

ROOSEVELT DENIES WRITING TO STIMSON

Did Not Send Mollifying Letter Before Replying to Secretary.

LONG DISTANCE PHONE TALK

Colonel Says McKinley's Objection to National Primaries Plan Is "Only an Excuse."

OYSTER BAY, March 8.—Secretary of War Stimson, who drew an angry reply from Col. Roosevelt when in a speech delivered at Chicago on March 5 he said that the "forcing" of Col. Roosevelt into the arena against Mr. Taft was "jeopardizing the real cause of progress in the nation" called the Colonel up on the telephone from Washington yesterday to do a little explaining.

Whether the telephone talk restored the old basis of close friendship that existed between Mr. Stimson and Col. Roosevelt prior to the Chicago speech is not known. Mr. Roosevelt did not say anything about that. He told the reporters that Mr. Stimson had assured him that a published statement purporting to come from the Secretary of War to the effect that he had received a letter from the Colonel praising the Chicago speech and telling him not to be offended by any reply that Col. Roosevelt might be forced to make was absolutely false.

Earlier in the day the Colonel had branded the story of the statement as a "fake." He said that he had not written to Mr. Stimson since the latter's speech in Chicago, but that he did write to him shortly before that. It is understood that Col. Roosevelt told "Harry," as he always used to refer to Mr. Stimson, that he was perfectly free to go ahead and support President Taft. What the Colonel may have said in that letter concerning Mr. Stimson's public attitude on the Colonel's candidacy is not known, but it is certain that Col. Roosevelt is as unpleasantly surprised when he learned that the man he backed in the last gubernatorial race had spoken his mind on the "Roosevelt issue."

Col. Roosevelt had not expected to make his regular Friday trip to the Outlook office to-day. He had supposed that he would be serving on a jury at the Mineola court house and had planned accordingly. But he found again to-day that his services were not needed, and as the talesmen not serving were excused by Justice Putnam very shortly after 10 o'clock he decided to go on in his automobile to New York. He reached the Outlook office about 11 and started back for Oyster Bay a little before 4 o'clock. When he returned here he said that no visitors were expected to-night or to-morrow. Saturday being a court holiday, he will be able to spend the day at home.

The interval of quiet at Sagamore Hill doesn't mean that Col. Roosevelt has withdrawn from the firing line in the nomination fight. It is known that he has expanded his presidential campaign into a little before 4 o'clock. When he returned here he said that no visitors were expected to-night or to-morrow. Saturday being a court holiday, he will be able to spend the day at home.

That's only an excuse," said the Colonel. In preparing part of his campaign ammunition the Colonel is collecting data on the International Harvester case, which he has been accused of hiding up into he was President. The harvester trust issue was raised several days ago in North Dakota, where it was said that the connection of George J. Perkins and the McMillan McCormick, both Roosevelt backers, with the trust was causing La Follette men in that State to turn to Taft. The visit which Mr. Perkins made to Sagamore Hill last week, when he stayed overnight through a heavy snowstorm to spend a few minutes with Col. Roosevelt, revived speculation concerning the connection of the harvester trust with the company's finance committee with the Roosevelt boom. Col. Roosevelt when asked to-day if there wouldn't be something more to say about the matter replied: "We'll see about that."

It is known that the way the Colonel will "see about that" will be to issue either directly or through his lieutenant a statement giving the history of the Harvester Trust case and Mr. Perkins's reasons for backing the progressive movement. The statement or statements will not be confined to the Harvester case alone, but will, it is understood, deal with the attack that Col. Roosevelt has made on the Roosevelt boom, asserting that the Taft supporters are using unfair tactics and are putting up straw bogies to frighten the delegates.

The next case to be called in the Nassau county Supreme Court at Mineola is the case of Carmody vs. the New York Central. Nassau county lawyers were discussing yesterday what the lawyers for either side would do if the Colonel were called to serve. Everybody seemed to think that objections would be raised by both lawyers to his sitting on the bench. The men on the jury opposed to Roosevelt might, in the jury room, vote against his wife, while those who are for his political might, if they were allowed to vote on their own judgment, vote for him.

