

White's dissenting opinions in the Trans-Missouri and Joint Traffic association and Northern Securities cases would probably have never been written but for the apparent necessity of pointing out how unreasonable and improper it was to turn aside from "the light of reason" and establish a hard and fast rule that all contracts in restraint of trade were forbidden by the law under consideration, but when he made that objectionableness apparent he had by the same token made it apparent that precisely that was what the court had held and intended to hold and adhere to.

"Inter arma silent leges" and illustrations from the tented field are not often opposite to the consideration of legal questions, but every one knows how fatal it is to have a gap in the line through which a vigilant enemy may march his forces and overwhelm the line. Rosecrans learned that to his sorrow at Chickamauga, and the learned chief justice may yet learn to his sorrow and to the sorrow of the people how dangerous a breach he has made. Already the papers announce that the vigilant and gifted attorneys for the meat trust are asking to be reheard on the validity of the indictments against them, for the apparent reason that if only contracts in "unreasonable" restraint of trade are made criminal the law is too wholly "vague, indefinite and uncertain" to make a contract in restraint of trade a crime and that, therefore, the indictments against them should be quashed.

Oh! the pity of it—the pity of it!

The holding and process of reasoning was so unnecessary and forced, and but for the high character of the court handing down the opinion so purely an obiter dictum. In both the Standard and the tobacco cases, it was held that each of the contracts or schemes was in unreasonable and vicious restraint of trade and forbidden by law. Having so held, it was a most excellent place to stop, for if contracts and dealings were open to the objection that they were in unreasonable restraint of trade it was wholly unimportant to know what might have been the rule if they had been otherwise.

It would seem that it was necessary to make it clearly appear that the associate had become the chief justice, and that he and his new associate justices were "in the saddle," and had the power to make the dissenting the prevailing opinion, and so without any necessity or proper legal duty therefor they made use of their power—I must believe to the great detriment and injury of the rights of the people and the government and for the assurance and protection of would-be and actual malefactors.

What does it profit the people or the law officers of the government that corporations are compelled to hunt new methods of evading or flanking the law with impunity?

Trusts may be embarrassed, but will never be destroyed until, instead of being required to make or find a new method of seeming to comply with the law, but having all the benefits of a "reasonable restraint" of trade, some individual trust magnate with blood in his veins, wife and children to be humiliated and social position to be forfeited, shall find his way behind the bars, there to ponder over the wholesome lesson that "the way of the transgressor is hard."

PROGRESSIONAL—THE UNITED STATES

(With apologies to Rudyard Kipling.)

God of the nations, seeing all—
God of the world since time began—
You heard the ancient freedom-call
And gave his liberty to man—
God of Patience, bear with us yet,
Though we forget, though we forget!

Our nation's great; how long to last?
Through ages old the mornings stand;
The mighty kingdoms of the past
Today are ruins in the sand—
God of Mercy, to us be kind,
For we are blind, for we are blind!

The war-cries and the rantings cease—
The officers and files are gone,
But not for long the reign of peace—
Imperialistic swords are drawn—
God of Justice, remind us yet
That we forget, that we forget!

Greed-crazed and led by power's sway
We follow close the Roman kings—
Like them, with pride for but today,
Nor count the shame tomorrow brings—
O, God on High, try save us yet,
For we forget, for we forget!

Meeker, Colo.

—Guy M. Stealey.

What Mr. Taft Will Meet on His Western Trip

Referring to Mr. Taft's western trip the Philadelphia North American (rep.) says that he will meet with stern criticism and adds:

Mr. Taft will have no right to complain. He sounded his own "keynote" in his address at Hamilton, Mass., when he designated his tariff record as the chief issue of the 1912 presidential campaign.

On the whole we can not count this determination among his blunders. The people, for whose support he is going to appeal, are people who have been very busy reading and thinking and talking among themselves for two years and a half about the man they nominated and elected president against the opposition of the most powerful forces of special privilege.

They know that the Taft arbitration treaties entail the imperilment of the Monroe doctrine and the control of immigration. They know that the Taft reciprocity is a trust-serving cheat imposed upon 30,000,000 Americans linked with agriculture. They know that Taft "currency reform" is the Aldrich device to put the credit of every American business man under the heel of the masked Wall street central bank. And they know that the Taft conservation is Ballingerism.

They may be "enemies," but they are not fools, the men in the region where President Taft is journeying to snare delegates and essay the regainment of some measure of popular esteem. He is well advised to center his attempt upon the tariff. All those other four topics are understood too well to profit him greatly.

But what is President Taft going to tell those fairly wise men of the west about the tariff? He will have to explain why he vetoed the most scientifically framed protective tariff measure ever presented to a president—a veto that caused a long-time eulogist of Mr. Taft, the New York World, to say truly:

"He has made himself personally responsible for the tax levied by organized greed and selfishness on the poor man's coat, the poor woman's dress, and their children's bed when it was in his power to lighten the burdens of those who labor that they may live."

