STILL MOVING.

The Delegates to the Convention Making Motions and Offering Amendments.

The New State Likened to a New Ship on Its Trial Trip--The Courts the Pilot.

In Committee of the Whole on the Supreme Court Question, But Nothing Done.

OLYMPIA, Wash., July 18.—The convention met at 9 A. M., the president in the chair. Prayer by Chaplain Thompson. Roll call, all present except those on leave. Record of Wednesday read, corrected and approved.

MEMORIALS AND PETITIONS.

Mr. Kinnear presented a communication from John C. Henderson of New York relative to taxing church property. Committee on revenue and taxation.

Mr. Crowley presented a memorial of H. J. Becker and others, ministers and brethren of the United Brethren of Christ, in convention at Garfield, in favor of woman suffrage. Elections committee. Also a similar memorial from W. S. Gilliam and others of Walla Walla. County elections.

Mr. Eshelman, the petition of G. H. Hendricks and 1260 others for prohibition. Committee on miscellaneous objects.

Mr. Joy, a memorial from W. A. West and others asking for an article in the constitution regulating the use of water for irrigation and water rights. Also the petition of G. C. Barrack and others for woman suffrage. Election committee.

By Mr. McCroskey, petitions of James S. Dennison and others and W. V. Widus and others for woman suffrage. Election committee. Also the petition of M. W. Stewart and others for prohibition. Miscellaneous committee.

By Mr. Lindsley, by request, petition of Mrs. Larinda Wing and others for woman suffrage. Elections committee.

By Mr. Gray, petition of L. H. Stogdell and others for woman suffrage. Elections committee.

By Mr. Gowey, petition of R. H. Massy and others of the Seattle district conference of the Methodist church for prohibition. Miscellaneous committee.

By Mr. Tibbetts, petition of E. B. Sutton and others praying the convention to adopt the minority report of the committee presented yesterday, which report recommended the submission to the people of a separate article establishing constitutional prohibition. Miscellaneous committee.

By Mr. Schooley, petition of William P. Stewart and others for woman suffrage. Elections committee.

By Mr. Eshelman, petition for woman suffrage. Elections.

REPORTS FROM COMMITTEES.

Mr. Sharpstein returned from the miscellaneous committee the article on lotteries, etc., and at his suggestion it was referred to the legislative committee.

Mr. Comegys presented a report of the committee on federal relations, etc., recommending an article giving to the United States jurisdiction over land for military and naval purposes. Laid over one day and ordered printed.

Mr. Prosser returned from the military committee the proposition that the bearing arms for defense of self or state shall not be prohibited, but no armed bodies of men shall be privately employed, and suggested that it be referred to the comittee on bill of rights. So ordered.

On motion of Mr. Dunbar the convention went into committee of the whole on the article establishing

A JUDICIAL SYSTEM

with Mr. Cosgrove in the chair. The article was read in full and on motion of Mr. Turner section 1 was taken up, viz: The judicial power of the state shall be vested in a supreme court, superior courts, justices of the peace and such inferior courts as the legislature may provide.

Mr. Prosser moved to amend by inserting "other" before the words "inferior courts," but after being debated by Turner, Reed (T. M.), Griffitts and Moore (J. Z.), the motion was withdrawn.

Moore (J. Z.), moved to amend by striking out all after "justices of the peace," but after another brief debate by Messrs. Crowley, Moore (J. Z.), Reed (T. M.), and Sullivan (E. H.), that motion was withdrawn.

Mr. Sudksdorf moved to amend by substituting "district courts" for "superior courts," as being already the familiar title and proper designation.

Mr. Dyer opposed this motion, because when we come to be a state we shall have the United States district court, and that would create confusion in terms.

Mr. Turner said these were not properly district courts, but county courts and so are properly termed the superior courts of each county.

Mr. Griffitts made the same point, going a little further and saying that for economy's sake one judge was made to do the work in several counties, while the courts in each county remain the same separate organizations. The amendment failed.

On a motion to adopt this section, Mr. Hoyt said the committee of the whole could not adopt a section; it could only pass it and recommend its adoption by the convention.

The chair was inclined to the same view, but had allowed some latitude in language.

Mr. Dyer moved that the committee recommend the adoption of section 1.

Mr. Dunbar did not see any inconsistency in using the term adoption.

Mr. Kinnear said that to "adopt" did not bind the convention. It was only the act of the committee on the whole.

The chair coincided with that view and allowed the use of the term "adopt."

Section 1 was then "adopted."

Section 2 was taken up as follows: The supreme court shall consist of three judges, a majority of whom shall be necessary to form a quorum and pronounce a decision. The said court shall always be open for the transaction of business except on non-judicial days. In the determination of causes all decisions of the court shall be given in writing and the grounds of the decision shall be stated. The legislature may increase the number of judges of the supreme court from time to time.

Mr. Griffitts moved the adoption of a substitute for this section, which changes the number of judges from three to five, and leaving out the last section altogether, relating to the increase in the number by the legislature.

Mr. Hoyt said he should vote for the substitute, but gave notice that he should also vote later on to change the salary from $5000 to $4000.

Mr. Crowley favored the substitute, saying, "We are establishing a great state and the first ten years will decide all great questions and be the most important years of our history." He believed that with five judges the chances for a one man control and for unfavorable influences were greatly less than with three judges.

Mr. Dunbar cared nothing about the name of the courts, but did care about the quality and quantity of the judges, and did not believe in restricting their numbers. The decisions of the court during the next five years will settle more questions than all the decisions of all the twenty years following, and the aggregate wisdom and judicial power will be greater in five judges than in three.

Mr. Sullivan of Whitman favored the substitute. If there are only three judges, one being sick or otherwise disqualified, there can be no decisions except by resort to section 23 of this article, which authorizes the remaining two judges to select some member of the supreme court bar to sit with them as a judge, a provision which he gave notice he should always oppose, and should move to strike out when it was reached in its order.

Mr. Kinnear opposed the substitute, saying that the greatness of the state would depend solely upon the ability of its people to be great. We have about 250,000 population and a tax valuation last year of about $84,000,000, which, allowing $15,000,000 or $16,000,000 for loss in Seattle and Ellensburg, will make it about the same next year, and on this amount the people are already paying about $170,000 per year for territorial expenses. Statehood would increase this to $600,000 or $700,000 probably. The article has already provided $68,200 per annum for judicial expenses, and that amount should not be increased. A bench of

THREE JUDGES

will give a good supreme court and $5000 will bring to that bench the best talent of the bar. In a few years the legislature may increase it to five and in the prosperous future it may be raised to nine or more. Many of the other states of greater wealth and population have but three supreme judges, and we ought to regulate our courts by our ability to pay.

