

LAST EDITION.

SATURDAY EVENING.

TOPEKA, KANSAS, SEPTEMBER 17, 1910.

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FIVE CENTS.

IN SELF DEFENSE

Col. Roosevelt Explains Criticism of Supreme Court.

He Followed the Example Set by Lincoln and Taft.

ANOTHER PRECEDENT

Is That Set by the Dissenting Judges Themselves.

Points Out What the Nation Owe to the President.

Syracuse, N. Y., Sept. 17.—Theodore Roosevelt returned to the defense of his new nationalism today, as was specifically intimated in the title of his address at the state fair here—"The new nationalism and the old morality."

"The new nationalism," he reiterated, "means nothing but an application to new conditions of certain old and fundamental moralities. It means an invitation to meet the new problems of the present day in precisely the spirit in which Lincoln and the men of his day met their new problems."

To his critics, he put this issue: "Is any party willing to take the other side of the propositions of which complaint is made?"

"If so, it would be a good thing to have the issue before the people, for in the end the people would most certainly decide in favor of the principles embodied in the new nationalism, because otherwise this country could not continue to be a true republic, a true democracy."

The speaker followed with a justification of his attacks on the supreme court of the United States. He chose two arguments—one, that in his criticisms he had merely echoed the minority opinion of the dissenting judges; the other, that he had illustrious precedent; namely—the example of Abraham Lincoln, who, he said, had been far more outspoken than he himself had been, and the example of President Taft, from whose utterances 15 years ago in favor of public criticism of the courts he quoted.

"Take, for instance," he continued, "what I said in reference to late decisions of the supreme court. One decision was in the Knight sugar case, in which, according to the opinion of Justice Harlan, the court placed the public, so far as national power is concerned, (the only power which could be effective) entirely in the hands of the corporation which arbitrarily control the prices of articles purchased to be transported from one state into another state."

"I merely view which the learned justice had taken in his dissenting opinion. Those who criticize me are also criticizing a justice of the supreme court, Mr. Harlan. He may criticize me, but he cannot criticize the people. He shall not be able to control the activities and management of these great monopolist corporations doing an interstate business. Let the people frankly avow their position. If not, let them cease their criticism."

The Bake Shops Case.

The other case mentioned was one prohibiting New York state to regulate hours of work in bake shops; and, again, the speaker said, he had based his criticism on a dissenting opinion within the court itself.

"Fifty-three years ago," he continued, "Abraham Lincoln was assailed for his repeated criticisms of the supreme court in the Dred Scott case. As regards this decision, Lincoln said, not once, but many times, and again, that he held it to be not merely the right but the duty of citizens who felt that judicial decisions were erroneous and damaging to the rights of the people, to try hard to secure their reversal; his language one occasion being as follows:

"We do not propose to disturb the rights of property thus settled. We propose by so resisting the decision as to have it reversed if we can, and a new judicial rule established upon the subject."

"I repeated this statement in slightly differing language in speech after speech. Moreover he used very strong language about the decision, far stronger than a dream of using, or than it would be proper to use about the decisions with which I now deal. But his view as to his right and duty to call attention to an erroneous decision which vitally affected the rights of the people was, I think, entirely sound. At any rate, if I have erred in commenting as I have commented upon the decisions in question, I err in company with Abraham Lincoln. The criticism of me is perhaps well summed up in the following speech of an eminent public man.

"He makes war on the decisions of the supreme court. I wish to say to you fellow citizens that I have no war to make on that decision or any other ever rendered by the supreme court. I am content to take that decision as it stands, delivered by the highest judicial tribunal on earth, a tribunal established by the constitution of the United States for that purpose, and hence that decision becomes the law of the land, binding on you, on me and on every other good citizen, whether we like it or not. Hence, I do not intend to the an argument to prove before this audience whether or not he (the chief justice) understood the law better than Theodore Roosevelt."

