THE COLUMBIAN, BLOOMSBURG,

JUDICIAL SALARIES AND THE CONSTITUTION

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

JUDGES ARE PUBLIC OFFICES

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., 1903, entitled: "An act to fix the salaries of the supreme court, of judges of the superior court,

1873

other

tioned."

Mr. Buckalew raised the point

judges of the court of common pleas and the judges of the orphans' court."

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. A writ of peremptory mandamus was issued by the court of common pleas of Dauphin county, at the instance of the attorney general, for the use of certain judges therein named, including nearly all of the common pleas judges of the city of Philadelphia, to compel the state treasurer to pay the said increase. This case was heard and the opinion written by Judge Robert von Moschzisker, of Philadelpria, who was then, and is now a common pleas judge of that city, and will be found reported in full in 210 Pennsylvania. commencing at page 372 in the case of Commonwealth vs. Mathues.

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. In order to avoid and over-ride the above plain language of the constitution. Judge von Moschzisker decided that a judge is not a public officer within the meaning of the above quoted constitutional provision. This was a startling proposition, not only to the legal fraternity hroughout the state, but to the laymen as well. The question has been usked throughout the state, both by awyer and laymen, "Suppose the ibove act decreased instead of in-

calaries of judges as I have seen with regard to the increase of compensation of any other officer." PUT YOUR "NO" THERE of any other officer." Mr. McConnell—"I am in favor of putting judges on the same footing with every other officer in the state.

Clinton County Republican Newspaper Points Out a Danger.

Mr. Howard—"I hope that amend-ment will not pass. The judges are the most importunate beggars to have their salaries increased we have in the [From the Williamsport Sun.] We find the Lock Haven Express, he leading Republican newspaper in commonwealth." The amendment was defeated. Yeas, 36; nays, 55; Pages 417, 418, 419, 429; Vol. 7, Convention Debates. Ing the words, "but which tsalaries of nmendment was rejected. Page 527; Vol. 7, Convention Debates. Ing the words, "but which tsalaries of amendment was rejected. Page 527; Vol. 7, Convention Debates. In the seventh proposed amend-ment to the state constitution to be voted for at the election next month, the provision of which purposes to make possible the creation of district clection boards by appointment rather than by a vote of the people, as now provided. Upon this quertion the Ex-press says: Vol. 7, Convention Debates. Convention Debates. It this

Amendment was rejected. Page 527. Vol. 7, Convention Debates. On Oct. 29, Andrew Reed moved to amend the 17th section of the schedule by inserting the words, "nothing con-tained in this constitution shall be held If this amoniment were adopt-It this amonument were adopt-ed the leadslature would have the power to change the system of choosing election officers. Now they are cletted, The legisla-ture might pass a law providing that they he appointed. The vot-ers will have an opportunity to your scenario anon this around tained in this constitution shall be held to reduce the compensation now paid to any law judge of this common-wealth or prevent the same from be-ing increased by law." In support of his preposition Mr. Reed said: "I am aware that the section provides that the legislature shall fix the compensa-tion of judges, but when they fix it, it remains the state they fix it, it vote separately upon this amen-ment. Those who believe that the system of choosing electio that officers by popular vote is better than the selection of such officers tion of judges, but when they fix it, it remains fixed and cannot be increased during the term of any judge in the state by a commission, perhaps domi-rated by the politicians, may ex-press their convictions by mark-ing a "No" after amendment after amendment seven.

Mr. Bucknew raised the regular arti-order that in one of the regular arti-cles of the constitution finally passed, it was provided that calaries during fixed terms shall not be increased or diminished, and that it is not in order in this way to repeal that provision in model the couler articles and provision The Express, nobly performing conscientions duty to its repoints with unerring accuracy its reader Before the passage of this action between the passage of this action of the passage of the state was state the total pay of judges was increased to \$1,011,500. The constitution of Pennsylvania, section 13 article III, reads as follows: an:

More than 450,000 votes were cast in

A short time before the final ad. this state for William Jennings Bryan, journment of the convention, Charles Democratic candidate for president. R. Buckalew, chairman of the commit-tee on revision, with the approval of These votes were practically all cast that body, drafted an address to the by Democrats. It may be assumed that voters of the state, in which the there are now that many Democrats in changes in the fundamental law were set forth. The address which receive the state. In 1905, 127,512 yotes were changes in the fundamental law were set forth. The address, which receiv, ed the endorsement of the convention, contained the following interpretation of section 13, article III.: "No commis-sion of a law judge is disturbed, and the existing provision that no judicial salary shall be decreased during a ju-dicial term is preserved, with the ad-during such term." Part 2, Journal of the Constitutional Convention, 1873. In 1905, 127,512 votes were cast for William H. Berry in the Lin-coln party column. All these voters are supporting the Democratic ticket this year. The full vote of the Demo-ducing such term." Part 2, Journal of the Constitutional Convention, 1873. In 1889 Governor Beaver, now a nearly 600,000 votes.