Mr. Griffitts said that when he knew he was to be a member of this convention he took pains to study the judicial systems of the several states and also to get the opinions of the people around him as to the number of judges, etc. Out of more than 100 men with whom he had talked, outside of members of the bar he had not found a single man who favored having three judges only. Even the Farmers Alliance (and the farmers are certainly an economical class), whose memorial the gentleman last up (Kinnear) had presented to this convention, demanded

FIVE JUDGES.

He observed that the sole argument on the other side was the plea of economy. None of the arguments for five judges had been answered save only by the cry of economy. But there was a true economy and a false economy, and it would be false economy to save a few thousand dollars a year by decreasing the number of judges, while the way was left open to inefficiency, delay, and greater chances of one-man power and improper influence in the court. The calling in of members of the bar to sit as occasional judges was all wrong, and section 23, which proposed to allow it, was an absurdity. It was

A DANGEROUS AND CARELESS PROVISION

of law to let two judges select a third man from the limited number of fortunate attorneys sitting around the bar of the supreme court and give to him the casting vote in making up the decision of the court in cases of the highest importance in the state. As to letting the legislature increase the number of the court from time to time he was opposed to having any sliding scale on the bench and in favor of letting the people say by constitutional amendment when they wanted to change the supreme bench.

Mr. Sturdevant followed, making the same claim that the plea of economy was the only argument presented against having five judges, while it was admitted that after four or five years more then three would be needed. As for himself he likened the territory to a new ship just being launched and starting on her trial trip, and the supreme court to the pilot who was to guide her on her most important voyage—the first—and he considered it of the highest importance to have good guidance now more than at any time. Within the next five or ten years the foundation of the state's jurisprudence is to be laid and those precedents established that would in all human probability be the guide for all the future decisions of the courts, and he favored the best possible establishment of the courts right here at the start. As to the expense, he called attention to the fact that this article provided later on for the absorption of the probate courts by the superior courts, which would have the effect of saving at least one-half the expense of the superior court salaries, a saving which ought to be credited to this new system in making any reckoning of expenses.

Mr. Turner, as chairman of the committee which had made the report under consideration, submitted the argument in behalf of a bench of three judges. He believed that quality was of far more consequence than quantity, and that if the bench was to be filled by weak men or bad men, then the more of them the worse off the new state would be, while on the other hand, if the judges were to be up to the proper standard intellectually and morally, the difference in efficiency between five judges and three would be inappreciable. The history of other states did not, he considered, bear out the gentlemen on the other side in their direful and doleful prognostications of what would happen if a bench of three judges only should be created. He read a statement of the constitution of the courts in other states, showing that fifteen states had three supreme court judges. Eleven states had five or more, and that in nine the number was either not fixed or else was made up from the judges of the lower courts. Only those states that were strongest in wealth and population had more than three judges. He did not take any stock in the idea of one man controllers or of the possibility of

CORRUPT INFLUENCES

having any operation, for since the time of Francis Boean the courts, both in England and this country, had been remarkably free from corruption, and in spite of much frivolous talk about attorneys, he declared himself to be proud of the fact that the courts whose judges have been chosen from the ranks of the attorneys had always been so far above corruption. As to section 23, the selection of a lawyer to sit on the pench as a third judge will be a matter of such infrequency of occurrence, perhaps not more than once or twice in a term of six years, that he thought no great harm could come from leaving this matter in the hands of the other two judges. He also objected strongly to cutting off the legislature from increasing the number of judges, because later on the state will surely need a larger number.

Mr. Buchanan indorsed Mr. Turner's views, and he thought there would be very little business to come before the supreme court until the state had a much larger population, and thought that for some time to come the three judges would have a "soft snap," and that to make the number five would be altogether ridiculous. He did not fear corruption among the judges, for they did not seek the office for the money they could make out of it, because every one of them, from the United States supreme court down,

COULD MAKE MORE MONEY

practicing at the bar, but it was the honor of the position which they sought and the opportunity to make a good reputation. The number being immaterial, the question of economy should be the controlling principle.

Mr. Dyer favored the substitute, believing that three judges could not do the work, and stating that even now, with the three judges the work of the territorial supreme court was at least six months behind hand. He favored the proposition to increase the number to five and decrease the pay to $4000.

Mr. Sullivan of Tacoma said it seemed unnecessary to add very much more to what had already been said, but wished to raise his voice in favor of five judges. It was very well known that judges would continue to be elected by trades in politics and for reasons of locality more than personal character, so that not always the best men would get on the bench. He said, further, that he had enough experience with a bench of three judges and that the bar had lost confidence in that bench, notably by reason of its following the lead of one man who had thrown out cases repeatedly upon small technicalities, some of which had been carried to the United States supreme court, and by that court put back again upon the docket. "We don't want any more of that sort of court, and as Grover Cleveland once said, 'This is a condition and not a theory which confronts us.'"

J. Z. Moore was as much in favor of real economy as any gentleman on the floor, and believed five judges to be better economy than three. But he thought this to be not so much

A QUESTION OF ECONOMY

as of establishing firmly upon its feet one of the co-ordinate branches of the government. He observed too great a tendency on all hands to put the pruning knife into judicial matters, notably in congress, where thousands of dollars were permitted to be spent in useless little creeds and views, when the judicial business of both states and territories were allowed to suffer for lack of sufficient appropriations. He preferred to give the judiciary a good start and believed five judges with $5000 salary each to be the proper figures. He suggested that the number be five and then that the chief justice assign from time to time such members, if any, of the court as are too little employed to hold the courts of superior judges who may be overworked.

Mr. Prosser thought Mr. Turner might have stated that most of the state courts to which he had referred had grown up gradually, while with us the court would have a great numbet of important questions to decide from the very start. However, in most of the large interior states, where the business was principally agricultural, the courts did not have so many and varied questions to deal with, as here, where questions of tide flats, mining interests and cases of great commercial importance, owing to our position on the greatest tide water harbor on the Pacific coast, must be considered. No state in the Union has or will have so great or so diversified interests within its borders as the state of Washington, or a greater number or variety of questions for its courts to consider, so he was in favor of five judges, which he believed experience would soon show was small enough.

