

**COMMON SENSE ON  
NEW CONSTITUTION**

A great deal of exaggerated nonsense is being talked by some of the opponents of the proposed new constitution and an effort is being made to stampede the voters into rejecting the result of three years of effort on the part of their freely chosen representatives.

The oratory of more than one of those who has taken the stump against ratification is pitched in a high key of alarm. They would have their audiences think that this is a reactionary document, conferring arbitrary and almost unlimited power upon the Supreme Court, and denying rights to the people for which they should be ready to fight, bleed and die. If we were to submit our intelligence to this sort of talk we would have to assume that the constitutional convention was controlled by a majority of machiavellian gentlemen maliciously determined to tie the state of Illinois hand and foot for another half century. The assumption required is beyond our capacity. We fancy it is beyond the capacity of any fairly level-headed citizen.

Illinois probably never had a representative body better balanced in its relation to all classes and groups of its citizenship, or more sanely fitted to work out an instrument which would maintain that balance in the interests of the state as a whole. To set aside the mature results of its long deliberations would be an act justified only by defects of the most serious kind, and defects for which no other remedy existed.

When we evaporate the oratory and examine the residuum we cannot discover such defects. This is not to say that the document is perfect; that we approve all that is in it, or that it contains all we might like to see in it; but it is to say that the document, as a whole, is so much better than the fifty-year-old constitution

under which we are now working that its rejection would be an act of folly.

Let us illustrate the farcical nature of much of the argument which is being used against the instrument. We heard a conspicuous opponent recently denouncing section 122. He insisted it conferred a mysterious authority upon the courts which could be exercised to do all sorts of nefarious things in defiance and suppression of popular liberty.

This section empowers the Supreme Court to provide by rule "for bringing actions or proceedings in which a merely declaratory judgment or decree is sought, and for authorizing the court to make a binding declaration of right whether or not consequential relief may be claimed."

The eloquent critic played with the words "declaratory judgment" until he made himself sound like something very arbitrary and menacing. As a matter of fact the section provides for a sane reform which every citizen who dislikes litigation ought to welcome. It means, for example, that in case there should arise a dispute between two parties to a contract as to the meaning of its terms—such a dispute as often leads to much bitterness and much expensive litigation—the disputants, before either of them, by acting on his own judgment or that of his legal advisers, had involved himself in the possibilities of a suit for damages, could go into court and obtain a declaratory judgment, settling authoritatively the rights and obligations of each under the contract.

It seems to us there is something sinister in the motive of an opposition which attempts to distort so simple and common-sensical a provision into an alarming attack upon our liberties.

Such talk might be ignored were it not that it has an unsettling effect

upon the minds of men and women too busy to check its ignorance and insincerity by a little personal study and thought. It makes them ready to listen to the more spacious plea of the opposition:

"Why ratify a constitution that is not wholly satisfactory? If you reject it you will serve a mandate that must be obeyed, and we will call another convention and get a document more to our liking."

Now, the trouble with this plea is that those who heed it forget that it took twenty years of agitation to bring the legislature to the point of submitting to the people a proposal for a constitutional convention. It requires a two-third vote of each house to pass such a resolution. There are in the present house of representatives some forty members who are minority members. Their opposition to a constitutional convention, based on the fear that minority representation would be wiped out, was an obstacle difficult to overcome, and what is more it will remain an obstacle, and the more stubborn because what they fear is done in the new constitution. Its adoption will eliminate them. Its defeat will confirm them in determina-

tion to obstruct any further movement which might prejudice their seats.

Rejection of the proposed new constitution means that it will be many years before the people have the chance to escape from the antiquated restrictions of the existing basic law. Adoption means that much good is at once gained, and the gateway for amendment is considerably widened, so that defects may be remedied and omissions supplied. The common-sense thing to do is to take the substance of the imperfect but improvable possible, rather than to reject it for the shadow of the impossible perfect.—Chicago Evening Post.

**Advice to Motorists.**  
Better "Stop, look, listen," than hurry, stall and hear the angels.  
From Boston Herald.

**Expression Almost Obsolete.**  
Salt river, the derivative destiny of defeated nominees, was once almost universally favored by political dopsters in estimating the chances of the opposition, but rarely finds its way in print nowadays.

**New Idea for Road Building.**  
Certain English engineers are advocating the general installation of roads which are concave, and drain to the center instead of toward the sides, as is usually found under ordinary conditions.

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