

The Democrat.

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E. M. Carr, Henry Bronson, Hubert Carr,
CARR, BRONSON & CARR,
Editors and Proprietors.

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THE JUDICIAL RECALL AN INTERFERENCE WITH UNIFORM LAW ENFORCEMENT.

The Telegraph-Herald's answer to our last article in opposition to the judicial recall contains a number of points most of which are based upon differences of opinion, and a lengthy reply to those of that nature would not be profitable to anyone.

We have reason to believe that Editor Murphy is open to conviction and that he will not favor anything unless he believes that its adoption will bring about the greatest happiness to the greatest number.

His recent article suggests one point which we desire to emphasize, and that is the interference with uniform law enforcement likely to result from the change which he advocates. Before proceeding, however, to the consideration of that point a few words about our differences of opinion may explain why we consider a discussion of those differences of little profit.

Mr. Murphy says: "Our quarrel in this is not with the constitution, that is good; it is with the interpretation put upon the constitution, its employment by the judiciary to defeat humanitarian reforms, to give to privilege the dignity of right, and to unduly exalt property."

We infer from this that Mr. Murphy is of the opinion that a majority of the decisions of our courts, in reference to constitutional limitations, are not productive of the greatest happiness to the greatest number; while in the opinion of the writer the contrary is true, and this is not at all surprising, for in all ages, amongst every people, we find different opinions respecting the things likely to produce the greatest happiness. The standard of happiness is infinitely variable. The aristocracies of different men are of widely different styles of architecture.

In our last article on this subject we called attention to the wrongs at times committed by majorities, and cited, among other instances, the fact that a majority of the people in ten states of this union at one time enslaved an entire race on account of its color. And this is Mr. Murphy's answer:

"Was not this majority a minority in the nation? It was. And what did this minority—the slaveocracy—contend? That flesh and blood—human beings—were chattel property. And where did it find support for its contention? Let the major now be hoist on his own petard—it found this support in the Supreme Court of the United States in the infamous Dred Scott decision."

Everyone knows that human slavery found its support in the constitution of the United States, until the adoption of the fourteenth amendment, as well as in the Dred Scott decision. But that is not material to the point now under consideration.

We want our friend Murphy to go back with us to that crisis in our history, and sincerely admit what would probably have happened had our federal constitution at that time provided for the recall of judges. Is it not probable that the people of nearly every district north of Mason and Dixon's line would have petitioned for the recall of every federal judge, who recognized the binding force of the decision in the Dred Scott case? And is it not reasonably certain that every judge south of Mason and Dixon's line would have followed the holding of the court in that case? And would not such a condition as that be destructive of uniform law enforcement? And is not a similar condition likely to arise, should the law provide for a judicial recall, every time our highest court is called upon to decide some political question of far reaching importance to a large section of our country, or to a large class of our citizens?

To more cogently present the point we are making, let us suppose a case which we can bring closer home. Let us suppose that the people of Iowa, after suffering great inconvenience and losses on account of street car and railroad strikes, should enact a statute making it unlawful for any one in the employ of a common carrier to belong to any labor union or secret society of any kind which had any relation to the business in which they were engaged. Of course such an act would be attacked on the ground that it was an unconstitutional attempt to abridge the privileges and immunities of a large class of workmen. And on that question public opinion might sharply divide along the lines of personal interest. In cities like Des Moines a

large majority might be extremely hostile to the statute, while the converse might be true in some farming communities, where the people had suffered severely on account of strikes ordered by labor unions. A judge of the district court of Polk county might honestly consider the statute constitutional and so decide, and be promptly recalled for so doing. And the judge in the adjoining district might consider the law altogether wrong, and be recalled for so deciding. Of course the supreme court would get around and decide the question in a year or two, but that court could not undo what had been done, nor change the public opinion that had the power to recall every judge who did his full duty in the premises.

The telegraph, the telephone, the steamboats and the railroads bind our hundred million of population in closer bonds than ever before, and create a growing demand for uniform laws and uniform law enforcement.

Twenty years ago the American Bar Association started this uniformity movement, and now forty-five states of this union have official commissioners on uniform state laws, who meet in annual conference to consider statutes applicable to nation-wide requirements. Law uniformity is exceedingly desirable; but while that is true, it is quite impracticable to procure such uniformity without adversely affecting some communities, and to give each community the right to recall their judges every time their decisions did not voice the wishes of the majority, would be a blow at uniform law enforcement.

And what necessity is there for indulging in such a dangerous experiment?

According to the fable story, Cadmus heard a voice commanding him to sow dragon's teeth and he obeyed. First spear points appeared above the clouds, then helmets, then armed warriors, who pierced their earth-born brothers with swords and arrows until all but five fell with mutual wounds.

The American people have no occasion to experiment as Cadmus did, and sow dragon's teeth in their field of jurisprudence.

The fact that the judicial recall has not yet produced any bad results, in the few commonwealths where it has prevailed for a comparatively short space of time, is not a forceful argument in its favor. The best system of government would be of little benefit to an uncivilized tribe, while the worst system of government ever devised might not for a time seriously injure an intelligent, justice loving people.

INVITING TORUBLE.

President Taft went the limit in search for trouble when he assumed that there can be no scientific tariff legislation until the lame duck commission appointed by him makes its report. Members of congress, without regard to party, have good reason to resent such an imputation upon their intelligence and fitness for the positions they hold.

THE BREAK BETWEEN TAFT AND ROOSEVELT.

