

stand sponsor for the advocacy by the owners of the paper of a 99-year charter for the old Dubuque street railway company. No better obituary could any true man wish for than that which is contributed to Mr. Murphy's memory in the editorial columns of a rival paper, the Dubuque Times:

With a heart full of sympathy for the weak, a noble aspiration for service to society, with a soul and intellect that gave him splendid courage and rare eloquence in the defense of any cause that appealed to his sympathies, John S. Murphy won the affections and the admiration of thousands. His life's work suddenly ended, its influence survives in their hearts. His lofty purposes remain as a heritage to the generation he sought to serve, while by those long and intimately associated with him in his work the memory of his kindness, gentleness and patience and the warmth and loyalty of his friendship will be treasured as his choicest influence and example.

NEWS

The war in South Africa continues to be the center of news interest; and, owing to an event of the current week, a news center of extraordinary importance. This event is a battle in which the Boers gained a startling victory and numbered among their prisoners the distinguished British general Methuen, the senior officer in South Africa next to Lord Kitchener.

Complete reports of the battle are not yet at hand. Lord Kitchener telegraphed the general facts on the 8th from Pretoria and they were made public in parliament on the 10th. According to this dispatch Gen. Methuen "was moving with 900 mounted men, under Maj. Paris, and 300 infantry, 4 guns and a pompom, from Winburg to Lichtenburg," when the attack was made. Winburg is in the Orange Free State, about 70 miles northeast from Bloemfontein; and Lichtenburg is in the South African Republic, about 25 miles east of Mafeking. The two points are about 150 miles apart, Winburg being the more southern. The best known places in the region between these extremes are Kroonstad, Potchefstroom and Klerksdorp. Gen. Methuen was to have effected a junction on the 8th with Gen. Grenfell, who, commanding 1,300 mounted men,

left Klerksdorp for that purpose; but early on the morning of the 7th he was attacked by Gen. Delarey, with a force estimated at 1,500, between Taaibasch and Palmieteknill, and, his force being thrown into confusion, he lost his guns and baggage and was himself taken prisoner. At Lord Kitchener's request this dispatch was withheld from publication by the British government at London until the receipt of a second one, dated the 10th, had confirmed the discouraging news of the first. The second dispatch told of the return of Maj. Paris with the remnant of Methuen's force. They reported that the attack had been made just before dawn, and that the British rear guard broke before reinforcements could come up, throwing men, mules and wagons into confusion. Maj. Paris collected a few men and made a sturdy defense, but at 10 o'clock in the forenoon was compelled to surrender. The British loss thus far reported, besides guns and baggage, was 41 killed, 77 wounded, and 201 missing. Though Gen. Methuen was retained as a prisoner, Maj. Paris appears to have been released. When last seen, Gen. Methuen was being well cared for in his own wagon, though suffering from a fractured thigh.

When the news of this disaster was announced in the House of Commons on the 10th, the Irish members cheered; but the general feeling both in the House and in the country is reported to have been more depressed and gloomy than at any time since the British disasters of 1899. This feeling has been intensified since the 11th by a general fear that Grenfell's force, which was to have effected a junction with Methuen on the 8th, has also suffered disaster, nothing having been heard from it since it left Klerksdorp. British reinforcements are being ordered out from London and the determination to pursue the "unconditional surrender" policy is asserted to be unrelaxed.

It is evident that there is very little American sentiment in sympathy with that attitude of the British government, while sympathy with the Boers is expressing itself with growing emphasis. The matter came up in Congress on the 7th, when Representative Burleson, of Texas, introduced a resolution calling upon the Secretary of State to explain why he refused to ask permission of the British government (p. 740) for the Rev.

Hiram W. Thomas and his wife to go to the British reconcentrado camps in South Africa, for the purpose of distributing relief funds collected under the authority of Gov. Yates. Mr. Burleson addressed the House on this resolution on the 11th, declaring his purpose to be to fasten the attention of the American people on the pro-British course of the state department. There was also a large popular demonstration at Joliet, Ill., on the 11th, one of an increasing number of public meetings in the West in protest against the attitude of the American government toward the British in the South African war. It was addressed by ex-Gov. Altgeld, of Illinois, on 18 specified points, the substance of which is printed in our Miscellany department this week; and the occasion was made sadly but impressively dramatic by the death of Gov. Altgeld in consequence of his effort and soon after the close of his speech.

Mr. Altgeld, though apparently in excellent physical condition at the beginning of his speech, grew weak toward its close; but rousing himself he delivered the peroration with his usual oratorical power, except that he stammered slightly toward the end as if confused. Having finished, and while the audience was yet applauding his splendid effort, he fell in a faint; and although he afterward recovered consciousness for a time, physicians pronounced his ailment an attack of apoplexy, and at 7 o'clock on the following morning, March 12, he died.