In 1906 Edwin S. Stuart, Republican judge of the superior court, vetoed a bill similar to that affirmed by Judge candidate for governor, polled 501,818 von Moschzisker. In his veto message votes, or about 100,000 less than the he said: "There can be no doubt that combined strength of the Democrats if the present bill become a law and and the Lincoln party. This year there the present judges of our courts were is an absolute certainty of the full to avail themselves of its provisions strength of the Lincoln party vote for without legal protest from any quar. the Democratic candidates. Eighty per ter, the bench would be degraded in cent of the Democratic strength added public esteem and its decisions upon to this force would be within a few questions fail of the respect thousand of the votes received by Edwhich they now receive and to which win S. Stuart, easily the best and they are undoubtedly entitled." He most popular candidate the Republisignificantly added that he disapproved can party has nominated for a dozen the bill "in order that the dignity and years, while 90 per cent of the Demopurity of the bench might be heid cratic vote would agggregate considabove suspicion and that the mandates erably more than his total.

of the constitution be not even ques. Thus it will be seen that if the Democrats are alert and just to their Robert von Moschzisker, the Phila. candidates the election of their ticket delphia judge who declared the act of is certain this year. Sisson and Stober the 14th of April, 1903, about increas. will not poll near the vote cast for ing the salaries of judges, constitution. Stuart. If they did the fact would creased the judges' salary, whether or al, and that the same was not in con- cast an aspersion upon the integrity reased the judges' salary, whether or al, and that the same was not in con- cast on approximation of the other hand, if now paralleled. not Judge von Moschzisker would then fliet with section 13, article III., of the of the voters. On the other hand, if now paralleled. The manipulators of the Republican have found that the above act was state constitution, because a judge was the Democrats cast less than 90 per onstitutional and that the judge was not a public officer within the mean- cent of their full strength for their ing of said section, is the same Robert admirable ticket this year the fact will von Moschzisker who is now asking be a reflection upon their patriotism. There can be no misunderstanding the suffrages of the people of Penn. Democrats should see that the best sylvania to elect him to the supreme expectations with respect to their vote is fulfilled.

BERRY AND NILES FOR CIVIC RIGHTEOUSNESS

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

SUMMON CONSCIENCE TO DUTY

Both Gentlemen Urge Opposition to Machine Men and Methods and Ask Support For the Admirable Demo- event. Discuss the relative merits of cratic Candidates.

The non-partisan meeting held in Pottsville last Friday night in the interest of the Democratic state ticket. C. LaRue Munson for fustice of the supreme court, J. Wood Clark for auditor duty. It will be worth all it costs in general and George W. Kipp for state treasurer, was a political event of great significance. It was conceived among the Republicans of that may H. Berry to the office of state treaschine-cursed county, Schuylkill, and or- uper in 1905 are united and active in ganized and conducted by the better element of that party in that county.

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. Unfortunately the time between now and the election is too short to organize similar meetings in other sections, but the report of this meeting will be read in all sections of the state and the proceedings will be pondered over wherever conscience guides intelligence.

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 miliions of dollars which would have been stolen if he had not revealed the facts. The entire speeches of these gentlemen ought to be read by every voter in the state, but we have only space for brief summaries of them

Mr. Niles said in part:

The greatest improvement in the political condition of Pennsylvan a has been the result of the defcat of bad Republican candidates by independent epublican votes. More than 100,000 Republicans in the Republican

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. when or by methods too glaringly improper. These true Republicans are ready at any time when the candidates of their own party are unworthy, to vote for high-class Democrats for administrative or judicial state offices who are absolutely honest and competent, in order that thereby the usurpers of the power of their own party may be pun-ished and the state's administration may be reformed.