Now, gentlemen, I have made one change in the above quotation. The last words were 'Theodore Roosevelt' and this attack, made nearly 53 years ago against Abe Lincoln, is precisely and exactly the kind of attack made on me at the moment. Abe Lincoln felt and professed throughout his life the same profound respect for the supreme court that of course, I feel, and that I have again and again in public speeches and messages to the president of the United States expressed. An upright judge is a higher and better public servant than any other man can possibly be, and it is cause of pride to every American citizen that our supreme court is the most influential tribunal in the entire world. I have quoted Abe Lincoln; let me quote him again:

"We believe in the obedience to and respect for the judicial department of our government. We think its decisions

MAY BE KILLED.

Commission Plan of Government Is Threatened.

Kansas City Case Before the Supreme Court.

ELECTION NOT LEGAL.

That Is Contention of Old Park Board.

Claim That Women Had No Right to Vote.

Kansas City, Kan., Sept. 17.—The election at which the present commission form of government in Kansas City, Kan., was adopted was illegal and all the acts of the commissioners are void, according to legal arguments made in a brief filed in the Kansas supreme court by T. A. Pollock, a Kansas City, Kan., attorney, in connection with a motion which will be argued in that court October 6. The motion in which the brief was filed is to quash proceedings brought by the city commissioners to abolish the present park board.

The commission law provides that the duties at present performed by the board shall be performed by the commissioner of parks and public grounds, an office now held by Henry Dean. When the commission form of government went into effect the park board, composed of Judge J. P. Angie, Jas. Sullivan and Dr. Geo. M. Gray, remained to be discharged. Then the commissioners had the city council bring out proceedings in the supreme court. The motion to quash is made by the attorney for the board on the ground that the commissioners have not produced sufficient evidence to make a case. Meanwhile the old board is holding office and continuing to transact business until the case is settled.

The substance of the contention is that women had no right to vote at the election at which the commission form of government was adopted because the law giving women the right to vote was not applicable to Kansas City, Kan., at the time of the election. It is also held that even the amendment to the commission law passed by the legislature in 1909 is unconstitutional. The allegation is made on the ground that its subject is not clearly set forth in its title.

"The part of the act giving women the right to vote and the adoption of the commission form of government, the question on which they were to be allowed to vote, were both passed upon by the public at the same time," the brief states, "which would render the action void."

STANDS ON HER RIGHTS.

Mme. Cavalleri Is Coming Over to See That She Gets Them.

New York, Sept. 17.—Counsel for Mme. Lina Cavalleri, the singer, said today that his client proposed to fight for her rights and was coming to this country to see that the prenuptial agreement, whereby Chanler turned over to the diva what is said to be his entire fortune, was carried out.

AND THEY THOUGHT HE HAD BEEN RETIRED!

Two shots were fired into the governor's carriage today. The occupants, who were the president of the court and other officials, were uninjured. The assailant escaped.

COOK GETS AN OVATION.

Given Hearty Reception at Commercial Club Today.

As Secretary H. L. Cook, of the fair association, entered the Commercial club cafe this noon the business men gave him a hearty ovation as an expression of their appreciation of his tireless efforts which gave Topeka and Kansas a creditable state fair.

CHICAGO A BIG ONE

Census Returns Show City Has Over Two Million.

Secures a Place Among World's Largest Cities.

INCREASE 40 PER CENT

Gain Not So Large as in Previous Decade.

Healthy Growth Is Shown by Other Cities.

Washington, Sept. 17.—The census returns on the city of Chicago will be given to the public at 9 o'clock tonight. The actual figures are a secret in the census office but it is well understood that when known they will record a large increase.

BURGLARS ARE BUSY.

Operations Have Netted Them \$80,000 in Past Few Days.

New York, Sept. 17.—A series of burglaries which have occurred in New York during the past few days, netting the thieves a total of nearly \$80,000, are being investigated by the police.

NEED OF LEADERS.

Congressman Madison's Address to K. U. Students.

