

Four Years of Charles E. Hughes as Governor of New York

Has Made Many Enemies, but More Friends, and Has Set a High Standard of Conduct in Office.

Within a few days Charles Evans Hughes will file his resignation as Governor of the State of New York with the Secretary of State and will become Mr. Justice Hughes, of the United States Supreme Court. He will have completed virtually four years of service as the state's chief executive—a service in which he has made many violent enemies, who have proved very valuable to him politically, and a host of loyal and enthusiastic supporters in every county in the state.

Time after time these enthusiastic friends have hailed him as "the greatest Governor in a generation" or "as great a Governor as the state ever had." Some have gone into the superlative, ranking him "the greatest Governor in the history of the world." This estimate hasn't always been given in the ardor of a campaign meeting. The writer has heard it given by men rated safe and sane in their communities, in a calm, analytical discussion of the Governor's recommendations and record.

HIS MIGHTY STRUGGLE.

Hughes was nominated and elected as a protest against boodles in politics—the boodles of the big business corporation which was getting special privileges and exploiting the public. He was almost the embodiment of that protest. His record in office, from his public service commissions law to the last gasp of his fight for direct nominations, was a constant struggle to curb the corporation and to "put the hobble on the party boss," through whom, too often, the corporation worked.

HIS HOLD ON THE PEOPLE.

The writer travelled with Governor Hughes on his trip through the Mississippi Valley in the fall of 1908, when the Governor, before working for his own re-election, played his part as a loyal Republican in bringing about the election of William Howard Taft. Remarkable audiences, some of them made up of people who had travelled for miles to see this man, gave evidence of his hold on the imagination and affection of the public. At a little town in Minnesota the writer asked a railroad brakeman who was expressing delighted approval of the Governor just why he felt such admiration.

"Well, we people out here have been watching this man Hughes," he replied. "We've seen him to be a man after our own heart. He's been honest; he's been on the level; he's played no favorites; he's seen that big things need to be done for the people of your state, and he's made good in doing them. We can tell the difference between a four-flusher and the man with the goods very quickly. Hughes is that kind of a man."

THE NORMAL CANDIDATE.

A state election came along after the insurance reform measures drafted by Hughes the investigator had become law. The issues were the issues made by that investigation. The elimination, so far as possible, of the influence of big business from politics was the chief one; the others didn't count much. What more natural than that Hughes should be the choice of a great body of the people as candidate for Governor, and that, having been summoned to their service, he should be elected?

The message that Charles Evans Hughes sent to the Republican convention which nominated him in 1908 was the gauge of his future work in office.

"I shall accept this nomination," Mr. Hughes telegraphed to Senator Alfred R. Page, for transmission to the convention, "with no reservation as to my duty according to my conscience. If elected, it will be my ambition to give to the state a sane, efficient and honorable administration, free from the taint of bossism or of servitude to any private interest."

That he did, it involved personal sacrifices; it subjected him to political antagonism, with all the broods and excursions and misrepresentations involved; it brought him to defeat on the most far-reaching and important of the reform policies he outlined in his term as Governor—the direct nominations bill. If he had not rigidly kept his administration "free from the taint of bossism," he could have left office with that measure, for which he fought so hard in his own way, safely expiated the statute books. But it is no violent assumption to say that if he had done so, the admiration his friends feel now for his splendid record would be less ardent.

PATTERN FOR OTHER STATES.

That law, passed despite corporate influence and the efforts of political bosses, immediately became the model for measures in other states. Almost a precise duplicate of it was introduced in the New Jersey Legislature. It had a hard time there, though, and not until last winter was anything like it adopted. In Connecticut, Massachusetts, Maryland, California and other states the Hughes law served as a model for proposed laws, but it proved too drastic for the notions of the legislatures in most instances.

