

## The Commoner.

ISSUED WEEKLY.

WILLIAM J. BRYAN Editor and Proprietor.  
 RICHARD L. METCALFE Associate Editor.

CHARLES W. BRYAN Publisher.  
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THE COMMONER, Lincoln, Neb.

It costs \$5,000 a day to run the Lusitania, Must heat it with a furnace.

The republican convention in Nebraska declared for Taft for president. In 1908, not 1912 or 1916.

It will be noted that Mr. Burton is carefully preserving his congressional job for use as a safety net.

It is rather a compliment to Tom Johnson that it takes the whole national administration to make a fight interesting for him.

It appears that the Standard Oil company has been working in Texas under a disguise. Just like other highway robbers, eh?

"We must walk in the light," remarks the truly good Mr. Rockefeller. To be sure. What will the price per gallon be next week, sir?

It may yet come to pass that the people will decide that the best they can do is to hitch an enacting clause to each federal judge and let it go at that.

A contemporary tells about milking by electricity. That's not at all new. Ever hear the hired man use shocking language while working at the chore?

"Must the republican party in Iowa be defeated before it can bury factionalism?" plaintively queries the republican Tama Herald. We'll cheerfully admit that it ought to be.

The Pittsburg Gazette-Times says Pennsylvanians will be glad if Burton leaves congress, "because he is always against them." That's one good word we have heard for Mr. Burton.

The bureau of commerce and labor figures out the relative advance of wages and living expenses by using a pencil and decides that wages have advanced most. The housewife figures it out with the family pocketbook and knows to a certainty that the bureau is wrong.

Yes, Secretary Taft was unanimously endorsed by a little less than two-thirds of the members of the republican state convention of Nebraska, but the endorsers were careful to state that they had no intention of forestalling the convention, which will select the delegates—if this be enthusiasm, make the most of it.

## The Courts and the People

George L. Loomis, democratic and populist nominee in Nebraska for associate justice of the supreme court, addressing the democratic convention held in Lincoln September 24, said:

Gentlemen of the Convention: Please accept the assurances of my deep gratitude for the honor done me in selecting me as your candidate for judge of the supreme court. A seat upon the bench of the highest court of the state is an honor that may well excite the laudable ambition of any lawyer.

In our system of government, with its three co-ordinate branches, the legislative, executive and judicial, it seems to me that the judicial is of the greatest importance, and should be of deepest concern to the people. The people of this state have adopted a written constitution in which they have clearly defined the powers, privileges and duties of each of these branches of government, and have expressly forbidden each to exercise any of the powers conferred upon either of the others.

While these three branches are properly called co-ordinate, yet the judicial has to a certain extent a supervisory control over the others, and to that extent may be deemed their superior. In it is vested the power to construe, apply and enforce all provisions of the constitution, and to see that none of them is violated.

The legislature may enact statutes and the governor approve them, but they still must come before the courts for judgment, there to be enforced if valid, and annulled if for any reason they infringe constitutional provisions.

The courts are very jealous to see that the legislature does not in the least exceed its constitutional powers; they should be equally jealous to see that they do not themselves offend in the same way. The supreme court, for instance, being the sole judge of its own jurisdiction and power, if it should overstep constitutional limitations, and undertake to exercise powers that the people have not conferred upon it, there is none to call it to account for, save in that extremely small per cent of cases involving federal questions its judgment must be final. Having, then, an arbitrary power not possessed by either of the other branches of government, it seems to me, as I have said, that the courts of the state should be of deepest concern to the people.

In order that our government may be peaceably and efficiently carried on, and its laws and institutions be obeyed and respected, it is of supreme importance that the laws shall be enforced impartially and certainly, and without unnecessary delay. And it is of equal importance that the people shall have confidence in the courts that this will be done.

It has been well said that where law ends anarchy begins. It may be equally well said that when the people lose confidence in their courts then a resort to lawlessness and violence begins, for when they come to feel that they can no longer depend upon the courts to enforce the laws and mete out justice with certainty and dispatch, then are they likely to "take the law into their own hands," and by resort to unlawful means seek to inflict a punishment that their sense of justice tells them is deserved.

