

til ten days after he has announced to said policy-holders the names of the trustees selected, and so give said policy-holders opportunity of revoking same.

(3) Said Lawson agrees that, in accepting said proxy, he will not use same to elect any one a director of the Mutual Life Insurance Company, the New York Life Insurance Company, or any other insurance company who will not first agree to do all in his power after he is elected to exact full restitution of all moneys filched from these corporations, and enforce punishment of officers, directors, agents, or other employes who have been in any way guilty of wrongdoing.

This proposal of Mr. Lawson's is fair. The proxies are so hedged about with conditions that they could not be misused if Mr. Lawson intended to misuse them, an intent from the suspicion of which he has proved himself entitled to be exempt. In the present uncertain condition of these grossly mismanaged companies, policy holders will doubtless serve their own best interests by holding aloof from the grafters and all their overtures and promptly sending their proxies to Mr. Lawson.

The crime of the "sweat box."

That this infamous institution exists in connection with the administration of the criminal law in the United States, is commonly doubted. Yet every now and again the news department of the daily press describes it as one of the commonplaces of the day. Here is an example, taken from a Pittsburgh dispatch of the 20th as it appeared in the Record-Herald of the 21st:

Cunliffe reached here in care of detectives early this evening. He was heavily manacled and was hurried by a circuitous route to the Pinkerton offices, where he was turned over to a few fresh Pinkerton men by the officers who had come with him from Bridgeport. Tired and travel-worn as the fugitive was, he was told that he must reveal the location of the missing \$10,000 before he slept. He was at once entered on the "third degree" in the "sweat box" in an effort to force him to confess the whole truth. Until a late hour to-night Cunliffe was being walked up and down the floor, but nothing had been secured from him. The detectives declare they are willing to stay with Cunliffe for days if he does not tell what he knows. The finding of additional money in Bridgeport

to-day, after Cunliffe had said he turned it, leads the detectives to believe that the \$10,000 yet missing can be located if they keep Cunliffe awake long enough, and he will not be allowed to sleep.

The sweat box is not recognized by our laws, but is condemned by them. If it ought to be used, it ought first to be legalized. But in defiance of the law police officials, and now it seems private detectives, use this torture with impunity. The modes of torture are various. In their milder forms they consist in questioning an accused person under circumstances calculated to excite his hopes or his fears, for the purpose of tricking him into giving or manufacturing testimony against himself. This is in plain violation of the law, but it is not the worst. When questioning fails to convict the guilty or confound the innocent, nerve-racking expedients are resorted to such as producing horrible objects or reproducing gruesome scenes of crimes. But deprivation of sleep is probably the worst of the tortures, and throwing strong electric lights into the face of the victim when he drowns is a favorite method. These cruelties are practiced commonly. Police officials practice them, prosecuting attorneys know of it and encourage it, judges are aware of it but are silent, and a profession once quick to maintain the integrity of the law hears of it with indifference.

A judge who should be judged.

There was an extraordinary scene in a Chicago courtroom last week. Judge Barnes placed himself in contempt of the court over which he was at the time presiding, by insulting a jury which had simply performed its duty. Instead of convicting a prisoner, as he hoped it would, the jury found a verdict of not guilty. At the close of the trial the judge had lawlessly invaded the jury box by saying: "Let the jury go out and bring in its verdict; the guilt is obvious." Then, when the verdict of "not guilty" was returned he riotously exclaimed:

What? Not guilty? That is a travesty on justice. It is a shame that such stupid and unintelligent men should be taken as jurors. In

this case the evidence was so conclusive that I did not think it necessary to instruct you. Not guilty! I won't have such a set of men in the jury seats. You are all discharged without pay. You don't deserve a red cent. Such a jury is a detriment to justice. You are about as useful as a set of ninepins, so far as brains and common sense go.

