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EXECUTIVE POWER.

Our security is in our watchfulness of executive power. It was the constitution of this department which was infinitely the most difficult part in the great work of creating our present government. To give to the executive department such power as should make it useful, and yet not such as should render it dangerous; to make it efficient, independent and strong, and yet to prevent it from sweeping away everything by its union of military and civic authority, by the influence of patronage, and office, and favor, this, indeed, was difficult. They who had the work to do saw the difficulty, and we see it, and if we would maintain our system we shall act wisely to that end by preserving every restraint and every guard which the Constitution has provided. And when we and those who come after us have done all that we can do and all that they can do it will be well for us and for them if some popular Executive, by the power of patronage and party, and the power, too, of that very popularity, shall not hereafter prove an overmatch for all other branches of the Government.—DANIEL WEBSTER.

The Federal Law and Labor Unions.

In the current number of the official organ of the American Federation of Labor, which is filled to overflowing with Mr. GOMPERS's defiance of the American Congress, the Supreme Court and courts generally, Mr. GOMPERS in his "Address to Workers" makes the following statement:

"The Supreme Court decision applying the Sherman law to labor makes the crisis an especially grave one, for under that decision every normal, peaceful and helpful activity of the workers, whether exercised individually or in association, may be construed as a 'conspiracy' or a combination in restraint of trade and commerce, and punished by fine and imprisonment, or both, and damages may be inflicted to the extent of each individual's possessions."

As this statement is used to encourage workingmen throughout the country to hold mass meetings protesting against the decision of the Supreme Court its inaccuracy becomes a matter of more than passing importance.

Its harmful effect in misleading public opinion is much exaggerated by THEODORE ROOSEVELT, who has dignified these wild statements with Executive approval. In his recent special message the President said:

"It has become uncertain how far this law may involve all labor organizations and farmers' organizations, as well as all business organizations in conflict with the law."

Arguing that labor organizations may be both lawful and beneficial—which no sane man disputes—the President seeks to convince Congress that

"all of these combinations [of labor and farmers] if and while existing for and engaged in the promotion of innocent and proper purposes should be recognized as legal"

by an appropriate amendment to the Sherman anti-trust law. The message is thus adroitly worded to harmonize with Mr. GOMPERS's address, and both convey and are intended to convey the erroneous impression that the Supreme Court has interpreted the Sherman anti-trust law so as to forbid labor organizations, as such, and their useful and lawful activities in promoting the interests of the wage earner. If this is untrue it is important that both Congress and the public should fully recognize the disingenuousness, indeed the positive dishonesty, of the appeal to their sympathy.

The application of the Federal laws to labor controversies has been much confused by the failure to recognize the fact that the Federal Government has no legitimate connection with labor organizations as such. The Federal Government could not declare labor unions unlawful even if it would, and it assuredly would not even if it could. It cannot enact any general law regulating labor. It can provide that upon its public works eight hours shall be a maximum day's work in the execution of Government contracts, or it can regulate the instrumentalities of commerce by providing that the employees of interstate carriers when engaged in interstate transportation shall be subject to certain rules of liability. But both of these classes of legislation are justified only as incidental to other powers of government.

Under its power to regulate commerce the American Congress has said that two or more men shall not conspire to restrain interstate commerce, and in the Danbury Hatters case the Supreme Court has unanimously held that when labor unions so combine to restrain interstate commerce through the effective means of a boycott the restraint—not the labor union—is a violation of the Sherman anti-trust law; but this application of the Sherman anti-trust law to a labor boycott is not justified because of any power of the Federal Government over labor organizations as such, but only because of its power to regulate interstate commerce by forbidding unlawful restraints of such commerce.

When therefore Mr. GOMPERS in his "Address to Workers" states that under the decision in the Danbury Hatters case "every normal, peaceful and helpful activity of the workers, whether exercised individually or in association, may be construed as a conspiracy or a combination in restraint of trade," he makes a statement for which there is no justification, either in the contention of the counsel for Mr. LOEWE in the Supreme Court of the United States or in the decision of that august tribunal.

We have examined the oral arguments in the Danbury Hatters case, as stenographically reported and reprinted by the American Anti-Boycott Association, and we find that Mr. JAMES M. BECK, in concluding his masterly argument on behalf of Mr. LOEWE and against the American Federation of Labor, said:

"Let me also say, before concluding, that we have no quarrel with labor organizations, and if the suggestion is made *that on our theory of the case the mere existence of a labor organization is a restraint of interstate trade we disclaim such an idea.* Labor organizations are most beneficial, and it would be an infinite pity if they could be destroyed. Therefore it is not our contention that the mere organization of a labor combination is in itself a restraint of commerce. But what we do contend is that when, as here, a labor organization deliberately forms a conspiracy not merely to restrain but to destroy interstate trade, when it employs means that are effectual for that purpose, when it puts those means into execution, and when it actually does destroy interstate trade to a very appreciable degree, and does so under the pretence of dictating the terms and the only terms under which the manufacturer may exercise the constitutional right of every American citizen to engage in interstate commerce, that then it has offended the Sherman anti-trust law, and that all courts, and most especially this great tribunal, whose voice in this matter will carry so much weight and authority, should without hesitation so declare."

