for the place. Possibly, the recall may serve as a sifting process with which to eliminate those unworthy to wear the ermine. In fact, it would more than justify itself if it removed from the list of aspirants all lawyers who lack the courage to do their duty regardless of consequences. If there is any position in which we need rigid, uncompromising uprightness, it is upon the bench, and the recall, instead of menacing the independence of the judiciary, is more likely to improve the character of those who occupy judicial positions.

With the recall, official terms may with safety be made longer.

And speaking of the length of terms, the tendency is toward making an executive ineligible to re-election. His duties are so responsible and his influence so extended that he should be free to devote his best energies to public affairs, and no one can devote his best energies to the public if his vision is clouded by political aspirations or his judgment perverted by personal considerations. The state needs a quickened conscience and an unbiased judgment in its executive and ineligibility to re-election largely contributes toward both. A governor may misuse the patronage at his disposal if his heart is bent upon another term—he is much more apt to than if his sole purpose is to win an honorable place in history by fidelity to his oath of office.

ELECTIONS

The constitution—which you are preparing—will designate the means by which the electors will exercise their sovereign power at the polls. It may be taken for granted that you will employ what is known as the Australian ballot, which insures secrecy. While we admire the courage displayed by those who openly announce a position and accept whatever responsibility may come with the announcement, we can not be blind to the fact that, under present industrial conditions an open ballot jeopardizes the occupation of the employes when the employer is unprincipled enough to attempt to force his political views upon those who work for him. The secret ballot is the only means that we now have of safeguarding voters who are industrially dependent upon others. In this connection, I may add that the reasons for secrecy do not extend to persons acting in a representative capacity. On the contrary, secrecy is intolerable in a representative. His constituents have a right to know what he does, and, therefore, most modern constitutions require a roll call on all measures passing a legislative body, and usually the concurrence of a majority of all the members elected to the body—not merely a majority of those present at the time—is required for the enactment of any measure. This rule may well be extended to party caucuses. Under our system—the party is inevitable, or seemingly so, and the party caucus often determines the action of all the members of the party, although the decision of the caucus depends upon the vote of a majority. Under such conditions, there is no good reason why the rule applied to legislatures should not apply to the caucus. It is even more necessary because the desire to preserve the appearance of party harmony may prevent a roll call in a party caucus, unless the roll call is compulsory. Publicity is both a prevention and a purifier; the constituent can not have too much light thrown upon the conduct of his representative.

The election boards should be bi-partisan, beginning with the judges who preside over the polling place and following up to the highest canvassing board of the state, where the returns are inspected and the result finally declared. Both sides should be represented—in no other way can an honest count be secured. And a bi-partisan board, to deserve the name, must be composed of members selected by the parties which they represent. A bi-partisan board whose members are chosen by one side, is bi-partisan in name only. Experience has shown that where the dominant party selects the representatives of the minority party as well as its own representatives, the minority representatives do not, as a rule, reflect the wishes or protect the rights of the minority party. The minority representatives are too often chosen because they have already been corrupted or because they are open to corruption—the word corruption not being used in this case to suggest actual bribery, but rather to describe that perversion of purpose that renders one unfit to speak for those whose spokesman he is assumed to be.

I beg to commend to you two federal laws recently enacted, one prohibiting contributions from corporations and the other compelling publicity, before the election, of the names of individual contributors and limiting the amount that candidates can expend in their own behalf—and there is no reason why a limit should not be placed upon the total amount that can be expended by others on behalf of a candidate. And while on the subject of publicity I suggest that newspapers should be required to make public the names of owners, and the names of creditors also where the indebtedness is large enough to control the paper's policy.

PRIMARIES

The primary is only second in importance to the election itself. The voter is limited in his choice to the candidates named on the ticket, and the naming of the candidate is, therefore, a matter which must be guarded with care. The age of the boss is passing and there is a continuing advance here and throughout the world toward the popularizing of all the methods of the government. If it be true that governments derive their just powers from the consent of the governed, it necessarily follows that parties derive their just authority from the consent of the voters of the party. Legislation should be authorized which will guarantee to the voters the right to control the selection of the candidates who are to enjoy the distinction of representing the party, and provisions should also be made for nomination, by petition, of those who desire to run independent of the party organizations. The primary should include an expression on presidential candidates and an expression on postmasters would probably be respected by the president in making appointments.

The primary laws should make provision for an expression of the voters on questions as well as upon candidates, and laws should be authorized dealing criminally with candidates who pledge themselves to specific measures and then, by official act, repudiate those pledges after election. Platforms should either be made binding or they should be prohibited. A platform has no meaning unless it is intended as a pledge, and a violation of such a pledge involves a greater degree of moral turpitude than the offenses against property rights which we now punish severely. A pledge publicly given by a candidate, and a platform promise not openly repudiated, should be binding in law as well as in conscience.

