THE MAIN ELECTION.

The country seems to be pretty full of Democrats of Mr. Cleveland's way of thinking—that the tariff bill was not good enough to be signed and not bad enough to be vetoed. This was evidently the way in which the Roman legions, they had done all that they were to be, would have done it. It was a small group of speculators, if there were any such in the body belonging to the Democratic party, could block all movement and prevent the passage of any bill. It happened that there were three or four men answering this description. One of them was detected in a sugar speculation. The others were believed to be no whit better, although they have not been found out. It was an ominous circumstance, also, that the particular clause of the bill which caused all the trouble and all the scandal was drawn by the secretary of the treasury, and that all his influence, so far as he used any, was employed for its retention.

The result was delay and exasperation on the part of the business community, disgust immeasurable on the part of decent people, and finally a surrender to the Sugar Trust. It was an unavoidable surrender. It involved no disgrace upon those who passed under the yoke. Like the Roman legions, they had done all that they could. Nevertheless the party had to take the consequences. It is the conjunct of circumstances that has taken the heart out of the Democrats. A review of the whole bill. It is not a bad thing that it is so. Another reform besides reform of the tariff must be undertaken if the Democrats are to recover their lost ground. The party must purge itself of its Sugar Trust element with all possible speed. It does not follow from the Maine election that we are going back to the McKinley tariff or anything resembling that. The Republicans are not likely to forget the lessons they learned in 1899 and 1902. If they get into power again, they will find plenty of reasons to give the tariff fanatics the cold shoulder.

THE DEBS CASE.

The trial of the charges of contempt of court against Debs and others, which is now proceeding at Chicago, will bring up some very important questions for adjudication. These questions are, of course, of primary interest to the legal profession, but an examination of what is really involved in the case will satisfy every intelligent citizen who cares for the sound and healthy development of his country's institutions that the legal questions are relatively insignificant. The issue really lies, as the lawyers say, in a nutshell, and it can be stated so simply that every one can grasp it. It is the determination of the question whether courts shall assume the function of inflicting summary punishment without jury trial for acts punishable by ordinary criminal proceeding.

There is no doubt of the power of a court to punish summarily those who disobey its orders. It has been deemed impossible for courts to maintain a necessary respect for their processes without this power. That it may be effectively exercised, the court before whom the contempt is committed is allowed to inflict punishment according to his discretion, and without stay or appeal. The person charged with contempt has a right to be heard, but he must appear in person and cannot demand a jury or insist upon the aid of counsel. This power probably originated in the necessity for preserving order in the court-room, and, since attorneys are looked upon as officers of the court, it is natural and proper that they at least should be subject to strict discipline. Yet it is evident that the remedy is of a nature contrary to the principles of Anglo-American jurisprudence. It is arbitrary and despotic. However, as English judges have generally been animated with the spirit of liberty, they have rarely abused this power. It has been enough that it existed to accomplish the purpose of its existence. To the honor of the courts, they have very cautiously extended the use of the remedy by injunction as applied to acts committed outside of court. The rule that equitable remedies will not be granted as long as a remedy at law exists, is still an established rule. but it cannot long be maintained if such injunctions are to be granted as those recently issued from the United States courts.

We cannot, within our space, trace the steps by which the scope of injunctions has been recently extended. A writer in the Albany Law Journal of September 1 has pointed out these steps, and ultimately the whole matter will doubtless be reviewed by the United States Supreme Court. Suffice it to say that an "omnibus bill" was filed last July at Chicago to prevent interference with twenty-three great systems of railway, and an injunction was issued not only against a number of persons named, but also against the members of the American Railway Union to the number of thousands and "other persons whosoever." No satisfactory precedent exists for injunctions of such wide scope as this. If we may trust a newspaper report of Judge Wood's language, he took the ground that his injunction was not necessary to prevent interference with the mails, but that being a crime for which arrest and indictment was provided. It was more necessary to make the order to prevent interference with interstate commerce, but the true reason, and the only one "for issuing an order at all, was that it was a means of meeting the present emergency, for the process of arrest and indictment was slow."

Whether Judge Wood uses these words or not, they describe the situa-
tion correctly. There was an adequate remedy at law, and if it was slow it was the fault of the officers of the law. But it was not slow when the highest magistrate in the land swept aside the incompetent and traitorous gang of local bailiffs, and put an end to rioting with even less than a "whiff of grape shot" by the prompt discharge of his constitutional duty. The remedy at law, for such it may properly be called (the troops of the United States being really peace officers), was quick and it was adequate. It may be doubted whether the injunctions were not wholly superfluous.

