

CURRENT TOPICS

THE DEATH of Judge John J. Jackson on Labor Day was a coincidence that was noted thousands of the older members of American trades unions. Judge Jackson earned the sobriquet of "the iron judge" by reason of his many drastic injunctions against union men. In his anxiety to protect property rights Judge Jackson often lost sight of human rights. It was he who sent "Mother" Jones to jail for daring to make a public address in violation of his injunction, and he enjoined a Methodist preacher from conducting a prayer meeting of striking coal miners in Pennsylvania. At another time he enjoined striking miners from walking the public highways to and from meetings of their local union. The abuse of the injunction writ was forcibly demonstrated by Judge Jackson on many occasions. He was the last of the federal judges appointed by President Lincoln. He resigned a few years ago on account of ill health and advancing age.

A BOISE, IDAHO, dispatch carried by the Associated Press follows: "The indictment returned last April by the federal grand jury against Senator William E. Borah, and other prominent men charging conspiracy to defraud the United States government was served on the defendant, Borah, today. Besides Senator Borah, Frank Martin, attorney general of Idaho during Governor Steunenberg's administration; S. G. Moon, millionaire, stockholder of the Barber Lumber company, residing in Wisconsin; J. L. Wells, P. H. Downs, John Kinkaid, L. M. Pritchard, William Sweet, Albert M. Palmer and H. S. Rand are named in the indictment. The indictment charges them with having entered into an unlawful combination in September, 1901, to secure by fraudulent means timber lands in Boise county. Senator Borah has been accorded the privilege of a separate trial."

THEODORE E. BURTON, now a member of congress, has issued a statement saying that he is willing to accept the republican nomination for mayor of Cleveland, Ohio. Mr. Burton's statement follows: "I will accept the nomination for mayor of the city of Cleveland, provided assurance is given: First, that the platform of the party and those who are to be its candidates will clearly show that absence of any alliance or affiliation with any public corporation or street railway and that the problem of the relations of the municipality to the companies can, under my leadership be settled by the official selected with supreme regard for the interests of the people. Second, that the delegates in the convention next Saturday will cooperate with me in nominating a good representative ticket. It is my understanding that others whose names have been mentioned for the mayoralty nomination have kindly consented to waive their claims, in case my name is presented to the republican convention. I make this statement with a feeling that the step which I am taking is a duty. I have received letters from President Roosevelt and Secretary Taft and have talked with Secretary Garfield, whose opinions have aided me in reaching a decision. At an early date the views of each of them may be made public." At the republican city convention Mr. Burton was nominated.

WHEN THE Chicago and Alton immunity question came before Judge Landis after the postponement an interesting scene took place. A Chicago dispatch describes it in this way: "The special grand jury had assembled when District Attorney Sims caused a surprise that took on the proportions of a mystery. Turning to counsel, Judge Landis asked: 'Have you gentlemen any matters for my consideration this morning?' Instantly District Attorney Sims arose and replied: 'I am here, if the court please, in the matter of the special grand jury investigation, and in that matter I wish to ask for a postponement. In compliance with the suggestion of the court, made at the time of the convening of the present grand jury, the facts and circumstances in connection with the

matter under investigation have been submitted to the department of justice and I had expected to be able to report to the court this morning its views and findings. Very recently, however, a situation has arisen which in my judgment makes it very desirable that I have time to submit to the department certain facts and circumstances in addition to those already submitted. For these reasons I have the honor to request that further action in the matter be postponed for three or four weeks. I regret the necessity for asking the court for this postponement, but it seems to me in view of what I know in connection with the case to be unavoidable.' 'How much time do you want?' inquired the judge. 'I think not less than three weeks—three or four weeks. It seems to me highly desirable that when the matter is again called we be able to take definite action on it. Three weeks from today will be the 24th.' 'You may inform the grand jury that they are at liberty to take a recess until 10 o'clock on the morning of September 24,' concluded Judge Landis. That was all the court proceedings. Neither Judge Landis nor District Attorney Sims believes the Alton acted in 'good faith' and the evidence of a traffic clerk is cited to substantiate this opinion. The utterance 'very recently, however, a situation has arisen,' is a mystery to the railroad attorneys who were deeply disappointed at the court's action. After court adjourned, Sims said: 'I can not now say more than I said to the court. It is true that matters came up recently, very recently, which must be referred to the department of justice before final action in this case. In fact, I did not determine definitely to make the motion I entered until thirty minutes before the opening of court.' Judge Landis was seen in his chambers. 'I am going fishing,' was his first comment on the case, but later said, 'I don't know as much about what the district attorney has in his mind, I suppose, as you do. But if I did know I wouldn't tell you, because it's a matter that still is before me.'

