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FOUNDED BY EDWARD ROSEWATER.

VICTOR ROSEWATER, EDITOR.

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George B. Tschuck, treasurer of the Bee Publishing company, being duly sworn, says that the actual number of full and complete copies of this Daily Morning, Evening and Sunday Bee printed during the month of December, 1908, was as follows:

1. Total number of copies printed, 37,370

2. Total number of copies distributed, 36,600

3. Total number of copies not distributed, 770

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SCOPE OF THE SPECIAL SESSION.

The report that the special session of congress will not be confined to the consideration of tariff legislation, but will be called by a proclamation so broad that matters of general legislation may be taken up, may or may not have Mr. Taft's warrant, but the need for early legislation on topics other than that of tariff appears to be admitted by the party leaders. The present congress will expire by limitation on March 4 and will leave undone many things that the public has demanded and conditions seem to make necessary. Among these are additional legislation on railway rate matters, enlarging the powers of the Interstate Commerce commission, the postal savings bank system and possibly a general revision of the currency question.

In addition to these matters of domestic importance, a deep conviction exists that our relations with Japan may reach an acute stage before the time for the meeting of congress in regular session next December. Just what the occasion for this acute condition may be is not clear to anyone, although all of the authorities agree that the present situation is far from satisfactory. The agitation over the local troubles between Japanese and the citizens of California, the sudden clamor for the location of a fleet in the Pacific and the energetic efforts for speedy increase and improvements of the fortifications at San Francisco and Honolulu all tend to strengthen the growing suspicion that the relations between this country and Japan are not as peaceful as surface indications suggest. Whether the Japanese-American question is really approaching a crisis may not be determined for an indefinite time, but the possibility of it may furnish reason for the organization of all the committees of the two houses at the special session, instead of requiring only the formation of the finance committee of the senate and the ways and means committee of the house, which alone would be necessary in case only tariff legislation were to be considered. Even if no other business than the tariff were to be transacted the appointment of these committees would pave the way for active work at the regular session, instead of having the month of December spent, as is usually the case, in the making up of the house committees.

Objection may be made that the attempt to transact general business at the special session would open the way for a long session at which other subjects might be injected into the congress with the result of accomplishing but little in the way of tariff revision. The history of tariff legislation shows that most of the work is done by the committees and there appears to be no good reason why the whole membership of congress may not be engaged, during the consideration of the tariff bill, in at least framing and considering matters for final disposition at either the special session or at the regular session to follow.

CONGRESS BACKING DOWN.

After devoting several weeks to resolutions and speeches denouncing the president, charging him with attempting to usurp the privileges of the legislative branch of the government, with insulting the dignity of the senate and impugning the motives of members of the house, both branches of congress have more or less gracefully climbed down from their high horses and admitted that the president has been entirely within his rights and that the congress was mistaken in its position. The first step in the backward movement of congress was taken by the senate committee on judiciary in deciding that the senate exceeded its authority when it demanded that the attorney general and the president supply congress with all the data concerning the merger of the Tennessee Coal and Iron company with the United States Steel corporation, and particularly with reasons why the attorney general did not commence suit under the Sherman law to prevent such combination. The president instructed Attorney General Bonaparte not to respond to the demand of the senate and sent a message curtly informing the senate that he did not concede the right of the senate to call upon a cabinet officer for such information. Nearly all of the democratic senators and the republican reactionaries promptly attacked the president for his course and a resolution of inquiry was proposed, but referred to the judiciary committee. That committee now admits that the president has the law to support him in withholding such information from congress as he may choose.

Following the senate's lead, the house has suddenly discovered that it has been violating the law, precedent, and the rules of common courtesy in allowing its members free rein to heap abuse upon the chief executive. Members of the house had been busy for weeks criticizing the president's conduct in connection with the secret service administration and finding fault with him on practically every matter pending in congress. It had refused to accept a message from the president, alleging that it contained an attack upon the "dignity" of the house. The era of abuse and recrimination culminated in the trade released by Congressman Willett of New York, in which he exhausted the dictionary of epithet and billingsgate in a personal attack upon the president and his motives. A motion to have the Willett speech expunged from the permanent record of the house has been adopted by an almost unanimous vote, the committee's report finding:

That his remarks concerning the president are not justified by any considerations of the constitutional duties of powers of the house; that they transcend proper limits of criticism in debate; that they are destructive of that courtesy, respect and dignity which ought to be preserved, and that they ought not to remain in the permanent official record of the proceedings of the house.