The Supreme Court did "without hesitation so declare," and the exhaustive opinion of Chief Justice FULLER can be searched in vain for any indication that the Court decided anything more than that labor organizations were as fully responsible for their restraints of interstate trade as any other class; no more, no less. The Supreme Court said:

"The averments here are that there was an existing interstate traffic between plaintiffs and citizens of other States, and that for the direct purpose of destroying such interstate traffic defendants combined not merely to prevent plaintiffs from manufacturing articles then and there intended for transportation beyond the State but also to prevent the vendees from reselling the hats which they had imported from Connecticut, or from further negotiating with plaintiffs for the purchase and intertransportation of such hats from Connecticut to the various places of destination. * * * If the purposes of the combination were, as alleged, to prevent any interstate transportation at all the fact that the means operated at one end before physical transportation commenced and at the other end after the physical transportation ended was immaterial."

In the two other labor cases which have recently been decided the Court has in effect reached the same conclusion. In the Employers' Liability cases the Court has held that the Federal Government has no power to regulate the liability of railroads to their employees except when the latter are actually engaged in interstate commerce. The logical effect of this conclusion is that Federal laws can have no general bearing whatever upon labor organizations or their conduct, except in so far as they may obstruct some function of the Federal Government, such as the regulation of interstate commerce.

In the Adair case, in which the Supreme Court held that the Federal Government could not constitutionally make it an offence for an interstate carrier to discharge an employee because of his membership in a labor organization, the Supreme Court expressly rested its conclusion upon the broad ground that the Federal Government had nothing to do with labor organizations, as such, and that it could legislate with reference to them only when their conduct directly interfered with some Federal function. Judge HARLAN, speaking for the Court, said:

"But what possible legal or logical connection is there between an employee's membership in a labor organization and the carrying on of interstate commerce? Such relation to a labor organization cannot have, in itself and in the eye of the law, any bearing upon the commerce with which the employee is connected by his labor and services. Labor associations, we assume, are organized for the general purpose of improving or bettering the conditions and conserving the interests of their members as wage earners—an object entirely legitimate and to be commended rather than condemned. But surely those associations as labor organizations have nothing to do with interstate commerce as such."

We do not know what "the normal, peaceful and helpful activity of the workers" may be, to which Mr. SAMUEL GOMPERS refers. To his somewhat abnormal conscience much may be normal which the Supreme Court and other courts have pronounced lawless; much may be "peaceful" which in the language of the Anthracite Coal Commission is nothing less than a "cruel weapon of aggression" and "tyranny pure and simple"; much may be "helpful" which in the estimation of all fair minded men is destructive of the fundamental right of every man to sell the product of his labor as he thinks best.

Perhaps the "normal, peaceful and helpful activity" of the American Railway Union was shown in the great Pullman strike in 1894. In the Debs case it was charged by the Attorney-General of the United States that the defendants did

"stop, obstruct and derail and wreck the engines and trains of said railroad companies, both passenger and freight, then and there engaged in interstate commerce and in transporting United States mails, by locking the switches of the railroad of said railroad companies, by removing the spikes and rails from the track thereof, by turning switches and displacing and destroying signals, by assaulting and interfering with and disabling the switchmen and other employees of said railroad companies having charge of the signals, switches and tracks of said companies, and the movement of trains thereon, and in other manners by force and violence depriving the employees of said railroad companies in charge of such trains of the control and management of the same and by these and other unlawful means attempted to obtain and exercise absolute control and domination over the entire operations of said railroads."

These facts were matters of common notoriety and their truth was never challenged. That Chicago owing to this "normal, peaceful and helpful activity" became at that time as completely beleaguered as Port Arthur is a matter of common history.

The plain fact is that underlying all these specious sentences of Mr. GOMPERS'S in his "special message" to workers, and of Mr. ROOSEVELT in his special message to Congress, the "normal, peaceful and helpful activity" of labor organizations which it is sought to sanctify by an act of the American Congress is the attempt to compel men to work only under the conditions that the Gompers labor oligarchy may prescribe. The cardinal principle of unionism is that no one shall work except by permission of labor unions. It is refreshing to turn from these specious arguments in favor of an indefensible system of tyranny to the plain speech of Senator TILLMAN, whose roughness of utterance is more than atoned for by his unquestioned sincerity of expression. In his last speech upon the floor of the Senate, when interrogated by Senator BEVERIDGE as to the proposed legislation to exempt labor organizations from the Sherman anti-trust law, the following interesting colloquy took place:

"Mr. BEVERIDGE—Does the Senator regard any of the President's recommendations concerning labor legislation as radical and dangerous?

