licans, or Democrats who train with the Republican machine; but mostly Republicans. No reason, therefore, has yet appealed to the Republicans to repudiate this law of their own making. But Johnson has proved to be that anomaly in modern official life, a democratic Democrat; and not only that, but one who knows how. He is consequently recognized as dangerous to those plutocratic interests from which the Republicans get campaign funds and to the political service of which they are pledged. The Republican attorney general of Ohio, has therefore brought suit in the supreme court of the state, composed of Republicans, to declare the Republican law federalizing the local government of Cleveland to be unconstitutional.

The ostensible reason is (1) that the constitution of Ohio forbids special legislation, and (2) that this law applies only to Cleveland and therefore is special legislation. If the second clause of that contention is true now, it has been true all these ten years. It was true when the Republicans enacted the law and it was true when they governed the city pursuant to the law. They seem, therefore, to regard this law as the traditional hunter did his gun, the sights of which were so adjusted that he could fire at an animal concealed in the bushes, in full confidence that he would hit it if it were a deer and miss it if it were a calf. This Republican law was, in Republican estimation, to be a law of Republicans and for Republicans to be killed by Republicans when Republicans should be defeated at the ballot box.

A decision favorable to the attorney general in this Cleveland case would have one important result—possibly two. It would, for one thing, throw Mayor Johnson's cabinet appointees out of office and weight him down with appointees of the Republican governor. These Republican appointees could overrule him in all important matters and make him virtually their clerk. In other words, such a decision would overturn the election results of last spring in Cleveland, by making the administration Republican in fact though Democratic in name, when the people intended it to be Democratic in fact as well as in name. It would be "ripper" adjudication, to borrow an adjective which admirably describes a kind of legislation that has recently become popular in Republican legislatures. The additional possibility is that this would in turn make Mayor Johnson stronger than ever in popular estimation, not only in Cuyahoga county but throughout the state of Ohio.

It is to be regretted that a man who is usually so judicially minded as Judge Phillips, of Cleveland, should have overstepped the barrier which the law erects between judge and jury, and undertaken to administer a rebuke to a jury in a criminal case for a verdict of acquittal which he did not approve. If the question of guilt or innocence had been within his province, he should have dismissed the jury and decided the case himself. Of course it was not within his province. The law required him to leave the verdict to a jury, and to be bound absolutely by its decision if favorable to the prisoner. But in that case he had no right to scold the jury for its verdict, no matter how much he thought the verdict wrong. If he had reason to believe the jurors corrupt, he should have laid the facts before the grand jury. If he had none, then it was his duty to be as mute regarding their performance of a function peculiar to juries as it was theirs to be mute regarding his performance of functions peculiar to judges. If they had rebuked him in open court for his rulings or his charge, he would have punished them for contempt. Yet they would have had as much right to do that to him as he had to rebuke them. Probably he would have held them in contempt had they at once remonstrated with him for invading their province and rebuking them for their decision. Yet they would have been justified in remonstrating on the spot; and it is to be hoped that some juror will sometime be courageous enough to do this, respectfully but firmly, when a judge forgets himself as Judge Phillips is reported to have done in the Cleveland case. Some of the jury in that case are doing the next best thing. Ten of them have joined in a written protest in which they demand that Judge Phillips either have their action investigated or retract his unwarranted arraignment. In that demand the absurdity of the judge's action is pointedly indicated, by the unanswerable proposition that "if the verdict of the jury is subject to criticism, then the jury system is a farce, and the judge might just as well try the case and render the decision." The credit for having set on foot this much needed movement for vindicating the rights of jurors, and through them of persons on trial, against impertinent interference or criticism by judges, is due to W. B. Kettringham, editor of the Collinwood News, who happened to be one of the rebuked jurymen.

Rather serious humor was that of the Chicago street railway company which, in issuing passes to aldermen last week, made each pass read: "Pass So-and-So, employe." While some aldermen do not object to being street car employes, the wages being fat and strictly confidential, none of them can be expected to relish being so described on their passes.

At last the long delayed British report of the death rate for October in the South Africa reconcentrado camps has been published. It is coupled with the report for November. According to these reports the number of deaths for October was 3,156 and for November 2,807. Of the 3,156 in October, 2,633 were children, and of the 2,807 in November, 2,271 were children. The number of prisoners for these two months was 111,879 in October and 118,255 in November; and the table of reconcentrado casualties as previously reported

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(p. 486), with the addition noted above, is as follows:

	Total prisoners.	Deaths.	Rate per year per 1000.
June	85,410	777	109
July	93,940	1,412	180
Aug	105,347	1,878	214
Sept	109,418	2,411	264
Oct	111,879	3,156	336
Nov	118,255	2,907	276

The suspicions heretofore noted that the October report was being held back because it probably showed an increase in the number of deaths is fairly confirmed.

JOHN SWINTON.

