

THE OMAHA SUNDAY BEE.

FOUNDED BY EDWARD ROSEWATER.

VICTOR ROSEWATER, EDITOR.

Entered at Omaha postoffice as second-class matter.

TERMS OF SUBSCRIPTION. Daily Bee (without Sunday), per week, 10c. Daily Bee and Sunday, one year, \$4.00. DELIVERED BY CARRIER. Daily Bee (including Sunday), per week, 15c. Daily Bee (without Sunday), per week, 10c. Evening Bee (with Sunday), per week, 10c. Sunday Bee, one year, \$2.00. Saturday Bee, one year, \$1.50. Address all complaints of irregularities in delivery to City Circulation Department.

OFFICERS. Omaha—The Bee Building, South Omaha—Twenty-fourth and N. Council Bluffs—15 Scott Street, Lincoln—111 Little Building, Chicago—155 Marquette Building, New York—Room 1101-1102 No. 34 West Thirty-third Street, Washington—72 Fourteenth Street, N. W.

CORRESPONDENCE. Communications relating to news and editorial matter should be addressed: Omaha Bee, Editorial Department.

REMITTANCE. Remit by draft, express or postal order payable to The Bee Publishing Company. Five-cent stamps received in payment of small accounts. Personal checks, except on Omaha or eastern exchanges, not accepted.

STATEMENT OF CIRCULATION. State of Nebraska, Douglas County, ss.: George B. Tschuck, treasurer of The Bee Publishing Company, being duly sworn, deposes that the actual number of full and complete copies of The Daily Morning, Evening and Sunday Bee printed during the month of October, 1909, was as follows: 1. 40,350 2. 40,340 3. 41,790 4. 40,080 13. 40,180 23. 40,480 5. 40,600 14. 40,340 24. 40,330 6. 40,640 15. 40,330 25. 41,890 7. 40,510 16. 40,560 26. 41,890 8. 40,480 17. 40,560 27. 40,520 9. 40,570 18. 40,450 28. 40,510 10. 40,510 19. 40,090 29. 40,000 11. 40,500 20. 40,550 30. 40,970 12. 40,500 21. 40,050 31. 40,500 13. 40,710 Total 1,308,040 Returned copies 9,970 Net total 1,298,070 Daily average 41,791

Subscribed in my presence and sworn to before me this 1st day of November, 1909. (Seal) M. P. WALKER, Notary Public.

Subscribers leaving the city temporarily should have The Bee mailed to them. Address will be changed as often as requested.

The break on cotton may mean that some speculator has gone broke.

Shades of Oliver Twist, Cleveland, do give the school boys enough to eat!

Mr. Hearst is now even with Mr. Bryan. Each has three defeats to his score.

No parent will consider Pennsylvania's Whittia kidnaping reward a whit too much.

His rate of \$1.20 a word makes Peary the top-notch of magazine pole-climbers, anyway.

The Servian bishop should add to his doctrine the maxim that you may dream, but you mustn't tell.

The opera singer who failed to break her rich aunt's will ought still to be able to cash a few high notes.

Close observers may have noticed that the Thanksgiving proclamation crop is nearly ready for harvest.

In charging for the size of women's hats the express companies are only adding to the sighs of the husbands.

Now that the Chautauqua salute has been abolished, how are the advocates of a noiseless Fourth to celebrate the day?

The Mrs. Lemon of the opera house gala wedding finally awoke to the fact that she had been handed one, all right.

Mr. Spreckels' plan for a national anti-graft society may be expected to result in some municipal sugar refining.

The deadly boiler tube seems to need as much attention from the Navy department as the revision of the foot ball rules.

Mr. Roosevelt may now consider himself entitled to father the standard joke about the report of his death being greatly exaggerated.

The American who shot himself in a Parisian cafe after hearing the orchestra may have been only suppressing a desire to shoot the musicians.

With "Uncle Joe" running a base ball nine down in Danville, will the handbook of parliamentary procedure be substituted for the league rules?

If the astronomers expect young America to take any interest in that comet they would better hurry it along before the next base ball season gets under way.

For polite cloaking of short and ugly terms the courts are entitled to our admiration, as witness the judge who, in appointing a conservator for the 70-year-old bride who had just wedded a youth of 21, remarked only that she lacked "ethical insensibility."

