The Democratic party has declared for an income tax as a part of the revenue system, and for a constitutional amendment as a means of securing this tax. Secretary Taft announces in his notification speech that he is in favor of an income tax whenever the revenues are so low as to require it, and expresses his belief that it is possible to secure such a tax without a constitutional amendment. If it is possible to frame a law which will avoid the objections raised to the income tax law of 1894, well and good, but that is uncertain. If an income tax is desirable, surely Secretary Taft cannot consistently oppose the adoption of a constitutional amendment. If the principle is right and the tax wise, Congress ought to have authority to levy and collect such a tax, and no supporter of Secretary Taft can oppose our position without dissenting from the Republican candidate.

The whole aim of our party is to secure justice in taxation. We believe that each individual should contribute to the support of the government in proportion to the benefits which he receives under the protection of the government. We believe that a revenue tariff, approached gradually, according to the plan laid down in our platform, will equalize the burdens of taxation, and that the addition of an income tax will make taxation still more equitable. If the Republican party is to have the support of those who find a pecuniary profit in the exercise of the taxing power, as a private asset in their business, we ought to have the support of that large majority of the people who produce the nation's wealth in time of peace, protect the nation's flag in time of war, and ask for nothing from the government but even-handed justice.

Importance of the Right of Trial by Jury

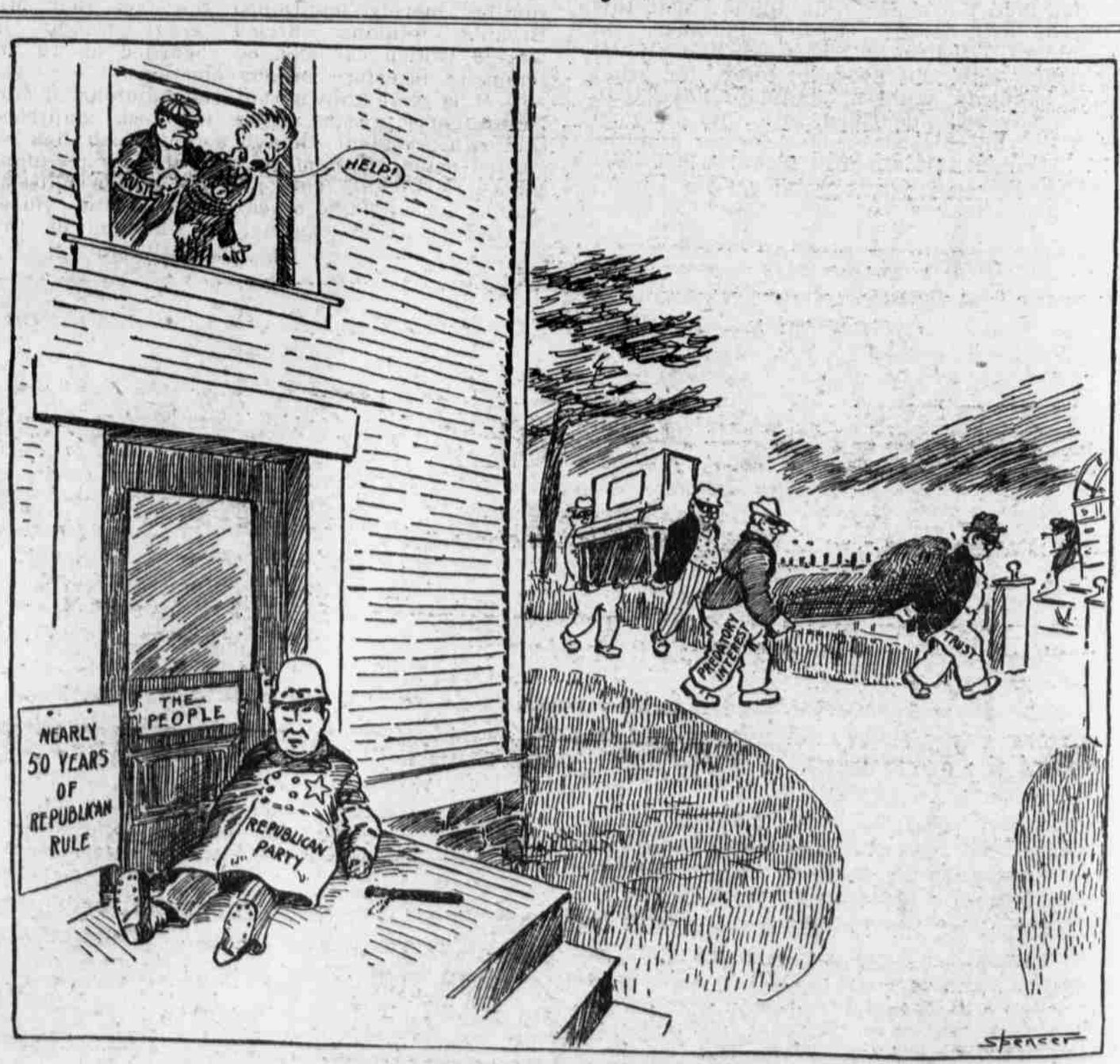
"Law Notes," a lawyer's publication, prints in its August number an interesting article written by Charles C. Moore,, and relating to the importance of jury trial in cases of indirect contempt. The article follows:

As in other criminal cases, accusations for contempt must be supported by evidence sufficient to convince the mind of the trier beyond a reasonable doubt of the actual guilt of the accused. U. S. v. Jose, 63 Fed. Rep. 954. Of course the purpose of this rule is frustrated if there is a reasonable doubt of the capacity of the trier to estimate the convincing force of the evidence; and, as we have seen, the judges themselves declare that, sitting as triers of facts, their competency to weigh evidence accurately is not equal to that of juries.

