CURRENT TOPICS

IN ADDITION to the indictments against the New York World by the federal grand jury in the District of Columbia, the federal grand jury in New York City has returned indictments against the World and Caleb Van Hamm, one of the World's editors. An Associated Press dispatch says: "It is understood the indictments are framed under the federal omnibus statute which authorizes the prosecution for an offense committed on federal territory not mentioned in the United States revised statutes to be conducted according to the existing state laws."

ON THE EVE of the inaugural William H. Taft made this public statement concerning his predecessor: "It is difficult for one with the depth of affection that I feel for Theodore Roosevelt to give a judicial estimate of the man, but I verily believe that when the historian twenty-five or fifty years hence shall describe his administration and the influence that he has exerted as the chief magistrate of the country, he will accord to him a place with Washington and Lincoln, and that he will treat him, as we are prone now to regard Washington and Lincoln, as providentially raised up to meet an exigency in the country's history that was only less important than the revolution and the civil war."

PENNSYLVANIA democrats held a banquet at Pittsburg March 4. The banquet was under the auspices of the Allegheny County Bryan league. Mr. Bryan addressed the banqueters. An Associated Press dispatch says: "More than 1,000 guests were at the dinner. Owing to an engagement to deliver a lecture earlier in the evening Mr. Bryan did not arrive at the dinner till after midnight and it was considerably later when he began to speak on "The Present Hour." George W. Acklin, of Pittsburg, was toastmaster. Mr. Bryan was loudly applauded when he arose to speak. He launched at once into a resume of the recent campaign and said that before the election he had expected to win, but now instead of being surprised at being defeated he feels more surprised that the democratic party polled as many votes as it did. Mr. Bryan said he would rather be the defeated candidate of the democratic party and have the support that he received and the votes of the 6,000,000 people than be president and feel that he owed it to the powers that corrupt. The speaker referred to the many times he had been called a dreamer, and told the parable of Joseph, where the dreamer had corn when needed. Mr. Bryan said he would be entirely satisfied if people would think of him as a builder who had done the best he could and helped make the building of good higher."

SEVEN MEMBERS of the senate committee on judiciary signed the report declaring that President Roosevelt without authority of law, sanctioned the absorption of the Tennessee Coal and Iron company by the United States Steel corporation and that the merger was in violation of the Sherman anti-trust law. Two of the majority of the committee, however, attached certain individual views, which to a degree minimized the effect of the declaration. An Associated Press dispatch says: "Upon an agreement reached in the committee on judiciary, any views submitted have the standing of individual opinions only. Chairman Clark reported the disagreement in the committee and soon afterward Senator Culberson presented the views of seven members of the committee. These were signed by Senators Nelson, Kittredge and Foraker (republicans), and Culberson, Bacon, Rayner and Overman (democrats). The additional views were given by Senators Nelson and Bacon. In the opinion of Nelson the president was not authorized to permit the absorption, which is declared to have been in violation of law. Nelson thought, however, that the president may have been misled or duped by the officials of the United States Steel corporation, Messrs. Frick and Gary, who urged upon him the necessity of permitting the steel corporation to buy the Tennessee concern in order to save a business institution of New York City during the panicky days of October and November, 1907. Bacon expressed doubt whether the senate should pronounce finally upon the question whether the president committed a wrongful act for the reason that the senate is judge in impeachment proceedings. He takes the position that the merger was illegal, but that the senate should not take any action to prejudice any proceedings that might hereafter be brought before it. From the report signed and submitted it appears that had it not been for the illness of Senator Bacon and his absence from the committee of yesterday the report declaring the president acted without authority of law would have been adopted as the opinion of the committee. In any event Senators Culberson and Kittredge take the position that a majority of the committee has reported that the merger was illegal and that the department of justice should proceed against the United States Steel corporation to dissolve it. Later Senator Foraker filed his individual views declaring that he did not think it necessary for the committee to consider whether the transaction was a violation of the anti-trust law. He said that the reply of the committee should be confined to the one question as to whether the president was authorized to permit the merger and that this should be answered in the negative. In view of the fact that representatives of the steel corporation called upon the president and asked his advice concerning the transaction and that the question also was submitted to Attorney General Bonaparte, Senator Foraker took the position that the steel corporation should not be condemned for its action."

