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**OBSERVATIONS.****Vagaries.**

A little book bound in white, lettered in black, with a yellow moon floating in a green gray night of shadowy bats is a collection of light short stories by Mrs. Florence Brooks Emerson, formerly of Omaha. Mr. Datus Brooks, her father, was formerly editor of the Omaha Republican. Mrs. Emerson was a student at the state university in the early eighties. She has lived in New York for perhaps the last ten years. A vagary, and every resident of a state which has the lowest per cent of illiteracy of the whole forty-five, knows that vagary is accented on the second syllable, is a wandering or strolling, and hence a wandering of the thoughts, a wild freak, a whim. And about a whim there is an individuality, a color that the reasonable, expected actions of life do not have. If it were not for Dr. Samuel Johnson's whims we should not feel that we know him so well and the great lexicographer might then be indistinguishably confused with Bozzy, Goldsmith, Pope and others of his time. A fragrance of original personality lingers about this book of stories, that is very pleasant both to the stranger and to Mrs. Emerson's friends.

The pains and disappointments of life as they come to women and are felt by women Mrs. Emerson expresses finally with satisfaction. Like an unknown sonata, the first time heard by one not technically educated, the first reading of her paragraphs is a jumble and the melody is overlooked. A little patience, a little pertinacious insistence upon a sympathetic reading of the lines and her meaning is clear. One story is about a woman whose husband is fighting in Cuba. She stands on a balcony and looks out

to sea: "The shadows as of an eternal absence darkened her heart; for absence is never bridged; it makes a chasm between old and new; all is old on the brink we have left; all is past. The one we meet is not the one who said farewell." This change which takes place in the friendships and loves of the separated is one of the curious, unwelcome and disputed phenomena of life and love. The chasm of incommunicable spiritual experiences which separates friends who are miles apart, from the intimacy of the hour of separation has puzzled the most devoted and loyal.

Another story is about a Spanish general in Cuba who is returning to Spain on account of the American occupation and he is leaving his Cuban lady in Havana. The general's parrot is shrieking in the court while the general is eating his breakfast, just before his ship embarks for Spain. "A whole plantation household of Creole women, brats, negroes, flashed in brief exposures, through the sultry morning, struck out of nothingness by the caricatures of the coterie's chatter. Hints of women's days, ranging from sob to song; lullaby and cajolery; silly ranting and ribald singing, hypocritical and tender, flashed wantonly out of the soulless void of the Creature's being."

The reader who is lacking in time and who is first of all an explorer and keeps a log of soundings of latitude and longitude, who makes a chart of journeys into literature, will not care for Mrs. Emerson's sketches, they are parables, impressions, color-improvisations. They end abruptly and the author does not conform to predilections for smooth finish, definiteness, and completed experiences and romances. Her stories end as the bird lifts his wings and whether he flies or dabs his beak under his wing to smooth a ruffled feather, we do not know, for the story ends.

**The Consent of the Governed**

During the recent campaign any discussion of the Declaration of Independence was so intimately connected with politics that a candid consideration was difficult. In the November number of "Case and Comment," a periodical devoted to legal news, notes and essays a writer says that the doctrine of government only by the consent of the government, "as applied to single individuals is so obviously absurd that it needs no comment. Justice, in the very nature of things has to be enforced against those who do not consent. Every man who is born into a nation has to submit to its government whether he wishes to do so or not. As applied to particular classes of people: Children are governed in families without asking their consent and are subject to the laws of the state, though they have no part in making them. This is on the theory that they are incapable of self-government. The government of wo-

men is in nearly all countries exercised without their consent. The minority of men, even in a republic, are subject to the government by the majority, whether they consent or not, even against their bitterest opposition.

These illustrations are sufficient to show that the consent of the governed can not possibly be adopted as a condition of just government anywhere over any individuals or classes so long as they constitute a minority of the people within the jurisdiction of any established government.

The idea that such minority of the people have in fact given their consent to be governed by becoming members of the nation is a sheer fiction, involving the assumption that people choose the place of their birth. Even if consent to a particular government may have been given by one's ancestors, their right to bind him by such consent remains to be established.

There is a fallacious appearance of justice in this theory of the consent of the governed which induces many people to accept it at once as a general principle, without thinking deeply enough to see its superficiality. Its fatal weakness may be shown by a single illustration. In a locality where there is no constituted government or established law, and where each man is on a level with every other with respect to authority, if a majority, by means of all necessary force, should compel any pestilential fellow among them to observe the decencies of civilized life; and refrain from disturbing the peace or outraging the moral sentiment of the respectable portion of the community, they would in so doing be justified in the minds of sensible people everywhere. Yet they would be acting without any consent of the governed express or implied.

It is only as between different nations, races or tribes that most people would deem the theory applicable. But the same ethical principles seem to have operation between tribes or races as between different individuals. We have Indian tribes still inhabiting this country, who have never given any free consent to be governed by the whites. Conceding that our government may have some times been mistaken in its policy toward them,—conceding that in many instances it may have wronged them,—yet few reasoning persons will deny that it is right for the United States government to exercise some authority over the Indian tribes, even without their consent, whenever those tribes are too savage or uncivilized to govern themselves without danger to the communities about them. If it is right to govern even the most savage tribe of Indians without their consent, the dogma that a just government depends upon the consent of the governed is certainly not true.

To formulate a clear and simple rule for determining when men may

justly govern others without their consent may be difficult, but it is probably not more so than to state the extent and limits of the rightful power of the majority to govern the minority. It may truthfully be said that a government of a dependent people will be tyranny unless it is an embodiment and manifestation of justice exercised for the benefit of those who are governed. Though it may be just without their consent, it will be unjust unless it recognizes their right to the largest measure of freedom and self-government which they can safely exercise.

Oscar Wilde.

The papers were in error in reporting that Oscar Wilde lived in Paris. After his release from Pentonville Lord Alfred Douglas lodged him in a small apartment overlooking the Bay of Posillippo near Naples. Last Easter Oreste (the name he chose) Wilde went to Rome where some members of the rich and gay world, he used to know recognized him—a toothless old broken-down man, dressed shabbily and looking like a melancholy cretin. The verses he wrote, From the Depths, show that when he was still a youth he knew his splendid power and dreaded a fate that he knew awaited him.

DE PROFUNDIS.

To drift with every passion till my soul  
Is a stringed lute whereon all winds may  
[play—]

Is it for this that I have given away  
Mine ancient wisdom and austere control?  
Methinks my life is a twice-written scroll,  
Scrawled over in some boyish holiday,  
With idle songs for pipe and vielay,  
That do but mar the beauty of the whole.

Surely there was a time I might have trod  
The sunlit heights, and from life's dissonance  
Struck one clear chord to reach the ears of  
[God!]

Is that time lost! Lo, with a little rod  
I did but touch the honey of romance,  
And must I lose a soul's inheritance?

**A Sentimental Humbug.**

The French Republic has not sympathized or fraternized with Kruger. The French rabble is the most irresponsible and prejudiced of all rabbles, and if the event had occurred since France was France the French would have received Satan with open arms when he fell from Heaven. Mr. Kruger has sent his south African loot on ahead, he has deserted his country and his fellow-countrymen, after urging them to resist to the bitter end, when he reached a place of safety. Paul Kruger, all his life, has used the aspect of patriotism to arouse his countrymen that he might enrich himself from their enthusiastic offerings. He declared war in South Africa against the best judgment of Boers sincerely devoted to the Transvaal and its welfare. If it had not been for his stubborn stupid-