The case is a damage suit for \$50,000 brought by a man who lost both legs when a brakeman stepped on his hand while he was stealing a ride on a freight car. The case was decided two years ago, but the Appellate Division sent it back for retrial.

ROOSEVELT PETITIONS VIGIL

Republican County Committee Hopes to Have Most of Them Thrown Out.

It was announced yesterday at the headquarters of the Republican county committee that when the Roosevelt petitions are filed to-day with the Board of Elections the county committee will have a force on hand to go through the petitions carefully to see if they comply with the law. The Ferris-Blauvelt primary law provides that to designate the number of signatures shall amount to at least 5 per cent. of the enrolled voters of the party. The county committee people said that already abundant proof had been submitted that many of the Roosevelt signatures would not stand the test required by the law.

President Samuel Koenig of the county committee received a letter yesterday from one of the most prominent organized Republicans in the Twelfth Assembly district in which this Republican said that while his name appeared on a Roosevelt petition it was without his knowledge. Mr. Koenig's correspondent said that a notary called at his house in his absence and had his wife sign a petition which he afterward found out was stolen from a Roosevelt office and to vote for Roosevelt delegates at the pri-

ROOSEVELT SHOCKED AT USE OF PATRONAGE

Makes a Speech to His Committee and Says That It Has Been "Barefaced."

PLEASED WITH WORK DONE

ASTOUNDING, HE THINKS, THAT AN ORGANIZATION HAS BEEN GOT UP FOR HIM IN THIS COUNTY.

Chairman Duell of the Roosevelt city committee called upon the Colonel yesterday at the Outlook office and told him that the petitions for the designation of delegates for him on the primary ballots of each Congress district in this county had been completed and would be formally filed with the Board of Elections to-day. To help him to carry this news to Mr. Roosevelt Chairman Duell took with him E. H. Hooker, treasurer of the committee; William M. Bennett, chairman of the executive committee, and half a dozen other members of the staff in the tower of the Metropolitan Building.

The delegation told the Colonel that they had no trouble in getting all the signatures they needed and Mr. Duell added: "Next week we will start in with our campaign and we will have an organization every district in this county, as good an organization, we hope, as on the other side, and we intend to win out."

To this the Contributing Editor made the following reply:

"I want to thank you for the work you are doing under many exceptional difficulties. I have never seen a contest in which the patronage has been used more barefacedly than in this and I doubt if in any State of the Union there is a more thoroughly mischievous and vicious primary law on the statute books than the one we have here in New York. It was passed by the two machines acting together for the purpose of preventing any expression of the popular will against the machine leaders in either party, and it has been elaborately devised to perpetuate the rule of the politicians and to prevent the mass of the voters from electing the candidates for whom they are expected to vote.

Having these great odds against you, gentlemen, I think it is astounding that you should have been able to do the admirable work that you have done. And this is not a fight for any personality; it is a fight for a great principle—the principle of genuine popular government. And sooner or later the principles for which we strive to prevail, because otherwise it is a sham to speak of this as a genuine democratic republic. I thank you for what you have done.

Gov. Stubbs of Kansas sent yesterday a communication to Col. Roosevelt's headquarters in which he proposed a public address for the cause. You do not need to speak for yourself personally, for public sentiment is more than five to one in your favor at this time. But you need to arouse every voter to a sense of his duty to become an active, militant American citizen during the crisis which we are facing. The politicians, office holding class and big business interests which are now enjoying special privileges are to a man against you and are organized and have unlimited money at their command. From information which I have received recently I do not think they would stop at any expense to prevail, because otherwise they knew he was facing certain defeat at the election, having in view the sole purpose of defeating you. I believe it is your duty and that you owe it to your countrymen to actively, publicly and energetically prevail, because otherwise you are not doing your duty to the equal opportunity and equal human rights for all men which you have espoused. An appeal from you to every American citizen who loves his country, his home and his family to get up and support a militant inactive supporter would be absolutely irresistible. Please advise us when we can expect you out here.