We refer, of course, to the La Follette bill revising the "indefensible" wool schedule, prepared by disinterested experts in consultation and based upon the tremendous gathering of the scientific truths of half a century that cost the nation the life of Dolliver.

Is Mr. Taft going into the west to repeat his declaration at Hamilton? This is what he said there:

"We of the republican party are under an obligation as soon as opportunity comes to advocate and carry through a revision of the tariff which shall meet the present popular demand, and to which we are really pledged. Therefore, when the tariff board shall make its report in December on wool and cotton, I expect to submit to congress recommendations based on their report for a revision of both schedules."

"I have already expressed my opinion that the woolen schedule is too high, that it has prevailed for so many years that it ought to be revised, and is the subject of complaint not only to consumers, but also by those who are engaged in the industries affected. So far as I can help it, however, no such revision will take place unless it is made with a full knowledge of the facts as found by an impartial investigation."

There are some free, honest, unkept newspapers in that "enemy's country," and we doubt not that already some of them have called the people's attention to the striking similarity of this presidential utterance to one put forth thirty-one years ago and cited by the Worcester Post in a highly illuminating chronology of the "indefensible" schedule K.

The parallel was the petition of the National Association of Wool manufacturers, as follows: "That the present tariff (schedule K) should continue until special and minute information from experts shall indicate the changes that can safely be made; that the best method of obtaining the required information is through the Eaton tariff commission."

Mr. Taft is going out among people who share the belief of every disinterested and competent student of economic world conditions, that the wisest way to handle the tariff problem is through the work of a commission of non-partisan and disinterested experts, properly paid and endowed with semi-judicial powers to compel the giving of testimony, not to fix the rates, but to gather all the facts, with regard to cost of material and production, both here

and abroad, and from every possible viewpoint, so that whatever party may be in power can legislate intelligently.

But he is going among people who know that his present tariff board has no legal standing, no legal powers, is exactly in the position the interstate commerce commission was in when it had no power to enforce its decisions and no one paid the slightest attention to what it did or said, is simply a group of men who do not command the respect of any one, have no fixed terms of office, and are simply intended to be subordinate clerks, with no other authority than that the president confers upon them, with no right to summon witnesses or to pursue material investigations.

Will President Taft venture to repeat his denunciation of the progressive republicans in his Hamilton speech for inconsistency in having declared themselves in favor of a non-partisan tariff commission and then treating with contumely the present tariff board, which the president insists is to all intents and purposes the same thing?

If so, we think that these historical citations will promptly be brought to the attention of his audiences:

"August 20, 1910—President Taft, in a letter to Congressman William B. McKinley, states that:

"The precise difference in the cost of production sought for is not capable of definite ascertainment' and 'all that even the most scientific person can do is to exercise his best judgment in reaching a conclusion.'

"October 17, 1910—William Whitman, president of the National Association of Wool Manufacturers, spends four hours with the tariff board at Washington, and then issues the following statement:

"I opposed the tariff commission very strongly, but the tariff board is a very different thing. I want to do what I can to show my appreciation of President Taft. I believe he means well and is doing well, and I am ready to meet him half way."

"December 8, 1910—Banquet of the American Association of Woolen and Worsted Manufacturers at New York. Chairman Emery, of the tariff board, present. On this occasion Chairman Emery said:

"There are certain things that are very difficult to get, and one thing, that according to the platform of the republican party—and incidentally, that does not mean anything to me, except that I have been given the job according to that platform, is to try to get the cost of production. I thank you all, gentlemen, that you did not laugh. (Laughter.) * * * I frankly say right here that this idea of settling things on cost alone by any mathematical or algebraical or geometric ratio or problem or theory, is all nonsense. You must not think I am joking about this thing, but there is a joke about it, and the joke is this: I have no powers whatsoever. The tariff board has no powers. There is really no such thing as a tariff board. The law says that for certain purposes the president may employ such persons as he sees fit. I am one of such persons. That is all." (Laughter and applause.)"

Twenty-seven months ago the North American made what it then considered fit comment upon the self-identification of President Taft with the Payne-Aldrich tariff bill and the forces back of it. We repeat that comment, which was written as a forecast—as the only fit forecast—of the outcome of the presidential candidate's present tour:

"What the political effect of this flouting of pledges and perfidy to the people will be we do not know. Our disgust is such that we do not greatly care. But far greater than our concern about the party complexion of the next congress is our fear that the real, honest, equitable, prosperity-breeding and industry-fostering principle of protection will be endangered by the tyrannical and dishonorable course of the present republican leadership. * * *

"The country will make answer at the polls. That answer may be delayed. The plight of the democratic opposition is so pitiable, and its congressional course so impotent, inconsistent and contemptible that national rebuke in all likelihood will have to be administered to individuals rather than to a party.

"But whether through a regeneration of the democracy, or more probably through an alignment of the progressive elements of the existing parties, there will come a day of reckon-