

Powers of the Interstate Commerce Commission.

A decision believed to seriously cripple the Interstate Commerce Commission was made on the 14th by the Supreme Court of the United States. The Commission had in 1907 (vol. ix, p. 969) set about investigating the stock-jobbing transactions of Edward H. Harriman (vol. ix, pp. 969, 1130, 1138), whereby he and others had manipulated railway bonds and stocks in such manner as to "water" the stock of companies of which they were directors and to appropriate the proceeds. Among the witnesses called by the Commission was Mr. Harriman himself. Mr. Harriman refused to answer several questions. One of these questions was whether 90,000 shares of the Illinois Central stock bought by the Union Pacific from Harriman, Rogers, and Stillman were acquired by them with a view of selling it to the Union Pacific, whether they were bought for a much lower price than they were sold for, or whether he had any interest in the 105,000 shares of Illinois Central stock, also sold to the Union Pacific through Kuhn, Loeb & Co. He was silent also upon being asked when he acquired the stock of the St. Joseph and Grand Island railroad, which he sold to the Union Pacific, and what he paid for it, and whether any directors of the Union Pacific were interested directly or indirectly in the New York Central railroad stocks bought by the big Harriman roads. These refusals to answer were persisted in after a mandatory order from the Commission. The United States Circuit Court at New York, upon being appealed to by the Commission, commanded Mr. Harriman to answer the questions; but the Supreme Court now reverses the lower court and sustains Mr. Harriman. In respect of two other questions asked by the Commission which Mr. Harriman declined to answer, the Circuit Court decided against the Commission and is now sustained by the Supreme Court. Another witness before the Commission in this investigation was Otto H. Kuhn, of Kuhn, Loeb & Co. He was asked whether any directors of the Union Pacific were real owners of the Chicago & Alton shares which were sold to the Union Pacific, and whether any of them owned any of the 105,000 shares of Illinois Central, similarly sold to the Union Pacific. He was also asked whether he had bought any of these shares for Harriman, Rogers, and Stillman, and whether they and he were in a pool operating in Illinois Central stock at that time. He refused to answer all these questions when directed to do so by the Commission. The United States Circuit Court sustained the Commission and the Supreme Court now reverses that decision.

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The point which the Supreme Court makes in these cases is that the investigation did not deal directly with the question of rates which could be

regulated by the Commission. The opinion of the Court was written by Justice Holmes and concurred in by four other Justices. Justice Day read a dissenting opinion concurred in by Justices Harlan and McKenna.

NEWS NOTES

—Abe Ruef was convicted on the 10th of bribing a supervisor (p. 831). The trial began August 26.

—The National Civic Federation met in annual session (vol. x, p. 902) at New York on the 15th.

—The decree of beatification (the second step in canonization) of Joan of Arc was read in the Vatican on the 13th.

—The Atlantic-Pacific fleet, under command of Admiral Sperry, which left Manila on the 1st (p. 851), reached Colombo, Ceylon, on the 13th.

—An appeal from the decision of Judge Tayler ordering a receivership in the Cleveland traction affair (p. 802) was taken by the Municipal Company on the 11th.

—A banquet to J. Pierpont Morgan was given in Chicago on the 9th by the Chicago Association of Commerce upon the occasion of an unusual visit of Mr. Morgan to Chicago.

—Bulgaria has notified the Powers of her willingness to indemnify Turkey in the sum of \$16,500,000 for the damages sustained by the Bulgarian declaration of independence (pp. 758, 805).

—William Nelson Cromwell has issued a statement regarding the purchase of the Panama Canal for \$40,000,000 (pp. 494, 699, 875) in which he sustains the declarations of President Roosevelt.

—The lower House of Congress adopted a resolution on the 11th appointing a committee of five to consider the section of the President's message (pp. 865, 875) in which he criticized Congress for restricting his use of secret service agents.

—Haiti (p. 878) is not yet wholly at rest, but General Simon has established himself as provisional governor, and the legislative chambers have been convoked for the 17th, to exercise their constitutional rights for the election of a president.

—The most serious accident in connection with the work on the Panama Canal (p. 875) since the United States took control, occurred at Bas Oblispo on the 12th, through the premature explosion of a giant blast of dynamite. Fifteen or more persons were killed, and very many more injured.

—The National American Woman Suffrage Association has leased a commodious house on H street in Washington, in which permanent legislative headquarters will be established. Co-operation of other organizations of women is to be invited and the proceedings of Congress carefully watched in the interests of legislation affecting women and children.

—The first Federal Council of the Churches of Christ in America, which has been in session in Philadelphia (p. 879), adjourned on the 8th. Resolutions strongly opposing the increasing of armaments by the nations, were passed. Professor Henry Wade Rogers of Yale University said the time was

at hand for obligatory arbitration of international disputes.