Chairman Duell of the Roosevelt committee said yesterday that he had been surprised to find that the politicians in New York city, taking their cue from the affirmative or negative side, on the subject of "Gratitude in Politics."

BROTHERS RIVALS FOR CHAIR

Col. Tom Would Swing Delegates to Taft, but Will Is for T. R.

LEXINGTON, Ky., March 8.—Brothers are to be pitted against each other in the coming Republican county convention. If Col. Thomas C. McDowell is made chairman of the convention it will mean the Taft adherents are the strongest. The next case to be called in the Nassau county Supreme Court at Mineola is the case of Carmody vs. the New York Central. Nassau county lawyers were discussing yesterday what the lawyers for either side would do if the Colonel were called to serve. Everybody seemed to think that objections would be raised by both lawyers to his sitting on the bench. The men on the jury opposed to Roosevelt might, in the jury room, vote against his wife, while those who are for his political might, if they were allowed to vote on their own judgment, vote for him.

PASSES PREFERENCE PRIMARY.

Massachusetts House Retains Clause on Delegates at Large.

BOSTON, March 8.—After a long contest the House this afternoon passed the bill for preference primary bill without adopting an amendment which would have restored it to the Senate form and keeping the direct election of delegates at large. Charges were hurled back and forth by speakers and there was the liveliest kind of a wrangle for some time. It is said the fight is not really one on the primaries but on the proposed Boston candidates as well as the remedies Senators say they have been approached by friends of these amendments with offers to trade on the primary bill, but they have refused to do so. The amendment which would practically restore the bill to the form in which it came from the Senate, was rejected Sunday in favor, 125 against. The bill was then passed to the Senate next week for concurrence in the McDowell amendment adopted yesterday.

TAFT REPLIES TO ROOSEVELT

Continued from First Page.

greatest proportions recorded in history and have united the battling sections by an indissoluble tie. From our body political we have elected a majority of the only thing protected by the Constitution which was inconsistent with that liberty, the preservation of which was the main purpose of establishing the Union. We have increased our business and produced activities in every direction, we have expanded the development of our natural resources to be continent wide, and all the time we have maintained sacred those inalienable rights of man, the right to liberty, the right of private property and the right to the pursuit of happiness.

THE REASON FOR GOVERNMENT.

For these reasons we believe in popular government. Government is a human instrumentality to secure the greatest good to the greatest number, and the greatest happiness to the individual. Experience, and especially the history of our government in our own history, has shown that in the long run every class of the people, and by that I mean those similarly situated, are better able to secure attention to their welfare than any other class, however altruistic the latter class may be. Of course this assumes that the members of the class have reasonable intelligence and capacity for knowing their own rights and interest.

Hence it follows that the best government, in the sense of the government most certain to provide for and protect the rights and governmental needs of every class, is that one in which every citizen has an equal recognition of this history has been the enlargement of the electorate to include in the ultimate source of governmental power as many as possible of those governed. But even here we have a practical question, namely, that not one-fourth of the total number of those who are citizens of the nation are the people for whom the government is maintained and whose rights and happiness the government is intended to secure.

WOMAN'S SUFFRAGE COMING.

More than this, government by unanimous vote of the electorate is impossible, and therefore the majority of the electorate must rule. We find, therefore, that the present system, government by a minority of one-fourth of those whose rights and happiness are to be affected by the course and conduct of the government. This is the nearest to a government by the people we have ever had. Woman suffrage will change this, and a doubtless coming as soon as the electorate can be certain that most women desire it and will assume its burden and responsibility. Property and the right to vote are the part of the whole people. In other words, the electorate is a representative governing body for the whole people for which the government was established and the controlling majority of the electorate is the people.

Now the object of government by the greatest number, but also to do this through the exercise of the rights of each individual in his liberty, property and pursuit of happiness.

