

THE JUDICIARY.

121. Organization.—The State Constitution provides that the judicial power of the State shall be vested in a Supreme Court, District Courts, Probate Courts, Justices of the Peace, and such other courts inferior to the Supreme Court, as may be provided by law. Under this last clause have been established the Police Courts in cities, and in some of the most populous counties, Courts of Common Pleas, or Circuit Courts.

122. The *Supreme Court* consists of one *Chief Justice* and two *Associate Justices*, who are elected by the voters in the State at large; that is, without regard to any special district. The term of office is six years. They appoint a *Clerk*, who has charge of all the records and papers of the Court; and a *Reporter*, who compiles and prepares for publication the decisions of the Court, with brief statements of the cases in which the decisions were rendered. There were three *Supreme Court Commissioners*, appointed by the Governor, from March, 1887, to March, 1893, who assisted in the general work of the Court, as so many

more Associate Justices. Their term expired in 1893. The Court meets at the State capitol on the first Tuesday in January and July of each year. Special and adjourned terms are held as a majority of the Court may direct. The greater number of cases tried by this Court are those which come to it by appeal from lower Courts.

123. *District Courts* are held in what are known as the Judicial Districts. Of these there are ~~thirty-five~~ ^{eight}, created by the Legislature by combining certain counties. The statute also determines the times of holding the regular terms in each district.¹

124. Each District Court has its own officers; that is, the Judge, the Clerks (one for each county), and the Stenographer. The chief duties of the *Judge* are to preside at all sessions of his Court; to hear and determine all cases submitted directly to him, and all questions of law in other cases; and to have general supervision of all cases submitted to a jury, as well as to instruct the jury as to questions of law arising in the same. The *Clerk* has charge of all papers and records of the Court, and is responsible for their safe keeping. He is elected by the voters in his county, and serves for two years. The *Stenographer* is appointed by the Judge, and at his discretion, and makes full stenographic reports of all the proceedings in any given case.

¹ *Court of Common Pleas of Sedgwick County.*—The work of the District Court in this county was so burdensome, and so much in arrears, that the Legislature of 1889 created a Court of Common Pleas, which should cease to exist on the 31st of December, 1891. The Judge was appointed by the Governor. The powers and methods of business were generally those of the District Court. At the session of 1891 a like Court was created for Wyandotte County, and one of similar powers, called the "Circuit Court," for Shawnee County.

125. Probate Courts.—Each county has its Probate Court. This has care of the estates of deceased persons, of minors, of persons of unsound mind, of habitual drunkards, and of apprentices. The regular terms of this Court commence on the first Monday in January, April, July, and October of each year. As each term extends to the Saturday preceding the next regular term, the Court is really always in session.

126. Board of Arbitration.—The District Court of each county, or a judge of such court (in vacation), has power, on presentation of petition signed by at least five workmen and two firms of employers, all residing in the county, to appoint a tribunal for voluntary arbitration and settlement of disputes between employers and employed in manufacturing, mechanical, mining, and other industries. The tribunal consists of two workmen and two employers and an umpire. When the parties agree to submit their difficulties to this *Board of Arbitration*, its decision is final, unless "fraud, accident, or mistake" can be proved in connection with its conclusions. (See General Statutes of 1889, paragraphs 332 to 341.)

It is hoped that this action will provide a method by which speedy and just settlements of such difficulties can be reached, and strikes, interference with business, and violence avoided.

127. Trial by Jury.—Trial by jury is recognized in the National Constitution, and in the Constitution of every State, as being one of the very best means by which to secure the liberties and rights of all citizens. There are two kinds of juries,—Grand and Petit. The *Grand Jury* consists of fifteen members, and twelve must unite in

presenting a bill of indictment. The sessions are secret, and are held for the purpose of inquiring into crimes and determining the evidence concerning suspected criminals. If circumstances are such as to warrant the jury in believing that an accused person ought to be tried, it finds what is called a *true bill* against him, and he is then brought into court for the usual trial. Unless a true bill is found, no further proceedings are taken. In this State the Grand Jury is called by an order of the Judge of the District Court, issued at the request of one hundred tax-payers of any county.

128. The Constitution of the State provides that in all prosecutions the accused shall have a speedy and public trial by an impartial jury of the county or district in which the offense is said to have been committed. In nearly all civil cases, also, a jury trial may be had on demand. Great care is taken in the statute to secure only men of "fair character and approved integrity." It is made the duty of the Trustee of each township, and of the Mayor of each city, to make during April of each year a list of such persons to serve as jurors for the ensuing year. In each organized county having a population of thirty thousand and upward, the Governor appoints three Jury Commissioners, whose term of office is two years, and whose duty it is to make up the list of names from which the juries shall be drawn. These take the place of the Trustees and Mayors. These lists are sent to the County Clerk, who writes the names on separate pieces of paper and puts them all in a box. Then, with two Justices and the Sheriff as witnesses, he draws the names of from twelve to thirty-six persons, as the

Court may order. Twelve of these form a *Petit Jury*, and determine all questions of fact that come up during a trial. Their verdict must be unanimous; though it might be better to amend the Constitution so as to permit, say, three-fourths to decide.

129. Juries in Justices' Courts, when called for, are made up by the Justice writing the names of eighteen citizens of the county; from which list the parties to the suit strike out each one name, alternately, till but six remain—which constitute the jury in civil cases. This jury determines questions both of law and of fact. (See paragraph 27.)

130. All jurors are summoned by the Sheriff or proper officers of the Court.¹

131. Conclusion.—It has been said that no nation has long survived the corruption of its courts. The judge should be above suspicion; the jury should be competent, honest, fearless. No high-minded citizen will be content with any result of our judicial system other than the most exact and impartial justice. When justice is bought and sold it is no longer justice, and the end is very near.

¹The statutes exempt certain persons from jury service, declare others to be debarred from such service, and permit the parties to a case to challenge; but this belongs more properly to the practice of the law.

TAXATION.

132. Prelude.—The State, the Government, is simply the agent of the people, and an agent whose necessary expenses must be paid. Often this agent is called on to make certain expenditures in behalf of its principal—the people; and the latter must in some way pay the bills. The method of raising the amount necessary to meet these expenditures and expenses is called *Taxation*, and the amounts themselves are called *Taxes*.

As the only legal ground on which any tax can be collected by the Government—whether it be that of the Nation, of the State, of the County, of the Township, or of the School District—is, that it has rendered, or promises to render, a service which is fully equivalent to the amount collected; in other words, that we are to receive all we pay for—it follows that we should examine very closely the entire proceedings of assessing, levying, and collecting, in order that we may know that our money is properly taken and judiciously expended.

133. Four Canons.—There are four rules, or canons, which are admitted by every one to control all wise taxation. These are:

1. Citizens should pay taxes in proportion to their ability to pay.
2. The tax which each must pay should be determined by some fixed rule which applies to all, and should not be arbitrary; and the time of payment, the manner of payment, and the amount to be paid, should be perfectly clear and plain to the one who pays, and to every one else.
3. The tax should become due, as nearly as possible, at