POOR OLD KANSAS' SOCIALIST JUDGE

Something About the Freak Who Heads Her Supreme Court.

INTO OFFICE ON A POPULIST TIDE

He Has Radical and Startling Opinions of the Rights of Labor, Capital and Property--Story of His Election Which Throws Light on Contemporary Politics.

From the Times-Herald.

Topeka, Kas., Nov. 26.—Judge Frank Doster, the newly elected chief justice of the supreme court of Kansas, is a socialist and the more forward socialists and advocates of extreme deforms in Kansas are greatly pleased with his election. He is an able lawyer, a close student, a thoughtful jurist and is regarded with favor by the common people. For six years he has proclaimed socialistic and communistic doctrines from the stump. He is a native of Virginia, and when a mere boy entered the Union army from Indiana. Then he came to Kansas and located in the practice of law at Marion, where he still resides. Until 1888 he affiliated with the Republican party, but was always independent in his views, and it was not until the campaign of 1890, when the farmers' alliance came near sweeping the state that Doster promulgated the doctrines which caused many property owenrs to open their eyes. The people of the state were astounded at his radical declarations, and while he was not a candidate for office, he was one of the leading spirits in the alliance party, and was accorded the distinction of being its legal adviser.

APPOINTED DISTRICT JUDGE.

At that time Judge Doster was a district judge, to which position he had been elected as an independent Republican. In the campaign of 1890 he had become so partisan that the Republicans turned against him, and set about planning for his defeat the year following. He had thoroughly identified himself with the Populist party, and, of course become its candidate for district judge. With the Republicans and Democrats state pride, state credit and rights of property rose above party ties, and with unamity never before equalled in the state they came together for the sole and only purpose of defeating Doster.

The district was composed of Marion, Chase and McPherson counties. A conference was held by the leading Republicans and Democrats, and it was agreed that Lucien Earle, a Democratic lawyer of McPherson, should be the candidate. In his announcement Earle solicited the support of "all who belive the judiciary is the sheet anchor of our liberties and the balance wheel of American institutions." Judge Doster announced that he would make a speech in the opera house in Marion and define his position. An immense audience greeted him. He proclaimed doctrines at the meeting which were new to the people of Kansas. This was the text of his remarkable speech:

NOTIONS AS TO PROPERTY.

"The only law which the user of capital is bound to observe is that law which finds its origin, end and sanction in himself—the law of self-interest.

I have asserted that the rights of a user of a thing were paramount to the rights of its owner.

You, as the user of a machine or the reader of a book, have greater rights in the same than the inventor or the author has."

In that speech, which occupied more than two hours, Judge Dorster said:

"The mutuality between capital and labor is denied. Radical and unpopular as it may be, I deny the existence of that mutality between labor and capital which we hear so constantly asserted and which is the stock utterance of politicians and commercialists and legislators and that class of claquers and retailers of cant phrases who catch up with other people's speech and quote it for its jingle and amusement of the fancy. My contention is that labor and capital, or, more accurately speaking, creator and created, are not mutual and equal.

"The only law which the user of capital is bound to observe is that law which finds its origin, end and sanction in himself. Radical utterances these are, but I have an abiding faith that the economic philosophy of the near future will base itself upon the principles here announced. I need not be reminded that I have advanced a proposition at variance with the age, and all ages, in fact, and I am quite well aware that as against the preconceived notions of the political economist it is not a self-convincing one. Stripped to its nakedness, the proposition is that the owner of property does not possess, with respect to such property, an equality of right with the user of it, and upon the truth of that proposition let me say to you, members of the Farmers' and Citizens' Alliance, and you people's party men, rests the entire fabric of your political platforms and our demand for industrial reforms."

HIS FIRST DEFEATS.

The promulgation of this new doctrine statled many men in Kansas who owned property. Railroad officials conferred, and a conference of leading Republicans was held at Topeka to map out a programme that would surely defeat Doster. This fight occurred when nothing but county officials were to be chosen. It was an off year. Republicans believed that if they could unite with the Democrats and defeat the legal adviser of the new Populist party it would never again rise to disturb them. The whole power of the state was directed to this end, and the result was a crushing defeat to Doster. The Republican state league was called together at the beginning of the battle, and this address was prepared for use in that district:

"The wandering vagabonds who have joined the alliance for political purposes only, and who are trying to make a living by the sweat of their jaws instead of honest toil, will, of course, fail to pay their debts. An epidemic of unreason swept over our state last fall, and many of our people were inoculated with the pestilence. Quarantine has been established and is rigidly maintained. The epidemic is not spreading, and many of the original victims are convalescent.

