where in this number of The Outlook we print some of the echoes from the press in comment on the incident. While a wide difference of opinion exists as regards the relations between the Methodists in Rome and the Vatican, there is almost unanimity in the feeling that Mr. Roosevelt acted with perfect dignity and correctness, and that he did the utmost possible in urging that the matter should not be regarded as a subject of controversy.

SENATOR BEVERIDGE AND THE INDIANA REPUBLICANS

Last week the Republican State Convention of Indiana met at Indianapolis. Its duties were to select a State ticket, with the exception of nominees for Governor and Lieutenant-Governor, and to adopt a platform stating the opinion of Indiana Republicans on State and National issues. On State issues the platform is disappointing, as it entirely omits mention of the dominant issue—local option. On National issues the platform is of far more than State importance. The adoption of this platform was prefaced by an address by the Chairman of the Convention, the Hon. Albert J. Beveridge, senior United States Senator from Indiana. The substance of Mr. Beveridge's speech was a defense of his vote against the Payne Tariff Bill, passed last August. In ringing tones he sent such staccato sentences as these through the hall:

> Like President Taft, I wanted on the free list many raw materials that needed no protection. Yet only one was so treated. I could not stand for the duties on these articles, and I cannot stand for them now.
>
> Like President Taft, I wanted free iron ore, of which we have the greatest deposits on earth, and which the Steel Trust chiefly controls. I could not stand for the duty that was passed, and I cannot stand for it now.
>
> Like President Taft, I wanted the ancient woolen schedule reduced. It gives to the woolen trust unfair control. It raises the price and reduces the weight of the people's clothing. I stood against this schedule when the bill was passed, and I stand against it now.
>
> I could not stand for the duty on lumber when the tariff bill was passed, and I cannot stand for it now.
>
> I could not stand for the obsolete and infamous sugar schedule, which no man in Indiana can read and understand, but which the Sugar Trust can read and understand; yet efforts to change that schedule were opposed by Democratic votes.

Mr. Beveridge declined to vote for the bill. Together with other Insurgents, he made a gallant fight for the lower tariffs. The Outlook applauded the fight, but, when it was closed and the roll called, regretted that the Insurgents could not see their way to voting for the Payne Bill. That measure did not redeem Republican pledges, it is true. But it did something toward redeeming them; it was better to have half or a quarter or even an eighth of a loaf than no bread. For this reason, the President signed the bill. He felt that it was a step, even if a very short, halting, and disappointing step, in the right direction. The President then and since has defended the bill as being all that could be accomplished at the late session of Congress; unfortunately, he has not as often added the statement of his belief that it is but an earnest of a more intelligent and acceptable revision. That revision should follow the principle laid down in the capital tariff plank of the Indiana platform:

> We believe in a protective tariff, measured by the difference between the cost of production here and abroad. Less than this is unjust to American laborers; more is unjust to American consumers. That difference should be ascertained with the utmost speed, and the present law modified accordingly.

The language follows that of the similar plank in the National Republican party platform adopted at Chicago last June. But it significantly omits the phrase "together with a reasonable profit to American industries." This is just. If the difference in cost of production is adequately covered, what other protection is needed? In their desire for revision Mr. Beveridge and Mr. Taft are not as far apart as may be supposed; they are bound by a common sympathy. In particular, both have strenuously favored the tariff-reform method embodied in another plank in the Indiana platform, the nonpartisan tariff commission plank. On that we comment elsewhere.

MR. ROOT ON THE RAILWAY BILL

The speech which Senator Root delivered in the Senate in installments on March 30, 31, and April 1 was a great example of parliamentary