"Mr. TILLMAN—Mr. President——

"Mr. BEVERIDGE—I ask the Senator——

"Mr. TILLMAN—Wait a minute, if you please. I believe labor has the right to organize, and I favor the recognition of that right, and I would if necessary fight to have it enjoy that right; and at the same time, while I believe that the laborers who are organized have a right to demand the power to jointly use their influence and votes to get redress and protect themselves, I will never yield, except with my life, to the doctrine that one man shall say to another, 'You shall not work.'"

In these few words Senator TILLMAN has given us the whole "law and the prophets" of this labor question.

The Racetracks in 1908.

It is apparent that the anti-betting bills now before the Legislature will pass and that betting at the tracks will be prohibited under the same penalties as now attach to it in poolrooms. A curious alliance of gamblers and thoroughly sincere, good persons has made this possible. Unquestionably there will be in consequence a greatly increased business for poolroom keepers and handbook makers, whose suppression by the police it seems unduly optimistic to expect.

There is one effect of the legislation now under consideration which has not received from the public generally the attention it deserves. It has to do with the present racing season, to which the new law is to be made to apply.

The preliminary arrangements for this season were made months before the Governor began his campaign for a change in the law, at a time when the Percy-Gray law was in operation, having been affirmed by the Court of Appeals. The race associations, depending on this law, as they were fully justified in doing, arranged their meetings, advertised their purses and solicited the attendance and entries of horse owners. In this way various contracts were entered into, the carrying out of which is expected, under the conditions to be created by the new legislation, to entail considerable loss to the men concerned. Probably some part of this loss could be averted were the race association proprietors willing to revoke their dates and cancel their engagements. They have announced that they will not do this, as might have been expected. Sport has a code of honor of its own.

As these arrangements were entered into under a State law the constitutionality of which was and is unquestioned, the burden to be imposed on the race associations will fall on them most inequitably. It is scarcely conceivable that with regard to any other business a change in the statutes would be undertaken involving such interference and harm.

Rich Men for Diplomats.

The *Daily Telegraph* of London has contributed to the controversy suggested by the Hill incident, and among other more or less important things, says:

"Social powers and ability to entertain on a large scale mean a very valuable addition to the diplomatic efficiency at any embassy, because most men's imagination is dominated by symbolism."

We haven't the slightest doubt that this sentence contains the germ of a profound and pregnant thought. As a matter of fact, however, we don't in the least know what it means. Perhaps the most brilliant and profuse entertainments given at any of the European capitals have been those of the Hon. WHITELAW REID, our Ambassador to England. He took a magnificent house in a fashionable part of London, not to mention a spacious and splendid country establishment, where people go to shoot fat pheasants, overfed rabbits and the like, and in both of these he has feasted and regaled the presumably swell mob of England on a scale of expenditure calculated to make the guests look at each other with elevated eyebrows. What all this means in a diplomatic way the *Telegraph* tells or tries to tell us thus:

"For instance, the historic mansion which WHITELAW REID is able to make the centre of splendid hospitality and princely dignity becomes, as it were, a standing monument, conveying unawares to those who pass it a new sense of the weighty fact that the great republic is no longer a new country, but one established among the greater Powers of the world."

One would think that the real question is that of the impression made upon the guests at these superb entertainments, not what is thought by those who "pass by." A conclusion in this respect, however, would entail an examination of the invitation lists and of an appraisement of such as figure on it. Perhaps we had better fall back upon the *Telegraph's* postulate and leave it to those who "pass by." These may at least be presumed to know that it is the residence of Mr. WHITELAW REID of America, and that he gives a "hand out" which the invited hail with gratitude and gobble between winks. It is not the "American Embassy," it is Mr. REID's house, and how many of the papers in big, careless London know the difference? At all events, "the great republic is no longer a new country," supposing that the pedestrian public takes the trouble to identify the establishment and is idle enough to consider its purport. And even when that conclusion shall have been reached how many in all London care whether this is a new country or "one established among the greater Powers of the world"?

What we seem to need abroad is the institution of a set of American embassies and legations where the incumbents shall reside, where the dignity of our country shall be suitably maintained, where entertainment shall be liberally but not extravagantly measured, in the interests of our diplomatic service. We do not pretend to understand the esteemed *Telegraph's* reference to "symbolism"—of course our esteemed contemporary does—but according to our humble intelligence the diplomacy of this country will be promoted best by an exhibition of hospitality within bounds and among such individuals as represent the nation to which our envoys are accredited.

There ought not to be a standard of personal wealth for our diplomats. Possibly under new and more wholesome auspices there will be no such measure of qualification.

Mr. Bryan in a Pleasant Light.