While Roosevelt can not be blamed for quarreling with Taft, Taft certainly has Roosevelt on the pillory in the steel trust suit. When Roosevelt as president gave the steel trust permission to put its principle competitor out of business, he consented to an act of lawlessness unparalleled in the history of the country. Of course Roosevelt feels aggrieved when the man whom he made president has ordered the commencement of an action, the outcome of which if prosecuted to a final determination, will quite likely convict the ex-president of being an accessory to one of the most gigantic crimes of the century.

The New York Herald commenting upon the situation says:

"The difficulty in which Mr. Roosevelt is involved—and, believe us, it is a difficulty—is that he has been named as a co-respondent in the government's suit to divorce the steel corporation and Tennessee Iron. He can not be indicted and fined; he can not be enjoined and dissolved. But all the same he is on the defensive and on trial, and he is smarting as he has seldom smarted before. If Mr. Taft had only regarded the old maxim, 'What is the constitution become friends,' all might have been well. But now all the heart of Oyster Bay is on fire and 'silk jallance in the wardrobe lies.' A little more than a year ago Mr. Roosevelt was walking around, club in hand, inviting Mr. Taft to knock a chip off his shoulder. Instead Mr. Taft has kicked him on the shins and hustled him into the witness box for cross examination."

TWO WEIGHTY REASONS AGAINST THE SCHEME.

(From the New York World.)
Next to the Aldrich name the heaviest burden the Aldrich reserve-association plan has to carry is a bankers' fund of \$1,000,000 to help it along.

UNREASONABLE DEMANDS.

"Big Business" is making all kinds of demands upon the federal government. Its managers are asking to have their monopolies continued and, in lieu of competition, substitute government regulation. If the government ever undertakes to fix the prices of commodities produced by monopolies it cannot justly stop there. To be consistent and logical it must fix the price of labor and farm products and everything else. That would be socialism gone crazy. "Big Business" cannot perpetuate its grafts in that way. This country got along all right without monopolies and with prices fixed by honest competition, and a return to those conditions will benefit everyone, except a few money crazy individuals who should be in penitentiaries or lunatic asylums.

REMARKABLE STATEMENTS.

Pope Plus, when he conferred the red birettas on the newly chosen American cardinals, referred to this country as "the great and glorious land where liberty abides in reality, not merely in name." And again referring to this country he said: "The Almighty will reign and his glory will shine in that land."

DELHI.

Grace Wilson and Mrs. Elizabeth Wilson visited at Bert Haight's one day last week.

Brady Miller has purchased a home in Manchester.

John Porter was home for Thanksgiving.

Mrs. Jessie Doolittle's lady friends gave her a birthday surprise party last week Monday afternoon. They had an enjoyable time.

Pat Smith and Miss Ida Simpson were married at the home of Mrs. Elizabeth Wilson Thursday evening, November 30, 1911, by R. J. Van Antwerp, justice of peace. Their friends extend congratulations.

Miss Tressie Elliott spent Thanksgiving with her people in Edgewood.

John Barnes of Strawberry Point visited Mr. and Mrs. L. M. Barnes last Friday.

Mrs. Thompson and baby of Center Junction visited Miss Margaret Thompson Friday.

Fred Derza of Worthington was in town on business one day last week.

Luke Connolly has purchased Mrs. J. P. Held's farm.

Mr. and Mrs. B. T. Saunders spent Thanksgiving day with Hopkinton friends.

E. C. Perkins was in Cedar Rapids last Wednesday.

Will Burton of Waterloo ate turkey here with his home people.

Clyde Doolittle spent Thanksgiving with home folks.

Mr. and Mrs. Harold Smith and Miss Elsie Schjumbum of Stanley visited friends in town last week.

Word has been received of the death of Harrison Griffin at Troskey, Minnesota, on November 21, 1911.

Dr. Griffin was for years a resident of Delhi and will be remembered by many.

Rev. and Mrs. W. S. Skinner spent several days last week with Rev. Perry and family at Masonville.

Miss Maud Holbert of Iowa City spent Thanksgiving with her Delhi friends.

Prof. W. T. Taylor and Miss Stanger spent Thanksgiving at her home in Union township.

Clyde Doolittle entertained a company of friends Friday evening.

Mr. and Mrs. John Wheeler visited her sister in Lamont last week.

Tyler and Fern Furman went to Waterloo Friday, where Miss Fern will attend business college.

Jay Minkler entertained his young friends Saturday evening.

Henry Hull died very suddenly at his home in this place on Saturday at 3 p. m., December 2, 1911, at the age of 72 years. He was down town and about his work as usual the forenoon of that day and his death was entirely unexpected. The funeral services will be held at the M. E. church Tuesday at 1 p. m. Burial at Hopkinton.

Miss Margaret Fresten visited in town with friends the first of the week.

Perry Haight moves to Oneida this week. Luke Connolly has his job hauling milk.

Miss Hazel Tibbitts of Independence visited at the Minkler home over Sunday.

INSTITUTION DOING GOOD WORK.

The Manchester Sanitarium the past year has been one of great progress for Manchester and among the new improvements none mean more to the county than the hospital and sanitarium work just being inaugurated. After visiting many localities Dr. Coburn was led to locate in Manchester because of the beauty of the place, the river, the boating, the new park and the drives about. It seemed to be an ideal place for

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sanitarium work. The value of the methods of treating disease at Battle Creek are so well established that similar institutions have sprung up all over the country from Maine to California. People who have been going abroad for treatment by the Finca Light, Violet Ray, Nauehm Baths, etc., now find these with the various mineral waters brought within easy access. The offices of the sanitarium are located in the Dr. Bowman property on Franklin street and are now kept open day and night.

All who are interested are invited to call and inspect the rooms, the methods and the equipment at any time. It is hoped that the support received from Manchester and the surrounding country will be such that the new institution will rapidly grow until it becomes what similar institutions are in various parts of the country. XXX

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