Mr. Stiles said that notwithstanding the amount of time already consumed, he should be doing an injustice to his colleagues who had argued with him the dissenting report if he did not give his reasons for still believing in that report and in the advisability of having five judges. The very reason why the convention was here to-day discussing this question was because of the experience already with the territorial supreme court, which was limited to three judges. He did not intend to dwell on the merits or demerits of that conrt, but in the time he had been in the territory he had found widespread dissatisfaction with that court. It is not, as has been intimated, that a widespread suspicion of the judges individually pervades the minds of the lawyers, but chiefly that the feeling of

GOODFELLOWSHIP

which was inseparable from a small number of judges had had its effect upon the decisions of the court, and from this had come many of the ill-judged decisions of that court. He believed that Mr. Griffitts had given good reasons for the adoption of the substitute which he had proposed, and he had heard only the one substantial objection, viz., that of economy. As to that, the territory had for many years been pressing its demand for admission to statehood and was well aware that the expenses would be greater and was, he believed, prepared to take up the burden. As to the figures that had been given, he thought them exaggerated. Allowing the $68,000 for judiciary and an average of $50,00 per year for the legislature and a liberal allowance for other expenses, and he could only get about $376,000 per year instead of the $700,000 which a gentleman (Kinnear) had claimed. But even if it was $800,000 he should still stand for five judges for the supreme court until the last minute.

Mr. Sharpstein briefly stated his preference for three judges, saying the tide land and mining questions had all been fought out in the courts of California and other states, and so would not have to be originally decided by this court. Then again, while he hoped we should become

A GREAT STATE,

with plenty of taxable property from which to raise money to pay these great expenses, he preferred to start on a more economical basis now and leave the legislature to attend to the future. If the territorial court was only six months behind hands with three judges sitting one month in the year, it was only fair to suppose that three judges, sitting all the year, could attend to all the business promptly.

Mr. Willison favored the substitute, though he would prefer to leave the legislature to fix the salaries.

Mr. Allen favored five judges, as offering the best probabilities of avoiding delay in the decision of cases.

Mr. Browne favored five judges, believing that the first few years would require the court to make those decisions which would always stand as precedents. He believed in getting the best for the court and in cutting down expenses somewhere else if necessary, and favored the proposition to have five judges at $4000 each.

Mr. Buchanan took the floor and proceeded to speak.

Mr. Warner—I object to the gentleman's speaking again while other members desire to speak. The gentleman has been calling "question" while other members were speaking.

Mr. Sharpstein called for the ayes and noes.

The Chair—That cannot be done in committee of the whole.

Mr. Turner addressed the chair.

The chair understood that Mr. Warner desired to speak on the question, otherwise Mr. Buchanan had the floor.

Mr. Warner explained that he did not wish the floor, but only objected to a gentleman calling out "question" when other gentlemen were speaking and then taking the floor himself afterwards.

The chair said that was not a valid objection as the gentleman had the right to do just that.

Mr. Buchanan said he had not been conscious of calling a "question," but was directed by the chair to go on without losing time about that. He then said that the trouble now is that the present court gets together and sits upon each other's decisions, and so any reference to the present court is no argument, for the present court is in no way analagous to the proposed supreme court.

Mr. Turner moved that the committee take a recess.

Mr. Hoyt—The committee of the whole cannot take a recess. It can only rise and report progress and ask leave to sit again. The chair sustained that view.

Mr. Warner moved that the committee rise and report progress. Lost, by ayes 33, noes 34.

Mr. Turner resumed the discussion. Individually he did not care whether there were three judges or five, but he believed that we could better afford to have three. He was afraid that if five were named then the members would want to cut down the salaries. He wished to start with fewer judges and better salaries, and then increase the numbers from time to time as appeared necessary. "It is no answer to my argument to say that states which are prohibited by their constitutions from increasing the number of their judges have appointed commissions to assist the judges. It still remains the fact that the people in these constitutions have declared that three judges form a safe court. Another objection to the substitute is that it deprives the legislature of the power to increase the number of judges, and the result would be that within ten or fifteen years the legislature would have to give us a commission to assist the court. A bench of five cannot move any faster than a bench of three, because the whole court has to set to hear all the arguments. The legislature shall at least have power to divide the court into departments, and to increase its working power.

Mr. Hoyt—Could the legislature do that without a constitutional amendment?

Mr. Turner—I think it could, unless the constitution prohibited it. There's another thought I want to express. Several delegates here, and several gentlemen admitted to the privileges of the floor, have been members of the supreme court of this territory, and for myself, from my reading and my experience, I declare that for ability, integrity and judicial learning, it will compare favorably with any other court in the country. It has not done anything in its career worthy of serious criticism. There have been exciting questions that have excited

ADVERSE CRITICISM,

but no court can escape this. I do not care to sit silent under these circumstances and listen to such criticisms upon that court as have been made to-day.

Mr. Griffitts claimed the privilege of closing the debate, as the mover of the amendment.

Mr. Turner didn't object in this instance, but did not admit the principle advanced.

Mr. Griffitts explained that the substitute merely left off the last sentence, which referred to the legislative power to increase the number of the judges and changed the number from three to five. His object was to simply get a square vote on the number of the court. The matter of giving power to the legislature could be arranged afterwards. Though he was personally opposed to giving any such power, he refrained from going over the arguments again. They all reduced themselves to the one of economy, and even Mr. Turner had admitted that he did not personally care for the number and only hoped to get off cheaply. There will be plenty of business for five judges, and five can do more than three by dividing up the work out of court, of searching authorities, preparing opinions, etc. No great commercial state retains the three-judge system, and we ought to profit by the experience of those who have gone before us.

Mr. Turner reiterated his denial of the right to close claimed by Mr. Griffitts and insisted on his own right to close the debates hereafter.

Mr. Griffitts's substitute was adopted by ayes 44, noes not counted.

Mr. Buchanan asked if they could not have the ayes and noes recorded, and was told by the chair that that course was impossible in committee of the whole.

On motion of Mr. Sullivan of Whitman the committee rose to report progress and the president resumed the chair.

Mr. Cosgrove reported that the committee of the whole had passed upon the article referred to, had come to no conclusion and asked leave to sit again. Granted.

Mr. Dunbar moved to adjourn to 2 o'clock, and accepted an amendment by Sullivan of Whitman to 2:30.

The president asked leave to call Mr. Eldredge to the chair for the afternoon session and did so. Adjourned to 2:30 P. M.

AFTERNOON SESSION.

The convention met at 2:30, Mr. Eldredge in the chair. Roll call, all present save those excused.

On motion of J. Z. Moore the convention went into committee of the whole on the article on judicial department, Mr. Cosgrove in the chair. The chair stated that hereafter he should recognize the chairman of the committee on judicial department to close the debate unless the committee otherwise directed. Any other course would allow the mover of any other amendment to cut out the chairman of the committee from his right.

