-Herald says: "The president long ago conceived this plan as an act of justice to an oppressed nation, and steps have been taken, unsuccessfully, to have other powers do the same thing. It is presumed, however, that the action of America in taking the initiative, may result in other powers following suit and relieving the Chinese government from a debt totaling nearly a billion dollars. President Roosevelt's intention was made public, informally, long ago, but today, the Chinese minister said he received an official note from Secretary Root saying that the president would ask congress to remit all of the indemnity in excess of the actual expense the United States government was put to because of the rebellion in China. 'This shows better than anything else,' he said, 'the remarkably high sense of justice the United States has used in all her dealings with China. You remember that after the boxer troubles China agreed to pay an indemnity of \$24,440,778.81 on account of the losses entailed by the United States government as well as for personal property lost by her citizens during the boxer campaign. Four years ago your government was good enough to promise me that when the time arrived, as a token of sincere friendship for China, the original figures of the indemnity would be revised. True to the promise of the executive officers, I received a note from Secretary Root saying that the president directed him to say that in his next message to congress he would be pleased to recommend that China be relieved of all obligations in excess of the final revised amount of the indemnity, which had been set at \$11,655,492.69. That, as you can see, will save China over \$12,000,000 and also an interest at four per cent. You can not emphasize too strongly my great admiration for the fair spirit which has always characterized the dealings of the United States with my country. This final action is another monument to America's high sense of justice and I feel called upon to say—not because I am the retiring minister—that personally I feel that America is one of China's strongest friends.'"

ON ANOTHER page will be found a letter written by Hon. Boyd Winchester, formerly United States minister at Berne, Switzerland, to the editor of the Louisville Courier-Journal. About seventeen years ago Mr. Winchester wrote a book entitled The Swiss Republic in which he described the initiative and referendum as they are in operation in Switzerland. The book was dedicated to Henry Watterson and the chapter relating to the initiative and referendum was recently published in full in the Courier-Journal. The letter reproduced in this issue was intended as a supplement to the book. It might seem like a cruel joke that Mr. Winchester played on Mr. Watterson in dedicating to him a book explaining and commending the initiative and referendum, but that was before the politicians discovered how undemocratic and un-American it is to let the people have their way in matters of government. It used to be popular for democrats to trust the people and it is still popular with most democrats, but Mr. Watterson has joined the class that looks upon our system as an "admirably regulated representative system," and sees in the introduction of the initiative and referendum "the substitution of a Grecian democracy." However, in spite of the fears of those who talk of "half-baked verdicts" and "mobs organized to suit exigencies of conglomerate agitation," popular government moves on. There was a time when all sorts of objections were conjured up when the popular election of senators was suggested, but within the last fifteen years the national house of representatives has five times declared for that reform, twice when the house was democratic and afterward three times when the house was republican. This reform will come and the republic will not only still live, but it will be the better for the reform. So it will be with the initiative and referendum when they are understood by the public.