

the single exception of Russia, nowhere on the continent would physical torture be permitted. But in the United States, this process, which England does not permit at all, is at the will of irresponsible detectives—in the instance in question a private detective apparently employed by the vultures at 26 Broadway, New York,—and physical torture is freely resorted to.

Impeding the administration of justice.

Justice in criminal cases does not consist in convicting and punishing accused persons, as nearly all newspapers, most prosecutors and some judges have come to think. It consists no more in convicting and punishing the guilty than in acquitting the innocent. In order that this ideal of justice may be most completely realized, everything tending to influence officers of the law unduly or unfairly should be avoided. Their work is difficult enough without importing into it the extra burden of doing their duty in the face of intimidating clamors. Especially should jurors be guarded as much as possible from this dangerous species of intimidation. It is worse than "jury fixing," for jurors who are too honest to be "fixed" may be intimidated. And the courts have the power to prevent clamorous intimidation. If it comes from a mob, the trial judge can call upon the peace officers and they upon the military if necessary. If it comes from newspapers during a trial, the trial judge can invoke his power of punishing for contempt, a power judges are not always reluctant to exercise in resentment of criticism of themselves, yet which they seldom if ever use to protect helpless prisoners on trial before them. Johann Hoch, recently hanged in Chicago, was a victim of newspaper clamor, and the trial judge did nothing to protect him from it. He may have been guilty, but he was unfairly tried. Another instance is that of a youth now on trial in Chicago for a peculiarly brutal murder. He is said

to have confessed, but confessions of capital crime by innocent persons are not unfamiliar to students of criminal history, and they are especially suspicious when extorted by "sweat-box" methods. This youth may be guilty. But that is the question on trial, and the trial ought to be fair. Yet, while a jury is being impanelled to determine the question of whether or not he is a murderer, a Chicago newspaper publishes the prisoner's portrait with the word "murderer" printed on his forehead. This is only one journalistic shriek in a continuous clamor with which this prisoner is assailed by all the local papers as he faces his jury. The judge who permits such flagrant acts in obstruction of justice, without exerting all his powers to protect the prisoner, is unfit to preside at a criminal trial. Trials so conducted are not trials, they are lynchings.

Postal censorship of banking.

The Lewis case of St. Louis (p. 778) is a striking instance of the dangerous meddlesomeness of the postal department in private business. Lewis had undertaken to establish a banking business with certain novel features. Whether these features would be useful or not we make no pretense of saying. We are quite convinced, however, that post office "inspectors" (the official name for mail bag detectives) are not qualified judges; and we doubt the competency of a Postmaster General who collected campaign contributions from financial corporations to be used for his chief's election. Yet this Postmaster General, upon the ex parte report of such detectives, did by arbitrary order close the mails to Lewis's banking enterprise. Of course that meant death to the enterprise, for mail facilities are vital to every modern business. The pretense was that the business was fraudulent. But this pretense has been killed by the report of the receiver of the assassinated enterprise, who says of it that every loan and investment

has been liquidated 100 cents on the dollar with interest in full; that the depositors are being paid in full; and that he has already declared dividends to the stockholders of 85 per cent. If that was a fraudulent institution, making loans on wildcat securities, what shall be said of the honest ones whose securities do not pan out in full, whose depositors get but a fraction of their money back, and whose stockholders are lucky if they don't have to submit to an assessment? Besides this evidence of the legitimacy of Mr. Lewis's assassinated business, we have the signed statement of Alexander Del Mar, the distinguished publicist who is editor of the American Banker, that he is satisfied after minute examination that the banking business in question—

however original its method of promotion, or however novel its features and plan of working, was an honestly designed, and an honestly conducted institution and one which, had it not been disturbed, would have proved profitable to its stockholders and depositors and even beneficial to the country at large, by increasing the revenues of the post office department, providing a safe and expenseless money order system and affording facilities to the multitude for obtaining small loans of money upon pledges. I am constrained to add that the dates and other details of the attacks made upon it by the several parties indicated point to a concerted effort, originating in trade rivalry and embittered by malice.

The fact that such a business could be ruined by the fiat of a cabinet officer is reason enough for overhauling the statutes under which an administrative department of the central government has drawn to itself such monstrous power.

Ohio grafters and "home owners."

Corporation influence is not wholly absent from the new legislature of Ohio. This is evident from the action of the lower house on the Metzger bill (p. 806), a bill providing that no street car franchise shall be granted without a peoples' referendum, that a property owner cannot stop the building of a street car line so authorized unless a majority of the prop-