Should the people lose confidence in a governor or legislature, they may, within two years, at the most, elect a successor, but it is far more serious when they lose confidence in the courts, for that is a matter of a more permanent nature and which affects more deeply their feeling of personal security and safety.

It is of first importance, then, that the confidence of the people in their courts shall not be impaired, and this confidence must extend not only to the ability of the judges to know the law, and to their disposition to enforce it, but also to their personal integrity, which should be of such unquestioned character as to make impossible a suspicion, even that any judicial act has been prompted or colored by any improper influence or unworthy motive. If your candidate for judge does not meet this test he is unworthy of your support.

Again, I believe, that public confidence in the highest court of any state is strengthened by the fact that the judges of that court are not all of the same political party. Many cases of more or less political interest do get into the courts for consideration, and, while I do not myself believe that the judgments of courts are often colored by political considerations, yet we must recognize the fact that a great many people

do believe that in such cases the decision will reflect the political views of the court. It is always noticeable in such cases that the people of the same political party as the judges have more confidence in the outcome than do those of the other parties. This should not be, for to that extent confidence in the integrity of the court is impaired.

People will believe that judges are human, and that they are liable, at least to be influenced by the same causes and considerations as others. Hence a non-partisan court, or court whose judges are not all adherents of the same political party, will have the confidence of more people than a partisan court can have. This is one reason why public sentiment in favor of non-partisan courts is growing throughout the land, and is being indorsed by men of all political parties.

In closing permit me to assure you, that in case of my election, the state shall have the benefit of all that I have gained in knowledge and experience during more than thirty years of close application and hard work in my profession. Let me further assure you that I appreciate the responsibilities of the position, and the six years of hard work that it would bring, but I have been accustomed to hard work in the past and shall not fear it in the future; that I shall go upon the bench unhampered by any promise, obligation or influence that might, by any possibility, affect any official act of mine in any case whatever, and with the sole aim and desire to help enforce all the laws of the state as I shall find them, without fear, favor or partiality, and without adding to or detracting therefrom by judicial construction.

Gentlemen of the convention, the platform that you have adopted has my unqualified approval. Every plank has the true ring. They express political principles which I have entertained for years, and which I feel sure are entertained today by a great majority of the people of the state.

If we desire to win this election we must deserve to win, and we must be willing to work for success. If you, gentlemen, will go home and stir up the people and get to work as though you expected to win, you will find when the votes are counted in November, that to the surprise perhaps of some, but to the great joy of all, you have elected a judge of the supreme court.

## LEARNING TO WALK

One step to mother and one step to me—  
 A little babe walking the byway of glee!  
 One step to mother, with hands in the air,  
 And a "Baby, be careful," and "Baby, take care."  
 One step to mother—away he goes  
 On his round bare heels and his bare pink toes!

One step to mother, and back again  
 With a gurgled laughter of heart's refrain;  
 One step to mother and back to me  
 For ride-a-cock-horse on a Banbury knee.  
 One step to mother—O little feet,  
 That walk where the roses of life are sweet.

One step to mother, and this is the way  
 The baby is learning to wander today.  
 One step to mother, and to and fro,  
 As I swing him high and I swing him low.  
 One step to mother—across the room,  
 A lily of life like a wind-swayed bloom!

One step to mother—ah, do not slip,  
 Nor spill the sweet laughter of baby-lip!  
 One step to mother—now one, now two;  
 Come, little fellow, the lesson will do!  
 One step to mother—and over and o'er,  
 A sunbeam that toddles across the floor!

One step to mother, a hand in her hand;  
 All is so fair in the babyhood land;  
 Learning to wander and learning to walk,  
 Learning to chatter and learning to talk.  
 One step to mother—with rattle and ring,  
 A bud on the bough and a bird on the wing.

One step to mother and one step to me;  
 Love keeps his feet in the pathway of glee!  
 Ever the road, be it short, be it long,  
 A velvet-sweet byway of laughter and song!  
 One step to mother—a butterfly boy,  
 From bloom unto bloom on the rose-wings of  
 joy!  
 —Baltimore Sun.