This disposition of two chief causes of contention that have made the present session one of unseemly wrangle leaves congress in the unenviable attitude of confessing the error of its ways and asking the public to forget it. The reactionaries have accomplished their purpose of retarding legislation demanded by the people and pledged by all parties and they are now willing to close the session with harmony restored between the legislative and executive departments of the government.

NERVE. Rejecting the proposals for primary law revision, the World-Herald comes out in advocacy of what is substantially the Illinois primary, combining the direct vote on candidates with conventions to choose where no candidate polls an absolute majority. Without crediting this plan of primary to the republicans of Illinois, who have worked it out and put it into effect, the World-Herald proceeds as if it were its own patented device.

An expression of opinion from leading democrats and democratic editors is cordially invited, more especially since the question is one of concededly great importance and involving no little difficulty in its satisfactory settlement. Opinions are wanted only from democrats and democratic papers, as if the proposed primary law were to be enacted only for making democratic nominations and all other political parties were unconcerned in it. The fact is that no primary law can be made that does not apply equally to all political parties and which will not govern republicans and populists, and prohibitionists and socialists, just as much as it will govern democrats.

Put it down that no primary law will prove satisfactory unless it enables the members of each political party to make their will effective in the selection of party candidates and in the promulgation of party principles, and also prevent members of other political parties from manipulating party action from the outside. If the democrats proceed on the theory that none but democrats are to be considered in the makeup of a new primary law for Nebraska they will discover their mistake later.

PAY OF FEDERAL JUDGES. The senate has passed a bill increasing the pay of the judges of the federal circuit court from \$7,000 to \$9,000 per annum and that of the district judges from \$6,000 to \$8,000. The measure as originally offered placed the salaries of the circuit judges at \$10,000 and of the district judges at \$9,000. The bill was passed by the senate only after a long debate in which Senators Bailey, Tillman, Borah and others fought against the proposed increase, asserting that the condition of the federal revenues would not warrant the proposed increase. The bill now goes to the house, with fair prospects of passage, although some of the economists of that body are determined to oppose all propositions looking to any increase in the expenses of the government.

ALLEN OWNERSHIP OF LAND.

The Japanese Problem as it Appears in California. San Francisco Chronicle. It would be good fortune, we suppose we must say unexpected good fortune, if certain public-spirited citizens of California could understand that nothing can be gained for this state, and much may be lost, by continuous attempts to enact pin-pricking legislation directed against orientals. Pin pricks simply irritate, but do nothing more. Without attempting to pose as an authority on legal questions, the Chronicle ventures to say that it will be found that early in the history of the republic the supreme court of the United States held that the matter of ownership of land by aliens within this country was within the jurisdiction of the treaty making power. That may be good law or bad law, but if it is the law we must submit to it or rebel, which, we presume, is not contemplated. Where the treaty making power has not acted, the states are free to act. A state law forbidding the acquisition of ownership by aliens would doubtless be valid as against citizens or subjects of the United States, but the United States has not granted such privileges by treaty, but probably would not be valid as against the citizens or subjects of countries with which our treaties contain the most favored nation clause, if directed exclusively against them.

But whether it would or not, it is unnecessary, imprudent and grotesquely unjust to pass any such law, or propose to pass it at this time. Japan could make no complaint of a law excluding all aliens from ownership of real estate, for that is Japanese law. But the Japanese government could and would consider it an unfriendly act to pass a law especially directed against Japan, and the enactment of such a law, whether valid or not, would certainly not tend to make the Japanese government more active in restraining emigration to this country, and would unquestionably excite fiery indignation against us throughout the east, without whose aid we are absolutely powerless in the matter. What we desire is to prevent the immigration of Oriental laborers. It is being prevented, and if they do not come here, they will not buy any land. That being the case, the sensible thing is to let well enough alone. Since peacefully, and without friction, we are getting all that we ask for, it is the height of folly to stir up wrath. The classes among us who are most particularly concerned in maintaining friendly relations with Japan are those who want their hands to produce the commodities which Japan buys from us, and if the competition of Oriental laborers can be prevented without injury to friendly relations, it will be better for all of us.

