

tunity to explore this quaint municipal relic of the days of Champlain and Laval, of Wolfe and Montcalm. There is the narrow slit of a passageway through the rock and as near to being a slum as Quebec can afford, which has the distinction of having served as the first street of Quebec. And there is the first church ever built in Quebec, now three hundred years old and still in use; the postoffice where you can buy as many postage stamps as you want if you have the time to spare while the crowd ahead of you has its money counted and its stamps handed out with prudent deliberation; the parliament buildings, which are worth looking at, and the old fort, which your "habitant" cabman of uncertain English speech assures you is the original wall behind which Montcalm awaited Wolfe's coming from the East while Wolfe with scant courtesy approached from the West, but which you suspect of a much later origin. And there is Montcalm's headquarters, and the house in which he lived and the house in which he died. But better than these personal histories are the curiously curved streets winding up the steep bluff, with buildings of an olden time crowding up to the edge so that the modern trolley car, threading its single-track way along the center, seems to be an impolite intruder.

At Father Point, 160 miles west of Quebec, and early this forenoon, the pilot leaves with the last mail, and although the ocean is still hundreds of miles away the Ottawa here severs communication with the rest of the world until she shall have rounded Ireland and come alongside the wharf at Liverpool.

L. F. P.

NEWS NARRATIVE

To use the reference figures of this Department for obtaining continuous news narratives:

Observe the reference figures in any article; turn back to the page they indicate and find there the next preceding article on the same subject; observe the reference figures in that article, and turn back as before; continue until you come to the earliest article on the subject; then retrace your course through the indicated pages, reading each article in chronological order, and you will have a continuous news narrative of the subject from its historical beginnings to date.

Week ending Tuesday, July 28, 1908.

The Standard Oil Rebate Fine Void.

The huge fine of \$29,240,000 imposed by Judge Landis of the Federal Court at Chicago on the 3d of last August upon the Standard Oil Company for violating the Federal statute (the Elkins act) prohibiting discriminatory transportation rates (vol. x, pp. 433, 437, 492, 588, 612, 636), has been set aside by the unanimous opinion of Judges Grosscup, Seaman and Baker, sitting as the Federal Court of Appeal in Chicago on the 22d, and the case remanded back for rehearing. Three causes, according to the summing up of the Chicago Record-Herald, were assigned for the annulment of the decision:

1. That Judge Landis had erred in his construction of the law concerning the publication of railroad tariffs. The opinion holds that shippers cannot be

convicted for accepting concessions from regularly published rates unless it is proved that they did so knowingly and intentionally.

2. That the Landis opinion that the number of offenses (in which the maximum penalty was imposed in each case) was the number of carloads transported, instead of the number of shipments or settlements, was erroneous. By this ruling the maximum number of counts against the company, on which fines may be imposed, is greatly reduced.

3. That Judge Landis abused the discretion vested in the trial court in his investigation into the affairs of the Standard Oil Company of New Jersey, in his arraignment of the parent corporation, in which he was not sustained by the record, and in the imposition, for a first offense, of a fine thirty times greater than the total assets of the offending company.

The decision, the authorship of which is attributed to Judge Grosscup, contained many pointed statements which have been widely quoted and commented on, among them the following:

The interstate commerce act was intended to promote, not to restrain trade and commerce.

The measure (of computation) adopted by the trial court was wholly arbitrary—had no basis in any intention or fixed rule discoverable in the statute. And no other way of measuring the number of offenses seems to have been given a thought either by the government or trial court.

The maximum sentence put into execution would wipe out many times, and for its first offense, all the property of the defendant.

Can an American judge, without abuse of judicial discretion, condemn anyone who has not had his day in court? No monarch, no parliament for centuries has pretended to have the right to punish except after due trial.

Let it once come to pass that under the stress of enforcing commercial equality any power in the government may override the fundamental human right of being judged only after having been duly tried—and there will remain no commerce worth the name to safeguard.

That the sentence was not imposed on the basis of facts respecting the defendant before the court, but because of other facts wholly outside the record, is disclosed by the reasons set out in connection with the sentence.

Under the ruling of the decision laid down for guidance in a new trial, if a conviction should be secured the highest fine that could be imposed would be \$720,000, and the minimum, \$36,000.

