

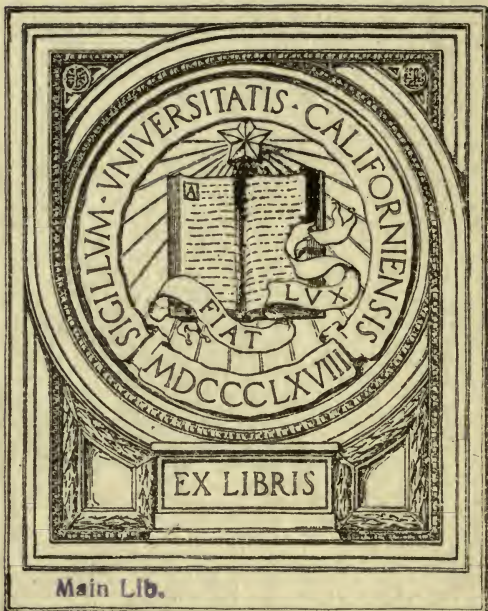
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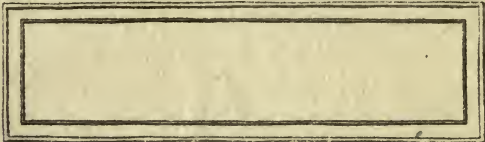
A POLITICAL  
PRIMER  
FOR THE NEW VOTER

Bessie Beatty



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# A POLITICAL PRIMER

FOR THE

## NEW VOTER

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BY

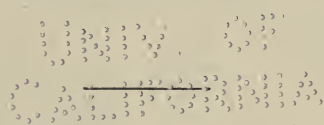
BESSIE BEATTY

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INTRODUCTION

BY

WILLIAM KENT



WHITAKER & RAY-WIGGIN CO.

SAN FRANCISCO

1912

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TO THE  
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P. 1. 9. 13

*I offer this book to you in the name of the woman who represents to me the best in womanhood—she who was my comrade in the California woman's struggle for the ballot—Jane Mary Beatty, my mother.*

257017

*Several articles which appeared in "The San Francisco Bulletin" under the author's name are republished in this volume through the courtesy of "The Bulletin."*



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## INTRODUCTION.

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Miss Beatty, whose work for human rights, and whose realizing sense of democracy are known and appreciated far beyond the boundaries of the Golden State, has performed a distinguished public service by the publication of this book.

All who are interested in the great problems of the individual and of society, must first of all obtain a knowledge of the structure and functions of the government under which they live. This is infinitely essential, when, as in our case, people either govern themselves or at least are supposed to govern themselves.

The volume is exactly what it claims to be—a Primer of Citizenship—clearly outlining the powers and limitations of State and National authority. As is natural in a book written by a woman, there is special but not undue emphasis placed upon the political and legal status of women.

The clear and simple style in which the book is written, the admirable arrangement by chapters and by topics make it intelligible to every one capable of exercising the franchise, and it will doubtless prove of great value as a text book in the elementary schools.

By the easy process of revising certain paragraphs to fit the varying laws of the several States, it should have a Nation-wide circulation. This unpretentious little volume will naturally lead the thoughtful to a study of constitutional history and constitutional development, and to a knowledge of our inheritance from the long struggle that evolved the common law of England.

Not alone as a voter's handbook but as a clean-cut, simple statement of fundamental propositions, it is destined to a wide circulation and to great usefulness.

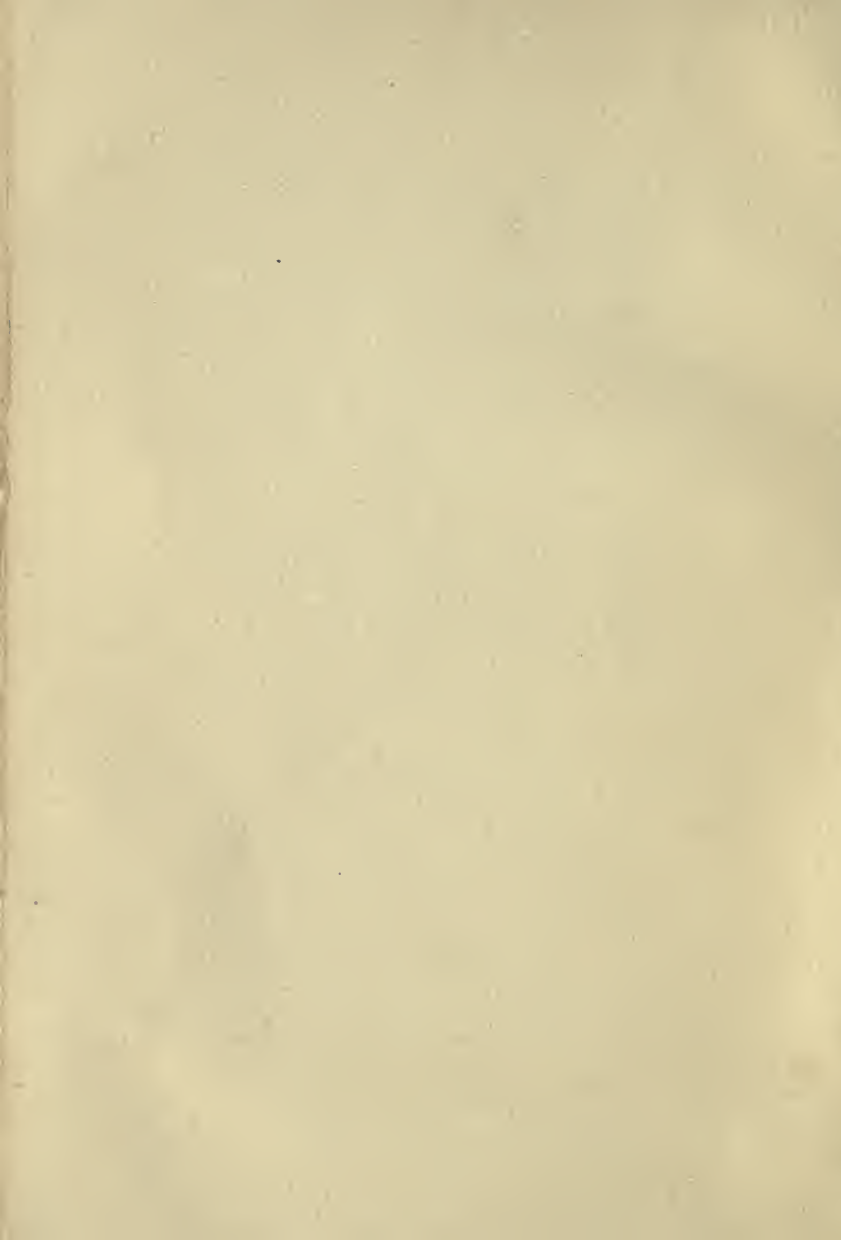
WILLIAM KENT.

Kentfield, Cal., October 3, 1912.

*PART ONE*

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*CITIZENSHIP.*



## CHAPTER I.

### Our Relation to Law

We look upon law as remote, something apart from us. It seems to us the concern of judges and juries, of legislators who appear in print at election times and then disappear.

Instead, we are hedged about by law on every side. We meet it at the butcher shop when we buy a steak; it says how much coffee the grocer shall sell us for a pound; it is left at the door with the milk bottle; it chooses our winter suit and determines how long our shoes shall last. It is our intimate personal concern.

The law is our architect, our educator, our doctor and our cook. It determines whether our houses shall be one story or sixteen, whether they shall be papier mache or fire-proof brick; it says what books our children shall study and whether they shall learn at school only the three R's, or how to make a living; it takes care of the big kitchens of the country, the packing houses, bakeries and canneries; it fills the medicine bottles and determines who shall be competent to prescribe the dose. It presides at the bedside of birth and at the graveside of death.

Law is present in our lives as much as our own desires. It is supposed to be an expression of our desires—if it is not the voice of our individual will, it is still of the same importance to us, because we are governed by it as if it were.

If we all realized how close law comes to us, our interest in it would be a vital thing which would result in molding it so that it would be in fact as in theory the expression of our own desires.

The business man who is too busy to vote and the housekeeper who can not leave the wash-tub or the ironing board or the bridge table, permit someone else to make the law by which they must abide.

In a country governed by the people there is small excuse for injustice, or even inconvenience. Yet how often we board a crowded street car at the end of a hard day's work and find that the narrow seats along the sides of the car are filled. The best that we can secure is standing room in the spacious aisle between. Nightly we declaim against it while body and spirit are buffeted about. We declaim some three hundred or more times a year; yet concerted action once a year with the ballot, crystalizing our protest into law would place the strap-hangers in comfortable seats. How often do we associate law with our discomfort? Yet law, or the lack of it, is almost always to blame. Even though we do recognize that law is responsible, we blame the inconvenience upon some one other than ourselves. We do not realize that we are the ones to be held to account, if not for our vert acts, for our indifference.

Thus the incentives driving the new voter to an intelligent use of the ballot are two-fold—that of service to the State, that of service to himself. Both patriotism and self interest demand of him an earnest consideration of the problems of government, and the expression of his opinion at the polls.

Too often the citizen who pretends to the highest civic ideals forgets to register, or is too busy to go to the polls on election day.

The sons of men who fought for the voting privilege can not afford to be that kind of citizens. The women who have fought and are fighting for it now can not be. There is too much at stake.

Both men and women know far too little about the affairs of government. We need not be ignorant. Let



us refuse to be ignorant of the things that concern the country. Let us learn our Federal and our State governments and study the problems which affect the health and the happiness of even the least of us.

The citizen who would become a valuable elector must realize his responsibility. To him belongs the right of saying whether he will have jam on his bread, or just butter; whether he wants pure milk and a sanitary dwelling place and clean streets, or impure milk, an unsanitary dwelling place and unclean streets. To him belongs the right of saying whether he wishes to see the country governed for the few who combine the "special interests," or for the many who are the people. To him belongs the right of saying whether he believes in humanity or the dollar mark.

The first point of importance is that he has the right of saying what he wants—the right of registering a demand and a protest. The second is that he use the right. For citizenship is both a right and a duty. To divide the one from the other is impossible. In the measure that we perform our citizen's duty we shall enjoy our citizen's rights.

Speaking broadly, the first duty of a citizen is to promote the common good. In the United States each citizen is called upon to do certain things to promote this common good. These things are:

TO VOTE, to aid the State by his intelligent opinion.

TO PAY TAXES, to support the State financially.

TO DO JURY DUTY, to uphold the State in administering justice.