With regard to the blunder of the National Democratic Club of this city over its invitation to WILLIAM JENNINGS BRYAN to attend its Jefferson dinner on April 13 Mr. BRYAN has acted throughout with good taste and judgment. He declined to allow his friends to hold a rival dinner and he has decided not to embarrass the club and himself by attending its feast and thus providing opportunity for misunderstandings and unpleasantness.

The club handled Mr. BRYAN clumsily from beginning to end. He has behaved with good nature and discretion. Perhaps he was tempted to take advantage of the chance afforded to score a personal triumph. Few men would not have been so tempted. If he was he has not injured himself by acting the part of a gentleman. The incident recalls another Jefferson dinner—the "ten dollar banquet" of 1899—given under the auspices of the same club, which Mr. BRYAN declined to attend and which resulted in the holding of two great "dollar dinners" in his honor.

The Democratic Club has been both impolitic and ungraceful in its treatment of Mr. BRYAN. He, on the other hand, has shown a creditable self-restraint.

His heart is kind, his sympathies sincere and wise, his dignity modest but real; his sense of justice exact, equal and abiding. His private life is pure; his home life ideal; his public life unblemished. —*Tribute to Mr.* FAIRBANKS *in the Indiana Republican platform.*

Senator BEVERIDGE, it is reported, wrote the eulogy on President ROOSEVELT that appears in the platform, and Indiana's favorite son himself composed the tariff plank. What blushing analyst contributed the simple but labored appreciation of Mr. FAIRBANKS?

Shoot and be darned! Go ahead!—*Admiral* EVANS *to the battery of photographers at Paso Robles.*

The medal of honor has been awarded for less conspicuous valor.

An invitation to Mr. BRYAN from his campaign manager in New Jersey to deliver a speech in Trenton on April 13, the day of the Jefferson dinner in New York, having set the New Jersey Democrats by the ears, Governor FORT seizes the opportunity to honor Mr. BRYAN by inviting him to luncheon on that day. Again has the Governor of New Jersey proved his shrewdness as a politician.

Representative GRANT EARL MOUSER of Ohio, in announcing that he will not be a candidate for reelection, says:

"If the internal strife in the ranks of the Republican party continues, in my humble judgment it will result in the defeat of hundreds of candidates for township, county and State offices. Nothing but disaster can come out of the present factional differences."

Mr. MOUSER throws up the sponge because he fears that factional differences in the party would cause his defeat at the November election if he should be a candidate for Congress again. The Ohio delegation now stands five Democrats, sixteen Republicans. How it will stand in the Sixty-first Congress Republican leaders like Mr. MOUSER fear to conjecture. The price of the attempt to drive Senator FORAKER from public life will have to be paid in Republican losses all over Ohio.

The Peripatetic War Secretary.

TO THE EDITOR OF THE SUN—*Sir:* Does the Honorable the Secretary of War draw his honorable wages while "off the job" for which his employers hired him? Is he "off the job" with permission asked and obtained from his employers?

Can his immediate chief, who makes a noise like a square and honest man, be honest and honor the Honorable Secretary's pay check for work not done and time not put in for such pay?

Talk about the Messrs. Slick—say!

LOUIS H. SCHMITT.

PLANTSVILLE, Conn., April 2.

Query.

The varied turns of fortune's wheel
Will never make him leave;
Though he may see wherein we err,
And for our faults may grieve,
Through good and ill, through storm and shine
A friend will ever cleave.

The ups and downs of fickle hate
Will not shake off a foe;
Though we may roam in foreign lands
His shadow, too, will go,
And sticking as a brother close
Will track us to and fro.

Yet two there are who part with speed
If winds blow hot or cool:
Since they would seem not friend or foe,
According to the rule,
Pray what is the relation borne
By money to a fool?

MCLANDBURGH WILSON.

IS TAFT THE "PALE SHADOW" OF ANOTHER?

TO THE EDITOR OF THE SUN—*Sir:* There is a reminiscence of partisan prejudice against the illustrious Madison, emphasized by Mr. Roosevelt in his biography of Gouverneur Morris, which Mr. Taft will do well now to ponder.

A hundred years ago there was a great deal of comment on the parting of political company by Hamilton and Madison. During half a dozen years of national peril and solicitude growing out of keen State jealousies and decaying nationality the two had cordially labored together to accomplish a better union of the thirteen States. The mutual efforts began with the convention at Annapolis, when Hamilton was a young man of only twenty-nine years and Madison was eight years older. They toiled together for the convention that assembled in Philadelphia at the request of the Congress of the Confederation and framed the present Constitution. Madison originated the series of measures that convened the meeting of State commissioners at Annapolis. Hamilton supplemented that work of Madison by merging, with his cooperation, the Annapolis effort to enlarge the powers of the Congress of the Confederation over commerce into a plan for an entire revision of the Federal system and a new Constitution. Both were members of the convention that finally assembled at Philadelphia chiefly by their united persistency.

