

# WOULD ABOLISH ORGANIC LAW OF THE STATE

### Boise Attorney in Address Before Bar Association Advocates Doing Away With the Constitution and the Legislature.

## NOT ADAPTED TO THE PRESENT DAY NEEDS

### Proposes to Have State Governed Under Commission Plan—Instances Cited to Prove Contentment of Need of Radical Change

By T. J. JONES.  
(Portion of address before the Idaho State Bar Association.)

A constitution that binds the people of today to the conditions that existed more than 25 years ago, when that constitution was adopted is as much out of place as if we were to adopt the clothes and customs of more than a quarter of a century ago.

When the constitution of the state of Idaho was adopted, electricity was practically unknown. There were but two railroads in the state. The population was less than 50,000, business was conducted personally. The constitution makers could not have foreseen the changed condition of today.

Let me illustrate it this way: Suppose you start out from Boise to Twin Falls. The distance on an air line is 140 miles. You go by rail; you pay 89 cents to be carried to Nampa, 29 miles farther away from Twin Falls than you were at Boise. You go to Minidoka, pay \$2.50 and when at Minidoka you are 69 miles farther away from Twin Falls, plus 29 miles that you were at Boise. You then pay \$1.80 to carry you the 69 miles to Twin Falls, and it takes from 12 to 16 hours to make the trip.

At the time you start out from Boise for Twin Falls another passenger can start from the city of Chicago and arrive in New York two hours earlier and for less fare. This is the condition in southern Idaho. In northern Idaho it is even worse. A passenger starts from Bonner county or Idaho county for Boise. He traverses three states, a total mileage of some 1400, taking from five to six days to make the trip. A passenger can start at the same time from Los Angeles, Cal., to Salt Lake City, irrigate his system, have 12 hours to see the city, then journey to Cheyenne, engage in the festive game of roulette and poker, have 12 hours there to meditate on his follies, then proceed to New York and arrive two days earlier than the passenger who starts from either of said countries.

### THE COURT INTERFERED.

To overcome this situation, the Boise Commercial club, in 1899, had the legislature pass an act, in which they endeavored to bring railroads and electric lines under a system similar to an irrigation district, and it was thought that perhaps an enlightened supreme court, which was supposed to know the conditions that existed in Idaho, would usurp at least as much authority in that case as they did in the woman suffrage case, and declare that it was unconstitutional. But the supreme court had an awakening and said it had no power except what was expressly delegated by law, and held the act unconstitutional.

How does this condition affect the courts and business of this state? We have in the legislature about 56 mem-

## END INDIGESTION OR STOMACH PAIN IN FIVE MINUTES

### "Pape's Diapepsin" Makes Sick, Sour, Gassy Stomachs Feel Fine.

Time it! In five minutes all stomach distress will go. No indigestion, heartburn, sourness, or belching of gas, acid, or eructations of undigested food, no dizziness, bloating, foul breath or headache.

Pape's Diapepsin is noted for its speed in regulating upset stomachs. It is the surest, quickest and most certain indigestion remedy in the whole world, and besides it is harmless.

Millions of men and women now eat their favorite foods with a fear—they know Pape's Diapepsin will save them from any stomach misery.

Please for your sake, get a large fifty-cent case of Pape's Diapepsin from any drug store and put your stomach right. Don't keep on being miserable—life is too short—you are not here long, so make your stay agreeable. Eat what you like and digest it; enjoy it, without dread of rebellion in the stomach.

Pape's Diapepsin belongs in your home anyway. Should one of the family eat something which don't agree with them, or in case of an attack of indigestion, dyspepsia, gastritis or stomach derangement at daytime or during the night, it is handy to give the quickest, surest relief known. Adv-

bers, less than 10 are men who have had legal training. The condition that exists and the thought that I am expressing has engaged the thought of the people for some time. Is it not time to abolish the legislature and in lieu thereof to have a commission, say of three men who are versed and familiar with the law, and they draft all laws and report to a council, say of five, and the council to enact the same into law, and when they are enacted into the law of the state, courts to be absolutely prohibited declaring the act or acts unconstitutional.

I will admit as long as the legislature of the state of Idaho is composed as it is today, it is necessary to have a restraining power in the courts to say what is constitutional and what is unconstitutional, and even to allow them to use the power that they have been using for the last 20 or 30 years. But I propose to abolish the constitution of the state of Idaho, and with the abolishing of that constitution the courts of Idaho would be relieved from the congestion now existing.