TO BEAR ARMS, when necessary, to protect the actual existence of the State.

## CHAPTER II.

### Citizenship and Registration

New voters are of three kinds: The citizen youth who has just reached the age of twenty-one, the foreigner who has completed his naturalization, and the American woman who lives in a State in which equal suffrage has just been granted.

Technically a citizen is a person who owes allegiance to a government and is entitled to protection from it. Yet it is not until a youth reaches his majority and realizes that he has a voice in the affairs of government that he really **feels** himself a citizen.

To the foreigner, also, citizenship would mean little if it did not entitle him to participation in the affairs of government.

So it is with the other new voter—the woman. Not until she has found her citizen's voice and has received the right of expression, does the word citizenship have real significance for her.

New citizens—using the word in its broader meaning—are being continually made. But a State gains the largest number of electors when, once in its history, it passes the constitutional amendment which allows its women who have held only an associate membership in the commonwealth, to become active members. Whether the new citizen is the boy of twenty-one, the naturalized foreigner, or the enfranchised woman, the ballot is a grave responsibility.

### Registration

Before we discuss government, the constitution, or any of the other big subjects with which we must concern ourselves as voters, let us make ready our tools.

The ballot is the citizen's kit of tools. To be able to exercise it we must comply with certain set forms. In some cases the set form means naturalization, and in all cases it means registration.

### Qualifications for Registration.

To exercise the right of franchise in the United States one must be twenty-one years of age and a registered citizen. In most States one must also be a male; but in Wyoming, Colorado, Utah, Washington, Idaho and California this is unnecessary.

We are citizens by right of birth, by right of marriage, or by right of naturalization; but unless we are citizens by one of these rights we can not register or vote.

To be permitted to register in most States we must have lived **one year in the State, ninety days in the county and thirty days in the precinct** in which we are entitled to vote.

An idiot, or an insane person, or a person convicted of any infamous crime is denied the ballot.

### How to Register.

The exact manner of registering differs in the States, but the main points are the same in all cases.

Registration is conducted before certain specially appointed officials, whose duty it is to ascertain that each person who presents himself as an elector is actually entitled to vote. These officers conduct the registration at the city hall, county clerk's office, or other places appointed by the election officials.

### Time of Registering

In California, and in most States, a new and complete registration is begun on January 1 of each even year,

and registration is in progress at all times except during the thirty days immediately preceding an election.

A voter need register only **once in each two years** if he continues in the same residence, but he is required to register as many more times as he moves.

Registration blanks are made out in duplicate, and voters registering must state their height, occupation, residence and birthplace.

In registering for the general Presidential primary it is also necessary to give a party affiliation, the voter declaring himself a member of the Republican, Democratic, Socialist, Prohibition or other party which may have National recognition at the time of the election.

Printed lists of the voters are posted in public places a short time before election, and these are open to the inspection of candidates or electors.

It is difficult to make a mistake in registering. You can enroll yourself among the voters of the State almost as easily as you can buy a loaf of bread. It means merely taking a few minutes' time, going to an appointed place of registration and replying to a few questions.

The chief points to keep in mind are: **To register every time you move**, even though it be only from one room of a hotel into another; **the cancellation of your former registration**, and the fact that **registration closes for a brief period before election**.

Whether interested in any particular contest or not, it is best to register in plenty of time; for many a man finds himself a few days before election possessed with a keen interest in an issue or a candidate, and yet unable to vote because he has neglected his registration.

## CHAPTER III.

### Naturalization

To men and women born on foreign soil, but living in America, and to the American-born woman married to a foreigner, naturalization is a subject of paramount importance.

Only citizens of the United States have a voice in the government of the country.

Every child born on United States soil becomes at birth an American citizen, regardless of the nationality of either or both of its parents.

Every child born on foreign soil whose father is naturalized before the child is twenty-one years of age is a citizen of the United States without himself going through the process of naturalization.

Every foreign-born woman married to an American is a citizen.

Every foreign-born woman married to a foreigner must await the naturalization of her husband before she is entitled to citizenship. Upon his naturalization she automatically becomes a citizen.

The naturalization laws as they now stand are not satisfactory to most married women. Many foreign women feel they should have the right to be naturalized independently of their husbands, and American women object strenuously to losing their citizenship by marriage with a foreigner.

Until 1907 there was much vagueness about the status of the American woman who married a foreigner. Up to that time the law was variously interpreted. It was generally held that a citizen woman who married a foreigner did not forfeit her citizenship unless she left the United States for permanent residence, and then only in certain cases, depending upon particular circumstances.

An act passed March 2, 1907, provides that any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relationship she may resume her citizenship if abroad, by registering as an American citizen within one year with the Consul of the United States, or by returning to reside in the United States, or if residing in the United States at the termination of the marital relation, by continuing to reside therein.

### **Qualifications for Naturalization**

Five years' residence in the United States, five dollars in money, and the ability to read the Constitution of the United States and write your name in English are necessary requisites if you would become a citizen.

Declaration of intent, generally spoken of as "First Papers," may be made at any time after arrival in this country, before a United States District Court, or before a State Court of Record having jurisdiction in actions of law or equity in which the amount in controversy is unlimited.

### **How to Become Naturalized**

The applicant for citizenship must state name, age, occupation, residence, personal description, birthplace, last foreign residence and date of arrival on United States soil.

Upon the payment of one dollar the applicant is given a certificate which must be at least two years old before final petition for full citizenship may be filed.

This certificate will not entitle the holder to final papers unless he has lived at least five years in this country at the time the certificate is two years old.

Citizenship can not be granted until ninety days after the petition is filed.

The applicant for admission must be able to read and speak English and to write his own language. He must file a verified petition signed in his own handwriting, and must swear that he is not opposed to organized government and is not a believer in polygamy.

In addition to this, he must state his intention to reside permanently in the United States, and must renounce absolutely allegiance and fidelity to any "foreign prince, potentate, state or sovereignty." In case he possesses an hereditary title or order of nobility he must renounce it in the court in which his application is made, and must, before being admitted to citizenship, declare on oath that he will support the Constitution of the United States.

Four dollars in fees is payable before final admission is granted.

All affairs pertaining to naturalization are now under the Bureau of Immigration and Naturalization maintained by the Federal Department of Commerce and Labor.

### Naturalization of Women

As the States grant suffrage to their women they find themselves handicapped by Federal law on the subject of naturalization, but are powerless to make any local changes, however advisable they may seem.

The foreign-born man who comes to the United States with the intention of becoming a citizen knows that as soon as he has completed his five years' residence here he may vote, if he so wishes. Generally he loses no time in attending to the business of naturalization. The young woman who comes to this country and settles in a State where women do not vote often neglects naturalization and when she is placed among the enfranchised classes she finds that she has not the right to vote without a long season of waiting.

By making application immediately upon the granting of the ballot in their States, women may be naturalized

in two years and three months if they have previously lived in the United States for three years. *Must live 5 years in U.S.*

There are thousands of young English and Irish women whom we usually think of as American citizens—they think of themselves as such—because they have so quickly adopted American customs and ideals and made them their own. These women, if they are unmarried, must go through the process of naturalization before they will be eligible as electors.

Women in States which have not yet recognized them as electors can prepare for the ballot by taking steps toward their naturalization as soon as they are eligible for citizenship.



## CHAPTER IV.

### Elections

Citizens express their will at elections.

An election is defined as a deliberate act of choice, and freedom and enlightenment of choice are the foundation and mainstay of democracy. The exercise of the elective power is a dignified act of expression stimulating the voter to a fuller realization as it is the more freely exercised.

### Time of Elections

Certain days are set apart upon which citizens may express their will at the polls. **On the first Tuesday after the first Monday in November of each year devisible by four we hold a general or Presidential election.** The time for holding State, city and county elections is determined by statutes or by special needs.

The Democratic theory of government presumes that the people rule, by expression of opinion. Formerly their choice was a choice only between men. Now it is often a choice of measures and the voters accept or reject directly at the ballot box many of the propositions which formerly rested with legislators.

Officials are chosen by direct and indirect vote. The President, Vice-President and United States Senators are chosen indirectly. Members of the House of Representatives, Governors, State Legislators, and all local officers not appointed are chosen by direct vote.

### Presidential Elections

The President and Vice-President are elected by the electoral college, the members of which are chosen di-

rectly by the people. Each State is entitled to choose as many members of this electoral college as it has Senators and Representatives in the National Congress.

The manner of choosing these members of the electoral college is left to the States. In the beginning they were very generally chosen by the State Legislatures. Now they are elected by the people.

### **The Electoral College**

In most States the members of the electoral college are nominated by State party conventions, but the Presidential preference law, a new measure which is meeting with general popular approval, puts the nomination directly into the hands of the people. This is another instance that shows the modern trend toward giving the affairs of government directly into the hands of the people and breaking away from arbitrary party rule.

The original intention of the framers of the Constitution was that the electoral college should be left to choose at will any man whom they felt would best fill the executive chair. Though the law has not been changed, custom has established a different method. The President is now really elected at the polls, because each Presidential elector is pledged to vote for his party candidate, and the choice at the electoral college has become a mere formality.

The ballot of the electoral college is cast on the first Monday of January, and the new executive is formally inaugurated on the 4th of March following.

### **Choice of Senators**

In most States the choice of Senators is left entirely to the legislators, but another of the popular measures which has been adopted in some States, including Cali-

ifornia, is a people's advisory vote on Senatorial candidates.

Though each State makes its own election laws, there is not today a very wide diversion in the regulations of the various States. For the purpose of simplifying matters we will describe the process in California, which does not differ widely from most States, and which expresses in its elections most of the progressive measures in use in the United States.

### **The Australian Ballot**

The Australian ballot is used at all elections in California, as it is almost universally. Some slight variations from the regular form have been made, but the general plan is the same.

All ballots are secret and must bear no marks of identification. Each is printed according to an official form.

### **Voting**

The polls are open from six in the morning until six at night, and the election laws provide that any person entitled to vote in any general election in the State may absent himself from work for two consecutive hours between the time of opening and closing the polls without loss of wages.

All polling places must be provided with booths in the proportion of one to every forty electors qualified to vote in the precinct.

### **The Voting Booth**

Each voting booth is supplied with ink pads and rubber stamps. To vote for any candidate or measure the voter must place a cross (X) in the voter's square following his choice, being careful to use the stamp only.

The time in which to cast a vote is limited to ten minutes. The intelligent voter will go to the polls with his mind made up as to his course of action, and the mere registering of his opinion will be a simple matter, easily accomplished within this time limit. No two voters can occupy a booth at once. If the voter spoils one ballot, another is provided to the extent of three—all unused ballots being returned to the ballot clerk, who preserves them.

