

insist, but it will carry forward at all hazards, its inherent governmental function, and in doing this it stands with an unbroken line of decisions coming down from the highest judicial body of the land. It will respect courts and court decisions, but as a condition precedent to all this it demands that court opinions stay within well marked lines and respect the sovereign power of these states in the regulation and control of their own purely internal commerce."

Strong words those, and brave. But with a few slight changes in the phrasing, one might take the same utterances, put them under a date line of sixty years ago, attribute them to some statesman living south of the Ohio river, and get a vociferous howl from the newspapers that now applaud Governor Aldrich.

It seems that the question of "state rights" was not, after all, wholly solved by a momentous struggle that took place about fifty years ago.

And again, with some slight changes in the phrasology and putting the words into the mouth of a Gompers or a Mitchell, we would have a host daily of newspapers complaining about the "insidious attacks" upon the courts, "holding up the courts to contempt," and all that sort of thing. Humbly, and with a voice to be heard above the dim of modern industrialism and "frenzied finance," Will Maupin's Weekly has been denouncing for years this usurpation of legislative functions by the courts of the lands. It began a few years ago with invasion of the rights of the state. Unless the drift is stopped, and that speedily, the time is not far when judicial usurpation will have reached the limits of czarism. Already it has come to pass that a federal judge, appointed for life and probably at the instigation of some corporation, may set aside the will of the people of a sovereign state concerning a matter that concerns them alone. It happened to Nebraska a few months ago when a federal judge, ignorant of the state and of what its people wanted for their own protection, nullified a law that concerned only Nebraskans. Another federal judge has just decided that a state has no right to regulate intra-state freight rates, so holding on the grounds that regulation of intra-state rates cannot be had without interfering with inter-state rates. If this decision is upheld by the supreme court of the United States it puts the people of every state at the mercy of the railroads, save only as the roads may be "regulated" by the inter-state commerce commission. That would mean that state railway commissions would be mere puppets; that about all they could do would be to order platforms patched, depots scrubbed, crossings repaired and fences along the right-of-ways kept up.

If the people are not already aroused to the menace of the federal judiciary as at present conducted, and if the warning issued by Governor Aldrich and emphasized by twenty-eight of his fellow executives fails to arouse them, Will Maupin's Weekly opines that it will necessary to wait the time when the usurpation becomes oppressive, so destructive of liberty, that the

people will rebel in a body. The grave danger is, however, that the people will wait so long that they will be powerless to rid themselves of the iniquitous system.

#### AREN'T WE MEAN CUSSES?

The New York Times is peeved. So thoroughly and extensively is it peeved that it fairly froths at the mouth as it pours out upon the heads of westerners it denunciations. Senator LaFollette said—although ten thousand other men said it before the Wisconsin statesman said it—that the Mississippi valley possessed the most progressive citizenship in the world "because it was settled by the boldest spirits of the east."

When the New York Times heard the words it exhibited about the severest case of ingrowing grouch that was ever put on exhibition. After enumerating a lot of crimes we westerners have committed against the capitalists, the "widows and orphans" the patriots of the east, the Times sums up the total of our iniquities as follows:

"Having defrauded the eastern money lenders, stolen easterners' railroads, and vainly tried to degrade eastern dollars, these strong characters of the west propose to inflict on the country the initiative, referendum and recall with which to perform such additional devilment as they may have overlooked in the past."

Having been thus exposed in a part of our devilment we ought to feel properly humiliated, of course. It should be us for the blush, the hanging of the head, the fruits meet for repentance. What boots it that a million men from the Mississippi valley went out under the flag and fought and died to make the 40-cent rag dollars of the eastern bondholders payable in gold worth 160 on the dollar? What boots it that these men fought on \$13 a month payable in money worth 40 cents on the dollar while the honest and christian easterners were framing up their schemes to make their own bonds payable in gold coin after they had "rushed to the defense of the nation" by buying its bonds and paying for them in depreciated currency? We gave them \$150,000,000 to build their railroads through our country, and they appropriated to themselves two or three times as much more, but that is no reason why we should have stolen their money, throttled their railroad enterprises and tried to pay 'em off in money that was at least as good as the money they "saved the nation" with half a century ago.

We are the original mean cusses. Let us frankly admit all the thoroughly peeved New York Times charges against us. Yea, let us make full confession. We have also been guilty of mayhem, barrity, assault and battery and other crimes against the helpless east. When they "run up" the cards on us we have had the termerity to "switch the cut" and thus get the hands they intended to deal themselves. Of course this was very wrong of us, and we admit that we should not have done it. When they

loaned us their money and then tried to pull it back in huge wads by soaking us with a "tariff to protect our American manufacturers"—said manufacturers being all easterners—we should have submitted. We confess it. It was awfully wrong of us to enter objection. It was their deal, and of course the dealer has a perfect right to deal all the aces to himself. That's why the deal goes around—only our eastern friends have been holding the deal over long.

We do not blame the New York Times for being peeved. We've often felt that way ourselves when we have discovered that we were up against more than our match in the little game that we thought ourselves past masters in. And we've always felt much put out when the other fellow declined to stand still and let us throw the hooks into him to our full bent and satisfaction.

If the New York Times will induce our eastern friends to forget it all and come out here with some more money to build railroads and buy us farm machinery and improve our farms, we'll promise not to do it again. That is in quite the same way.

#### PAROLES OR PARDONS.

Will Maupin's Weekly trusts that the Nebraska board of pardons will not make the mistake of being too free in recommending pardons. It would be far better to enlarge the parole system. We hold that the pardon should be exercised only after it has been shown that there has been a miscarriage of justice, or that the sentence was excessive. Too often the pardoned criminal becomes too "chesty." The parole system is better than the pardon system, in that it provides employment for the paroled prisoner and at the same time keeps him within reach of the state. This is calculated to have a good moral effect upon the paroled prisoner.

Statistics show a startling tendency upon the part of ex-convicts to again fracture the law. This is not so much due to innate criminality as it is to the fact that the prison stigma usually clings to a man, preventing him from getting a foothold in society again, and forcing him to either steal or starve. Prisoners' Aid Associations are doing much to change this condition of affairs, but these associations are too often managed by men and women who are more inclined to hysteria than to practical assistance. The parole carries with it practical aid in getting a new start, for it includes useful employment at fair wages, thus affording an opportunity for making good. The pardoning power has been fearfully abused in times past, but it would be difficult to live up to the intent of the parole law and inflict any injustice upon society.

Once more we are hearing about the "rosy prospects of democratic success." The trouble is that we've had a surfeit of rosy prospects and a noticeable deficiency in the actualities.