Madison and Governor Randolph had in anticipation of that assembling collaborated that which came to be known as the "Virginia Plan," introduced by Randolph. It became the nucleus of the Constitution finally adopted. A few days later was offered the "New Jersey Plan." The relations of Hamilton and Madison to each plan indicated their then relations to one another. The two plans were radically unlike. The first was national; the second was federal. The larger States favored the first; the smaller States preferred the second. The final result combined both. By the first there were to be two branches of Congress; by the second only one. By the first the States were to be represented in both branches according to population, as now in the lower branch; by the second the States were to be equal in the Congress, as now in the Senate. By the first the new Government was to act, as now, directly on each citizen of each State; by the second it could act only on the States, as under the Confederation. Under the Madison-Randolph plan the Congress could regulate State legislation and veto such as was not acceptable. The present excellent method giving to the Supreme Court power to nullify unconstitutional State laws had not then dawned.

When both those plans were before the convention Hamilton, not satisfied with either, made in a five hours speech a presentation of his general views, not as a definite "plan" so much as his preferences. He preferred two branches of Congress, as Madison did—the lower to be chosen for three years directly by the voters, but the upper and the President to be chosen, he suggested, by electors of the people with a tenure during good behavior. The President was to have an actual veto on all bills passed by Congress. The Senate alone could declare war. The President in order to regulate State legislation was to appoint Governors of each State authorized to veto State legislation. For proposing that tenure of office (Presidents and Senators seem now disposed to hold on for life) Hamilton was then and has recently been by Democratic Southern Congressmen denounced as hostile to republicanism and favorable to a monarchical system. He stood, as did Madison, on the voters as the source and basis of all political power.

Hamilton and Madison seem both to have looked on the British Constitution as the best form of government then in existence and to have felt that perfect American republicanism could exist under its forms, supplemented by an adequate judicial system. Their eyes did not foresee that which our eyes now behold, the King's veto in disuse, the House of Lords "mended or ended," a supreme House of Commons menaced by the tumbrils of socialism, the power of the King decreasing, and that of the President increasing so as to dominate both branches of Congress.

Be that as it may, Hamilton and Madison upheld the final work of the convention. They cooperated so heartily in those anonymous newspaper letters which are combined in one volume, the *Federalist*, a wonderful by-product of the convention, that experts disputed whether one or the other of them was the author of this letter or that. Each led in the convention of his State for ratification of the proposed fundamental law. Madison fought Patrick Henry, Mason and Monroe for a month and the Constitution only won in Virginia by ten votes, but yet the news of that slender majority gave Hamilton the victory in New York by a smaller majority—so unpopular was then the Constitution.

When the time came to choose Senators from Virginia in the first Congress the enemies of the Constitution, led by Patrick Henry, defeated Madison, and nearly prevented his election to the lower house. Hamilton was not selected from New York.

Commenting on those interesting events in our early history Mr. Roosevelt in his biography of Morris commented on Madison as then having his "time of glory," and as one of those statesmen who do useful work only in some single crisis. "When the Constitution was being formed," Roosevelt wrote, Madison "stood in the very front, but in his later career he sank his own individuality and became *a mere pale shadow of Jefferson.*" The intimation is that Jefferson took Madison "up into an exceeding high mountain."

Mr. Taft will discern the application to himself of Mr. Roosevelt's criticism of the illustrious Madison. He has not had yet the opportunity that Madison had to fill "the rolls of fame," but as member of a Federal judicial circuit and as Governor of the Philippines he did satisfy and gratify conservative public opinion. He ought not now to become "the pale shadow" of even a President, as Roosevelt said Madison became. He should reassert himself and his own good record before the time and the day shall irrevocably have passed. He cannot afford to permit the conviction to gain force, *crescens eundo*, that the President has a "ring in his nose." Industrial welfare throughout the country urges him to repel the base insinuation.

There is pressing need now that the owners of accumulating loanable capital abroad and at home shall again have that confidence in the Government at Washington that will induce them to invest in American enterprises.

A FRIEND OF TAFT.

NEW YORK, April 3.

Great, but Forgotten.

TO THE EDITOR OF THE SUN—*Sir:* I think Mr. Brewster might eliminate Emerson, Franklin, Beethoven and one other for Jesus Christ, Christopher Columbus, Longfellow and the man (I have forgotten his name) who was instrumental in securing the Magna Charta.

E. P. P.

NEW YORK, April 2.

Bryanology.

TO THE EDITOR OF THE SUN—*Sir:* You once had a name for Bryan that was pretty good, why didn't you stick to it? You called him "Popocrat."

NEW YORK, April 3. G. Y.

THE NATION'S FIGURES FOR 1907.