But granting that, it may be said, were they not at least harmless? We apprehend not. Our readers do not require to be told that we regarded the aims of the strikers at Chicago as hopeless and their methods as wicked and criminal. We do not forget, however, that these men are our fellow-citizens, or impute to them as a body any exceptional depravity. It is in the highest degree important that the very poorest member of the community should possess unshaken confidence in the integrity of our judges and the impartiality of the administration of justice. We fear that many of the common people, especially in the Western States, entertain the belief that the courts have allied themselves with the great corporate interests of the country, and it is eminently desirable that this belief should have no sound basis. It is the duty of the courts to defend rights of property, and upon this account they incur a certain degree of unpopularity with those who have few such rights to defend. But every effort should be made to escape this odium by exhibiting the strictest impartiality, and there is reason for contending that this caution has been disregarded in the recent injunctions. Upon their face they indicate the purpose of causing the arrest and punishment of citizens, without trial by jury, for offences for which criminal jurisprudence provides that right. If there is no other way of repressing crime except by treating it as contempt of court, our jurisprudence must be reconstituted upon models that have more likeness to those which prevail under despotic governments.

MORE POLICE CORRUPTION.

Mr. Goff made it very plain at the first session of the resumed Senate inquiry that he had by no means exhausted the field of police incompetence and depravity. Indeed, the depths of which he sounded on Monday were a little lower than any that he had touched heretofore. He began with that branch of the service which Superintendent Byrnes singled out in his recent letter to the Police Board as the one especially entitled to commendation, the Detective Bureau. Mr. Byrnes said of this bureau that since its reorganization in 1859 it has "reached such a high standard of efficiency and discipline as has not been equalled by any other detective bureau in the world." Yet Mr. Goff shows by the mouth of one of the chief officials of that bureau that he is either totally ignorant of the law governing his conduct in a most important branch of his duty, or wilfully guilty of systematic violation of the law.

The way in which Mr. Goff brought out this fact was a striking illustration of his skill in such matters. He showed that it is customary for the Police Department to send out postal-cards to pawnbrokers describing stolen property, and pleading on behalf of the owners of such property the necessity of paying the money which may have been advanced on it to the thieves who have brought it to the pawn-shops; that detectives habitually advise persons whose property has been stolen to pay the money which has been advanced on it, and that detectives not infrequently receive a share of the money thus paid over. Sergeant Hanley, who admits these things, and admits also that in one case he received $17 for his services, confesses that he had often heard judges in the Court of General Sessions declare that stolen property shall be returned to the owner and may be recovered wherever found. But he denies that he knows that a detective has the right to go into any pawnshop in the city, seize stolen property which is identified by the owner, and pass it over to the latter without charge. This is an extraordinary state of mind for an official of the best detective bureau in the world to manifest. The picture which he presents of the method pursued by that bureau makes it an ally with the thieves and pawnbrokers against the citizen whose property has been stolen. There is no other interpretation to be put upon Sergeant Hanley's testimony.

After Sergeant Hanley came another witness whose testimony was scarcely less startling, though it was not in a new field. Another green-goods operator was produced who supplemented the testimony of the witness Appo, given several weeks ago, in regard to the payments made to the police for the protection of the operators of this swindle Applegate, the latest witness, gave a very straightforward and circumstantial account of the way the green-goods business had been carried on in two police precincts presided over by Capt. Meakim, saying that when the captain was transferred from a downtown precinct to one in Harlem, the business was transferred with him, and was carried on without molestation in both localities because of the payment of $50 a month to the captain. He sustained his testimony with much circumstantial evidence, and Mr. Goff sustained it with some printed circulars, and used these with much dramatic effect to convict the printer of them of perjury when he was put upon the stand. Incidentally, evidence was adduced to show that the chief green-goods operator, McNally, was on very friendly terms with Sergeant Hanley of the Detective Bureau.