Such a man is unfit to sit in a court where liberty and life are at stake; and our legislature would impeach him if it had any regard for judicial propriety and dignity. Judge Barnes, instead of studying the landmarks of the law he is assigned to administer, must be a student of Alice in Wonderland, for there we read:

"I'll be judge, I'll be jury,"
Said cunning old Fury—
I'll try the whole case
And condemn you to death."

TWO CHAPTERS IN CHICAGO TRACTION HISTORY.

Mayor Harrison had proclaimed the "tentative ordinance" as "the best practical solution of the traction question" in the circumstances (vol. vii, p. 305), and had notified the people of Chicago to petition by 100,000 signers or more for a referendum against it, in default whereof the Council was to pass and he to sign the ordinance.

Judge Tuley had in an interview analyzed that ordinance and exposed its vicious character (vol. vii, p. 343), and Judge Dunne had denounced it in a public speech (vol. vii, p. 357); while the Referendum League had protested (vol. vii, p. 342) against Mayor Harrison's proclamation as violative of pre-election pledges and defiant of the emphatic result of a previous popular referendum.

The Hearst papers of Chicago had accepted Mayor Harrison's challenge, and by securing a referendum petition with 135,000 signers (vol. vii, p. 521) had balked the plan of Mayor Harrison and the Council to railroad through the "tentative ordinance" with what he had cynically called "a silent referendum."

The two financial groups (vol. vii, p. 609), one controlling the City Railway Company through local investment and the other controlling the Union Traction

Company through Wall street investment, had made a financial adjustment of their long and bitter quarrel, and under the business leadership of J. Pierpont Morgan were planning to go into the approaching municipal election with franchise-extension candidates for mayor at the head of the tickets of both parties.

Judge Dunne had loomed up (vol. vii, p. 610) in the public mind as the one man whose candidacy on the Democratic ticket could frustrate these franchise-extension plans, and in the minds of franchise advocates as the one man whose election must be prevented if possible.

Such was the situation in Chicago at the time when the first of the two following chapters in Chicago traction history opens at Los Angeles, California.

I

Among the political celebrities of Chicago who were lured to Los Angeles during the races there in December, 1904, was Alderman Thomas Carey. Along with Carey was Edward M. Lahiff, formerly Mayor Harrison's private secretary and then as now one of Mr. Harrison's loyal lieutenants in the local politics of Chicago. There were also Alderman Charles Martin; Mr. Michael J. Doherty, then and still an important functionary of the Chicago department of public works; Mr. Preston Harrison, Mayor Harrison's brother; and Mr. Roger Sullivan and ex-Mayor John P. Hopkins, whose interests in politics relate more directly to gas than to traction, albeit the relation is similar and their feeling for traction interests therefore sympathetic.

Alderman Carey and his Chicago friends while gathered at Los Angeles were in the habit of dropping into the Angeles buffet for physical refreshment and intellectual exercise, and there they fell quite naturally into discussions of Chicago politics. To their mutual astonishment, no doubt, they found themselves of one mind regarding the traction question and Dunne's nomination. As to the traction question, they were agreed that municipal ownership must be defeated and the franchises of the existing companies extended; as to Dunne, if he could not be headed off for

the nomination nor sacrificed at the election, he was to be made a victim of misplaced confidence.

In the course of the development of this unification of thought and purpose, communication had been opened with kindred spirits in Chicago, and in consequence the telegraph wires between Chicago and Los Angeles vibrated assiduously for a time.

Among the correspondents at the Chicago end was Col. Bliss, the ingenious attorney for the Chicago City Railway Company; and pursuant to a message from him, sent under cover to a middleman by whom it was delivered to Alderman Carey at Los Angeles, the group came to the following decision:

First.—To defeat Judge Dunne for the mayoral nomination, if possible with safety to the Democratic organization as it then existed.

Second.—If upon their returning to Chicago it was found unsafe to the organization to try to defeat Dunne, then to urge his nomination, ingratiate themselves into his confidence and treacherously defeat him at the polls.

