in less than half an hour, and without hesitation, upon the first ballot? Can it be assumed above all peradventure that this was because the evidence was irresistibly convincing beyond a reasonable doubt? May it not have been due to fear? For, had not the jurors been semi-officially forewarned of the punishment in store for them if they refused to convict? Not only were they admonished that if they disagreed with the prosecutor they must be prepared to suffer at the hands of some hysterical mob. They were in a position also in which, if they found themselves in disagreement with him, they must stiffen their moral courage to bear up under a scathing denunciation from him in the newspapers. He came before them in the name and with the dignity of the state virtually to demand that each of them vote for conviction, regardless of his own judgment and conscience, under penalty of being semi-officially denounced as a man of "criminal instincts," as one "unfit for citizenship or association with decent people," as being guilty of "something worse than some crimes" and as "a public enemy." If any of these men saw that publication or heard of it, this second trial was a farce. Considering the denunciations of the dissenting jurors at the first trial, the menace to which they were subjected by a mob, the gratuitous and infamous public attack upon them by the public prosecutor, of all which the jurors at the second trial must have been cognizant, the verdict given was under circumstances which indicate that it was secured by intimidation. A verdict so rendered ought not to stand. If no other functionary interferes to secure a fair trial for this man, then the governor of the state should find a way of doing it. The good name of Illinois cannot bear up under too many notable instances of judicial murder.

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As to Mr. Barnes, after publishing the assault upon the independent jurors which we quote above, he ought not to have been permitted to try the case a second time. The function of prosecuting official is in some degree judicial, and Mr. Barnes was not judicial. Not only should he have been withdrawn from the case by his superior; he should have been dismissed from the prosecutor's office. His letter is a reflection upon the administration of justice in the office that continues to employ him. It is a letter the publication of which would have been in bad taste had the first jury agreed upon a verdict of acquittal, thereby releasing the prisoner finally. But in view of the fact that the prisoner had another trial to undergo, that Mr. Barnes himself was to prosecute, that it was to come on immediately, and that the jurors would be men who had probably seen and might be intimidated by the letter, Mr. Barnes committed a moral crime against good government.

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Unless the administration of justice is to be completely discredited, something should be done to protect the independence of jurors, not only from prosecutors such as Barnes, but also from judges who take it upon themselves to rebuke jurors whose verdicts do not please them. Because there has been an occasional "failure of justice," consisting in an escape of the guilty through the laxness of juries, there seems to be a disposition in some quarters to follow indictments invariably not with trials but with convictions. It is to cater to this anarchistic disposition that some judges rebuke independent jurors, and prosecutors like Barnes publicly insult and libel them. The truth is that the guilty escape oftener through the interposition of judges in the higher courts than through laxness of juries. But even if that were otherwise, jurors should be encouraged to rely upon their individual judgment, and not be hounded when they do so. "Swift justice" may be a good thing, even if it is a characteristic of lynch law. But it is hardly worth having at the expense of fair trials.

One of the good signs of the times is the growing number and expanding influence in their respective states of the weekly papers of radically democratic proclivities, such as the Star of San Francisco and City and State of Philadelphia. Another just added is the Red Wing Argus. A local paper of many years standing, the Argus has now essayed to represent the Democracy of the state of Minnesota. Its prospectus gives promise of good wholesome democratic work, as one brief quotation will show:

Democracy has principles but no programme—just the opposite of our friends the enemy. Democracy's principles are firmly established; the programme has to be hammered out in some open place. . . . Democracy is—has been—shall be—constant to equal rights, forever fighting special privilege. What can't be made to harmonize with that is not Democracy; whatever is necessary to that must be Democratic policy; whatever can be made to square with it may be Democratic programme.

No further guarantee of fidelity to this sound conception of democracy is needed than the fact that the editor of the Argus is John Stone Pardee, whose name as that of a brilliant editorial writer is already familiar in more than one state.

RIPPERISM.

Political movements toward industrial justice seem likely to find their starting-points in cities. Cleveland and Toledo are just now instances in point. The latest newspaper word, is the verb active to "tomjohnsonize." The answer of the plutocrat is the new expression "ripperism."

The cities which become imbued with real democratic Democracy, and show symptons of putting it into effect in the form of laws for the municipal ownership of public utilities, or the placing on the monopolies of something like their true share of the burden of taxation, are to be disciplined and plundered at once by ripper legislation. Indeed in Pennsylvania ripperism was inaugurated for plunder rather than party advantage; and the extent of the stealings of the Quay machine, in the form of franchise grants in cities, made at Harrisburg in defiance of the wishes of the people of the cities interested, togeth-

er with the shamelessness of the robbery, has been something to excite the astonishment and horror of the civilized world.

