In this case, as in that of the Cuban reciprocity bill, the Republican insurgents deliberately voted for the motion to prevent their doing the very thing which they insisted they wished to do. Such is the stifling power of a party organization under the rigid rules of the House when the party whip is cracked.

ROBERT BAKER.

CLEVELAND.

Cleveland, March 16, 1904.—After the tremendous pluralities the Republicans secured in this State and city last Fall, it was generally supposed that Tom L. Johnson had been eliminated from practical politics, being so completely discredited at home that thenceforth he could be ignored by the Republicans as a "has been," and allowed to serve the remainder of his term in peace, then to follow the example of defeated politicians generally by passing into retirement. But the Republican leaders are evidently fearful that Johnson is not destined to follow the exampe of discredited politicians. For four successive elections he has defeated them here, and notwithstanding their great victory over him last Fall they have already given evidence that they are afraid to meet him in the political arena this spring. They know at what cost they won their victory over him in this county last Fall, and they do not care to have a repetition of that experience, when in all probability they would have the cost and lose, too. In order to avoid a contest with him they have passed what is known as the Chapman bill, a bill to abolish Spring elections.

"Golden Rule" Jones of Toledo is also a factor in this legislation. He has been quite troublesome to the machine in his city and it is intended to retire him as well as Johnson.

An effect of the Chapman bill in Cleveland is to continue in office for eight months, the Mayor, City Solicitor, City Treasurer and City Auditor. They will go out of office January 1, 1906, instead of May 1, 1905.

It likewise continues in office one-half of the members of council, the school director and one-half of the members of the school council; two justices of the peace, and a police judge for a similar period.

This new law makes all municipal, county, State and national elections occur at the same time. The next ballot here will have nearly four hundred names upon it, as there will be about seventy people to be elected and five or six tickets on the ballot.

The so-called "Rickets law," passed at the same time, will submit to the voters of the State a constitutional amendment whereby all municipal elections will occur in the Fall of odd years and all State elections in the Fall of even years. Under the Longworth law adopted two years ago this constitutional amendment can be placed in the party column if endorsed by the State political conventions, thus getting the benefit of the straight party vote either for or against it, as the State convention decides. Without the party vote of the Republican party the amendment cannot carry; so the separation of State from municipal elections is still left in the hands of the Republican State convention.

The citizens of Cleveland are very much excited over prospective school legislation. Two plans are before the legislature for a reorganization of the schools of the State, made necessary by a recent decision of the Supreme Court of the State making all the school laws pertaining to municipalities invalid. These plans are known as the Cincinnati and Cleveland plans.

The former requires a large school council, the members being elected by wards and the council having entire charge of the executive and legislative branches, as well as of the department of instruction.

The latter requires a small board elected at large with legislative duties only. The executive is elected independently. The department of instruction is under a superintendent, responsible only to the executive head and not responsible to any body for the appointment of teachers.

The difference between the systems is, in substance, that the tenure of teachers in Cincinnati is determined by politics, while in Cleveland it depends on efficiency and good behavior. The Cincinnati plan is championed by Geo. B. Cox, of that city, sometimes called "Boss" Cox. The Cleveland plan is unanimously favored by the people of Cleveland regardless of political affiliations, excepting the Republican machine, now known as the "Herrick-Dick-Cox Combination," which has taken up the mantle of the late Senator Hanna. The prominent educators of the State favor the Cleveland plan, and President Eliot, of Harvard College endorses it heartily.

The friends of Mayor Johnson are very jubilant over the situation, as they believe that the independent voters of this city will never be cajoled again into voting a party ticket for the sake of harmony.

D. S. LUTHER.

NEWS

Week ending Thursday, March 17.

Persistent rumors in connection with the Russo-Japanese war (p. 775), rumors emanating, however, from Japanese sources, have for several days encouraged a belief that Port Arthur has been evacuated by the Russians. These rumors have been as persistently denied from Russian sources. There is as yet no conclusive news regarding the matter, but the probabilities are that there has been no evacuation.

Naval skirmishes in the region of Port Arthur have continued, the most important of the war having occurred on the 10th. Reports of this fight are conflicting. They depend upon their origin—whether Russian or Japanese. Taking them all together they indicate that both sides suffered considerable loss in men and ships, but that no decisive or immediate advantage was secured by either.

The strict neutrality of China during this war between foreign Powers on her own territory is demanded by Russia, to the extent even of holding her troops to the south of the great wall. Notice to this effect was reported from St. Petersburg and Pekin on the 10th to have been given to China. In obedience to that notice the Chinese government must not send troops beyond the great wall, and must exercise its influence to restrain Chinamen to the north of the wall from interfering with railway and telegraph lines. Failure on the part of China to heed this warning is to be considered by Russia as a breach of neutrality.

Peremptory action to guarantee neutrality on the part of the United States was taken on the 10th by President Roosevelt. He issued a proclamation supplementary to his original proclamation of neutrality, directing "all officials of the government, civil, military and naval," not only to observe the formal neutrality proclamation, "but also to abstain from either action or speech which can legitimately cause irritation to either of the combatants."

