

# Supreme Court Jimmies Constitution and Robs People of Their Veto Right

"For the immediate preservation of the public peace, health and safety, or the support of the state government, or its existing institutions."

Read that phrase carefully. It is the phrase which legislators tack onto a bill supposed to be passed only when a real emergency exists—when the legislature needs take the gravest and

promptest steps for the immediate protection of the public. Now read the supreme court's decision today in which it holds that the law "regulating"—really knocking out—jitney busses, and the Reelick bill, which forces cities to borrow money from bankers even when they have plenty of their own and three other bills even less vital, are emergency measures. The supreme court holds that it was so all-fired contrary to the

public peace, health and safety of the state for jitneys to run that the people must not be allowed to speak their minds on the subject by referendum. The court holds that our last legislature of odorous memory met a real emergency in state affairs when it made a law that cities must continue to pay tribute to money-changers, whether they really needed to or not. Therefore, the people cannot refer these bills.

Was ever a decision so obviously out-of-joint, so full of legal verbiage, so devoid of common sense and plain justice? Indeed, has ever a similar blow at the liberties of the people of this state been taken by any court? Has ever a court so ignored the spirit of the constitution of this state, by which the people of this commonwealth reserved to themselves the use of the referendum on all measures they did not approve? When has

there been another decision so founded by a stretched, unnatural and super-technical construction of the law? NOT ONLY IS A BAD DECISION MADE IN THE CASE OF THESE FIVE BILLS BUT A PRECEDENT IS ESTABLISHED FOR ALL MANNER OF FURTHER JIMMING WITH THAT WHICH IS THE PEOPLE'S. THERE ARE JUST TWO MOVES FOR THE PEOPLE OF THE STATE TO TAKE:

FIRST: JUST GET IT INTO THEIR HEADS THAT IF THEY LEAVE THEIR LIBERTIES UP TO THE SUPREME COURT, THEY WILL LOSE THEM. SECOND: THEY MUST TAKE UP THE FIGHT OF THE REFERENDUM WHICH ARE LEFT. By their own efforts, they must preserve the very rights of the initiative, the referendum and the recall from the efforts of the last Sims-Davis-McArdle legislature.

They themselves must strike down the bill which would regulate labor-picketing even more severely than the present rulings of the courts in injunction cases. They must defeat the bill to prevent the future extension of municipal ownership. A useful lesson, that decision, if you look at it aright! It means no one is to look out for the liberties of the people of this state except the people themselves. Indeed, practically all the state of-

ficialdom is interested most of the time in defeating or soft-pedaling popular rights, else we should be far, far in advance of where we are. SO TAKE THE LESSON, PEOPLE, AND STRIKE A BLOW IN THESE REFERENDUM PETITIONS THAT WILL MAKE OFFICIALDOM A LEGISLATORS, SECRETARIES OF STATE AND SUPREME COURT-ERS—WAKE UP TO WHAT YOUR REAL TEMPER AND POWER ARE.



## The Tacoma Times

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WEATHER Tacoma: Fair. State: Fair.

# NOW WHAT'S TO BECOME OF JITNEYS?

## CHARGES BARNES GRAFTED

SYRACUSE, April 23.—Col. Theodore Roosevelt today pictured William Barnes as a political Dr. Jekyll and Mr. Hyde, who had one code of morals for his private dealings and entirely another one for his public life.

In his years of political intimacy with Barnes, said Roosevelt, he had steadily endeavored to develop the good traits of Barnes, and to make of him a useful, forceful citizen.

But he declared he had failed and finally had given the whole matter up as a bad job.

On cross examination by Attorney Ivin for Barnes, Roosevelt alternately made his points in vigorous speeches, and engaged in a spirited verbal exchange with his cross-examiner. Then he would present his views of Barnes for the jury's consideration.

How William Barnes was the most "conspicuous beneficiary of graft, public extravagance and the raiding of the municipal treasury" in regard to public printing by the city of Albany and the state of New York, late yesterday was read into the record of the Barnes-Roosevelt libel trial.

