

# CURRENT TOPICS

THE SPRINGFIELD (Mass.) Republican says: "With the payment of over \$2,000,000 to the United States government on account of frauds on the customs revenue, the American Sugar Refining company now turns to face a suit by New York City to recover \$500,000 alleged to be due for water stolen from the city's mains. It was found some years ago that several water pipes ran into one of the trust's refineries, which were not metered, one of them being a ten-inch pipe. The company has offered to settle for \$74,000, but the city declines to consider any settlement under \$250,000. As in the case of the customs frauds, the high officers of the company deny any knowledge, yet it does not appear in either case that the thievery benefited any one except the company. There is obviously rascality in the management somewhere, and it is in order for the company to assist the government in locating it through criminal prosecutions. Otherwise the country will conclude that some of our trusts are no better than highway robbers among the people and sneak thieves around the public treasury."

THE NEW YORK World of May 4 printed the following: "The first aerial message ever transmitted between Chicago and New York was received late Sunday night at the station of the United Wireless Telegraph company, on top of the Waldorf-Astoria. The message was from C. C. Galbraith, general manager of the company, to the home office, and was as follows: 'From Chicago, Ill., to C. Marshall, New York. Can use Goodrich one Shoemaker set, one KW, with United Receiving set. Ship tomorrow.—C. C. Galbraith.' The message came in 'strong,' in the parlance of wireless operators, and was received by S. W. Hance, night operator at the Waldorf-Astoria station. Ever since wireless telegraphy has been established on a commercial basis scientists have questioned the possibility of transmitting aerial messages over land for long distances. The transmission of this message and the conversation held between the operators at each end of the 'line' proves that the scientists have been wrong in their figuring. The Chicago station is on top of the Auditorium Annex."

GOVERNOR Shallenberger of Nebraska, issued a formal proclamation designating Sunday, May 9, as "Mothers Day." Governor Shallenberger's proclamation follows: "Several years ago Miss Anna S. Jarvis of Philadelphia conceived the idea of designating a day upon which there should be, in every part of the world, a simultaneous observance of the love and reverence which men and women owe to their mothers. In the language of the gentle author, 'Mothers day is the one holiday the whole world can observe as one nation. The new holiday is to be observed by men, women and children wearing a white flower which will make heart speak to heart throughout the world, will light the flame of brotherhood and make the occasion not only a sentimental observance but, as far as possible, clothe it with the sanctity and dynamic power that comes from organized effort.' By general agreement and by concerted action in various sections the second Sunday in May, 1908, was observed as 'Mothers Day.' In Nebraska the day was so generally observed and with such satisfactory results that I have been asked to aid the effort to extend the scope of the organized celebration of this day by giving to it the sanction of the governor's proclamation. I gladly comply with this request. The idea of mothers day is not idle sentimentalism. It has well been called 'the highest representative of the purest bit of practical sentiment that has ever taken hold on the hearts of men.' An organized tribute to the mother's love resolves itself into an organized tribute to the mother's law, and recognition of the mother's law means love for country, for comrades and for God. In recognition, therefore, of this pure sentiment, I, Ashton C. Shallenberger, governor of the state of Nebraska, do hereby designate and set apart Sunday, May 9, 1909, the same to be known as 'Mothers Day,' and I ask that all Nebraskans—men, women and children—shall, upon

this designated day, wear a white flower. I do further recommend that on this new holiday the sick and afflicted be visited by their more fortunate fellows; that flowers be sent to those who rarely receive such tokens, to the poor in hospitals and to the sinning in prisons; that fruit and other gifts to cheer be sent to asylums for orphans, to old people's homes and to hospitals for the sick or the insane. Recommending that this day be so observed as to make it of practical service to mankind and to give it a permanent place in the list of Nebraska holidays, I do hereby affix my signature as chief executive of the state."

REPRESENTATIVE Murphy, republican of Missouri, introduced a resolution calling for an investigation of Federal Judges John F. Phillips and Smith McPherson. In his resolution Mr. Murphy accuses Judges Phillips and McPherson of being unduly friendly to the railroads and with having taken fishing trips with railroad attorneys. The two judges have issued statements in which they vigorously deny the charges. Frank Hagerman, leading counsel for the railroads in the Missouri rate cases, also sent a telegram to Attorney General Wickersham defending the two judges. On May 6 Representative Murphy made a long statement in the house regarding his resolution of inquiry. He complained because Mr. Hagerman, the railroad lawyer, had in his telegram to the attorney general denounced the charges in the Murphy resolution as "an outrageous tissue of misrepresentation by one who has no knowledge of the fact." Mr. Murphy then notified the members of the judiciary committee that he would, at once, formulate charges of impeachment against the two judges.

