

# The Commoner

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It seems that Senator Aldrich rushed heroically to the front with a safety net.

Your signature to a "primary pledge" may not help you, but it may help others.

There is ample room yet on the democratic platform for the rest of the republicans.

Senator Aldrich scored in the dust kicked up around home plate by the Standard Oil squabble.

The miners having made a big concession, let the operators do the same by reducing the price a bit.

Mr. Garfield seems to have donned a pair of new spectacles since he finished that beef trust "investigation."

No one can rightfully chide Miss Ida M. Tarbell if she claims a vindication after reading the special message.

John Mitchell emerges from the coal troubles with very much more credit than Mr. Baer and his associates.

"Words are good when backed up by deeds, and only so," Mr. President. No more Paul Morton business, please.

Governor Cummins seems to have arrived at the stage when he can afford to tell would-be competitors to "go get a reputation."

The Standard Oil company has employed a press agent. It is reliably reported that Miss Ida M. Tarbell was not considered for the place.

Senator Allison stepped forward with a compromise. Had he stepped forward with an affirmative suggestion the senate would have been paralyzed.

Senator Aldrich refuses to give the people free denatured alcohol. Senator Aldrich knows full well that he does not have to ask the people for re-election.

Speaker Cannon was 70 years old the other day. It will be "23" for Uncle Joe when the house of representatives determines to do its own legislating.

Senator Foraker endeavored to have pipe lines exempted from the interstate commerce supervision. When it is proposed to supervise underground political wires Senator Foraker will make the fight of his life against it.

A receiver has been asked for a Nebraska beet sugar factory. The reason given is that

excessive moisture before the beets matured filled them up with water instead of saccharine. Perhaps the moisture got into the stocks instead of the beets.

The St. Louis Globe-Democrat says of the Panama canal situation: "The natural supposition is that the dirt is flying." The Globe-Democrat is again mistaken. It is the money that is flying.

Time works wondrous changes. A few months ago Standard Oil calmly refused to make

any public statements, and actually defied the courts. Now any little old attack brings out a column from Standard Oil.

That "all night bank" in New York is not such a novel institution after all. There are other all night banks in that city, and they receive handsome deposits, too. The difference between the old "all-nighters" and the new one is chiefly in the looks of the checks.

The news that Senator Allison proposed a compromise sounds familiar.

## JUDGES AND CORPORATION FAVORS

The Kansas City Journal calls Senator Tillman "the man with the muck rake" because of the South Carolinian's criticism of federal judges. The Journal says:

"It is a pity that some senator was not equipped with the facts in order to refute Tillman's slanderous attack upon Judge Phillips, Judge McPherson and Judge Pollock in regard to their fishing trip to Tampico with Mr. Gardiner Lathrop and another railroad attorney. As The Journal showed at the time, that trip was gotten up by Judge Phillips, and the other judges and the railway attorneys were his guests in a purely legitimate, private capacity—that is, if a federal judge or a railway attorney is entitled to have any personal friends and to enjoy himself in a private capacity as other people have the right to do. In that instance it might have been charged that a federal judge was trying to seduce a railway attorney, or perhaps to reform him from his nefarious calling, but there was not the slightest justification for asserting that the railway attorneys were attempting to prostitute the judicial ermine."

The Journal does not state the case fairly. In his statement published in the Kansas City Journal several months ago Judge Phillips said that he urged every member of the party to attend and that he was the "host." He added: "It is true that we rode in a special car, just as I would have gone fishing in the private wagon of a friend, standing my proportion of the grub and bait."

But "the private wagon" was furnished by the great corporation employing the genial attorneys who posed for the time as Judge Phillips' "guests," and the acceptance of that great favor at the hands of a corporation was inexcusable on the part of a judge. Because the acceptance of similar favors has become quite common on

the part of occupants of the bench, and particularly of the federal bench, Senator Tillman's criticism on that line was entirely proper.

The federal judge, like other individuals, is, of course, entitled to have personal friends and to "enjoy himself in a private capacity as other people have the right to do." But there are things which the judge may not with propriety do. One of these things is the acceptance of favors at the hands of persons having cases in his court.

Judges who habitually ride on free passes and who frequently avail themselves of the privilege of a private car trip free of all expense would become highly indignant if they were offered by the individual engaged in litigation with the corporation the cash equivalent of the favors received at the corporation's hands. Yet what is the difference? A suit is pending entitled "John Smith vs. the Brownville Railroad company." The judge carries an annual over the Brownville road. Estimating that that annual saves the judge \$600 per year, and that the rent of the private car, used free by the judge on several of his official trips, would amount to, say \$1,400, John Smith offers the judge the sum of \$2,000, explaining: "In the proceedings before this court I want to start even with the corporation." One may imagine what the judge would do in the presence of such an offer.

The difference is that judges have been in the habit of accepting at the hands of great corporations favors in the form of free rides. Until recently society has not frowned upon such practices, but now there is a revolt. The free pass has come to be a badge of shame, and the judge who accepts a private car as a favor at the hands of a corporation disgraces himself in the public eye.

Editors of daily newspapers like the Kansas City Journal ought to be foremost in the condemnation of such practices rather than conspicuous in offering apologies.

## Municipalization of Public Functions

Writing for the New York World's symposium on "Socialism" Louis F. Post, editor of The Public (Chicago) says:

"Socialism is an indefinite term. It means one thing to the 'scientific' socialist, other things to 'Utopian' socialists, and nothing in particular to persons who use it as an opprobrious epithet. In its most general use with reference to American institutions it is probably largely epithetical. Yet it has recently come to be in a nebulous way somewhat descriptive, indicating the tendency to municipal, state or national ownership of certain kinds of service. In this use of the term there is for the most part an unfortunate disinclination to distinguish essential differences. All kinds of public ownership are carelessly classed as socialistic. This does not seem to me to be in the line of clear thinking.

"There are two kinds of service in every community. One kind is in its essential character public, while the other kind is in its essential character private. Examples of public service are tax-levying, legal administration, fire protection and highway establishment. Are public ownership and operation of these functions socialistic? If they are, then socialism is neither new or dangerous. Examples of private ownership are store-keeping, manufacturing, and so on. Would public ownership and operation of these functions be socialistic? If they would be, then we must have another term for the others, to avoid confusion of thought.

"Doubtless it is the nationalization or municipalization of these private functions that is usually thought of when socialism is objected to; and because the supply of water, light and

street car service is thought of as the same as store-keeping and manufacturing, public ownership and operation of this kind of service also are considered as socialistic. But service of the latter kind is not private, like store-keeping and manufacturing. It is public, like tax-levying, legal administration, police and fire protection and highway maintenance.

"The test of public or private service is easily applied. A private service is one which anybody and everybody may render unless prohibited by government, whereas a public service is one which nobody can render unless permitted by government. In the latter category are municipal lighting, water supply and street car service, as well as the police, the courts, the tax office, etc. Government must either farm out the latter functions or perform them itself. They are, therefore, public functions, and their performance by the public is not socialism unless public performance or private functions is something else. If, however, socialism means the resumption by our governments of the public functions they have been accustomed to farm out, the relation of socialism to American institutions can not but be a beneficial one.

"But the distinction noted above should be always borne in mind. If we municipalize private and public functions indiscriminately we tend toward objectionable socialism. If we leave public and private functions alike to private enterprise we tend toward anarchy. But if we leave private functions to private enterprise and municipalize public functions we tend toward that democracy which is the ideal of American institutions—namely, individual freedom in private affairs and people's government in public affairs."