Before it tuned up on the non-partisan key the democratic World-Herald boasted it was not in the habit of supporting republican candidates. The object of the non-partisan bunco game was to fool republicans into supporting democrats.

The republican platform on which the state ticket was presented to Nebraska voters this year appealed for the support "of all good citizens who believe in honesty, justice and fidelity and hate hypocrisy, deceit and faithlessness." We are glad to say a majority of the citizens in Nebraska are of that kind.

The Tax and Corporation Control.

When the corporation income tax feature of the tariff law was first proposed, President Taft urged that its value would be more from the regulation and supervision exercised by the government on the foundation of the publicity required than from its proceeds as a revenue producer. If any evidence was needed that the president laid more stress on this side of the proposed tax than on its treasury-filling possibilities, it will be remembered that the rate, first tentatively fixed at two per cent, was later reduced, with his approval, to one per cent. The best informed authorities seem to think even now that the revenue producing capabilities of the new tax on corporation net earnings have been greatly underestimated, and that while no one can make accurate or even approximate predictions, the proceeds of this tax will be greatly in excess of what was expected when it was incorporated into the law.

Recent developments in connection with the federal corporation tax indicate that the big corporation lawyers, and the great corporation magnates, have come to agree with the president that the amount of the tax is of less consequence than the far-reaching control it gives federal authorities through the power conferred on them to check up and verify the returns made by the various corporations showing their capitalization, indebtedness, receipts and expenditures. Several national organizations incorporated to promote co-operation in certain lines of industry which would have to pay merely a nominal sum as a tax have been advised by their attorneys that the best thing for them to do is to divest themselves of their corporate character in order to avoid making the required returns. A big industrial concern in Chicago likewise has taken steps to relinquish its charter with the explanation that the stock is all held by the chief owner and he can do business just as well in his own individual capacity without being under compulsion to divulge the inside of its financial operations. The example thus set is naturally attracting general attention, and may be expected to have numerous imitators.

All this goes to prove that the president was eminently correct in his original declaration that the publicity and regulation features of the federal corporation tax law would be the real step in advance toward the assertion of federal authority over menacing corporations. This law will doubtless have to run the gauntlet of the courts for a test of its constitutionality, but should it be upheld as legitimately within the congressional prerogative, as many eminent lawyers think it will be, it will make the corporation form of doing business stand for something more than it does now on the scale of commerce and industry.

Government by Law.

During the campaign just closed in Nebraska, involving the election of three judges to sit on the supreme bench, the various reasons urged in behalf of different candidates and the loose discussion of the principles of the law and the function of the courts indulged in by those who were inspired by selfish purposes, could not but tend to confuse the public mind as to what constitutes a government of law. The "nonpartisan" argument and the contradictory "bi-partisan" argument, and the "substantial justice" plea, coupled with the demand for judges of a sympathetic turn of mind, are all based on a misconception of the position accorded the judiciary in our distribution of official power between the various co-ordinate departments of government.

While the subject is still fresh, one document brought out by the campaign, though without direct bearing on any particular candidacy, should not be permitted to escape attention to its salient features. It is a letter addressed by Francis A. Brogan, president of the Nebraska State Bar association, to a newspaper at Lincoln, taking issue that the latter's assertion that the demand of the hour is for judges temperamentally inclined to favor so-called reform legislation, irrespective of constitutional limitations. From this letter we quote in abridgment:

It cannot be too often repeated that this is to be a government of law, not of men. It is not the function of a judge to modify this system of law, and its application to the concrete facts of a case, to suit his own views of what the law ought to be. If it is once admitted that a judge may decide cases according to his own personal view of what is just, or "substantial justice," such a judge may become the most arbitrary instrument of oppression, and the fact that he exercises his oppressive rule in favor of the numerical majority, would not palliate his wrongdoing. If he may decide a case contrary to law, in favor of an unfortunate who is injured on a railroad train through his own carelessness, if he may decide for the poor man because he is poor, and against the rich man because he is rich, then he may decide a cause for one political party, because that is the one which has elected him, or for the other, because he has drawn his support from that quarter.