TO THE EDITOR OF THE SUN—*Sir:* Official reports from the various sources of statistical information give the following as the principal features of the economic showing of the United States in 1907:

Population	85,817,239
National wealth (1904)	$107,104,211,917
Public debt (less cash in Treasury)	$876,596,755
Gold coined	$131,907,490
Silver coined	$13,178,436
Gold in circulation	$561,697,371
Silver in circulation	$303,487,845
Gold certificates in circulation	$600,072,299
Silver certificates in circulation	$470,211,225
United States notes in circulation	$342,270,035
National bank notes in circulation	$589,242,125
Total money circulation	$2,772,956,455
National banks capital	$883,690,917
Bank clearings	$154,662,515,258
Deposits in national banks	$4,322,880,141
Deposits in savings banks	$3,495,410,037
Value of farms and farm property	$25,000,000,000
Value of farm animals	$4,423,697,853
Value of 1907 farm products	$7,400,000,000
Value of principal factory products, annual (1904)	$14,802,147,087
Government revenue for the year	$665,140,484
Government expenditure for the year	$578,903,748
Excess of revenue over expenditure	$84,236,686
Exports of merchandise	$1,880,851,078
Imports of merchandise	$1,434,421,425
Excess of exports over imports	$446,429,653
Manufactures exported	$740,123,451
Production of gold	$90,620,399
Production of silver, commercial value	$37,571,580
Production of coal, tons	369,783,284
Production of petroleum, gallons	5,312,745,312
Production of pig iron, tons	25,781,361
Production of steel, tons	23,398,136
Production of tin plates, pounds	1,293,728,880
Production of copper, pounds	918,000,000
Production of wool, pounds	298,294,750
Production of wheat, bushels	634,087,000
Production of corn, bushels	2,592,320,000
Production of cotton, bales	13,510,982
Cotton taken by home mills, bales	5,005,000
Cotton exported, pounds	4,518,217,220
Railways operated, miles (steam)	222,635
Passengers carried	815,744,118
Freight carried one mile, tons	216,653,795,696
Ship tonnage in domestic trade	6,067,648
Ship tonnage in foreign trade (our worst showing)	871,146
Vessel tonnage through "Soo" Canal (1906)	41,098,324
Postal receipts	$183,585,005
Telegrams sent (1906)	96,987,146
Public school salaries paid (1906)	$186,483,464

This last item is really a first class national investment.

WALTER J. BALLARD.

LOS ANGELES, March 30.

A SMALL DEALER'S PLAINT.

The Pure Food Law Spells Ruin to Importers Like Himself.

TO THE EDITOR OF THE SUN—*Sir:* How is a small importer to do business? Or is it undesirable to be a small importer? Say one has customers for ten cases of peas, one case of ten different delicacies a month; that is an income of about $100 on an invested capital of $500. Petty, if you will, but not intrinsically ignoble; or if so not sufficiently low to merit ruin. Yet ruin is what the pure food laws effect.

Say you have twenty of the finest restaurants as customers for fancy imported preparations, eight of these have been taking one dozen cans a month of a certain article; that is ninety-six cans, with a profit of about $8, and so on for the rest of your stock. Is it wicked to sell thus? Hundreds used to do this kind of business until patriotic saintliness sent them in search of jobs. The law says all these articles must have the principal label in English. No factory will label less than 5,000 cans at an order, as it is an expensive process, burning into tin with gold print, colors, ornamental designs, &c.

Wealthy firms with many stores and hundreds of salesmen can give such large orders for one article, but what of the humble business men? To paste an ugly paper strip over the can might admit the article, but it would certainly spoil sales. The small importer is told by his customers to send his list. He has no list because he has no goods. And how can he get them? Of course we admire the patriotism that doesn't balk at the ruin of some other fellow, but we would observe with pleasure the effects of one year's active business experience upon Dr. Wiley and his poison squad.

OUT OF A JOB.

NEW YORK, April 3.

NAVAL BUREAU REFORM.

The Idea of an Advisory Board of Civilian Constructors Approved.

TO THE EDITOR OF THE SUN—*Sir:* Mr. Holmes's letter in THE SUN of April 2 has struck a responsive chord in me. His suggestion about appointing an advisory board of civilian naval constructors to pass upon all important matters in regard to the building and maintaining of our warships seems to be well thought out, and would, in my opinion, be a splendid solution of the bureau problem that has caused so much trouble in the navy.

It may interest your readers to know that the chief constructor of the British Navy is appointed from civil life and receives a large salary for his important services. Sir William White, who held this position for many years, received $30,000 a year, and his great experience made him cheap at the price.

We have men here who would be able to take the construction bureau in hand and make it the practical and economical help to the navy that it can never be with a man of the narrow stamp of Mr. Capps at its head. We have had enough of Capps. Now let us get down to some practical basis and try to keep abreast of the times in the building of our ships of war.

J. A. D.

NEW YORK, April 3.

Japanese Financial Notes.