Taken altogether, Monday's evidence is of the first importance, perhaps of greater importance than any that has preceded it. It shows that there is no branch of the police service that is not thoroughly rotten, and strengthens the already strong conviction that there is no radical remedy for that service save its complete abolition and reconstruction on new lines. Mayor Gilmore's com- placent observations, which he put forth with such impudent assurance on the following morning, were not well timed. He should have waited till he had read Mr. Goff's new testimony before he took the position that, in removing certain police captains after Mr. Goff had proved their guilt, the police commissioners have vindicated themselves and exonerated Tammany Hall. Now he will see that the police commissioners have still further work to do before the vindication will be complete, and that by the time they shall have succeeded in getting all the corrupt men out of the Police Department, there will be a very small force of officials left therein.

It is within the bounds of probability also that the police commissioners themselves may be on trial before the inquiry is ended, if it can be maintained by anybody that they have not been on trial since the beginning of the inquiry. Whose system is it that is found to be so saturated with corruption? Who has been administering the affairs of the Police Department for the past quarter of a century? Tammany men, either avowed or disguised. Nearly all of them have been appointed by Tammany mayors. All this corruption has been in existence under their noses in their own department, and they never suspected it until Mr. Goff showed it to them. What a charming lot of innocents they have been! And what a charming innocent the mayor is when he comes before the public and points with pride to their virtue, Tammany's virtue, in getting rid of the blackmailers, after they have been exposed! We never allow thieves and blackmailers to stay in office after they have been shown up! This is the Tammany platform upon which the Tammany mayor proposes to go before the people in the coming election.

HELMHOLTZ.

Dr. Hermann Helmholtz, as his contemporaries have called him, the acknowledged
and worshipped head of the scientific guild, Jena. He was born on August 31, 1821, at Potsdam, where his father was professor of the gymnasium. His mother's maiden name was Caroline Penn, she came of a branch of that family settled in Germany since the religious troubles in England. From childhood, he took a deep interest in the progress of physics. The same year, he printed an original investigation of the mixture of colors. He was born on August 31, 1821, and in 1845, he was promoted to a regular professor of the Physical Society of Berlin. This paper was entitled "The Conservation of Force." In the judgment of many of those who have examined it, it was the greatest work from which alone the greatest scientific discovery that man has ever made must date. Certainly it was the argument which produced the intense conviction with which the world has held that doctrine ever since. It is fair to say that other excellent critics, and Helmholtz himself, rejected this argument, and the first enunciation of the great law to Robert Mayer, who, in 1826, had published a paper which attracted no attention whatever, and of which Helmholtz in 1847 was as little aware as the rest of the world. But, in any case, there is no doubt that Helmholtz was the first to conceive the proposition from the point of view which made it so attractive to all accurate thinkers and so wonderfully found in new truth.

According to his statement, nothing exists in the outer world but matter. Matter is itself of one capable of existing in motion in space, and these motions are modified only by fixed attractions and repulsions, and this is true everywhere, even in the actions of animals and men. It was an amazing and bold assertion, utterly opposed to almost every kind of philosophy, certainly to Kantian and Hegelian, but not to the common idealism of the English school, such writers as Ernst Mach have taken up. But the implicit faith with which it has been received is a singular psychological phenomenon, for the theory that all human actions are subjected to a law having no teleological character, when we know (or seem to know) that our actions are directed to purposes, has obvious difficulties; and the experimental evidence of the correctness of the law applied to animal physiology is very slender.
VOX POPULI IN SWITZERLAND.

ERN, July, 1894.

To outward appearance, Switzerland is an atoll in the surging ocean of European politics, which the increasing attraction which has come upon the representative institutions of other countries is hardly felt. Here the Legislature is free from party organization, the business of the country is well and promptly done, the people are content with their representatives. Here, also, we are paradoxically assured, such statutes as do not commend themselves to the popular will may be revised by the Referendum, and reforms ignored by the Federal Assembly may be framed and enacted through the Initiative. These two ingenious applications of pure democracy to large communities are urged upon Americans because so successful in Switzerland. There has long lain in my mind a suspicion of a device which assumes to relieve men from the results of their failure to choose representatives who really represent them; and this incredulity has not been mitigated by any statistics which bring home to us the hopeless popular ignorance of political matters. The majority of the people are not averse to the occasional opportunity for the express purpose of voting, when the occasion occurs. The general public opinion which has been expressed in the Federal Assembly is, on the contrary, that the popular vote is not a proper test of the Government's action. The time and the money invested in the present system is so large that the American public have no interest in the form of government, and that the American public have no interest in the form of government.

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