CONSTITUTIONALITY OF ACT UPHELD

Text of Justice McBride's Opinion Explains Salient Features of Law Increasing Membership of Supreme Bench from Three to Five.

The decision of the state supreme court upholding the constitutionality of the act increasing the membership of the supreme bench from three to five is of general interest, and the salient features of it are given below from the text of the opinion by Justice McBride.

The attack on the court was made by Attorney General Crawford and J. H. Page, deputy district attorney of Multnomah county, in the case of Sam Cochran, better known as the St. Johns liquor case. In that case Justices King and Slater, appointed to the bench under the act of 1909 increasing the membership of the court, joined with Justice McBride in the majority opinion. It was contended that King and Slater were not, in fact, justices of the court.

Thomas O'Day, as attorney for Cochran, and Martin L. Pipes, amicus curiae, sustained the brunt of the battle in support of the constitutionality of the court. A brief in the same behalf was submitted over the names of prominent attorneys throughout the state. The essential parts of the decision by Justice McBride are as follows:

Explains Act of 1909.

The attorney general and one of the deputy district attorneys for Multnomah county, on behalf of the plaintiff, by a motion calling for the issuance of a mandate affirming the judgment of the trial court in the above cause, seek to question the constitutionality of chapter 50 of the laws of 1909. This act increases the number of justices comprising this court, from three to five, and provides for the immediate appointment by the governor of two justices in addition to those already in office, to hold until their successors are elected and qualified. Under its provisions Mr. Justice King and Mr. Justice Slater were, on February 12, 1909, by the governor, appointed justices of this court, took their oaths of office, and, in the manner provided by the act, entered upon their duties, and have at all times since been acting in that capacity, recognized as such by their associates as well as by the executive and all other departments and officials of the state, including the attorney general and district attorneys, as well as by all other counsel having business before this court.

The former opinion in this cause, being the one giving rise to this controversy, was prepared by Mr. Justice King and concurred in by Mr. Justice Slater and by the writer of this opinion, but dissented from in an opinion by Mr. Justice Eakin, in which dissent Mr. Chief Justice Moore concurred. See 104 Pac. 419. By the motion and argument in its support, it is insisted that the lawfully constituted court consists of Chief Justice Moore, Justice Eakin and the writer, who hold their respective offices under laws in force prior to the act brought in question, by reason of which it is contended that Chief Justice Moore and Mr. Justice Eakin constitute a majority of the legally constituted court, and that their opinion should be treated as the majority opinion, and the majority opinion as filed be deemed a dissenting opinion only.

Predicament of Court.

A peculiar situation confronts us at the very threshold of this proceeding. The motion is not addressed to those members of this body, who, it is claimed by the plaintiff, are the constitutional judges, but is addressed to the court, consisting de facto of five persons, each claiming to be a justice. If the three first named are to pass on the question in the collateral and indirect manner in which it is presented, they must say to Justices King and Slater: "Gentlemen, we are the legitimate justices of this court, and you are intruders. You will, therefore, retire, while we proceed to discuss the question as to whether three or five justices constitute our legitimate membership." In other words, we would thus be required to decide the merits of the controversy before the hearing. Or if all five justices sit at the hearing, and one of them should agree with Justices King and Slater that the decision in State v. Cochran was properly rendered by a constitutionally organized court, the question attempted to be raised on this motion would still be unsettled, for, unless all three of the justices, excepting King and Slater, concurred in condemning the constitutionality of the act, a majority of the court de facto would be in favor of its validity, and the matter would resolve itself into a struggle as to who would be recognized by the officers of the court and the state officials. However, the gentlemen whose tenure of office is indirectly attacked by this motion, have seen fit to submit its decision to that part of the membership of this court whose title is unassailed, by reason of which the contingencies here suggested will not actually arise, but the fact that they might properly so arise furnishes some justification for the theory, which we think, in view of a precedent (to which we will later refer) of this court, it is unnecessary to adopt, that the question here presented belongs to the domain of legislation rather than judicial determination, or at least that, in the manner here presented, it is not properly before the court.

Questions Political.

If the question were before the court for the first time we might hesitate to pass upon it, especially in the form here introduced. The points presented have seldom arisen in this country, but there is respectable authority to the effect that they are political and, therefore, not subject to review by the courts. And, notwithstanding the views to follow, we deem it inappropriate at this time, before proceeding with a discussion of the merits, to call attention to the opinions of some other courts relative thereto.

(Here follows extended reference to authorities.)