Telephone and telegraph companies were omitted from the jurisdiction of the public service commissions in the original bill, on the theory that in exchange for their opposition to the measure had enough to fight. In 1908 the Governor recommended the extension of the scope of the law to include those interests. Another fierce battle between "big business" and the people's interests as represented by the Governor ensued. The Governor, defeated that year, returned to the legislature in a fashion which brought forth no little scandal, he resubmitted the matter to the Legislature of 1910. By that time the telephone companies had completed a reorganization, with readjustment of securities issues and a tremendous increase of

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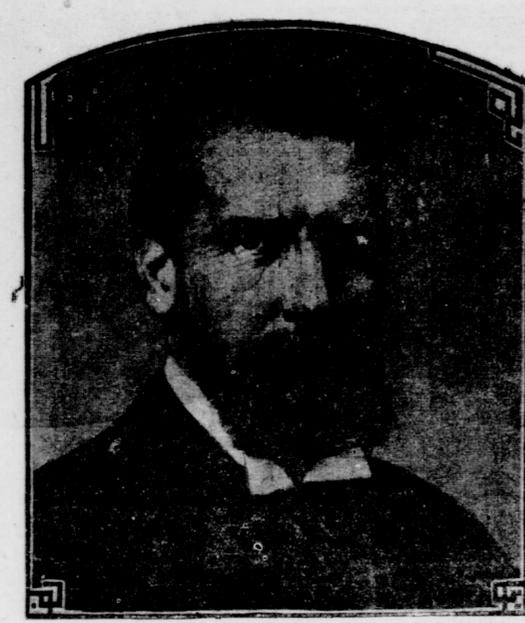
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CHARLES E. HUGHES'S JUDICIAL FACE.

capitalization—scores of millions of dollars. They had had time to arrange their affairs. Anyhow, the opposition to the bill this time wasn't serious enough to defeat it.

So the Governor's scheme of state protection of the public against the corporations went on and the fight of the corporation to public affairs didn't misunderstand this or miss the point in any way. Wherever the Governor spoke, the people showed the trend of his argument, even if it touched on the abstruse and technical features of a court review of the proposed commission's orders.

THE RACETRACK FIGHT.

Governor Hughes's fight to wipe out professional gambling at the racetracks was another battle against "special privilege." It involved a very bitter struggle against great moneyed interests and powerful political bosses who sided with them. It was, indeed, the indignation of the public,



MR. HUGHES MAKING A SPEECH AT A SARATOGA COUNTY FAIR.

aroused by the Governor's forceful presentation of the way in which the fundamental law of the state had been defiled to give special privileges on which numbers and their allies flourished in the name of "sport," that won his crusade.



MR. HUGHES INSTRUCTING HIS LITTLE DAUGHTER HOW TO SAIL A TOY BOAT ON UPPER SARATOGA LAKE.

virtually permitted professional gambling within racetrack inclosures by setting racing associations and racetracks off in a little exempt class. As the Governor stated the case, on one side of a fence, outside the racetrack, a man would be liable to severe penalties for common gambling; inside the racetrack fence he would be in a privileged class, permitted by statute to break or defy the spirit of the laws and the declaration of the constitution. To

sage in the Senate by a tie vote. There was a vacancy in the Senate, caused by the death of Senator Franchot. Governor Hughes, the day the regular session of the Legislature adjourned, called an extraordinary session and gave notice of a special election in the Niagara-Orleans Senate district. The Republican nominee, William Wallace, a clean young lawyer, pledged himself to stand with the Governor if elected. Thereupon the Governor promised to campaign the district for Wallace. In that he showed himself once more the "people's Governor" by taking his case direct to them. Incidentally, they acknowledged that he was their Governor by giving Wallace their support in the teeth of remarkable efforts to defeat him.

THE MEASURE CIRCUMVENTED.

Staggered and considerably injured, professional gambling at the racetracks was not killed off. "Oral bookmaking"—a device in various forms by which no record was made of bets—took the place of the oldtime "book." The courts seemed to hold that there wasn't any "book" in the passage of the original anti-gambling laws couldn't see the sense of permitting public betting in opposition to the spirit of

the law and the constitution because there was some doubt whether it came within the letter of the law. They set about it to change the laws so there would be no doubt.

That finally was accomplished after much difficulty. As the laws stand now, bookmaking "with or without writing" is illegal. There is no distinction in the law as between betting inside and outside of a racetrack. Moreover, directors or trustees of racing associations are to be held liable personally for public gambling at the tracks. That provision seems to be doing the business.