This charge was made against him by a legislative committee several years ago, and was entered in the case by Col. Roosevelt in an attempt to prove that Barnes really is a disreputable political boss.

Extracts from this report are: That Barnes politically was lined up with the gambling, vice and liquor houses of Albany, and that his political lackeys received money from these resorts.

That Barnes owned the Albany Journal, which had the inside track on all matters of public printing. The report said that so strong was the Journal's hold on public printing that often it was unable to do all the work piled on it, and was compelled to "farm it out" to the Argus, a competitor. On these assignments, the Journal made 15 per cent without doing any of the work.

Paided Amounts. The report further stated that Barnes absolutely controlled printing in the state capital; that he was owner of one company, owned one-fourth of another; and collected tribute from a third. The report debited from a third, the Argus, the Journal's hold on public printing that often it was unable to do all the work piled on it, and was compelled to "farm it out" to the Argus, a competitor. On these assignments, the Journal made 15 per cent without doing any of the work.

It was still further stated that the Argus bid lower than Barnes' paper, but could not get the business because Barnes was on the "inside." It was said public printing was padded for the benefit of the Journal and that work was sometimes paid for twice.

## SPEEDER BEWARE!

By unanimous consent, the city council today issued a proclamation to automobile owners in Tacoma, warning them that wholesale arrests of speeders would occur hereafter on the Pacific avenue and South Tacoma boulevards. Commissioner Woods recently improved both roads with gravel. He intends to roll them and spread oil on them this summer. Speeding automobiles have torn up the roads so badly, he declared today, that some action must be taken. The council decided to put special speed officers on both boulevards, and to arrest any person, irrespective of "pull," official capacity, or prominence, who dares to exceed the 20-mile limit.

## Write Political Obituary, But Of Whom Is Question

BY NIXOLA GREELEY-SMITH. COURTHOUSE, SYRACUSE, N. Y., April 23.—A political obituary is being written in this courtroom. Will it be that of Theodore Roosevelt or of William Barnes? The next few days and the 12 sphinxes in the jury box now sitting with their two dozen eyes riveted on Roosevelt will answer that question.

The colonel, always a practical man, sits half facing that jury, and there is no doubt that he fascinates it. Jurymen No. 5, a carpenter by trade, a progressive in politics, hardly ever takes his adoring eyes from the face of his prophet.

When the colonel comes into court in the morning he is bowing and smiling at all the world. His mail is handed to him and he reads it, his usually beautiful hands holding each paper very close to his spectacled eyes. Before court opens he answers a day telegram telling him of Mrs. Roosevelt's condition. She is ill in a hospital in New York.

T. R. PUTS ON FIGHTING FACE But when the business of the day begins his exuberance simmers down. Now he wears HIS FIGHTING FACE. His close clipped head, which looks like the projectile of a 42-centimeter gun, is lowered into his hunched shoulders whenever either his counsel or one of the lawyers for the republican boss refers to the alleged libel for which Mr. Barnes is suing.

Teddy nods that famous head emphatically, affirmatively, as if repeating to all the world: "Yes, I said it, and I say it once again. And even if it costs me \$50,000 I shall keep on saying it, because it's so."

I believe every single one of those famous teeth might be pulled out and the colonel would still refuse to swallow a single one of those words.

You should have seen him when Ivin, chief counsel for Barnes, read to the jury the allegation that Barnes and Murphy ride a political seesaw in New York, with the common people as a trampoline. That 42-centimeter Howitzer head nodded so approvingly, so defiantly.

And Boss Barnes, sitting among his counsel at the adjoining table, saw that defiant nod and smiled a slow, cold, sardonic smile.

PICTURE OF BARNES IN COURT I wish you might have seen that sinister polar smile of Boss Barnes at bay. A most interesting and powerful face has this republican boss of New York state. He is very dark, his black hair showing a fringe of gray about the close set ears.