This brings us to the inquiry presented by plaintiff's motion, that is to say, is the act of 1909, under which Justices King and Slater were appointed, constitutional, or had the legislature the power to increase the number of supreme judges, constituting this court, from three to five? But before entering upon this question, it is important that we call attention to the general rule of construction under which constitutions are universally interpreted. They may be summarized as follows:

1. The object and purpose of the law, whether fundamental or otherwise, must be considered, and the constitution must not be interpreted on narrow or technical principles, but liberally and on broad general lines, in order that it may accomplish the objects intended by it and carry out the principles of government.

2. The whole constitution must be construed together.

3. When two constructions are possible, one of which raises a conflict or takes any of the meaning of a section, sentence, phrase or word, and the other does not, the latter construction must be adopted, or the interpretation which harmonizes the constitution as a whole must prevail.

Limit of Powers.

In this connection it must also be kept in mind that the constitution of a state, unlike that of our national organic law, is one of limitation, and not a grant, of powers, and that any act adopted by the legislative department of the state, not prohibited by its fundamental laws, must be held valid; and this inhibition must expressly or impliedly, be made to appear beyond a reasonable doubt.

The foregoing principles appear so well settled by a unanimity of decisions, not only in other jurisdictions, but by the courts of this state since its inception, that they may be deemed elementary. But, since the constitution so earnestly relied upon by the plaintiff would necessitate a disregard of the foregoing principles, we deem it appropriate to call attention to a few declarations of our courts upon the subject. Before doing so, however, we quote from that eminent text-writer and jurist, Judge Cooley, who as an exponent of constitutional law has no superior. In his work on Constitutional Limitations (7 ed.) page 241, he states the rule as follows:

"It is to be borne in mind, however, that there is a broad difference between the constitution of the United States and the constitution of the states as regards the powers which may be exercised under them. The governments of the United States are possessed of all the general powers of legislation. When a law of congress is assailed as void, we look in the national constitution to see if the grant of specified powers is broad enough to embrace it; but when a state law is attacked on the same ground, it is presumably valid in any case, and this presumption is a conclusive one, unless in the constitution of the United States or of the state we are able to discover that it is prohibited. We look in the constitution of the United States for grants of legislative power, but in the constitution of the state to ascertain if any limitations have been imposed upon the complete power with which the legislative department of the state was vested in its creation. Congress can pass no laws but such as the constitution authorizes either expressly or by clear implication, while the state legislature has jurisdiction of all subjects on which its legislation is not prohibited."

In Cline vs. Greenwood, 10 Or. 230, 240, 241, Mr. Justice Lord, speaking for this court, states the principle of the constitutionality of legislative enactments thus:

"But did we entertain any doubt whether the legislature had exercised its power in the mode prescribed by the constitution, we should be compelled to resolve that doubt in favor of the constitutionality of the mode which the legislature had adopted. Before a statute is declared void, in whole or in part, its repugnancy to the constitution ought to be clear and palpable and free from all doubt. Every intendment must be given in favor of its constitutionality. Able and learned judges have, with great unanimity, laid down and adhered to a rigid rule on this subject. Chief Justice Marshall, in 6 Cranch, 128; Chief Justice Shaw, in 13 Dick, 61, and Chief Justice Savage, in Cowen, 564, have, with one voice, declared that 'it is not on slight implication and vague conjecture that the legislature is to be pronounced to have transcended its powers, and its acts be considered void. The opposition between the constitution and the law should be such that the people (judge) feel a clear and strong conviction of their incompatibility with each other."

The court quotes many other decisions to the same effect.

Quotes Constitution.

Bearing in mind the fundamental principles of constitutional construction, let us examine the provisions of our constitution, bearing upon the creation and perpetuity of our judicial system, for the purpose of ascertaining whether it is there disclosed that the number of justices to constitute the supreme court should be perpetually restricted to three, or whether, by express terms or clear implication, any provisions are disclosed, inhibiting the lawmaking department of our state from providing that a greater number of justices may constitute the court.

Section 10 of our bill of rights expressly declares that "justice shall be administered openly without purpose, completely and without delay, and that every man shall have remedy by due course of law for injury done him in person, property, or reputation." This, as one among other provisions, says the preamble, "is to the end that justice be established, order maintained, and liberty perpetuated." Keeping this object in view, the constitutional convention, which included many lawyers, a large number of whom have since ranked among the leading counsel of our state and nation, made provision for a judicial department. This provision comprises most of Article 7, the first section of which declares that "the judicial power of the state shall be vested in a supreme court, circuit courts and county courts, * * *."