Third.—If Dunne should be elected, to invite his confidence by supporting his administration in general; but to balk him at every turn on the traction question.

Fourth.—To organize an inner Democratic circle in the City Council, which should assist in winning Mayor Dunne's confidence by appearing to support his policies, and then, having learned his traction plans in advance, cooperate with the opposition to frustrate them.

The common sentiment of the Los Angeles group was usually phrased in the course of these consultations in some such form as this: "The easiest way to beat Dunne is to be with him both before and after the election."

Upon the return of these industrious local statesmen from Los Angeles to Chicago, Alderman Carey began experimenting with the possibilities of heading off Dunne's nomination. He first urged Mayor Harrison to be a candidate for reelection. But Mr. Harrison had different plans. He had already arranged with Mr. Victor F. Lawson, the dictator of

the Daily News as proprietor and of the Record-Herald as mortgagee, to stand aside for John M. Harlan, the Republican candidate. Thus the way was to have been opened for the nomination of a weak Democratic candidate, the consequent election of Harlan, the settlement of the traction question under Harlan by the passage of extension franchises in accordance with Mr. Lawson's views, the promotion of Harlan to Deneen's place as governor of Illinois, and the return of Harrison to the City Hall in 1907 as the only Democrat capable of carrying Chicago—a return under circumstances which would have removed from the path of his political ambitions all the embarrassments of municipal ownership issues.

When Mayor Harrison had positively refused to consider a re-nomination, Alderman Carey approached Alderman Dever with the suggestion that he become a candidate. Alderman Dever has long been a consistent supporter of the municipal ownership movement. He is an honest alderman, a high type of politician without a flaw in his record, a citizen of strong and conscientious though slow judgment, and a man of honorable ambitions. But he had not then acquired that prominence in the whole city which was necessary to make him an available candidate. This he knew, and he must have suspected the good faith of Carey's proposal. At any rate, he rejected the offer, and advised the nomination of Judge Dunne.

By that time Judge Tuley's emergent letter (vol. vii, p. 669) had produced its intended effect. Public opinion having found expression, a political tidal wave, both inside and outside the Democratic party, was carrying Dunne on its crest; and the Los Angeles group were convinced that they could not hope to prevent Dunne's nomination without losing control of the local Democratic organization. They therefore abandoned the first tentative clause of their agreement, and turning to the second began to ingratiate themselves into the confidence of the inevitable candidate. Incidentally they burdened his candidacy by adroitly "loading" his ticket.

In spite, however, of treachery during the campaign, Dunne was elected, and with this climax the first of our two chapters comes to an end.

II

Our second chapter will lead the reader into the soulless sanctuary of the traction companies, but it begins with the efforts of the Los Angeles group to carry out the third and fourth clauses of their tentative programme.

Pursuant to these clauses an inner circle of franchise-extension Democratic aldermen was formed, as there is good reason for believing from the circumstances, and efforts by aldermen of that ilk were made to betray the confidence of Mayor Dunne. The Mayor was both fortunate and unfortunate in his method of defense against this subtle species of assault. By discreetly guarding against enemies professing to be friends, he fortunately forced some at least of these enemies out into the open, but he unfortunately offended friends who were too slow at distinguishing aloofness from caution. The important consideration here, however, is that the Los Angeles group of Democrats did not succeed in gaining the Mayor's confidence sufficiently to enable them to balk him as friendly advisers, and have been forced to attempt their frustration of his municipal ownership plans by almost open cooperation with the traction companies.

There were numerous maneuvers for the purpose of gaining Mayor Dunne's confidence, but the most important and baffling complication with which he was forced to contend was the teamsters' strike (p. 274), the circumstances of which were strongly indicative of a purpose to break the force of the popular demand for municipal ownership, by discrediting the administration at the outset. One of the many peculiarities of this strike was its mysterious revival on several occasions after it had come to an end.