Hence, it was long ago recognized that the direct action of a temporary majority of the existing electorate must be limited to the protection of the individual and the minority of the electorate and the non-voting majority of the people against the unjust or arbitrary action of the majority of the electorate. This made it necessary to create a judicial branch of the government to take into consideration certain declarations as to the rights of the individual which it was the purpose of the whole people to maintain through the Government against the aggression of a temporary majority of the electorate. The purpose of such a constitution is to secure the guarantee of the individual rights and well ordered liberty. He continues: "Let us turn to the Government's three branches. These checks and balances, as has been pointed out, include the division of the Government into three independent branches—the legislative, executive and judicial. In our history, the executive branch has been usurped by one of the functions of another is forbidden. The executive, while he is bound to act in behalf of all the people and to regard their rights, is properly influenced by that discretionary power which the majority of the electors carry out. In that sense, he represents the majority of the electorate. So, too, the legislative members elected to uphold certain governmental views of the people, and the people preserve the independence of such views in valid legislation. But the judiciary are not representative in any such sense, whether appointed or elected. The moment they assume their office they are bound to enforce the law as they find it. They are not to be influenced by the people and probably would change in respect to another but similar law. A most serious objection to the recall of decisions is that it destroys all probability of consistency in constitutional interpretation. The majority which sustains one law is not the same majority that comes to consider another, and the obligation of consistency of popular decision is one which would sit most lightly upon the existing electorate, and the operation of the system would result in suspension or application of constitutional guarantees according to popular whim. We would then have a system of suspending the Constitution to meet special cases. The greatest of all despotisms is a Government of special instances.

TWO VERY DIFFERENT THINGS.

But the main argument used to sustain such a popular review of judicial decisions is that if the people are competent to establish a constitution they are competent to recall decisions. It is not the recall of decisions is nothing but the exercise of the power of interpretation. This is clearly a fallacious argument. The approval of general principles in a constitution, on the one hand, and the interpretation of statute and consideration of its probable operation in a particular case and its possible infringement of a general principle, on the other hand, are very different things. The one is simple, the other is complex, and the latter when submitted to popular vote, as already pointed out, is much more likely to be turned into an issue of general approval or disapproval of the act on its merits for the special purpose of its enactment than upon its violation of the Constitution. Moreover, a popular majority does not adopt a constitution, or any principle of it, or amend its terms, until after it has been adopted by a constitution convention or a legislature, and the final adoption is, of course, surrounded with such checks and delays as secure deliberate consideration. In other words, the course of pro-

LA FOLLETTE STILL IN RING

Breaks Silence on Roosevelt Candidacy—Records Must Be Discussed.

MADISON, Wis., March 8.—Senator La Follette's silence on the Presidential candidacy of Col. Roosevelt was broken to-day in a signed declaration that "in the presence of great problems personal attacks should be avoided."

That La Follette should have no place," that La Follette's public record will subject Col. Roosevelt's public record and that of other candidates to scrutiny is indicated by the statement. In a measure the announcement lays down the issue upon which the Senator intends to continue his campaign. The utterance is called forth by the repeated declaration of some newspapers that Col. Roosevelt urges La Follette as "the ideal man to make the fight against President Taft." The La Follette statement follows:

It is not a matter of great importance to the public why I became a candidate. The issue of this campaign is the rights of the individual, the farmer, the worker, every man who pays the tribute to free himself by lawful means from the unjust exactions of the tariff, the railroads, the trust, the money power, the banks, and credit and every form of oppression by special privilege. It will therefore be necessary during this campaign to discuss the records of candidates as well as the remedies proposed by them to correct existing social and political evils. But such discussions cannot be distorted into an attack upon the candidate. ROBERT M. LA FOLLETTE.

Elect Delegates for Taft.

BIRMINGHAM, Ala., March 8.—Without a contest Pope M. Long and Charles P. Lunsford were elected delegates and J. Hayes and A. S. L. Stoddard alternates to the State convention to be held in Chicago in June by the Republicans of the Sixth Congressional district, at Tuscaloosa to-day. Fifty delegates were present. The delegates were instructed by President Taft. Pope Long is United States senator and Lunsford is chairman of the State Republican committee.