One of the most important features of the Governor's administration has been his insistence on the conservation of the state's resources. He has given much time and thought to the working out of a proper system for the development of the state's water power so it should bring a revenue to the state. Important bills on that subject, which were drafted largely by him, sailed in passage at the last session of the Legislature because of the opposition of the water power interests.

One thing the Governor did, though, in that direction created a precedent that can never be set aside. For years it has been the habit of the Legislature to grant charters to water power companies, with no provision for compensation to the state. Therefore, when the incorporators of the Long Sault Company, in which Assemblyman Merritt and the late Senator O'Neill were interested, came along seeking a charter their bill made no provision for payment to the state for the water power.

When the bill went down to the Governor he promptly told Mr. Merritt and Senator O'Neill that he wouldn't sign it that way. He entered into a series of conferences with them and engineers. At those conferences a scale of payment for the power expected to be developed was worked out—a progressive scale, making fair compensation to the state. That was incorporated in the bill, which was reintroduced. It was passed and signed in that form, and became the first measure of the legislative body of New York State recognizing the right of the state to expect payment for the grant of permission to develop a water power.

SOME OTHER REFORMS.

The banking and insurance reform laws passed in the last three years felt the Governor's strong creative influence. He and his superintendents worked out a banking code and a life insurance code which are regarded as models in their field. Another important law attributable directly and wholly to the Governor is that one permitting the Executive to investigate state departments, not including those having elective heads, either personally or through commissioners of his appointing. It was under that law that the recent forestry investigation with its important disclosures was made.

Under Governor Hughes the entire state administration was put on a high plane. He made it a point to put into office men of the highest standing—men of unquestioned ability and integrity. Political affiliations had nothing to do with his appointments. That fact frequently spelled trouble for him. For instance, if he had appointed Frederick C. Stevens to be Superintendent of Public Works, Speaker Wadsworth might not have fought his important reforms so bitterly and the Wadsworth influence might not have been lent to the Governor's political antagonists. Stevens, he it known, was the enemy of the Wadsworth clan in the western part of the state. The Governor deemed it a high class business man, of ability and integrity, the man in a thousand to handle the big business problems of the large canal construction.

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Will the Republican State Convention at Saratoga This Week Vindicate His Long Fight for Direct Nominations?

sonage, nor did he seek to build up by his appointments a personal machine.

IN PUBLIC INSTITUTIONS.

One feature of the Governor's work which never has been called to the attention of the public will show how carefully he labored to improve the standard of work given to the state. Numerous state hospitals and schools and charitable institutions depend largely for their administration on boards of managers. These managers are appointed or named by the Governor and the nominations confirmed by the Senate very largely was a matter of course. For a number of years the nominations had been suggested by the local legislators or politicians. There was no money at stake in most cases, but there was more or less honor or prestige in serving on the board of the local institution. So, roughly speaking, these nominations came to be a part of the political system.

When the Governor took office an investigation of that part of his executive duties showed that the boards hadn't been keeping the proper minutes, records of attendance and the like. He sent out word in rather emphatic fashion that there must be speedy readjustment in that respect. Proper records must be kept and returns of the meetings made to the executive chambers. Thereafter the returns were checked off, and if a member of the board of some institution happened to be absent more frequently than the law allowed from the required meetings his resignation was demanded. This happened many times. Meantime, as terms expired, the Governor appointed men and women of high executive ability to fill the kind of work which would be depended on to attend to it. The state institutions began to show marked improvement in condition as the new boards took hold of the work. Repairs were made to buildings which had needed attention sadly, economies were put into practice, and a general tightening up resulted.

A CAREFUL OVERHAULING.

Another incident which marked the legislative session of 1910 will show the kind of work which the Governor personally gave to the state. The Statutory Consolidation Commission had finished its work of recodifying the laws of the state, and the consolidated statutes were adopted by the Legislature. Ordinary governors might have approved the work of the commission and the Legislature without hesitation. The Governor and his counsel, Dean Alden, checked it up. Incidentally, they saved the 80-cent gas law for New York City, for in the framing of one of the consolidated statutes that measure would have been "repealed by implication."

No review of the Governor's record would be complete without reference to his hand two years' fight for direct nominations law. In working out the committee designation system of direct nominations embodied in the Hinman-Green bill the Governor showed, in the judgment of many of his friends, to the fullest extent his constructive powers. That device, they maintained, would have made real party government possible and would have corrected most of the evils discovered in the direct nominations laws of other states.