No political event has been more manifestly for the benefit of the com-monwealth than the defeat four years ago of Plummer, the Republican can-didate for state transmission be be didate for state treasurer, by inde-pendent Republican votes, and the election of the Democratic candidate, William H. Berry, The situation of four years ago is

tion and elected by narrow majorities. Much superficial good resulted from their selection but, encouraged by a return of the usual majorities, the mathe is again defiant and and comes nto the field with candidates of the old regime

Nor is there the slightest evidence of repentance or reform among them, Senator Quay was the designer of their methods and the practical maktheir methods and the practical mak-er of the machine for their execution. Of all the men connected with it, this man and his record is most notorious-ly objectionable. Yet witness the fact that in spite of an almost universal opposition, expressed and implied, his statue in marble has been erected in the capitol at Harrisburg, a perpetual insult to all reform and a standing rebuke to all reformers.

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 sught to be given to preparing for that the candidates, urge upon others the

importance of a change in the politics of the Board of Public Grounds and Buildings, arrange to get all voters to the polls and see that every Democrat entitled to vote performs that civic time and trouble to any man of family or any citizen of any condition in life. The forces which elected William 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. The Lincoln Party men and other independent Republicans to the number of more than 100,000, who voted for Berry, will vote for them. If the Democrats do their duty this year as they did then, Munson, Clark and Kipp will be clected, as Berry was by a large majority. No man, of whatever political antecedents, regretted the election of Berry. No fair minded man will regret the election of Munson, Clark and Kipp.

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 treas ury. If Clark and Kipp are not elected this year the grafting will be resumed as soon as their antagonists are inducted into office. This is a matter to ponder over. The revenues which ought to be used in equipping schools, constructing highways and performing other needed public improvements will go to enriching political scoundrels as was the case before the election of Berry.

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. The election of the Democratic ticket in this state this year will guarantee improvement in political morals and methods, moreover, which will endure for twenty-five years, for even though the Republican party is restored to power next year, the scourging will have a good effect and it will have learned the lesson that decent nominations are essential to party success even in Pennsylvania.

Berry Predicts Big Democratic Victory.

DEFEAT THE I COMMENDMENT

Such a Provision In Our Fundamental Law Involves Danger.

The proposed seventh amendment to the constitution is abcolutely without merit. Its only purpose is to increase the power of the political machine over the will of the poople. For some years the machine managers have been striving to usurp the power of naming election officers. During the reaction of the legislature of 12% an attempt was made to transfer the new. er of filling vacancies in election heards in cities from the courts to the commissioners. It falled because the country members of the general as semily appreciated the peril involved. The proposed constitutional amendment is simply another attempt to an complish the result.

No thoughtful man can misunder. stand the purpose which the peop tory 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. The most potent political offices in all our electoral system are those which compose the class tion boards. The judge and inspectors of elections have almost the power to determine the qualifications of a voter. Thousands of men can be denied the right of suffrage upon technicalities by them. For that reason election officers are chosen with great care by the vot-

ers. In many instances the candidates of the opposite party are chosen because of their known integrity, notwithstanding they belong to the minority party in their districts.

If the legislature, drunk with power, as that of this state frequently has been, should determine to seize the advantage of corrupt and partisan election boards, the adoption of this seventh amendment to the constitution opens the way for them to accomplish that result. Every voter should set his face against this danger. It is not a question of political principles. It is purely a matter of party iniquity. Such an amendment to the fundamental law of the state will work grievous harm, and the way to avoid that result is to defeat the proposed amendment. There is little, if any, good in any of the amendments, but there is vast evil in the seventh.

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. But the bill as enacted increased the duty on manufactured celluloid about 15 per cent; on unmanufactured pummice stone by 100 per cent; on razors, 60 per cent; on watch movements, 100 per cent: on shingles, 66 per cent; on hops, 33 per cent; on figs, 25 per cent; on dates, 100 per cent; on lemons, 50 per cent; on pineapples, 15 per cent; on cotton stockings, 33 per cent; on hemp, 10 per cent; on matting, 16 per cent; on writing paper, 50 per cent; on quilts made of down, 20 per cent; on artificial or ornamental feathers, 50 per cent; on manufactures of leather, 14 per cent; of fur, 14 per cent; of India rubber, 16 per cent; of bone, 10 per cent; of willow and willow furniture. 12 per cent; on willow for basket making. 25 per cent, and many other in-

creases.

tot a public officer within its meanng?'

of the language of the above constituional provision. It is as plain as the inglish language can make it. "No aw shall extend the term of any publc officer, or increase or diminish his alary or emoluments, after his elecion or appointment."