SUMS UP ATTACK ON JUDGES.

The formidable attack upon our judi-

CLAY NOW IS THAT THE JUDGES DO NOT RESPOND SUFFICIENTLY TO POPULAR OPINION.

clearly now is that the Judges do not respond sufficiently to popular opinion. It is very different from what the proposed vote of a majority on constitutional interpretation would be. The proposed vote of a majority on constitutional interpretation would be protected by such requirements as to their amendment as to insure great deliberation by the people in making them, and greater than one vote of a mere temporary majority. This method of amending the Constitution would give it no more permanence than that of an ordinary legislative act and would give to the inalienable rights of the individual no more security and the pursuit of happiness no more sanction than that of an annual appropriation bill. Can it be that the power of a temporary majority of the electorate by a single popular vote to do away with rights secured to individuals, which have been inviolable for seven hundred years since the days of Magna Charta, approves itself to those who love liberty and who hold dear its sacred guaranties? Would we not in giving such powerful effect to the momentary will of the majority of an electorate prepare the way for the possible exercise of the grossest tyranny?

WHY NOT BE CONSTITUTIONAL?

Finally, I ask what is the necessity for such a crude, revolutionary, and unstable way of reversing judicial construction of the Constitution? Why, if the construction is wrong, can it not be corrected by a constitutional amendment, and the security of private rights usually hedged about by checks and balances devised to secure delay, deliberation, discussion before a change of the fundamental law; but such amendments can be made, and if so, the effect of the decision is reversed in respect to a new law by an amendment with express terms of authority to enact such a law. An answer made to this is that the same Judges will construe the amendment and defeat the popular will in the first instance. This assumes that the majority of the gross violation of their oath of duty on the part of Judges, a hypothesis utterly untenable. If the meaning of the amendment is made plain, as it readily can be, of course the court will follow. It is not the method of reversing judicial decisions on constitutional questions with care. I do not hesitate to say that it lays the axe at the foot of the tree of well ordered freedom, and subjects the guarantee of life, liberty and property without remedy to the willful impulse of a temporary majority of an electorate.

CITIZEN JUSTICE MILLER.

Mr. Justice Miller of Iowa was one of the greatest jurists that ever adorned the Supreme Bench of the United States. Speaking for that great court in the case of the "United States vs. Wainwright" (1885), in a case presenting the question of the constitutionality of a law imposing a general tax on all citizens to pay for a factory to be run and owned by a private company, after referring to the sacredness of private property, he said: "It must be conceded that there are such rights in every free government beyond the control of the State. A government which recognized no such rights, which held the lives, liberty and property of its subjects at its will, and all times to the absolute and unlimited control of even the most democratic repository of power is, after all, but a despotism. It is true it is a despotism of the majority of the majority, if you will choose to call it so. But it is less a despotism. It may well be doubted if a man is to hold all that he is accustomed to call his own, all in which he has placed his happiness, and the security of which is essential to his well-being, under the unlimited dominion of others, whether it is not wiser that this power should be exercised by one man than by many."

HOW WILL ELECTORATE DECIDE?

What the court decides is that the enacted law violates the fundamental law and is beyond the power of the Legislature to change. But when this issue is presented to the electorate, what will be the question uppermost in the minds of most of them and forced upon them by the advocates of the law? Will it not necessarily be whether the law is on its merits a good law, whether it infringes some constitutional limitation the decision is to be submitted to a vote of the qualified electors, and if a majority of them differ with the court and reverse the decision, will they be satisfied and enforced as fact and constitutional?

SHOWS DANGER TO PEOPLE.