"The party, under the seductive leadership of demagogues, who magnify the farmers' misfortunes and belittle their resources, obtained control of the lower house of our last legislature. Its conspicuous failure as a law-making body filled the more sensible members of the alliance with chagrin, and they will embrace the first opportunity offered to reinstate themselves in the Republican party.

"Kansas is marvelous in its history, matchless in its resources and magnificent in its achievements, and the party that maligns the state and dishonors itself is already struck with the blight of death."

DEMOCRATS SUPPORT HIM.

The judicial district central committee, composed of Republicans and Democrats, charged with the conduct of the campaign against Doster, issued a stirring address to the people, and Judge Doster was defeated. But the judge was not discouraged. He bided his time. In the Pupulist state convention at Abilene in July last he was unanimously nominated. The state Democratic convention, then in session at Hutchinson, indorsed the nomination, and at the recent election he was chosen chief justice of the supreme court by 3,500 majority. Many of the Democrats who joined the Republicans in opposing his election to the district bench in 1891 supported him, and some of them were in the Democratic convention that indorsed his candidacy along with the other candidates on the state Populist ticket.

CAPITAL AND ITS USERS.

When the recent campaign opened the Republicans scattered broadcast the extracts from Judge Doster's speech in the famous judicial in his district in 1891. He paid little attention to this onslaught, but prosecuted his campaign dealing with the money question, which he declared was the paramount issue in this campaign. A local paper published at Le Roy, the home of the new Populist governor-elect, wrote Judge Doster early in September asking him to explain his radical declarations, "that the right of the user of property are paramount to the rights of the owner." On the 3d of September he addressed a letter to the local publisher in which he said:

"To the first inquiry concerning the relative rights of users and owners of property, I answer that I never expresed such a view as an aostract proposition of social right, and never

FRANK DOSTER, CHIEF JUSTICE-ELECT OF KANSAS SUPREME COURT.

uttered the words quoted, singly and alone, to express any completed unqualified thought. I did, however, use such language, but in a sense and with a meaning limited and special, and in connection with other language which plainly showed that it was used in a qualified and special sense, and illustrated my meaning by reference to instincts which plainly showed the limited and special application made of it.

NOT CORRECTLY QUOTED.

"The quotation is a garbled, isolated extract taken from a public address of several years ago, wrested from its context, perverted in meaning and deprived of the benefit of all accompanying explanatory language. It is circulation in the partisan press in this mutilated form is an abt instande of the truth of the old proverb that a "half truth is a whole lie." I was discussing the claimed "mutuality" between labor and capital, and had by process of reasoning (immaterial to the purposes of this explanation and immaterial whether right or wrong) reduced the words "labor" and "capital," in their last analysis, to what I deemed their equivalent expressions, "use" and "ownership"—"use" by the laborer, "ownership" by the capitalist. I then asserted in the user of capital a right paramount to the owner, but in immediate connection therewith I drew a distinction between kinds of capital.

"Quoting enough of the address to show the distinction drawn, I said: "Before passing from this subject let me draw a distinction proper to be observed, and yet so plainly existing that it would seem superfluous to call attention to it * * * * The distinction I wish to draw exists between that capital in which use and ownership can be combined, or more accurately speaking, in which ownership alone—that capital which for purposes of use by himself, but for use by someone else.

RIGHTS OF LABOR.

"It is manifest that in one of these cases mutuality does exist between labor and capital, or between laborer and capitalist, because the qualities of ownership and use are combined in one person; in fact, the distinction between laborer and capitalist is blotted out, and the two are amalgamated into one, and the man—the human being—possesses in such case as absolute a right to his capital, that is, his tools or his clothes or other articles of personal use as he does to the limbs of his body, because they are, like his limbs, the instruments with which he labors, which he uses.

"But on the other hand, the man who possesses a thing not for the purpose of his own use, but for purposes of somebody else's use, and whose interest in it is limited to the compensation which he can extort from others for the privilege of using it occupies an entirely different position and must be viewed from an entirely different standpoint."

I then illustrated the kind of property falling within the last mentioned class and the line of distinction between it and the one first mentioned by citing the monopolies and the quasi public institutions, such as the trusts and combines, the railroads, etc., claiming that as to such the paramount right of the user existed not only in the nature of the property and purposes to which dedicated by the owner, but the same had been confirmed to him by legislative enactment and decisions of the courts.

HAS PRECEDENTS.

While not a part of the address in question, I take the liberty in elucidation of the distinction I tried to draw between the two classes of property and in defense of the position assumed by me to cite some eminently republican authority.

