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MONDAY, DECEMBER 2, 1907.

THE INJUNCTION JUSTIFIABLE.

This paper is on record in protest against the railroads in this State going to the United States Court to stay the execution of a State law as to passenger rates, but there has arisen a situation in Alabama which fully warrants the railroads in resorting to any legal means, through whatever channel, to defeat the apparent purpose to bankrupt them by State legislation. Twice since the regular session of the Legislature, which adjourned but a few months ago, has the Governor convened it in extraordinary session to pass yet more restrictive and extreme railroad enactments, and that obedient body has conformed to his wildest desires. We shall let The Washington Herald tell the story of the proceedings to date:

"Alabama's attempt at nullification of the constitution of the United States has been quickly brought to the bar of the Federal courts. Hardly had the ink dried on Governor Comer's injunction-proof railroad measures before that untamable Federal judge, Thomas G. Jones, clapped an injunction on the whole State of them. His order is addressed to every officer and apparently every citizen of the State and restrains them all under penalty of contempt of court and threat of imprisonment, from putting in force any of the rate laws just enacted by the Legislature in response to Governor Comer's injunction-proof statutes that would violate Alabama's right to run the railroads, even though the vindication had to be accomplished by denying to railroad corporations their rights secured to them by the Federal constitution.

"We have not yet seen in any Alabama newspaper an intelligible recital of the measures thus enjoined, but all the references to them in the press indicate that they were framed for the express purpose of avoiding the Federal courts' injunction. It was thought by their framers that every possible method of testing the reasonableness of the statutory rates by suits in the Federal courts had been provided against, and every loophole covered. Nowhere in the bills is any State officer charged with the enforcement of their provisions, so that State officers cannot be enjoined from enforcing the law, as has been done elsewhere, and there is nobody to sue. The enforcement of the law is intrusted to individual patrons of the railroads, who are entitled to recover damages if the statutory rate of fare or freight is refused. Every person who tendered the legal rate of fare to a ticket agent and is refused a ticket, or who tenders the legal rate at station gate and is refused admission to a train, is entitled to sue for damages. So in every person who is charged more than the legal rate prescribed for the fare or freight.

"But the real teeth of Governor Comer may be found in their provision of heavy penalties for violation. Not only may the aggrieved citizen sue for damages on account of every violation, but to each violation there is attached a penalty the cumulative effect of which would bankrupt any violator of the law if it could be compelled to pay. By the terms of the statute, the penalties accrue in spite of the fact that the railroad may refuse to pay them as if no injunction had been granted. One railroad attorney estimated that the penalties assessed against one railroad alone for its passenger business, if it made a successful attempt to prove the unreasonableness of the legal rate of fare, would amount to the sum of \$125,000 in twelve months. That is the price the framers of the new legislation have attempted to impose on the use of the Federal Courts to test the reasonableness of rates. But this general principle of the civil penalties. The criminal penalties amount to twice as large a sum. The attorney estimated that for any corporation to enter this legislative jungle, but the thing has been done, and the outcome will be awaited with unusual interest. Judge Jones' injunction begins a legal conflict that will end either in a serious collision between Federal and State authorities or in making Governor Comer ridiculous. As ex-Senator Spooner said the other night, if the Governor means to go to the Federal Court to pass upon the validity of the Federal constitution, will Alabama, suppose where other States have failed.

In like manner The New York Journal of Commerce, one of the ablest and most conservative of papers, comments:

"The provision that no State shall deprive any person of property without due process of law, necessarily gives the United States courts jurisdiction to pass upon the validity of state laws which are alleged in any regular form of proceeding to have that effect. It is shown to the satisfaction of the court that confederation of property will be the result of enforcing a State law there can be no doubt that the court has the right to restrain its enforcement until that question can be definitely determined.

"For Southern or Northern State Government or railroad commissions to resist the authority of the United States courts to pass upon the validity of such legislation and take summary action as may be necessary to secure the rights of complainants who allege that they will be deprived of their

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The man who exploits a liquor as a food and as affording nourishment doesn't know what he is talking about. There is no more effective devitalizer and the individual who desires to husband his physical as well as his mental strength will leave it alone. This is the practical view of the subject, all apart from the moral wrong of drinking to excess. One cannot drink even moderately, if at all regularly, and retain his physical vigor. He may appear to do so but he knows better himself, or if he does not, he has only to put his endurance to the test. It is all 'round bad business, my masters, and liquor-drinking is one of the best things in the world—not to indulge in.

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A CHAMPION LOT OF FAKERS.

Planting and digging up "petrified men" is an industry with which a certain incident now several years old should have made the people of the Carolinas reasonably familiar. Who does not recall how many widows recognized their lamented husbands in the plaster gentleman dug up in Henderson county and subsequently exhibited, far and wide? But this gentleman's discoverers were entirely straightforward in comparison with some relic artists exposed the other day in Michigan. The Michigan fakers made a practice of manufacturing seemingly ancient relics from copper, coloring them green to represent verdigris by dipping them in a corrosive acid. These relics they hid in mounds to be dug up by relic hunting expeditions under the leadership of the promoters and subsequently sold for good prices with the aid of affidavits procured from prominent citizens. Among their manufacturers were battle-axes of leaf copper, well-tempered spear heads, and other Indian relics apparently of vast antiquity.

The champion fraud, however, was attempted when the fakers "discovered" an alleged copy of Noah's diary and offered it for sale to a wealthy Wisconsin collector. The intended victim sought expert advice and obtained information which led to an exposure of the whole relic-manufacturing enterprise. An ex-Secretary of State is said to be implicated in the affair, and with him are a university museum curator and some other men of supposed respectability.

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