

statute as congress may, in its discretion, deem proper. This court ought not now disturb what has been so widely accepted and acted upon by the courts as having been decided in that case.

"It is quite true that what was said in that case concerned only the lives and limbs of railroad employes and passengers. However important the law may be, we will not consider the question as to whether this former construction is right, because, if we are wrong, go to congress and get the legislation.

"That is one case. While this happens to be the case of an overshadowing combination of such vast wealth and enormous power that it may fairly be deemed a menace to the general business interests of the country, but this difference ought not to induce us to depart from a settled, wholesome rule, which, being faithfully observed, will guard the integrity and secure the safety of the nation and of its institutions against the attacks of those who would undermine all law, and who would, for the sake of present advantages and ends, be willing to undo the work of the fathers."

It was no demagogue who rose above all considerations of petty precedent and conventional courtesy to utter that great opinion that is tantamount almost to a new bill of rights. John Marshall Harlan has no selfish ambition, not an atom of political interest. More than a generation has passed since he so moved in his daily contact with men and affairs that he might be infected with "new-fangled, destructive notions" so detested by torism and special privilege.

That leonine protest was a renewal of faith in the fathers of the nation, and a warning that the creation of their heart and soul and brain was endangered.

That crowning proof of the greatness and purity of the scholar, statesman, jurist and patriot was the voicing of the prophetic vision of one who knows that the basic principles are unchangeable without ruin of the superstructure, and who knows that no people can be free under a government that grants to individuals any measure of monopoly which endows them with the unexpressed but actual power to tax.

THE MEXICAN SITUATION (Continued from Page 12.)

they stood on the stairways, in the parlors and lined the corridors.

Almost at the beginning of the demonstration the American ambassador, Henry Lane Wilson, entered the palace. His visit was to pay his respects to the president. He chatted for some time with Madam Diaz, the latter expressing her regrets that the president was too sick to receive any visitors.

The call lasted twenty minutes. When the ambassador emerged he found troops lined up in front of the palace and mounted police at both ends of the block.

The troops which did the shoot-

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ing reinforced the police later. The shouts of the mob crying, "Viva Madero," and "Death to Diaz," could plainly be heard by the ambassador, although they did not penetrate so far as the president's bed chamber, save when some careless servant allowed the door to remain open for a moment.

The ambassador's motor car moved with difficulty. During its progress at different times grimy hands were thrust inside and the diplomat was saluted with, "Viva el embajador," (live the ambassador).

A mob gathered in front of the office of El Imparcial, a government newspaper. Windows were broken with stones and one shot was fired. The crowd disappeared upon the approach of a squad of mounted police.

General Porfirio Diaz resigned the presidency of Mexico on Thursday, May 25th. He was succeeded temporarily by Senor De La Barra who will serve until a president is elected. On May 26th, at 2 o'clock in the morning General Diaz secretly left the City of Mexico on a special train. Report said that he was bound for Spain.

Francisco I. Madero, jr., resigned as provisional president of the insurgents. Mexico dispatches say that Madero will undoubtedly be elected to the office of president at the election soon to be held.

THE TOUR OF A SMILE

My pap smiled this morning when He came downstairs, you see, At mamma; and when he smiled then

She turned and smiled at me; And when she smiled at me, I went And smiled at Mary Ann Out in the kitchen, and she lent It to a hired man.

So then he smiled at some one whom He saw when going by, Who also smiled and ere he knew Had twinkles in his eye, So he went to his office then And smiled right at his clerk, Who put some more ink on the pen, And smiled back from his work.

So when his clerk went home he smiled Right at his wife, and she Smiled over at their little child. As happy as could be; And then their little child she took The smile to school, and when She smiled at teacher from her book Teacher smiled back again.

And then the teacher passed on one To little James McBride, Who couldn't get his lesson done No matter how he tried; And Jamesy took it home and told How teacher smiled at him When he was tired, and didn't scold But said, "Don't worry, Jim."

And when I happened to be there That very night at play, His mother had a smile to spare Which came across my way; And then I took it after awhile Back home and mamma said: "Here is that very self-same smile Come back with us to bed." —National Electrical Contractor.

THE TWILIGHT ZONE

If the supreme court of the United States shall sustain the decision of Judge Sanborn, handed down recently at St. Paul, the twilight zone between the rights of the states and the rights of the national government will be wiped out and with it the zone of the states. For Judge Sanborn in effect holds that if the federal government is to regulate rates between the states it must regulate them also within the states, and be the one supreme authority in rate-making.

His decision upheld the state railway commissions will be shorn of the present powers and all the intrastate rates as now established will

be subject to change at the will of the interstate commerce commission instead of state railroad commissions. The latter will be reduced in dignity to a mere clerical plane; they may be left with powers to regulate conditions of railroad service, the operation of trains, the ordering of switching facilities, etc., but they will be without power to make and to enforce a new rate or a new classification.

The decision obviously is far-reaching in its consequences. It upsets the theory of constitutional right upon which each of the forty-six states which has assumed to speak with commanding voice has proceeded in the government of rail-

roads within its confines. It centralizes power in the national government to a degree never before attempted and certainly never intended, nor even dreamed of, by congress. The decision of Judge Sanborn is clearly a usurpation of the legislative function of government. It ought not to be for a judge to say that a state has no right to determine rates within its borders, but for the states themselves, by amendment of the federal constitution, if they want to say it.

The decision is suggestive of the extreme lengths to which government by the judiciary is being carried.—Dubuque (Iowa) Telegraph-Herald.

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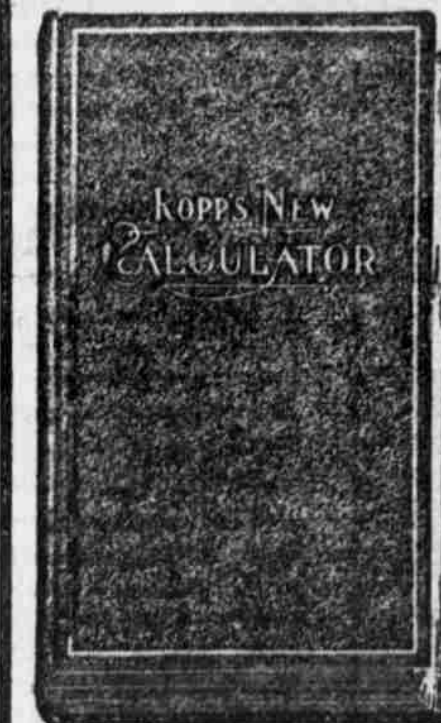
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