CURRENT TOPICS

THE UNITED STATES supreme court has rendered an opinion in the Alabama peonage cases with the result that four Alabama men will go to prison for alleged peonage practices. A Washington dispatch to the Richmond (Va.) Times-Dispatch says: "Sentences of imprisonment imposed upon W. S. Harlan, Robert Gallagher, C. C. Hilton and H. E. Huggins, of Alabama, on peonage conspiracy charges, were allowed to stand as legal by the court. These were the first convictions under the recent crusade of the federal government against peonage. W. S. Harlan, general manager of the Jackson Lumber company, with mills near Lockhart, Ala., was arrested in 1906, together with C. C. Hilton and S. E. Huggins, employes of the mills, on a charge of conspiracy to commit the statutory offense of 'peonage.' They were accused specifically of having conspired to arrest and to return to the lumber camp of the company a Hungarian named Rudolph Lanniger, to work out an indebtedness alleged to be due to the company. Harlan was sentenced to serve eighteen months at hard labor in the federal penitentiary at Atlanta and to pay a fine of $5,000; Hilton and Huggins each to serve thirteen months and to pay a fine of $1,000. The supreme court declined to review the trial upon application of the convicted men, but the cases were brought to the court on an appeal from the refusal of the circuit court of the United States for the northern district of Florida to release them on writs of habeas corpus. They demanded their release on the ground that the sentence included hard labor and because the grand jury was not organized in accordance with the law. In a second case, Robert Gallagher, logging superintendent of the Jackson Lumber company, was convicted on a similar charge and sentenced to fifteen months in the penitentiary and to pay a fine of $1,000. He, too, vainly sought release on habeas corpus."

WHILE REFUSING to say that states may "gerrymander" their territory for congressional districting purposes independent of limitations by congress the United States supreme court has dismissed for want of jurisdiction the appeal from an attack on an alleged "gerrymander" in Kentucky. The court held it was without jurisdiction, because the case concerned the congressional election of 1908, and therefore the case now raised only a mooted question. A Washington dispatch to the Richmond (Va.) Times-Dispatch says: "Judicial proceedings were begun in Kentucky in 1907 to test the alleged 'gerrymander' of the state for congressional election purposes. Charles Richardson, of the Fourth congressional district, filed a suit asking that the secretary of state and his successor be enjoined from printing on the official ballots in 1908 the names of certain candidates for congress. It was claimed by him that the act of the Kentucky legislature had 'gerrymandered' the Eleventh, Eighth and Third districts in violation of statutes of congress and the constitution. Such discrepancies existed in the apportionment, it was claimed, that a voter in the Eighth district availed in voting more than one and four-fifths times as much as a voter in the Eleventh. At the election in 1908, it was argued before the supreme court, the republicans carried the Eleventh by over 21,000, while the democrats carried the Eighth by about 1,700 and the Third by about 500. The Kentucky court of appeals held that it had no power under the state constitution to review the action of the legislature in districting the state for congressional purposes, and it questioned the power of congress to do so."

THE OLD SUBJECT of the official tenure of a United States senator appointed by a governor is revived in the case of "Lafe" Young of Iowa. The Sioux City (Ia.) Journal says: "It is reported that a group of Iowa City law professors, after an examination of the case, has decided that should the legislature fail to elect the successor of Senator Dolliver the governor's appointee will hold the place until his successor is elected and qualified, provided the time does not extend beyond the term for which Senator Dolliver was elected. That is to say, the legislature may meet and adjourn without electing a senator and Senator Young will continue in the place by reason of his appointment by the governor until March 3, 1913, unless his successor meantime should be named at a special session of the legislature. The Iowa City law professors are reported to have found a case back in the early '80's that they think establishes a precedent; but they are mistaken. If the legislature should fail to elect during the session with its adjournment the governor's appointment would lapse. The constitution of the United States provides: 'If vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.' The law professors at Iowa City are respectfully referred to the case of the late Senator Quay, of Pennsylvania. His second term as senator expired March 3, 1899. The legislature was in session and failed to reelect him. He was on trial for the misappropriation of public funds, and following the adjournment of the legislature, namely, on the 21st of April, 1899, he was acquitted, and that same day he was appointed by Governor Stone senator ad interim. The senate refused to recognize his right to the seat, and the seat was vacant until January, 1901, when he was elected by the legislature to fill the vacancy caused by the failure of the legislature to elect in January, 1899. His last term expired in 1905, but Senator Quay died the previous year, and was succeeded by Philander C. Knox, by appointment of Governor Pennypacker, in June, and the following January Senator Knox was elected by the legislature."