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An immediate result of the decision was a rise in the value of Standard Oil stock. It had opened in New York on Monday, the 20th, at \$596, and worked up above \$600 during the day, on account of heavy buying. It opened at \$630 on Tuesday, and rose steadily to \$644. It opened at \$644 Wednesday, and with the announcement of the decision went up to \$660. The heavy buying of Monday, and the steady rise during the two days

before the decision, aroused the suspicions of Western brokers as to foreknowledge of the decision on the part of a favored few, and investigation, according to newspaper reports, bore out suspicion. According to the New York Herald members of the Chicago stock exchange, through their Eastern correspondents, traced the leak, they say, to a broker in Boston, who handles transactions occasionally for Judge Grosseup's brother, and who is said to have invested heavily in stocks as early as Monday—two days before the Grosseup decision was given.

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President Roosevelt's secretary made public the following statement, on the 23d:

The President has directed the Attorney General to immediately take steps for the retrial of the Standard Oil case. The reversal of the decision of the lower court does not in any shape or way touch the merits of the case excepting so far as the size of the fine is concerned. There is absolutely no question as to the guilt of the defendant or the exceptionally grave character of the offense. The President would regard it as a gross miscarriage of justice if, through technicalities of any kind, the defendant escaped the punishment which would have unquestionably been meted out to any weaker defendant who had been guilty of any such offense. The President will do everything in his power to avert or prevent such miscarriage of justice. With this purpose in view the President has directed the Attorney General to bring into consultation Frank B. Kellogg in the matter and to do everything possible to bring the offender to justice.

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Attorney-General Bonaparte stated on the 24th, according to newspaper reports, that—

It is much to be regretted that, owing to the unreasonable restriction imposed by existing law upon the right of appeal by the United States in criminal cases, this cannot be done in what is obviously the most natural, most prompt, and most effectual method—namely: by a direct appeal to the Supreme court of the United States. In my opinion, it is of vital moment that the statute regulating interstate commerce should be so construed by our courts that it may not be practically impossible to convict law breakers on a vast scale, nor practically impossible to punish them, when convicted, with sufficient severity to assure future obedience to the law. I think it is the duty of my department to foster a wholesome fear of punishment among those often and strongly tempted to do what the law forbids. Such well considered measures will therefore be adopted after due deliberation and conference as will so far as practicable remove any possible danger which may be thought to exist lest the present decision, as a precedent or otherwise, shall prove an impediment to effective administration of these salutary laws.

In regard to Mr. Bonaparte's assertion that the case could not be carried to the United States Supreme Court, it has been explained by the department of

justice in Washington, in answer to inquiries, that no appeal lies under the present law to the Supreme court from a final judgment of the Circuit Court of Appeals in a criminal case as matter of right. The Government, however, has a right to present to the Supreme court an application for a writ of certiorari in cases of this character, and indeed in all cases. It is in the discretion of the court, however, whether a writ of that character should be granted. United States District Attorney Sims announced positively on the 23d that a petition for a rehearing in the case of the Government against the Standard Oil Company of Indiana, would be filed.

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The Democratic Campaign.

Norman E. Mack of Buffalo was selected as chairman of the Democratic National committee on the 25th, with Dr. E. L. Hall of Nebraska as vice-chairman, Urey Woodson of Kentucky as secretary, Governor C. N. Haskell of Oklahoma as treasurer, Henry Watterson of Kentucky as chairman of publicity bureau, and John I. Martin of Missouri as sergeant-at-arms. The central campaign headquarters are to be in Chicago.

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Mr. Bryan plans to address himself especially to various groups of citizens. He desires that the railway trainmen shall be appealed to on the labor planks of the platform, which have been said to be not to their liking. He has addressed labor union men in person at his home (p. 392). And in The Commoner of July 24, jointly with Mr. Kern, he makes the following appeal to the farmers:

To the Farmers of the United States: The first contribution made to the Democratic campaign fund this year, so far as we know, was made by an Iowa farmer. Just before the Denver convention met, this man, who modestly prefers not to have his name mentioned, journeyed more than one hundred miles to Lincoln with his contribution of \$100, which he left with Mr. Bryan to be given to the committee when organized for the campaign.

This farmer was born in Sweden and for some time after he was naturalized was a member of the Republican party, but he was a student of public questions and in the course of time became a Democrat. He has been a reader of The Commoner since its establishment, and to manifest his deep interest in the success of the party and in this triumph of Democratic principles, he made this free-will offering to the campaign fund.

It is very appropriate that the first contribution should come from that great body of our population known as agriculturalists, for the farmer has nothing to gain by privilege and favoritism; his hope is in the application of the doctrine of "equal rights to all and special privileges to none." He has been the victim of all special legislation, and has suffered from the