Other sections on the subject, material to this controversy, are as follows:

"Sec. 2. The Supreme court shall consist of four justices, to be chosen in districts by the electors thereof, who shall be citizens of the United States, and who shall have resided in the state at least three years next preceding their election, and after their election to reside in their respective districts. The number of justices and districts may be increased, but shall not exceed five, until the white population of the state shall amount to one hundred thousand, and shall never exceed seven; and the boundaries of districts may be changed, but no change of district shall have the effect to remove a judge from office, or require him to change his residence without his consent.

"Sec. 3. The judges first chosen under this constitution shall allot among themselves their terms of office, so that the term of one of them shall expire in two years, one in four years, and two in six years, and thereafter one or more shall be chosen every two years, to serve for the term of six years.

"Sec. 4. Every vacancy in the office of judge of the supreme court shall be filled by election for the remainder of the vacant term, unless it would expire at the next election, and until so filled, or when it would so expire, the governor shall fill the vacancy by appointment.

"Sec. 5. The judge who has the shortest term to serve, or the oldest of several having such shortest term, and not holding by appointment, shall be the chief justice.

"Sec. 10. When the white population of the state shall amount to two hundred thousand, the legislative assembly may provide for the election of supreme and circuit judges in distinct classes, one of which classes shall consist of three justices of the supreme court, who shall not perform circuit duty, and the other class shall consist of the necessary number of circuit judges, who shall hold full terms without allotment, and who shall take the same oath as the supreme judges."

Not Limited to Three.

It will be observed that the supreme court is created by Section 2, which, first, provides the number shall consist of four, and, until the population reaches a certain limit, shall not exceed five; but that, after the population reaches 100,000, the number of justices of the supreme court may be further increased, but shall never exceed seven. While provision is made to the effect that the justices may be elected by districts, and may perform circuit duty, they remain justices of the supreme court, and the judges of circuit courts are left to be provided for by Section 10, which continues the subject by declaring that when the population reaches 200,000, the legislative assembly shall make provision for circuit judges and divide the judiciary into two distinct classes, one of which shall perform supreme court duties only, and the other circuit duties. Prior to the act of 1878, there were no circuit judges. There were circuit courts, but, under Section 8, each of these courts was presided over by a justice of the supreme court. This is the effect of the holding in State v. Ware, 13 Or., 380, 393-4, in which case Mr. Justice Lord says: "Truth is, when the act of 1878 made operative Section 10 of the constitution, the effect was to write into these provisions, 'Circuit Judge'." Applying the same reasoning here, when the act of 1878 provided there should be five circuit judges, it, in effect, wrote into Section 10 the words, "the white population having reached 200,000, five are the 'necessary number of circuit judges'," so that Section 10, in effect, then read: The supreme and circuit judges are divided into distinct classes, one of which shall consist of three justices of the supreme court, and the other of five circuit judges. Had the section declared the number of circuit judges, which should be selected when the population reached that stage, and then provided that thereafter provision be made for such additional number as might be deemed necessary, and remained silent as to the number of supreme judges that might be provided for in the future, there might be some merit, assuming Section 2 could not be construed with Section 10, in the contention that the number of supreme judges were, by Section 10, intended to be limited to three.

Absurdity of Argument.

But it will be noted in this connection that Section 2 provided the minimum number as four, of which, under Section 6, on account of one of the number having tried the case appealed, but three justices could sit on an appeal; thus, so far as the hearing of appeals was concerned, beginning with but three (the number selected when Section 2 became effective) and placing the maximum at seven, and if, when the 200,000 population mark was reached, Section 10 eliminated all of Section 2 (which we do not decide), it must necessarily follow that the limitation placed upon the number of supreme judges ceased when Section 2 became inoperative and Section 10 went into effect. This necessarily implies that, if the framers of the constitution found it necessary to expressly state the limitation that should be in force until the population reached the limit specified in Section 10, they would, had they deemed a limitation advisable, have also expressly stated in the section supplanting Section 2. However we find them, in effect, providing that the moment the state attains the required population there shall be three supreme judges and as many circuit judges as may at that time be found advisable. The number, which the legislature at that particular time found to be necessary "properly to perform circuit duty," was fixed at five, which, when read with Section 10 of the constitution, under which the law, permitting the appointment of the five circuit judges, was enacted, was equivalent to saying that when the population reached 200,000, the supreme court should consist of three and the circuit court of five judges, and as no reference is made to the number that may be provided for in either office after that time, it would necessarily follow, if the contention of those appearing for the motion were tenable, that the number of circuit judges should never exceed five; yet we have never heard of any one suggesting that such a limitation was intended for the circuit courts. The absurdity of maintaining that such a limitation was intended for the circuit courts could and would not be entertained for a moment, yet it is manifest that, if the rule of construction insisted upon, limiting the membership of this court to three, is sound, a like construction must be applied to the circuit judges, and [illegible] number which the legislature found to be necessary at the time the population reached the required limit.