argument. It was great not only in acuteness of thought and liquid clearness of expression, but also in its fine, persuasive manner and spirit. During the consideration of the Inter-State Commerce Bill, which was the subject of Mr. Root's speech, there has been displayed on the part of Senators no little mutual suspicion, and at times there seems to have prevailed a spirit quite incompatible with an unmixed desire to work out the best possible legislation. On the part of the Regulars there has sometimes seemed to be a disposition to let the bill go through by the mere momentum derived from its introduction as an Administration measure, and to regard all debate upon it as irrelevant and rather naïve. On the other hand, on the part of those Senators who constitute the more aggressive element, there has been apparently a disposition to distrust those in charge of the bill, and to scrutinize its provisions with the expectation of finding "jokers." Senators have not been altogether unwilling to evince signs of entertainment at one another's discomfiture. In the midst of this atmosphere Mr. Root began his speech, and from the beginning he had to bear with the disadvantage of suffering from a cold. That under such circumstances he should have presented a clear exposition of the main provisions of this bill, and even have used the many interruptions to his speech to make his points clearer and more emphatic, is of itself worthy of notice; that he should at the same time have cleared the atmosphere of almost all signs of suspicion, and substituted an air of frankness and conciliation, is scarcely less a triumph. That he was able to do so is due partly to his great self-possession and mastery of the subject in his own mind, but in a scarcely less degree to his ready sense of humor. To a man who has in his own mind a well-ordered conception of his subject and a systematic arrangement of the points which he wishes to make, frequent interruptions can most easily be exasperating and disconcerting. It was not so with Senator Root. More than once he made these very interruptions serve to smooth the path of the debate. For example, after Mr. Root had been interrupted in the course of his remarks by a colloquy with Mr. Bailey and Mr. Bacon, and then, after but a few moments, by another colloquy with Mr. Cummins and Mr. Rayner, he was about to proceed when Mr. Cummins asked, "Mr. President, would it interrupt the Senator too much—" "Not at all," Mr. Root replied; "I am well aware of the rule of the Senate that the only person not entitled to speak is the Senator who has the floor." Again, after he had answered at some length certain points raised by Mr. Bailey, Mr. Root, with a moment's hesitation, continued: "Mr. President, I had almost forgotten that it rests upon me to go on except in response to an external stimulus." And when he concluded his speech he took explicit pains to say with regard to a reference to the frequent interruptions: "I have observed no interruption which did not seem to me to come from an honest and sincere desire to resolve some doubt or to contribute some observation which would be of value to the discussion of the matter before the Senate." And he summed up his opinion of the bill by saying: "It seems to me that the matters as to which we differ, as compared with the great and substantial provisions of the bill and in consideration of the value of those provisions, all come under the head of differences about which it is the duty of legislators to be reasonable and to be willing to make concessions each to the other, in order that the great object may be attained."

MR. ROOT'S OPINIONS ON THE COMMERCE COURT

With regard to this bill, The Outlook, in its issue of March 12, raised certain questions. Concerning these questions The Outlook then said: They "do not affect the intent of the bill as a whole; they suggest possible further amendment, but they should not imperil its passage." We believe it will interest our readers to learn how Mr. Root regards these questions, which have since then been raised in debate, and what answers he makes to them. Regarding the Commerce Court which is established by the bill, and which is designed to hear appeals from the decisions of the Inter-State Commerce Commission, there have been three questions raised. First, is it

wise to have a special court established for this purpose, in view of the fact that it is likely to be subject to special pressure from the railways? Mr. Root replies that, although he regards this provision establishing such a court as less important than other provisions of the bill, he favors it for two reasons: on the one hand, those charged with the enforcing of the Inter-State Commerce Law believe that the creation of such a court would facilitate their work; and, on the other hand, since the court is charged largely with deciding questions concerning relative rates between different localities, it is wise to make it a central body sitting in Washington instead of a local circuit court which cannot be wholly free from the influences of environment. The second question is this: Does the bill make the jurisdiction of a Commerce Court more extensive than that now exercised by the Circuit Court in these cases, and thus insert into the law that "broad court review" which would virtually nullify the powers of the Inter-State Commerce Commission? Mr. Root does not believe that the language of the bill confers upon the proposed court any larger jurisdiction than now exists, and sees no objection, apart from an unimportant consideration of taste, to putting into the bill a provision distinctly limiting the jurisdiction of the court to that now exercised by the Circuit Courts—that is, virtually, jurisdiction only as to Constitutional questions. The Outlook would go further than Senator Root in urging that such an explicit provision be inserted in the bill. In the latter part of the bill a number of such explanatory provisions are inserted in the interest of the railways; it is certainly fair, then, to insist that a similar provision be inserted in the interest of the public. The third question regarding the Commerce Court concerns that provision which gives to the Attorney-General the sole right to defend before the court the decisions of the Inter-State Commerce Commission, without making any provision for representatives of the shippers, and explicitly excludes the Inter-State Commerce Commission and its attorneys. Mr. Root explains that even under existing law the shipper has no right to appear before the court, but, at the same time, he would favor an amendment to the bill giving authority to the court to hear an attorney of the shippers. Mr. Root regards it as most desirable, in the interest of sound administration, that the Government representative before the court in such cases, as in all cases, should be a representative of the Department of Justice, and believes that, in the light of the history of the Attorney-General's office, the people of the country can trust no one to represent their interests if they cannot trust the Attorney-General. This is virtually his answer to those who question whether the decision for or against defending a finding of the Inter-State Commerce Commission should be left solely to the discretion of the Attorney-General. Inasmuch as later Senator Root himself raises a similar question with regard to leaving a decision finally to the discretion of the Inter-State Commerce Commission, his answer to this question regarding the Attorney-General does not seem to us consistent. We still believe that there should be some means of automatically securing the certainty of an adequate defense of the findings of the Inter-State Commerce Commission against every appeal to the Court of Commerce.