As opposed to that theory of the judicial function, I support the other view, that a judge should be the very thing you deplore—a part of the machinery of the law. If I read right the history of the peoples whose institutions have flourished on this continent in America, by the application of their efforts has been the system of law whereby the judge shall, as near as human frailties will permit, decide each case according to a general rule of law. That is why justice and liberty are upon a higher plane in England and America than elsewhere in the world; that is why an Aaron Burr was acquitted in America by the application to his case of settled principles, under the administration of a just judge, and to the lasting glory of our law; and to the system of law, and among people swayed by temperaments in their political action, a dress is languished in an unsorted dunce, and a father, for granting the intellectual freedom of the people, was shot to

death by the judgment of a tribunal before which he was not even allowed to appear. That is why, too, our federal courts today condemn to long terms of imprisonment the powerful financier whose misdeeds have brought distress to many, but interpose the shield of the constitution between the newspaper man at Indianapolis and the efforts of an offended government to drag them across the continent for trial. While it should ever be the effort to improve the system and better the procedure, yet we must adhere to the fundamentals. Our courts must express by their decisions the law of the land, not the personal predilections of the judges.

This lucid statement is well worth study. Ours is a government of law, and more than that, a government subject to law. The highest law is the federal constitution before which any conflicting state constitution or federal or state law must give way. Within the spheres of the respective states the highest law is the state constitution, before which legislature-enacted statute in conflict must give way. The court that upholds the constitution may have to nullify laws passed in violation of its provisions, but the court which seeks to nullify the constitution in order to uphold specific legislation attacks the bulwarks of our liberties and saps the foundations of our free government. The judges who willfully nullify the constitution rightfully expose themselves to impeachment. Ours is a government of law—a law which must govern judges and law-makers just the same as it governs the private individual.

An American Philosopher.

The popular mind sees in the death of Dr. William Torrey Harris the passing of a noted educator, and laments him as such, but here was a far greater mind than the general public realizes. Profound thinkers the world over had recognized the depth of his scholarship. This was not limited to the pedagogy whose principles he had defined for America and whose theories he had put into practice during his term of office as commissioner of education, nor to the philology which had made him competent to administer the functions of editor-in-chief of the most comprehensive and authoritative American dictionary. Beyond his eminent services as an educator and an editor, his work in the field of philology stands pre-eminent.

America has had few great philosophers, since the day of the earliest, Jonathan Edwards. While one instantly recalls Europe's famous names in this realm of thought, he who is asked to name America's chief philosopher would stop ordinarily at Emerson. Yet it was Emerson's work which Harris continued, and, in a way, perfected. The Concord School of Philosophy held no more capable advocate than Harris, and he went beyond the Concord limitations and interpreted for all Americans seriously bent on knowledge and the pursuit of truth the minds of the great masters of the older world. As an expositor of German philosophical thought, he was one of the clearest; he gave to America, both through his translations and his expositions, the full logic of the great Hegel. His birth followed Hegel's death, but in the works of Harris the works of Hegel grew, and in the final estimate of Harris he will be acclaimed as the one man in America who was chief instrument in popularizing the German idealism, as far as philosophy can be popularized.

Contemporaneous with George Stuart Fullerton and William James, he yet outranked them both. Fullerton rendered valuable service with his critical studies, but Harris surpassed him in extending the range of vision. James was a brilliant advocate of keen, original views, but Harris gave a systematic presentation from a consistent point of view. His books will live as among the deepest and clearest wells of philosophic truth.

The Personal Equation in Wrecks.

Examination of the government's latest reports on railroad accidents in the United States shows that the old theory that the personal equation is responsible in nearly every case still holds good. Some years ago bad rails were blamed, and it was found that the human element had neglected the precautions against defects in speeding the manufacture of the rails. Public opinion and losses by the railroads retarded the steel product to its former grade.

