nesses against him recanted. This witness confessed to having committed perjury at the trial in order to convict. Whether the witness did commit perjury is aside from the question; but the probabilities bear out his recantation rather than his original story—a story wrung from him, as he now says, in the police "sweat box." Be all that as it may be, however, this witness is clearly not a witness on whose testimony any man should be hanged. It is unthinkable that the jury would have convicted upon the strength of his testimony if its members had then known what they know now.

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The Supreme Court may have been right in refusing a new trial to Billik upon this new state of facts. It may have been right technically; for possibly such a state of affairs may be within the range of executive rather than judicial authority. But now there is danger that the Executive may refuse to interpose, and that this man may be hanged upon the authority of a verdict rendered upon testimony part of which was confessedly perjury. There is really no necessity, from any point of view, for this possible miscarriage of justice, for the convict will not escape if he is really guilty. It is not as if he could not be tried again, and would get off scot free though possibly guilty. The other indictments rest upon the same state of facts, provable by the same testimony, as the one upon which there has been conviction, with the single exception that the persons alleged to have been murdered are different persons. Upon any one of these indictments, therefore, this man can be convicted if the testimony of the self-confessed perjurer really is not necessary to satisfy a jury of the prisoner's guilt. But notwithstanding all these facts, which seem to demand a pardon on this indictment, to be followed by a trial upon one of the others, the Illinois Board of Pardons has refused to recommend a pardon.

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They hold that the record of the trial would warrant Billik's conviction, even if the testimony of the self-confessed perjurer were eliminated. But it is difficult to believe that Governor Deneen will allow a recommendation, so based, to make him a party to such a miscarriage of justice as the hanging of this man upon this particular conviction would be. Manifestly Herman Billik has not had a jury trial, free from the influence of that perjured testimony. Yet it is a jury trial free from perjured testimony, that the law intends to secure to all persons accused of capital crime. No one can say what a jury would do upon the evidence against Billik if the testimony of the recanting witness were withdrawn. That a board of pardons should undertake to speak for a jury is not enough in the interest of the orderly administration of justice. It is not enough for a board of pardons to say that the jury would have convicted this man without the perjured testimony. No board of pardons can speak for any jury; and it is for a jury to say, and only for a jury to say, what the weight of the remaining evidence is. Under these circumstances, even if there were no other indictments still pending against the prisoner for practically the same offense, a pardon upon this one should be granted. But in view of the fact that there are such indictments, involving in all substantial respects except the persons killed the very crime of which this man now stands convicted, and provable by the same witnesses and circumstances, there is not the shadow of a reason for refusing to pardon him upon the indictment upon which he has been unfairly tried. The refusal of a pardon in this case, under these circumstances, would be in the nature of an obstruction to the due administration of the criminal law, and the case would appeal to all fair minds as a pitiful miscarriage of justice.

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The Sacrosanctity of the Judiciary.

There is a disposition, perfectly human we suppose, to bow down and worship offices regardless of the occupants. The Presidency, for instance, must be respected even though this may necessitate respect for a President who is as a man contemptible. It is to the judiciary, however, that fetishistic respect for mere office is most devoutly paid. The bench and the gown can do no wrong, though the men within the gown and upon the bench be the veriest rascals, and though they use their judicial authority infamously. That is the idea. It was so even with Tweed's judges. The cub lawyers of that day were admonished to respect Judge Barnard and Judge Cardozo, although the whole pack of respectabilities got after them with most vigorous epithets when they had become ex-Judge Barnard and ex-Judge Cardozo; and got after them, too, for the very things which they were notoriously doing before "ex" was prefixed to their titles, and while they were to be "respected out of regard for their judicial functions." It's all nonsense—paganistic nonsense, dangerous nonsense. A bench and a gown are just as good as the man who occupies the one and

wears the other, and not one whit better; just as worthy of respect, and not any more so. We must respect judicial commands until regularly reversed, of course, for this is in the interest of good order. But the right to "go out under the horse-shed and swear at the judge," is inalienable and wholesome. To take it away is to give a sacrosanctity to officials, in the guise of respect for their offices, which cannot but intoxicate them with a sense of immunity from criticism and tend to turn them into irresponsible autocrats. Indeed, just such a tendency has set in.

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Lincoln criticized the Supreme Court for its slavery decisions, and the slave oligarchs were offended; and when Altgeld and Bryan criticized it for its plutocratic decisions, they were crucified metaphorically as blasphemers. And now we have a delectable group of plutocrats with their expert lawyers and educators demanding of the Republican convention that it affirm "confidence in the integrity and justice of the courts, State and national," and "insist that the preservation of their independence and full Constitutional prerogatives is essential to the maintenance of the American system of government." Behold the paganistic absurdity of this demand. What does it really mean to affirm confidence in the integrity and justice of courts in that wholesale way? It means nothing whatever, in any practical sense, unless it means confidence in the integrity and justice of all individual judges. And is it true that all our judges, State and national, are men of integrity and justice? No one believes it unless he is a fool. A bench to sit upon and a silk gown to wrap about him, cannot work the miracle of turning a lifelong adviser and defender of corporate corruption into a man of integrity and justice. As to "the independence and full Constitutional prerogatives" of judges, by all means let them be preserved. But how can the Constitutional prerogatives of these officials be disturbed without a Constitutional amendment? And what objection is there to regulating them within the Constitution? Any disturbance of judicial powers within the Constitution is not a question to be adjudicated in court, but a political question to be discussed by the people; and so of any disturbance by amendment of the Constitution. Then what is meant by this appeal for the sacrosanctity of the bench and the gown? Is the independence of judges assailed if the people talk about limiting their functions by lawful methods, whether by Constitutional amendment or legislation within the Constitution as it exists? Then indeed is it true that Jefferson's prophecy regarding the tendency of judges to draw political power to themselves is approaching fulfillment.

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But why should any one doubt the motives for this appeal to the Republican convention to stand for "government by injunction" and kindred judicial iniquities, as sacred prerogatives of the gentlemen of bench and gown? The names signed to the appeal are significant. Here is Cornelius M. Bliss, who handled the tainted campaign funds of 1896 and 1900 and kept a steady tongue when exposures began. And here are D. O. Mills, one of the great private owners of public property, and Joseph H. Choate, one of their great legal advisers, and Nicholas "Miraculous" Butler, one of their great educational experts. A congenial company to be sure, all intent, each in his own grand way, upon separating democratic goats from aristocratic sheep and fencing in the earth and the fullness thereof for the benefit of the sheep. To accomplish this purpose of theirs, autocratic power beyond the influence of popular criticism and popular law-making must be lodged somewhere; and in a country of democratic forms, what better place to lodge it than within the black folds of the judicial gown and upon the soft cushions of the judicial bench?

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The Latest Anti-Bryan Fabrication.

The latest fabrication of the Pulitzer factory at the editorial desk of the New York World in its campaign against Bryan (p. 218), has gone the way of the World's political map. Its map showing that Bryan had brought electoral disaster upon the Democratic party, was false upon its face. It was so wretchedly false that it could deceive no one who had access to a World Almanac or remembered anything about election returns. The story of Ryan's having bribed Bryan to support Parker after Bryan had been supporting him for two months, was equally thin, although somewhat better disguised. But the disguise has been torn off, and the World is now convicted by direct testimony. Mr. Pulitzer's secret financial investments must be a queer sort, since he authorizes such foolish fabrications in the hope of heading off Bryan from appointing an attorney general.

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The Cleveland Street Car Strike.

There is no street car strike in Cleveland. There was one, but that was not genuine and it is over anyhow. Certain labor leaders thought they