A sample ballot must be mailed to each registered voter by the authorized official at least five days before election. The county or city clerk is responsible for mailing such ballots.

### Qualifications for Voting

All electors are required to vote in the precinct in which they live, and the name of each must appear on the great register. It is necessary upon entering the polling place for the voter to write his name and address on a roster, and to announce the name to one of the ballot clerks who announces it to another, who consults the register. The signature on the roster and the signature on the register must compare, unless physical infirmity has made it impossible for the voter to sign his own name.

### Causes for Challenge

Any qualified elector may challenge the right of any person to vote. The causes for challenge are:

That the voter is not the person whose name appears upon the register.

That he has not resided in the State one year preceding election.

That he has not been a naturalized citizen of the United States for ninety days preceding election.

That he has not resided in the county or precinct the required number of days.

That he has voted before on the same day.

That he has been convicted of an infamous crime, or the embezzlement or misappropriation of public money.

Answers to questions determining the justice or injustice of the challenge must be made under oath.

If the voter is not challenged, or if the challenge is not allowed the voter is given a ticket, or if there is a general and municipal election two tickets. The numbers of these two tickets are written on the register after the voter's name, and when the ballot has been stamped and deposited in the ballot box the word "voted" is written after these names and numbers to prevent "repeating."

The law requires that when the polls are closed the canvas of votes shall begin at once and continue without interruption until completed. If there are two tickets the general ticket is counted first.

Much special legislation has been enacted to prevent fraud in registration, voting and counting the ballots. Intimidating, deceiving and corrupting electors is punishable as a felony.

## CHAPTER V.

### Other Duties of Citizenship—Taxes

If the word "taxes" and that for which it stands had been erased from the world's vocabulary, our histories would tell a different story.

Taxation is the legal appropriation of private property for public purposes.

Private property is legally appropriated in two ways: By the right of eminent domain and by the right of direct and indirect taxation.

The right of eminent domain declares that private interests are second to community interests and gives the commonwealth the right to take for a fair return that which it determines to be necessary for the common good.

All persons who own property must pay taxes, regardless of sex.

Certain lands and buildings serving the common good are, because of such service, exempt from taxation.

All other property is divided into two classes and taxed as real estate, or personal estate, or "real" and "personal" taxes.

### Poll Tax

A poll tax, or head tax, is levied upon every male citizen over twenty-one years of age. It is sometimes thought to be a voter's tax, but, instead, it is a male tax and is not paid by women, whether or not they have the right of franchise.

Personal property is taxed in the legal residence of the owner, but real estate is taxed in and for the benefit of the city and county and State in which it is located.

Though there are slight differences in the manner of levying and collecting taxes in the various States, the principle of taxation and the methods of fixing tax assessments are very much the same throughout the Union. A certain amount of household furniture, varying in different States, is exempt from taxation, but aside from this we are required to pay personal tax upon all valuables that can be carried from one place to another, including bank accounts, bonds, live stock, ships, furniture, jewelry, etc.

### **Tariff**

The tax which we pay to support the Federal Government is levied in a different way, but it is nevertheless paid by the people. Federal revenue is raised by duties on imports, and by excise on a few domestic articles. We pay our duties as consumers of the taxed articles and call it tariff instead of taxation.

The Constitution of the United States provides that Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

### **Jury Duty**

Jury duty is prescribed by the States, and varies in some particulars, although the general plan of choosing jurors in use in California today is much the same as that in other States. The Constitution provides that every person accused of crime or sued at law shall have the right of trial before a jury of his peers. The California law provides that a juror must be a citizen of the United States, twenty-one years of age, who has been a resident of the State for one year, of the county ninety days, and whose name is on the last assessment roll of the county or city and county.

### Women as Jurors

In some States women are precluded from service on juries by the word male, which appears in the qualification clause: In California and in some of the other Western States this exclusion is not made. Women have served on juries in California, but the fact that they have become electors does not necessarily affect their position so far as eligibility for or exemption from jury duty is concerned. Their acceptance as jurors depends very much upon the opinion of the judge presiding in individual cases. The Attorney-General of California recently held that women are not eligible for jury duty in this State.

The jury that decides the fate of accused men and women, passes judgment upon whether or not the common good will be best served by taking from these men and these women their liberty or their life, should be composed of individuals to whom the common good is a sacred trust.

### Exemptions from Jury Duty

Some men and some women best serve the common good by remaining away from courts and performing other duties. Certain States make certain exemptions from jury duty on the same basis that they exempt certain property from taxation—the common-good basis. Thus we find the doctor, the druggist, the minister, the priest, the telegraph and telephone operator, the judicial, civil and military officials, newspaper editors and reporters, National guardsmen, volunteer firemen, engineers, brakemen, motormen, conductors and several other classes of individuals exempt.

A man may claim the right to be excused from jury duty also, on the grounds of ill health or because of sickness or death in his family.



### **Bearing Arms**

The duty of bearing arms is an urgency or extraordinary duty, and citizens are only called on to perform it when the actual existence of the State is threatened. But men who would respond promptly to a call to arms, if they felt that the existence of their State was threatened, continually shirk these other serious duties which they have imposed upon themselves and which they admit to be necessary for the common good.

The citizen who remains away from the polls on election day upon an excuse to himself that he is busy; the man who makes his neighbors pay his share of the taxes, while he defrauds the Government; the man who leaves the performance of jury duty to the other man, should really be classed among the undesirable citizens. He is the man who shirks the citizen's duties, upon the performance of which the common good is dependent.

## CHAPTER VI.

### History of Our Political Parties

Differences of opinion create political parties.

Tradition plays a large part in determining whether men shall be Democrats or Republicans. The man whose father was a Republican is not certain to follow in his footsteps, but other things being equal, the chances are that he will have a conviction that high tariff is the solution of all the country's problems.

"What was good enough for father is good enough for me," is the sentiment that is responsible for registering thousands of men under one standard or the other. It is only in the last few years that the new voter has begun to consider and decide that his father's day is not his day. In the new generation of citizens we find fewer "hide-bound" party members than ever before in the political history of the United States.

Since Jefferson and Hamilton first disagreed over the interpretation of the Constitution men have been ranging themselves on one side or another of political questions. The points of difference have changed with the years and even the names of the parties, but in one form or another they have been Republican and Democrat.

In National politics party lines are still closely drawn, but in municipal, and even in State politics, non-partisanship is on the increase and new legislation points the way to direct participation in politics individually, instead of through the medium of the party.

Parties have come and gone, and this generation can not even recall the names of many of them, but each has had its effect. Each has demanded recognition for its issues and forced them to some degree to the attention of the dominant parties.

The most important point of difference between the three leading parties today is their attitude on the trust question.

The Republicans believe in regulating the trusts, the Democrats believe in abolishing them, and the Socialists believe in owning them.

The Republicans say that the present social and economic order is the best. The Democrats say we should return to earlier days of competition, and the Socialist regards the trusts and combinations an improvement over wasteful competitive systems, but advises that we go forward and take over the trusts.

A fourth party, the Prohibition party, owes its existence to an entirely different issue—the liquor question.

### **The Republican Party**

The present Republican party had its birth in a free soil movement in 1854, and the question at issue was the repeal of the Missouri Compromise. The name was suggested by Horace Greeley and the first convention was held in Jackson, Michigan, on July 6th of that year. Almost simultaneously there were conventions in six other States—Maine, Illinois, Massachusetts, Wisconsin, Iowa and Indiana. The following year there were in the upper house of Congress fifteen Republicans to forty-two Democrats and five Americans. In the House of Representatives there were 108 Republicans, eighty-three Democrats and forty-five Americans.

The party platform of the first Republican Presidential convention declared opposition to the extension of slavery, and to polygamy, and advocated the repeal of the Missouri Compromise and the admission of Kansas as a State.

John C. Fremont, the Californian, was the first Presidential nominee and two of the slogans of his campaign

were National aid for a railway to the Pacific and a liberal appropriation for rivers and harbors. Fremont polled 114 of the electoral votes and Buchanan 174.

Four years later, with Abraham Lincoln as the Presidential candidate, the Republican party rode into Washington victorious.

Almost full grown from the beginning, the Republican party sprang into being. During Lincoln's campaign the new party pledged itself to the doctrine of protective tariff, which it advocates today.

The affairs of government, enough in themselves for even a prodigy infant, were only the beginnings of the work of the new administration, for it was into the fire with a war on hand before it had really discovered where the great seal was kept.

Since then Republicans have held the White House, except during the years from 1884 to 1888, and from 1892 to 1896.

Abolition of slavery, reconstruction after the Civil war, the Spanish-American war, the protective tariff acts, the 1862-Homestead law by which Government lands were thrown open to settlement, and the revision of the rules of the House, are some of the most important of this party's achievements.

### **The Democratic Party**

The Democratic party of today was, in the days of Jefferson and Hamilton, the Republican party, and since then it has been called the Democratic-Republican party and the Democratic party.

Thomas Jefferson, its founder, advocated the doctrine of popular sovereignty. He believed the people were competent to carry on the activities of government and favored State rule as opposed to the strong centralized National government advocated by Hamilton.

His administration was characterized in every aspect by simplicity and austere renunciation of the pomp and ceremony with which some of his predecessors had sought to invest the Presidential office.

In his adherence to these standards of simplicity, Jefferson gave to his party an ideal which has lasted through succeeding generations and the slogan today is "Back to Jeffersonian Democracy."

The governmental theory of the Democratic party has always been strict construction of the Constitution with regard to the powers delegated to the Federal Government and those reserved to the States. The assertion of individual rights in contra-distinction to the restrictions imposed by government followed naturally.

In recent years the tariff has been the chief issue, the tariff theory of the Democrats being directly opposed to that of the Republicans. Tariff for revenue only is the Democratic cure-all. The Democratic party is opposed to private monopolies and believes that by putting the products of the trusts upon the free list, competition could be restored.

Centralization of all sorts has been fought by the Democrats. Jackson vetoed the bank charter on the ground that it centralized the power of wealth. William Jennings Bryan, who is the most notable figure in the Democratic party in recent times, advocates State autonomy in most of his platform speeches. This policy of opposition to centralized power in any form has been consistently maintained by the Democratic party since its beginning.

Enlargement of the scope of interstate commerce regulation is another measure advocated.