Mr. Griffitts—I give notice that I shall appeal from that decision if necessary hereafter.

The Chair—The gentleman has his remedy by appeal to the committee.

Section 3 was taken up and read.

Mr. Turner asked if Mr. Griffitts' substitute was not still open to amendment.

The Chair—I think so.

Mr. Turner—Then we have not adopted section 2.

The Chair—That is right; the substitute for section 2 is still before the committee.

Mr. Browne said Mr. Griffits' substitute had only been substituted for section 2, but that section 2 as thus amended had not been adopted. He therefore moved the following amendment: "The legislature may increase the number of judges of the supreme court from time to time."

Mr. Reed moved a further amendment by adding "or diminish." (Cries of "no, no.")

Not seconded.

Mr. Buchanan offered his substitute for sections 2 and 3, but was ruled out of order after it was read on the raising of a point of order by Mr. Godman that section 3 was not under consideration.

Mr. Turner proposed an amendment to Mr. Browne's amendment, and while he was writing it out Mr. Browne argued briefly in favor of leaving this power to the legislature.

Mr. Turner's amendment was then offered, that the legislature may also provide for dividing the court into departments. He claimed it would do no good to increase the number unless power was also given to increase the working power of the court, which could only be done by allowing it to sit in separate departments.

Mr. Griffitts was not opposed to the object sought by the last amendment but believed that

NOTHING HAD BEEN SAID

to prevent the legislature from doing it. He was willing to have the court sit in separate departments, but entirely unwilling to have it render decisions in several departments.

Mr. Turner's amendment prevailed by ayes 40, noes not taken.

Mr. Browne's amendment prevailed and then section 2, as thus variously amended, was adopted.

Mr. Dunbar said he was out of order, but hoped he would be tolerated for a moment while he claimed that the committee was not proceeding aright. He claimed that by adopting the substitute the committee had adopted the section for which it was substituted, and consequently these last votes were out of order.

The chair ruled that adopting a section did not put it beyond amendment. That even if the whole article had been adopted it was yet in the power of the committee to substitute another entire article and report in favor of that to the convention.

Section 3 was then taken up as follows: The judges of the supreme court shall be elected by the qualified electors of the state at large at a general state election at the times and places at which state officers are elected. The judges elected at the first election under this constitution shall be classified by lot, so that one shall hold his office for the term of three years, one for the term of five years and one for the term of seven years. The lot shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of the state and filed in his office. The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be

THE CHIEF JUSTICE

and shall preside at the sessions of the supreme court, and in case of his absence the judge having in like manner the next shortest term to serve shall preside in his stead. After the first election the time of each judge elected shall be six years from and after the first Monday in January next succeeding his election. If a vacancy occur in the office of judge of the supreme court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The first election of a judge of the supreme court shall be at the first general election which shall be held under this constitution in view of the vote just taken Mr. Griffitts wished the clerk instructed to make the necessary changes in section 3.

Mr. Hoyt suggested that the words be used "to provide for the longest term to be ten years," and leave the section to stand so that one judge will go out every two years, but he did not offer this as an amendment.

Mr. Warner offered the following amendment to cover the point aimed at by Mr. Griffitts, viz: To strike out all after the words "by lot so that" and insert "two shall hold office for the term of three years and three for the term of five years, and at such election and each successive election thereafter when more than one judge is to be elected each elector shall vote as follows: If two judges are to be elected no elector shall vote for more than one candidate therefor; if three judges are to be elected at such election each voter shall vote for two candidates therefor and no more."

Mr. Warner said he had but one motive in view, and that was the

GOOD RESULTS

to the future state of Washington. He believed that the non-political character of the bench, which would be thus secured, would greatly conduce to the purity of the court. A bench elected by any political party must necessarily be influenced in its decisions whenever any question came up which involved politics. The gentleman argued at considerable length for the adoption of this method of elections, and asked for it a fair discussion, on broad and liberal grounds.

Mr. Turner asked what had become of Mr. Buchanan's substitute.

The chair said it had been ruled out of order, and not offered again since.

Mr. Buchanan offered his substitute again.

Mr. Warner said he thought a substitute for a whole section took precedence of a mere amendment.

The chair ruled that if Mr. Buchanan's substitute was seconded it would be entertained.

No second being then heard, Mr. Dyer addressed the committee on Mr. Warner's amendment. He approved it and believed a majority could be trusted and that a political party should be responsible for the judiciary as much as for any other officers.

Mr. Dunbar opposed the proposition because it took away a right of suffrage and restricted the right of an American citizen to vote for the men of his choice to be his state officers.

Mr. Buchanan—Is my proposition under discussion?

The Chair—It was not seconded.

Mr. Turner opposed the amendment of Mr. Warner for the reasons already stated, and also because it introduced politics into the bench for the first time in any state.

Mr. Warner — How about Pennsylvania?

Mr. Turner—Possibly that may be an exception.

Mr. Warner—And Illinois?

Mr. Turner—No, that is not an exception. We don't want to elect judges who are professedly politician. A good judge who has sat on the bench and done his duty will be pretty sure of a re-election. Rotation in office, as practiced in Wisconsin, would be a satisfactory plan.

Mr. Sharpstein thought the judges would be politicians anyway, if elected by political parties. As to Wisconsin, they elected their judges at separate elections, when no other offices or questions were under discussion.

Mr. Brown favored Mr. Warner's amendment because he thought it represented

A GOOD PRINCIPLE

in our government. That it had been seldom done before, was nothing against it. It is divesting the bench of politics so far as anything can be divested of politics where we act by voting. It is not divesting it of politics to so fix it that one party has all the offices and the other party has none.

Mr. Sullivan of Whitman, was opposed to minority representation anywhere, and especially on the bench because it starts out on the assumption that the judges are corrupt. Politics before you get to the bench are all right, but after you get to the bench there should be no politics. The judge has only one duty, and that is to declare the law on any given state of facts whether it hits a republican or democrat, and a judge who decides on political considerations of any kind would accept a money consideration and violate his oath. If Mr. Browne's view is correct then 10,000 prohibitionists, 50,000 labor men and 6000 woman suffragists would all be entitled to a representation on the bench. If the principle is correct, then you would continually have to adjust your number of judges to the existing state of parties, and that simply leads to ridiculousness. He was opposed to any proposition, which, when carried out logically, ran up against an absurdity.

Mr. Sturdevant favored the "whole hog or none," and opposed the amendment.

