

sought, namely, the advantage of having the metropolis of the country in Republican hands during the next presidential campaign. In these circumstances it is highly important to the Democratic party of the nation that the regular Democrats of New York city name the best possible man as their candidate for mayor. The Democrats of the country at large may justly hold them accountable if, by naming a weak or corrupt candidate, they promote this Republican scheme to establish by Democratic votes a Republican administration over the Democratic metropolis during the presidential year.

It may seem strange that the New York court which tried Czolgosz refused to sentence him to death upon his plea of guilty. Why try a man for a crime which he formally confesses? is a reasonable question. The answer also is reasonable. It is because experience has proved that there is danger of executing innocent men if their pleas of guilty be accepted as final. Not only have innocent men been known to plead guilty to capital crimes, but there are instances of their making circumstantial confessions to crimes of that character which have never been committed. For that reason the English and American courts have long refused to pass capital sentences upon pleas of guilty. In Illinois the courts do not sentence for a crime above the grade of misdemeanor without an inquiry into the facts. There was, therefore, nothing novel in the refusal of the Buffalo court to receive Czolgosz's plea of guilty as conclusive. The court followed the usual and long established practice of examining into the proof of the crime.

So there is nothing to be thrilled with in those gratulatory exclamations in the newspapers to the effect that Czolgosz was forced to have a fair trial whether he would or no. In a sense he had no trial. There was a fair, and, under the circumstances, sufficient, inquiry. But had he been insane and had that issue been raised,

not only would this not have been a fair trial, but he could not have had a fair trial. What expert alienist would have dared to risk his reputation by coming forward as a witness and testifying that Czolgosz was insane, with the press of the country clamoring for a speedy conviction and ready to denounce any and everyone who might possibly contribute to an acquittal? What lawyer would, under those circumstances, have dared defend Czolgosz as James T. Brady defended Sickles? What juror would have dared to vote for acquittal, knowing that he would probably be mobbed before he got to his home? Fortunately, for the good name of American criminal procedure, there was no necessity nor excuse in this case for a contested trial. No facts existed upon which to base a defense for Czolgosz. Beyond dispute he deliberately and with premeditation fired the pistol which killed; and evidently, as his conduct now shows, he was not insane. It was possible, therefore, to conduct his trial decorously and speedily to the fatal end, and this was done. To all appearances at least, the prosecutors, the judge, the assigned counsel and the jury did their duty fairly and with dignity. Except by those who oppose capital penalties in all cases, no objection can fairly be raised in this case to the regular execution of the sentence of death.

But there are vicious-minded men who, not satisfied with exacting the utmost penalty of the assassin, would pursue the innocent family. This order of mind is faithfully represented by the Cleveland Leader, the Republican organ of northern Ohio. The assassin's father, as innocent of the crime as an unborn babe, a poor and hard-fisted workingman, had got a laborer's job at digging water trenches for the city of Cleveland. When this fact was discovered by the Cleveland Leader it opened fire with flaring headlines. Of course the real object of the attack was not the poor father of the culprit. It was the Democratic administration of Cleveland, under

which this old man was working at trench digging. But no feeling was shown for the father nor his family. Since his son had shot the president he must be denied the privilege of earning a living by hard work, lest, forsooth, the Cleveland Leader might lose an opportunity to use the national tragedy for partisan purposes. There is a degree of ghoulishness about that which defies adequate comment. The story has a sequel, however, that furnishes its own comment. An inspection of the Cleveland poll books on file with the board of elections, shows that the assassin's father and all the assassin's brothers are Republicans. They have voted regularly at the Republican primaries in Cleveland. So it seems that instead of encouraging assassination by giving the assassin's father employment at digging city trenches, as the Cleveland Leader charges upon Mayor Johnson, Mr. Johnson's administration has simply followed its policy of getting work done for the city instead of either giving jobs or denying jobs for party reasons.

Mayor Johnson's reappearance before the state board of railway equalization in Ohio, (see p. 356), postponed from the 14th to the 21st on account of the murderous attack on the president, gave him no chance to be heard. The railway attorneys did not make an oral argument. They merely submitted briefs in opposition to the power of the board to revalue railway property. Mayor Johnson was given until the 25th to reply.

A criminal proceeding in the federal courts in Florida was instituted last month which seriously concerns every good citizen of this country. By good citizen we do not mean mob-inciting citizens, whether from the slums, the editorial chair, or the pulpit. Neither do we mean those still more dangerous citizens who clamor, upon every excuse, for a strong and invasive central government, and to whom the wholesome principle of the law that all men are presumed to be