You now have a statute embodying what is known as "THE OREGON PLAN," which enables the voters to pledge legislators to vote for the popular choice for United States senator. While it seems certain that congress will soon submit a constitutional amendment providing for the direct election of senators, still as a matter of precaution this safeguard should not be surrendered until a constitutional amendment is secured.

TAXATION

Taxation is one of the prominent subjects with which those entrusted with government have to deal. Other questions come and go but the question of taxation remains. People may dispute about the methods to be employed in the levying and collecting of taxes, about the amount to be raised and the manner in which it should be expended, but revenue must come in or the wheels of government stop. When we find and employ a perfect system of taxation, we shall have gone a long way toward perfection in government—until then we must approximate as nearly as we may to justice.

Adam Smith lays down a principle for the guidance of those who frame tax laws, and no better rule has been proposed, namely; that citizens should contribute to the support of the government in proportion to the benefits which they receive under the protection of the government. This is the ideal which the wise and just are struggling to embody in law. It may be taken for granted that you will consider such subjects of taxation and employ such methods as will give no just cause for complaint or partiality or favoritism in apportionment, assessment or collection. The income tax seems likely to be employed by the federal government as a means of raising national revenue but that is no reason why it should not also be employed in the state. It is not double taxation to levy an income tax by both state and federal government. We must contribute to both governments and it is not material upon what particular kind of property the tax is levied, provided it is so levied as to impose upon each citizen his proper share of both taxes. We do not call it treble taxation when we pay upon the same piece of property a certain amount for the city, a certain amount for the county and a certain amount for the state—neither can we call it double taxation when we add another burden to the same income for the support of the general government. The same can be said of a tax on inheritances.

Franchises are a proper subject of taxation. Being a grant from the public there is special reason why they should help to bear the public burdens. Corporations, likewise, are being more and more considered proper subjects of taxation, and the mere right to incorporate is a valuable gift to those who take advantage of it. The corporation relieves the stockholder of a part of the liability borne by the man who does business as an individual or as a member of a partnership. This limitation of liability is an advantage worth paying for. The corporation also protects a business venture from the interruption and embarrassment caused by the death of the individual or the partner. The corporation confers numerous other favors which are properly taxable.

You might with propriety leave some latitude to cities and counties in the matter of taxation. If they are allowed to experiment with different methods the public as well as the communities will have the benefit of the experiment, and only by experiment can the relative merits of systems be determined. Provision should, of course, be made for equalizing the basis of assessment so that taxes for the larger communities can be equitably distributed regardless of dissimilarity in local systems.

CORPORATIONS

The corporation is becoming so important a factor in business life that its consideration will demand of you both care and courage. Here more than anywhere else you will have to stand an an impartial arbiter between the rights of the whole people and the interests of a class. Powerful pressure can always be brought to bear in favor of concentrated capital. A million dollars invested in a single corporation exerts an influence more potential than ten times that sum invested in a hundred separate enterprises.

The first thing to understand is the difference between the natural person and the fictitious person called a corporation. They differ in the purposes for which they are created, in the strength which they possess, and in the restraints under which they act. Man is the handiwork of God and was placed upon earth to carry out a Divine purpose; the corporation is the handiwork of man and created to carry out a money-making policy. There is comparatively little difference in the strength of men; a corporation may be one hundred, one thousand, or even one million times stronger than the average man. Man acts under the restraints of conscience, and is influenced also by a belief in a future life. A corporation has no soul and cares nothing about the hereafter.

The corporations created by law naturally divide themselves into two classes, quasi-public corporations and purely private corporations. The corporations that engage in public business, such as a municipal corporation in a city and the transportation and other public service corporations in the state, must be kept under rigid regulation. It is absurd to say that a corporation created by the people for the advancement of the public welfare should be left to do as it pleases, regardless of the injury which may result to the public. All public service corporations should be under the control of officers, boards, or commissions empowered to prevent the watering of stock and the issuing of fictitious capitalization. All franchises should be for a definite period, and that not a long one. A perpetual franchise is abhorrent to every sense of justice, not only because it imposes burdens on generations yet to come, but also because it is entirely one-sided No human being can look ahead one hundred years and estimate the value of a public franchise—not to speak of one thousand years or longer. If a body of men secure a public franchise that runs for a long period, they can give it up at any time if they find it unprofitable but the people can not so easily correct a mistake if they sell it at too low a price. The maximum limit for such franchises should not be more than twenty-five years, and the charter should reserve the right of regulation and control by the government. It should also reserve the right of public purchase at the physical valuation. At most, no higher sum should be given for a franchise than the corporation paid for it.

In some instances a maximum dividend, a dividend sufficient to keep the stock at par, has been fixed in the case of public service corporations—and such provision rests upon sound reasoning. If it is argued—and it can be with reason—that the dividends may sometime fall below a reasonable rate, this difficulty can be remedied by permitting railroads, street car companies and other public service corporations to collect, over and above the dividend permitted, a surplus sufficient to make good any shrinkage in dividends that may occur in bad