Mr. Weir opposed the amendment, for all the reasons given and for some more. He believed in majority rule and did not believe that because a proposition was new and untried it was in the line of progress. No one political party monopolizes the brains and purity of the country. If

UNWORTHY CANDIDATES

are named by any party they will come up in the minority on election day, and if there was any one office where the majority should rule, then it is on the election of judges. Suppose 44,000 electors voted one way and 10,000 the other, then the 44,000 would have three judges and the 10,000 would have two judges. "I pity that political party which must have legislation to enable it to elect a candidate to anything."

Mr. Godman wondered whether he was in a republican or democratic caucus. This was not a republican or democratic matter. It was a question of having the minority represented, and that is just what this convention is here for—to protect the minority from the majority. It is not a question of party, but of principle; of principle of whether the minority shall have a voice in electing the judges. In this very election to this convention the minority rule worked to bring the very best men into nomination. Majorities should rule, but minorities should be protected by throwing around them safeguards that the majorities could not break through.

Mr. Griffitts announced his pleasure in supporting Mr. Warner's amendment because it gave him an opportunity for the first time in his life to vote for a principle which he believed to lie at the foundation of good government. He had only heard one convincing argument against it, and that was the one from the gentleman from Columbia county (Sturdevant) when he said he wanted

"THE WHOLE HOG OR NONE."

That argument might possibly be an insurmountable argument and might defeat his amendment, but still he preferred to support the amendment as a matter of protection to individuals from the aggressions of majorities. He hoped no judge would ever be influenced by partisan motives in rendering his decisions. If he should, his judicial ermine—nay, his very garb as an American citizen—should be stripped off his back. This is a progressive idea, introduced as a better theory of judgment and a correct and honest principle of government, which gave to the honest opinions of a minority a voice in the government.

Mr. Kinnear opposed minority representation, especially on the bench. It is an idea that has been used mostly in the legislature to have somebody there to watch the majority, but he believed that the majority should be held responsible. What does it matter to a minority to have a judge on the bench? What should we think of a judge who sat on the bench remembering that he was sent there by a minority or by any other section or party in politics? The bench should be utterly non-partisan, not occupied by anyone who is sent there for partisan reasons or as a reward for party services.

Mr. Crowley had practiced before republican and democratic judges, and had never seen any partisan bias. He did not believe in minority representation. If these gentlemen who favor this plan, and who are the backbone of the democratic party here, wanted to try this plan, why not start it in Texas? [Laughter.] Who ever heard of minority representation where there was a democratic majority? When they get on the bench, judges cease to be politicians, and should do so.

Mr. Sudksdorf made an argument in favor of minority representation, saying that he must be excused for so doing as he had not that experience in speaking offhand that so many other gentlemen here possessed. He added that minorities were entitled to a voice in government and if this amendment were defeated and the object declared of electing a court of all republican members it would go far to

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in the court—a very deplorable result.

Mr. Lillis thought the proposition was ridiculous to even talk about electing anybody to the supreme court on any political basis whatever.

Mr. Coey was opposed to the principle of minority representation or any other plan whereby a minority could dictate to the majority. It would bring politics to the bench, and has already brought into this convention the first touch of politics that we have had. It is a principle introduced into only two states—Pennsylvania and Illinois. "I don't know about Pennsylvania but do know about Illinois, and it is wholly unsatisfactory there."

Mr. Minor said there had been a great cry about taking the supreme court out of politics. The only way to do that is to put the names into a hat and draw your judges out of that. "I believe in parties as the greatest missionaries on earth. The duty of minorities is to make themselves the majority. The majority is compelled to set such a high standard of theories and principles of government that all the people shall support it. The greatest party in this country twenty-eight years ago advanced principles which they would not dare to advocate to-day and which the minority gradually compelled them to abandon."

Mr. Turner took the floor to close, saying he saw Mr. Griffitts shaking his head and hoped he would say what he wanted to know.

The Chair—If Mr. Griffitts wants to say anything more he must say it now.

Mr. Buchanan—The gentleman has spoken already.

The Chair—Only once. He can go on.

Mr. Griffitts said he still had not heard any other good argument against the amendment than the "whole hog or none" one. He did not believe in a too great preponderance of any party. He stood with a minority party to-day and did not know how soon he might stand with the majority. (Laughter). "Mr. Chairman, I mean that the party I now stand with—the democratic party—may be in the majority. You may record it against me now as saying that if the grand old republican party should hereafter become a minority party I should just as gladly recommend minority representation for them."

Mr. Warner said this discussion had taken a turn which he had not expected, but he insisted that he only contended for at least one branch of the government being non-partisan and left entirely out of politics. He was willing to fight for all other offices and believed in party and party organizations.

Mr. Sturdevant recollected the story of the Kilkeny cats, and thought when the full grown republican cat and the democratic kitten were tied by the tails in the supreme court there would be trouble.

Mr. Eshleman should support it because he was a democrat, and all who opposed it would oppose it because they were republicans.

Mr. Turner said he was honest when he said he did not oppose it as a republican, and when he believed it would bring politics into the courts and debauch the courts with sinful machines for registering party edicts.

On the vote on Mr. Warner's amendment it was defeated by, ayes 24, noes 43.

Mr. Griffitts' amendment was read. It merely makes the clerical changes made necessary by increasing the number of judges from three to five.

Mr. Buchanan again offered his substitute, being a full article on the judicial department, providing for a chief justice and two associates, to hold for six years, appointed by the governor with a two-third vote of the senate, and when the population of the state is 1,000,000 there shall be a chief justice and four associates, to hold for ten years.

Mr. Dunbar raised the point that this was in conflict with section 2, already adopted.

The chair decided the proposition in order.

Mr. Buchanan did not wish to trespass on the time of the convention. [Cries of "Go on," from all parts of the hall.] "This is," he said, "perhaps, the most important subject that will come up before us. It behooves us to well consider how we

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of this great seat. I feel that this is the most solemn hour and duty of my life, and can not escape the responsibilities of my position. The voice of the people may be the voice of God. I admit it, when it is the deliberate voice of the people, not when it is the voice of the rabble. If it was the voice of the rabble then the rabble in Jerusalem years ago who cried 'away with him, crucify him,' was the voice of God. I want to get the selection of these supreme court judges out of the voice of the rabble. If they are nominated in political conventions they will be selected for their ability to strengthen the ticket, rather than for their character. Hence I propose that these supreme court judges should be selected by the governor with a two-third vote of consent in the senate. I can think of no wiser way and think it a vast improvement over our present way. I do not believe in this talk about corruption. There may be some men who have their price. Even in this body there may be a few, if I am any judge, who could be bought; but if I am any judge of physiognomy there are now here near two-thirds of them in it."