The business concerns involved in the strike had for their principal legal adviser Mr. Levy Mayer, a prominent corporation lawyer of Chicago, who is reputed to be largely interested in local gas franchises along with Roger Sul-

livan and John P. Hopkins, of the Los Angeles group named above. Mr. Mayer made several attempts to supersede the civil authority with a military force, but without success.

As soon as Mayor Dunne had been given opportunity to turn his attention from the menacing complexities of this strike, he set about obeying the popular mandate which had charged him with the duty of establishing municipal ownership of traction facilities.

The problem in itself was a simple and easy one — legally and financially. What made it difficult, and all that made it difficult, was the fact that the companies occupied a position which gave them a tactical advantage in every contest. Delay would count for them and against the municipal ownership movement. Every accident, every blunder, every possible opportunity for pettifoggery either in the courts or through newspapers, would count for them and against the municipal ownership movement. Obviously, therefore, the proper first step was to deprive the companies of this tactical advantage and give it to the city; and that was what Mayor Dunne endeavored to do by means of what is called his "contract plan" (p. 228).

He proposed a construction company, to construct and operate in trust for and under the direction of the city, the entire traction system of the city, as fast as it could be acquired, and to turn it over to the city as soon as authority to pay for it had been legally obtained under the Mueller law. The adoption of this plan would have taken the advantage of position from the companies and given it to the city. From that time onward all the accidents and delays incident to legal acquisition of the traction system would have counted for the city and against the companies, and the battle for municipal ownership would have been virtually won at the first blow.

Had the friends of municipal ownership appreciated the importance of this first step half as well as the companies did, the local transportation committee would not have dared to ignore Dunne's plan as it has done. But under cover of the opposition among the

friends of municipal ownership, the companies have been greatly facilitated in shelving Dunne's plan and promoting their own.

The companies also have been at disagreement among themselves. But they have had the advantage of being able to fight out their differences in secret.

These differences did not arise as heretofore, between local capitalists and Eastern capitalists. They arose over a question of method.

One faction urged the rushing through the Council of company ordinances extending their franchises, and overcoming the Mayor's veto with a two-thirds vote of the aldermen. So far as Republican aldermen were concerned, party regularity was counted on for the most part, influences of various kinds having made franchise-extension virtually a party measure. As for the rest of the necessary two-thirds, this faction was brutally frank. It proposed turning the whole matter over to Carey and one or two other Democratic aldermen, with power.

The other faction strongly opposed this method. They do not seem to have been so much inspired by civic principle as by considerations of business policy. In their view such a course would arouse Chicago as the aldermanic ring had aroused Philadelphia, and as with Weaver there, make Mayor Dunne overwhelmingly popular here. Their own plan was to make an appeal to the people by referendum, under circumstances calculated to assure a favorable popular result.

While this internal war in the counsels of the companies raged, Mr. Victor F. Lawson was called in for consultation. He supported the second faction, and gave orders to his two newspapers to begin an agitation for a referendum on the franchise-extension ordinance which a majority of the local traction committee, assisted by Col. Bliss and a galaxy of other traction lawyers, are now "framing up."

Mr. Lawson's papers responded (p. 418) promptly, but in the traction sanctums the battle of the factions continued nevertheless to rage. It was not until the 9th of October that a settlement was reached. The referendum faction

then achieved a victory over the other faction, whether permanent or not remains to be seen, and Col. Bliss drew the referendum resolution for presentation to the Council meeting that night.

The alderman chosen to present Col. Bliss's referendum resolution, Milton J. Foreman, Republican and franchise-extension leader in the Council, performed that service (p. 439) with what must be regarded as consummate grace, when his frequently expressed opinion of referendum voting is considered. Mr. Foreman had theretofore declared himself so strongly in opposition to the referendum, and in sneering terms so contemptuous, that it is extremely doubtful if any other advice than that to which he yielded on this occasion could have prevailed with him to reverse his attitude.

