Brought over....	15	7	12	6	24	16	10	90
Indiana	4	5	4	2	..	4	2	21
Iowa	1	..	3	..	..	1	..	5
Kansas	2	2	6	2	2	1	..	15
Kentucky	5	..	..	1	2	5	..	13
Louisiana	3	..	2	3	1	2	2	13
Maryland	1	..	1	1	2	1	..	6
Massachusetts	..	..	..	..	1	3	..	4
Michigan	3	1	..	3	4	4	1	16
Minnesota	1	1	3	4	1	2	3	15
Mississippi	..	2	..	..	2	3	..	7
Maine	..	1	..	..	..	1	..	2
Missouri	2	5	2	2	5	2	5	23
Montana	1	2	2	..	6	1	1	13
Nebraska	2	2	4	5	7	2	1	23
Nevada	1	..	..	..	1	1	1	4
New Hampshire....	1	..	..	1	..	..	..	2
New Jersey.....	2	1	1	3	2	4	..	13
New York.....	2	2	1	2	4	5	1	17
North Carolina.....	..	..	3	2	1	..	..	6
North Dakota.....	2	1	..	..	2	4	2	11
Ohio	3	3	1	2	3	1	1	14
Oklahoma	..	..	..	1	..	2	1	4
Oregon	..	..	2	..	3	2	..	7
Pennsylvania	1	1	1	1	2	..	2	8
Rhode Island	..	..	..	..	..	..	..	0
South Carolina.....	2	1	1	1	1	3	..	9
South Dakota.....	..	1	1	2	3	..	3	10
Tennessee	2	1	2	..	3	2	2	12
Texas	4	1	..	2	3	5	2	17
Utah	2	..	2	..	..	3	1	8
Vermont	1	1	1	..	3	1	..	7
Virginia	..	1	..	..	2	3	..	6
Washington	3	..	1	6	8	6	3	27
Wisconsin	5	2	1	..	2	2	2	14
Wyoming	..	..	..	..	1	..	..	1
West Virginia.....	..	1	1	..	..	1	2	5
Total	71	45	58	52	101	93	48	468

What those who believe in a more responsible judiciary most desire is a complete redefinition of the powers of the judicial department, taking away its prerogative to declare statutes unconstitutional and remanding it to the simple administration of purely judicial functions.

This would leave the legislature the supreme arbiter in all political questions, just as it was previous to the development of the judicial veto, and just as it is in Great Britain yet.

The power of declaring statutes unconstitutional was not granted by the early State Constitutions to the judiciary. This prerogative was first exercised by the Rhode Island court in the case of *Trevett v. Weeden*, in 1786. That it was usurped is plainly proved by the fact that the Governor speedily convened the General Assembly in extraordinary session to impeach the judges. Although impeached, the judges were not removed, the legislature graciously permitting them to hold office until the end of the year, when their term expired. At the expiration of the year, however, they were not re-elected.

In defending the court's decision, one of the judges, Justice Tillinghast, said: "The opinion I gave upon the trial was dictated by the energy of truth: I thought it right—I still think so. Be it as it may, we derived our understanding from the Almighty, and to Him only are we accountable for our judgment." Here we have the old doctrine of "divine right" of kings reasserted in behalf of judges.

And upon that doctrine the defense of judges against the Recall rests today. Since the Rhode Island case, the American judiciary, it would seem, has held itself responsible to the Almighty alone, and responsibility to Him has been construed against electorates. This condition finds a defender in President Lowell, who in his "Essays on Government" at page 124 says: "If it were the duty of the courts to give effect to the wishes of the people upon Constitutional questions, our government would be a truly absurd one." But is it the duty of the courts in a democratic government to thwart the law-making power of the people?

Since the judiciary, as it is now constituted, is in actual effect a political body, and, moreover, a political body which sympathetically is not in agreement with the vast majority of electors, there seems to be no logical reason whatever why the Recall should not be applied to judges as well as to legislators and executive officials. All policy-making officials must in a democracy be directly responsible to the people. Policy-executing or administrative officers, if amenable to the policy-making ones, need not be made liable to Recall. They are responsible to the people through the legislature. If judges, then, were to be deprived of the prerogative of passing upon the Constitutionality of laws, there would no longer be any valid argument favoring even their popular election, much less their Recall.

HERBERT S. SWAN.

EDITORIAL CORRESPONDENCE

"STATE O' MAINE."

Skowhegan, Me.

