

CURT COMMENT OF THE TIMES

Those democrats in congress who believe that the consumers of the country are more interested in revenue than they are in free wool, ought to consult the consumers. This talk about inadequate revenue if wool is put on the free list is all rot. Wool is a prime necessity, therefore should not be taxed. And, again, the woolen schedule is the rankest orbbery in the whole tariff list. If Uncle Sam can not run his business without permitting the people to be robbed under the guise of "protection," it is time he hired somebody to put his business on a new basis.

The American Tobacco Co. has been declared a trust in restraint of trade and ordered by the supreme court to get good inside of six months. The decision is the same as in the Standard Oil case, Justice Harlan dissenting on the same grounds.

Let it be borne in mind that the Sherman anti-trust law is a criminal as well as a civil law. If Standard Oil and American Tobacco have violated the monopoly sections of that law their managers have been criminal violators as well as civil violators. The penalty for their lawbreaking is notice not to do it again, coupled with six months in which to so reorganize their business that they can keep right on doing the same sort of thing in a slightly different way. And trust the shrewd lawyers employed by the trusts to devise the way.

We trust no man will have the temerity to charge Justice John Maynard Harlan of the United States supreme court with being an "enemy of the courts." Yet few men have taken such a terrific slap at the tendency of modern courts to usurp authority as Justice Harlan. Read what he says in his dissenting opinion in the Standard Oil case, and repeated by inference in the American Tobacco case:

"In the now not very short life that I have passed in this capital and the public service of the country, the most alarming tendency of this day, in my judgment, so far as the safety and integrity of our institutions are concerned, is the tendency to judicial legislation, so that, when men having vast interests are concerned, and they cannot get the law-making power of the country which controls it to pass the legislation they desire the next thing they do is to raise the question in some case, to get the court to so construe the constitution or the statutes as to mean what they want it to mean. That has not been our practice. The court, in the opinion in this case, says that this act of congress means and embraces only unreasonable restraint of trade—in flat contradiction to what this court has said fifteen years ago that con-

gress did not intend. Practically the decision—I do not mean the judgment—but parts of the opinions—are to effect practically that the courts may, by mere judicial construction, amend the constitution of the United States or an act of congress. That it strikes me is mischievous; and that is the part of the opinion that I especially object to."

That is couched in choicer diction, perhaps, than the average criticism of the courts, but it really gains force because of that fact. And no more forceful exposition of the wrongful tendencies of the courts has been given to the American people. It is not the language of an agitator, but the language of a man who is, admittedly, one of the greatest lawyers and judges this country has produced. The American people should study that Standard Oil decision carefully. Then they should read and re-read Justice Harlan's dissenting opinion until it is branded deep on their memories. The sooner the American people realize that they must put an end to judicial usurpation of authority, the better it will be for them and their children.

The Fairbury Journal protests against opening up the presidential campaign now, and begs for at least twelve months rest. What would the Journal have a lot of political papsuckers, strong-arm men and manipulators do in the meantime? And what almanac does the Journal use when it says "it is more than two full years yet until a presidential election?" This is June, 1911, and we'll elect a president in November, 1912. According to our count the presidential election is considerably less than two years ahead of us. "Have we Americans nothing else to do but make presidents?" plaintively inquires the Journal. Well, if we have, and don't make any better success of it than we have in the matter of making some president, we might just as well be fooling our time away in president making as anything else.

The consolidation of the Columbus Tribune and the Columbus Journal was about the wisest journalistic move accomplished in Nebraska in recent years. It means that Columbus newspaper men will now have a chance to prosper according to their merits, and that Columbus will have two strong English newspapers and one German newspaper—quite enough for a city of the size of Columbus. The example is commended to the newspaper men of several other Nebraska cities and towns.

Governor Wilson made a decided hit with those Lincolnites fortunate enough to hear him. His address was free from political bias and was most scholarly. Governor Wilson is exhibiting some new

phases of character since he entered political life. As a scholarly recluse he often jumped at conclusions, as a public man he approaches them carefully, with the result that he has experienced some decided changes of views. Whether the experiment of "the scholar in politics" proves successful remains to be seen. But with such scholars as Wilson taking an active part in political life we can be assured of one thing—the result must of a certainty be an improvement upon what we have had.

Senator Martin of Virginia seems slated to have his election investigated. There is a suspicion, founded on the fact of Senator Martin's well-known representation of certain special interests, that there was something behind his election other than his ability to represent the people of Virginia. The senator from Virginia is labeled "democrat" but his political pedigree does not bear out the quality of the goods indicated by the label. His democracy looks so much like the Aldrich brand of republicanism that it will deceive no one who does not want to be deceived. Let the investigation proceed.

While regretting the removal of superintendent Stewart of the school for the deaf at Omaha, we are pleased to note that his successor has been appointed because of his peculiar fitness and not because of his political pull. Governor Aldrich is to be commended for taking this step. The new superintendent, Frank W. Booth, come to Nebraska from Washington, D. C., where he has been engaged in similar work with more than the usual success. He is one of the foremost educators of the deaf in this country. Of course there will be those who will object because the governor went outside of the state to find a man to put upon the state's payroll, but these objections will not have much weight with those who are more interested in the well being of the pupils of that institution than they are in getting some favorite on the payroll. Superintendent Stewart has given the school a splendid administration, and it is to be regretted that it was deemed necessary to displace him.

King George, recognizing J. Pierpont Morgan to be something of a king himself, has honored Mr. Morgan with an especial invitation to occupy a seat in Westminster Abbey for the coronation ceremonies. "King Pierpont I." Well, it doesn't have quite so harsh a sound as it would have had a few years ago before we embarked in the king business to some extent on our own account.

Every once in a while some man dreams a dream about a church that will be universal. Sometimes he wakes up, and sometimes he just keeps on dream-