The wrecks that seem to the layman the most blameworthy are collisions, but when run down, the list of causes of this class of wrecks turns in every case on the fatal personal equation. One block signalman of years of experience became confused during his first day on duty with a new road, and failed to display a stop signal after receiving a dispatch so to do. A dispatcher's careless writing of two figures and the careless misreading by a trainman was the combination in another instance. Forgetfulness of which the operator can give no explanation caused him to signal a clear track after receiving a definite order to stop a certain train. A conductor misread the figures on a blurred timetable. A dispatcher with an absolutely clear record for sixteen years mistated the station at which a train was to take a siding. Another dispatcher sent an inconsistent message which two other operators copied and passed on to trainmen without either noticing the palpable discrepancy. In every one of these cases the initial error might have been detected if the train committing it had used the established safeguards provided to check such blunders, or if the men to whom the errors were transmitted had had their minds alert on their duties.

The evident remedy the use of automatic devices, yet the human element may vitiate the mechanism de-

signed to prevent accident. Careless winding of insulation caused a short circuit which threw the block signal out of service, and an indifferent fireman swung a wire against an electric interlocking device so that a motor was energized to throw a switch, diverting a fast train to a track on which another was approaching. With the utmost care, and the installation of the most ingenious appliances, it would seem that the railroad is finally and constantly at the mercy of the human unit.

Our Silent Millionaires.

The prominence given constantly to a few of our very rich men, gives rise to the general impression that American multi-millionaires may be counted off on the fingers by any child old enough to read, until suddenly the unfamiliar name of some Croesus appears to remind us of the existence of a great number of silent millionaires who are using their vast funds for the benefit of humanity in their own quiet way. A week ago, the name of John S. Kennedy would not have attracted attention anywhere, and the fact of his death stirred no breakfast-table talk except the comment that such an old man should fall a victim to whooping cough. When his will disclosed that he had bequeathed \$25,000,000 to charity, religion and education, the American instinct of commercial rating is aroused, and it is suddenly realized that it is possible to live even in New York City the life of a good citizen and public benefactor without proclaiming from the house-tops the possession of fabulous wealth.

America has a large number of such men as Mr. Kennedy, who have accumulated great fortunes and are administering them in a unostentatious but serviceable way. Of late several such men have been deliberately dragged forth into the limelight in illustration of the very fact that the country does not fully appreciate the worth of its silent millionaires, but they have invariably come forth from their seclusion reluctantly, and none of the noise made about them has been of their doing or their desire. It is always in good taste, even in a millionaire, to be as inconspicuous as possible. The worth of a modest mind is well illustrated by the anecdote of the struggling young couple who suddenly struck it rich in the west. "Now that we have all this money," said the husband, "what shall we do?" And his wife answered, "Jack, let's be quiet." The case of Mr. Kennedy demonstrates that the silent undercurrents of the human race are just as forceful as the roaring cataracts.

What's in a Name?

Shall the upper classmen of an eastern university be condemned because they flunked in the examination designed to show their familiarity with public names? Not to know the three full names of the president, for instance, does not necessarily argue crass ignorance or indifference to either the personality or the official importance of the chief executive. The voter sees the name William Howard Taft once in the papers when nominated, and once again when he is inaugurated and never again does he see anything but "Mr. Taft," or "President Taft," or probably some familiar nickname. The same was true of Theodore Roosevelt, and chances are that the average man asked what was Mr. Roosevelt's middle name would immediately hazard an initial or admit that he did not know. It is but a short time since the vice president was inducted into office, yet how many, old hand, can repeat his name? Or who can write out, much less pronounce, the euphonious letters that combine to indicate the identity of our secretary of state?

No, the lack of familiarity with personal nomenclature does not put the Brown boys any more to the blush than it does the average citizen who is successfully supporting his family and establishing his small meed of fame. And after all, what is there in knowing men's full names and loading up the mind with the contents of a congressional directory. The one word Roosevelt, or the one word Taft, is sufficient to conjure up a mental picture of the man and his personality. If a man has sunk his identity into that of a public institution, it is but natural that the citizen will recognize only the office, not the occupant; but where a man stands out apart from his great office, as in the cases of Roosevelt or Taft, the baptismal words do not count in establishing the measure of the man.

Gaynor and the Yellows.

It will be curious to see how far Judge Gaynor proceeds when he assumes the office of mayor of New York toward fulfilling his pre-election pledge to go after the yellow press of Manhattan and eradicate what he termed "assassination by slander and libel," which, since the arrival of a "certain individual," had become in his judgment "a system and a trade." This is a self-imposed task of the mayor-elect. No one had asked him for such a pledge; the people were too busy keeping pace with the new names being coined daily in the campaign of personalities. But since Mr. Gaynor deliberately announced his intention of "teaching these libellers a lasting lesson through the criminal law," both the yellows whom he thus defies and the reputable journals who disown the yellows, will watch for his next step in this direction.

