

GAYNOR UPON THE COURTS.

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$T^{H}$
HE attitude of most lawyers toward the judicial recall
is amusing. They view the courts with the same we and veneration that royalists view the throne.
As the records of the courts show a trail of corruption As the records of the courts show a trail of corruption
throughout the country, as many of the decisions now read
into the law by precedent are the work of notoriously corrupt judges, appointed by corporation financed political
boosses to carry out the wishes of their creators, this atti
tude is absurd.

## tude is absurd.

The judge is the creation of the electorate, and stands
on no pedestal making him immune from critio ${ }^{\text {mam }}$ or $r$ on no pedestal making him immune from criticism or
moval. The same power that creates ought to be able destroy. In this regard a recent speech by Mayor W. J. Gaynor
of New York City, former chief justice, is worthy of quo of New York City, former chief justice,
tation, as clearly, defining the attitude of
well as more liberal
well as more liberal attorneys. He says: social and economic progress?
done so for a long time. But th
his is nothing new. In a to apply their legal rules of thumb to social, commercial and economic matters, always with signal failure, and gen-
erally with injury to industry, commerce and the social erally
good.
"Nothing is more distressing than to see a bench of
judges, old men, as a rule, set themselves against the mamijudges, old men, as a rule, set themselves against the mani-
fest and enlightened will of the community in matters of fest and enlightened will of the community in matters of
social, economic or commercial progress. The same is true
in matters of morals and religions in maters, and many who came after them, age after age,
Socrates victims to judicial narrow-mindedness. But the ad fell victims to judicial narrow-mindedness. But the ad-
verse decisions of courts have not been able to stop human verse decisions of courts have not been able to stop human
progress. Sometimes they baffle it for the time being. Sometimes, by creating exasperation in the intelligent mind, they accelerate it.
"Courts declare legislation unconstitutional which ex-
ceeds their opinion of what is economically or socially wise or beneficial. No such power was ever given to the courts. They have simply taken it away from the legislative department of government. Toty have set themseves up as the "protectors" of society against the law-making
power, safeguarded as it is by the consent of two houses and the executive veto. They do not seem to consider who is to protect us against them in their judicial legislation.
In the cases of the underground bakeries, the manufacture of tobacco in tenements, the working of women in fae-
tories at night, and so on, was not the legislature, repretories at night, and so on, was not the legislature, repre-
senting the community, as fit, at least, as any judge, or a senting the community, as fit, at least, as any judge, or
bench of a few judges, mere mortals like the rest of us, to
jude of the wishlo judge of the wisdom or advisability of the laws passed
from the standpoint of the moral, economic and social wel from the standpoint of the mora,
fare and progress of society?",
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tobaceo users, and pupil
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to sker" board measure in arithmetic. Are women eligible to the office o superintendent of schools? If so
there not a bright, energetic woman to elect who will be a credit to the
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both whool rooms and grounds, a
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