

as is possible by a stricter application of the law, and it should be sustained in its effort.

But not a word in the message about excessive railroad rates. While commending such construction of the second class law as threatens every paper without a political "pull" with the virtually discretionary judgment and possible bias of the third assistant postmaster general, on economic grounds at that, the president has nothing to say against the greater abuse of railroad transportation rates. Yet this abuse is quite as manifest as the other, the only difference being that it is fostered by the department while that is curtailed.

In a very careful examination made in 1897 by Finley Acker, a well-known resident of Philadelphia, for the National Board of Trade, of which he was president, Mr. Acker exposed this railroad abuse. His facts have never been disproved nor his conclusions refuted, and similar conditions still exist. His investigation was not made with reference to second class matter, but with reference to the possibilities of one-cent instead of two-cent postage. Mr. Acker found that in 1890 the railroad charges to express companies were less than six-tenths of a cent a pound as against 6 and 58-100 cents paid in 1897 for mail matter. This comparison is inconclusive, for the average length of haul, which is 328 miles for mail matter, had to be assumed for express companies to be the same distance. It was admitted also that in some respects express carriage is not so expensive to the railroad companies as mail carriage, though in other respects it is less so. In a comparison, however, of mail transportation with passenger transportation (which is more expensive to the railroads than mail transportation) Mr. Acker found that the passenger fare in 1896 for an average haul of 328 miles, being the average haul of mail matter, was \$6.67; or, allowing 150 pounds for passenger and 50 for baggage, at the rate of  $3\frac{1}{4}$  cents a pound for a haul of 328 miles, whereas the rate paid by the government for mail matter was  $6\frac{1}{2}$  cents — nearly twice as much. Apart from these evidently excessive rates for hauling, Mr. Acker furthermore reported that the government pays the

railroads annual rentals for mail cars which are from  $1\frac{1}{2}$  to twice the actual cost of the cars. That is, although these mail cars cost only from \$2,500 to \$4,000 to build, the railroads get in rentals from the post office department \$6,250 for each car each year.

As it is not our purpose to go fully into the details of the excessive railroad charges for transporting mail matter, these general results of Mr. Acker's investigation will serve for the present. They indicate sufficiently that the postal deficit is not wholly due to abuses of the second class privileges, but that department favors to railroads are chargeable with it to no inconsiderable degree. They serve also to suggest a motive for the expenditure of so much official energy upon second class abuse, and for the manifest disposition through department rulings to make second class privileges difficult of acquirement, especially by persons who use them for the dissemination of ideas which are not popular within the precincts of the second class postal bureau and in the directors' rooms of railways.

#### IV.

Regarding second class privileges considered by themselves, the whole system is wrong. They are in practice privileges to be passed upon by a department bureau; they should be rights to be had promptly upon application at any post office. The controlling question should be one of pounds and ounces and not one of bureaucratic red tape.

We do not mean by this that publishers should be allowed to use the mails at a loss to the government. Publishers should have no greater rights than other business concerns. That they now have is wrong. What we mean is that the second class right should not raise a question of exceedingly low postal rate, certainly not of unremunerative rates. It should be a question principally of convenience in mailing.

If second class matter does fairly cost some eight cents a pound for transmission, as the department asserts, then let the government charge that much for it. Let publishers, all publishers, pay eight cents a pound.

If this were done the government would be at no loss on account of sec-

ond class matter, and need draw no fine bureaucratic distinctions, capable in application of favoritism on one hand and of oppression on the other. The only needed distinction would be that second class matter should consist of any kind of periodical publications which are mailed in bulk at regular intervals.

So long as the present second class system prevails, the department can favor particular publications while suppressing others. Those which escape discipline will be disposed to disregard excessive cost of mail transportation, provided they bear none of it, and to be indifferent to the fate and rights of publications which are denied second-class privileges. Those that come under the shadow of the bureau's displeasure must go down. They cannot pay higher postal rates than favored competitors and survive; and they cannot assume the burden of sticking a stamp on every copy. All that would be changed by putting every periodical publication, regardless of its character in other respects, into the second class, and fixing second class postage at a remunerative rate. Invidious discriminations would then be impossible; and if the second class rates were kept high by exorbitant railroad charges, the whole press of the country would get upon the trail of the railroad ring. The true reform, therefore, of the second class system, is not to restrict its benefits to publications selected by a bureau clerk, or even by a cabinet officer; it is to charge a remunerative rate of postage and open the conveniences of second class matter to all periodicals, regardless of the fine distinctions which make the second class privilege now so much a matter of bureaucratic favoritism.

## NEWS

So far as official action can end it, the Schley controversy has been ended by the approval by the secretary of the navy, sanctioned by the president, of the majority report of the court of inquiry, of which Admiral Dewey was president.