The Republican majority in Ohio is said to be casting about for means to deprive Cleveland of local self-government by a ripper bill to balk Mayor Johnson; and a modified form of ripperism has been used in Michigan, to hold in check the progressists of Detroit.

Ripperism is based upon the idea that cities are mere creations of the state legislature, with no inherent right to self-government. Pennsylvania courts have long held to this view; and Quay and his crowd found the laws all in their favor. But in Michigan a different state of things existed.

Largely through the opinions and writings of one man, Michigan's great constitutional lawyer, Thomas M. Cooley, ripperism in Michigan has to overcome the obstacle of a splendid series of Supreme Court decisions upholding the inherent right of local self-government in cities. In Pennsylvania, when it is the desire of an unscrupulous machine to rob cities, all that is necessary for the state legislature to do is to pass an act removing the mayor and common council and appointing machine parasites, either resident or non-resident, armed with the requisite license to steal. This has been done time and time again in Pennsylvania. But in Michigan, and all states following the same rule of law, some mode must be found of doing the same thing through the medium of locally elected officers. So we find the Michigan ripper bills but a faint shadow of those of Pennsylvania. Boards are reorganized by state laws, and the appointment of the new boards placed with mayor or council as one or the other happens to be for the moment "right" on the question. But the ghost of Cooley still pronounces its "Thou shalt not" against the real thing in ripperism.

For the courts of Michigan have spoken in no uncertain tones on this point. They have said that the city existed anterior to the state, and the right to build cities and to govern them is a right which men had before any state constitution was adopted. They have said that back of the written constitution is an unwritten constitution, under which cities have the right to local self-government.

Now that the question of local self-government is coming to the front, as an important element in political progress, it is a matter of congratulation that the Supreme Court of another state, Iowa, has taken its stand in favor of the cities, and against ripperism. This vicious principle was sought to be engrafted upon the laws of Iowa in a measure which looked harmless to most people, and may have been well-intended. It was in a law for the taking from the city government of the city of Sioux City and other cities of the same class the control of their water-works, and giving it to boards of commissioners appointed by the courts. It was said that city councils were often corrupt or incompetent, and that the courts would appoint "good men" who would be superior to the wiles of the wire-puller.

The city of Sioux City made a fight against the law. The case has recently been decided in favor of the city, a new law has been enacted providing for boards of commissioners appointed by the mayor of the city, and in most cases the old commissioners have been reappointed, and are now serving as city officers instead of minions of the courts. Superficially, it might be said that nothing has been gained; but the opinion of the court, which has now become a part of the institutions of the state, shows that the gain has been great. It is declared that the control of the state legislature over Iowa cities is not unlimited; and that in the matter of owning property particularly the city cannot be divested of its proprietary rights any more than can an individual.

There is another point in this most important case, equally worthy of note. The judges who were given power to appoint the Sioux City water-works commissioners, were elected in a large judicial district embracing several counties outside of the city. Their exercise of the power of appointment was, therefore, not only an infraction of local self-government, but a delegation of the power of administration of government to the courts. This, said Judge Deemer in the opinion, is surely not a judicial function." "If," says he, "the courts may select city officials, they may also select those who are to administer the affairs of the county; and it is not going too far to say that they may also be authorized to select state officials." This cannot for a moment be admitted as correct.

Altogether, the opinion is a notable contribution to the cause of anti-ripperism. The cities of Iowa may continue to control the property they own, and the municipal ownership cause is relieved of a grave peril. Moreover there is a healthy democracy in the opinion which is refreshing.

"The property-owning and tax-paying classes," says Judge Deemer, "who suffer most from a material point of view under mismanagement and corruption, have the remedy in their own hands, if they choose to exercise it. This remedy is not placing all municipal affairs under the control of the judiciary, but by taking the same interest in the administration of local affairs that they manifest in the conduct of their private business. All authorities seem to agree that legislative and judicial interference in purely municipal matters has tended very greatly to lessen the sense of responsibility on the part of local officials, and upon the part of communities themselves. **

NEWS

Official disclosures of American atrocities in the Philippines, the beginning of which was described last week, are the principal feature also of this week's news. Owing to the censorship over the proceedings before the Senate committee, these disclosures are not reported as fully as they might be. No reporters are allowed at the hearings except representatives of the three press associations, all of which are under the management of sympathizers with the policy of Philippine subjugation. But even these news-gathering combinations are obliged to send out reports of testimony which indicates that a barbarous policy has prevailed. They report Edward J. Davis, formerly sergeant of company M, Twenty-sixth volunteer infantry, as having testified