The direct nominations system was urged by the Governor as a big and vital feature of his crusade against the holders of special privileges. He wanted to "hobble the party boss" rather than the party voters. He wanted to divorce politics from business by making it possible for the plain people to control nominations instead of having them hawked around to the business interests which would find it to their advantage to own legislators or public officials.

But the combination of interests against him was too strong. Party rancor, political antagonism, the apprehensions of bosses and big business, the reluctance to give up the real party government, the President, ex-President Roosevelt, Senator Root and a majority of the Republican legislators in each house didn't afford his Republican antagonists, who were accusing him of disrupting the party, any ground on which to make a fight. The direct nominations plank in the Republican state platform are ample vindication of his position that the people of the state, regardless of party, stand with him in his demand for this reform.

FRIDERICK W. CRONE.

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Psychological Theories Won't Excuse Every Witness Stand Liar

Judge Norman S. Dike, for One, Pierces Through All the Sophistry of Perjury.

The problem of perjury in the courts is something the average man seldom stops to consider seriously," said County Judge Norman S. Dike, of Brooklyn, recently. The Judge has been rather severely criticized in some quarters for his severity of view on the subject of perjury.

"What is Truth?"—a query which he it seems to me, become increasingly difficult to answer. Once truth and its antithesis, falsehood, had comparatively simple, common sense definitions. You either saw a thing or you didn't see it. If you heard it, or you didn't hear it. If you were a normal, average person, you were supposed to be able to speak the truth regarding the truth of the occurrence of life, common sense and your five senses having been given you to equip you to that end. If you spoke falsely it was with intention to deceive, and there were no ifs, ands or buts about it. Apparently, from Judge Dike's statement and the aforementioned criticisms, he still holds to that opinion.

But that is not the most modern idea. On the evidence and psychology have both stepped in to prove to you that you don't see, nor hear, nor feel what you think you see, nor hear, nor feel. In short, your five senses, and which you have always relied upon to touch truth and rectitude and out of all, which is a matter of fact, straight lines, when it is not safe to place the slightest dependence.

I shall never forget the shock my youthful mind received when I came face to face with the most ordinary facts in the science of psychology, which the scientific method didn't leave me any world at all. "You explained light, heat, sound, all the physical facts of my life, in terms of vibrations. They even had the nerve to tell me that bodies have no color of their own, but the color changes with the nature of the incident light." In other words, the eyes look at the schoolroom window, in

why? "Don't you think," I began severely, "that perjury on the witness stand is frequently unintentional?"

"Goodness! What allied the man? I came over to explain psychology to him, primarily, and secondarily, to talk with him for the paper, of course, and in another minute he'd be talking psychology to me! With that, beginning, I felt it in my bones!"

"The memory often plays strange tricks," he continued, "dates, incidents, may become confused. Are you familiar with Munsterberg's articles along that line?"

"There! The murder was out; he, too, knew all about Munsterberg. I utterly lost my mental poise."

"Not—not all of them," I stammered.

"I have read them as they appeared in various magazines, and have found them very interesting. But while cloudiness of memory, suggestion, inexactitude of observation or the personal point of view may be the cause of much inaccuracy on the witness stand, and may lead, to what you have termed 'unconscious' perjury, yet 'unconsciousness' certainly ceases when the locus of the whole occurrence is changed."

"For instance, not long ago, a man sued the street railway company for injuries sustained in falling off a car. He stated clearly that when he was about to alight from the car it was violently started and he was thrown off, being severely injured."

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ring the bell, stopped the car, and taken him aboard. He then rode on the car to the point where the witness stand was located at the spot where the accident occurred, but which was forty-three blocks away from it. Here he got off and proceeded, as he had said, across lots to his home."

"Now, that was a clear case of perjury. There was no cloudiness of memory, there, no misconception. It was a plain misstatement of fact, and a deliberate one. I immediately had him sent to jail for committing a felony—that is, perjury—before the court. He is serving a sentence now."