But the superiority of jurors as triers of facts is not the only reason for the requirement that criminal cases shall be tried by a jury. The people, by a jury drawn from among themselves, take part in every conviction of a person accused of crime; and the general knowledge that no man can be otherwise convicted increases the public confidence in the justice of convictions, and is a strong bulwark of the administration of the criminal law. Sparf v. U. S., 156 U. S. 51, 175, per Mr. Justice Gray. "We can not believe that it is wise or expedient to place the life or liberty of any person accused of crime, even by his own consent, at the disposal of any one man or two men, so long as man is a fallible being," said the supreme court of Connecticut in State v. Warden, 46 Conn. 349, 367, per Carpenter, J. And although the majority of the court held that a statute authorizing the accused to elect to be tried by the court was constitutional, and that the wisdom of the permission was for the legislature to determine, Chief Justice Park dissented upon the ground that the law conflicted with the constitutional provision that "the right of trial by jury shall remain inviolate." It is to be noted, by the way, that the federal constitution contains the more explicit provision that the trial of all crimes, except in cases of impeachment, "shall be by jury," thus recognizing the interests of the public in this mode of trial.

U. S. Rev. Stat. Sec. 800, 4 Fed. Stat. Annot, p. 737, provides that the qualifications of jurors in the federal courts shall be the same as those for jurors in the highest court of law in the state where the federal court is sitting. **The citizens of West Virginia, for example, may rest assured that no verdict of a jury in a federal court in that state can affect life, liberty, or property, if any of the jurors is more than sixty years old, because the legislature of the state has deemed it unwise to intrust such vital interests to the judgments of men in the decline of life. West Virginia Code (4th ed.), p. 822. But a federal judge seventy-eight years old has sent men to jail in that state for violating his own injunction, the judge alone deciding the question of guilt on conflicting evidence, and no tribunal on earth having power to reverse his judgment except for error of law. U. S. v. Haggerty, 116 Fed. Rep. 510.**

It is arguable that the respect due to judges will be diminished by suffering their purpose in granting an injunction to be foiled by the verdict of a jury liberating alleged contemnors. But the conclusions of equity judges on questions of fact as well as of law are often upset by an appellate court, and no complaint is heard. It is hard to see how the prestige of a judge could suffer more grievously than by his conviction and sentence of a person for a criminal contempt in a case where overwhelming and sincere public opinion pronounced the defendant guiltless and the evidence insufficient to warrant the judge's finding. Trial by jury might be highly salutary by protecting the judge from malicious criticism, and by relieving him from apprehension of public indignation for a mistaken conclusion of guilt. In a case in equity tried by a New Jersey vice-chancellor, the defendant, a clergyman, testified that he had paid the complainant, an old woman parishioner, $1,000 in bills for certain real estate. The complainant absolutely denied the payment. There was some other evidence bearing upon that issue of fact. The vice-chancellor considered the testimony at great length and declared the clergyman a liar. On the same testimony the case was taken to the court of errors and appeals, which decided in short order, by a unanimous bench of twelve jurors, that the clergyman had not committed perjury, that his story bore all the marks of truth, and that the testimony of the complainant was glaringly false. Subsequently, in a divorce case, the same vice-chancellor wrote an opinion which covers thirty-seven pages of the report, and upon an exhaustive review of the testimony adjudged the wife guilty of adultery and granted her husband a divorce. On appeal to the court of errors and appeals the same evidence was discussed with consummate ability by Judge Vredenburgh, the decree of the vice-chancellor was reversed, and the wife's name saved from dishonor. "Her reputation under the proofs stands without a stain or blemish upon it," was the unanimous opinion of the fifteen judges. The same vice-chancellor afterward tried, convicted, and sentenced strikers for violations of his injunctions. Now, suppose that in these contempt cases he had committed blunders in estimating the weight of evidence, as gross as those which the reviewing judges found in the two cases above mentioned. No tribunal could review his finding and rectify his mistake on the facts. Wouldn't there be an ugly clamor for trial by jury? If a locomotive engineer's mistake caused as grievous injuries to the persons of passengers on his train as the vice-chancellor's uncorrected errors would have inflicted on the reputations of litigants in his court, what would become of that engineer's job? A federal judge will hold his job, despite mistakes, until resignation, death, or removal by impeachment.



Asleep on His Beat