THE UNITED States supreme court rendered a decision May 3 in which it practically destroyed the Hepburn railroad rate law. Referring to the Hepburn law and this particular decision the Washington correspondent for the New York World says: "The law was designed to destroy the monopoly enjoyed by the anthracite coal carrying roads, owners, directly or through subsidiary corporations, of the greater part of the eastern Pennsylvania coal fields. It forbade interstate roads from carrying commodities manufactured, mined or produced directly or indirectly by them, which meant, if enforced, that the railroads must surrender, absolutely, all proprietary interest in the mines. The idea was to destroy discrimination against individual miners and provide for fair competition. The law was one of far reaching interest, one of the most important ever passed at Washington, bearing not only upon the future cost to the public of a necessary of life, but involving also an essential prohibition as to the asserted constitutional rights of common carriers. The value of the railroads, as represented by their securities held by many hands, was at stake as the law passed to the courts for the test of legality. The United States circuit court of the eastern district of Pennsylvania, sitting at Philadelphia, declared, on September 10 last, the law to be confiscatory and unconstitutional. The problem went to the federal supreme court one month later, and was argued in January last. Meanwhile, the railroad and financial world has been anxiously waiting a decision. The crux of the decision of today lies in this paragraph of the document: 'It has been decided in this court that ownership of stock in a corporation does not make the owner of the stock the legal owner of the property of the corporation. It does not give him a legal standing as respects interest in the property of the corporation in which he holds the stock.' While the opinion of the lower court is reversed and the law pronounced constitutional, it is held that railroads have a right to own any or all of the stock in a subsidiary corporation that mines and sells coal. The railroad company may transport this product in interstate commerce, if it has parted with the ownership in good faith before beginning the process of hauling. The imposition of discriminatory freight rates is prohibited, but nothing is said concerning the furnishing of cars

or side trackage to competitors. The first construction placed upon the commodity clause is completely reversed by the supreme court. The intention of the provision was to require all railroads to absolutely divorce themselves from all business other than that of common carriers. Under the conclusion of the court, the Pennsylvania, Reading and New York Central, owners of all the stock in their subsidiary companies operating coal mines, are clearly within their constitutional rights, and are permitted to transport the product, provided it is sold to bona fide purchasers before the transportation begins. The Delaware, Lackawanna and Western and the Lehigh Valley, which own the coal mines in their individual right, must not transport coal beyond the limit of the state where mined. In order to meet the opinion, they must reorganize and turn the coal mines over to holding companies after which the product may be handled, after being sold to purchasers. The decision is a sweeping triumph for the railroads. The mere fact that the constitutionality of the act is upheld is more than offset by the construction put upon the intent of congress. The opinion of the court lacked unanimity only by the dissent of Justice Harlan upon one point. He contends that the act prohibits any railroad transporting articles or commodities if, at the time, it legally or equitably owns stock in the producing corporation."

THE SCOPE and effect of the supreme court's commodity clause decision is described by the New York World in this way: "The opinion was entirely favorable to the railroads. The supreme court, in effect, holds that the Pennsylvania, Reading and New York Central railroads, owning stock in corporations that control coal mines, are well within their constitutional rights. They are permitted to transport this product through interstate commerce. The Lackawanna and the Lehigh Valley, which own coal mines directly and operate them, are forbidden to transport the coal beyond the confines of the state where the product is produced. It is declared that no railroad must prescribe discriminatory rates, but must give the same charges to other operators as are furnished to coal handled from the mines they own. The decision thus points out the method by which any railroad may continue to mine and sell coal. The only essential point is that a company must be organized to perform the actual work of mining, although the railroad may own the stock of the holding company."

THE TAFT administration is no more inclined to take on the Roosevelt enemies than it is to carry out the Roosevelt policies. The Washington correspondent for the New York World says: "When the Tafts went into the White House society whispered among its own little circle its curiosity to know just what Mrs. Taft would do about recognizing those who were not in favor of the White House during the Roosevelt regime. It was not long before society found out that Mrs. Taft proposed to be as level-headed about that as about looking after her household affairs, for almost the first distinguished guests to be received by the president and his wife were Mr. and Mrs. Bellamy Storer. The Storers had been persona non grata since the time when Mr. Roosevelt had been placed in an embarrassing position at Rome through Mrs. Storer's supposed activities in behalf of Archbishop Ireland for a cardinalship. When they came to Washington and called at the White House society stood aghast—not because it was not all right, but because it was so unexpected."

Commenting on the banquet tendered Judge Dickinson by the Iroquois club of Chicago after his appointment to the cabinet, a republican organ said it was a case of "extremes meeting"—a democratic club banqueting a democrat who has been appointed a secretary in a republican president's cabinet. To which Louis F. Post of Chicago retorted that it was just like "extremes meeting" in the case of a dog biting its own tail—it was the extremes of the same dog.