The Bliss-Foreman referendum resolution was amended on the 16th (p. 456) at the suggestion of two municipal ownership aldermen. Whether these amendments, which Foreman accepted, have prejudiced the plans of the traction companies is not yet revealed. But according to the plans of the traction interests and their representatives in the City Council, as now indicated, the franchise-extension ordinances which the majority of the local transportation committee and the lawyers for the companies are "framing up," are to be approved by majority vote of the Council in committee of the whole, to be accepted in writing by the companies, and then to be laid before the people at the municipal election in April under the public policy referendum law. A campaign of popular education in favor of the ordinances is then to be made by the traction company aldermen, presumably at their own expense, and in consequence of this campaign the result of the referendum is expected by its promoters to be favorable to the companies. Should the vote be adverse, then a slightly different form of franchise-extension ordinance is to be put through a similar routine next year, but there is to be no action on municipal ownership. Every attempt in that direction is to be frustrated. Meanwhile the companies, being

in possession, lose nothing by delay.

The sequel to these two chapters in Chicago traction history is yet to be written, and it cannot be written until further facts develop. Whether the referendum faction among the traction capitalists will succeed, first in continuing to restrain the militant faction, and second in securing a favorable popular vote; or whether the militant faction, concluding to take no chances on a referendum, will break the bounds of their enforced patience, and precipitate a movement in the Council to overwhelm Dunne's veto—these possibilities depend upon contingencies some of which are of hair-trigger delicacy.

NEWS NARRATIVE

How 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 so 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 Thursday, Oct. 26.

The municipal campaign in New York.

Appearances regarding the municipal election in New York (pp. 449, 457) have changed completely since the nomination of Hearst and his associates—Ford, Shearn, Stokes, Seabury, Boulton and Bird S. Coler—by the Municipal Ownership League. Indications favorable to the election of this ticket are now very strong. From sources in which we have great confidence we are informed that indications of the political doom of a candidate are seldom so clear as those which point to McClellan's defeat by Hearst. One of our informants adds that "McCarren in Brooklyn and Odell in the State will go down with Murphy, McClellan and Tammany." Through these sources also we learn that Hearst will receive two-thirds of the total vote among the salesmen of one of the largest wholesale grocery houses in the city. The significance of this "straw" is confirmed from other and more public sources. Among the "straws" reported by the Brooklyn Eagle, for instance, is a vote at the shops of the Long

Island railroad, where Hearst received 825, McClellan 5 and Ivins 2. These facts are not in themselves important, of course, but they could hardly exist if there were not a "groundswell." There are many general facts pointing in the same direction. For instance, it seems certain that almost without exception the workers who supported Henry George in the campaign of 1897 are supporting the Hearst ticket; and so far as the public meetings are concerned, we are reliably advised that "the enthusiasm is all for Hearst, and that it cannot be suppressed even at the McClellan meetings." A peculiarly significant fact is the respectful treatment Hearst is receiving from all the papers except the Daily News, which is owned to the extent of a majority interest by Mr. Murphy. It is reported that a campaign fund of \$750,000 has been raised for Tammany Hall by the corporations.

Jerome, the independent candidate for reelection as district attorney was (p. 457), reinforced on the 25th by a published request of the Republican candidate that his party supporters vote for Jerome. It was too late for him to withdraw his name from the Republican official ballot.

Municipal ownership and operation in New York.

On the 25th the municipal ferry system between Manhattan and Staten Island (p. 455) was formally opened. The ferry fleet consisted of five boats—the Manhattan, the Brooklyn, the Richmond, the Bronx and the Queens. The Mayor with invited guests was on board the Manhattan, which left Whitehall street, New York, after the others, and passing in review before them proceeded to St. George, Staten Island. Upon the return of the fleet, the Richmond made the first trip of the system, for general service, under municipal ownership and operation. On one of her later trips she became unmanageable for an hour and a half, in consequence of an accident to her machinery. Otherwise everything went off smoothly and satisfactorily.

The traction question in Chicago.

Continuing his efforts to force