—John Z. White, of Chicago, lectured at the University of South Dakota on "The Philosophy of Henry George" on the evening of the 10th. He spoke on the same subject in the University chapel the next morning at the request of the students' association; and later, upon invitation of Dean Sterling of the College of Law, he lectured on the celebrated Dartmouth College case.

—The heirs of Henry D. Lloyd have given to the University of Wisconsin the extensive library collected by Mr. Lloyd during his lifetime. This collection is particularly rich in material on trade unions, co-operation, socialism, municipal ownership and monopolies. It includes thousands of books, pamphlets, papers, manuscripts, letters and boxes of special clippings on these and allied subjects.

—The monthly statement of the United States Treasury Department (p. 687) for November, 1908, shows the following thus far for the fiscal year ending June 30, 1909:

Gold reserve fund	\$150,000,000.00
Available cash balance	151,387,362.33
Total	\$301,387,362.33
On hand at close of last fiscal year, June 30,	
1908	389,557,933.16
Decrease	\$ 88,170,570.83

—What is believed to be the oldest human skeleton yet discovered has been recently unearthed in France by the Abbés Bouysson and Bardon, who are conducting excavations at Chapelle-aux-Sainte, in the Department of Correze. The skeleton is believed to date back 170,000 years to the middle of the Pleistocene age, the earliest period of geological history. The skull presents a strong resemblance to that of a monkey, having a long jaw and being devoid of canine teeth. The other bones are arched, showing that man formerly walked on all fours. The skeleton has been acquired by the Natural History museum of Paris.

—The monthly treasury report of receipts and expenditures of the Federal government (p. 734) for November, 1908, shows the following thus far for the fiscal year ending June 30, 1909:

Receipts—	
Tariff	\$114,463,923.33
Internal revenue	106,210,889.23
Miscellaneous	22,429,544.06
	\$243,104,356.62
Expenses—	
Civil and miscellaneous	\$ 70,861,916.78
War	56,199,398.81
Navy	48,255,210.46
Indians	7,855,709.32
Pensions	68,052,855.46
Public works	35,268,067.23
Interest	10,630,216.48
	297,123,374.54
Deficit	\$54,019,017.92

—Human footprints in a layer of clay thirty-seven feet underground below Toronto bay, have been found by workmen excavating a water-works tunnel. Geologists estimate that this clay was deposited from 50,000 to 100,000 years ago. Charcoal—wood burned presumably by human agency—has been found in similar clay in the valley of the Don river in Russia,

but these footprints are of greater antiquity than any other sign of life in this hemisphere. The find is thus described: "It looked like a trail. There were more than 100 footprints. You could follow one man the whole way. Some footprints were on top of the others, partly obliterating them. There were large footsteps of all sizes, and a single print of a child's foot three and one-half inches long. All the footsteps toed in. You could see the hollow between the ball and the heel in many of them, and they were all made with mocassined feet. In some places you could see where the toe had been driven in and the clay had shot up underneath the heel. All the footsteps pointed north except where some turned off to the side. We tried to get a piece of the blue clay up, but it was very soft and always broke."

PRESS OPINIONS

Bryan in the Campaign of 1912.

The Commoner (Dem.), Dec. 4.—"Mr. Bryan says he will be glad to accept the nomination in 1912 if the party wishes it," says the St. Louis Times. The St. Louis Times has so accustomed itself to that sort of prevarication that it now comes easy.

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President Roosevelt's Message.

Sacramento Bee (Ind.), Dec. 8.—He goes very, very far out of his way as President of the United States, in the delivery of a message upon vital national and international topics to the Congress of the United States, to read a political lecture to the leaders of the labor unions of this country because they came to the front to support William J. Bryan. This criticism comes with very bad grace from a President who worked every known avenue of influence in an effort to prevail upon Gompers, Mitchell and other labor leaders to support Taft.

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The Real Taxpayer.

The Boston Traveler (ind.), Dec. 7.—The taxes the poor man pays are the largest single item in his expenditure. If he pays \$18 a month for rent, \$2.50 to \$3 of this is for taxes; every pound of meat, suit of clothes and pair of shoes he buys costs more because of the taxes due to graft, waste or inefficiency. If the cost of running the city of Boston could be assessed directly so the people could know what the city was costing them, each family would have to pay about \$170 a year. If 20 per cent of this amount is wasted or stolen, which, under present conditions, is probably setting it low, the graft cost for each family is about \$35, as much as the average mechanic can earn by two weeks' hard work.

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Sailing Through Landlords' Air.

The Boston Traveler (ind.), Dec. 7.—The navigation of the air is surely something more than a dream when the legal questions concerning aerial rights of way are beginning to be discussed, and lawyers are considering whether the flying of an airship over