According to the *Japan Financial and Economic Monthly* the principal foreign customers of the empire are, in order as named, United States, China, France, Corea, Great Britain, Hongkong, Italy, British India, Germany, Straits Settlements, Asiatic Russia, Australia, Canada, Hawaii, Dutch India, Belgium, Austria-Hungary, Philippines and European Russia. American purchases form nearly one-third of Japan's total exports.

Japan's principal bank clearing house totals for 1907 were:

Clearing House.	*Amount Cleared, Yen.*
Tokio	3,239,493,816
Osaka	1,521,185,719
Kobe	681,117,247
Yokohama	462,179,737
Nagoya	236,884,989
Kioto	255,980,683
Total, yen	6,396,841,191

(Equal to about $3,198,420,595.)

In each case, except Osaka, where there was an increase of 58,000,000 yen ($29,000,000), these figures are considerably less than for 1906.

At the end of October, 1907, the Corean branch of the First Bank of Japan had bank notes out representing 11,306,400 yen ($5,653,200), about five times as much as at the end of October, 1904.

At the close of the first eleven months of 1907 Japan's exports and imports totalled 855,375,328 yen ($427,687,664), with an excess of imports over exports of 54,355,870 yen ($27,177,935).

On November 30, 1907, the clearing house banks of Tokio held deposits of 204,747,607 yen ($102,373,-803), a decrease of 11,000,000 yen ($5,500,000) from November 30, 1906. The discounted bills amounted to 152,465,302 yen ($76,232,651), an increase of 16,000,-000 yen ($8,000,000).

The total bank capital of Japan on November 30, 1907, was 613,905,819 yen ($306,952,909).

Japan's public debt amounts to 2,244,105,431 yen, equal to about $1,122,052,715.

Subsidies amounting to 80,000 yen ($40,000) have been granted for 1908 to encourage mulberry planting.

The Corean budget for this year covers revenue 20,286,732 yen ($10,143,000), and expenditures 20,296,-703 yen ($10,148,351). The Corean imperial household is allowed 1,500,000 yen ($750,000).

On November 30, 1907, the various prefectures, counties, cities, towns and villages of Japan owed 72,565,565 yen, equal to $36,782,782. Tokio and Osaka owes 20,000,000 yen ($10,000,000) each.

Japanese exports of silks to the United States were completely suspended as a result of the recent financial flurry here. Forty thousand bales accumulated at Yokohama alone.

Japan imports chiefly wheat, wheat flour, rice, raw and ginned cotton, wool, oil cake, hides, indigo, iron bars, slabs and plates, steel rails, iron pipe, paper, mineral oil, machinery, sugar, cotton yarn, woollen cloth, serges, liquors, phosphates, flax, hemp, china, glass, leather, shirtings, cotton prints, cotton satin, umbrella cloths, iron nails, locomotives, freight cars, passenger coaches and steamships.

Foreign ships are still more prevalent than Japanese ships in Japanese ports—about one-fourth more.

In order as named Japan's chief mineral products are copper, sulphur, silver, coal, iron and petroleum.

REGULATION OF VIVISECTION

The Davis-Lee Bill Declared to Be a Menace to Medical Science.

TO THE EDITOR OF THE SUN—*Sir:* In view of certain current misconceptions of the objectionable nature of the proposed legislation to regulate vivisection in the State of New York I wish to offer the following brief criticisms of one of the bills now pending before the legislative committee:

When the objections to the Davis-Lee bill are fairly presented the injurious nature of the proposed legislation will readily be seen. The immediate question at issue involves the crippling by needless restrictions of the proper carrying out of experiments upon animals. In the analysis of the two bills made before the committee of the Legislature it was shown that the Davis-Lee bill, which might readily seem harmless to science, was in reality very dangerous. In what follows I shall draw freely on the brief officially submitted to the committee on behalf of those, of whom I am one, who protest against the Davis-Lee bill.

The first point which presents itself may be stated in some such words as these: Medicine and the biological sciences in general are rapidly advancing and changing subjects. It is against the future public interest, therefore, to place in the path of this progress the obstacle of unchanging words of a law which might at any moment impose a bar injurious to the public welfare; nor can a form of words be devised which would not involve this grave danger even in the near future.

Section 1 makes it a misdemeanor to perform an experiment "calculated to cause pain or distress" to a living vertebrate animal, except subject to restrictions which seek to define and fix by law the cases in which an anæsthetic must be or need not be given, and the cases in which an animal must be or need not be killed immediately at the end of the experiment. The unwisdom of attempting to define and fix such cases by law could be illustrated by showing that under the clauses of this section certain discoveries which are of direct value in the saving of human life could not have been made and certain fundamental physiological facts which form part of the scientific basis of medicine could not lawfully have been discovered.