Mr. Warner—I call the gentleman to order, for making an assertion derogatory to the character of the members.

The Chair—the remarks of the gentleman are not in order.

Mr. Buchanan—I cheerfully withdraw them. (Laughter.) I did not think any gentleman here thought they applied to him. (Laughter.) I do not mean to hurt any gentleman's feelings.

The Chair—The gentleman will go on and not take up more time in this way.

Mr. Buchanan — I will not further trouble the convention.

Mr. Buchanan's substitute was lost by a decided vote. The question being on Mr. Griffitts' amendment, Mr. Stiles wished to have it clearly stated.

The chair stated it and Mr. Griffitts explained that it simply made section 3 correspond with section 2 as amended.

Mr. Sullivan of Whitman moved to amend by having one judge hold for one year, two for three years and two for five years, thereafter each judge elected to hold office for six years. Not seconded.

J. Z. Moore offered a substitute for section 3, providing for the election of a chief justice from the state at large and two judges each from two districts with a provision for the details of the election, terms, office, etc.

Mr. Kinnear thought it advisable to refer back to the judicial committee to recast this section and so moved.

The chair ruled that it was impossible to refer in committee of the whole.

Mr. Bowen moved that the committee rise and report progress. Lost.

Mr. Hoyt thought the committee ought to consider Mr. Moore's substitute, and decide which method should be adopted, so as to make some progress, and then return it to the judiciary committee to put into shape what has been decided upon.

Mr. Moore explained his purpose to be to have the state divided into two districts, to elect a chief justice from the state at large and two judges from each district, as a matter of justice and convenience, and as likely to make the bench more non-partisan and avoid political trades in conventions which would involve the judges of the supreme court. He would go as far as to have the judges elected in separate elections.

Mr. Turner thought the people of the entire state had an interest in these judges and should participate in their election.

Mr. Moore's substitute was lost by a decided vote.

Mr. Sullivan of Whitman said the proposed amendment of Mr. Griffitts did not go far enough, so he moved that section 3 be passed for the present, and consider section 4.

The chair thought the motion out of order.

Mr. Sullivan appealed from the decision of the chair.

Mr. Eldredge addressed the chair, but was met by a ruling that the appeal was not debatable, but the chair expressed a willingness to let it be debated.

Mr. Dyer moved that the committee rise and report progress for the purpose of referring this section to the judicial committee to be suitably amended. Lost by ayes 23, noes 35. The appeal from the chair on Mr. Sullivan's motion was sustained by ayes 23, noes 24. The chair, not being sustained, put Mr. Sullivan's motion to pass on to section 4 to refer to the committee.

Mr. Browne opposed the motion until all amendments were in to this section and he submitted one providing that each judge should hold for five years and the judges to meet and select a chief justice by lot, and providing for subsequent elections of judges.

The chair ruled the amendment out of order at this time.

Mr. Stiles moved that when the committee rise it recommend to the convention to refer this section back to the judicial committee.

Ruled out of order as Mr. Sullivan's motion was pending. Mr. Sullivan's motion was lost by a vote of ayes 29, noes 33.

Mr. Sudksdorf moved that the committee rise and recommend that this section and its amendments be referred back to the judicial committee. Adopted by ayes 48, noes not taken.

The committee rose and Mr. Eldredge resumed the chair. Mr. Cosgrove reported from the committee of the whole that they had had the article referred to under consideration and recommended the that article be referred to the judicial committee.

AT HELENA.

The Convention Devotes Much Time to the Public Schools.

HELENA, July 18.—At the convention to-day the committee reported an article of the constitution providing for the maintenance of a general system of public schools, free for all children from 6 to 20 years of age. The governor, superintendent of public instruction, secretary of state and attorney general shall constitute a state board of land commissioners. It shall be the duty of the legislature to provide by taxation sufficient means, in connection with the amount received from the general school fund, to maintain public free common schools; to maintain free common schools in each organized district at least three months in each year. The state board of education to consist of eleven members, the governor, superintendent of public instruction and attorney general being members ex-officio, the other eight members to be appointed by the governor. A long discussion arose over Clark's motion abolishing the grand jury. The matter was referred back to the committee on judiciary without restriction.

AT BISMARCK.

Judicial Districts--No Secret Sessions of the Senate--The Black List.

BISMARCK, Dak., July 18.—A proposition to abolish the office of justice of the peace, and establish county courts, caused a lively discussion at the meeting of the judiciary committee this morning. Its opponents gained the victory, and the committee will report against the proposition. The committee has agreed on dividing the state into six judicial districts, and favors the establishment of an appellate court, the judges of which shall be elected, and shall be separate and distinct from the regular district court. Scott of Barnes strikes at secret sessions of the senate by proposing that in acting on executive nominations, the senate shall sit with open doors. Parsons of Morton proposes to abolish the labor black list, providing that any person or corporation keeping a black list shall be deemed guilty of conspiracy against the welfare of the state, and be punished for felony.

AT SIOUX FALLS.

SIOUX FALLS, Dak., July 18.—With the exception of the reports of half a dozen committees no business was transacted in the convention to-day. The entire forenoon was consumed by the judiciary committee in arguing concerning the arrangement of judicial districts. Questions of local advantage and disadvantage were largely discussed, which was participated in by members of the committee and other delegates who represented the sentiment in their several localities. It seemed to be the purpose of a majority of the committee to make the districts as compact in form as possible. A resolution was adopted providing for eight judicial districts.

Idaho Convention.

BOISE CITY, July 18.—Hon. A. F. Parker of Ida county appeared to-day for the first time in the Idaho constitutional convention and was sworn.

Ainslee, a democrat of Boise county, rose to a question of privilege and denounced the Salt Lake Tribune for misrepresenting himself and his democratic associates.

Poe of Nez Perces, Cavanaugh of Elmore, Mayhew of Shosshone and Batten of Alturas followed in the same strain.

McConnell republican, Latch, offered a resolution requesting the Tribune correspondent to retract the charges against Ainslee. Beatty, republican, Alturas county opposed the resolution on account of the indefiniteness, and paid a glowing tribute to the public services of Judge Goodwin, editor of the Tribune.

THE INDIANS.

General Crook Talks to Them Like a Father—Will They Sign?

