

# CURRENT TOPICS

THE NEW York World does not intend to rely upon a single candidate in the plans that it is making for the democratic party for 1908. The World says: "The World has already presented John A. Johnson, governor of Minnesota, as an available western candidate for the democratic nomination for president. It takes equal pleasure in presenting Woodrow Wilson as a southern candidate, no less available and with presidential qualifications exceeded by those of no man whose name will be presented to any national convention."

A CABLEGRAM under date of London, January 8, carried by the Associated Press follows: "The expected meeting of the note holders of the Chicago Great Western Railway company, with A. B. Stickney, president of the company, was held this afternoon. It was decided to appoint a receiver for the company to maintain the status quo during the time necessary to prepare a first mortgage bond covering all the indebtedness of the road, and to obtain a vote of the stockholders on this measure. There were many note-holders at the meeting. Subsequent to the meeting the following notification was issued by the London agency of the company: 'At a meeting held today of some of the holders of the Chicago Great Western railway notes which mature shortly, the president of the company announced that, in order to maintain the status quo, it had been decided by the London finance committee that application should be made to a United States court for the creation of a temporary receivership until such time as the company shall have obtained authorization from its stockholders for the issue of first mortgage bonds to an amount sufficient to finance its requirements.' In the federal court at St. Paul, Minn., Judge Sanborn appointed A. B. Stickney and Charles H. F. Smith, both of St. Paul, as receivers for the Chicago Great Western."

THOSE WHO have waged war against graft in San Francisco were greatly discouraged by the decision of the California Court of Appeals which released former Mayor Schmitz from prison. A San Francisco dispatch tells this story: The district court of appeals handed down a decision today setting aside the judgment in the case of former Mayor Eugene E. Schmitz, convicted of extortion in the French restaurant cases. Abe Ruef also benefits by the ruling of the upper court, for, according to its decision, he pleaded guilty to an act that was not an offense against the laws of the state. According to the appellate judges the compelling of French restaurants to pay big "fees" to Abe Ruef was not a crime, even though Ruef divided the "fees" with the mayor. After discussing the point the court reversed the judgment against Schmitz on the ground that no acts constituting a crime had been proved against him. Abe Ruef, who pleaded guilty to extorting money from the French restaurants is therefore equally guiltless.

BY A VOTE of five to four the United States supreme court declared the employers' liability law unconstitutional. A Washington dispatch says: "That the congressional act known as the 'employers' liability law' is not in accordance with the constitution of the United States, because it goes beyond the bounds permitted in the regulation of interstate commerce, was the conclusion reached by the supreme court of the United States in deciding two damage cases coming to the court from the federal courts of Kentucky and Tennessee which were brought under the provisions of the law. The decision was announced by Justice White, the court standing five to four on the provision of the law. Among the men who voted not to sustain the statute there were different shades of opinion. Much interest was manifested in the result of the court's deliberations. Justice White read the opinion of the court. The chief justice, Justice Brewer and Justice Peckham joined with Justice White in the result arrived at, but they did not follow him in his assertion of the power of congress to regulate the relation be-

tween the master and servant. Justice Day concurred in the decision. Justice Moody dissented entirely, holding that the law is constitutional on all points. He expressed the opinion that congress had the general power to pass the act, and the court's position was an interference with the domain of the legislative branch of the government. Justices Harlan and McKenna united in an opinion affirming the constitutionality of the act, but holding it to be applicable only to employes engaged at the time in interstate commerce and not to those engaged wholly in the state in which the accident happened. Justice Holmes also delivered a brief dissenting opinion. Summed up, the court stood five to four against the constitutionality of the law, Justices Harlan, McKenna, Holmes and Moody sustaining its validity, and the other members of the court holding the opposite position."

PRESIDENT ROOSEVELT caused to be made public two letters which he had written to Secretary of the Navy Metcalf relating to Admiral Brownson. The Washington correspondent for the Cincinnati Enquirer says: "In the first of these letters the president devotes himself to Admiral Brownson's action in retiring when directed to place a staff officer in command of a naval vessel because he adhered to the old naval precedent that only line officers should be in command of ships. He characterizes Admiral Brownson's actions as 'highly injurious to the service,' and adds, further, that his action has undoubtedly been prejudicial to the interests of the navy, and may severely impair the confidence which is essential to securing the legislation sorely needed. In his last letter the president defends the plan of placing a physician connected with the medical staff in command of a hospital ship in preference to a regular line officer, and cites the fact that Japanese hospital ships were put under the command of medical officers during the war with Russia. Mr. Roosevelt's action in making these letters public just before the reconvening of congress is taken as a defiance of the members of the senate and house who have criticised his stand in this case. In fact, the president makes his defiance definite one in his last letter, in which he says that hospital ships of the navy will hereafter be in command of medical officers of the navy 'unless otherwise ordered by congress.'"