The Monroe Doctrine promulgated by James Monroe is a contribution of the Democrats which has played a vital part in the relation of the United States with other countries. Bryan opposed imperialism with especial

reference to Porto Rico and the Philippines, and demanded the remonitization of silver, advocating that the intrinsic value of both gold and silver dollars should be the same and that both should be coined without charge for mintage.

In recent years the Democrats have had such brief sessions of power that they have not been able to make any great direct contribution to our National Government. Indirectly they have made themselves felt by influencing National thought.

### **The Socialist Party**

The Socialist party is unique among American political parties because of its international character.

It is a party of measures, not men. The struggle which it expresses is in its origin economic, but sooner or later is transferred to the political field under the name of the Socialist party.

The object is the use of the powers of government and society in the interests of the workers.

The growth of the organization in the last fifty years is without parallel in history. In Germany, from 493,000 members in 1877 it has increased to 3,259,000 in 1907. The growth in the last five years is not officially computed, but Germany has at least 4,000,000 Socialist citizens today. By a system of disenfranchisement their votes have been undercounted, but, nevertheless, there are over 100 members in the German Reichstag.

In France, 470,000 Socialists in 1877 have grown to 1,106,047. Austria counts 1,041,000 Socialists, Belgium 483, and Great Britain 373,645.

There are in the world today approximately 50,000,000 Socialists.

More than 500 of these are representatives in National Legislatures and 12,000 hold municipal office.

In the United States nearly 500 Socialists are in office.

Since the whole working plan of the Socialist party is based upon an entirely different system of society than that which now prevails, Socialists, even when they hold office, can do no more than existing law permits. Their principal effect has been upon the thought of the world.

Locally, the several branches of the party take various stands on questions; all, however, in accord with the general principle of the international body.

In the United States the Socialist party stands in the main for Government control of public monopolies, for the taking over of the public service corporations by the States and municipalities in which they are located as fast as their franchises run out, for the Government employ of those who cannot find work elsewhere, for free text-books, old age pensions, initiative, referendum and recall, free speech, free press and the abolition of poverty. The theory of Socialism will be discussed in another chapter.

### **The Prohibition Party**

“That the traffic in intoxicating beverages is a dishonor to civilization, inimical to the best interests of society, a political wrong of unequalled enormity not capable of being restrained by any system of license whatever, but imperatively demanding for its suppression effective legal prohibition by State and National legislation;

“That in view of this, and inasmuch as the existing political parties either oppose or ignore this great and paramount issue, we are driven by an imperative sense of duty to sever our connection with any existing political party and organize ourselves into a National Prohibition party, having for its primary object the entire suppression of the traffic in intoxicating beverages.”

This platform, adopted by an organizing convention which met under the auspices of the Right Worthy Lodge of Good Templars, September 1, 1869, still expresses the spirit of the Prohibition party.

It was not until after the Civil war that the liquor traffic became organized sufficiently to fight with any degree of success the restraint of prohibition which the churches had formerly placed upon it. Although the prohibition issue had been a feature of political importance for many years, its advocates were not organized as a separate party until the growth of the liquor interests made these interests formidable in politics.

The movement has always been closely affiliated with church activities, a strong religious sentiment inspiring most of its advocates and being voiced in its platforms. As a party the Prohibitionists have never strongly fought for any political principle other than the abolition of the traffic in liquor.

They have been opposed strenuously by the liquor interests who have used every resource of influence and money. They also struggle against a large proportion of uninterested voters who either disregard the question or believe that prohibition is not the cure for the liquor evil.

Nevertheless, the Prohibition party today polls nearly 300,000 votes, and although it has never been successful in a National election, it has certainly influenced our National attitude toward the liquor problem.



*PART TWO.*

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*PROGRESSIVE  
LEGISLATION.*



## CHAPTER VII.

### Progressive Measures

#### Initiative, Referendum and Recall

“The measure and the man” is the slogan of the future.

It is taking the place of “party loyalty.”

The growing belief in more complete democracy is destroying political bossism. When the political history of the world is written from the viewpoint of a hundred years hence, perhaps the most significant feature of the present period will be the destruction of party autocracy.

On every hand there are the beginnings of the rebellion against ring rule. This popular rebellion is expressing itself in progressive legislation, placing more power directly in the hands of the people.

Practically all the legislation of today is along the lines of increasing self-government and protecting humanity.

The initiative, referendum and recall are the principal measures of direct legislation.

#### The Initiative

The initiative gives the people the right to initiate law. It provides that a certain percent of the voters may by petition propose laws, statutes and constitutional amendments.

The California initiative law, which was passed in the form of an amendment to the State constitution in 1911 permits 5 per cent of the qualified electors to present to the Secretary of State at least ten days before the commencement of a regular session of the Legislature a petition proposing a statutory law.

This petition is transmitted to the Legislature by the Secretary of State, and if no action is taken on it within forty days, or if the measure is not passed by the Legislature, it is referred to the people at the next regular election. The Legislature may, if it desires, present a different law on the same subject, in which case the people will be permitted to express their opinion upon both. When the measure is to be presented directly to the people, instead of to the Legislature at a time when the Legislature is not soon to convene, signatures of 8 per cent of the voters are necessary to the original petition.

### **The Referendum**

The referendum provides that a certain per cent of the voters may demand that laws previously passed by the Legislature shall be referred to the whole people for approval.

The California referendum law provides that within ninety days after final adjournment of the Legislature, 5 per cent of the voters may demand that any measure passed during that session be submitted to referendary vote. Exceptions to this rule are measures calling elections or providing for tax levies and urgency measures.

In order that this urgency clause shall not be abused, no act granting a franchise or any special privilege or creating a vested right shall be constituted as an urgency measure.

### **The Recall**

The recall gives the constituents of any official the right to dismiss that official from office.

In California, in order to thus recall an official, 12 per cent of the voters must sign a petition for the recall of a State officer, and 20 per cent for any lesser official. The per cent is computed in recalling State officers upon

the number of votes cast for the Governor at the preceding election. In the case of lesser officials it is computed upon the number of votes cast for the office in question.

A special election is then called at which the people shall choose between the officer sought to be recalled and the candidate nominated to replace him in his office. A majority vote is necessary to remove the incumbent official.

The recall applies to all elective offices, executive, legislative and judicial. No officer shall be subject to recall until he has held office for six months, excepting members of the Legislature, who may be recalled five days after the organization of the Legislature.

Direct legislation measures have been passed in many States, among them South Dakota, Utah, Oregon, Nevada, Montana, Oklahoma, Maine, Missouri and Colorado. In others various bills leading to direct legislation are pending.

### Direct Primary

The direct primary is usually the first step in progressive legislation.

It is a method of taking the nominating power from the party ring and placing it directly in the hands of the voter. In slightly differing forms it is in force in several States.

### Time of Primary Elections

In California the regular nominating or primary election is held at the legally designated polling places on the **first Tuesday in September**. All candidates to be voted on at the ensuing November election are placed on the final ballot by this September primary election.

Sixty days before this primary a list of all offices to be filled is prepared by the Secretary of State and sent to the county clerk or registrar of voters who publishes it.

Thirty-five days before the September primary a nomination paper must be filed by the candidate for office in order that his name may be placed upon the primary ballot. All elective officers of the State are nominated in this manner by direct vote of the people at the primaries.

If any candidate receives at the primary a majority of the total number of votes cast for the office, he is declared elected and need not be voted for at the final election.

Since the election of United States Senators is provided for by the Federal Constitution, they are still appointed by the State Legislatures, but a Senatorial preference vote enables the people to express their choice for United States Senators at the primary polls. From those chosen in this manner the Legislature elects our Senators at Washington.

A Presidential preference law passed by the California Legislature of 1911 allows the people of this State to express their preference for Presidential nominees instead of leaving the choice entirely in the hands of the State convention.

Thus political power is again in the hands of the California people almost as completely as it was in the hands of the New Englanders in the old town meeting days.

### **Railroad Regulation**

Following the Civil war period the growth of the railroads became one of the disturbing elements of our National life. As the result of the many lines rapidly built at that time, a severe competitive struggle grew up between them. This struggle cut railroad rates to much below cost in many places where competition was bitterest, making up this deficit by overcharging between points tapped by only one line.

This method of business being both expensive and precarious, combinations were the natural result. Combined, the railroads could do with the people what they

willed—carry them and their goods when and how and at whatever rate they chose.

As naturally as the combinations came, so came the people's protest against them. The first appeal was made to the State governments, but their jurisdiction was limited. As the traffic was interstate, it was soon evident that the laws regulating it must be interstate.

The Interstate Commerce Act of 1887 was the first step toward National regulation of railroads. As later amended it provides that a short haul shall not be charged for at a greater rate, proportionally, than a long haul over the same route; that combination for the purpose of dividing traffic is illegal, and that publicity of railroad rates be compulsory.

An Interstate Commerce Commission of seven members was created by the act to carry out the provisions of the act and this commission was later given power to fix maximum rates.

This act has not prevented railroad combinations. It has, instead, forced them. In order to avoid the statute against pooling, railroads have combined into a few great systems. Although creating the trusts which it was formed to prevent, this Interstate Commerce Act and Commission still remain the people's tools with which to control the great railroad mergers. They were used recently by President Roosevelt to smash the proposed Northern Securities merger.

To safeguard further interests against possible misuse of railroad power, the States have established individual interstate commerce commissions, with powers similar to those of the National commission.

In 1911 the California Commerce Commission became unique among similar boards by one of the most extraordinary grants ever made to any body.

This grant, made by the Eshlemann bill, makes the commission appointive, and gives it full power in the

supervision of all public utilities within the State. Under the provisions of this bill, the commission has power to punish for contempt any corporation which disregards its authority, and its decisions are not subject to review by the courts unless they are claimed to amount to confiscation of property, provided that the corporation which is affected by the decision has had an opportunity to present its side of the case before the decision is rendered.

This act gives the people of California almost complete control of the State utilities. Its measures are revolutionary. Just what it will mean to the future of the State cannot yet be predicted, but it has already loosened the grip of the iron hand of railroad control of California.

### **Conservation Measures**

“Conservation” as a National issue is but a few years old. In the prodigality of our natural resources we have wasted much of them for two centuries. It is only recently that we as a people have awakened to the necessity of conserving our natural timber, power and water supplies for the use of all the people.

In California conservation became recognized as a definite purpose of legislation for the first time in 1911. Three measures were introduced in the Legislature of that year looking to the prevention of exploiting our great natural resources for the benefit of a few at the expense of the people.

A commission was created to list the natural resources of the State, to investigate conservation legislation in other States, and to decide upon the most effective way of preserving the natural resources to the people.

The members of this commission receive no salary. They work for the good of California.