No Limitation Expressed.

Aside from this feature, however, it must be remembered that there are other provisions upon the subject, and in order to ascertain upon what theory of construction the framers were acting at the time of the adoption of our organic law, the constitution must be examined as a whole. As before stated, that memorable body was composed largely of eminent lawyers, several of whom afterwards sat on the federal, circuit and supreme benches in this state. They were familiar with the rules of constitutional construction, among which is that the fundmental laws of a state is a limitation and not a grant of powers, and, examining the constitution as a whole, it is clear it was framed with this rule in view, and that wherever a limitation was intended it was so expressed. To illustrate: In article 1 we find numerous limitations. Section 1 places an express limitation upon the class that may be entitled to the privilege of an elector, supplemented by other limitations in each of the three sections following. Sections 10, 11 and 12 place limitations upon the class of persons entitled to hold offices there specified; section 13, that no elector shall be required to serve in the militia on election day; section 16, that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment be inflicted, etc. Similar limitations, with reference to various matters, are also found in each of the remaining 19 sections (except one) of the bill or rights. Section 24 thereof provides that "Treason against the state shall consist only in levying war against it." If the words "shall consist" import a prohibition or restraint, why was the word "only" used? Evidently upon the theory that where no restraint is indicated none exists.

Article 2 of the constitution relates to suffrages and elections. Section 2 of this article provides that every white male citizen of the United States of the are of 21 years and upwards, who shall have resided in the state during the six months immediately preceding such election, and every white male of foreign birth, who shall have declared his intention to become a citizen shall be entitled to vote at all elections. Now under the construction here contended for by plaintiff, this language would exclude from the benefits of suffrage every person other than white males, but, recognising that an express limitation was necessary to exclude negroes and Chinamen; section 6 was added as follows: "No negro, Chinaman or mulatto shall be entitled to suffrage." See also sections 3, 4 and 5 of same article, expressly excluding other classes. Further examination of the constitution discloses that provisions restricting and prohibiting, are to be found in sections 3, 4, 5, 7, 9, 10, 11 and 13 of article 2; sections 2, 8, 22, 23, 24, 27, 28, 29 and 30 of article 4; sections 2, 3, and 15 of article 5; sections 1 and 8 of article 6. Other restrictions may be enumerated, but the above should be sufficient to illustrate the fallacy of plaintiff's position. It is sufficient to say that wherever in the constitution a restriction or prohibition was intended, it was either expressed or so strongly implied as to be free from reasonable doubt, and this was manifestly done in the light of the then well settled doctrine of constitutional contruction, that every power not prohibited may be exercised by the legislature. We will call attention, however, to one or two more limitations, which we deem distinctly denotes that when a limitation was intended by the constitution it was there clearly indicated.

Analogy Elsewhere.

Article 4 of the constitution relates to the legislative department, section 2 of which provides "the senate shall consist of 16 and the house of representatives of 34 members, which number shall not be increased until the year 1860." It will be noticed that, notwithstanding the first two clauses say the senate shall consist of 16 and the house of representatives 34 members, and although this language is similar to that language employed with reference to the number to constitute the supreme court, clearly the framers were not of the opinion that this language imposed a restriction against an increase, and hence, although the number to constitute the two bodies was enumerated, added an express declaration that this number should not be increased, until a given time. And section 29 of article 4, in fixing the compensation of the members of the legislature, expressly states that they "shall receive for their service a sum not exceeding $3 a day from the commencement of the session; but such pay shall not exceed in the aggregate $120 for per diem allowance for any one session." Why employ these restrictions, if it were sufficient merely to say that the senate shall consist of a certain number of members and the house of a certain number, and their compensation shall be $3 a day? It is manifest that these restrictive words were employed because the constitutional convention knew that every restriction and prohibition in a state constitution must be clearly stated, and that the law making department has plenary power, except as restrained, either expressly or by clear implication by constitutional prohibitions.

More Justices Implied.