Take another case, instances of which are fresh in our history. Suppose, in the early development of State, the question arises whether a series of special privileges shall be granted to a rich company willing to invest if only the privileges are exclusive and certain. Suppose the court finds the law unconstitutional and the decision is submitted to the people. In an early state of development the popular yearning is for capital and expansion and the popular vote might be against the law. But the people are forever, of course, in this day and generation, such danger will be said to be remote; but in a business and political atmosphere like that in Alaska to-day the popular vote might be against the law. The people might and probably would change in respect to another but similar law. A most serious objection to the recall of decisions is that it destroys all probability of consistency in constitutional interpretation. The majority which sustains one law is not the same majority that comes to consider another, and the obligation of consistency of popular decision is one which would sit most lightly upon the existing electorate, and the operation of the system would result in suspension or application of constitutional guarantees according to popular whim. We would then have a system of suspending the Constitution to meet special cases. The greatest of all despotisms is a Government of special instances.

TWO VERY DIFFERENT THINGS.

But the main argument used to sustain such a popular review of judicial decisions is that if the people are competent to establish a constitution they are competent to recall decisions. It is not the recall of decisions is nothing but the exercise of the power of interpretation. This is clearly a fallacious argument. The approval of general principles in a constitution, on the one hand, and the interpretation of statute and consideration of its probable operation in a particular case and its possible infringement of a general principle, on the other hand, are very different things. The one is simple, the other is complex, and the latter when submitted to popular vote, as already pointed out, is much more likely to be turned into an issue of general approval or disapproval of the act on its merits for the special purpose of its enactment than upon its violation of the Constitution. Moreover, a popular majority does not adopt a constitution, or any principle of it, or amend its terms, until after it has been adopted by a constitution convention or a legislature, and the final adoption is, of course, surrounded with such checks and delays as secure deliberate consideration. In other words, the course of pro-

CLAY NOW IS THAT THE JUDGES DO NOT RESPOND SUFFICIENTLY TO POPULAR OPINION.

cedure in the adoption of constitution or amendment is very different from what the proposed vote of a majority on constitutional interpretation would be. The proposed vote of a majority on constitutional interpretation would be protected by such requirements as to their amendment as to insure great deliberation by the people in making them, and greater than one vote of a mere temporary majority. This method of amending the Constitution would give it no more permanence than that of an ordinary legislative act and would give to the inalienable rights of the individual no more security and the pursuit of happiness no more sanction than that of an annual appropriation bill. Can it be that the power of a temporary majority of the electorate by a single popular vote to do away with rights secured to individuals, which have been inviolable for seven hundred years since the days of Magna Charta, approves itself to those who love liberty and who hold dear its sacred guaranties? Would we not in giving such powerful effect to the momentary will of the majority of an electorate prepare the way for the possible exercise of the grossest tyranny?

WHY NOT BE CONSTITUTIONAL?

Finally, I ask what is the necessity for such a crude, revolutionary, and unstable way of reversing judicial construction of the Constitution? Why, if the construction is wrong, can it not be corrected by a constitutional amendment, and the security of private rights usually hedged about by checks and balances devised to secure delay, deliberation, discussion before a change of the fundamental law; but such amendments can be made, and if so, the effect of the decision is reversed in respect to a new law by an amendment with express terms of authority to enact such a law. An answer made to this is that the same Judges will construe the amendment and defeat the popular will in the first instance. This assumes that the majority of the gross violation of their oath of duty on the part of Judges, a hypothesis utterly untenable. If the meaning of the amendment is made plain, as it readily can be, of course the court will follow. It is not the method of reversing judicial decisions on constitutional questions with care. I do not hesitate to say that it lays the axe at the foot of the tree of well ordered freedom, and subjects the guarantee of life, liberty and property without remedy to the willful impulse of a temporary majority of an electorate.

CITIZEN JUSTICE MILLER.

Mr. Justice Miller of Iowa was one of the greatest jurists that ever adorned the Supreme Bench of the United States. Speaking for that great court in the case of the "United States vs. Wainwright" (1885), in a case presenting the question of the constitutionality of a law imposing a general tax on all citizens to pay for a factory to be run and owned by a private company, after referring to the sacredness of private property, he said: "It must be conceded that there are such rights in every free government beyond the control of the State. A government which recognized no such rights, which held the lives, liberty and property of its subjects at its will, and all times to the absolute and unlimited control of even the most democratic repository of power is, after all, but a despotism. It is true it is a despotism of the majority of the majority, if you will choose to call it so. But it is less a despotism. It may well be doubted if a man is to hold all that he is accustomed to call his own, all in which he has placed his happiness, and the security of which is essential to his well-being, under the unlimited dominion of others, whether it is not wiser that this power should be exercised by one man than by many."