So important is this measure considered that an appropriation of \$100,000 was made to carry on the work



of the commission. The bill passed both houses of the Legislature with but one dissenting vote.

### Prison Reform

The spotlight of publicity is being turned upon the prisons of the country. The result is an expose of conditions that is causing a spontaneous demand on the part of the citizens for the eradication of some of the most flagrant evils of prison life.

The fact that such a large percentage of first-termers who are discharged from the prison return later to serve subsequent terms is sufficient proof that the state prisons as reformatories are an absolute failure.

Men who go into the prisons novices in wrong-doing come out past masters in crime. Even from the most selfish point of view this is a dangerous system for society to pursue.

Popular feeling concerning prison reform is growing stronger daily. There is no doubt that in the near future it will be crystallized into effective legislation.

Already several tentative measures have been passed by the various states. Capital punishment has been abolished in some states and more and more people are voicing a protest against allowing a state to commit an official murder because an individual has committed an unofficial murder. Indications are that the day will come when society will cease to wreak vengeance upon offenders and will restrain them only so far as it is necessary for the protection of society.

California made a beginning by authorizing the manufacture by the state prisoners of articles, materials and supplies for the use of the prisons. This measure will eventually save the state a large sum of money, but its most important effect will be to relieve the prisoners from the torment of idle confinement.

Trade schools for prisoners should grow out of this,

enabling the prisoner to earn a livelihood honestly upon his release.

Another desirable measure would be to make it possible for the prisoner, while serving a sentence to support, at least in part, dependent members of his family.. These helpless women and children are more injured by the man's fault than society itself. In insuring its own protection society should also protect them.

## CHAPTER VIII.

### Further Progressive Measures

#### Woman's Eight-Hour Law

The measures which are proposed for the protection of human life are fought more bitterly than any others. To protect human life costs money. It cuts down profits.

When the eight-hour workday for women became law as the result of the passage of a bill in 1911, the measure was more bitterly contested than any other proposed in the session.

Some employers argued that it works a hardship upon the women, because they can not earn enough to live on by working only eight hours. Physicians claim that eight hours is as much as any woman should work, and that in some occupations longer hours than these are suicidal. Many of the women workers are mothers, and the majority of the others hope some day to be. Neither class can best serve the State if they must ruin their health and thus become unfit for the duties of most importance to the common good.

It would seem then that the question for humanitarians to consider is not how to make it possible for women to work more than eight hours, but how they may secure sufficient wages for eight hours' work to enable them to live.

The bill, as it finally passed the Legislature, provided that no female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in this State more than eight hours in any one day, or more than forty-eight hours in any week; provided, however, that the provisions in this section shall not apply to nor

effect the harvesting, curing, canning or drying of any variety of perishable fruit or vegetable.

The Governor, in signing the eight-hour bill, after hearing a storm of protest against it from California employers, said: "Strong men by unity of action have obtained for themselves an eight-hour day. Shall we require greater hours of labor of our women?"

"As long ago as 1872 it was enacted by Section 3244 of the Political Code that eight hours of labor should constitute a day's work, and our law has gone to the extent of requiring that a stipulation to that effect shall be made a part of all contracts in which the State or any municipal corporation is a party.

"Now the policy, therefore, of the State is of long standing, and while the sections quoted refer, of course, to public work, they established what has been the set policy of California for more than forty years—that eight hours shall constitute a day's labor.

"The argument against the eight-hour day for women is purely economic. It is asserted that it will work hardship upon various enterprises—that these enterprises will have to close and that financial disaster will follow.

"This has been the argument ever advanced against legislation of this sort, and even against legislation designed for the protection of the public, such as pure food laws.

"When the first shorter hour law was adopted in England, the English employers with the utmost vehemence protested. None of the ills they prophesied occurred. Many of us remember the first child labor laws. At the time of the enactment of these in our State many of our reputable business men protested with earnestness and apparent sincerity that they could not compete with their rivals, and the enactment of such laws meant their ruin. When a law limiting the hours of miners was enacted, many mine owners appeared and insisted that the indus-

try would be entirely destroyed. Today the same mines are running with the same profit and the same employes.

“The economic argument also fails because experience has shown that productivity will not be materially decreased under an eight-hour law.”

### Employers' Liability

Industry in the United States kills each year from thirty thousand to fifty thousand persons and injures nearly two million more.

How to cut down this terrible toll of human life and limb sacrificed to commercialism, and the poverty and suffering of countless others resulting therefrom is one of the great problems of the age.

Employers' liability legislation is the remedial expedient being tried in the most progressive States. There is in force in California a law, faulty in some respects, yet a vast improvement as a protective and compensatory measure upon anything on the statute books of the State, until 1911. It is the purpose of this law to furnish prompt and reasonable compensation to an injured employe, provide him with medical attention, give aid to those dependent upon him during his inability to work, utilize for him and those dependent upon him the large sums of money now paid out for litigation, and reduce to a certainty the nebulous legal responsibility of the employer, and finally so systematize all commercial enterprises that each industry shall provide for its own injured in its general expense account.

The things that made employers' liability little more than a name so far as the workers were concerned were the “fellow servant” and “assumption of risk” defenses. The employer was not responsible to the employe for damages except for gross negligence or wrong-doing, and then the slightest contributory negligence on the

part of the injured, or a fellow workman, defeated any attempt at legal redress. The employee was legally responsible for accidents that might occur to him where no particular person or thing could be charged with negligence or misconduct, the law holding that the employe assumed a risk when he accepted employment and must bear the burden. The new California law modifies the common law defenses in the following terms:

“It shall not be a defense:

“1. That the employe either expressly or impliedly assumed the risk of the hazard complained of;

“2. That the injury or death was caused in whole or in part by the want of ordinary or reasonable care of a fellow servant.”

The present California law is divided into two parts—liability and compensation. At present it is elective with the employer whether or not he will come under compensation. The law provides a certain fixed scale of compensation to be paid for loss of life or limb based upon loss of earning capacity, fixing the maximum in any case at \$5000, and establishes an Industrial Accident Board for the adjustment of all disputes or controversies concerning compensation.

## CHAPTER IX.

### The Legal Status of Women

"Women do not need rights; they have privileges."

Mention the subject of woman and law in any gathering, and some one is certain to make this answer.

It leads us to the discussion of a subject that is full of surprises. Comparatively few women realize until some twist of circumstances robs them of their privileges, how many of the things which they took for granted as rights under the law have no relation whatever to law.

The woman who leads a happy, protected life, with a generous and honorable man, may never know the need of rights, yet again, she may find herself tomorrow robbed of the protection of that man, robbed of her privileges, and face to face with the very serious problem of her lack of rights.

The protected woman, who has privileges, may, perhaps, be able to retain those privileges to the end of her life; but the woman is rare who, realizing the facts, would not give up her privileges gladly that her unfortunate sister, who is not surrounded with love and protection, might be saved from injustice and sorrow.

This is an age in which we look askance at privilege of all kinds. We know that special privilege demands its price. It is because the fortunate women of America have always enjoyed so many privileges that the unfortunate have so few rights.

Men are not to blame for the fact that there are laws on the statute books which are unjust to women and that there are not laws there which must be there if justice is to be secured to women.

Laws have not kept pace with changing conditions. Indeed, it would seem odd if they had kept pace, considering the rapidity with which the change in the relation

of woman to the community has come about. It is true that in most cases these unjust statutes are dead letters, still they are laws. All too frequently they are invoked, and the judge has no alternative but to enforce them.

The influence of the old English common law is still felt in the majority of States in America today. Thus we find that so far as the law is concerned, the body of a woman, the property of a woman, and even the earnings of a woman, belong to her husband, according to the statutes in force in many States.

Legally, woman has no political status except that which her husband gives her. We have seen that when she marries a foreigner she loses her citizenship. We have seen also that no matter how much she may desire to become a citizen in her own right, she cannot do so unless her husband wishes to be naturalized.

The right to homestead Government land is also denied a married woman.

Few women pause to consider the legal aspect of their marriage. Yet in seventeen States the ceremony during which the man nominally gives to his wife all his worldly goods really takes from her all her property rights. In all but ten States a woman has no legal right to her children. In two States she may be a co-guardian of her own children, if she supports them. In all other States children belong to their fathers, who may give or will them away, so far as the law is concerned.

In California, Arizona, Idaho, Texas, Tennessee, Louisiana and North Dakota, the husband not only controls the wife's property, but may draw her wages. In seven other States women have to register as "traders" if they want to control their own business property. In at least three States a married woman must gain permission from the courts to engage in business.

In seven Southern States women cannot be admitted



to the bar, and in Florida and Alabama they may not practice medicine.

In the South, where we have always been told blossoms the flower of chivalry, the legal injustices to women are greater than anywhere else in the country. In Louisiana, even the clothing, the wedding presents and dowry belong to the husband. There are countless instances where girls, by marrying, have ignorantly given to their husbands and their husband's families all their personal property. In one case of record, a girl with considerable property in her own right, whose husband was killed in an accident two weeks after their wedding, was legally robbed by the husband's family, not only of her property, but of all her clothes and even of her engagement ring.

Ask any lawyer and he will tell you that in California women have more legal protection than in any other State in the Union, except Colorado.

Yet in California the only child to whom its mother has any legal right is an illegitimate child. Children of legal marriages belong absolutely to the husband.

The property rights of a woman in California are more just than in most States. All property acquired by either husband or wife after marriage is considered community property, and is held by them jointly.

Upon a husband's death without children, one-half of this community property goes to the wife as her share, together with one-half of the remainder, which belongs to her as her husband's heir. The remainder, or one-quarter of the whole, is divided among the husband's other heirs.

If there are children of the marriage, one-half of the whole property is divided among them and the remaining half is the wife's.

These laws apply, of course, in the event of there being no will.

A wife has also what is called the homestead right,

which allows her to choose from the community property a homestead, of value not to exceed five thousand dollars, which is given to her out of the estate and to which she has a right prior to that of any creditor, except of one holding mortgage upon it.

When the husband dies, the estate must be probated. This is a process of law by which the estate is apportioned according to the statutes, by a probate court, a guardian is appointed for the children and other legal matters attended to.

Acting upon the assumption—true in most cases—that the husband is the provider and original property producer for the family, the entire estate reverts to the husband upon the wife's death, without probate proceedings. If there are children, one-half the estate is supposed to be held in trust for them by the husband.

The defect in this law is readily seen. In cases where the wife is the producer, at least a portion of the community property which she has produced should revert to her heirs, as the husband's does to his. This is, however, a contingency likely to be brought about only by the readjustment of a society which is giving woman more economic independence daily. It can work hardship only in isolated instances as yet.