Substantial achievements in line with Singletax are much nearer in Maine than the casual observer might suspect. The political landslide of 1910 has forced even the Standpatters to admit that something in the economic situation is wrong, and the disciples of Henry George who are upon the ground are seeing

to it that the agitation does not cease until the voters know about what that something is.

Maine is naturally an agricultural State, with the added advantage of great water powers and tide-water transportation; but hitherto the speculative holding of the latter resources has interfered greatly with development. Such manufacturing and transportation projects as have been carried out have usually demanded and received substantial concessions in the shape of tax rebates. Under the general property tax this has left agriculture more heavily burdened than any other industry, with the inevitable consequences. Both capital and population have been driven from the farming towns, and but for the growth of Aroostook county and the few manufacturing centers, the entire State would have gone backwards in population during the past decade. But the very hardships of the Maine farmers were probably blessings in disguise.

Indirectly they were a tremendous stimulus in the organization of the Grange, which is now represented in nearly every hamlet of the State by from 1 to 100 of its 60,000 members.

Years ago these hard-headed farmers, in talking things over in their halls, came to the conclusion that something was wrong. The politicians became scared and resolved to do something. They did, and succeeded in making a bad matter worse.

Maine politicians are probably more highly skilled in manipulating that political football known as "the rum question" than any others in the world. While the game was young, they divided an empire of virgin timberlands among themselves without let or hindrance, and in more recent years have brazenly maintained a powerful lobby to protect their privileges.

While these timberlands were paying a 3-mill State tax on nominal valuations, property in the incorporated towns and cities had to pay the State tax, with county and municipal rates added. This comparison was all but meat and drink to the demagogues.

The State Constitution specifies that "all taxes upon real and personal estate, assessed by authority of the State, shall be assessed and apportioned equally, according to the just value thereof." To tax the wild lands, therefore, it was necessary to tax all other real estate at the same time; but one ingenious politician discovered what he thought was a way out of the difficulty. He suggested a State-wide tax for school purposes, with the proceeds re-allotted to the towns and cities according to their valuation. As finally passed by the legislature, the act apportioned part of the money according to school enumeration and part by valuations, but the immediate result was to make the farmers and property owners dig up more money for taxes than they had ever paid out before. Hence the landslide.

But while the old Grange leaders and the politicians were wrestling with the tax question, a few far-sighted men were "sawing wood" in another corner.

By some exceedingly shrewd and clever political maneuvering, they secured a good and workable Initiative and Referendum, applying to legislation but not to Constitutional amendments. The omission was a necessary concession to the prohibitory law imbedded in the Constitution. Two years ago the progressive crowd followed up their advantage with an Initiated direct primary law that is a "corker." The legislature turned it down cold, but the people passed it 65,000 to 21,000, and we are just entering our first campaign under it.

The next step in line with true progress is to secure an amendment to the Constitution permitting the classification of property for the purpose of taxation. This will require a two-thirds vote in both branches of the legislature, and ratification by the people at the polls. But the outlook for its passage is bright. All that is necessary is to insert the phrase "any given class," so that the Constitution shall read: "All taxes upon any given class of real or personal estate, assessed by authority of the State, shall be assessed and apportioned equally, according to the just value thereof."

This change is one of the letter rather than the spirit, and meets with favor wherever proposed. The Governor has called a special session of the legislature beginning March 20th, and a resolution passed at that time can be submitted to the people at the regular September election at only nominal expense. If passed by a regular session it would have to go to the people at a special election.

Nearly everybody is by this time ready to admit that the tax system needs an overhauling, and candidates before the primaries next June are already declaring themselves for tax reform.

Meanwhile, on the first of January the law for separating land values and improvement values went into effect, so that the data for a real Singletax campaign should be at hand as soon as we are ready to make use of it. Progressives throughout the State are responding well to the requests of the Maine Tax Reform League for support, and numerically we are already in a position to make uncomfortable all politicians of reactionary tendencies.

The best and most unanswerable arguments for our immediate program, are the enumeration of the glaring inequalities that under the present law exist on every hand.

CHRISTOPHER M. GALLUP.

SIGNIFICANCE OF MAYOR TAYLOR'S DEFEAT IN VANCOUVER.

Winnipeg, Feb. 2.

We must not be too sure that Vancouver will not revert to the old system of taxation. This was not an issue at the recent municipal election in Vancouver. Mayor Taylor stated that it was, but his opponent disclaimed any intention of touching the taxation question.

However, it is quite possible that the present mayor, who, I believe, represents all the plutocratic interests may, in spite of his word to the contrary, do something to upset the present status. The peo-