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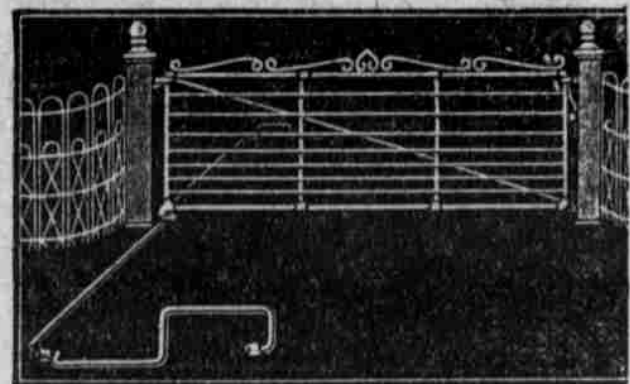


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ARE YOU FROM KENTUCKY?

These are the first words which appear upon a very attractive invitation sent out from Louisville to Kentuckians in all parts of the United States.

From June 13th to 17th, 1906, there is to be in Louisville, Ky., a "Home Coming" for all Kentuckians who have wandered to other lands or foreign shores. The Louisville Commercial Club is sending out the invitations as fast as lists are received with the names and addresses of Kentuckians in different sections of the country.

There will be "great doings" in Louisville. Mr. Henry Watterson has been invited to deliver the chief address of welcome, and former Governor David R. Francis of Missouri, the response. Among the others invited to appear on the program are former U. S. Senators Wm. Lindsay and John G. Carlisle, of New York City, Associate Justice John M. Harlan, of the U. S. Supreme Court, former Governor Thomas T. Crittenden, of Missouri, and former Vice-President Adlai E. Stevenson, of Illinois. This list will be enlarged with the names of other Kentuckians who, in adopted homes, have marked their names high on the roll of fame in the law, the ministry, and commercial pursuits.

While Louisville will be the host-city, all Kentucky will join in the welcome to its returning sons and daughters. The railroads will at once be asked to name low rates to Louisville, and in addition to this, it is proposed to have side trip tickets from Louisville to any part of Kentucky, so that the returning Kentuckians may visit any part of the state.

So as to insure no discomforts in the way of lack of railroad accommodations, Mr. William Flannely, Traveling Passenger Agent of the SOUTHERN RAILWAY, located in the Board of Trade Building, Kansas City, Mo., has already begun to arrange the details for the operation of special trains over his line from St. Louis to Louisville, and even at this early date, he is receiving a great many inquiries as to reservations, etc.

CRITICISM OF THE COURTS

Arthur McEwen writing for Hearst's New York American, makes a forceful reply to those who contend that the judges are above criticism. Mr. McEwen says that respect for courts "is a praiseworthy dutiful sentiment—provided the courts deserve it"—but he adds "the judge is entitled to only the degree of reverence that his qualities as a man and his abilities as a lawyer earn for him. Reverence which goes beyond that is dangerous and unAmerican." Mr. McEwen cites a number of instances in which courts have been criticised by men who hold high rank in the public estimation. On one occasion Charles Sumner said:

"I hold judges, and especially the supreme court of the country in much respect, but I am too familiar with the history of judicial proceedings to regard them with any superstitious reverence. Judges are but men, and in all ages have shown a fair share of frailty. Alas! alas! the worst crimes of history have been perpetrated under their sanction. The blood of martyrs and of patriots, crying from the ground, summons them to judgment."

Chief Justice Clark of the supreme court of North Carolina advocated the election by the people of federal judges of all courts. In taking this position, Justice Clark said:

"In this country alone, the people, speaking through their congress and with the approval of the executive, cannot put in force a single measure of any nature whatever with assurance that it shall meet with the approval of the court; and its failure to receive such approval is fatal, for, unlike the veto of the executive, the unanimous vote of congress cannot avail against it. Such vast power cannot safely be deposited in the hands of any body of men without supervision or control by any other authority whatever. If the president errs, his mandate expires in four years, and his party, as well as himself, is accountable to the people at the ballot box for his stewardship. If members of congress err, they too must account to their constituents. But the judiciary hold for life, and, though popular sentiment should change the entire personnel of the other two great departments of government, a whole generation must pass away before the people can get control of the judiciary, which possesses an irresponsible and unrestricted veto upon the action of the other departments—irresponsible because impeachment has become impossible, and if it were possible it could not be invoked as to erroneous decisions, unless corruption were shown."

Roscoe Conkling is quoted as saying:

"Why, sir, the infallibility ascribed to the supreme court makes the constitution, the institutions of the country, nothing but wax in the hands of the judges."

Professor Russell of the New York university law school used these words:

"The judiciary holds a higher rank in America than it does in England or anywhere else in the world. It also has a wider range of power. The deliberate setting aside of a statute by judicial authority for unconstitutionality is a practice wholly foreign to European ideas, and is recognized only in the United States."

Asserting that criticism of the supreme court is an "American privilege" Mr. McEwen points out that none have been freer with these criticisms than minority judges of the

court itself. For example, Justice Harlan expresses this frank opinion of the supreme court in the income tax judgment.

"The practical effect of the decision today is to give to certain kinds of property a position of favoritism and advantage inconsistent with the fundamental principles of our social organization, and to invest them with power and influence that may be perilous to that portion of the American people upon whom rests the larger part of the burdens of government, and who ought not to be subjected to the dominion of aggregated wealth any more than the property of the country should be at the mercy of the lawless."

And Justice Brown was even more candid:

"The decision involves nothing less than a surrender to the moneyed class. * * * I hope it may not prove the first step toward the submergence of the liberties of the people in a sordid despotism of wealth. As I cannot escape the conviction that the decision of the court in this great case is fraught with immeasurable danger to the future of the country, and that it approaches the proportions of a national calamity, I feel it my duty to enter my protest against it."

Mr. McEwen indulges in a little criticism on his own account, saying: "But be it said in all reverence, the supreme court is not infallible. It has repeatedly reversed itself, and then again reversed its reversals. It derives its members, not by celestial selection, but by appointment of presidents, who are not conspicuously exempt from political motives. One of the present nine before he received the robe was chiefly notable for his servility to a railroad corporation which holds despotic sway in his section of the country, and many members of the bar protested formally against his elevation on the ground that he had neither the brains nor acquirements requisite for the post."

"The court has been packed by a president on occasion when its decisions were not satisfactory to the party in power—for example, the Greenback cases. In 1869 the Greenback act was declared unconstitutional so far as it made the greenbacks legal tender for debts contracted prior to its passage. In 1870 Strong and Bradley were added to the court, and the decision was reversed."

"There are only two ways of changing the law when it has been laid down by the omnipotent nine—by making new judges, as the British premier makes new peers, and by amendment of the constitution. The eleventh amendment was adopted to overturn the decision that a sovereign state could be sued in a federal court by any citizen."

"It does not deepen veneration for the supreme court to recall its performances in connection with the income tax. Unanimously that tax was upheld in 1868, and again unanimously in 1880. But in 1895, by a vote of five to four, the tax was pronounced unconstitutional. And Justice Shiras changed his mind within a few days. Had he not changed his mind the income tax would now be in operation here, as in England, where one-third of the revenue is derived from it."

"The same system," remarks Chief Justice Clark, of North Carolina, "is in force in all other civilized countries. In not one of them would the hereditary monarch venture to veto or declare null and void such a tax."

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