

JUDICIAL SALARIES AND THE CONSTITUTION

Von Moschzisker Did Not Express Intent of Framers of Organic Law.

JUDGES ARE PUBLIC OFFICERS

Debates in Constitutional Convention Clearly Show That Delegates Were a Unit in That View of the Subject.

The general assembly of Pennsylvania passed an act, approved the 14th day of April, A. D. 1892, entitled: "An act to fix the salaries of the supreme court, of judges of the superior court, judges of the court of common pleas and the judges of the orphans' court."

Before the passage of this act the total compensation paid out annually for these judges in this state was \$565,000; by reason of the passage of said act the total pay of judges was increased to \$1,011,500.

The constitution of Pennsylvania, section 13, article III, reads as follows: "No law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment."

The state treasurer, under his oath of office to obey and support the constitution, refused to pay the judges the increase given them by said act of assembly on the ground that it was in direct violation of the above provision of the constitution of Pennsylvania.

Judge von Moschzisker decided that the above act was constitutional and that the judges were entitled to the increase of salary given them by said act, notwithstanding the plain provisions, above quoted, of the constitution prohibiting such increase.

There can be no misunderstanding of the language of the above constitutional provision. It is as plain as the English language can make it. "No law shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment."

Judge von Moschzisker, finding that the language of this provision was too plain to be explained away, then bases his opinion upon what he terms to be the intent of the framers of the constitution of 1873.

Mr. Calvin—I move to go into committee of the whole for the purpose of amending section 15 (now 13), article I, by adding these words, "except judges, whose salaries may be increased."

Mr. Kaine—I desire to prevent all rolling upon the subject of the salaries of all officers, judges included. I have seen as much log-rolling in the legislature in regard to increasing the

salaries of judges as I have seen with regard to the increase of compensation of any other officer."

Mr. McConnell—"I am in favor of putting judges on the same footing with every other officer in the state."

The amendment was defeated, Yeas 25, Nays 55. Pages 417, 418, 419, 420, Vol. 7, Convention Debates.

On Oct. 29, Andrew Reed moved to amend the 15th section of the schedule by inserting the words, "nothing contained in this constitution shall be held to reduce the compensation now paid to any law judge of this commonwealth or prevent the same from being increased by law."

The chair having ruled against the point of order, Governor Curtin said: "I do not think that the salary of any official in the state should be increased or diminished during the term for which he was appointed or elected."

A short time before the final adjournment of the convention, Charles R. Buckalew, chairman of the committee on revision, with the approval of that body, drafted an address to the voters of the state, in which he changes in the fundamental law were set forth.

In 1889 Governor Beaver, now a judge of the superior court, vetoed a bill similar to that affirmed by Judge von Moschzisker. In his veto message he said: "There can be no doubt that if the present bill become a law and the present judges of our courts were to avail themselves of its provisions without legal protest from any quarter, the bench would be degraded in public esteem and its decisions upon other questions fail of the respect which they now receive and to which they are undoubtedly entitled."

Robert von Moschzisker, the Philadelphia judge who declared the act of the 14th of April, 1903, about increasing the salaries of judges, constitutional, and that the same was not in conflict with section 13, article III, of the state constitution, because a judge was not a public officer within the meaning of said section, is the same Robert von Moschzisker who is now asking the suffrages of the people of Pennsylvania to elect him to the supreme bench of that state.

The issue is clean cut before the people of this commonwealth in this contest between Cyrus LaRue Munson, the people's candidate, and Robert von Moschzisker, whose nomination was forced upon the Republican party at the dictation of the Philadelphia contractors combine.

The greatest privilege of American citizenship is that of voting. It is the supreme test of political and civic liberty. Patriots in all periods of civilization have jeopardized their lives to secure that great right.

Mr. Calvin—I move to go into committee of the whole for the purpose of amending section 15 (now 13), article I, by adding these words, "except judges, whose salaries may be increased."

The fact that the defeat of the Republican ticket this year would compel the Republican managers to nominate better candidates in the future ought to be sufficient reason to guarantee that result, if there were no other reasons.

If every Democrat in Pennsylvania votes this year Sisson and Stober will be defeated a good deal worse than J. Lee Plummer was "snowed under" in 1905.

PUT YOUR "NO" THERE

Clinton County Republican Newspaper Points Out a Danger.

We find the Lock Haven Express, the leading Republican newspaper in Clinton county, cautioning its readers against the seventh proposed amendment to the state constitution to be voted for at the election next month.

If this amendment were adopted the legislature would have the power to change the system of choosing election officers. Now they are elected. The legislature might pass a law providing that they be appointed.

The Express, nobly performing a conscientious duty to its readers, points with unerring accuracy, and with admirable frankness, to the vulnerable point in this proposed amendment when it declares that it may be dominated by the politicians.

Figures Indicate Democratic Victory.

More than 450,000 votes were cast in this state for William Jennings Bryan, Democratic candidate for president. These votes were practically all cast by Democrats.

In 1906 Edwin S. Stuart, Republican candidate for governor, polled 501,818 votes, or about 100,000 less than the combined strength of the Democrats and the Lincoln party.

Thus it will be seen that if the Democrats are alert and just to their candidates the election of their ticket is certain this year.

It's a Question of Business.

There are various ways of creating interest in a political campaign. The best is to talk upon the issues involved. In the present campaign there is absolutely no politics.

The Penrose machine believes in government for the benefit of the individuals who compose it.

During the two years in which William P. Snyder, auditor general, and W. S. Mathews, state treasurer, occupied seats in the board of public grounds and buildings, \$9,000,000 were stolen out of the treasury.