The most notable event of the week in the United States is the decision in the so-called "railroad merger" case (p. 41), rendered by the Federal Supreme Court on the 14th. This case grew out of an attempt made about two years and a half ago (vol iv., p. 505), to centralize railway control west of the Mississippi. A "holding" corporation had been organized under the laws of New Jersey, called the Northern Securities company. Its capital was $400,000,000, and its

immediate object the settlement of a railroad war between the Morgan-Hill and the Harriman-Rockefeller interests. The "holding" corporation was empowered to purchase the stock of other corporations. Believing that this move would result in destroying the railway competition which the laws of Minnesota design to perpetuate, by consolidating in one control such competing lines as the Northern, the Burlington and the Northern Pacific, Gov. Van Sant, of Minnesota, took steps (vol. iv., pp. 534,617), to prevent the consummation of that purpose. Application was in consequence made to the Supreme Court of the United States, in behalf of the State of Minnesota (vol iv. p. 634), for leave to proceed against the New Jersey company by original process from that court. The application was argued on the 27th of January, 1902, (vol iv. p. 681); it was denied on the 24th of the following February (vol iv., pp. 739, 746), on the ground that all parties in interest could not be made parties without depriving the court of jurisdiction. A similar application was afterwards made by the State of Washington, there being some technical difference; and the State of Minnesota began suit in her own courts (vol. v., p. 27). The Washington case was set for hearing, and the Minnesota case was removed by the merger people to the Federal court (vol. v., pp. 42, 346); but nothing appears to have come of either. Meanwhile, however, the Federal government began suit under the Sherman anti-trust law. The suit was begun in the Federal court in Minnsota (vol. iv., p. 746) against the Northern Securities company, the Great Northern railway company, the Northern Pacific railway company, James J. Hill, William P. Clough, D. Willis James, John S. Kennedy, J. Pierpont Morgan, Robert Bacon, Geo. F. Baker and Daniel Lamont. The Federal Court in Minnesota decided this suit last April (vol vi., p. 22) in favor of the government, holding that the stock of the Northern Pacific and of the Great Northern railway companies, held by the Northern Securities company, had been "acquired in virtue of a combination among the defendants in restraint of trade and commerce among the several States" and in violation of the Sherman law. An injunction was accordingly granted. From that decree an appeal was taken (p. 41), and it is this appeal that the Supreme Court of the United States decided on the 14th.

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The decision of the Supreme Court was made by a divided bench—5 judges to 4. The minority judges voted for reversal. They were Fuller, White, Peckham and Holmes. The majority voted for affirmance of the decision of the lower court. They were Harlan, who delivered the opinion, and Brown, Brewer, Day and McKenna. Accordingly the decision of the lower court was sustained and the Northern Securities company is finally adjudged to be an illegal trust within the terms of the Sherman anti-trust law.

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The essential point of the decision is briefly expressed as follows by Justice Harlan in the opinion of the court:

> The government . . . does not contend that Congress may control the mere ownership of stock in a State corporation engaged in interstate commarce. It does not contend that Congress can control the organization or mere ownership of State corporations, authorized by their charters to engage in interstate and international commerce. But it does contend that Congress may protect the freedom of interstate commerce by any means that are appropriate and that are lawful and not prohibited by the Constitution. It does contend that no State corporation can stand in the way of the enforcement of the national will, legally expressed. What the government particularly complains of, indeed, all that it complains of here, is the existence of a combination among the stockholders of competing railroad companies which, in violation of the act of Congress, restrains interstate commerce through the agency of a common corporate trustee designated to act for both companies in repressing free competition between them.

It is this that the court forbids, doing so upon the long established Constitutional principle that "the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in any government having in its constitution the same restrictions on the exercise of power as are found in the Constitution of the United States." Applying that principle to the case in hand, Justice Harlan says:

> Is there, then, any escape from the conclusion that, subject to such limitations, the power of Congress over interstate and international commerce, is as full and complete as is the power of any State over its domestic commerce? If a State may strike down combinations that restrain its domestic commerce by destroying free competition among those engaged in such commerce, what power, except that of Congress, is competent to protect the freedom of interstate and international commerce when assailed by a combination that restrains such commerce by stifling competition among those engaged in it?

The dissenting judges did not controvert the position of the majority on the law in the abstract. They were of the opinion that the concentration in a "holding" company of the stock of competing railway companies doing an interstate business does not amount to restraint of inter-state commerce such as Congress has the power to prohibit.

In American politics the most interesting fact of the week, and one not without marked significance with reference to the approaching Presidential campaign, is the action of the Democratic convention of Rhode Island. This body, which met at Providence on the 10th, endorsed William Randolph Hearst for President. Six of the eight delegates chosen were Hearst men, and the whole delegation was instructed for him. Gov. Garvin has taken no part in the contest, which was bitterly fought, his position being that the national platform or declaration of principles, is the chief concern of Democrats who desire success this year, and that the right man will be found to lead the party to victory if the platform be good.

Mayor Johnson, of Cleveland, has renewed his 3-cent street car fight (p. 679) in a manner which will probably throw the whole burden of responsibility for opposing it upon the overwhelming Republican majority in the State legislature. In a formal address to the city council of Cleveland on the 14th he described the situation at length, especially with reference to the many court injunctions he has encountered, based upon the claim that the legislature has not conferred upon the munic-