

# The Commoner.

WILLIAM J. BRYAN, EDITOR AND PROPRIETOR

VOL. 10, NO. 16

Lincoln, Nebraska, April 29, 1910

Whole Number 484

## Railways on the Bench

Below will be found a protest recently sent by the Nebraska railway commission to President Taft in regard to the appointment of judges to the supreme bench. So far as our information goes, this is the first protest of the kind that has been filed with any president by any official body, but it is so opportune that The Commoner is glad to give prominence to it. Here is the protest over the signatures of Messrs. Clark, Winnett and Cowgill, the three members of the Nebraska railway commission, an elective body:

"Whereas, A vacancy has occurred in the supreme court of the United States, through the death of the Hon. David J. Brewer; and

"Whereas, The legislatures and commissions of the states and the nation are at present engaged in a conscientious and honest effort to properly solve the momentous questions involved in the proper and reasonable regulation of the rates and services of common carriers, and particularly the railroads; and

"Whereas, The final determination of these questions rests with the supreme court of the United States; and

"Whereas, We believe that a man whose life's work and legal training have been devoted to the defense or advocacy of railway interests, though he be gifted with talents of the highest order, and imbued with the loftiest sentiments of patriotism, can not assume the duties and functions of a justice of the supreme court of the United States with a mind entirely free from the prejudices, beliefs and thought common to those who regard a large part, if not all the recent efforts of the constituted authorities to regulate the rates and services of common carriers as ill-advised, hasty and retaliatory assaults upon what they assume to be vested rights; and

"Whereas, We believe that there are men of unquestioned legal ability and integrity adorning the supreme courts of the various states of the nation, and in the legal profession, who can assume the functions and duties of a justice of the supreme court of the United States with minds free from those prejudices and beliefs which are naturally acquired by one whose life's work is devoted to defending and safeguarding railroad interests;

"Be it Therefore Resolved by the members of the Nebraska state railway commission that, considering the momentous questions involving the regulation and control of common carriers, which must be finally decided by the supreme court of the United States, we earnestly petition the president of the United States that in the appointment of men to the federal supreme court, those only should be appointed whose training and association render it certain that they will assume the duties of that office unbiased by those environments which, consciously or unconsciously, influence the judgment and become

potential factors in controlling the actions of all men.

"Dated at Lincoln, Nebraska, this 18th day of April, 1910.

H. T. CLARKE,  
H. J. WINNETT,  
W. H. COWGILL.

Messrs. Clarke and Winnett are republicans; Mr. Cowgill is a democrat, but they join in uttering a warning which ought to be heard in the White House and which ought to be taken up and reiterated by the railway commissions of every state. The officials who are entrusted with the enforcement of regulations against the railroads are in a position to know how difficult it is for a judge to be impartial in a case where he has a bias in favor of the railroad side, and one only needs to know human nature to know that it is difficult, if not impossible, for a man to erase from his mind the impression made by long years of service as a railway attorney. Admitting the possibility of absolute fairness in exceptional cases, still it must be remembered that rules are not made for exceptions but to meet the general situation.

The request presented to the president is couched in respectful language, but it presents an unanswerable argument. No one who is not himself blinded by a salary drawn from a corporation will attempt to answer the logic of the petition. The people of Nebraska, speaking through their railway commission, are acting within their rights when they ask that only those shall be appointed to the federal bench "whose training and association render it certain that they will assume the duties of that office unbiased by those environments which consciously or unconsciously influence the judgment and become potential factors in controlling the actions of men."

Nebraska has done her duty in this matter; now let other states do as well, and it may be possible to interrupt the process by which the federal bench has been consciously or unconsciously filled with men "by those environments" which make it difficult for them to see the people's side of a railway controversy.

### A LOOK AHEAD

It is always unsafe to guess what ex-President Roosevelt will do at any future time or under any set of circumstances—the law for each day being announced that day, and sometimes late in the afternoon. But there are certain signs which, in the case of most men, would indicate that Mr. Roosevelt will return more of an insurgent than a standpatter.

