

## PERILOUS POSITION OF PROPOSED AMENDMENT

TWELVE STATES CAN DEFEAT INCOME TAX MEASURE.

It is Possible for Four Per Cent of Voters to Nullify Will of Other 96 Per Cent.

WASHINGTON, July 22.—That there will never be an income tax if it is necessary to wait for three-fourths of the State legislatures to ratify the proposed amendment to the constitution, is the conviction of Senators and other students of politics and economics in the National Capital.

Friends of a genuine income tax realize only too well now that the proposed amendment of the constitution was but a part of the conspiracy devised by Aldrich and others to defeat the income tax. It will be recalled that no lesser a legal authority than President Taft himself was the first to express the opinion that it would not be necessary, even if possible, to amend the constitution; that he believed the Supreme Court would uphold an income tax if given another opportunity.

It is practically impossible to amend the constitution. Otherwise Mr. Aldrich would never have consented so smilingly to the adoption of the joint resolution providing for the proposition. Senator Aldrich stated on the floor of the Senate he always had been against an income tax and always would be. Senator Aldrich is no doubt honest to his convictions. He has acted as a tool of the greedy special interests so long he really believes it would be a step toward anarchy for Congress to pass a law requiring the rich to pay a tax on their incomes, as they do in Great Britain, Japan, France, Germany, Holland, Austria, Denmark, Switzerland, Australia and New Zealand. The Rhode Island Senator is frank enough to admit that he is convinced the best way to raise revenue to run the Government is to tax necessities, and that "until the bill is taken from his hands," he will see to it that a tax on wealth does not supplant a tax on necessities.

In response to the overwhelming demand for an income tax Senator Aldrich handed the people a "gold brick" in the form of "an opportunity to amend the constitution." Under the constitutional provision for an amendment, it is possible for 4 per cent of the voters to nullify the will of the other 96 per cent. Twelve States are sufficient to defeat an amendment.

Here are the States that will likely do it: Maine, New Hampshire, Vermont, Massachusetts, Delaware, Connecticut, Rhode Island, Pennsylvania, New Jersey, Michigan, California and Louisiana.

The California Legislature is dominated by the Southern Pacific railroad. E. H. Harriman, who controls the Southern Pacific Republican machine in California, has a sufficiently large income to make him hostile to an income tax, and his Wall street friends would be hostile to an income tax for the same reason.

Louisiana would probably refuse to ratify, fearing as a possible reaction a reduction in the tariff on sugar.

The New England States are bitterly antagonistic to an income tax for two reasons. One is that wealth is concentrated in these States, and wealth would be taxed under the proposed legislation. The more important reason is that New England fears that if new revenue is raised from

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the rich the tax on things manufactured in New England would be reduced. Lower tariff rates on manufactured articles would force the tariff trusts to compete to a moderate extent with foreign manufacturers, thus damaging their monopoly on American markets and making it impossible for them to extort excessive prices.

The prospect of amending the constitution to pave the way for an income tax may be appreciated when it is understood that over 2,000 futile attempts have been made in that direction, while only fifteen have been successful in the history of the nation.

So great a jurist as Chief Justice Marshall conceded that the majorities required to change the constitution are too high. "The machinery is unwieldy and cumbrous," are his exact words.

When the ratification of the constitution was before the patriots, Patrick Henry refused to vote for ratification, for he saw that once it had passed there was practically no way to change it.

From 1789 to 1803 124 amendments were proposed and 10 adopted. These were to offset small friction of various kinds, in response to the general demand for limitation of the powers of the Federal Government.

From 1804 to 1860 there were 400 relief measures proposed and not one was incorporated in the constitution. Six passed the Senate, one passed both houses but failed to secure the ratification of the necessary three-fourths of the State legislatures. This, however, was the period of storms between the broad and strict constructionists and the suggestions to change the constitution reflected party policies.