PRIOR TO inauguration day the New York World printed this editorial: "President Roosevelt was sworn into office four years ago on a new gilt-edged Bible bound in red morocco. He was following the precedent by which the clerk of the supreme court furnished the book for the case. Mr. Taft will take his oath on the century-old frayed and stained Bible of the supreme court itself. At his first inauguration McKinley used a monster Bible presented by bishops of the African Methodist church. Mr. Cleveland used on both accessions to office a Bible inscribed 'Stephen Grover Cleveland, from his mother.' Followers of the prophets and soothsayers will be interested in the chapter and verse which Mr. Taft's lips shall touch as the clerk of the supreme court holds the open book before him. It is of record that on his first inauguration McKinley bent to these words: 'Give me now wisdom, that I may go out and come in before this people; for who can judge this Thy people that is so great?' On his second installation, six months before the tragedy at Buffalo, Mr. McKinley kissed these lines in Proverbs xvi.: 'He that handleth a matter wisely shall find good; and whoso trusteth in the Lord, happy is he. The wise in heart shall be called prudent; and the sweetness of the lips increaseth learning.' Usually the Bible on inauguration day opens near the middle. It was this fact, perhaps, which forbade us March 4, 1905, a prophetic reminder from II. Kings of one whose progress was 'like the driving of Jehu, the son of Nimshi; for he driveth furiously.'"

UNITED STATES District Attorney Joseph B. Kealing at Indianapolis, has resigned his office on account of the indictments brought against the Indianapolis News and the New York World. Mr. Kealing's letter of resignation is as follows: "Indianapolis, Ind., March 2.—To the Attorney General, Washington, D. C.—Sir: I beg to inform you that I have today sent my formal resignation as United States attorney for the district of Indiana, to the president of the United States with the request that the same be accepted not later than March 15, 1909. I am informed that indictments have been returned by the grand jury of the District of Columbia against Delavan Smith and Charles R. Williams, proprietors of the Indianapolis News, for criminal libel, and that steps will be taken to remove them to that district for trial. As both are in this district, under the law it will become my official duty to assist in such removal proceedings. For almost eight years I have had the honor of representing the government as United States attorney. During that time I have prosecuted all alike, without fear or favor, where I had an honest belief in their guilt. I have been compelled on several occasions to prosecute personal friends, but in each case I only did so after thorough investigation had convinced me of their guilt. In this case I have made a careful investigation of the law applicable thereto. As to the guilt or innocence of the defendants on the question of libel I do not attempt to say. If guilty they should be prosecuted, but properly indicted and prosecuted in the right place, viz.: At their homes. It is only with the question of removal that I have to do. I am not in accord with the government in its attempt to put a strained construction of the law to drag the defendants from their homes to the seat of the government to be tried and punished, while there is a good and sufficient law in this jurisdiction, in the state court. I believe the principle involved is dangerous, striking at the very foundation of our form of government. I can not therefore, honestly and conscientiously insist to the court that such is the law, or that such construction should be put on it. Not being able to do this, I do not feel that I can, in justice to my office, continue to hold it and decline to assist. In order, therefore, to relieve us both of any embarrassment, I have tendered my resignation and have asked that it be accepted not later than March 15, 1909. I have made it of this date in order that President Taft—for whom I have the highest respect and admiration—may have time to name my successor. (Signed.) Respectfully, Joseph B. Kealing, United States Attorney." A Washington dispatch carried by the Associated Press says: "Mr. Kealing's standing with the department of justice is said to be high. In connection with the Elkhart bank case Mr. Kealing prosecuted and convicted all the officials of that institution, including Walter Brown, who was his close personal friend, and a member of the republican state committee."

CHARLES G. LITTLE, professor of corporation law in the Northwestern University law school, Chicago, has written an interesting article for the Illinois Law Review. Mr. Little's article relates to the twenty-nine million dollar fine imposed upon the Standard Oil company by Judge Landis. Mr. Little declares that in making this fine Judge Landis was entirely right legally, ethically and morally. In the course of his argument, which is carefully built up from fundamental principles, Professor Little handles the decision of the United States circuit court of appeals unsparingly. He explains his delay as due to a desire to wait until the "heart of unintelligent controversy" had abated. He takes it for granted that Judge Landis was, as charged by his enemies and boasted by his friends, actually striking at the Standard Oil company of New Jersey, which was not convicted, when he inflicted his fine on the convicted Indiana corporation. The real problem in this branch of American jurisprudence, says Professor Little, is "How shall the real corporate culprit be punished when, in the network of intercorporate relation, it is often times well nigh impossible, not morally nor ethically, but legally, to find that guilty person." The professor's conclusion is as follows: "If the New Jersey company was the owner of the stock of the Indiana company, then it was, in fact, though not in name, before the bar of the court for punishment. To deny it would be only wilfully blinding our eyes to the real situation. The government having been content not to inflict it, its punishment could be inflicted only directly through the power of the court to punish the Indiana company. The learned judge who wrote the opinion of the court of appeals has confused the idea of conviction with that of punishment."