The judges will probably agree with me that nearly one-half of the time that is now consumed by the courts is devoted to constitutional questions.

### EFFECT ON BUSINESS.

And how would this condition affect business? The legislature passes an act; a business man comes into your office and says: "Here is the act; what is the law?" The conscientious lawyer takes up the law. He reads it; he construes it, and he says the law is so and so, "as I understand it." He can't go further. But the investor says, "I want to know what the law is." The lawyer says, "Very well, institute a proceeding and take it to the supreme court, and when they have declared what the law is, then you will know and not before. My fee is \$100."

That is the condition, and under this condition of affairs business is paralyzed, and this obsolete constitution, adopted more than 25 years ago, has become a legal chain around the industries of the state of Idaho, has clogged the courts so that justice is practically denied. Then under the present condition it is a misnomer to call our courts "courts of justice," or even "courts of law."

There perhaps was a brief interval in the history of the human race when there was a court of justice, probably when the Almighty gave the Ten Commandments to Moses on the mount. That was a court of justice, at least until Moses reached the foot of the mountain, but as soon as the judges got hold of it, it became a court of law, of precedent, and in our day has become a court of chance. It is neither a court of law, but it is chance, pure and simple.

Now let me give you a few cases in point. In Williams versus Lewis, Sixth Idaho, the question involved was whether a political party could make certain nominations and have those nominations certified on the official ballot by the secretary of state. The question went before the supreme court on the issuance of a writ of prohibition and mandamus, and the supreme court held, on precedent that the writ of prohibition would issue to govern the act of a ministerial officer. It so happened that the writer was nominated on that ticket for the supreme court, and a writ of prohibition to prohibit the secretary of state from certifying his name on the official ballot was upheld. There I took the first chance on getting on the ballot, but the supreme court took the last chance and took me off. Six years afterward, relying on that decision, in the case of Stein versus Morrison, Ninth Idaho, litigants went before the supreme court. They cited this particular case and called the court's attention to the fact that the writ of prohibition would issue to restrain the ministerial act of an officer, and the supreme court expressly held, again on precedent, and specially reversed the decision of Williams vs. Lewis and held that it would not do.

### CHARGES INCONSISTENCY.

Two years later a convention was held at Troy, Idaho. The writer was nominated for attorney general, declined and filed his written declination. A writ of mandamus issued out of the supreme court to have the ticket filed and the supreme court held, over protest, that it should be so filed and certified. (Grant vs. Lansing, Fifteenth Idaho). In the first case referred to the nominee was trying to have the ticket filed and certified to and the supreme court held they could not; in the latter case they were asking the court to prohibit the filing and certifying of the ticket and the court held that it should be certified, that is to say, in the one case over their protest certain nominees named were taken off the official ballot and in the other case the nominees, some of whom were the same, had their names retained on the official ballot over their protest. Nobody knows better than the judges themselves that courts are courts of chance, and sooner or later litigants learn it.

The federal government has appropriated large sums of money for good roads, but the entire state in a way that is believed to be satisfactory to every subdivision of the state, but there is grave fear that the good roads law will be held unconstitutional by the courts.

What is the condition with reference to county affairs? We elect three men as county commissioners, the most important office in the county. The law prohibits doing it any other way. Business conditions and business experience demonstrate that our county affairs should be administered by a county manager.

### IN CITY AFFAIRS.

The same is true of city affairs. The city council and mayor of 25 years ago is as obsolete as a mummy of ancient Egypt. The modern demand is for a business management and that is what we should have. Each county in this state has abundance of water power. There are only three cities in the state that own their own water and lighting systems. Cities and villages should own, control and manage their water and electrical and other monopolistic industries. This can be demonstrated in this way. Boise has in the last 10 years paid out more than \$200,000 for labor and more than \$100,000 has been paid to non-residents of the state at the very time when

## NOSE CLOGGED FROM A COLD OR CATARRH

Apply Cream in Nostrils To Open Up Air Passages.

