jured state is without legal redress. Her own courts cannot get jurisdiction of the New Jersey corporation, for its domicile is in New Jersey. She might go into the New Jersey courts; but that would be futile, for they would doubtless decide in harmony with the New Jersey policy, which favors monopolization, and not with that of Minnesota, which favors competition. The Supreme Court of the United States, invested with jurisdiction to try precisely such cases—issues between a state and citizens of another state—refused, following an absurd decision of its own, made for the protection of the Southern Pacific Railroad company in a suit brought by the state of California a few years ago against that artificial product of Kentucky legislation, to take jurisdiction. "So there you are!" Minnesota has no judicial redress for this palpable defiance of her domestic policy, by the owners of a corporation of her own creation. Even though the state of Washington be admitted as it has been to prosecute the question in the Supreme Court, her claims rest upon different and possibly weaker grounds. Minnesota is without a remedy. If a labor question instead of a railroad corporation question were involved, it would probably be different. Some remedy would doubtless be found. But as it is there appears to be none, unless the legislature of Minnesota shall decide to "take the bull by the horns" and withdraw the Minnesota privileges of the corporations in question, on the ground that they are being abused in defiance of the laws of the state.

A few weeks ago (vol. iv., p. 801) we quoted Gen. Miles as having testified before a Senate committee that the Root army bill, now before Congress, "would seem to Germanize and Russianize the small army of the United States," and to throw "the door wide open for a future autocrat or a military despot." That Gen. Miles was right will appear upon considering one feature of the Root bill, that which provides for a general staff. Under the present plan the technical head of the army—the major general or lieutenant general in command—rises to his position regularly through the organization of which he is part; and although he is subject to the general direction of the president as commander-in-chief, he is not subject to arbitrary appointment and removal by the president or at the behest of a political party. But that would all be changed by the Root army bill, which aims to enable the president to appoint and remove the technical head of the army at will. Instead of being a civil magistrate, with incidental military powers as commander-in-chief, the president could make himself commander-in-chief with incidental civil powers. The technical head of the army would no longer be merely his military subordinate, charged with the proper execution of lawful orders; he would be his personal puppet, able and willing to further his designs, whether lawful or unlawful, so far as the military organization could be made to operate to that end. Professional success in the army would depend altogether upon pleasing the president and his party; and every change of administration would be followed by a change in the technical head of the military machine. Perhaps there is no real danger in the bill. Possibly no president would be disposed to avail himself of the enormous power it would confer upon him to execute a coup d'etat. But if by any chance a strenuous president so disposed should come into office, what a tempting opportunity would confront him!

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The true adjustment of this matter lies in the direction of the bill introduced in the senate on the 22d by Senator Hawley. This bill would place the technical direction and control of the army under a military head, subject to the general orders of the president, but not subject to his arbitrary control. It quite properly puts the president, as commander-in-chief in the same relation to the general in command that the latter is in to his subordinates. Arbitrary dictation, obeyed in fear of removal or in hopes of retention or promotion, would be prevented; yet the president, so long as he acted within the law, would remain supreme. His lawful orders would have to be obeyed; his secret wishes would not. He could remove the general in command upon conviction of misconduct; he could not remove him at his own unbridled will. If this system places a wholesome check upon military officers of lower grade with reference to their subordinates—as colonels to captains—as it certainly does, it would not be an unwholesome check upon the president with reference to the general in command.

A man sits under the shadow of the gallows in Chicago who may be guilty of a brutal murder, but whose execution will nevertheless itself be murder if carried out. For this man has not had a fair trial. He was convicted under circumstances which raise a strong presumption that the jury that convicted him was intimidated.

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It would be bad enough if a possibly innocent man were hanged. But that is not the worst of it. Human justice being necessarily fallible, innocent men may now and then suffer under the best possible conditions. But when human justice has been poisoned at the source, the integrity of society itself is menaced. In these circumstances not merely may an occasional sad mistake be made, but constant perversions of justice are possible, and all confidence in the law must perish.

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Society should try to prevent crime, and in doing so may punish criminals. It is impossible, however, for society to ascertain guilt, except through agencies adapted to that purpose. Hence courts of criminal justice are established, with judges, prosecutors and juries. In these institutions the juries are the final arbitrators. They are relied upon by society to sift and weigh the facts and