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MONDAY, JANUARY 13, 1913.

WHOSE?

A prominent newspaper of a large city in a great central state, where the legislature assembled last week, has an editorial which bears the heading, "Whose Legislature Is This?"

That line, of itself, carries impressive commentary upon the depths to which our legislative system has sunk. It has come to be a recognized fact that somebody or some interest owns each legislative assembly.

The foundation of the progressive movement lies in the desire that the answer to the question, "Whose Legislature Is This?" may be given in just two words, "The People's." There is ground for the hope that Montana's Thirteenth assembly will be listed as the people's legislature. A good start has been made in that direction.

AN IMPORTANT WEEK.

Many important events are scheduled for this week. In Montana an item in the program of the legislative assembly is the election of a United States senator, Tuesday. The preference vote of the people, given in November, has already decided that T. J. Walsh of Helena will be sent to Washington. Developments are expected in the campaign to deliver the legislature to the people.

In Missoula, it is expected that the citizens' committee will make a report upon the result of its inquiry into the condition of the city's business and the manner of its administration.

In Washington, William Rockefeller, the Standard Oil magnate, is expected to appear today, before the Pujos committee as a witness in the money-trust investigation. The appearance of Mr. Rockefeller, however, is dependent upon the report of a physician sent to ascertain the state of his health.

The house ways and means committee will resume its hearings on tariff revision today, taking up the schedules on wool and manufactures and silk and silk goods. Later in the week the important items of sugar, liquors, tobacco, pulp, paper and books will receive attention.

A national conference of the prohibition party is to assemble in Indianapolis early in the week to plan for aggressive work in all parts of the country during the next four years.

The customs court in Washington will hear arguments Tuesday regarding the wool pulp and paper cases, in which European nations claim the right to send these commodities into the United States free of duty under the most favored national clause of their treaties because free entry is granted Canada by the only operative section of the Canadian reciprocity agreement.

During the week the legislatures will begin their sessions in New Jersey, Wyoming, New Mexico, Texas, Iowa, South Carolina, Oregon, Utah, Idaho and Washington. In several of the states prospective senatorial contests add to the interest in the convening of the legislatures.

New governors will take office in Illinois, Missouri, Indiana, North Carolina, Kansas and several other states. The entire membership of the two

houses of the French parliament will assemble in the historic Palace of Versailles next Friday to elect a president of France for the next seven years. It is contrary to tradition for a president to accept a second term. Hence President Fallieres will not be a candidate. The latest dispatches from Paris indicate that M. Poincare, the present premier, is generally regarded as the probable choice of the national assembly for the presidency. Several other candidates are in the field, however, and the ultimate selection cannot be positively foretold.

INSURANCE IN ENGLAND.

Next Wednesday is the day set for the beginning of the benefit provisions of the much-discussed British national insurance act. This act is a measure for insuring working people against illness or disability injury by means of a fund to which the workers, themselves, their employers and the general government contribute in specified proportions. It will affect more than thirteen millions of people of all ages, sexes and occupations. Under its provisions, all workers are entitled to receive free medical attendance when ill and, if permanently incapacitated from earning a living for themselves, to be the recipients of a benefit until their seventieth year, when they will be entitled to enjoy the benefits of the Lloyd-George old-age pension law of 1909.

No other social reform measure ever passed in Great Britain equals in magnitude or importance the national insurance act. The measure is of necessity a highly complex one, and will take much time and patience to get it into smoothly running order. The greatest opposition to its enforcement has naturally come from the medical profession, who see in its operation a big decrease in their revenues. For a time it looked as though the opposition of the physicians would prove an insurmountable obstacle. The British Medical association openly declared a boycott and took steps to prevent any of its members from complying with the act. But with mutual concessions on both sides, the difficulties that at first confronted the government in its enforcement of the act appear to have been largely overcome. Many physicians are still holding out, but many others have offered their services under the new terms and it now looks as though the government will be able to put the act into effect on the day set.

The president-elect declines to assume the entire responsibility for the prosperity or depression that is to come. He says the business men must bear their share.

However, no university has been found yet which is great enough to teach its graduates to change their shoestrings before the breaking point is reached.

Even before he takes his seat, Dr. Wilson says: "Perfectly honest men are at a disadvantage in America." The president-elect is learning his lessons early.

This week's opening finds the opportunity of the Thirteenth assembly greater than ever. It is up to the members to make it good.

The aid of aviation is to be enlisted in parcel-post delivery. Under present conditions, however, eggs will not be sent that way.

The progress of the suffrage movement lends hope to the suspender companies which were threatened with bankruptcy.