Mr. Gaynor will have a reform district attorney, and if any of the old offenders continue to put themselves within the range of prosecution he may have a chance to make at least an effort. But he will find his foe as un-

ding and as resourceful as he did Boss McKane, so that he may as well be prepared for a bitter battle.

The feminine "mystic" who is crusading in New York for a four-hour work day for men and women alike, and whose argument is that the sexes do not see enough of each other, overlooks the historic cases of wrecked marital life resulting from husband and wife being too constantly in each other's company. It is even possible that the Carryles might have been happy if the husband had had a job that kept him away from home through the day instead of fussing about the house all the time. The "mystic" plea for equal suffrage and a four-hour work day might also put to proof again the old saying about mischief for idle hands.

The local party favoring immediate independence of the Philippines has gained control of the Filipino assembly, but that is what would naturally follow in a country where only three per cent of the people turn out to vote. The agitators are the only ones who concern themselves in politics in the islands. Most of the people over there are content to let the American government administer their affairs.

Collier's Weekly prints a column of "Brickbats and Boquets" more or less similar to that occasionally indulged in as a luxury by The Bee, and from recent samples it looks to us as if Collier's ratio of brickbats were at least equal to ours.

Those who are curious to know whether a woman will ever be president of the United States should remember that the constitution requires each candidate to admit to an age of 35.

Secretary Wilson might easily turn those abandoned farms of the south into a national object lesson by putting the 11,000 men of his department to work on them.

No Assistance Called For.

The farmers ought to be nearly ready for another uplift, with all the money they have made this year by attending to their own business.

One by One They Go.

Still another departure from President Roosevelt's policies is made in putting the new extension of the White House office over the ground where the Roosevelt cabinet used to play tennis.

Equilizing the Weight.

There is talk of sending Mr. Fairbanks as ambassador to China; but in case we were represented at Peking by a former vice president, wouldn't Japan insist on having us send a former president to Tokio?

Can We Spare 'Em?

A college professor advocates the abolition of the Ten Commandments. Why not abolish a certain variety of college professors instead? It would be much easier, and decidedly more in keeping with the eternal fitness of things.

PERSONAL AND OTHERWISE.

With Andy Carnegie, Tom Lipton, "Toy Pay" O'Connor and Dick Crocker on this side of the pond life may be mighty lonesome on the other side.

The head of the Chicago weather bureau says there is no such thing as an Indian summer. Residence in Chicago begets pessimism.

The fight in Chicago is as good as won. Janitors are joining the Tenants' Protective league organized to repeal the race suicide rule of landlords.

Farmer Patten is demonstrating in a profitable way that raising cotton in New York and wheat in Chicago beats the usual methods of cultivation hands down.

Now that the tumult and the shouting of office-seekers have subsided, it is possible to read these signs of the times: "Get your Thanksgiving turkey ready," "Do your Christmas shopping early."

Fifty million dollars a year is the sum needed to put Pacific coast ports in order for Panama canal business. Pacific coasters strike out the word "should" and put in "must" in the request to Uncle Sam.

SERMONS BOILED DOWN.

Looking down never lifts up. Every act is some kind of a prayer. Small talk often makes big trouble. Habit serves the good as readily as the bad.

Most people slip up on their own smoothness. The greatest sorrows are the ones we never reach. Big plans for tomorrow are the stuff that sloth fattens on.

Many a man would be like Job if it did not cost so much. We would all live in a fool's paradise but for life's bitter blows.

Many a preacher smothered the truth in his attempt to protect it. Most men like to let their light shine when they get a new car.

Good advice is seldom taken save as it is given in practical doses. No man gets any higher a character than he wishes all others to be.

Some think they are saints because their neighbors would be relieved to have them go to glory.—Chicago Tribune.

HEAVEN.