MR. ROOT ON THE OTHER PROVISIONS OF THE BILL

According to the bill, railways will be allowed to enter into agreements regarding rates and classification. Now such agreements are illegal. That such agreements should no longer be illegal is almost everywhere admitted. The very laws which prohibit discrimination make it necessary for railways to enter into agreements. As the bill is drawn now, such agreements may be filed with the Inter-State Commerce Commission. The question, however, has been raised whether such agreements should not be legal only when approved by the Inter-State Commerce Commission. Mr. Root very clearly points out that an agreement between two railways to establish a rate is not the same as the establishment of the rate. The important thing is that the rates themselves should not go into effect until approved by the Commission. Certainly, as Mr. Root also says, it would be manifestly unfair to enact a

measure under which railway companies could never tell whether their act of agreeing was a violation of law or not until after the subject of their agreement had been passed upon by another body. Mr. Root expressed himself as in favor of an amendment which would make it clear that no agreement until approved by the Inter-State Commerce Commission would be binding upon the railways involved. Regarding the authorization of rates, another question has been raised. As the law is now, rates go into effect immediately upon their establishment by the railway, and can be suspended only on complaint to the Inter-State Commerce Commission. Under the bill now proposed, rates established by railways may be suspended by the Commission on its own initiative, pending investigation, for sixty days. The question has been raised whether those rates ought to go into effect at all until affirmatively approved by the Commission. Mr. Root replies to this question by saying that this amounts to proposing that the Commission have power really to reject what might be a reasonable rate without any hearing at all. We agree that this would be altogether unjust; but we do not see why the provision should not be altered so that the rates would not go into effect for a prescribed number of days unless approved by the Commission, even though there was no positive order of suspension issued. It was to the questions raised regarding Section 12 of the bill, which prohibits one road from leasing or acquiring stock in a competing road, but does not prevent a road which now owns the majority of the stock of the competing road from purchasing the remainder of the stock, that Mr. Root devoted the greater part of his speech. He made it clear, it seems to us, that this provision does not weaken the Anti-Trust Law. Instead of doing that, it preserves the principle of competition more effectually than that law does, because it does not concern itself primarily with intent but with specific acts. He also made it clear that the exceptions noted in this provision do not modify the Anti-Trust Law, but simply modify the prohibitions of this particular bill. If the principle of competition is worth preserving in railway business, this bill is likely to be even more effective than the law under which the Government has proceeded against railway combinations heretofore. Mr. Root's characterization of this bill as a whole is one that ought to be remembered. Unlike the original Inter-State Commerce Bill, and unlike the Roosevelt Railway Rate Regulation Bill, this bill does not so much establish a new principle as apply an already established principle to new conditions. The Outlook is convinced that the bill as a whole is a great step in advance.

THE SALARIES OF FEDERAL JUDGES

Few people need to be convinced that no class of public officers should be more liberally compensated than the judges of our courts. Not only are the class and character of work performed by the judges of the highest rank and such as demand intellectual ability of exceptional force, but in most cases a member of the bar who possesses due qualifications must make a personal sacrifice when he mounts the bench. The disparity between the salary of the judge and the yearly income of a lawyer of the first standing at the bar is almost ludicrous. The need of increase of salary exists in the courts both of the States and the United States. The latter need is that in which the whole country is interested, and the bill introduced into Congress last year which increased the salaries of the United States Supreme Court Judges to $17,500, with $18,000 for the Chief Justice, those of the Circuit Judges to $10,000, and those of the District Judges to $9,000, was favorably reported, but was complicated with amendments increasing other salaries and making appropriations for totally different purposes, and for that reason failed to pass. The subject is now brought up again at the present session of Congress, and it is earnestly hoped that the attention of Members of Congress may be urgently directed to the great interest in this measure throughout the country. Thus, a committee of well-known public men, which has ex-Senator Spooner as its chairman, has found that not only bar associations, but Chambers of Commerce and Boards of Trade throughout the country have cordially indorsed the proposal. Business men