If we were buying pools, we would take one that the senate convicts Archibald, but does it as mildly as possible.

One whole week and the Pujos committee has given us no new thrill. A change in stake managers seems desirable.

By this time the legislature knows that everybody is watching it and that there is no chance but one to win applause.

If we can once get a people's legislature, the state will be so well pleased that it will insist upon having no other.

The beautiful snow overlapped her hand yesterday morning, according to the view of the railway man.

But the cobbler finds great satisfaction in the performance of the snow-maker.

Nobody had a corner on the snow-shovel market—yet there were many who didn't take advantage of the fact.

The members of the Thirteenth assembly cannot afford to mark time, their program is made out for them.

The progressive campaign is nationwide and is becoming more aggressive every day.

Despite Turkey's insistence that she will not give up Adrianople, she may have to do it.

The man who kvetches upon a slippery walk longs for a pavement of sofa-pillows.

There is no sacrifice of principle for personal sentiment in the progressive creed.

The Missoulian class ad is invaluable in these days of hard walking.

"Economy" as a battle cry covers a multitude of sins.

THEIR FALSE PLEA

The most important vote of last week at Helena was that ballot in the house which resulted in the decision to employ an official stenographer. The margin by which the decision was reached was close, but the stenographer was engaged. That's the main thing.

The purpose of the move to have an official record of the proceedings of the Montana house of representatives was stated plainly. It is necessary that the record be accurate; it is essential that the report be exact. Under the method which has prevailed in sessions past, it was possible for alterations to be made without any possibility of detecting them in the ordinary course of events.

It is a matter which is known to a good many of those who were in touch with the proceedings of the Twelfth assembly that there were radical changes made in amendments which were offered, affecting important legislative measures. It is also a fact that attempts were made to change others, but these were frustrated by the vigilance of a house clerk who thereby incurred the enmity of the Invisible Government.

These are harsh accusations, but they are true charges. There are men who were connected with the Twelfth assembly who can testify to the correctness of these statements and some of them will do so if necessary.

In the face of these deplorable conditions, there were men in the house last week who opposed the proposition to employ a stenographer. Their false plea, urged in argument against the plan, was that the interests of economy demanded the elimination of all such expense as is entailed in securing a stenographic report of the house proceedings.

The expense of securing this accurate report can be saved by the exercise of ordinary business judgment in the employment of committee clerks. For years, the Montana legislature has made itself a laughing stock by its course regarding committee clerks; there have been many more of these employees than necessary; in some sessions, their employment has had its scandalous features.

All these facts are known to all who know anything at all of the details of legislative sessions of the past. For years there has been protest made against the employment of so many needless clerks about the house and senate. If the house is really of an economical turn, there is a chance for it to exercise it in the employment of committee clerks. There can be more than enough saved here to pay for the stenographer and his work.

The opposition to the stenographic report is not prompted by a desire to economize; it comes from the earnest wish to perpetuate the old method of fraud and chicanery in connection with important measures. There have been many bills defeated in their purpose, after they had received majority approval, by the alteration of a paragraph in engrossing, by the change of a word or two in an amendment, by the elimination of some provision—by any one of dozens of short cuts to fraud which the legislative agents of Big Business have at their command.

It is the desire to retain the command of these means to fraud which prompts opposition to an accurate report of proceedings. It is not "economy." The opposition cries "economy" merely as a backfire. The plea is false—as false as the hearts of these conscienceless jobbers who have for years defrauded the people of Montana of their rights.

Impeachment Trials

III.—Their Constitutional Origin.

By Frederic J. Haskin

It is well known that the American system of impeachment of the civil officers of the United States had its origin in the English system of judicial procedure. In fact, so closely related are the American and English systems that the average brief in an impeachment case before the senate deals almost as much with English as with American precedents.

The main contention in the majority of the impeachment trials that have taken place before the senate has been the construction of the phrase, "high crimes and misdemeanors." The defense usually claims that these crimes and misdemeanors are only those that are indictable in courts of law. The contention of Judge Archibald is developed along that line. On the other hand, the house managers always, or nearly always, have contended that they do not refer exclusively to acts that are crimes and misdemeanors at law. And they have pointed to English precedents to prove this. They cite the case of a low chancellor who was impeached for affixing the great seal to what was regarded as an infamous treaty; of a lord admiral impeached for neglecting the safeguard of the sea; of a councillor who gave a king bad advice; and dozens of other cases where the remedy could not have been applied by the ordinary courts.