Wilbur D. Nesbit. "What do you think that heaven may be?" The hearer answered with a smile: "A place where folks like you and me get their hearts ever free and high, and where roses bloom and birds will sing, and silver streams splash in the shade, with caught but joy in everything—Of these, I know, is heaven made."

"What do you think that heaven may be?" The mother answered: "Tis a land where all mine own may be with me and where, too, I may understand the longings of the little hearts." And find my happiness complete in soothing with a mother's care. The weary little hearts and feet.

"What do you think that heaven may be?" The old man answered with a sigh: "A cot beneath a spreading tree, The lovers ever free and high, And never weariness nor strife. But just a comfort calm and blest Such as we may not have in life. A folding of the hands in rest."

"What do you think that heaven may be?" "Why, it would be of little worth Were not to think for it to see. Some passages of it here on earth; If through the moments and the years I could but bring the radiant glow To light our smiles and dry the tears Of the weary folk who know."

I'm going to sell these \$30 Diamond Rings at Only \$16. But mind you, \$16 tags on \$30 diamond rings will make 'em sell VERY quickly. Mandelberg 1522 Farnam Street

DOMESTIC PLEASANTRIES. Madge (proudly)—Did you see that handsome man I just danced with? Kate—Yes, he has a jealous wife, who will allow him to dance only with the plainest girl in the room.—Boston Transcript. "Why that faraway look in his eyes?" "Since our engagement he has thought of nothing but marriage!" "I wouldn't marry a man who looked on the dark side of things in that fashion."—Houston Post. Minister—And the child's name, madam? Mother (firmly)—Name him Frederick Robert Cook Peary Smith. I'm not going to take any chances.—Puck. Friend—My dear girl, you have brought all this wretchedness on yourself. What made you want to marry such an unattractive, disreputable fellow as this spend-thrift lord? "Titled" wife (sobbing)—I didn't want to marry him, but papa got him so cheap, I couldn't resist such a bargain.—Baltimore American. "Your wife's new hat makes her look like a queen," said the man who tries to be complimentary. "Don't let her hear you say that," answered Mr. Bilgins; "I have looked through the histories and I never yet saw a picture of a queen who looked as if she employed a first-class milliner."—Chicago Record-Herald. "Gwendolen, I suppose some worthless young duffer is going to take you to the theater this evening?" "Yes, mamma, I'm going with brother George tonight."—Chicago Tribune. "I fear I am not worthy of you." "Never mind about that," responded the young woman with the square jaw. "Between mother and myself I imagine we can effect the necessary improvements."—Louisville Courier-Journal. "Tell me—ah—are you a—er—ah—a good, careful, excellent cook and a—er—a very superior laundress?" "Ah-h-h! Wot d'yee taake me fer—twinst?"—Harper's Weekly. "Dad, what sort of a bureau is a matrimonial bureau?" "O, any bureau that has five drawers full of women's fixings and one man's tie in it."—Houston Post. "The motto of our party is 'Turn the rascals out!'" "Well, I guess your party has turned out more rascals than any other."—Cleveland Leader.

Don't Be a Slave To Your Job! If you are a clerk in some insurance office you have doubtless observed how many year dependents altogether on the place. If it offers you an opportunity to broaden, stay. If it does not, quit. Don't go through life in a narrow rut because you haven't the courage to break away. Your excuse is that you do not want to give up a certainty for an uncertainty, but when you are past middle age the "certainty" may prove a myth. The Equitable Life Assurance Society OF THE UNITED STATES PAUL MORTON, President N. D. KEELY, Manager Merchants National Bank Building, Omaha, Nebraska.

196 Users in Nebraska Alone! This is something of a record, for the Kranich & Bach Piano, Isn't It? 105 homes in Omaha alone, have the sweet toned Kranich & Bach pianos; 22 in Council Bluffs; 10 in Kearney; 8 in Lincoln, and 51 are scattered out over the state. We've sold 'em all and doubt very much if ANY purchaser in the total of 196 would WILLINGLY give up his "Kranich & Bach." Kranich & Bach are a firm of critical builders—they make EVERY part of their piano under ONE roof; under one watchful management, and a perfect manufacturing harmony like this is SURE to produce something excellent in the way of a piano. Name of those 196 buyers given on application. A. Hospe Co. 1518 DOUGLAS STREET, OMAHA, NEB.