Democratic Sentinel

FRIDAY JANUARY 21 1887

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RENSSELAER TIME TABLE.

PASSENGER TRAINS.

NORTH.	SOUTH.
4:39 A. M.	11:27 A. M.
8:46 A. M.	7:54 P. M.
4:01 P. M.	10:50 P. M.

The bal oting to-day for U. S Senator resulted the same as heretofore:

For Turpie, ...75
For Harrison, ...71
For Allen, ... 4

We trust our Democratic Senators will remain firm, to adjournment if need be.

Our State Constitution provides for "the election of a Governor and Lieutenant Governor at the same time, and provides that their term of office shall be for four years; and provides that the offic'a' term of the Governor and Lieutenant-Governor shali commence on the second Monday in J nuary, 1853, and on the same day every fourth year thereafter. * * * There is no provision in the Constitution for the election of a Governor or a Lioutenant-Gavernor to fill an unexpired term in that office. * * * The Constitution provides that he shall be elected for a particular term, beginning at a specified time, and to last for four years. It does not provide for his election for any shorter period," says Judge Ayres, in his ruling against the republican Rober(t)son. We suggest the incorporation of the quoted points into "Thompson's Digest of the Constitution" as printed in the Republican organs of this place—the "Republican" and "Message"—this week.

Kentland Gazette: The ground upon which Mr. Meagher was unseated was that of his ineligibility, by reason of an election to the office of justice of the peace. The Constitution of the State provides that no person elected to a judicial office shall be elected to any other office during the term for which he was elected."

The office of justice of the peace to which Mr. Meagher was elected was a myth—had been abolished, and no opportunity was afforded him to enter upon its duties. Judge LaRue, of the Tippecanoe Common Pleas, served for some years when that Court was abolished. He was elected a republican Sedator, and odmitted to that body, although the term for which he had been elected to a judicial office had not expir d.—He was seated on the proposition that the abolishment of the Court closed the term for which he had been elected. What was sauce for Judge LaRue should be sauce for Mr. Meagher. The Republican members of the House care nothing about what "the Constitution of the State provides;" their object in unseating Meagher was to steal the United States Senator.—Prompt retaliation by the Senate quickly put a stop to that proceeding. Judge Turpie will undoubtedly be the successor of Ben Harrison, and will be a vast improvement. Let the thieves who were engineering the steal continue to howl

SMITH VICTORIOUS.

[Concluded from 1st page.]

In this particular case the ver reason that the r lator, as president of the senate, asks that the d fendant be enjoined, is that he may be enabled, without interruption, to disch rge such duties. It is a maxim of the la- that when the reason for the rule ceases the rule itself ceases.

On the question of the power of the court in a quo warranto proceeding, I quole from High, on Extraordinary Legal Remedies, section 634. Not only will de facto public officer not be enjoined in the discharge of his duties but he will be protected in the discharge of them What are the facts as presented by the peti ion and affidavits filed in this application? It is clear th relator was legally elected, etc., this session as president of the senate and that he has ever since continued as the presiding officer of the senate, and is now, de facto, presiding officer, and if I am right in my view of the law that the defendant was not legally elected, because no legal election could then be held, then the relator is not only the de facto but is the de jure president of the senate. It is admitted that the defendant was declared by the speaker of the house of representatives elected lieutenant governor; that he took the oath of office and presided over the house of representatives and a portion of the senators in what was claimed to be a joint assembly, and that he did this claiming by his right as lieutenant governor to preside over the senate, and that he afterward notified the senate that he had duly qualified and was in possession of the office of lieutenant governor and ready to preside over the senate, and protested ag inst being excluded from the exercise of that function of his office, and that he proposes to preside over the joint convention to assemble on the 19th day of January, 1887, for the purpose of electing a United States senator, if he can do so without violence and breach of the peace, and not otherwise.

The question is whether this is such an usurpation or threatend invasion of the relator's rights as entitles him to a temporary injunction. There is no provision of the statutes or constitution that provides who shall preside at a joint convention. That is determined by parliamentar usage according to which the presiding officer of the higher branch of the assembly presides. The lientenant goverernor, has no right or authority to preside over a joint convention.—When he presides, if at all, it must be because he is presiding officer of the senate, an therefore as the relator is unquestionably the de facto pr siding officer of the senate as the president thereof, the defendant could not discharge that function of the president of the senate without intruding upon his rights and duties. Therefore he has no right to interfere with the relator in the discharge of such duties, and even if the relator was not de jure the presiding officer of the senate according to the authorities cited by counsel for defenda t as the de facto officer, would be entitled to protection in the discharge of his duties, and I think would be entitled to be protected from an invasion of his rights as such presiding officer, but this is certaily true if the relator is de jure the presiding officer of the senate. But it is la med by the defendant that while he intends to preside o er the joint convention, he i tends to do so without violence or breach of the peace. I think that if the defendant is intending to unlawfully exerci e the rights which belong to the plaintiff, and interfere with his duties as a presiding officer, and intends to intrude himself into that office and attempt to discharge part of the functions that belong to that office, which, according to my view, he has no right to discharge, then he may be enjoined, even though no breach of the peace is intended. At all events he clearly has no right to interfere with the de facto presiding officer, as I think. Under the circumstances of this case I think the injuncti n to prevent the defendant, so far as he is proposing to interfere with the rights of the relator as president of the senate is concerned, should be granted.