This whole issue was injected into the constitution as a result of an argument between Colonel Mason and Mr. Madison, both of Virginia, when the matter was pending in the constitutional convention. The draft, as it existed before this exchange of ideas, provided that impeachments should be for treason and bribery. When it was reached Colonel Mason wanted to know why impeachable offenses should be restricted to treason and bribery. He pointed out that a charge of treason, as defined by the constitution, would not reach many great and dangerous offenses, and called attention to the fact that Hastings was not guilty of treason, and to the fact that attempts to subvert the constitution itself would not necessarily be treason.

He further added, that since bills of attainder, which had saved the British constitution, were forbidden by the United States constitution, it became all the more necessary to extend the power of impeachments. Therefore, he moved an amendment in the shape of the addition of the phrase "maladministration." Mr. Gibrice Gerry seconded his motion. Mr. Madison objected to the amendment, declaring that the employment of so vague a

term would be equivalent to tenure at the pleasure of the senate. To him maladministration might mean any degree of bad administration. That the senate might wish Mr. Morris of New York, replied that a four-year term would prevent maladministration, so the phrase would do no harm. But Colonel Mason decided to withdraw it and substitute "other high crimes and misdemeanors." That was acceptable to Madison, and it became a part of the constitution.

The debates of the constitutional convention reveal many widely varying opinions concerning impeachments. Some members advocated a court of impeachment composed of the chief justices of all the state supreme courts. Mr. Madison objected to a trial of the president by the senate, especially in view of the fact that the power of impeachment was to be reposed in the house. He thought that this would give congress control over the president and keep him in fear of it. He wanted the supreme court to try impeachments, or at least to form a part of the tribunal that should do so. It is evident that Mr. Madison did not realize how party spirit was destined to prove a practical insurance against the successful impeachment of the president.

Mr. Morris insisted that the senate was the only proper tribunal. He thought the supreme court too few in numbers and too likely to be warped and corrupted. He thought the greatest danger that could come to the country would be legislative tyranny, but that to vest the trial of impeachable cases in the senate would not augment that danger. Mr. Pinkney opposed giving the power of trying impeachable offenses to the president to the house. He thought congress might combine against him—fears that were destined to be realized when President Johnson was impeached.

The question of whether the president should be impeachable at all was one that excited no little debate in the constitutional convention. Mr. Pinkney and Mr. Morris held that he ought not to be. Mr. Davis said that if he were not he would go to any length to secure his reelection. Mr. Morris asserted that he could commit no criminal act without coadjutors, and that they could be punished. Colonel Mason replied that he did not think any man ought to be above justice.

Dr. Franklin observed that where the right of impeachment was not recognized, assassination had been the alternative. Mr. King observed that the reason impeachment for judges

had been established was the fact that they were to hold office during good behavior, and that there must be some tribunal to determine whether or not their behavior had terminated their right to continue in office. He could see no like reason for impeachment of the president. Gouverneur Morris then remarked that he had been converted by the arguments that had been produced, and that he could now see the necessity of providing a method of impeaching the president. When the vote was taken only Massachusetts and South Carolina voted against impeaching presidents.

When the constitution finally was adopted it contained a number of provisions with reference to impeachments and impeachment proceedings. It gives to the house the sole power of impeachment, and to the senate the sole power of trying the impeached, with the exception that where the impeached is the president of the United States, the presiding officer shall not be the vice president or the president pro tempore, but the chief justice of the supreme court. No person can be convicted except with the concurrence of two-thirds of the members present.

The only effect a verdict of guilty in an impeachment trial can have is to oust the impeached official from office and to disqualify him to hold any office of honor, profit, or trust, under the United States. But this does not preclude his being tried and punished for these offenses in the courts of the land. While the president is vested with power to grant reprieves and pardons for all offenses against the United States upon which convictions are secured, the constitution expressly prohibits his granting reprieves and pardons in cases of impeachment.

When congress has come to exercise its powers as the organ of impeachment, the house acting as grand jury and prosecuting attorney and the senate as the trial court, many constitutional questions have been raised. For instance, when the senate was sitting in the case of President Johnson, there was some question whether it was sitting as a court or not. The chief justice declared that the senate, sitting in an impeachment trial, was a different body from the senate sitting as a legislative body. But the senate, accepting that statement as true, still was unwilling to admit that it was in any sense a court, and passed a resolution declaring that it was sitting as the senate and not as a court.

In the Belknap case the question was raised whether an impeachment trial could be conducted by the senate in special session. After the matter was put to the senate in various forms it finally decided that while the presence of the house is not necessary to an impeachment trial, proceedings can go on only while congress is in session. When the time for voting came in the Belknap case there was much controversy concerning the form it should take. The senators who wanted to vote for his acquittal did not want to do so on the ground that he was innocent of the charges brought against him, but rather upon the ground that he, having resigned before the house voted to impeach him, was no longer a civil officer of the United States, and therefore not impeachable.