Ah! What relief! Your clogged nostrils open right up, the air passages of your head are clear and you can breathe freely. No more yawning, sniffling, mucous discharge, headache, dryness—no struggling for breath at night, your cold or catarrh is gone. Don't stay stuffed up! Get a small bottle of Ely's Cream Balm from your druggist now. Apply a little of this fragrant, antiseptic cream in your nostrils, let it penetrate through every air passage of the head; soothe and heal the swollen, inflamed mucous membrane, giving you instant relief. Ely's Cream Balm is just what every cold and catarrh sufferer has been seeking. It's just splendid. Adv-

## PARK FOR CITY AT THE SUMMIT NOW PROPOSED

### Petitions Put in Circulation Asking the Government to Give Boise Large Tract of Land for Place of Recreation.

## PLAYGROUND FOR RESIDENTS OF CITY

### Radical Change of Climate Can Be Secured by Traveling but 10 Miles—Better in Many Ways Than a Trip to the Seashore.

W. H. Innis is leading in a movement in Boise to secure from the government a large tract of land on the summit between Boise and Idaho City for park purposes. He has had petitions prepared, which are now being circulated, asking that the government give to the city a large tract which can be improved for a park of summer playground for the citizens of Boise. Mr. Innis points out that Denver and Pocatello both have secured such tracts, which they are beautifying and he believes the time is ripe for Boise to ask for the land, that it may be improved and put into condition for a park home for Boise people and visitors. These petitions have been left at all the drug stores in the city and Mr. Innis asks that the citizens sign them at an early date that they may be forwarded to Washington for action.

Mr. Innis sees a great future ahead for Boise and believes it needs a highland park for summer outings and to attract the attention of automobile tourists, who are passing through Idaho in greater numbers each season.

### IDEAL SPOT FOR PARK.

"Few realize that we have a garden spot as to location, climate and today Boise is unequalled by any other town in the United States considering its transportation," said Mr. Innis. "With all natural advantages we have little attention paid to them. I will call your attention to one of importance for the future comfort and pleasure of our then vast population in the way of a park.

"People of other sections travel all over the country, for a change of climate while we have it at our very door within less than one hour's drive, giving us an altitude of from half to one mile higher than Boise, making a distinct change of climate and a beautiful view of Boise valley and its surrounding country, a clear unobstructed view of the Blue mountains over in Oregon, and the towering peaks with their perpetual snow, the Owyhees.

"It will pay any resident of Boise to make a trip to this mountain height to witness the rising sun and as to the sitting sun there is no view, even in the Alps that can compare with it.

### BETTER THAN THE COAST.

"Hundreds of people in Boise must spare the time or money to take an outing at the seashore but all can go to this beautiful spot of nature, saving not only the cost and time, of a hot dusty trip in poorly ventilated and over-crowded coaches, on both going and returning trip, requiring one to take a week's rest on his return home. So why all this trouble when in one hour you get the change of climate with so little expense and you can spend in absolute rest the days occupied in going away. Being so near home you will have no worry of business or family affairs.

"While our people today are looking far beyond these pleasure grounds yet a few years in the future with the increasing population it will be fully appreciated."

### Colds Cause Headaches and Grip.

LAXATIVE BROWN'S SINK removes the cause. There is only one "Brown's Quinine." E. W. GROVES signature is on box. 25c

A chest containing colonial relics was unearthed in Jewett City, Conn., by Louis Gill while digging on his land. In the chest were found records of the battle of Bunker Hill written by Joseph Warren, part of an old book on gospel unity, two book covers bearing dates of 1701 and 1750, a coin dated 1722, a pistol of the revolutionary period, three pieces of Indian wampum and a pen and ink map of the plot on which the chest was buried.

### Make Your Kiddies Laugh

Children smile when they take **Foley's Honey and Tar**. It tastes good. 2nd, It makes them feel good. It will turn a feverish, fretful, coughing child into a happily smiling one. Because—it puts a healing, soothing coating on a feverish, inflamed, tickling throat. It helps soothe and stuffy, wheezy breathing. It stops coughs quickly, and it wards off croup. It cleans the noisettes, does not upset a delicate stomach, and the last drop in the bottle is just as good as the first. Try it.

WHITEHEAD'S DRUG STORE.

# MAJESTIC

## TODAY AND TUESDAY

### GLADYS COBURN

## "THE BATTLE OF LIFE"

THE STORY OF A GIRL'S BATTLE FOR HER GOOD NAME.