Lawrence, Kan., Sept. 17.—An audience of 2,500 people greeted Congressman E. H. Madison of the Seventh district when he arose in Robinson gymnasium to deliver the opening address of the University of Kansas for the session of 1910-11.

BIGGEST YEAR YET.

Customs Collected on Baggage Fair Past Million Mark.

New York, Sept. 17.—The month of September bids fair to rank as a record period for customs collections from home returning Americans at port of New York. According to present indications, the amounts thus collected are likely to reach a higher figure than the entire year's total collected from incoming ocean passengers in 1908.

READY TO SAIL.

Balloon Race Starts From Indianapolis This Afternoon.

Indianapolis, Ind., Sept. 17.—Favorable atmospheric conditions were predicted for the American championship and free for all balloon races which were scheduled to start at 3 o'clock this afternoon from the Indianapolis motor speedway. Thirteen balloons were entered.

UTILITIES COMMISSION.

Kansas to Have One After Legislature Meets.

Interest in the next legislature and the election this fall has to do with plank in the Republican party platform in which members are pledged to vote for a law that will place state wide public utilities, railroads, telegraph, telephone, electric light and power companies, street railways, disbursement of gas, whether in cities or by pipe lines, express companies and common carriers of all kinds, under the control of a state commission having authority over the issue of stocks and bonds, and the capitalization to obtain the physical valuation of the plants and to regulate rates and services in the interest of the people of Kansas and the interests and employes of these corporations.

Governor Stubbs in his speeches over Kansas is making it a vital point in his argument for a public utilities commission to control the capitalization of public service corporations, and the good service and rates of such corporations, that the control of local public service industries could not be disturbed by the state but should be in the hands of local authority. This is a point omitted in the platform plank declaring for a public service commission.

Regarding the proposed commission E. H. Hogeland, assistant to John Dawson, attorney for the board of railroad commissioners, had this to say: "Kansas should have a public utility commission second to none in the Union. The commission should have jurisdiction over telegraph, telephone, water, heating, gas, electric power companies, and perhaps refrigerating and cooling companies, as well as greater authority than that now conferred upon the present railroad commission over common carriers."

"At the present time the power of the Kansas railroad commission is limited. Much greater authority to supervise and control the common carriers is necessary."

"The Wisconsin commission has taken an advanced stand in the supervision and control of public service corporations. The result of its work are divided into four general classes, namely, rates, service, valuation and accounting. The commission of that state has made great strides toward obtaining a fair valuation of the properties of the various public service corporations. The valuations are made both for taxation purposes and for a basis to determine whether rates and charges are fair and reasonable. A uniform system of accounting has been adopted by both the New York and Wisconsin commissions and has proved very beneficial and should be adopted in Kansas."

"The New York law confers authority upon the public service commission of that state to regulate the 'issuance of stocks and bonds and other evidences of indebtedness. This is one of the most important features of that law, and affords a good pattern for the Kansas solution."

"One of the strong features of the Wisconsin law is the indeterminate franchise plan, by which a public utility is given a franchise for no definite period of time but which may become a virtual monopoly so long as adequate service for a reasonable compensation is given, otherwise the franchise is revocable, and the municipality may purchase the utility. In New York state a recent law provides that the franchise cannot be revoked within ten years; after that time the fee may be purchased out at not more than a certain percentage above the original cost."

CHARGE OF CONSPIRACY.

Is Made Against the Head of the Theosophists at Point Loma.

San Diego, Cal., Sept. 17.—Owing to sensational allegations contained in the complaint, a suit to contest the will of Mrs. Harriet P. Thurston, the aged member of the theosophical organization at Point Loma, of which Mrs. Katherine Tingley is the head, has aroused considerable interest here.

FROM OTHER CITIES.

The census bureau today issued statistics giving the population of the following cities: Holyoke, Mass., has 67,329 people, an increase of 12,018, or 26.3 per cent as compared with 45,712 in 1900.

Lowell, Mass., has 106,294 people, an increase of 11,325 or 11.96 per cent as compared with 94,969 in 1900.