A straight vote of "guilty" or "not guilty" as is the rule in impeachment proceedings, would not record the views of senators, so they decided that when the presiding officer should call the roll and ask of each senator, "Mr. Senator Blank, how say you, is the respondent, William W. Belknap, guilty or not guilty of high crime or a high misdemeanor as charged in this article?" the senator addressed might rise, answer, and give his reasons. A majority of the senators gave their reasons, stating that they considered Belknap a private citizen at the time of impeachment and therefore not impeachable. Thus it has come about that resignation before impeachment is regarded as taking the right of impeachment away from congress.

The interpretation of the constitution with reference to impeachments has been so strict that it generally is conceded that it is most difficult to induce the house to vote to impeach an official of the government, and even harder yet to get the senate to vote "guilty." It is this that has led many to favor some system of recall. Many constitutional amendments have been proposed looking to a simplification of the machinery of impeachment, and some have gone so far as to propose that the senate hear impeachment trials by committee, and then base its verdict upon the findings of the committee as to the law and the fact. But although such a reputedly great constitutional lawyer as Senator Sutherland of Utah, is the father of the measure, others say that it would be a delegation of judicial power, which the constitution does not permit.

Tomorrow—"The Gaelic Language."

A. J. HUNTER DEAD.

Paris, Ill., Jan. 12.—Andrew J. Hunter, former congressman from Illinois, died today, aged 81 years.

CLERK FOUND GUILTY ON TWO MINOR COUNTS

Tacoma, Jan. 12.—Found not guilty on two counts charging embezzlement of more than \$78,000, turned over to the United States district court, Samuel Bridges, former clerk, was found guilty today by the jury in the United States district court on the two minor and purely technical counts, charging failure to deposit funds "forthwith," as provided in a special law governing the handling of finances by court clerks. The jury was out since early Saturday afternoon. The verdict was returned at 10 o'clock today. Judge Bean of Portland granted 42 days' time for the filing of a bill of exceptions and motion for a new trial. Penalty for the offense on which Bridges was found guilty may be anywhere from \$500 to \$10,000 fine, and from one to ten years' imprisonment.

The Republic of China

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WASHINGTON ASSEMBLY IS TO CONVENE TODAY

Olympia, Wash., Jan. 12.—The Washington legislature will meet at noon tomorrow for the regular biennial sessions of 60 days. The recent political revolution in the state, which resulted in the election of a democratic governor and many progressive senators and representatives and the retirement of numerous old party leaders, has made it difficult to forecast the measures that will be passed. The progressives claim eight senators, the democrats have eight and the republicans nominal have 25. In the house there were 47 republicans, 31 progressives, 18 democrats, making it possible for progressives and democrats to combine against the republicans, who are in a minority. There is one socialist in each house, and two women are members of the lower house. The progressives took steps last week to perpetuate and strengthen their state organization and to maintain a strict line-up in the legislature. The new state officers, headed by Governor Ernest Lister, will take office Wednesday noon.

Butte to Los Angeles. \$54.15 round trip via Salt Lake route, both ways. Via San Francisco, one way, \$59.15. Via Portland, one way, \$78.65. Tickets on sale Jan. 31. Final return limit, April 1. Ask for particulars as to special train service, Pullman reservations, etc. B. A. SHEWE, General Agent, Butte, Mont. No. 2 N. Main St.

JUDGE'S CONDITION IMPROVING STEADILY

New York, Jan. 12.—The physicians attending United States Judge Charles M. Hough, who was stricken Friday, announced today his condition was improving steadily, but that it was thought advisable for him to remain several days in the hospital. In view of this statement, the government's case against Julian Hawthorne, Josiah Quincy, Albert Freeman and Dr. William J. Morton, accused of using the mails fraudulently to promote Canadian silver and iron mines, over which Judge Hough was presiding, will be postponed again tomorrow.

MECHANIC SHOTS WIFE.

Sacramento, Cal., Jan. 12.—Joseph Stasz, an employe in the Southern Pacific shops, walked into the kitchen of his home today, fired a bullet into his wife's head as she stood preparing the meal, while her two little children were playing at her feet, and then sent a bullet through his own brain, dying instantly. Mrs. Stasz lies in the county hospital near death, praying that her life may be spared for the sake of her children. The tragedy resulted from stories told Stasz concerning his wife.

Blackheads, pimples, red spots on the face, don't help a girl any—Hollister's R. M. Tea will clear the complexion. George Freishelmer—Adv.