Anæsthetics are now and long have been given to animals as a matter of course in experimental operations, unless for some unusual reason the purpose of the experiment would be expressly frustrated thereby. To deprive qualified persons of their present discretion in this matter may be to forbid observations of very great value to medical science. No one would venture by legislation to deprive a surgeon of discretion in giving or withholding an anæsthetic in the case of a human patient, yet the Davis-Lee bill seeks to do this in the case of an operated animal, just as it most unwisely deprives qualified persons of discretion in the matter of keeping animals alive after operations.

The second question which is presented may be stated as follows: Discovery in the medical sciences, as in the physical sciences, is made often after long, patient and even devious experimentation; and the goal of the experimenter may be reached sometimes by indirection more surely than by direct attack of his problem. Among the efforts at present being exerted in experimental pathology and pharmacology are the discovery of the causes of diseases thus far withheld from knowledge and of new methods by means of drugs and other therapeutic agencies through which diseases not now amenable or now imperfectly amenable to treatment may be more successfully dealt with. Would it be wise, therefore, to open the way, as section 2 of the Davis-Lee bill requires, by premature reports to the State Commissioner of Health for the exploitation of alleged new discoveries in therapeutics and in medical science, which could operate only to the detriment alike of the medical profession and the public welfare? Moreover, in view of the large and flexible powers given in connection with this provision to the State Commissioner of Health it would surely act to facilitate ignorant and frivolous prosecutions and to be subjected to such prosecution and then be acquitted constitutes a severe punishment for an innocent man, which should not lightly be made possible by law. Nor is it sound public policy to discourage legitimate experimental work by the prospect of such prosecutions.

The charge implied repeatedly at the legislative hearing by the supporters of the two bills that the experimental work of the medical sciences is carried on in secret cannot be maintained. For the results of all successful investigations in physiology, pharmacology, pathology, &c., together with the precise methods employed in their attainment, are published to the world as soon as they have been obtained. That greater publicity than this is either needed or can be really useful I doubt.

Finally, in point of fact there is no good reason for enacting special laws to deal with possible abuse of vivisection since it can be affirmed, on the basis of able legal opinion, that such abuse is already punishable under the present laws relating to cruelty to animals.

SIMON FLEXNER,
Rockefeller Institute for Medical Research.

NEW YORK, April 3.

A Survey of the Third Term Prospects.

From the Poughkeepsie News-Press.

Is Roosevelt shaping matters for a third term in the White House for himself?

A study of the situation in the light of Roosevelt's restless ambition and acknowledged political genius may not be amiss.

No President in the history of the republic has gone so far in smashing tradition and defying the Constitution.

No President has so openly threatened the Supreme Court for differing with his administration as has Roosevelt.

No President has shown so little regard for the House and the Senate as has Roosevelt.

These are not Democratic attacks upon him. They are facts of which he is evidently proud and of which his admirers are talking with praise and words of support.

No President has so boldly placed the army and navy under the control of his personal friends and political creatures as has Roosevelt. He has brushed aside men long in the service of the nation and promoted youngsters over their heads, thus outraging military discipline and precedent.

There remains but one tradition for Roosevelt to smash; but one revered if unwritten law for this restless man to crush. That is the tradition given us by Washington and Jefferson to the effect that no man shall hold the office of President three terms.

Roosevelt himself by the side of the bier of McKinley voluntarily gave his oath that he would follow in the way begun by McKinley, and from that moment he proceeded to make a Roosevelt administration. Should he put aside his promise not to take another nomination he would not depart farther from his solemn words than he did in that instance.

It is clear to everybody that with a panic of his own making Roosevelt's chance of election on the "my policies" issue is nothing like as strong as it was. The chance for Taft or any other man to be named by Roosevelt is dwindling every hour. The hope of a Republican victory, with the full dinner pail issue gone and the panic saddled upon that party, has passed. Is it the intention of Roosevelt to meet the issues forced by his policies which have prostrated business?

How can he sidetrack the issues now facing him, like defeat clouds in the political sky?

In just one way.

Let the Chicago convention be stampeded for Roosevelt and at once the third term issue becomes the overwhelming and only issue in sight. All others will be forgotten in the shadow of that political issue, bearing in it the suggestion of the fourth, fifth—any number of terms. Great politician that Roosevelt is, which of the two issues will he face?

On the panic issue he or any man of his choosing is beaten now, unless all precedents are to count for nothing.

What would the American people do once the third term question was put up to them in earnest, even with the quibble about it being only the second elective term attached to it?

This is the question which in all probability has not escaped the political acumen of Roosevelt.

Again, is it not strange that Roosevelt, the only New Yorker ever made President by the Republican party, should seem so determined to hand the Presidency back to the West, as against his own State? Remembering that he is a great politician, will it turn out that New York is to have the nomination after all?

Is it not almost fixed now that if it be a New Yorker who is to be named at Chicago it will not be Hughes?

Looking over the field it is quite clear that the panic issue, the "my policies" issue, the taking-the-Presidency-from-New York issue, can all be dissipated by the springing of the third term issue.

Will or dare Roosevelt make the move? The days of June will tell.