however, was not made applicable to public service corporations. So, while it will have a tendency to check official corruption, it will not disclose the secret bookkeeping of monopolies which water their stock in order to create an appearance of small pro rata earnings. Another of the hopeful measures is a resolution amending the Ohio constitution, which is to be voted upon at the coming election. It would abolish that snare and delusion, the "uniform rule" of taxation, under which all property in Ohio is now required to be taxed equally but never is. It would also authorize classifications of taxable objects, so that the legislature might impose varying rates as between different classes, though required to treat all the objects of the same class alike. For instance, if building lots were put in one class and buildings in another, all building lots would have to be taxed at the same rate ad valorem; but buildings, though they also would have to be taxed at the same rate as compared with one another, might be taxed at a very different rate from the lots. Again: the franchises of railroads might be put in one class and taxed at one rate, while the rolling stock was put in another class and taxed at a different rate. Only a few objects could be wholly exempted from taxation, they being the same as are now exempt.

As we surmised last week, President Roosevelt has decided that it is not a breach of neutrality for Great Britain to buy munitions of war and load British war vessels with them for transportation directly by those war vessels to the seat of war in South Africa. It was not probable that an officer of the state department would publish his opinion to that effect in a magazine unless the decision had already been reached even if not announced. And the President skips the same hard place, in reaching his decision, that the state department expert did. He holds, and correctly, that our people have the right to sell munitions of war to either belligerent in regular course of commerce. But he does not explain why he considers it regular course of commerce to establish on our soil a British army depot, in charge of British army officers, for storing munitions of war, and to ship them, not upon commercial vessels, but upon British war vessels which lie for days in our ports loading with these munitions, and which carry them directly to the seat of war. That seems much less like commercial enterprise than like military operations.

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Great Britain so regarded similar transactions during our war with Spain. On the 3d of April, 1898, the governor general of Newfoundland promulgated a British proclamation (see The Public, Vol. i., No. 5, p. 10) forbidding the delivery of coal to any belligerent ship except for the express purpose of enabling them to proceed directly to their own country, or to some specified neutral destination, and advising against supplying coal to belligerents for any purpose if there were reasonable grounds for suspecting bad faith. Now there is no doubt that the people of Newfoundland had at that time a right to sell coal to the American government, or to the Spanish government, or both, in the ordinary course of commerce; but Great Britain decided that its delivery to American or Spanish war vessels for war purposes would not be in regular course of commerce and therefore would be in violation of neutrality. If there is any difference between the delivery of British coal in British ports to American war vessels for American war purposes, and the delivery of American mules in American ports to British war vessels for British war purposes, it would be interesting to see the difference defined. Mr. Roosevelt's decision implies that there is a difference.

In his speech on the 20th before the Presbyterian General Assembly at New York, President Roosevelt did a little patriotic boasting which will not bear very close examination. Referring to the recognition of Cuba, he said:

> We have the right to feel proud that we have kept every pledge to the letter and established a new national precedent. I don't remember another such case—and I have looked for one with care—a case where, as the result of such a war, the victorious nation has contented itself by starting a new nation, free on the difficult path of self-government.

Is national fidelity to national pledges so rare a thing that the head of a great nation may boast of being true? Even if we had kept our pledge with Cuba to the letter, boasting of so obvious a duty would be in poor taste. But when in fact we have halted, and hesitated, and in the end assumed to reserve to ourselves a power at variance with the pledge, such boasting violates other standards besides those of taste. And is it true that there is no other case "where, as the result of such a war, the victorious nation has contented itself" with—what? With doing that for which it made the war. Did we not go to war with Spain for the purpose of liberating Cuba and making her an independent republic? Was not that the only purpose of the war? Certainly it was the only professed purpose. How then can we boast of our virtue in liberating Cuba and making her an independent republic? Does our wretched Philippine policy, which stultifies our national ideals and contravenes the spirit of our war pledge, weigh so heavily upon Mr. Roosevelt's conscience that he finds relief in pointing, though mistakenly, to the fulfillment of the letter of that pledge? When we boast of keeping the letter of the pledge in dealing with Cuba, do we not disclose a consciousness of having violated its spirit in dealing with the Philippines? Remorse sometimes seeks shelter in brag. Is this such a case?

Why didn't the flag "stay put" in Cuba? If it came down because in good faith and good morals it ought to have come down, then why should it "stay put" in any other place when in good faith and good morals it ought to come down? To be perfect-

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ly candid, isn't there something demagogic in all the talk about making the flag "stay put?"