He has a lowering, swooping look, like that of a hawk hovering over a poultry yard. But that hawk-face is heavy with fat, as though the hawk had swooped and swallowed a great many times.

The boss has the face and figure of the man who has lived well. Teddy in an every look and at an gesture, in his lordly complexion, bright eyes, quick cat-like motions shows the simple outdoor country life he leads.

These two men attended the same college, Harvard, though Teddy was there several years before the republican boss. For years they were friends. It was not until after Barnes had helped in the second nomination of Taft for the presidency that the colonel discovered there was nothing to choose between Barnes and Murphy. Now the questions to be decided is whether he libeled Barnes by making public that discovery.

AFTER THE TRIAL, WHAT? And if a jury decides that it was libelous to compare Barnes to Murphy, won't Murphy be able to sue the jury for libel? Why not? All these things have still to be decided, but the great question to be answered by the revelations at this trial—the stories of secret alliances and political trades—Is whether Roosevelt shall triumph and ride on a new wave of popularity into a third term as president of the United States and Boss Barnes shall be shorn of his power and prestige forever, or whether Barnes shall win and the colonel suffer the first real knockout of his long career in politics.

REMINDED OF GREELEY TRIAL The jury which will decide this great question is a blue-eyed jury. It is clean shaven, there are only four mustaches among the 12. Its average is 40. Its most interesting number is No. 5, the progressive carpenter, who sits among his stiff-collared colleagues in a dark blue flannel shirt.

A very interesting thing to me about this case is that one of the legal precedents which will be cited in the suit for libel brought by Dewitt C. Littlejohn, speaker of the New York assembly in the late sixties, against my grandfather, Horace Greeley. Like Boss Barnes, Littlejohn asserted that his political reputation had been damaged. The case was tried about 30 miles north of here and Mr. Greeley was vindicated. The verdict looks like a precedent to me.

## SEATTLE OPENS BATTLE AGAINST DISEASED MILK

SEATTLE, April 23.—Stirred by the exposure of the tubercular milk traffic in Tacoma, Seattle today awoke to these facts: Sixteen per cent of the cows furnishing Seattle with milk are infected with tuberculosis.

Approximately 95 per cent of the milk sold in Seattle comes from cows which have not been tested for tuberculosis. Less than 50 per cent of this milk is pasteurized to kill tubercular germs.

Much of this milk is fed to children. Medical authorities agree that a large percentage of tubercular cases among children is caused by tubercular germs in milk. Some authorities place the percentage as high as 75.

At present there are 12 little children at the city tuberculosis sanitarium that haven't a chance to get well. There are many other children on the list waiting for admission to the sanitarium, which now is crowded to capacity.

AND SEATTLE MILK-MEN CONTINUE TO SOW THEIR HARVEST OF DEATH WITHOUT INTERRUPTION. Mayor Gill and Health Commissioner McBride are putting the finishing touches on an ordinance similar to Tacoma's, which probably will be introduced in the council Monday, to make possible the searching out and destroying of every cow that now is aiding in spreading the "white plague" over the city.

Sight to Make Man Cry, "I say without reservation that this is the biggest thing that has been attempted since I have been mayor," said Mayor Gill today. "I have spent considerable time studying the situation, and I

know just how dreadful it is. If you could go out there to Finland, and see some of those little children dying, just because they were fed on diseased milk, you would realize as I do that something has got to be done. I tell you, it's a sight to make a man cry."

## T. R. & P. MAKES CITY AN OFFER

The Tacoma Railway & Power Co. wants to furnish Tacoma power for emergencies. Manager Louis Bean of the street car corporation appeared before the city council in Mayor Fawcett's office early today and made a proposition by which the city would be saved the expense of building a \$100,000 steam auxiliary system.

Here's Bean's offer: "The T. R. & P. asks the city to waive last year's decision of the supreme court, by which the traction company was forced entirely out of the power field in Tacoma.

The company then will enter into a contract not to attempt to take back any of the electric contracts the city took from it, and guarantee to furnish the city, at a moment's notice, 25,000 horsepower.