Pittsfield, Mass., has 32,121 people an increase of 10,255, or 47.6 per cent as compared with 21,766 in 1900.

Stubbins, Madison, Murdock, Bristow, will sweep the land from Maine to Frisco."

The audience laughed and cheered, and Madison smilingly said, "I want to thank those young men for that noble sentiment, in the genuine Kansas language. It makes me feel at home here."

"What the University of Kansas stands for" was his subject.

"The purpose which inspired the people of Kansas in founding the university," said Mr. Madison, "was to provide a place where men and women can be trained to become leaders of thought and action in the state. You students who have come here with the intention of making good the people's purpose will need three essentials to make your work a success: ambition, enthusiasm and habits of industry. More men are wrecked on the rock of lack of application than are wrecked by strong drink or immoral conduct."

"The country needs physicians, lawyers and men of all other professions who will be leaders in their lines, who will not be content merely to make a living. The country needs legislators who are thinking men. It is a great thing to command the applause of listening senators, but it is greater to

stand before them when they refuse to applaud and defend a just cause.

"The great need of the country is clear thinkers, and only men who have disciplined minds can think clearly. This is the place to get such discipline. The student who comes here for social pleasures alone ought to pack his grip and go down the hill today, and be proud of the large enrollment of the university, but as a citizen and a taxpayer this is one class of students that I would eliminate."

"The student who strives to learn his lessons and to prepare for something beyond this school work can become a true patriot. True patriotism is living the life which will bring the greatest good to the greatest number of people."

TO TREAT ALL ALIKE.

Taft Letter on Patronage Goes to Heads of Departments.

Washington, Sept. 17.—Indications multiply that the letter written by Charles D. Norton, secretary to the president, to the executive heads of President Taft to be followed out by the various departments of the government in their attitude in matters of patronage toward all Republicans whether they be insurgent or regular.

Copies of the letter have been sent from the White House to the heads of all departments in Washington. The copies were not accompanied by a letter of transmittal directing the department heads to heed the suggestions contained in the letter but merely by a note that the letter had been written by authority of the president. The letter itself is a direct statement that so far as federal patronage is concerned the "regular" Republican and the "insurgent" Republican will look alike to President Taft and is accepted as significant of the attitude of the president and of his intention to place all Republicans, whether they be classed as "regular" or "insurgent" on the same plane so far as patronage is concerned. The receipt of the letter created considerable comment among department officials today but no difference of opinion regarding it is expressed.

POLICE CLOSE SHOW.

After Two Babies Had Died in the Incubator at Kentucky Fair.

Louisville, Sept. 17.—The baby incubator show at the state fair was ordered closed by the police last night. This action followed the death of two infants who were brought to this city by Chicago physician. They came from a charity hospital in Pittsburg. One of the infants, a boy, was eight weeks' old, and the other a girl four weeks' old. Both died of pneumonia.

Dr. Douglas Snyder of Chicago, of the medical department of the fair says that the deaths were caused by lack of nourishment and proper feeding. The receipt of the letter created considerable comment among department officials today but no difference of opinion regarding it is expressed.

DAY IS REALLY HOT.

Summer is playing a return engagement and threat of rain or immediate change in weather conditions has been made by the forecasters. This afternoon the wind blows 12 miles an hour from the south, and the hourly temperatures are recorded thus:

7 o'clock	.....	88	11 o'clock	.....	80
8 o'clock	.....	72	12 o'clock	.....	83
9 o'clock	.....	73	1 o'clock	.....	85
10 o'clock	.....	78	2 o'clock	.....	86

Weather Indications.

Chicago, Sept. 17.—Forecast for Kansas: Generally fair tonight and Sunday. Cooler in east part of the state tonight.

New Orleans Has 339,075.

Washington, Sept. 17.—The population of New Orleans is 339,075, an increase of 51,971, or 18.1 per cent as compared with 287,104 in 1900.