HOW WILL ELECTORATE DECIDE?

What the court decides is that the enacted law violates the fundamental law and is beyond the power of the Legislature to change. But when this issue is presented to the electorate, what will be the question uppermost in the minds of most of them and forced upon them by the advocates of the law? Will it not necessarily be whether the law is on its merits a good law, whether it infringes some constitutional limitation the decision is to be submitted to a vote of the qualified electors, and if a majority of them differ with the court and reverse the decision, will they be satisfied and enforced as fact and constitutional?

SHOWS DANGER TO PEOPLE.

Take another case, instances of which are fresh in our history. Suppose, in the early development of State, the question arises whether a series of special privileges shall be granted to a rich company willing to invest if only the privileges are exclusive and certain. Suppose the court finds the law unconstitutional and the decision is submitted to the people. In an early state of development the popular yearning is for capital and expansion and the popular vote might be against the law. But the people are forever, of course, in this day and generation, such danger will be said to be remote; but in a business and political atmosphere like that in Alaska to-day the popular vote might be against the law. The people might and probably would change in respect to another but similar law. A most serious objection to the recall of decisions is that it destroys all probability of consistency in constitutional interpretation. The majority which sustains one law is not the same majority that comes to consider another, and the obligation of consistency of popular decision is one which would sit most lightly upon the existing electorate, and the operation of the system would result in suspension or application of constitutional guarantees according to popular whim. We would then have a system of suspending the Constitution to meet special cases. The greatest of all despotisms is a Government of special instances.

TWO VERY DIFFERENT THINGS.

But the main argument used to sustain such a popular review of judicial decisions is that if the people are competent to establish a constitution they are competent to recall decisions. It is not the recall of decisions is nothing but the exercise of the power of interpretation. This is clearly a fallacious argument. The approval of general principles in a constitution, on the one hand, and the interpretation of statute and consideration of its probable operation in a particular case and its possible infringement of a general principle, on the other hand, are very different things. The one is simple, the other is complex, and the latter when submitted to popular vote, as already pointed out, is much more likely to be turned into an issue of general approval or disapproval of the act on its merits for the special purpose of its enactment than upon its violation of the Constitution. Moreover, a popular majority does not adopt a constitution, or any principle of it, or amend its terms, until after it has been adopted by a constitution convention or a legislature, and the final adoption is, of course, surrounded with such checks and delays as secure deliberate consideration. In other words, the course of pro-

CLAY NOW IS THAT THE JUDGES DO NOT RESPOND SUFFICIENTLY TO POPULAR OPINION.

CLAY NOW IS THAT THE JUDGES DO NOT RESPOND SUFFICIENTLY TO POPULAR OPINION. I have not given up, but I am going to rely on the people to help on. At Alliance the President, speaking from the rear platform of his train, deprecating agitation that destroy the confidence of capital, but insisted that the law must be obeyed. Mr. Taft had a conference to-day in his private car Republic with C. Laylin, chairman of the Ohio executive committee, and William H. Miller, former Assistant Attorney General of the State, who boarded the President's car in St. Louis. Laylin and Miller are arranging a slate of Taft delegates in the primaries which will be held on May 21 next. This will be the first time delegates have been elected in Ohio by a primary system, and the organization work is going ahead slowly. Mr. Laylin declared that Ohio will be solidly for the renomination and reelection of the President. The opposition in the northern part of the State is rapidly disappearing, he said. Mr. Taft leaves Toledo at 1:30 o'clock A. M. for Chicago.

OSCAR S. STRAUS ASSAILS TAFT.