"Well, I suppose even a psychologist couldn't call that unintentional perjury," I remarked. "But don't you think a witness who really tried and wanted to tell the truth might easily be led into misstatements by fright or suggestion? You know lawyers have tricky ways of asking questions?"

"That may be true," Judge Dike replied, "but you forget that the jury and the judge watch both witnesses and lawyers, and they see such attempts on the part of the lawyers, sometimes even before the witness does."

"But, really, Judge Dike, all juries aren't intelligent," I insisted.

"Even so, there remains the judge. If the verdict handed down by the jury is at variance with the evidence submitted, the judge can set it aside. A judge always goes over all the evidence very carefully, you know."

I really couldn't retort by questioning the intelligence of that final arbiter, the judge—Judge Dike, least of all—so I harked back to my former position.

"I still believe," I said, "that an intelligent witness has a better chance in our courts than an ignorant one. Why, there is many a man who isn't capable of stating his own case favorably, even when he has a good one."

"In such cases," the judge replied, "his lawyer usually rehearses him beforehand, sometimes to his undoing; for in the endeavor of the witness to present only the favorable side of his case he frequently culpably suppresses facts which throw discredit on his own statements." The judge smiled. "Oh, undoubtedly," he continued, "there are mistakes, but I think

they are less frequent than people imagine. After all, what the judge and the jury really try to get at is the truth; and when all the facts are sifted out it usually appears, in spite of contradictory evidence, due as it is either to willful misrepresentation or human inaccuracy. Intentional perjury, however, is a serious crime and should receive severe punishment. It strikes at the roots of the whole judicial system. Untold hardships may be inflicted on innocent people in consequence."

"But, Judge Dike," I interrupted again, "isn't it perfectly true that people may tell absolutely different stories through their mental prejudices? One may distort facts quite unconsciously because his whole habit of mind may permit him to construe incidents and evidence in only one way. If that were not so, it seems to me the need for courts, in civil cases at least, would be done away with."

This sweeping and naive assertion he received without loss of poise.

"I should scarcely say that," he replied, "with an intelligent witness, which made me feel younger than I've had the pleasure of feeling for some time. Of course there are wide and legitimate differences of opinion, but behind them are usually to be found certain basic facts which are indisputable. It is the duty of the court to sift out these facts from the mass of personal opinion and prejudice and decide the case on its legal merits."

"Speaking of personal bias," he continued, thoughtfully, "it is quite conceivable that if her son were accused of a crime a mother might easily exaggerate certain details or explain them to her son's advantage. Perhaps dates become blurred and exact facts hazy. She would be likely to see things from her point of view. Her natural maternal prejudice would incline her to put forward all the facts favorable to him, to make them seem as favorable as possible, and to suppress anything which was against him. That is a natural

Inclination of all witnesses, I think, to tell only things advantageous to the side for which they are testifying, or to glide as quickly as possible over anything which would be construed otherwise."

"I admit," I said, magnanimously, "that there must be much conscious perjury for personal ends, but people are such curious combinations, full of prejudices, subject to illusions, imaginative, unobservant."

"True, it is frequently hard to tell where the witness crosses the boundary between unconscious perjury and intentional fiction. But, remember, the observer does not have to judge alone from what the witness says. He is guided also by the tones and inflections of the voice, the conscious and unconscious muscular movements of the body—by the whole appearance and manner of the witness. Even his mannerisms form a basis on which to rest, to reason. A practiced observer can sometimes detect falsehood in little physical expressions. A witness may have perfect control of the lips, but may betray nervousness in the hands. Each may have his own way of showing when he feels the touch of the probe."

Judge Dike didn't have any more time to talk to me, though I suddenly remembered all the really important questions I wanted to ask him.

"But I came away convinced of one thing—that he and his methods are all right and that any psychologist who thinks he doesn't know his business is all wrong."

GEORGIA EARLE.

Irland seems to be prospering. That country is doing better than ever industrially. Last year Ireland raised 4,000,000 sheep, exported nearly \$13,000,000 worth of linen from Belfast to the United States alone, to say nothing of sales in other quarters, and sold abroad other commodities of these values: Cattle, \$5,745,000; Butter, \$1,850,000; Eggs, \$1,512,000. Now and better times have come to the Emerald Isle, and at last her natural resources seem to be getting a fair share of development.