THE STORY of the immunity sought to be granted the Chicago and Alton Railroad company for its part in the offense for which the Standard Oil company was fined \$29,000,000 promises to attract public attention for some time to come. Attorney General Bonaparte has issued this statement: "On August 14 Judge Landis asked, in substance, that the department of justice consider portions of the transcript of testimony in the case of the United States against the Standard Oil company of Indiana in order to determine whether the Chicago and Alton Railroad company, its officers and employees, were entitled to the benefits of an agreement assuring them of immunity against criminal prosecution in connection with the granting of certain rebates to the Standard Oil company. The department, in compliance with the desire of Judge Landis, examined the above mentioned records and carefully investigated the entire subject, and as a result of such investigation the attorney general on August 29 wrote Edwin W. Sims, United States attorney at Chicago, informing him in substance that the agreement was shown to have been made in June or July, 1906, by C. B. Morrison, Mr. Sims' predecessor in office; that Mr. Morrison's action appears to have been duly authorized at the time by the department, that in the opinion of the department the arrangements had greatly facilitated the indictment and conviction of the Standard Oil company, and that while certain portions of the evidence might have been open to unfavorable comment, the department regarded the government as bound in good faith, and also as a matter of public policy, to give effect to the agreement. Mr. Sims was instructed to read this letter when the grand jury reconvened on September 3, and to take such further action to the foregoing end as might seem to the court and to himself appropriate in the premises. The department learns that Mr. Sims did not comply with these instructions by reason of his having had called to his attention very recently certain new, and, in his judgment, material facts, which he thought should be submitted to the department for its further

consideration before its conclusion should be finally announced. For this purpose, he asked, and was granted by the court, a delay of three weeks. The department is not as yet advised as to what are the facts thus ascertained by Mr. Sims. It has great confidence in his sound judgment and devotion to duty, and it awaits his report before taking further action in the premises. Inasmuch, however, as the circumstances may be liable to misconstruction, it is deemed proper to submit now the present statement to the public."

A MOST INTERESTING prophesy in this connection is made by the Washington correspondent for the St. Louis Globe-Democrat who says: "If Judge Landis insists upon a prosecution of the Chicago and Alton road he can succeed in having the road indicted, tried and possibly convicted. If he does so the president will pardon the officials convicted. The president of the United States would seriously consider the pardoning before trial of the officials if Judge Landis insists upon their indictment and attempts to carry forward their prosecution, instead of extending them immunity as contemplated and desired by the administration. If Mr. Sims, the United States district attorney at Chicago, persists in his determination to evade the instructions of the attorney general and not dismiss the grand jury, and resists immunity for the railroad, he will be dismissed from the government service and his successor appointed. These facts were pretty well established here today. In addition, it was learned that Mr. Sims was called upon by the attorney general yesterday to make an immediate telegraphic report as to why he failed to carry out the instructions given him and insist upon the discharge of the grand jury now considering the Alton case. He made a telegraphic report to Mr. Bonaparte at Lenox, Mass., but this was not at all satisfactory to the attorney general, who has ordered him to make a further report. The administration will not act until convinced that the district attorney has fully made up his mind not to follow the instructions given him."

THIS SAME republican authority further explains: "It becomes evident that a part of the interest taken by the administration in the immunity of the Alton arises from the fact that it has proceeded along the same lines as in the Standard Oil company case to secure a conviction and indictment of other concerns it is after. The administration sees that in the event of failure to carry out its immunity promise to the Alton it will fail to secure desired evidence from the other concerns to which it has made similar promises. The proposition that the president will pardon before trial, while seemingly unusual and startling, is not so much so, in the view of department of justice officials, when it is remembered that there are direct precedents in a number of states where men have been pardoned before trial or convicted. It is said the department of justice law authorities have discovered authorities both in Kentucky and Kansas, and that the president will not hesitate to act if necessary to carry out what he believes to be a promise binding upon his administration. The removal of Sims, unless he can make some new and strong representations to the attorney general, seems to be well decided upon in the interest of discipline, and to show the sincerity of the administration in its efforts to carry out its pledges. It is admitted that Judge Landis may, if he chooses, appoint his own prosecuting officers and secure the desired indictment, and may also try to conduct a trial. For the first time today the argument on the side of Judge Landis was secured. It was to the effect that no harm could be done by the indictment of the Alton, and that it would be a good 'club' to hold over the road in the event further testimony was desired from the officials of the road. It was said in behalf of Judge Landis that in case his decision was demanded for rehearing, it would then be desired to have the testimony of the officials of the road, and that they might, if given immunity at this time, have some surprising memory lapses in