First the Outlook, AFTER ITS REPRESENTATIVE HAD MET MR. ROOSEVELT AT KARTOUM, contained two significant editorials, one praising young Garfield, an insurgent, and the other weighing the Taft administration and severely criticising certain phases of it. Second, He received Pinchot cordially and accepted his invitation to speak at the conservation convention.

Third, The stenographer to whom he dictated fifty-five letters gained the impression that he would make things interesting on his return.

Fourth, Senator Root goes to Europe to meet him after a long conference with President Taft.

Fifth, So far as is known he is not in correspondence with the president, whom he nominated and elected.

### MORE TO FOLLOW

Senator Aldrich has announced his retirement from the senate (amid loud and long continued applause). Now, if the Aldrich democrats will follow his example, and retire the democratic party will have as much reason to rejoice as the republican party has.

Mr. Bryan extends greetings to the readers of The Commoner, and assures them that he is back home in good health and in fighting trim. The trip to Panama, South America and Porto Rico was a most pleasant and instructive one.

## The Zenith Republic

Bolivia, the highest republic in the world, is the least visited of the countries of South America. The nation has no sea-coast, Chill having, some thirty years ago, taken by force of arms the little strip of land that connected Bolivia with the Pacific. In colonial days Bolivia was called Upper Peru, and the title was appropriate, for her principal centers of population are from twelve to thirteen thousand feet above the ocean level.

Until within a few months her cities have been without railroads, and the foot of the tourist has seldom been set upon her soil: Her nominal capital, Sucre, is still more than two hundred miles from steam roads, and La Paz, the real seat of government (two and a third miles above the sea) has only recently been connected by railroad with the outside world.

But the day of isolation is past; two roads now carry passengers into the interior, others are building and still others are planned.

The Peruvian route leaves the Pacific at Mollendo, passes through Arequipa and at Puno connects with a boat line on Lake Titicaca, which, in turn, connects with the La Paz railroad at Guaqui.

Titicaca, which is on the boundary line between Peru and Bolivia, is said to be the highest navigated lake in the world. It is a magnificent body of water—one hundred and seventy miles long by thirty wide and in some places fifteen hundred feet deep. Mountain peaks hem it in on all sides and give it a basin of its own. The foot hills that rise up from the lake are terraced as high as cultivation can be carried—the many shaped fields reminding one of a crazy quilt.

This lake is the center of a busy commerce which taxes the capacity of several steamers, a number of small boats, and innumerable balsacanoes and sail boats made of reeds. The first steamer employed upon the lake was brought up in parts on donkeys, forty years ago; in 1905, the Inca—a steel vessel, two hundred and seventy feet long, thirty feet wide, and drawing eleven feet, was brought up by the railroad. It was built in Great Britain and was put together there and then taken apart and shipped to Mollendo.

The second, or Chilian route to La Paz, leaves the ocean at Antofagasta and runs northeast through Uyuni and Oruro and is about six hundred miles long. This road has a through train of sleepers once a week, and it takes two days to make the trip.

In going to Bolivia the tourist should enter by one route and leave by the other. The first enables him to see Lake Titicaca and the very interesting sand dunes between Mollendo and Arequipa described in a former letter, and Arequipa and Cuzco; the second affords him an opportunity to see the nitrate fields and the borax lake, besides giving him a view of more mountain peaks than he ever saw before at one time.

La Paz, the real seat of government, is a picturesque old city. It was a mining camp in the sixteenth century and the river which runs through it yielded up its yellow treasure to the placer miners of that day. If the reader can imagine an immense bowl, four or five miles wide and fifteen hundred feet deep with a crack in the rim, he can picture to himself the depression in which La Paz is situated. It is the beginning of a canyon and the stream which forms it, or at least uses it, plunges headlong through a break in the mountains and hurries down to the lowlands on the eastern slope. The descent to La Paz is made on an electric line five miles in length, a superb piece of engineering. The view of the city nestling in the canyon does not break upon one until the edge of the rim is reached and the visitor is not likely to forget its white walls and red roofs.

All the officials live at La Paz and the representatives of foreign governments reside there. It is, in fact, the capital, although Sucre still clings to the title.

Potosi, which in a few months will have rail-

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