THE UNIVERSITY OF NEBRASKA has accepted a valuable collection of museum specimens presented from time to time by Charles H. Morrill, formerly president of the Board of Regents. Is this a contaminating gift that comes under the Bryanite ban, or will the democratic legislature wink the other eye and let the university keep it? Of course, Mr. Bryan will address the Nebraska legislature. He has been addressing legislatures at every opportunity. Last year he addressed the democratic legislature of Kentucky and pleaded that it elect Beckham to the United States senate, but Beckham was not elected.

THE WISCONSIN legislature has practically decided not to investigate the charge that United States Senator Stephenson won his primary election by the expenditure of something like \$200,000. Senator Stephenson is one of the richest men in Wisconsin and can afford luxuries.

Judge Oldham will accept an appointment to the supreme bench by Governor Shallenberger, which is equivalent to accepting the privilege of starting a law suit. Judge Oldham has never been known to refuse an invitation to accept.

The democratic majority of the Nebraska legislature cannot be very confident that the next legislature will have a democratic majority. Otherwise why the Oregon scheme for senatorial elections? Please take note that the election of Mr. Harriman to be director of the New York Central is now an accomplished fact. That Mr. Harriman will be a director who does not direct is unthinkable.

It is claimed that 2,227 cars were sold during the New York automobile show, their total valuation being \$6,763,000. Promises to be a busy and profitable season for the repair men.

The army and naval establishments call for an annual appropriation of about \$400,000,000. The taxpayer would doubtless be glad to second a motion for universal disarmament.

Large Supply Needed. Brooklyn Eagle. It will be safe to reduce the tariff on lemons when President Taft begins to give them out to office seekers. Until then even strikers Italy must wait.

Hot Air Vandy. Chicago News. These are the days when the public official is dead sure that he is not being paid too much, and he is worth to some private concern, even though he never found a private concern that held a like opinion.

Edwards Ought to Know. Washington Herald. Harriman says that the boy who enters the railroad business must not expect an easy life. As Mr. Harriman is rapidly becoming the sole employer of railroad men in the country he ought to know what he is talking about.

Old Habits Hard to Change. Chicago Record-Herald. Among the first laws that the Cuban congress is likely to pass will be one to legalize cock fighting and another providing for the establishment of a national lottery. It appears that there is still considerable room for improvement in Cuba.

Roosevelt at His Best. Washington Star. In his appeal for the square deal for the Japanese in California, the president is at his best. He states the case like a patriot and a statesman. His advice should be taken. The people in California cannot afford to fly in the face of the national interests and obligations. Should any other states injure the country, they, too, would suffer. In business of such moment as this now have in hand they should be glad to be advised of national opinion and should be guided by it.

The Art of Land Grabbing. Philadelphia Record. Assuredly work has been cut out in advance for the Taft administration by the discovery of astounding land frauds in the western states which will require the corrective action of the executive and the courts. Secretary Garfield submits information acquired through special agents of \$2,000 cases of alleged land frauds, mainly in states west of the Mississippi. Wyoming takes the lead with 2,135 cases; Colorado follows with 823, and South Dakota with 534. The value of government lands fraudulently acquired is said to approximate \$10,000,000. These swindling operations on the frontier do not speak well for the republic. Consider the quantity of population to the square mile and the comparatively lessened opportunity of plunder, the good people of Wyoming can give points to Wall street in the art of grab.

ROUND ABOUT NEW YORK.

Ripples on the Current of Life in the Metropolis. The only society in New York City that hasn't at least one Irishman on its roster is the Holland society. One might search its roll call from Rotterdam to Amsterdam and not find an O' in action or repose anywhere along the line. That is not the society's fault. The Hollanders are looking for one who can trace descent from Tom Lewis, a broth of a b'y who helped Piet Stuyvesant and the rest of the husky burghers run Dutch New York. The need of an Irishman to enliven the affairs of the society is of prime importance, but only a Lewis by descent can hope to get in and participate in the coming celebration of Henrick Hudson's discovery of the river that bears his name. A rousing meal and other edibles and honors await the identification of Tom's kin. We move that the question be referred to a committee of the whole, with Oom Diarmid of South Omaha and Lincoln in the chair. That will fetch 'em.