William A. Phillips, twice Republican congressman from the state of Kansas, says in his book, "Labor, Land and Law," pages 421-2, "capital is of two kinds. The capital which is produced for use and used by the man who owns it, such as houses, cattle, horses, vehicles, furniture, machinery, etc. Then there is the capital a man has accumulated that he does not personally need or use. Cut of this he expects to make an income from those he permits to use it. This is the kind of capital that requires the supervision of the public, or it will impoverish all labor and create an aristocracy among men.

Out of this kind of capital Chief Justice Waite, of the United States Supreme court, in his celebrated decision of Munn against the people of Illinois (94 United States Supreme court report), affirming the right of the legislature to control the charges of railroad, warehose and other like companies, said: "When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good to the extent of the interest he has thus created."

FAVORS WOMAN SUFFRAGE.

If, therefore, when a man dedicates his property to the use of the public he grants to the public an interest in the use of the same, and must submit to public control in respect to such use, it necessarily follows that the rights of the public, to wit—the users, are paramount to those of the owners.

As to whether I ever said that "rent is robbery," or anything equivalent to it, I answer, No. In published Fourth of July addresses, when describing the conditions of unrest throughout the world, and in speaking of the various classes of dissatisfied people and their theories and complaints, I said: "Do you know that a million of men have arisen who challenge the conscience of your life and the utility of your methods; who denounce your political economy as a sham and a fraud; who declare that money is useless, that rent is robbery," etc. I merely stated the fact that such extreme views were held by classes of dissatisfied people without indorsing in the slightest degree the opinions held by them. These purported quotations are partisan libels, utterly baseless so far as anything I ever said or any views I ever entertained.

Judge Dorster is the recognized champion of woman suffrage in Kansas. He has advocated the right of women to vote in every speech made in the recent and former campaigns. He secured a resolution favoring equal suffrage in the Populist state convention in 1894, after one of the hottest fights ever waged in a political convention in this state. Now that their champion has been elevated to the Supreme bench the women of Kansas believe that their complete enfranchisement is not far distant.

THE MODERN WARWICK.

From the Times-Herald.

Measured by the difficulties to be overcome and the results attained, Mark A. Hanna has proved himself the ablest, most sagacious and successful political manager of modern times. He is a born leader—a strategist of the highest type. His work in connection with the St. Louis convention displayed his great resources as an organizer. But when he assumed charge of the campaign he was confronted with difficulties that would have staggered a veteran manager. First of all, he lacked experience, but this was more than offset by rare business talents and indomitably energy. The solid south appeared to be allied with the solid west, and defeat seemed almost inevitable. Then the free silver men had two years the start. Conditions existed which had no precedent, and the experience of the older leaders was of but little use, except in a general way. The case was unique complicated and desperate, and required for its solution an original genius and the best resources of a fertile and well-trained mind. But Hanna was fully equal to the exigency.

Mr. Hanna's experience illustrates the efficacy of opportunity in developing latent talents. Grant possessed to the highest degree the essential qualities of a great general, but his talents lay dormant until developed under the harsh discipline of experience and work. It was a case of a gradual unfolding of one talent after another in logical and natural order under the inexorable force of necessity. Hanna saw his duty, measured it, and performed it. He could well exclaim with Caesar: "Veni, vidi, vici." What Grant was to Lincoln when the country was threatened with disunion, Hanna was to McKinley when the country was menaced by repudiation.

After his success at St. Louis, it was incumbent upon Hanna, despite his inexperience, to accept the chairmanship of the Republican national committee. But he displayed his astuteness from the very outset. He was a clever harmonizer, and addressed himself when on the very threshold to bringing the Republican household into close and harmonious relations with him and with each other. He succeeded in accomplishing this task with extreme tact, and the party is a model of unity today. He put his party into solid, invincible shape and organized it with the skill of a veteran general. In over thirty states that I visited during the campaign I observed that Mr. Hanna had the most skillfully organized and best drilled political force the country ever witnessed. It showed the executive genius of a master mind. His was the invisible hand upon the lever that swayed a powerful and well-drilled political army with wonderful precision and with destructive effect. Trained in the school of Roscoe Conkling in New York, when the forces of that consummate strategist met in battle array the cleverly trained cohorts of Samuel J. Tilden, I am in a position to speak by the book regarding Mr. Hanna's organization in the recent campaign. A better organization than either Conkling or Tilden devised for New York state, Hanna put into effective service in the entire country. From Mr. Hanna's success in the present campaign, it is a wonder that he has not had himself nominated and elected president.