The Democrats have no office holders to assess in order to make up a campaign fund, but they have no votes to buy, either, and there are patriotic Democrats enough to make up the lesser amount necessary to conduct a legitimate campaign.

BERRY AND NILES FOR CIVIC RIGHTEOUSNESS

Militant Reformers Address a Non-Partisan Meeting in Pottsville Friday Night.

SUMMON CONSCIENCE TO DUTY

Both Gentlemen Urge Opposition to Machine Men and Methods and Ask Support For the Admirable Democratic Candidates.

The non-partisan meeting held in Pottsville last Friday night in the interest of the Democratic state ticket, C. LaRue Munson for justice of the supreme court, J. Wood Clark for auditor general and George W. Kipp for state treasurer, was a political event of great significance.

That it will have a marked influence on public sentiment throughout the state there can be no doubt. The example of such men cannot be lost to a conscientious people.

The principal speakers at the meeting were Hon. Henry C. Niles, chairman of the Lincoln party, and William H. Berry, the courageous and capable former state treasurer, who exposed the capitol grafting and saved the public millions of dollars which would have been stolen if he had not revealed the facts.

The greatest improvement in the political condition of Pennsylvania has been the result of the defeat of bad Republican candidates by independent Republican voters.

More than 100,000 Republicans in the last four years have shown again and again their readiness to vote against the candidates of their party when the bosses have been emboldened to nominate men too outrageously unfit, or by methods too glaringly improper.

The situation of four years ago is now paralleled. The manipulators of the Republican organization have had enough of such men as Stuart, Young and Sheatz.

By a happy providence, the Democratic candidates, Munson, for the supreme court; Kipp, for state treasurer, and Clark, for auditor general, are of the highest type of public men, and are unhampered by any personal or party obligations inconsistent with their duties to the whole people.

It argues well for the future of Pennsylvania politics that representatives of opposing political parties are found upon the same platform urging the election of the same candidates for state offices.

The candidates on the Democratic ticket are men of exceptional character and fitness for the offices for which they have been named, and no possible question can arise as to their entire freedom from obligation to any coteries of bosses.

I have long believed that one of the greatest evils in Pennsylvania politics is the enormous preponderance of the Republican party strength over its strongest opponent.

So bold and daring had this oligarchy grown that in 1905 the Independent Republican voters joined with the Democrats and elected a Democrat to a state office.

DEFEAT THE AMENDMENT

Such a Provision In Our Fundamental Law Involves Danger.

Work For Victory.

A week from next Tuesday is election day and every hour of the time intervening which Democrats can spare from their usual vocations ought to be given to preparing for that event.

The forces which elected William H. Berry to the office of state treasurer in 1905 are united and active in the interest of C. LaRue Munson for justice of the supreme court; J. Wood Clark for auditor general, and George W. Kipp for state treasurer.

If Berry had not been elected the grafting in the capitol furnishings would be going on yet and by this time \$25,000,000, or possibly more, would have been stolen from the treasury.

There are enough Democrats in Pennsylvania to elect the entire Democratic ticket by a good majority and there is enough incentive in that result to bring every Democrat to the performance of his duty.

Berry Predicts Big Democratic Victory. Former State Treasurer William H. Berry, of Chester, who was in Harrisburg this week, uttered a belief in the probability of a Democratic victory on the state ticket next month.

The Quay statue was brought into the capitol at Harrisburg the other day with a hood of black burlap over its head and a heavy rope around its neck.

The Republican machine is putting new burdens on its unhappy victims. Public officials at the state capital and in the cities under Republican control are now compelled to join a Republican club as well as contribute to the campaign fund.

The president is a large man—physically, mentally morally. In no wise is he of sufficient bulk, apparently, however, to stem the rising tide of tariff reform.

Get out the vote. The figures will do the rest.

No thoughtful man can misinterpret the purpose which the promoters of this scheme have in mind. It is to take power out of the hands of the people and lodge it in the hands of the party machine.

No thoughtful man can misinterpret the purpose which the promoters of this scheme have in mind. It is to take power out of the hands of the people and lodge it in the hands of the party machine.

Such a Provision In Our Fundamental Law Involves Danger. The proposed seventh amendment to the constitution is absolutely without merit.

Such a Provision In Our Fundamental Law Involves Danger. The proposed seventh amendment to the constitution is absolutely without merit.

Such a Provision In Our Fundamental Law Involves Danger. The proposed seventh amendment to the constitution is absolutely without merit.

Don't Forget.

[From the Philadelphia Record.] An extra session of congress was called by the president to redeem the promise of the Republican party platform to revise the tariff so as to effect a reduction of duties.

There were some reductions, but the duty on wool and woollens remains abhorrent and untouched; and the duty on cottons was essentially increased.

Probably Forester Pinchot overstates the case when he says that "the lines in this country are being pretty closely drawn between those who stand for good government and those who stand for special privileges."—Springfield Union.

Retribution in the Ballot Box.

It seems more than likely that the humble consumer will hand it back to congress, and with some interest, the next time election day rolls around.—Washington Herald.

According to the present range of prices, the ultimate consumer in these plantations may be driven to reside in an igloo and feed on pemmican.—Providence Journal.

Federal Government.

It is a mistake to suppose that the idea of federation in government originated with the framers of the United States Constitution.

Albion is by all odds the most important of the ingredients of our food. It is that part of the food upon which nutrition mainly depends.

To Protect Flowers.

Cover window plants with papers. If it is necessary to cover a stand of flowers more closely, push a heavy reed into several cracks and throw a woolen shawl over them to make a tent.