With the death of John Swinton—conventional journalist but unconventional agitator—there passes away another pioneer of the modern American labor movement.

Swinton stood for no particular phase of labor agitation, but for labor agitation in general. Though he sympathized with trade unionists, he was not wedded to trade unionism. Though he had much in common with socialists, he was not a socialist. Though he sympathized with anarchists, he cared nothing for the philosophy of anarchism. He welcomed Henry George's teachings, but he did not espouse them—he did not even grasp them and probably never tried to. He neither had nor wanted a reform programme. So far as his mind was affirmative at all, it was so only poetically. Robust fighter though he was, as well as poetical in temperament, he fought as an iconoclast, trusting with the confidence of the poet that when the bad has been torn away something good will spring up in its place. But while he pushed every programme aside, he encouraged the makers and promoters of all programmes. Belonging to no school of labor agitation, he gave Godspeed to every school. "Stern old iconoclast" that he was, it appeared to make little difference to him how the existing industrial order might be got rid of, or what order might replace it. Since nothing could be worse, as he viewed the matter, the first thing to do was simply to get rid of it.

A strenuous rebel against the existing order, he was always ready to volunteer in a fight with any other rebel for its overthrow. The same spirit had animated him in that earlier form of the American labor struggle known as the anti-slavery conflict, from which he and the late James Redpath and also Wendell Phillips—so unlike personally but so like in humanitarian impulse and rugged crudeness of method—emerged into the modern labor movement. Slavery was to him the sum of all iniquities, and his ideal of an anti-slavery leader was John Brown, of Ossawatomie. But Swinton's all-round hero was Victor Hugo. This great poet and agitator of France was his model if he had a model. Had his environment been similar to Hugo's, his career would doubtless have resembled the Frenchman's. If, like Hugo, he had no programme as an agitator, like Hugo he had convictions; and his convictions, like Hugo's, were on the humanitarian side. Vague though they were in outline, in character they were intense.

A life-long friend of Charles A. Dana, yet Swinton never swapped the impulses of his earlier manhood for gilded flesh pots, as Dana did; and Dana's loyal friendship for Swinton, which ended only with his own death, testifies to his lingering love for the democratic aspirations to which, in common with Swinton, he had once been devoted.

As a rebel waging guerrilla warfare upon hoary wrongs, Swinton's service was doubtless valuable. If he did no more, at any rate he helped stir up stagnant respectability. Better appreciated twenty years ago than now, he may be still better appreciated in the future. Though his usefulness was limited by the negative character of his crusading, he leaves behind him nevertheless a record for moral courage which is badly needed in these days when records of brute bravery are held up to young men as worthy examples.

NEWS

The verdict in the naval court of inquiry, organized in August last to report upon the conduct of Rear Admiral (then Commodore) Schley in Cuban waters during the Spanish war, has been rendered. Upon several questions at issue the court is divided. Admiral Dewey, the president, having made special findings at variance with some of the findings of the official verdict.

This court was appointed at the request of Rear Admiral Schley himself (p. 250), his conduct having been, as he asserted in a letter of July 22 to the navy department, scurrilously impugned by the recently issued third volume of Maclay's history of the navy, the first two volumes of which were then used as a text book at the naval academy. As at first announced, the court consisted of Admiral Dewey, president, Rear Admiral Lewis A. Kimberly and Rear Admiral E. K. Benham (p. 265); but Admiral Kimberly having asked to be excused, Rear Admiral Henry L. Howison was appointed in his stead (p. 280); and Admiral Howison being deposed for his bias (372), the final appointment (pp. 375-76) was of Rear Admiral Francis M. Ramsay. The court as organized consisted, therefore, of Dewey, Benham and Ramsay. Its verdict, accompanied by Admiral Dewey's dissenting report, was made public on the 13th.

A comparison of these two documents with the official directions of the department (p. 265), under which the court acted, yields the following result as to eight of the inquiries propounded, namely (1) Schley's conduct in the Santiago campaign; (2) his movements off Cienfuegos; (3) the reasons for his going from there to Santiago; (4) the movements of the flying squadron off Santiago; (5) Schley's disobedience of department orders; (6) the question of coaling the flying squadron; (7) the question of destroying the Spanish cruiser Colon at the entrance to Santiago harbor in May, 1898; (8) and the question of withdrawing the flying squadron from Santiago harbor to a distance at sea at night:

Regarding the second inquiry, Schley did not proceed with the utmost dispatch to Cienfuegos and blockade that port as close as possible, as he should have done. And no efforts were made by him "to communicate with the insurgents to discover whether the Spanish squadron was in the harbor of Cienfuegos, prior to the morning of May 24," although he should have endeavored to do so on May 23 "at the place designated" in the memorandum delivered to him at 8:15 a. m. of that date.

Regarding the first, fourth, fifth and sixth inquiries, that he did not proceed from Cienfuegos to Santiago

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