CHEYENNE RIVER AGENCY, Dak., July 18.—The Indians assembled this morning and asked that certain portions of the act of congress, which were not clearly understood, be read again. These related to the taking of lands in severalty and the methods of extending the permanent fund. Governor Foster explained carefully all these provisions. White Swan addressed the commission, complaining that the Poncas and Santees would unjustly profit by the proposed sale of lands. He complained that the Indians could not take the land in severalty and make a living on it as the crops were so frequently a failure. The government in the past has invariably failed to fulfill its treaty obligations with this people, and for that reason he would refuse to sign. Crow, Eagle, Little No Heart, Rattling Rib, Spotted anp other chiefs, representing the four bands at the agency, also spoke, all complaining of the non-fulfillment of former treaties and carefully evading a discussion of the present bill. Each concluded by stating that he would not sign. General Crook reminded the Indians that they have not been cheated in the Black Hills purchase. It took two dollars to produce every dollar's worth of ore taken out of those hills. There was a great amount of worthless ground. By the present bill the Indians were getting more than the land was worth. The Indians, he stated, had actually received much more than was promised under the treaty of 1868. He reminded the Indians that they would certainly never get a better offer than the present. Instead of complaining of the past, they had better think of the future. While the opinions of the chiefs expressed would make the prospect appear rather dismal here, there are no indications that the commission is discouraged. There is certainly no weakening of effort.

To a Finish.

SAN FRANCISCO, July 18.—To-night Joe Bowers and Jack Lynch, both of San Francisco, fought to a finish, Marquis of Queensbury rules, at the Golden Gate Athletic club rooms for a purse of $800. Lynch, who was badly punished about the face, received a blow in the eighteenth round that dazed him and lost him the fight.

IS IT EXPEDIENT?

Symposium of Opinions Concerning Religious Teachings in the American Public Schools.

Expressions of Eminent Clergymen As to the Character and Limitations of Such Teachings.

Recent sensational developments concerning the methods of conducting the public schools of Spokane Falls have awakened a deep interest in that subject. In the East it is presented in a different form. Instead of the problem as to the propriety of bribery in the selection of teachers for the public schools the people are confronted with the question, "Is religious instruction in the public schools expedient? If so, what should be its character and limitations?" Public Opinion of Washington, D. C., July 13, published opinions of numerous clergymen of different faiths on this proposition. Below are given extracts from these papers:

CARDINAL GIBBONS

says that an education that improves the mind and memory to the neglect of moral and religious training is at best but an imperfect and defective system. It is most desirable that our youth should be made acquainted with the history of our country, the origin and principles of its government, and with the eminent men who have served it by their statesmanship and valor. But it is not enough for children to have a secular education, they must receive a religious training. Religious knowledge is as far above human science as the soul is above the body, as heaven is above the earth, as eternity is above time. By secular eduction we improve the mind; by religious training we direct the heart. The religious and secular education of our children cannot be divorced from each other without inflicting a fatal wound upon the soul; they must go hand in hand, otherwise their education is shallow and fragmentary—a curse instead of a blessing. Piety, says the cardinal, is not to be put on for state occasions, but is to be exhibited in our conduct at all times. Our yovth must put in practice, every day, the commandments of God, as well as the rules of arithmetic. Then he asks, How can they familiarize themselves with those sacred duties if they are not daily inculcated? The catechetical instructions given once a week in our Sunday schools are insufficient to supply the religious wants of our children. It is important that they should breathe every day a healthy religious atmosphere in schools in which not only is the mind enlightened, but the seeds of Christian faith and sound morality are nourished and invigorated. The combination of religious and secular education is easily accomplished in denominational schools. To what extent religion may be brought in the public schools without infringing the rights and wounding the conscience of some of the pupils is a grave problem beset with difficulties, and very hard to be solved, inasmuch as those schools are usually attended by children belonging to the various Christian denominations, by Jews also, and even by those who profess no religion whatever.

REV. THOMAS HILL.

Rev. Dr. Thomas Hill says that public schools, with compulsory attendance, are an essential adjunct of a republican government, and that the republic is bound to superintend with care the education of the children. And, whatever may be the theoretical relation of religion and morals, it is practically true that children can be kept pure, truthful and honorable in no way so effectually as by the cultivating of their natural reverent sense of religious sanctions. He concludes, therefore, that religious instruction is more than expedient; it is demanded as a political necessity. But it must not be given by text books, lecturers or recitations. It must be giv[illegible] selection of teachers of good character and good sense, then by careful selection of wholesome reading, and finally by a daily brief religious exercise, at which a passage from the Bible shall be read, a prayer recited and perhaps a hymn sung. But great care should be taken that there be nothing in the service to which any reasonable parent could object. The state, he says, does not undertake to define Christianity, or to decide upon the true intrepretation of the scriptures, but assumes Christianity as part of the common law of the land. With regard to private schools, Dr. Hill believes it the duty of the state to inspect them, and require that the education given therein shall be such as to prepare the pupils for the duties of citizenship. The states should not admit that education in the parochial schools of a denomination is a political equivalent for a public education. Least of all is a Catholic parochial school capable of fulfilling the political ends of a good education, since in them is not only that partial and distorted view of history, but a limitation of the right of private judgment which must partially unfit the pupil for considering questions of public policy with an unbiased mind. Catholic education is favorable to the development of diplomatists and political managers, but it tends to unfit a man for frank and honest public discussion. The aim of every lover of our country and its liberties should therefore be to render the public schools so manifestly superior, morally and intellectually, to private schools as to draw all the children into them.

REV. MINOT J. SAVAGE.

Rev. Minot J. Savage argues as follows: In the case of those who believe that the salvation of their children's souls is at stake, there cannot be a more odious tyranny than to compel them to submit to a teaching that, to their minds, entails such horrible consequences; and, in the case of those who do not believe that the endless welfare of their children is at stake, compelling them to submit to the teaching of a religion they don't believe, is a waste of time, and subjects them to the influences of what is regarded as hurtful superstitions, which hinder true learning, impart false theories of life and duty, and so interfere seriously with the happiness and progress of this world, if not of the next. In either case, then, it is a tyranny. Mr. Savage concludes. Rev. by saying that the public school, is supported by the equal taxation of people of all beliefs, and exists and has a right to exist, simply for the sake of such education as fits for citizenship, and so is for the public good. The church and the home give ample scope for all individual peculiarities of belief. The public school is for the people and for all the people. Let it be kept true to its own high and sacred mission.

Prof. W. T. Harris, editor of the Journal of Speculative Philosophy, thinks if the state undertakes to regulate religious matters confusion occurs. In parochial schools the influence of the dogmatic tone creeps into the secular recitations and drives out a desirable critical alertness and investigating spirit and stifles independent thinking. Mr. Harris cites the "infidelity" in Germany as an argument against religion in the schools.