A SIGNIFICANT development of the British campaign, in the opinion of a writer in the Lincoln (Neb.) Journal, is the swinging over of the conservative party to the support of the principle of direct legislation. This writer adds: "It does not appear that the referendum has yet been made a formal plank of the conservative platform, but it is brought forward more prominently every day by the speakers who wish to preserve the present house of lords. In lieu of the liberal program which would make the house of commons the sole chamber of legislation, under certain restrictions, the conservative speakers now propose to refer to the people every house bill that is unsatisfactory to the lords. This is objected to by the liberals for two reasons—the expense of the elections and the fact that only liberal measures would be forced to run the double gauntlet of parliament and a popular vote. The estimates of the cost of a referendum range all the way from a million to ten millions of dollars. The amount is large because England has no stated elections, as we have in this country, and must hold a special polling as occasion arises. The existing system is a referendum on whether a government shall stand or fall. It involves many questions and the seats of all the members of commons. Of course the expense is enormous. The cost of a referendum 'ad hoc,' or 'on that,' whenever the commons and the lords cannot agree, would be very much less, for no seats would be involved. It is not likely that this arrangement will be carried out, but the fact that it is seriously proposed by the conservative party of Great Britain is very distinctly one of the signs of the times."

MRS. MARY BAKER EDDY, the discoverer and founder of Christian Science, passed away at her home in Boston on the evening of December 3. A Boston dispatch, carried by the Associated Press, says: "Announcement of the passing of the venerable leader, which occurred late last night at her home at Chestnut Hill, was made at the morning service of the mother church in this city, today. 'Natural causes,' explains the death, according to Dr. George L. West, a district medical examiner, who was summoned a few hours after Mrs. Edddy passed away. Later West added that the more immediate cause probably was pneumonia. The news of Mrs. Eddy's death was made known simultaneously by Judge Clifford P. Smith, first reader of the mother church, at the close of the morning service, and by Alfred Farlow, of the Christian Science publication committee, in a statement to the press. According to Mr. Farlow, Mrs. Eddy passed away at a quarter before eleven o'clock last night. 'She had been indisposed for about nine days,' said Mr. Farlow's statement, 'but had been up and dressed, and as late as Thursday transacted some business with one of the officials of the church. She took her daily afternoon drive until two days before her going. Saturday night she fell quietly asleep and those around her could at first hardly realize that she had gone. Her thoughts were clear until the last and she left no final messages. No physician was in attendance, but she had the assistance of the students who comprised her household. With her at the time of her departure were Calvin A. Frye, Mrs. Laura E. Sargent, Mrs. Ella S. Rathvon, the Rev. Irving C. Tomlinson, her corresponding secretary; William R Rathvon, and her secretary, Adam H. Dickey.'"

THE PRESIDENT'S MESSAGE

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tion specified in that bill. Also a punishment of fine and imprisonment upon railroad agents and shippers for fraud or misrepresentation in connection with the issue of bills of lading issued upon interstate and foreign shipments.

He says he does not recommend any amendment to the anti-trust law. On this point he concludes: "In other words, it seems to me that the existing legislation with reference to the regulation of corporations and the restraint of their business has reached a point where we can stop for awhile and witness the effect of the vigorous execution of the laws on the statute books in restraining the abuses which certainly did exist and which roused the public to demand reform. If this test develops a need for further legislation, well and good, but until then let us execute what we have. Due to the reform movements of the present decade, there has undoubtedly been a great improvement in business methods and standards and in the earnestness of effort on the part of business men to comply with the law. They are now seeking to know the exact limitations upon business methods imposed by the law, and these will doubtless be made clearer by the decisions of the supreme court in cases pending before it. I believe it to be in the interest of all the people of the country that for the time being the activities of government, in addition to enforcing the existing law, be directed toward the economy of administration and the enlargement of opportunities for foreign trade, the building up of home industries, and the strengthening of confidence of capital in domestic investment."

RECALL IN ARIZONA

The Arizona constitutional convention, by a vote of thirty-five to eleven, adopted a clause extending the operation of the recall to the entire judiciary. With this provision the recall applies to all elective officers of the new state. Phoenix dispatches say: "Arizona standpatters predicted that President Taft and congress would veto the new state constitution because of this clause, which they assert will make it absolutely impossible for the president to accept the new constitution."

Arizona constitution makers can afford to hold the advance ground they have taken. Recall is certain to be generally adopted in this country. Arizona is simply a few years ahead of other states.