President Roosevelt writes to the Episcopal Bishop of Massachusetts an open letter regarding the Philippine atrocities in which he says—

> I hope it is unnecessary to say that no one in the country can be more anxious than I am—save perhaps Secretary Root—to discover and punish every instance of barbarity by our troops in the Philippines. . . . Long before any statements had been made public, and before any action had been taken by Congress, the war department had ordered a rigid investigation of certain of the charges, including the charges of Maj. Gardener, the orders of investigation as regards these particular charges having gone out over three months ago.

Mr. Roosevelt's memory does not cherish his consistency. If he and Mr. Root were as anxious to discover and punish instances of barbarity before the exposure through Congress had made them active, it is rather remarkable that he and Root should have joined in the Miles correspondence. In their celebrated rebuke to Gen. Miles for alluding to these barbarities, they denied his statement that the war had been prosecuted with severity, and asserted that it had been prosecuted with marked humanity; and they gave a color to the whole correspondence well calculated to create a public impression that there had been no barbarities. How does that accord with Mr. Roosevelt's present assurances that he and Root were already on the trail of the perpetrators?

If it is an honorable policy to withdraw from Cuba and leave the island to the government of its own people, why would it be a "scuttle" policy to withdraw from the Philippines archipelago and leave those islands to the government of their own people?

Last week Lewis J. Toombs, convicted recently of a brutal murder, was sentenced by one of the Chicago judges to be handged on the 13th of June. In passing sentence the judge said that the prisoner had been fairly and lawfully tried. Judges always say something like that. Presumably they believe it; otherwise they could not in conscience impose the sentence that only a fair and lawful trial justifies. Nevertheless, men whose convictions are so approved are often granted new trials by higher courts because they have not been fairly and lawfully tried. And if ever there was a case in which a convict did not have a fair trial, the case of this man Toombs is one. Of his guilt we know nothing. But that is beside the question. The question is one of safe government. Innocent men may be hanged through miscarriages of justice. It is unfortunate, but if the trial has been as fair as good faith and good sense can make it, only the immediate victims of the error suffer. It is something to be grievously deplored, but it does not strike the administration of justice at the roots. It does not imperil social order. Very different is it when convictions, even of guilty men, are secured by official fraud, coercion or intimidation. So far as society is concerned, it is better that an innocent man be convicted and punishedthrough an unavoidable miscarriage of justice, than that a guilty one be convicted and punished by a perversion of the machinery of justice. For this reason, whether Toombs be guilty or not, a greater crime against society than the one charged to him, atrocious as that was, will be perpetrated if he is hanged. For he did not have a fair trial. Two juries sat in his case. The first one disagreed. Two members whom no one accuses of bad faith refused to convict. They did not believe the evidence against him. The prosecuting official thereupon denounced them publicly as unfit jurors, for no other reason than that they had done their duty as jurors by forming and standing by their own conclusions. And by bringing the case immediately to trial again he thereby in effect warned the next jury that if any of their number should refuse to convict they might expect to be similarly denounced. Under those circumstances, any juror at the second trial who had been disposed to acquit must have been a moral hero to stand out for acquittal. A jury so menaced could not give the friendless prisoner a fair trial. Yet upon their verdict he is to be hanged. Is there no longer any professional spirit at the bar, that lawyers remain silent under such circumstances? Have judges lost their regard for the due administration of justice, that they tolerate such an instance of unfairness in a capital case without a protest? The time was in this country when bench and bar would with one voice have demanded that even the most friendless prisoner, though he were in fact the vilest criminal, should not suffer the penalty for his crime without a fair trial before an impartial and unintimidated jury. Has all sense of professional and judicial responsibility to the community been displaced by the struggle for money and the itch for success?

In the issue of the Chicago Chronicle of March 23 last, that journalistic representative of bourbon Democracy clearly described the test of party regularity, applying it to Mr. Bryan. It said, having reference to the Democratic party:

> The thing for the party to do is to have a definite, affirmative policy and stand out for it boldly. If Mr. Bryan supports the policy it constitutes him a Democrat. Not otherwise.

Now, for nearly six years the Democratic party has had a definite affirmative policy. It has stood out for it boldly. The policy is as yet unrepealed by any authoritative act of the party, but is its policy still. Mr. Bryan has all along supported and does yet support that policy. Therefore, according to the Chronicle's test, he is a Democrat. His fidelity to the party policy constitutes him one. But the so-called Democrats whom the Chronicle represents have not supported that policy. They are, therefore, according to its own test, not Democrats. but "otherwise." And as Grover Cleveland is conspicuous among the men who have not and do

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