DENVER DOINGS.

The Denver & South Park Railroad Sold—Prominent Arrests.

DENVER, Colo., July 18.—The Denver & South Park Railroad was sold late last night at United States master's sale under a foreclosure of mortgage held by the Farmers' Loan and Trust Company for $1,300,000 and a mortgage of $1,500,000 held by the New York Central Trust Company. The road was purchased by Messrs. Tappen, Hollister and Feeland, representing the old stockholders, for $3,000,000. It is understood that the road will be under the management of the Union Pacific.

The criminal court grand jury, which has been investigating the charges of corruption made against state officials in connection with the purchase of supplies and furniture for the use of the last general assembly, adjourned late last night. In their report they severely critisized the actions of the officials charged with the offenses. To-day warrants were issued for the arrest of Secretary of State James Rice, Sheriff Weber and his partner, George H. Graham, of the furniture house of Graham & Weber, who furnished the legislative rooms; W. H. Laurence & Co., who supplied the assembly with stationery, and State Printers Collier and Cleveland, all being charged with conspiracy to defraud the state. Secretary Rice and Sheriff Weber are now in the east and could not be served with warrants. The others, however, were arrested and gave bail in sums varying from $1000 to $1500.

THE SCHOOL LANDS.

Shall They Be Leased or Sold---The Danger of Corruption.

In view of recent developments as to the management of public school affairs in Spokane Falls, the following from the Tacoma Ledger will be read with interest here:

We think that the arguments in favor of renting or leasing the school lands of this state are so exploded that there is little fear the convention will do anything but provide for their profitable sale. The Minnesota constitution ordered one-third to be sold within terms of two, of five, and ten years. Nebraska ordered that the minimum price should be $5 an acre, and Kansas, with a cussedness all its own, provided for their lease or rental and their sale, only by the approval of the people at a general election.

Every section of land withdrawn from liability to be sold helps to give a fictitious marketable value to that which remains. An heriditary state of landlordships becomes as great a nuisance as that derived from feudal times, and it is late in the day to ask Americans to model their institutions on the customs of the middle ages. We do not want landlords; we want our farmers to own their lands, and to increase and multiply, our farmers we want to cheapen and not increase the cost of land. The growth of this state will for a long time depend more on the assistance we give to farmers and settlers on lands than on the efficiency of our educational system, and there should be none of this false economy, which is contained in the idea of holding over public lands, either for the purpose of making the state a speculator or a species of landlord.

The good sense of the delegates will cause them to imitate the course of those progressive and enlightened states which have sold their school lands and expended the proceeds for the benefit of education. Minnesota, Missouri, West Virginia, and one or two other states, invested the proceeds in United States bonds, while the constitutions of the other states left the investment and the control of the money to the board of education or to the legislature. Investment in United States bonds yield little more than 3 per cent, and we believe the majority of the delegates will see that plenty of safe investments can be had in the state that will yield double that income.

A board of education or the state executive can be entrusted with the investment of the school fund, and the legislature can retain supervision over that investment. This state requires a commission of agriculture, whose duty it would be to assiss the farming and fruit industry of the state. Through it money could be loaned to farmers for clearing, irrigating and improving their lands. The lands themselves would be ample security, for the loans from the commission could be made a first charge. It is incalculable how beneficial such a commission would be, and the state school funds might be invested through this commission most judiciously. The state, of course, providing that no loss in principal should ever take place in the fund itself.

Of course, this kind of thing will be objected to as favoring the farmer at the expense of the city or of public education. But it is nothing of the kind. If the farmer wants $1000 to clear and drain and irrigate his land and is willing to pay 6 or 7 per cent to the land commis[illegible] responsibility of the state for the capital, and the county is enriched by the opening up of new lands and increasing its produce-bearing capacity. Of course, the loaning of such funds will require several responsible agents connected with the commission, and again there will be talk of the dangers of patronage and corruption. We admit that, if the wretched spoils system is to continue to disgrace and dishonor American public life; but as the spoils system is but a question of time, we do not dread the result of well-equipped boards or commissions doing the business of the state.

UNJUST TO SETTLERS.

The Authorities at Washington Urged to Take Action With Reference to the Alleged Defective Surveys.

Following is a copy of an official document forwarded to Washington yesterday, which fully explains itself:

United States land office, Spokane Falls, Wash., July 18, 1889.

Hon. Commissioner of the general land office, Washington, D. C. SIR:—By your letter "E" dated April 30, 1888, your office directed this office to withdraw from further entry or filing twenty-two townships of land in the northern portion of this land district. The action of your office in this matter was based upon a report of a Mr. H. S. Martin, who was at that time serving the government as a special agent. Mr. Martin's report was, in substance, to the effect that the surveys of these townships were fraudulent and grossly defective, thus rendering the plats of no value for official use. The plats thus withdrawn from use had been on file for a long time (some of them for several years), and filing and entries by settlers had been made in accordance therewith, and in some instances patents had been issued for lands, after the required residence under the homestead and preemption laws. In many other cases persons living within these townships had complied with the law for the required period, and had submitted, or were about to submit, proof in support of their claims.

The withdrawal of the plats from official use put a stop to all further action with reference to lands within the vast district included in Mr. Martin's condemnatory report, and in many instances this has worked a hardship to settlers interested. A cloud has in the meantime hovered over all titles previously acquired, and settlers have been held in annoying suspense awaiting an adjustment or inquiry into this alleged defect in surveys. The prolonged delay on the part of the government in making this inquiry and adjustment has occasioned much discontent and a wide-spread feeling of mistreatment of those who have complied with the law respecting their claims, and are thus delayed in obtaining titles.

Many difficult questions are constantly presented as to what will be the effect upon the claims described and held under the old survey in case a new survey should make a radical change in lines, and the general anxiety for early action in this matter is constantly urged upon this office.

It may be that the surveys are as defective as the special agent reported them to be, and possibly even worse. I have made inquiry, however of a great many persons acquainted with the section lines or corners, as found in these townships and have not yet met any person other than Special Agent Martin who has found any defects in the surveys.

In conformity with the urgent requests of settlers and others interested, permit me to again respectfully suggest that the order withdrawing these township plats from use be revoked, or that of the work of examination in the field be commenced and carried forward as speedily as possible. Very respectfully,

J. M. ADAMS, Register.

Anniversary of Juarez's Death.

CITY OF MEXICO, July 18.—The anniversary of the death of Ex-President Juarez was observed by the liberals, who marched in grand procession to the cemetery where Juarez was buried. Some students in the procession shouted "Death to the clergy," "Death to conservatives."