Judge von Moschzisker, finding that ie language of this provision was too lain to be explained away, then bases is opinion upon what he terms to be he intent of the framers of the conditution of 1873, in which the above rovision appears, and tries to show hat the framers of the constitution id not consider a judge a public offior within the meaning of article III. ection 13, of the constitution above toted. That the judge is a public ficer as much as any other public Heer, elected by the people and paid t the people, was so considered by e framers of the constitution of 1873, shown beyond dispute by referring the records of that convention; this ary question as to whether or not a udge's salary could be increased durig his term of office was fully debated id passed upon in that convention, the following quotations from conntion debates will show:

Mr. Calvin-1 move to go into com-ittee of the whole for the purpose of nending section 15 (now 13), article L, by adding these words, "except dges, whose salaries may be in-eased."

in support of his amendment, Mr. uvin said: "Under the present conitution the salaries or compensations judges shall be fixed by law and all not be diminished by faw and all not be diminished during their rtinuance in office. We have in-rted the same provision in the 18th ction of the judiciary article as it is passed second reading. By the actice under the old constitution the incluse of induces have been been the Jarles of judges have been increased im time to time as the exigencies the time required. * * * Now the time required. * * Now is perfectly manifest that while in a 18th section of the article of the diciary, which has passed second ading, it is provided that the com-neation of judges shall not be dimin-ied during their continuance in of-e, it is implied they shall not be in-eased, but under the 15th section ow 13th. I take it for granted up

eased, but under the 15th section ow 13th). I take it for granted, un-ss there is a qualification added to the salaries of judges could not reafter be increased." Mr. Kaine—"I desire to prevent all wrolling upon the subject of the sal-les of all officers, judges included. I rive seen as much log-rolling in the p fislature in regard to increasing the

bench of their state.

The issue is clean cut before the people of this commonwealth in this contest between Cyrus LaRue Munson, the peoples' candidate, and Robert von tractors combine.

zation have jeopardized their lives to Do the voters of Pennsylvania want secure that great right. Yet there the revenues they pay in the shape of are thousands of chilzens of Pennsyl- taxes disbursed for the public good or vania who will neglect the opportun- diverted into the pockets of political ity to vote at the coming election he- crooks? cause to avail themselves of it will cost a brief period of time and some government for the benefit of the inbe so neglectful of their duty.

Election day is not far distant, but there is ample time between now and then for an industrious Democrat to they have always hern slaves of the see a dozen or more neighbors and urge them to attend the election and vote. A full Democratic vote guarantees a complete Democratic victory and that achievement is worth all it would cost if every Democrat in the state gave his entire time to it during the interval.

The fact that the defeat of the Republican ticket this year would comnel the Republican managers to nominate better candidates in the future money came out of the pockets of the ought to be sufficient reason to guarantee that result, if there were no it had been used in supporting schoo's other reasons. But there are plenty or constructing highways an equal of other reasons.

Every Democrat in Pennsylvania can afford to give a little time to ed this system of spoliation will be reachieve a victory for his party and if sumed. every homocrat in the state will do that the victory will be certain.

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. S 18844

It's a Question of Buciness.

There are various ways of creating Moschzisker, whose nomination was interest in a political campaign. The forced upon the Republican party at best is to talk upon the issues involvthe dictation of the Philadelphia con- ed. In the present campaign there is absolutely no politics. A justice of the supreme court, an auditor general or The greatest privilege of American a state treasurer is completely divorccitizenship is that of voting. It is the ed from politics, if he is fit for the supreme test of political and civic lib. office, while in service. The only erty. Patriots in all periods of civili- question, therefore, is one of business,

The Penrose machine believes in trouble. We hope no Democrats will dividuals who compose it. Sisson and Stoher, if elected, will conduct their offices so that opportunities for graft will multiply. We are not influenced by conjecture to this opinion. Their machine. Neither of them ever cast a vote against a measure desired by the machine or for one to which the machine was opposed. It is not Ekely that they will change their habits in the event of their election.

During the two years in which Willlam P. Snyder, auditor general, and W. S. Mathues, state treasurer, occupled seats in the board of public grounds and buildings, \$9,000,060 were stolen out of the treasury. All that people and belonged to the people. If amount would have been raved to the people which had to be paid in local taxes. If Sisson and Stoher are elect-

The Democrats have no office holderers 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.

organization have had enough of such men as Stuart, Young and Sheatz. They are tired of even the small appearance of being honest. They believe the people have again gone to and that it will be safe to renew usual tactics and follow their natural instincts.