I am more content with granting this injunction because the interests of the public demand, as I think, that the supreme court sho'd pass as soon as possible upon the questions which arise in the application; and the only way in the absence of an agreement of the parties, which seems impracticable, that this case can now go to the supreme court is by gr nting this injunction, and if I am wrong it can be righted in a very few days before any great injury can be done the defendant by this ruling, and I hope before the joint convention. On the other hand, if not granted, the relator could not appeal and he could not get the question to the supreme court for their decision until after the trial of the merits of the case in term, which would delay the matter for a long time, although as appears from the affidavits and admissions of the defendant, there is practically no dispute of facts between the parties to be tried, but simply questions of law to be decided.

Editor Pharos—The Journal says the value of our imp rts of foreign goods last year was $700,000,000, and 80 per cent of that labor, and on that builds an argument in favor of protection.

The statement of the c st of the labor employed in manufacturing these imports is wholly untrue. The amount paid for labor is not 20 per cent. much less 90 per cent. The protectionists continually assert that labor is cheaper in Europe than here, and that they must have a high tariff tax on manufactures, or in other words be permitted by the law to exact a bounty from every purchaser to enable them to compete with the foreign manufacturer. Now our census returns of 1880, prepared by a Republican high tariff spoliation tax administration gives the cost of the labor in the entire maunfactures of the United States at less than 18 per cent. of the value of the product. As labor is cheaper in Europe than here, according to the oft repeated assertions of the Journal, it follows that the cost of the labor in our import of foreign manufactures is less than 18 per cent. instead of being 90 per cent. I regret that any member of the press should permit itself to be betrayed into such reckless statements. They deceive for a short time. The demand for a material reduction of the outrageous tariff tax is founded on sound economic principles, and will prevail, and that in the near future, and cannot be prevented or retarded by such mis-statements as those of the Journal. LABORER.

The United States has a law called the "Tree Culture" act, under which settlers can procure government lands by simply planting so many trees each year, and in addition paying the stipulated fees at the Land Office. The aim, of course, is to stimulate the growing of timber. It requires a great deal of timber to meet the demand in this great country of ours, hence the great forests are fast being depleted and will soon be a thing of the past. In view of this fact would it not be well to take off the tariff of $2 per thousand on lumber, and cease protecting Canadian forests at the expense of our own, as no one receives any benefit but the lumber lords, and why should they receive it at the expense of the consumer, when we could just as well save our forests and pay less money for our lumber? The law, enacted by republican lawmakers, is certainly liberal, it requires the people to pay a bonus for the destruction of forests, and another bonus for their reproduction.

"TAFFY" ALL AROUND.—The Indianapolis Daily Journal of course goes to press at 2 or 3 o'clock in the morning. The Journal of Wednesday morning of last week copies, with credit, from the Message, its reference to the Thompson Temperance bill, although the Message had not gone to press when the Jouanal readers at this place, late in the evening were perusing it. How was that feat accomplished? That's a conundrubum!

Again, our Republican organs —the "Republican" and 'Message' —this week contains what purports to be a constitutional argument by the Rober(t)son muddle, Monday last, by Mr. Thompson. We fail to find in the published proceedings that our Senator addressed the Senate on that subject. Are the organs giving Mr. T. 'taffy?'

The lunch and meals, gotten up by Antrim are attracting a patronage to that establishment highly appreciated by the proprietor thereof. Antrim says his aim will be to deserve it.

It is amusing to hear the curses, loud and deep, pronounced against the Democracy by the very fellows who applauded the infamous and gigantic steal which elevated Fraud Hayes to the Presidency. The Republican declares there is "more unmitigated cussedness * * * in the democratic party of Indiana than in any political party in the United States," and the Message shouts "Usurper Smith". The "organs" expect by such exhibitions of wrath to establish their orthodoxy in radicalism.

We call attention of our readers to an advertisement of the Chicago Cottage Organ Company in another column, and we take pleasure in recommending to the general public a company whose Organs have attained a popular reputation for their superior musical qualities, artistic beauty, and general excellence. This company ranks among the largest and best in the United States, having capacity for manufacturing 1200 Organs per month, and its organs are shipped into nearly every inhabitable portion of the globe. The members composing the firm of the Chicago Cottage Organ Company are men of experience, integrity, skilled in their line, conduct their business on an equitable basis, and their future is destined to be a bright one.

Buy overcoats for your boys at Ralph Fendig's. He has a splendid stock, good goods, at the lowest figures.