Sixth among the States to do so, California, by a constitutional amendment of 1911, gave her women political equality with men. This opens up a new field for the womanhood of the State.

Wyoming, Colorado, Utah, Idaho and Washington are the other five in which women have the full elective power. Women have held the municipal franchise in Kansas since 1887, and in Louisiana women taxpayers vote on questions of public expenditure. In Montana and Iowa women vote at municipal elections and twenty-seven States have either whole or partial suffrage.

In Australia, New Zealand and Finland, the Isle of

Mann, and Pitcairn Island, women vote at all elections on the same terms as men; and in Switzerland, Sweden, Norway, Russia, Westphalia, Brunswick, Roumania, England, Ireland, Scotland and Wales certain classes of women have certain classes of elective franchise.

In the centers of population where the financial interests have most at stake the fight against this struggle for a purer democracy is always relentless. Woman's interest in humanitarian measures, which always pinch the pockets of the big manufacturers, make these manufacturers fear the woman vote.

The woman creator of human life values human life above everything else, and that she will sacrifice profit to the protection of humanity is a certainty which has withheld the ballot from her in many States.

The ethical reasons for granting the franchise to women are the same as the ethical reasons for allowing men to vote.

In the beginning of American democracy, expediency did not demand the woman franchise as strongly as it does today. The changes in economic and other relations between woman and society in the last hundred years have made equal suffrage practical and expedient, as well as just.

If there are abuses in laws which affect the happiness and well-being of women as a class in California, it is now in their power to protest as a class against them. If in the future woman is injured by unjust law, she will remember that she is one of those who make law.

The laws of all times have, through clumsiness or wrong intent, expressed but poorly the justice for which they are intended to stand. Constantly, through centuries of making and re-making of law, men have struggled to create through its help the ideal system of society which would work injustice to none. California women have been asked to help in that struggle, and their future legal status is in their own hands.

## CHAPTER X.

### Economic Theories

Of the economic plans for the betterment of the world, Socialism and the single tax occupy the foremost places in the public eye. Although they are often considered as representing extremes of individualism and communism, as a matter of fact they both have the same end in view—the perfect liberty of the individual.

#### Socialism

Socialism as an economic theory has existed since the early part of the sixteenth century. The Socialists today advocate:

That the means of production that are socially used should be socially owned;

That what the individual needs he should be guaranteed the opportunity to earn;

That what the individual earns he should privately own and freely use.

Socialism is a reiteration of the original American principle promulgated in Virginia in 1607 by Captain John Smith: "He who will not work shall not eat."

It is the opinion of the Socialist that society is evolving toward a co-operative social state in which the means for the production and distribution of wealth will be the collective property of the workers, while the goods to be consumed become their private property.

The plan provides that all human beings shall become producers. This means that the powers of government and of society should be used in the interests of all human beings.

Socialism, then, is the belief that human beings should

control not only the Government which makes their laws, but the industries which make their living.

The history of the world is a history of class struggle, and the Socialists believe that the stage has been reached where the exploited class cannot obtain emancipation from the ruling and exploiting class, without at the same time emancipating society at large from all exploitation and oppression.

The introduction of machinery as a substitute for hand tools in the beginning of the nineteenth century gave absolute control of the production of wealth to the owners of that machinery. In the beginning, these owners—the capitalist class—were valuable to industry. It was the capitalist class which organized and developed.

With the development of centralized industry, however, the capitalist class became merely a share-holding class, turning over the work of organization and direction, as well as manual labor, to employes.

The capitalist having handed over his work to the laboring class, this working class becomes, then, the only class essential to production.

From these premises the Socialist argues that the remedy for existing evils lies in making all of humanity a working class—eliminating the idle at both extremities of society. The Socialist would abolish a great army of unemployed, including those who can not work because they have no opportunity, and those who will not work because they can make others work for them.

The advantages which, the Socialist claims, will result from thus putting society as a whole into the producing class and placing ownership of industry in the hands of this class, are far-reaching.

If there are no idle individuals the burden of their support will be removed from the workers, thus shortening the hours of labor necessary for each person.

If there is no share-holding class, deriving incomes

from industries to which it gives nothing, everything produced will become the property of producers, thus increasing the compensation for work.

If there are no rival industries meeting each other in the strife of competition, there will be no waste, such as accompanies industrial war today.

All the tremendous waste involved in advertising, duplication of plants and power, inconvenient geographical placing of factories and other industries, undue cost of distribution, would be avoided were the Socialist theory of government carried out to its completion.

The Socialist contemplates a higher individualism as the ultimate result of a collectivism which will provide opportunity for every human being.

### Single Tax

“What the individual makes is his. What nature supplies is the birthright of all. Since land in itself is not the result of labor, no man has a right of ownership in it. It belongs to the community at large.”

Out of this general argument has grown the theory of single tax.

The value of the land is fixed by the demands of the community, and since the community fixes its value the community should have the benefit of its increase, says the single-taxer.

The occupant of the land is entitled to the results of his own labor, but the community generally—the Government—is entitled to whatever rent or tax he should pay for using it.

Herbert Spencer, in a chapter called “The Right to the Use of the Earth,” advanced the ethical argument in favor of single tax in 1850, and a group of brilliant Frenchmen nearly a century before had discussed and advocated a tax on land only.

But it was Henry George who reduced the idea to

what appears to be a working basis and gave impetus to a world movement.

Henry George, in describing his theory, said:

"We propose to abolish all taxes save one single tax levied on land, irrespective of the value of improvements in or on it.

"What we propose is not a tax on real estate, for real estate includes improvements. Nor is it a tax on land, for we would not tax all land, but only land having a value irrespective of its improvements, and would tax that in proportion to that value.

"To carry it out we would have only to abolish all taxes save the tax on real estate, and to abolish all of that which now falls on buildings or improvements, leaving only that part of it which now falls on the value of the bare land. This we would increase so as to take as nearly as may be the whole of the economic rent, or what is sometimes styled the unearned increment of land values."

Mr. George claimed that it is the taxation of the processes and productions of labor on the one hand and the insufficient taxation on land values on the other hand that produces the unjust distribution of wealth which is building up in the hands of a few, tremendous fortunes, while the masses are getting steadily poorer.

In the efforts of the past to force each person to contribute his proportionate share of the public purse and minimize the possibility of exemption, many schemes have been put forward. The levying of the tax on personal expenditure, later a tax on houses, then a tax on incomes, and finally a tax on capital, had all been seriously advocated at different times as the single tax before Mr. George advanced his system.

The single-taxer claims that when we tax houses, crops, money, furniture, capital or wealth in any of its forms, we take from individuals what rightfully belongs to them; we violate the right of property and in the name of the State commit robbery; but when we tax

ground values, we take from individuals what does not belong to them, but belongs to the community, and cannot be left to individuals without the robbery of other individuals.

In illustration of what the single-taxer terms the unearned increment of property, we may suppose that a small piece of unimproved property in the outskirts of a city is owned by a few individuals. A fair valuation for this land is \$100 an acre. Assume that a railroad company buys a portion of this ground upon which to erect a depot for a proposed road. Immediately there is a demand for contiguous ground by hotel, restaurant and other business men. The result is that the price of the land jumps from the original figure of \$100 an acre to many times that per lot. Thus, while the original owners of the land have performed no act that would cause an increase in its value, they reap the entire profit. The single-taxer advocates that this profit, the difference between the original value of the land and its accrued value, should be participated in by the entire community.

Wonderful advances in the solution of the social problems are claimed by the single-taxers should their plan of raising revenue be substituted for the present methods. These are perhaps best epitomized in the platform of the Single Tax League, of which the following is an extract:

“It would solve the labor problem, do away with involuntary poverty, raise wages in all occupations to the full earnings of labor, make over-production impossible until all human wants are satisfied, render labor-saving inventions a blessing to all, and cause such an enormous production and such an equitable distribution of wealth as would give to all comfort, leisure and participation in the advantages of an advancing civilization.”

The single-taxer, like the Socialist, also contemplates a higher individualism as the ultimate result of his theory.



*PART THREE.*



*GOVERNMENT*



## CHAPTER XI.

### Our Present Government

Most of us, whether we are men or women, know something of the growth of government, but it is not until some one puts a question to us, or until we take down the old civics book from the shelf that we realize how much we can forget between school days, when government is theory, and days of maturity, when we have actually become a part of government.

Perhaps the reason that we have retained so little of that which we learned about government in our school days is because the subject is so tremendous. Whether or not we believe that our form of government fulfills the ideal mission of government, we must admit that, viewed in its entirety, all its different parts fitting into one another, it is an awe-inspiring mechanism.

We think we have traveled far in the centuries, yet 500 years before Christ there was in existence the germ of the system dividing governmental power, which is used in the United States today. In Athens, lawmakers, judges and executives administered the affairs of government as they do now. Although they had not the same well defined powers, they contributed the nucleus of our present system and gave us the pattern for our legislative, executive and judicial branches.

It is interesting to trace these three divisions through all our local, State and National Governments.

Because the legislative department voices the direct will of the people, at least in theory, it is most important. If it does not voice the direct will of the people, it has failed in its mission. If it advances the will of a few special interests rather than the will and welfare of the whole people, it is not justifying its reason for being.

As citizens our first concern is with the things that

will make for the common good of the whole people, and our next with the choice of men pledged to those issues, and with sufficient intelligence, integrity and courage to carry our ideals from the realm of theory into the realm of fact.

We are concerned, then, so far as the legislative is involved, with the kind of government we want and the kind of men who can construct it for us.

We are concerned next with the kind of man who will execute—the kind of man who will carry out the wishes of the people as expressed by their representatives.

We are concerned next with choosing for the judiciary men who are learned in law, yet who will not subjugate the spirit of the law to technicalities. The nation is awakening more and more to the realization that men are not made for laws, but laws for men.

The desire for justice is the creator of law. Law is a worthy thing only so far as it expresses justice.

The base of all government is law, which is created to satisfy this longing for justice. In the United States this law-base is embodied in the Constitution.

The ideal of our government is democracy. It is this ideal which the Constitution was created to express, which it did express in the terms of the times.

For more than a century this epoch-making document has met the demand of the American people for a concrete expression of our ideal of democracy. It has stood as the bulwark of our National liberty and inspired us, as a people, to strive for the best in self-government.

It is this very ideal, fostered by the Constitution, which has grown beyond the Constitution, and is now demanding fuller expression.