In their nomination of Stober and Sisson they have returned to the old Plummer and Snyder type, and have turned from an experienced jurist like Judge Rice, to put upon the bench of the supreme court the selection of the contractor bosses of Philadelphia. By a flappy providence, the Demo-cratic candidates, Munson, for the su-

preme 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

party obligations inconsistent their duties to the whole people. They should be supported by the same independent Republican senti-same independent that supported John Stewart for the supreme court and Berry for the treasury in 1905.

Following is a brief outline of Mr. Berry's speech:

It argues well for the future of Pennsylvania politics that representatives of opposing political parties are found of opposing pointent parties are found upon the same platform urging the election of the same candidates for state offices. The "independent habit" seems to be growing upon our citizons. Party harness, however comfortable and well fitting it may ordinarily be, sits over lightly may an increasing sits very lightly upon an increasing number of our citizens and may be instantly removed by a touch of the

independent button. 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 en-tire freedom from obligation to any coteries of bosses. When elected they will be free to serve the whole people who are alone their masters. I have long believed that one of the

greatest evils in Pennsylvania politics the enormous preponderance of the Republican party strength over its strongest opponent. The practical cer-tainty of Republican success has caused an unscupulous horde of office and spoils seekers of every, but of no political faits whatever, to gravitate to it, and of this material the Repubto it, and of this material the Re lican organization or "Machine" Repub 18

largely formed. largely formed. So bold and daring had this oliar-chy grown that in 1905 the Indepen-dent Republican voters joined with dent Republican voters joined with the Democrats and elected a Demo-crat to a state office. The mere presence of this officer at Harrisburg for the brief term of two years resulted in the exposure of a system of bare-faced robbery unparalleled in history and specific instance, involving the theft of millions.

A spasm of simulated virtue fol-lowed this exposure. Candidates of the highest personal character and, in some instances, of independent ten-dencies, were named by the organiza-do the rest.

rormer 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.

"I have been all over the state." said Mr. Berry, "and find a great deal tion. of anti-organization sentiment. I do not find so much idolatry for the gang that used to be so manifest. The people are getting very tired of machine rule and they do not hesitate to speak out loud. Altogether, I should pronounce things in most excellent condition for a Democratic victory."

The Quay statue was brought into the capital at Harrisburg the other day with a hood of black burlap over its head and a heavy rope around its neck. As it thus stood on the platform erected to facilitate the work of placing it in the niche chosen for its use it made a gloomy spectacle. As hundreds of persons were passing through the rotunda one observer remarked that the presence of a sheriff to spring the trap would be appropriate.

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. This is another form of taxation for the benefit of the bosses, for the profits of the clubs go to paying campaign expenses which otherwise it would be up to the bosses to defray.

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 .- Washington Times.

If the deal assumed the shape that Mr. Parsons outlines, it was a disgrace to all concerned, and it ought to end Speaker Cannon's career .-- Springfield Republican.

"Eternal vigilance is the price of liberty," but the Democrats of Pennsylvania may achieve a great victory at the expense of vigilance for one day. See that no Democrat fails to vote on election day.

Get out the vote. The figures will

There were some reductions, but the duty on wool and woollens remains abhorrent and untouched; and the duty on cottons was essentially increased. A more stupendous fraud was never perpetrated upon a long suffering na-

Pinchot's Idea of It.

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 permican .-- Providence Journal.

Federal Government.

It is a mistake to suppose that the idea of federation in government or sinnied with the framers of the Univ! States Constitution. Long before the Philadelphia Convention met federal ism existed in Switzerland, and its den when adopted by the Swiss Cortons was already an old one. The I'st attempt at the Federal Union of States was made in Greece; in the inthree of the celebrated Achern and Actolian Loagues (280 B. C.), formed by the Greek Sintes to save them colves from slavery to Macedon.

Value of Albumen.

Albumen is by all odds the most important of the ingredients of our food. It is that part of the food upon which nuivition mainly depends. Take away the albumen and the gluten, which is probably the same substance in another form, and starvation must speedily follow, no matter how liberalwe may partake of starch, sogar and fat.

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 crocks and throw a wooten shawl over them to make a tent. Burn lamps near by and Jack Frost will not get your flowers.