Hanna's success is due largely to his wonderful perception of the difficulties before him, to the clever use of the materials in hand, and the right use of potential energy. He struck at the right time, at the right spot, and with unerring precision. And by his success he has overlapped one-half of the coming race—four years hence. His course was directed to bringing the silver forces together en masse and destroying them by a flank movement. The free silver party purposed to bisect the American dollar, but Hanna bisected the un-American free silver party. He did not conduct any experiments; he did not strive for the unattainable or the doubtful. He decided just what states he could carry, just what states he wanted and went to work. The results show his wisdom. Between the Atlantic and the Missouri river and north of the James and Ohio rivers Mr. Hanna's forces were invincible. There he waged the battle, and there he won his splendid victory. The twenty-five states that Hanna won show a population of 45,500,000, with a total industrial wealth of $47,384,717,976; the twenty states carried by the enemy have a population of 25,000,000, with a total wealth of $16,680,384,984. The states won by Hanna show an illiterate population—unable to read or write—of 7.5 per cent.; those carried by t'other fellow have 22 per cent. of illiterate population. So we understand that Mr. Hanna conducted a distinctly educational campaign among a distinctly intelligent people, and won upon the merits.

The leader of the gold forces in the recent campaign was a shining mark for the malevolent. But we love him for the enemies he has made. He was sadly maligned the country through, orally and pictorially. But the people never stone poor fruit. Perhaps we should consider the libels, slanders and atrocious cartoons leveled at Mr. Hanna as a monument to his ability as a political general. Certainly he was the worst abused man of any that ever essayed to manage a political campaign. One wild Texas editor called him the "scourge of God." By his foes he has been considered a political bashi-bazouk; by his friends, including all the patriots of the country, a broad-minded, sagacious and aggressive yet big-hearted man. And such he is. As chief director of the sound money party, Mr. Hanna has presided with great dignity and decision over the obsequies of Bryan, Altgeld, Tillman, Jones and a good many free silver men.

In view of his splendid services to the country, Mr. Hanna richly earned the gratitude of the order of justly loving people, and this gratitude should be approximately manifested in some way. Mr. Hanna would make an ideal senator, and his fine executive abilities and rare business judgment would be invaluable in the upper house, but especially in connection with the revision of the tariff and the settlement of the money question. A good business man, other things being equal, is apt to make a good senator.

DREAMS AND THEIR CAUSE.

From Bow Bells.

Physiologists appear to have adopted the view that dreaming is only an occasional accompaniment to sleep. Sir William Hamilton says: "We dream always, but simply forget with the utmost readiness what we know we have dreamed." Frequently all distinction of time and place is lost; we converse with the dead, and are transplanted thousands of miles in a few seconds. The rapidity of our ideas is one of the most remarkable of the phenomena. If dreaming is a manifestation of conscious mental activity during sleep, it is obvious that there may be degrees of absolution of activity in the various states. Some may be in full power, while others are partially suspended. It has been said that the subject-matter of a dream is always composed of previous mental experience. Persons who work in India rubber factories, who are exposed to the inhalation of bisulphide of carbon, suffer from fearful dreams, and other drugs produce the same result. To the mind of the savage the objects and scenes which flit before his dreaming fancy are real material existences; the sounds he seems to hear are real external sounds, the figures which converse with him are real persons. When he dreams that he goes forth to hunt, he believes that his own second self, or soul, leaves his body and passes forth.

Dreaming in the semi-conscious state seems to be evidence of somnambulism; yet in the somnambulistic dream, acted as well as thought, it is remarkable that no recollection is retained. Sometimes ideas constituting these mighty visions are coherent, complicated trains of thought. Synesius exalts the rank of dreaming by affirming that he has repeatedly found dreams of service in arranging his ideas, and in improving his style of composition. Legal opinions have been given in difficult questions in this way; sermons have been composed and written, and mathematical problems, ineffectually attacked during the day, have been solved.—Coleridge composed the poem of Kubla Kahn during a three hours' sleep, yet in most cases there is no apparent cohesion in the sequence of our ideas; control of will seems to be completely lost. There are certain exceptional features, as a vague consciousness of dreaming, which assumes the form of a dream within a dream. The effect of these visions is no doubt forgotten entirely and those forgotten when awake are frequently vividly recalled during succeeding dreams. As with Clarence, some produce an ineradicable impression of reality. Then there are those which arise from the action of external objects on the organs of sensation. Dr. Beattie writes of a man who could be made to dream about a subject by whispering in his ear during sleep. Maury had many experiments, and sought to determine conditions simultaneous and successive which are observable in dreams.