On the day after the ice storm, a great ocean steamship came up the river as completely encased in ice as though it were just emerging from the Arctic regions. As it lay in its dock it attracted attention from the commuters of a railroad line, whose ferry slip adjoined. The vessel presented, in truth, a magnificent picture, but nevertheless, in spite of the admiring throng gazing at it from the street, the crew were set to work with axes to clear away the ice. A curious spectator, meeting an officer of the company, asked him the reason for this apparent sacrifice of a good advertisement. He received this reply: "Yes, it is good from an advertising standpoint, but we have an example in the case of the German, upon which the ice was left apparently for this purpose a few years ago. It listed at its pier and sank. Since then steamship companies have got rid of all ice at the first possible moment."

The New York assessors have been sustained by the courts in assessing Millionaire William A. Clark's marble mansion on Fifth Avenue at \$2,100,000, notwithstanding the admitted fact that the house is still unfinished and, therefore, unoccupied. "Is this the way to encourage the building of palaces to the glory and renown of the great center of opulence in this country?" asked the copper trust from Montana. Hardly, but the building of these several million-dollar residences in Gotham will doubtless go on just the same.

"If you're looking for live ones, fellers who never miss a trick, New York is as good a place to find 'em as any," declared a West One-hundred and Twenty-fifth street saloon keeper as a small, lame man hobbled out of his place. "There goes a man that's a cripple, but he makes \$50 a week and he don't have to work very hard at that."

When the lame man came back his odd business was discovered. He contracts to supply new mantels for 10 cents a week a light at the business houses in Harlem, and he never takes a contract that nets him less than \$1 a week. Some places pay him twice that. He rubs up the globes once in two weeks and puts on a new mantle about once in six or seven weeks.

His side line is to take the odd mantels that have been broken or burned out and carefully pack the crumbly texture in a small tin can. This he sells to jewelers, as it is the best polish for fine jewelry that can be found.

"My last lot netted me \$38," said the lame man. "It was the result of three months of mantel making."

After making a defense for President Roosevelt in his current evening class at the Calvary Baptist church last Sunday, the speaker called on the Captain Jack Crawford, "the post scout" for a corroboration. Captain Crawford did it eloquently, and gave Senator Tillman a rap beside. Dr. MacArthur then read a poem written by Captain Crawford, the last verse of which ran thus: "God be near Taft, who always laughed, And God please keep him laughing. With lots of wit and Teddy-rit, To keep the greater chiefs chaffing. And while he busts dishonest trusts, God keep him firm and steady. In rain or shine in Nineteen-Nine, To trust in you and Teddy. You're for God, Harris and Old Glory. Captain Crawford modestly acknowledged the compliment paid to his poetic muse.

Rattling down Fourth avenue came a delivery wagon. The dog on this wagon was not on the seat beside the driver, nor was he at the tail-board snapping at sneak thieves. Perched jauntily on the horse's fore shoulder, his claws clutching tightly to the horse's collar, rode a little Boston terrier barking mightily to clear the way. The team made a record crossing of Fourteenth street. People hastened to get out of reach of his jaws and then turned to look; even the policeman at the crossing was staggered at the sight and forgot to hold up his hand.

The receiver of one of the traction companies in New York City is leading a movement against the so-called "Ambulance chasers," or lawyers who make a business of promoting damage suits against railroad and street railways on the basis of the contingent fees which run from 20 to 50 per cent of the amount of damages sought to be recovered. The plan is to have a law enacted making the attorney in such cases liable for the costs of the suit in case it goes against his client.

Can the Fairview Pole Draw the Senatorial Light? Cleveland Plain Dealer. The introduction into the Nebraska legislature of a measure for the establishment of the Oregon plan of choosing United States senators virtually by direct popular vote is generally characterized as an effort in behalf of Mr. Bryan. The legislature, being democratic and disposed to be friendly toward the sage of Lincoln, is expected to enact the bill. The result, if the prophets judge wisely, will be that Mr. Bryan, thrice defeated for the presidency, may be elected as the senator in 1910, succeed Senator Burkett, republican. The new law would permit Mr. Bryan to canvass the state as a candidate for the senate and to reap the benefit of the popular will regarding him, regardless of the complexion of the legislature chosen.

