

pounds of steam pressure but after this lapse of time the steam pressure should have been reduced. Even after repairs the boiler would be necessarily weak in any new. No such explosion could have occurred with the water-tube boiler as was generally used in the United States navy.

"The terrible destruction indicated by the newspaper despatches could have been caused by the boiler explosion alone, without the explosion of the magazine. Unlike the water-tube boiler, where one or a dozen tubes might explode without destructive damage, except to life by escaping steam, the explosion of a boiler of the *Birmingham's* type, especially because of the confined space with a tight airtight deck, could rend a vessel almost to pieces. It will be found possibly that many of the killed were scalped to death, as the escaping steam would fill every available space between decks, so that many of the crew would likely have died from that cause and not from shock or being struck down by riddled iron work. . . . As to the actual cause of the *Birmingham* explosion only future examination may fix the responsibility. It may be that even such examination or investigation may not disclose the actual facts."

ACQUITTAL OF JUSTICE HOOKER.

THE New York papers of both parties agree in condemning the State legislature for its acquittal of Judge Hooker, whose case was considered in our issue of July 1. The Democratic papers say the judge was acquitted by the Republican legislature because he is a Republican candidate for Chief of the State Republican papers do not say why he was acquitted. The *New York Press* (Rep.), however, gives the judge and the legislature both a sly dig by remarking that the acquittal is due to the fact that Hooker was tried by jury of his peers. A majority of the lower house of the legislature voted for Hooker's removal from the bench, the vote standing 76 to 67, but as two-thirds vote was required (100 out of 150 members of the Assembly) the judge stays on the bench. It seems to be the general opinion, however, that even if the Assembly had voted for his removal, the resolution would have failed in the Senate.

"The most appalling feature of this scandal," says the *New York Times* (Dem.), "is that this judge, whose unfitness for the judicial office has been abundantly demonstrated, has been proved to be a moral imbecile, will nevertheless continue to be a judge and to hear and determine cases." The *Times* recounts some of the charges against Hooker thus:

"The practices of which Justice Hooker was guilty belong in the category of 'graft.' In several instances he procured the appointment of persons in the field of real estate who were not needed, who did not work and were therefore paid. The charges against him in the Ball case \* the United States was defrauded of \$553,007, the motive being to enable Ball to pay a prison sentence of 60 days, the judge's simple was appointed as alderman in the Freehold post-office and doing no service, the United States was defrauded of the sum of \$600." Catherine K. Clark appointed as clerk at the request of Judge Hooker received \$400 a year for years, and later \$600, the salary being subsequently by successive increases raised to \$1,000 a year. The motive of the appointment in the first instance, was to enable her to serve the laws. Here again the United States was defrauded, as the strange fact that her service as clerk was unnecessary and the payment to her constituted waste. There are other charges, but these are sufficient, because

a man capable of these acts falls so far below the common standards of honesty and decorum that it is right to think in the light of the fact that this is a public scandal.

The *New York Tribune* (Rep.) thinks that the verdict, unsatisfactory to both sides, is a "wonderful helpful lesson" to "judges, politicians and people." It observes:

"Justice Hooker is a type. Many other men who have been plodding on in a certain moral blindness will see a light. To some that light will carry a conviction of sin and a desire to live up to the standards of the law. To others it will merely carry a warning of public opinion and lead to greater circumspection. But, at any rate, will this case stand as a warning to officials and politicians who will feel themselves bound in letter, if not in spirit, to conform. The plea of Mr. Rogers that the condemnation of such conduct is not as important as the plea of high place, but that we should have a moral house cleaning from the bottom up, may be an answer granted.

"Another great benefit of the proceedings is the establishment beyond any dispute of the right of the legislature to remove judges for merely immoral acts not done in the exercise of official functions. The original idea of James Kent and Rufus King, subsequently defended by Charles O'Connor and Samuel J. Tilden, is vindicated and the meaning and scope of the Constitution are finally settled. From this time there can be no doubt of the personal as well as official responsibility of judges to the people and of the existence of an effective instrument to enforce that responsibility. At the same time the verdict in the Hooker case disposes of all the wild ideas as to abuse of this instrument. When it is impossible to secure a conviction in a case where the attitude of an affair is that the judge is not guilty, but that it is again clearly there is great danger of his power being used arbitrarily or to impair the right independence of judges. Like impeachment it can be effective for removal only in extreme cases. Like impeachment it is a reserve power whose chief usefulness is not in its frequent operation, but in its reminder of judgment.

"From the point of view of the proceedings in general an unmitigated evil. The existence of a corrupt system of machinery to safeguard the courts, by which each and every official offense and by joint legislative action for general offenses is established. And at the same time the bench and the people are assured that the process is as unbreakable as the laws of physics. No honest judge has anything to fear while the dishonest judge knows that however reluctant the legislature may be to move, yet his moral conduct is after all, subject to review and that, even if under such circumstances he is not removed, his standing may be irretrievably impaired."

TOPICS IN BRIEF.

JOHN PAUL JONES is in the hands of his friends *The Buffalo Evening News*.

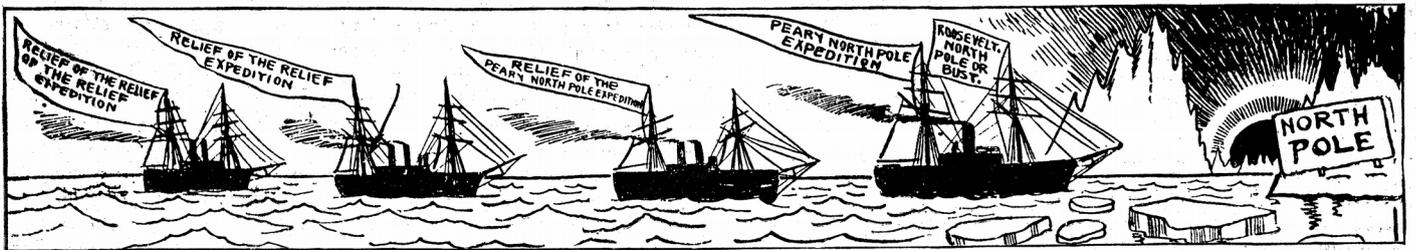
As we understand it the Suez canal site is still unsettled that purpose. — *The Detroit Free Press*.

ELIOT ROOT reminds you of his friend Engineer Wallace. He is soon like him. — *The Chicago Tribune*.

It is semi-officially stated that Mr. Cleveland will quit the Equitable. The President is so accustomed to handling large sums of money. — *The Washington Post*.

Not being incorporated, the man who permitted the leak in the cotton crop reports must bear an individual responsibility. — *The Detroit News-Tribune*.

They may not be there remains of John Bull but matter. They serve as an excuse to John Bull. — *The Chicago Record-Herald*.



WHY NOTS ALL THEM EAT TOGETHER?

—Maybell in the Brooklyn *Eagle*.