Every tendency of modern government is to put more power into the hands of the people, to regard public officials and institutions as answerable to the people.

Change in the Constitution, or suggesting a change, is no longer considered treasonable. We are beginning to realize that the amazing thing is not that the Constitution may in the future need changing, but that it has served so long with so little change.

The change in the attitude of the average man toward long-existing institutions is not confined to his new view of the Constitution. It is no longer considered lese majesty to apply the gauge of every-day common sense and reason to any laws that have been or may be enacted, to propose the revision of existing statutes, or the submission of proposed new measures to a vote of the electorate.

This latter-day ascendancy of the democratic spirit, in so far as it is expressed in a closer relation between the voter and the office-holder, may be taken as a cause of the progress of the initiative, referendum and recall. Students of civil government differ as to the significance of these measures. The conservative element contends that they necessitate a radically different conception of government from that embodied in the Constitution. Their proponents declare that they are merely a logical following out of democratic principles.

Through all the changes in various systems of government, throughout the entire history of civilization, government itself has remained substantially the same as to form. The changes which have been coeval with civic progress have been expressed in the adaptation of governments to the needs of the people, rather than structural changes in governmental institutions. This adaptation has been in response to the development of the individuals who have composed the various commonwealths.

The structure of government, however, remains the same. The life of a nation, as the life of the individual, is governed by three things—the desire, the judgment and the act.

These three principles of action are embodied in government in its legislative, judicial and executive branches.

## CHAPTER XII.

### Legislative Department

The legislative principle in government stands in the same relation to the acts of government as individual desire stands in relation to the acts of the individual. The legislative departments of our local, State and National governments exist for the purpose of expressing our desires in the form of law.

In the beginnings of democratic government in America all the citizens came to the town meeting and expressed individually their desires. In time the community outgrew the town meeting. The next step was the choice of a certain few delegated to represent the whole citizenry.

Representative government in various forms existed in the colonies, but it was not until after the revolution that we had a representative National Government.

At that time, the two-house plan of representation, borrowed from England, and previously in practice in the States, was considered the best for securing true representation of the States.

### Congress

The original plan of the framers of the Constitution was that both Senators and members of the House of Representatives should be apportioned to the States in proportion to population. The smaller States objected to this, and maintained that each State should have equal representation in the National Congress. So determined were they in their adherence to this belief that they threatened to block the whole project of reconstruction.

The Connecticut Compromise arrived just in time to save the Union. Under its terms the upper house was to represent the States, the lower house the people.

### **The Senate**

Each State is represented in the upper house of Congress by two Senators, who, to be eligible for office, must be thirty years of age and must have been for nine years citizens of the United States. They must be residents of the State from which they are elected.

Senators are elected for a six-year term, and their salary is \$7,500 a year.

### **The Lower House**

Representatives are allotted to the States according to the population, in the proportion of one to every thirty thousand people, but each State shall have at least one representative.

To be eligible for the lower house of Congress, a candidate must be twenty-five years of age, and must have been seven years a citizen. The compensation is the same as that paid the Senators.

On the second Monday in December of every year, Congress assembles. Soon afterward it receives from the President his annual message concerning the affairs of the nation and recommending such legislation as he favors. Congress then proceeds to the business of law-making.

Each house makes its own rules, passes upon the qualifications of its members, punishes them, if necessary, for disorderly behavior, and may, by a two-thirds vote, expel a member. Neither house may, without the consent of the other, adjourn for more than three days during the session of Congress. The presiding officer of the Senate is the Vice-President of the United States. The House of Representatives elects its speaker.



### **The Passage of Bills**

All bills providing for the collection and expenditure of money must originate in the House of Representatives. To the lower house also belongs the right of originating and preparing articles of impeachment, while the trial of impeachment and the approval of appointments of foreign ambassadors and Supreme Court judges are duties of the Senate.

Bills other than those mentioned above may be presented by any member of either house. They must be referred to committee, argued on the floor, and finally passed by a majority of both houses before they become law. A two-thirds vote of both houses is required to pass a bill over the President's veto.

### **The State Legislature**

The general plan of procedure followed by the Federal Congress is used in the Legislatures of the various States, with more or less uniformity. In local governments, too, we find that the community puts the important business of law-making into the hands of an organization of representatives.

California's Legislature will serve as a pattern of the general method used in the States.

Forty members compose the upper house, called the Senate, and twice that number the lower house, known as the Assembly.

Members of both houses are chosen by direct vote, and in numbers proportioned to the population. Every ten years, following the Federal census, the Legislature re-apportions the representation to the various counties. In theory, every fortieth part of the State population is entitled to one Senator, and every eightieth part to one Assemblyman.

Both houses have power to regulate the form of their

proceedings and to choose their own officers, except in the case of the presiding officer of the Senate, who is elected by the people of the entire State in the person of the Lieutenant Governor. The Assembly is given power to prepare articles of impeachment, and impeached persons are tried by the Senate.

Any member of either house may introduce a bill which is the draft for a proposed law, into the house to which he belongs. This bill is referred to a committee for consideration. The committee may recommend its adoption, report against it, or "kill it in committee" by postponing action and thus prevent it from going to the floor of the Legislature. Before it becomes a law each bill must be given three readings in each house, receive a majority vote in both houses, and be signed by the Governor; or, if vetoed by him, must be re-passed over his veto by a two-thirds vote in each house. Any bill may be amended by a vote of the house, and any member has the right to propose amendment. A bill becomes a law without the Governor's signature if it is not returned to the Legislature, signed, within ten days after its passage. If the Legislature has adjourned, the opposite is the fact, and the bill, if it is not signed by the Governor within ten days of adjournment, is considered to have received a "pocket veto," by which it fails to become law.

## CHAPTER XIII.

### Executive Department

Legislators make laws. Executives enforce them.

If we would become possessed of some right not granted by any existing law, we must go to the legislative branch of the government and have that right made law. If we wish to avail ourselves of a right or a privilege granted by law, we must turn to the executive department.

Laws in themselves are of no avail. They must be enforced.

It is probable that our Constitution in its present form would never have come into existence if it had not been for the total absence of executive authority in the Articles of Confederation. The Continental Congress had power to legislate, but its laws might as well not have been made, for there was no power to enforce them.

Under the Constitution, this executive principle runs through National, State and local government. In the nation it is invested in the President, in the State in the Governor, and in smaller divisions of government various executive officers are provided.

### The President

Chief of the public servants of the United States is the President, who is elected for a term of four years. To be eligible for the Presidency the citizen must have been born in the country and must have lived within the United States for fourteen years before his election. Also he must not be under thirty-five years of age.

The President is commander-in-chief of the army and navy, and of the State militia of all the States when called into Federal service. He has the power to grant pardons

and reprieves for offences against the United States; to appoint ambassadors, judges of the Supreme Court, members of his cabinet, and other important officers, with the advice and consent of the Senate; with the advice and consent of the Senate, also, he has power to make treaties with foreign nations.

He has power to call special sessions of Congress, and in case of disagreement between them as to time of adjournment, he shall adjourn them to such time as he thinks proper.

### **The Presidential Message**

The President influences legislation through his messages to Congress and possesses the veto power, which acts as a check on the legislative department. In his annual message, which is sent to Congress at the beginning of each term, he reviews the nation's affairs and suggests legislation which he thinks advisable. At other times, when conditions require, he sends special messages bearing directly upon those conditions.

All measures, having been passed by both houses of Congress, go to the President for his consideration. If he approves and signs them, they become law. If he vetoes them, as he has the power to do, they may be passed over his head by a two-thirds vote of Congress. If he neither signs nor vetoes them within ten days, they become law, unless Congress has adjourned. In such case, a bill ignored by the President for ten days is said to have received a "pocket veto" and does not become law.

For his services to the nation the President receives a salary of \$75,000 a year and a residence in the White House. He is the host of the nation, and welcomes for us all our foreign ambassadors, ministers and other official guests.

## The Vice-President

The Vice-President is elected in the same way, at the same time, and for the same term, as the President. His qualifications for office must be the same as the President's. This is necessary, because in case of the President's death or impeachment, he becomes the chief executive. His salary is \$12,000 a year.

The Vice-President is president of the Senate, but he has no power to vote except in case of a tie.

The mayor of a city gathers around him various officers to assist him in his executive work, the Governor is aided by State boards and the President divides the tremendous responsibilities of the National executive among the members of his cabinet and the departments which they represent.

## Departments of Government

These departments have been created from time to time by Congress, but the heads of them are always appointed by the President. These departments are: State, War, Treasury, Postoffice, Navy, Interior, Justice, Agriculture and Commerce and Labor.

The members of the cabinet are appointed by the President and receive for their work \$12,000 annually.

The Secretary of State conducts the foreign affairs under the President's direction. He keeps the seal of the United States, publishes the Federal statutes, and preserves the originals of all treaties. His department is divided into eight bureaus, presided over by a chief.

The Secretary of War has charge of all matters pertaining to National defenses, fortifications, etc. He issues orders for movement of troops, and has charge of West Point military academy.

The Secretary of the Treasury supervises the National finances, estimates public expenditure, collects the

customs and internal revenue, and deposits public money.

The Attorney-General is the people's lawyer, at the head of the Department of Justice. He provides legal advice for the President and his cabinet, represents the Government in all suits in which the United States is a party and exercises general supervision over all offices connected with the Department of Justice.

The nation's postman is the Postmaster-General, who has supervision over the entire postal service. He appoints all postmasters whose compensation does not exceed \$1000 a year.

The Secretary of the Navy guards the interests of the nation on the high seas. He supervises the construction of war vessels, has charge of the Naval academy, and generally oversees the naval service.

The cabinet officer who comes nearest to us, in supplying our more immediate and pressing demands, is the Secretary of the Interior. He has control of all public lands, gives us our farm if we want to become homesteaders, grants us our pensions and patents, takes care of our National education, our Indian affairs and the geological survey. The Secretary of the Interior is aided in these duties by the Commissioner of the General Land Office, the Commissioner of Patents and the Commissioner of Pensions.

The Secretary of Agriculture is the National farmer. He decides what lands will grow the best alfalfa, what seeds will bear the best fruit, and what shall be done with the bug that eats our potatoes. He furnishes free information on these points, and free seeds to any of us that ask for them.

The infant of all departments in our National family is that of Commerce and Labor. It is a lusty child, and many corporation presidents have been kept awake by it. It has charge of the investigation of corporations, labor interests, promotion of American manufactures, the cen-

sus, immigration, light-houses, coast survey and steam-boat inspection.