The substance of this majority report, of Dewey's minority report, and

of the objections to the majority report which Rear Admiral Schley laid before the department, was given in these columns (pp. 581-583) last week. Subsequently, on the 20th, Rear Admiral Sampson filed with the department a formal protest against so much of Admiral Dewey's minority report as declared that Schley was in supreme command at the naval battle of Santiago. Schley's application for a copy of this protest was denied. Also on the 20th the judge advocate filed his reply to Schley's objections. The case was now for the first time fully before the secretary for final action. On the following day, the 21st, the secretary dissolved the court and rendered his decision. It was as follows:

The department has read the testimony in this case; the arguments of counsel at the trial; the court's findings of fact, opinion, and recommendation; the individual memorandum of the presiding member; the statement of exceptions to the said findings and opinion by the applicant; the reply to said statement by the judge advocate of the court and his assistant, and the brief this day submitted by counsel for Rear Admiral Sampson traversing the presiding member's view as to who was in command at the battle of Santiago. And after careful consideration the findings of fact and the opinion of the full court are approved. As to the points on which the presiding member differs from the majority of the court, the opinion of the majority is approved. As to the further expression of his views by the same member with regard to the questions of command on the morning of July 3, 1898, and of the title to credit for the ensuing victory, the conduct of the court in making no finding and rendering no opinion on those questions is approved—indeed, it could with propriety take no other course, evidence on these questions during the inquiry having been excluded by the court. The department approves the recommendation of the court that no further proceedings be had in the premises. The department records its appreciation of the arduous labors of the whole court.

In connection with the Schley controversy, one over Gen. Miles has arisen. When the decisions in the Schley case were made public, Miles allowed the Associated Press to telegraph over the country an interview in which he said:

I am willing to take the judgment of Admiral Dewey in the matter. He has been a commander of a fleet, and as such has known the anxieties and responsibilities which rest on a man under these circumstances. He was in-

strumental in the destruction of one Spanish fleet, and knows and realizes the feelings that encompass an officer under such conditions. I think Dewey has summed up the matter in a clear and concise manner, and I believe his conclusions will be indorsed by the patriotic people of the United States. I have no sympathy with the efforts which have been made to destroy the honor of an officer under such circumstances.

As the army regulations prohibit—deliberations or discussions among military men conveying praise or censure or any mark of approbation toward others in the military service—

the secretary of war officially asked Gen. Miles on the 19th for a written explanation of his interview. The general, in a letter of the 20th, replied:

My observations, as substantially reported, had no reference to the action, pending or otherwise, of a coordinate branch of the service. They were merely my personal views, based upon matters set forth in various publications which had been given to the world and concerning which I conceive there was no impropriety in expressing an opinion the same as any other citizen upon a matter of such public interest. My observations were in no sense intended as a criticism of any action taken by a coordinate branch of the service, and the statement that I had no sympathy with any efforts tending to disparage a distinguished and gallant officer likewise had no such reference.

In a further explanation on the 21st he wrote:

For several years a distinguished and gallant officer has been assailed by parties who have endeavored to write him and other high officials down, until finally he appealed against such assaults to a coordinate branch of the government. That coordinate branch of the government granted him a court of inquiry, and, as I understand it, they unanimously exonerated him from such epithets as coward, poltroon, etc., and their opinions were given to the public for the information of all citizens. When I said that I had no sympathy with those who had endeavored to destroy the reputation of a high officer, who, like all other officers, regards his honor more sacred than life, I had in mind and referred to those assaults against which the admiral had appealed for protection and justification, and certainly not to a coordinate branch of the government.

The matter culminated on the 21st in an official reprimand by the secretary of war, the essential parts of which are as follows:

By direction of the president I communicate to you his conclusions upon

your course in the interview to which your attention was called by my letter of the 19th inst. Your explanation of the public statement made by you is not satisfactory. [Here follows a lengthy discussion of the military proprieties in the matter, in the course of which the army regulation noted above is quoted.] It is of no consequence on whose side your opinion was, or what it was. You had no business in the controversy and no right, holding the high office which you did, to express any opinion. Your conduct was in violation of the regulations above cited and the rules of official propriety; and you are justly liable to censure, which I now express. [Here comes the signature of the secretary of war, followed by the following postscript]: P. S.—Your second letter of explanation, dated to-day, received since the above was written, does not change the case. The necessity for repeated explanations but illustrates the importance of the rule which you have violated.

In addition to the foregoing department reprimand President Roosevelt personally and impetuously rebuked Gen. Miles in conversation at the White House on the 21st.

Another outcome of the Schley investigation relates to Edgar S. Maclay, the naval historian whose third volume of the history of the American navy made against Schley the charges of cowardice, on the basis of which Schley demanded the court of inquiry. Maclay is a civil service employe in the navy yard at Brooklyn, and upon the rendering of the verdict of the court removing from Schley the stigma of cowardice, President Roosevelt demanded his resignation; but Maclay declined to resign, insisting that as a civil service employe he cannot be removed without an opportunity to be heard in his own defense upon charges of violating civil service rules, and on the 24th President Roosevelt peremptorily ordered his discharge. Maclay declares his intention of appealing to the civil service commission and if necessary to the courts.

The disturbed situation in Venezuela (referred to at pages 330, 344, 362 and 376, and fully explained at page 312), has assumed a new phase. For some time President Castro has suspected a conspiracy in his own party to overthrow him; and on the 22d of November he caused the arrest of Ramon Guerra, the minister of war, who had recently been elected second vice president, together with a num-