Two notable measures were offered, outside of the slavery question. One was that Senators should serve three years only, one-third of that body retiring each year, and of the Senators in office one should be selected by the Senate for President, for one year. The other was that the President be chosen by lot. Each State was to select a favorite son, beans were to be put in a box for each State, and the State drawn out was to be entitled to place its man in the Presidential chair.

Fourteen amendments were proposed, limiting the President's veto power, and two dispensing with it, entirely. Any man who accepted a title of nobility without the consent of the Congress was to lose his citizenship. From 1860 to 1870 three amendments were passed. Among the numerous ones rejected was one that abolished the Presidency and instead there was to be an executive council of three members. From 1870 to 1889 400 were offered. Almost every feature of the Government was assailed.

Since 1872 there has been a growing demand that Senators be elected by direct vote of the people. In the

years between that date to 1889, there were 25 more, fifteen State legislatures ratified the proposed change.

The following twelve States, representing 4 per cent of the voters of the United States, could block all the other States representing 96 per cent of the voters: Delaware, Rhode Island, Vermont, Oregon, Nebraska, Wyoming, North Dakota, South Dakota, Montana, Washington, Idaho and Oklahoma.

### WILL OWEN MEET DEATH ON THE SCAFFOLD TODAY?

(Continued from Page One.)

lawyers have been to the Legislature and none have ever yet even tried to change the law. If they have, I have no knowledge of the same. However, under our laws, such action is legal. It is impossible for the Governor to set aside the well-established laws of the country.

"On the ground of insanity, I have received requests and petitions to commute his sentence to life imprisonment. If Mr. Owen is insane, he should be put in an asylum for the criminal insane, such as they have at Matteawan, N. Y. This State has never yet provided a place for the criminal insane. It has provided means for the commitment to the hospital for insane people. There is a method prescribed by law for people who have been sent to such hospital to be restored to their freedom. It appears that the said Owen belongs to that class of "deficients" or "defectives," known as "degenerate" from which our criminals are almost wholly drawn. If such 'degenerates' are to be sent to the Hospital for the Insane, it thus appears that most of our criminals should be sent there. Then, if the authorities in charge of the hospital should declare them to be sane, the only thing to do is to turn them loose upon society, or probably send them to jail. From the laws, the said Owen is either insane or he is not. If he is insane it is quite apparent that he should not be sent to the penitentiary for life. If he is sent to the Hospital for the Insane, as insane, and is declared to be sane, it is quite apparent that he should be turned out. This information is sent to you for your consideration.

Your attention is invited to the following quotation from a communication received:

"I understand that he killed two men the same day, but was tried for only one offense. The other indictment against him for murder in the first degree is still pending. People in the vicinity where Owen killed the men, are very indignant over the effort to get him to the asylum. I believe that if he is not hanged, he will be lynched or killed if the opportunity is offered."

Your attention is also invited to the following quotation from a communication received:

"I am satisfied that this man has received no more than he deserves, except the stay of two weeks, and until there is some hanging done, I feel satisfied that the killing will not stop."

Also the following:

"The people here seem of the opinion that it would be right, just and proper that the law should take its course."

I have the honor to be,

Very respectfully,

ALBERT W. GILCHRIST,

"Governor."

Clerk of the Court Wienges issued the writ of error as applied for by the attorneys in the case late in the afternoon and so wired Governor Gilchrist, and some message is expected from that official today. There is some difference of opinion in reference to the matter, some contending that Owen will hang unless the Governor interferes, while others state that the mere filing of the writ will stop the execution.

Many people with chronic throat and lung trouble have found comfort and relief in Foley's Honey and Tar, as it cures stubborn coughs after other treatment has failed. L. M. Ruggles, Reasnor, Iowa, writes: "The doctors said I had consumption, and I got no better until I took Foley's Honey and Tar. It stopped the hemorrhages and pain in my lungs and they are now as sound as a bullet." J. W. McCollum & Co.

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