Critique Character of Southern Support—Reviews Roosevelt Work. MANCHESTER, N. H., March 8.—Oscar S. Straus, speaking before a meeting of Roosevelt supporters to-night criticized what he called President Taft's use of the settlement of the great coal strike. He said in part: "The practice of a President using the power of officeholders to gain a renomination should be effectually prohibited in accordance with the spirit, if not the very provisions, of the Constitution itself. The public interest should not force that methods such as these outraged the public sentiment in the time of Harrison and deservedly defeated him. It is for this reason, among others, that the progressives insist on other reforms as 'political emotionalism or neurotics.' If this is not emotionalism then it is another name for an aroused spirit of patriotism. Look back upon the seven years of the Roosevelt administration. It was he that with his power of officeholders and the moral issues of our industrial age; it was he that pressed forward the enforcement of the Sherman 'anti-trust act and showed the necessity for supplementing it so as to adequately protect the good and check the evils for the service of the people; he was who brought about the great coal strike of the railway rate bill, so that the small man might have the same deal as the big man; he was who caused the public to enact the pure food law and the Federal meat inspection act; he was who brought about the settlement of the great coal strike; he was who brought to a close the Russo-Japanese war, which if prolonged threatened to disturb the peace of the world. These are some, but by no means all, of the great achievements which were accomplished by him and under his inspiration, guidance and leadership. All of his great achievements were directed to the same end, to enlarge the opportunities of life and living and to promote 'social justice.'"

BLACK MAY GO TO CHICAGO.

Ex-Governor Weakening in His Resolve to Get Out of Politics. Ex-Gov. Frank S. Black said yesterday afternoon just before leaving for Troy that he had been urged by his Republican friends in the State to go as a delegate to the Republican national convention in June, but that the report that he had been invited to visit President Taft was erroneous. "I do not want to go to the convention," continued Mr. Black. "It comes at the wrong time of the year for me, for I like to be on my farm in June. But some of my friends believe that I can be of service in helping the Republican party to adopt a conservative platform. For that reason they are urging me to go as a delegate. I have never before in my life been invited to do with public affairs. I shall not go as a delegate to the State convention at the time of the national convention. The convention should adopt a conservative platform, take it to Chicago and fight for it."

WILSON OFFICES TO CLOSE.

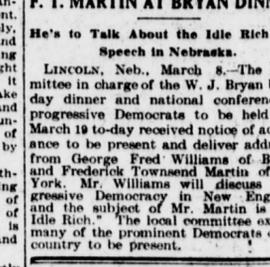
Managers Believe Utica Headquarters Have Served Their Purpose. UTICA, March 8.—The up-State campaign headquarters of Gov. Woodrow Wilson of New Jersey, opened in this city several weeks ago to promote his Presidential boom, are to be closed, according to a dispatch received to-day by Oliver A. Brower, who has been in charge. Mr. Brower stated that the purposes for which the headquarters were established have been accomplished to at least a considerable degree and the managers of the Wilson campaign believed the work could be safely shifted to Wilson's State headquarters at 42 Broadway, New York city.

F. T. MARTIN AT BRYAN DINNER.

He's to Talk About the Idle Rich in a Speech in Nebraska. LINCOLN, Neb., March 8.—The committee in charge of the W. J. Bryan birthday dinner and national conference of progressive Democrats to be held here March 19 to-day received notice of acceptance to be present and deliver address from George Fred Williams of Boston and Frederick Townsend Martin of New York. Mr. Williams will discuss "Progressive Democracy in New England" and the subject of Mr. Martin is "The Idle Rich." The local committee expects many of the prominent Democrats of the country to be present.

CELESTINS VIGIL

Natural Alkaline Water. BOTTLED AT THE SPRINGS. Not Genuine without the word CELESTINS. Ask your physician.



ASK YOUR PHYSICIAN. Not Genuine without the word CELESTINS.

NEW YORK HAIR BALM. For the hair, scalp and face. It is the best and most reliable preparation for the hair, scalp and face. It is sold by all druggists and is the only one that is guaranteed to be pure and safe.