

permit the courts to create property rights in things which are not recognized by custom or legislation as property. But now that a "great" interest makes this appeal it does not make it in vain. If there is no legislation the courts must legislate, if there is no precedent the courts must make one—where great corporations instead of little authors seek protection.

In the case in question the court sustains an injunction forbidding the republication by one concern of news gathered and published by another. This is in the face of the established legal principle that after publication of anything printable, the right to republish is a common right, unless prevented by legislation in the nature of copyright laws. It was conceded by the judges that there was no legislative protection in this case, and that there was no judicial precedent to warrant interference; but the judges chose, to report their own language, "to make a precedent," and they did so. In other words they abandoned the judicial function of interpreting and applying existing law and assumed the legislative function of making new law.

That the news gatherer should be protected against the piracy of republication by people who have done none of the work and incurred none of the expense, and who would therefore reap where they have not sown, may well be true. That the courts should protect him, if they can find in existing laws a recognition of private property rights in his publication, is certainly true. But if there is no such recognition in existing laws, then the news gatherer should be sent to the legislature for relief, and judges who undertake to give it by "making a precedent," usurp legislative power and would be impeached for judicial crime if the people were at all jealous of their liberties or solicitous for the integrity of their form of government. When courts usurp authority to make these precedents for the protection of what Judge Grosscup describes as "great"

interests, similar protection having been uniformly denied to what we may in contradistinction describe as "little" interests, the administration of justice is rightly brought into contempt.

Bankers on both sides of the Atlantic are busily speculating upon the possibilities of paying off the "American indebtedness to Europe." Will it be done with merchandise to be exported from the United States, or must we export gold? That is the speculative question. But there is to the American people a deeper question yet. Why should there be an indebtedness from America to Europe? Have not the Republican leaders boasted these several years that our excess of exports, our "favorable balances of trade," are up in the hundreds upon hundreds of millions? And did not the lamented Mr. McKinley himself assure the people that all this would come back to us "in pure gold?" Then how happens it that our "favorable exporting" has got us into debt?

The census authorities, whose misleading tables H. L. Bliss recently exposed, express surprise that they should be criticised for tabulating comparisons of wages notwithstanding that they say in their text that accurate comparisons are impossible because the figures are incomparable. But they did not make that statement until close upon the election, and they do not now explain why they tabulated incomparable figures. This explanation was left apparently to the Republican spellbinders and newspapers that have been quoting the tabulated comparisons while ignoring the discrediting statements in the text. Census tables of this misleading character are "good enough Morgans" until after election, which is probably the reason they are made.

Some years ago the United States imported a statistician of the name of Porter, who proved to be of great use to our plutocratic interests. Recently he was reexported, and the London Times undertook to utilize

him for the purpose of checking the tide that is setting in in Great Britain in favor of municipal ownership of municipal property. His menu of figures pleased the London Times immensely. But investigation by more reliable investigators discloses a different situation from what the Times has set forth as the "unprofitable results" of what it calls "municipal socialism." Says the London correspondent of the Chicago Tribune:

A municipal journal which has been taking a serious view of the criticisms of the London Times of the administration of English and Scotch cities and resenting Robert P. Porter's comparisons with American electric undertakings publishes detailed figures respecting the results of municipal operation in general and street railway ownership by corporations in particular. The results disclose a larger municipal profit than has been heretofore claimed, Darlington, Birmingham, Bolton, Manchester, Leeds and Nottingham being conspicuous examples of the remunerative enterprise. Advocates of municipal socialism assert that the street railway business as managed by town councils is profitable enough to float another electrical trust, and do not hesitate to attribute interested motives to all critics and opponents of municipal enterprises.

The usefulness of queens consort was demonstrated in London on the 1st. King Edward's consort was reported in a half column cable dispatch to have eaten an eight-course dinner in 16 minutes! Judged by the newspaper space given to the affair, this is the most important act of her life; but that reflects less upon her, perhaps, than upon the snobbish people on either side of the water who delight in that kind of news.

#### MR. ROOSEVELT'S STRIKE COMMISSION.

For political purposes during the recent campaign, much was made by Republican speakers and papers of the action of the President in settling the coal strike. Much more will doubtless be made of the same incident as we advance toward the presidential election. It is important, therefore, to emphasize the fact that the President, as president, has done nothing whatever to settle the