Mr. Bryan has been proverbially unfortunate—if that is the word—in his political career in never being in a position to get the benefit of his occasional partial victories. Thus in 1896 and 1908, when he won the vote of his own state and carried the legislature with him to victory, neither of the Nebraska senatorships were due to expire, while in 1900, when he failed in his own state and his legislative ticket likewise was lost, a senatorship was at stake. Had he won then and carried the legislature with him, he would have carried a legislative ticket with him he would in all probability have been chosen senator in place of C. H. Dietrich. Or, had the legislatures elected in 1896 or 1908 been empowered to elect a senator, the chances are that the Lincoln man would have been given the top. Will Mr. Bryan's luck change under the Oregon law, or will he remain the one eminent figure in American political history who the lightning always manages to avoid striking?

THE MISTERY OF 1908. Glimpses for Those Who Persist in Groping in the Dark. Charleston (S. C.) News and Courier (dem.). After the election Mr. Bryan invited contributions for The Commoner as to the cause of the democratic defeat at the last election. He called this symposium "Solving the Mystery of 1908" and he has been printing from week to week the views of his correspondents. The fifth installment of the symposium contains expressions of opinion from twenty-eight of the faithful, not one of whom has heard of in this part of the country before.

All sorts of reasons are given. George E. Chester of City Point, Fla., attributes the falling off in the vote at his precinct "to an increasing demand by business interests for a protective tariff." Probably the people in that part of Florida have gone into cultivation of camphor trees.

THE MISTERY OF 1908.

H. Nye of Enoch Valley, Pa., is somewhat mixed in his views. He thinks "the trusts did it," but he declares that "the Catholic church had every reason to be 'us' and declare 'forth' that 'to sum it up in two words, political prejudice did it.'"

A. R. James of Elbert, Colo., is sure that a majority of the republicans approved the democratic platform, but voted against the democratic ticket because "they thought the protective tariff of more importance," and George U. Geyer of La Fontaine, Ind., explains that the democratic defeat was due to "a successful pulling of the wool over the eyes of the nonthinking individual."

In the opinion of George L. Bittinger of Kokomo, Ind., "we lost by the unrestrained use of the federal officeholders under the leadership of Theodore Roosevelt," and C. H. Creed of Columbia, S. D., has answered all hopes because of the corrupt use of money by the enemy and has reached the conclusion that "the democratic party can never hope to again gain control of the federal government."

There is one ray of light, however, in the two dozen answers to this fifth installment of the symposium in the declaration of F. A. Partlow, of Clear Lake, Wis., who is "convinced" that "the republican party can be dislodged only by the combination of Bryan-democrats and progressive republicans." Just exactly how the two elements are to work together we do not understand, but evidently there is something in this view.

In the state of Maine, as Mr. M. W. Grinnelle of Penobscot says, "the cause of our defeat was rum and the trusts," and F. R. Day of Seattle, Washington, elucidated the mystery in his words: "Perjudice, ignorance (misunderstanding perhaps a better word), fear, Romanism, indifference."

George H. Leonard of Warren, Pa., thinks that "tariff reduction means death to any party," and Henry Heaton of Belfield, N. D., explains that "the loss of the land prevented a democratic landslide in the western states." This is the first time we have heard anything about the landslide since last October, and we understand now what it was lost in the scuffle.

"The Mystery of 1908," is not a mystery at all, Mr. Bryan never had any chance of election from the beginning to the end of the campaign. He forced himself upon the democratic party, and the democratic party did not want him and would not have him. He carried most of the southern states and he carried nothing else. He intends to force himself upon the democratic party again if he can. That is what his constant advertisement of himself means, and if he shall be placed at the head of the party not even the south will be left to fight his battles any more. We do not mean to be misunderstood, however. Mr. Bryan nominated Mr. Bryan, as it will be remembered, for 1912 and 1916 and 1920. Our record upon this point is clear, but we do not think he ought to be nominated, and we are