### Commissions

Supplementary to these departments are two commissions, which have had a decidedly revolutionary effect in their individual lines.

One is the Interstate Commerce Commission, which has turned the spotlight on a number of dark places that needed illuminating. Railroad rate regulation is the direct result of the activities of this commission.

The other is the Civil Service Commission, which is making it possible for thousands of men and women to hold their positions through personal merit instead of party affiliations. This commission is aiding the executive department of local, State and National Government to execute more efficiently the affairs of government by supplying us with competent workers. It is also doing away to a very great extent with the great army of jobless clerks that has been the result of each change in party administration.

The activities of all these branches of the Federal executive are paralleled in State and local governments with various degrees of fidelity to the National pattern, according to the individual needs of localities.

### State Officials

Individual States choose their executives according to their various constitutions. A glance at California's official blue book serves as a general illustration.

The Governor of California must be at least twenty-five years of age, and must have lived five years in the State. He is the commander-in-chief of the militia of the State, can grant reprieves, pardons and commutation

of sentence except for treason and in cases of impeachment; he may call and adjourn special sessions of the Legislature. His term of office is four years and his salary \$10,000.

The Lieutenant-Governor, who is elected under similar conditions to the Governor, receives a salary of \$4000. He is president of the State Senate, and in case of the death or impeachment of the Governor, and in the absence of the Governor from the State, takes his place.

The Attorney-General, who is the State's legal advisor, receives a compensation of \$6000 a year, and the Secretary of State, whose duty it is to keep the record of the official acts of the legislative departments; the Comptroller, who manages financial affairs; the Treasurer, Surveyor-General, the Superintendent of State Printing and the Superintendent of Schools each receive \$5000 annually from the State.

These officers are elected directly by the people, and at the same time and for the same term as the Governor.



## CHAPTER XIV.

### The Judiciary

In theory the best judgment of a nation—its “sober second thought”—is embodied in its judiciary.

Courts are created for the interpretation of law and the administration of justice.

Like the legislative and executive departments, the judiciary in the United States is intended to serve the interests of the whole people. Only by so serving the common good in the interpretation and administration of law does it fulfill its proper functions. When it is diverted from the service of the whole people to the service of the few it is failing in its purpose.

The chief concern of the people with the judiciary, then, is to see that the common good is being guarded.

There has been a tendency in the past to look upon the decisions of courts, especially of the higher Federal tribunals, as sacred, and to accept them as final, no matter how much injustice to the whole people they may appear to work. The change in the public attitude toward each of the departments of government is perhaps most noticeable as applied to the judiciary, because of the contrast to this former feeling. The chief concern of the people, so far as the courts are concerned, is to see that they are composed of men whose gift is a gift of justice as well as a gift of law.

For the interpretation of law and the administration of justice we have city, county, State and National courts.

### The Federal Judiciary

The Federal judiciary consists of the Supreme Court, the Circuit Court of Appeals, nine Circuit Courts, eighty District Courts and the Court of Claims.

## **The Supreme Court of the United States**

The Federal Supreme Court is the court of last appeal. It has original jurisdiction in cases to which a State or any foreign minister is a party, and passes upon the constitutionality of law. If, in its opinion, a law of any State of the United States is in violation of the Federal Constitution, such a law becomes void immediately upon the publication of a ruling to that effect. Any question involving the constitutionality of any law can be taken to the Supreme Court. It meets in Washington upon the second Monday in October of each year.

A Chief Justice and eight associates compose the Supreme Court. They are appointed by the President for life, or during good behavior, but they may be retired at the age of seventy upon full pay, if they have served ten years. As a court, they have original and appellate jurisdiction, and individually each has charge of one of the nine Circuit Courts.

The Chief Justice receives a salary of \$13,000 a year, and his associates \$12,500 annually.

## **The Circuit Courts**

Each of the Associate Justices and the Chief Justice has under his jurisdiction one of the nine Circuit Courts. Each circuit comprises several States, and matters under its jurisdiction are divided among a number of District Courts. Questions decided by these courts are those relating to disputes between States, or between citizens of different States, between citizens of the United States and foreign states, citizens or subjects.

To aid the work of the Associate Justices and the District Courts a Circuit Court of Appeals was established by Congress in 1891. The Chief Justice and the Associate Justice assigned to any circuit, the Circuit judges and the

District judges within that circuit compose the Court of Appeals for that circuit.

Circuit judges are also appointed for life, with an annual salary of \$7000. Each Circuit Court has two or more judges.

District judges, who are also appointed, receive \$6000 a year. Their number varies with the increase in legal business.

Five judges at annual salaries of \$6000 comprise the Court of Claims.

## **The State Judiciary**

State law is interpreted and enforced in all States on very much the same plan as that used to secure justice in the nation.

### **The State Supreme Court**

In California a Supreme Court composed of seven judges is the court of last resort, except in such cases as may be taken before the Federal judiciary.

Corresponding to the Federal District Courts, California has the Superior Court, which is a trial court. Each county has one Superior Court, but it may have as many departments as are necessary to carry on the business of that county, the number of departments being determined by the Legislature.

There are three appellate districts in California, each of which has a District Court of Appeal, consisting of a Chief Justice and two Associate Justices. Neither the Districts Courts of Appeal nor the Supreme Court have original jurisdiction; they are courts of review and deal only with appeals.

### City and County Courts

Each county has one or more Justice Courts, presided over by justices of the peace. These justices try civil cases involving sums of less than \$300 and certain classes of misdemeanors. The Justice Court is the lowest county court.

Corresponding to the Justice Court in the county there is the Police Court in the cities, which has jurisdiction over offenses against the city ordinances. The police judge tries only misdemeanors, but may sit as a committing magistrate in felony cases, in which case he merely determines whether or not the evidence is sufficient to warrant holding the defendant for trial in the Superior Court.

Civil cases in which the amount in controversy is less than \$2000 may be carried from the Superior Court to the District Court of Appeals. Capital cases are appealed to the Supreme Court.

A person charged with crime and appearing before any court is guaranteed certain rights. He is entitled to a speedy and public trial by an impartial jury of the district and State in which the crime was committed; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; and to compel the attendance of witnesses in his favor. The Constitution also protects him from testifying against himself, from excessive bail, from cruel and unusual punishment, and from being twice put in jeopardy for the same offense.

## CHAPTER XV.

### Nation and State

As we have learned, three principles—legislative, executive and judicial—run through both our National and State Governments. However, for convenience in the operation of our governmental mechanism, the Constitution divided the powers in each branch into two classes—those to be exercised by the nation and those reserved to the States.

Thus our system of government delegates certain powers to the nation, other powers to the States, and enumerates certain other powers that may be exercised by either or both. At the same time, it points out certain other powers denied to both.

Neither can grant a title of nobility, neither can punish for an act that was not criminal when committed, and neither can inflict punishment without due process of law.

If we have a local, personal concern, bearing upon our personal relationships, we must look to the State for a settlement of our difficulties.

### Powers of the Federal Government

If the concern is one which affects the whole American people, the Federal Government has jurisdiction.

The Federal Government has only such powers as are expressly given it by the Constitution, but the State, in determining its powers, is within its rights if it does not encroach on the jurisdiction definitely outlined by the Constitution as belonging to the nation.

The Federal Government borrows money on the credit of the United States; constitutes tribunals inferior to the Supreme Court; punishes counterfeiters, governs natu-

ralization, defines and punishes piracies and felonies on the high seas, and offenses against the laws of nations; declares war; grants letters of marque and reprisal; lays and collects taxes, duties, imposts and excises; pays the debts and provides for the protection and general welfare of the United States.

It treats with other nations; regulates our commerce; maintains our army and navy; controls territories, post-offices, post roads, copyrights and patents, and regulates coinage, currency, weights and measures.

When we buy a pound of butter at the grocery store the whole power of the United States is behind us in enforcing our demand that a pound shall weigh sixteen ounces. The vendor of a bushel of potatoes which contains less than eight pecks is an offender against the Federal law. These things concern the whole people.

The Federal Government controls navigable waterways and means of communication between States, such as express companies, railroads, and telephone and telegraph lines. Many believe that in the extension of powers of the Federal Government under the interstate laws and the Constitution rest the chief power to remedy most of the evils of distribution.

It is because we ship our foods from one State to another that the Federal Government has the power to step in and say that those foods shall be pure. If we kept them at home and used them merely for State consumption, the Federal Government could not touch them. Therefore, we are under the necessity of protecting ourselves in the States by local pure food laws.

The Federal Government acts directly upon the individual, levying its own taxes and executing the decrees of National courts by Federal officers.

In case of need the whole military power of the United States may be employed against law-breakers, in cases

where the local power is declared insufficient to cope with the situation.

The protection of citizens against unlawful or discriminating legislation by any State is also in the hands of the Federal Government.

This very clause, perverted from its original purpose, has blocked many a movement which might have meant fairer working conditions for large classes of citizens. It has been a blanket for covering a multitude of injustices and presents one of the constitutional obstacles which we must climb over or get around as the stream of human progress flows on.

### **Power of the State Government**

All legal, personal relations in home and business, between husband and wife, child and parent, partners and debtors and creditors are in the hands of the States. The Federal Government has nothing to do with these.

The State also has complete charge of education and of the elective franchise. The State creates and regulates corporations. This is the reason why many corporations doing an international business of millions annually from one State have a legal residence in another. The corporation picks out the State in which it can do business with the least possible cost and discomfort to itself. Again, as in the enforcement of the pure food laws, the Federal Government is powerless, except where corporations do an interstate business and thus place themselves in direct relation to the National Government. When the Constitution was framed, corporations were not of such tremendous National importance as they are today. Since their growth in power and influence has made it possible for them to jeopardize the interests of the whole people, there arises a need either for

an extension of the Federal power or for uniform legislation in the States.

The Federal Congress is prohibited from suspending the writ of habeas corpus, except in time of war when the public safety may require it; from passing bills of attainder; from taxing exports from any State, or from giving preference to the courts of any State over those of another.

States are prohibited from coining money, issuing bills of credit, granting letters of marque and reprisal; entering into treaties, alliances or compacts; keeping troops or ships of war in time of peace; passing any bills of attainder; making anything but silver and gold coins a tender in payment of debts; laying any duties without the consent of the Federal Congress; engaging in war unless invaded or in imminent danger.

Aside from these prohibitions, which were created to centralize the nation's power, the States may make and enforce any legislation not conflicting with the Federal Constitution.













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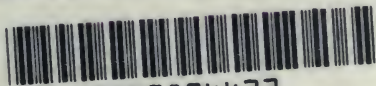
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