## 2 - VAUDEVILLE ACTS - 2

## AND AN EXTRA ADDED ATTRACTION

## THE 2ND IDAHO TROOPS

### ON THE MEXICAN BORDER



GUARD ON DUTY

SCENES OF THE MOBILIZATION IN BOISE. THE WORK AND HUMOR OF CAMP LIFE. THE RECEPTION ON THEIR RETURN TOLD IN MOTION PICTURES. WERE YOU IN THE CROWD THAT WELCOMED THEM?

## SEE YOURSELF IN PICTURES IF YOU WERE THERE

ing with her sister, Mrs. H. E. Neal, for some time, returned to her home in Portland Friday.

### Pierce Park Collister

There will be a meeting Tuesday evening, Jan. 16, in the Collister school house, to organize a branch of the farm bureau association. The meeting will be addressed by E. L. Williams, county agent for the bureau, which is under the state and county government.

The Woman's Relief corps of Boise presented a flag to the Collister school Friday. Mrs. F. H. Little made the speech of acceptance. Many small flags were wrapped in the larger one, which fell out when the flag was unrolled, and were presented to the school children. The school boys raised the flag on the flagpole.

### ELECTRIC LIGHTS

Here you get the kind that will give you the service. Common Carbon 16 c. p. lights 15c, 2 for 25c; Mazda lights, best made, 10, 15, 25 and 40 watt are 27c each; 60-watt, 36c; 100-watt, 65c. The Racket Store, Opp. Postoffice, 311 N. 8th St. J11

## BAD BREATH

### Dr. Edwards' Olive Tablets Get at the Cause and Remove It

Dr. Edwards' Olive Tablets, the substitute for calomel, act gently on the bowels and positively do the work.

People afflicted with bad breath find quick relief through Dr. Edwards' Olive Tablets. The pleasant, sugar-coated tablets are taken for bad breath by all who know them.

Dr. Edwards' Olive Tablets act gently but firmly on the bowels and liver, stimulating them to natural action, clearing the blood and gently purifying the entire system. They do that which dangerous calomel does without any of the bad after effects.

All the benefits of nasty, sickening, griping cathartics are derived from Dr. Edwards' Olive Tablets without griping, pain or any disagreeable effects.

Dr. F. M. Edwards discovered the formula after seventeen years of practice among patients afflicted with bowel and liver complaint with the attendant bad breath.

Dr. Edwards' Olive Tablets are purely a vegetable compound mixed with olive oil; you will know them by their olive color. Take one or two, every night for a week and note the effect. 10c and 25c per box. All druggists.

TOILET PAPER.

In two sizes, a medium size roll, 4 rolls 25c; large rolls, good quality of crepe paper, 3 rolls 25c. The Racket Store, Opp. Postoffice, 311 N. 8th St. J11

320 IDAHO ST.

### It Has Been Remarkd "My, But Things Look Good Today!"

## New Things

- Cuban Tomatoes
- Imported Malaga Grapes
- Florida Peppers
- Hothouse Tomatoes
- Hothouse Cucumbers
- Hawaiian Pineapples
- Head Lettuce
- Brussels Sprouts
- Cauliflower
- California Grape Fruit

## W. J. CAMPBELL AND SON

PHONE 15.

## UKULELES

The New Hawaiian Instrument Prices From \$4 to \$16

At SAMPSON'S

## WRESTLING MATCH!

### Tonight -- Pinney Theatre -- Tonight

## MASK MARVEL

## FRANK MCCARROLL

## OF BOISE

Good Preliminaries for Gold Medal; Good Music; Vaudeville; Clean Show for Ladies. Tickets Now on Sale.

Murphy Cigar Stores, Pinney Theatre.

Doors Open at 7:45—Start, 8:30. Price—50c, 75c, \$1.00

## EXTRA—THE WAIF TRIO—EXTRA

Chicago Newsboys in Songs and Dances.

## MEN

We offer you the quickest and most thorough treatment in all acute and chronic private diseases.

Do not depend on a friend's prescription of patent medicines. These never cure, only alienate.

With the new French treatment recently introduced we are able to eradicate these troubles in a much shorter time than with the old course of treatment.

## Idaho Medical Company

6, 7 and 8 Odd Fellows' Temple Entrance 903 1/2 Idaho BOISE, IDAHO