Most people consider them incoherent, and this is no doubt frequently the case, yet many appear to stimulate orderly arrangements of objects and successions of events; the attention, instead of dominating the images which present themselves, is itself dominated by them; at the same time, the action of attention, though no longer controlled by the will and directed to some practical end, plays an important part in dream construction.—Hippocrates, while inclined to admit that some may be divine, distinctly says that others rise from the actions of the mind and body. There are dreams which announce beforehand the affections of the body, and the special character of many is determined by the condition of the organs of the thorax and abdomen, and the muscular system. Somehow the muscles which convey impressions to the brain during sleep affect consciousness, and so influence dreams. It is well known that indigestible food causes various forms of nightmare; so, also, a strained condition of the muscular system produces that frightful sensation of falling. The state of the nervous tissue of the brain and the circulation are important factors whose influence can hardly be separated. In an overcongested brain sound sleep is impossible, as there is a tendency to a rapid succession of vivid dreams, interrupted by wakefulness; the brain cells become too excited by the excess of blood to pass into a state of repose. If the blood is deficient in quantity or quality, or is poisoned by substances which ought to be removed from the body, or the nervous system is exhausted by fatigue or overindulgence in any form, one suffers from depressing dreams, and it is an indication that the health needs attention or relaxation from work, especially by those engaged in professional duties. It may also be observed that dreams have many curious resemblances to the mental state of the insane.

THE OLD, OLD QUEST.

I.

Why are the people thronging up the steps of the gray cathedral? What makes them so anxious, so eager, so impetuous?
It is the old, old quest; they are looking for life eternal.
Who is that tall cloaked figure that treads stealthily behind them?
It is Death. See, they feel his presence, and they dare not turn their heads lest they should behold him.

II.

The procession of priests is marching solemnly up the aisle. As they pass us, we note the hopeful faces of those who are still young, and the stolid or despairing looks of the old men. How dim the light is. We can hardly see that they have reached the chancel.
What are they searching for now under the altar and behind the bishop's throne?
It is the old, old quest; they are looking for life eternal.
Who is that tall cloaked figure that treads stealthily behind them?
It is Death. See, they feel his presence, and they dare not turn their heads lest they should behold him.

III.

The aged man is bending over a great book. He is alone in his study, and shelf on shelf of well-worn volumes rises behind him.
He takes up his goose quill. How fast he writes. The floor is strewn with sheets close written, and now again he is fumbling over the yellow printed pages.
He cannot find the text he is seeking. I wonder why he is thus straining his poor, red eyes?
It is the old, old quest; he is looking for life eternal.
But he is not alone. Who is that tall, cloaked figure stooping over his shoulder?
It is Death. See, the aged man feels his presence, and he dares not turn his head lest he should behold him.

IV.

A Sister of Charity is dying on her straw pallet. She lovingly nursed back the life of the stricken tramp, though she knew that she was drinking in the poison.
Here is work for our old friend Death. Where is his tall, cloaked figure?
Ah, he is not there and the Sister smiles, for she knows that he cannot enter.
How can the Sister in her agony be happy?
Do you not understand? She holds the clue to the old, old quest, though she never sought it, for she feels throbbing in her innermost soul the forces of life eternal.

—Ernest H. Crosby, in the Conservator.

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12 soup plates,	1 covered butter,
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12 tea plates,	2 platters,
12 cups and saucers,	1 bowl,
12 fruit dishes,	1 sugar bowl,
12 butter dishes,	1 cream pitcher,
1 gravy boat,	1 pickle dish.

100 pieces of good serviceable tableware, worth at least $7.00, go today for..... **$4.37**

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Imported thin, blown tumbles, with etched floral bands. Tumblers worth from 5 to 7 cents each. 100 dozen go on sale at

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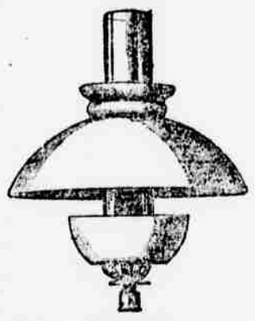

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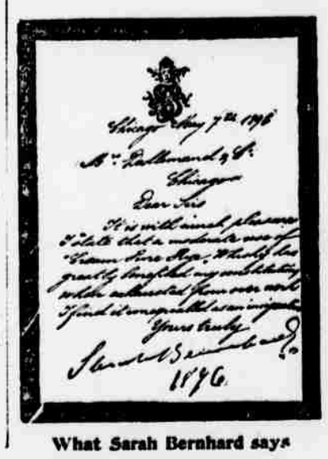

What Sarah Bernhard says

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