Born in Prussia, December 30, 1847, Altgeld came to this country with his parents when three years of age. His parents settled on a farm, in Ohio, and his early life was hard and his opportunities for acquiring an education poor. In 1864 he enlisted in the Union army, and fought as a private through the James river campaign. At the close of the war he worked his way through an academy, and after teaching in Ohio went, penniless and on foot — what we should now call a tramp — to St. Louis and thence to Kansas and Northwestern Missouri, where he taught school and studied law, working on farms at intervals. He was admitted to the bar in 1870, in Missouri, where he served for a time as city attorney of Savannah and then as state's attorney for Andrew county. In 1875 he came to Chicago. Here he built up a large practice and made

fortunate investments which gave him the reputation by 1889 of being a millionaire. He was defeated for congress in 1884, but elected judge of the superior court of Cook county in 1886. He resigned this office in 1891 and in 1892 was elected governor of Illinois. As candidate for a second term he was defeated in 1896, after which he resumed the practice of his profession and was fast forging to the front again at the Chicago bar when he died. Altgeld's fortune was undermined while he occupied the governor's chair, in consequence, it is said, of his official hostility to the plans of the large private monopoly interests of Chicago, and he died a poor man. While governor he distinguished himself by defeating important monopoly legislation, by opposing the invasion of Illinois by national troops without the constitutional prerequisite of a demand from the state executive, and by pardoning the imprisoned "anarchists" on the express ground, the evidence for which he presented in detail, that the jury which found them guilty had been packed to convict. Within the past few weeks Gov. Altgeld delivered three of the greatest speeches of his life—a life noted for great speeches. One was at Ann Arbor, on "Democracy;" another was at Buffalo, on the public ownership of public service monopolies; and the third was at Joliet, on the war in South Africa and the pro-British partisanship in that war of the American government. It was at the conclusion of this speech that he died.

A few days prior to ex-Gov. Altgeld's death a decision invalidating the anti-trust law of this state, enacted during his administration as governor, was made by the Supreme Court of the United States. The anti-trust law of Illinois defines a trust as "a combination of capital, skill or acts by two or more persons, firms, corporations or associations of persons" for restricting trade, for reducing production, for increasing prices, or for preventing competition; but it makes an exception of "agricultural products or live stock while in the hands of the producer or raiser." It is this exception that was held by the highest court to invalidate the law. The case in which the decision was made arose on a claim of the sewer pipe trust against a firm of dealers in sewer pipe. The claim was resisted by the dealers, who, as a defense, set up the anti-trust law of Illinois, one section of which pro-

vides that defendants sued by a trust may defeat the suit by pleading the anti-trust statute. Judge Harlan wrote the opinion of the United States Supreme Court, which decides that the act is in contravention of the fourteenth amendment to the Federal constitution declaring that "no state shall . . . deny to any person within its jurisdiction the equal protection of the laws." For, inasmuch as the Illinois anti-trust law provides that—

all except producers of agricultural commodities and raisers of live stock who combine their capital, skill or acts for any of the purposes named in the act may be punished as criminals, while agriculturists and live stock raisers, in respect of their products or live stock in hand, are exempted from the operation of the statute, and so far as the statute is concerned may combine and do that which if done by others would be a crime against the state—

therefore, an unconstitutional distinction is made. In elucidation of the point Judge Harlan says:

Persons engaged in general trade or in the sale of merchandise and commodities, and agriculturists and raisers of live stock, are all in the same general class—that is, they are all alike engaged in domestic trade or commerce, as such trade or commerce may be involved in the sale and purchase of goods, articles, commodities, agricultural products and live stock. Such commerce is, of right, open to all, subject to such regulations, applicable alike to all in like conditions, as the state may legally prescribe. The difficulty is not met by saying that, generally speaking, the state may in its discretion and for the public good, make a classification of persons, firms, corporations and associations, in order to subserve the public interests. For this court has held that classification "must always rest upon some difference which bears a reasonable and just relation to the act in respect to which the classification is proposed, and can never be made arbitrarily and without any such basis. . . . But arbitrary selection can never be justified by calling it classification. The equal protection demanded by the fourteenth amendment forbids this. . . . No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation of free government. . . . It is apparent that the mere fact of classification is not sufficient to relieve a statute from the reach of the equality clause of the fourteenth amendment, and that in all cases it must appear not only that a classification has been made, but also that it is one based upon some reason-

able ground—some difference which bears a just and proper relation to the attempted classification—and is not a mere arbitrary selection.

The whole act was invalidated on account of this fatal exception, because the court could not separate the exception from the prohibition without in effect legislating upon the subject. The legislators not having agreed to make the prohibition apply to all persons, the court could not do it for them. This is in accord with a long established and reasonable principle of constitutional law.

The suit under the Federal anti-trust law to suppress the Northern Securities company, of New Jersey, into which certain northwestern railroads are merging (referred to at p. 746), has now been actually begun. The suit is brought in the name of the United States as plaintiff and against the Northern Securities company, the Great Northern Railway company, the Northern Pacific railway and other parties affected; and the bill in equity, by which it was begun, was filed on the 10th in the United States circuit court for the district of Minnesota. A charge of combination and conspiracy in restraint of trade is made in the bill and an injunction is asked for. There have as yet been no further proceedings.

Further action has been taken in the legislature of Colorado with reference to the Bucklin tax amendment (p. 761), which seems to assure, without possibility of recall, its submission to popular vote at the election next Fall. As reported last week, the Senate had on the 1st postponed consideration of the bill to repeal the submission clause of the amendment; resolution until April 15, a date beyond the probable time of adjournment; but there were still similar bills pending in the lower House. These are now practically disposed of, though, like the bill in the Senate, not absolutely. The matter came up in the House on the 7th, but action was delayed by a recess. On the 8th, however, a motion to postpone the consideration of all bills proposing to repeal the submission clause of the Bucklin amendment until after all revenue legislation shall have been disposed of by both houses was adopted by a vote of 31 to 27. This is regarded as equivalent to indefinite postponement.

Of kindred interest to the Bucklin fiscal movement, in Colorado is the