Mayor Likes Idea. "It looks like a god proposition," said Mayor Fawcett, after the meeting. "If we can get a perpetual contract of this kind, I am willing to agree to it. We can compete for the power business, because the city can understand the power company, and the

## Beach Belle Uses Octopus As Wristlet In Weird Sand Dance



Miss Diana Rico and Her Weird Pet.

LOS ANGELES, April 23.—Probably the strangest pet ever adopted by the shrinking sex is the little octopus carried by Miss Diana Rico, a belle of the beaches here. Whenever she goes bathing or strolling along the sands, Miss Rico carries the tentacled mascot wrapped about her wrist.

This weird creature of the deep gave Miss Rico an inspiration for a new tango step, "The Dance of the Octopus," which created a sensation when she first stepped its sinuous figures on the beach. When not clinging to the arm of its mistress, the baby octopus creeps about a little tank built especially for it.

T. R. & P. cannot undercut its rates, as filed with the public service commission." Bean explained that his company had mortgaged its power franchises to the Old Colony Trust Co. of Boston, and that since the supreme court's decision its security for the mortgages had been removed, and it merely

wanted to get the security back again. PUYALLUP, April 23.—W. H. Paulhamus, president of the fruit growers' association, says little damage has been done by the frosts of the last night or two. Strawberry buds were nipped slightly.

## COUNTY TO ACT; CITY NOT

With the supreme court decision against them, the jitney bus drivers began to learn today just what they are up against if they wish to continue in business.

First of all, Prosecutor Remann announced that from now on he would be compelled to enforce the law. While it has been pending before the supreme court, he has taken the position that it should not take effect.

He said today, however, that all drivers should take warning that they must have licenses and bonds or they would be arrested.

In Seattle, the street car company has employed a number of detectives to spy on the jitneys. Here, this plan of open hostility will not be undertaken at once, it was said at the T. R. & P. Co. Later, however, the company might find some such steps necessary to self-protection, it was added.

Sheriff Longmire began looking into the law carefully, as he must enforce it without the city limits. Costs \$105 a Year. Attorney Dovell, for the jitney men, said that some of them would continue in business, as for \$100 they can obtain a bond, while the charge for a state license is \$5 additional. There was no doubt in his mind that many of them would be compelled to quit driving, he said.

The Tacoma police department will make no effort to enforce the law. Commissioner Mills notified the city council today that he had instructed his officers to take no action.

Will Bring an Ordinance. "The city gets no revenue from jitney busses, therefore I see no reason why the police department should waste its time trying to learn whether or not the jitneys have furnished bonds for their cars. If the state wants to enforce the law, let the state send its inspectors here," said he.

Mills informed the council also that he would introduce an ordinance Wednesday, May 5, regulating jitneys. It will limit the number of persons riding in a jitney and enforce definite routes.

## CZAR READY

PETROGRAD, April 23.—Czar Nicholas arrived today at Lemberg en route to the front to inspect the Russian lines in Galicia and the Carpathians.

With this announcement it is accepted that the Russian forces are being prepared for the offensive against the Austrians and Germans on the southern front as soon as the weather settles. Because of melting snow and spring rains the campaign in general remains at a standstill.

WHEN A MAN'S MARRIED. A series of comic panels showing a man's wife and a butler. Panel 1: "THERE WILL BE A LOT OF SOCIETY PEOPLE AT THIS VANDERPOOL RECEPTION THIS EVENING AND WE WANT TO MAKE AN IMPRESSION—YOU TRY AND SING UP TO MR. VANDERPOOL." Panel 2: "I WONDER WHERE TOM HAS GONE." Panel 3: "WE ARE HAVING A VERY PLEASANT TIME HERE TODAY—YOU MUST COME OVER AND CALL ON US SOME TIME—DROP IN ANY TIME AND BRING MRS. VANDERPOOL WITH YOU." Panel 4: "WHY DO YOU WANT TO STAND OUT THERE AND TALK TO THAT BUTLER?"