THE ATTACK upon Admiral Brownson by the president was a general surprise. The Enquirer's correspondent says: "In official circles here it is a matter of general comment that the stand taken by Admiral Brownson is indorsed by all line officers. Immediately after Admiral Brownson retired Captain Cameron McRae Winslow, who succeeded to the command of the bureau of navigation temporarily, called the attention of the secretary of the navy to the fact that Surgeon-General Rixey had violated the naval code in criticising a superior officer. No attention was paid to this protest by the president or the secretary of the navy, however, and Captain John E. Pillsbury was selected to take permanent command of the bureau. Captain Pillsbury, while he refuses to be drawn into the controversy, is known to hold the same views entertained by Admiral Brownson."

FOLLOWING THE publication of Mr. Roosevelt's letters to Secretary Metcalf there was considerable criticism because Admiral Brownson's letter of resignation was not also made public. Later the president gave out the Brownson letter with the following line: "The following correspondence was inadvertently omitted from that made public this morning." Brownson's letter follows: "Sir: In April last I was detached by your order from the command of the United States Asiatic fleet and ordered to Washington and appointed chief of the most important bureau in the navy department, the bureau which under the secretary is charged with matters relating to the personnel, the discipline and the efficiency of the fleet. This transfer from a command which ranks second in importance afloat to one which is second to none on shore coming on the eve of my re-

tirement from active service, while not to my personal liking, was deeply gratifying to me, as it appeared to be an evidence of your confidence in my professional ability. In order, however, that any efforts of mine to maintain a high standard of efficiency and discipline in the service be attended with success, it is absolutely essential that I should have the confidence of the service at large as well as that of higher authority. The efficiency of the fleet can only be maintained when the officers and men feel that the chief of the bureau of navigation has the confidence of the commander-in-chief of the army and navy when a strong military spirit exists in the service. Anything that shows a lack of confidence or that tends to break down this military spirit, which has been the safeguard and principal asset of the navy since its beginning, can but impair such efficiency. The recent order placing a medical officer in command of a hospital ship is, in my opinion, and as I have endeavored on several occasions to point out to you, clearly opposed to the intent of the law; is a radical departure from established naval usage and is fraught with danger to the efficiency of the fleet, will tend, I believe, to break down the military spirit of the service, and shows a want of your confidence in my advice regarding a matter so vital to the best interests of the service. I am left, therefore, with no alternative but to tender my resignation as chief of the bureau of navigation, much as I regret to sever my active connection with the service to which I have been devoted and to which I have given my best efforts for over forty-six years. Very respectfully, Willard H. Brownson, chief of bureau." The president's letter of acceptance is as follows: "Sir: I accept your resignation to take effect immediately. You will this afternoon turn over your office to your assistant, Captain Winslow, informing him that he is to act until such time as your successor is appointed and qualified. Very truly yours, Theodore Roosevelt."

A NUMBER OF senators and representatives are quoted as saying that there will certainly be an investigation of the Brownson affair, and it is understood among Admiral Brownson's friends that he may demand a court of inquiry. It is pointed out by some of the president's critics that he took it upon himself to denounce as "disloyal" a naval officer and simply because the naval officer disagreed with the president on a matter of detail. Naval officers have not discussed the matter in public, but Park Benjamin, a lawyer, who was formerly a commissioned officer of the navy, gave the New York World an interesting statement. Mr. Benjamin said: "I agree with the president, that it is the duty of those highest in rank to set an example because of the far-reaching effect and therefore the example which he has set himself will naturally be the most effective of all. I know of no law or custom which permits any one connected with the military or naval service of the United States, including the commander-in-chief, to scold in public by way of disciplinary punishment. If in the exercise of his undoubted discretion he saw fit to give an order to any subordinate and that subordinate declined to carry it into effect, his plain duty was to deal with that subordinate in a dignified, lawful manner. He might have ordered him before a court-martial to answer a charge of disobedience of orders, or in case of a commissioned officer he might possibly have dismissed him from the navy under the clause in the commission of that officer which reads: 'This commission to continue in force during the pleasure of the president of the United States for the time being.' If on the other hand he did not consider that the officer had committed so grave an offense, as disobedience of orders, but nevertheless had done something deserving simply of a reprimand, it may be pointed out that a reprimand is one of the well recognized punishments always to be inflicted by the action of a court-martial and not at the mere will or whim of a superior. The president has not seen fit to adopt either course, but on the contrary merely to rail at the offending subordinate in a public proclamation. If ever an officer of the navy should follow the ex-