There is one other section included with those quoted in the beginning of this opinion, which is very indicative of a full realization on the part of the framers that there would in time, under the constitution, be more than three justices. Section 5, article 7, makes provision as to who shall be chief justice by saying that "the judge who has the shortest term to serve, or the oldest of several having such shortest terms, and not holding by appointment, shall be the chief justice." It requires but a moment's reflection (after comparing this section with section 3) to see that so long as there are but three justices there cannot be two holding terms of equal length. It is no answer to say that this had reference only to those who might be selected under section 2, for there are not only no qualifying words or exceptions in the section to indicate such limitation, but if, as contended, when the act of 1878 brought section 10 in operation it blotted out all trace of section 2, such annihilation, if it had that effect, would also have carried with it section 5. This court, however, by its continuous selection and recognition of chief justices under section 5, at all times since the act of 1878, as well as before, has, impliedly at least, interpreted this section to be in full force and effect.

"If the maxim "expressio unius est exclusio alterius," so much relied upon by counsel for the motion, is pertinent in this cause, its application must be general to all similar clauses where state or district officers are specified. For example, section 17 of the article under consideration provides for prosecuting attorneys and defines generally their powers and duties. They are the prosecuting officers of the state, yet the office of deputy prosecuting attorney is provided for, and, by virtue of the act authorizing such appointments, the able deputy district attorney from Multnomah county appears on the motion in this contention. The constitution also provides for certain state officers, but nowhere provides for the office of attorney general, and expressly declares (section 17, article 7) that the prosecuting attorneys shall be the law officers of the state. If the designation or enumeration of certain officers takes from the legislature the power to provide for others as the growing needs of public business demand, then the official positions of both the distinguished counsel who subscribed to this motion are shriveled to nothingness in the fires of their own logic, and they stand here mere intruders in the alleged offices which they assume to hold and by virtue of which they assume the right to appear for plaintiff in support of this motion. Years ago, however, this court took a common sense view of these provisions of the constitution, and, as already shown, so far as the office of deputy district attorney is concerned, held that, as the constitution did not prohibit the creation of that office, the legislature had the right to make provision therefor; and, as hereinbefore stated, upheld an information filed by such officer in place of the principal. State v. Walton, 99 Pac., 431.

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Would Defeat Justice.

Then recurring to our bill of rights, its preamble declares that the constitution is ordained "to the end that justice be established, order maintained, and liberty perpetuated," and section 10 thereof, that "justice shall be administered openly without purchase, completely and without delay, and every man shall have his remedy by due course of law for injury done him in person, property or reputation." Now, assuming the intention that the number of supreme judges should forever be limited to three, and that for all time the number of circuit judges should remain five and no more, or should not exceed the number found necessary by the legislature when we reached the 200,000 mark, would not this intent also have to be considered along with the declarations last above referred to in our bill of rights? This would not only be essential to conform to the rules of construction laid down by Judge Cooley and all other text writers on the subject, but also required in order that the general purpose of our fundamental law, as indicated by its preamble, should not be defeated. Unless this could be done, the very purpose of our state would, in time, be overthrown, for it is obvious that if three supreme judges and five circuit judges were required to carry out the purpose of this instrument when the population reached but 200,000, a greater number of each would be required when the population should reach five times that number or more. Otherwise the delays necessarily incident to the trial of persons accused of violating the law, and determination of property interests, would inevitably amount, in a large proportion of the cases, to a denial of justice, deprivation of liberty, by long confinements awaiting trial, and, through the inadequacy of legal protection in many instances, in the practical confiscation of property. It is but begging the question to say, as does counsel for plaintiff, that criminals do not complain of delays. It has for ages been recognized by all law abiding citizens of English speaking nations that no one is, in law, deemed a criminal until convicted according to law, and also that not every man accused of a crime is guilty. It may be that persons having a full consciousness of guilt may not complain of delays, but those innocently accused, do. It is also a well recognised right, and the interests of state and nation demand, that, whether the accused be innocent or guilty, he is entitled to and should have a trial in manner provided by law without unnecessary delay. Nor does the fact that, in criminal cases, the right of appeal is "only a statutory privilege," as suggested, become material; for it may be said also that appeals in civil cases may not be taken until the procedure therefor is first provided by statute, but, in either event, the constitution contemplated that such appeal might be provided for, and it was with this in view that the constitutional provisions for the supreme court were inserted. The unfortunate conditions of affairs incident to long delays in matters involving not only property rights, but personal liberty, as well, of colonial days, contributed largely to the birth of our republic, and to the adoption of constitutions, national and state, under which the oppression formerly existing has so long and justly been obviated. It is reasonable, then, to assume that nothing was intended in the adoption of our organic laws, which could lead to such disastrous results.

A Rational Conclusion.

It is more rational, and but reasonable, to infer that it was intended the number of supreme judges, when the state reached the population requiring a separation into "distinct classes," should begin with three and no less, leaving the additional number to be determined under the future conditons as they might arise. This, our legislature, at its last session, determined and declared, and by the adoption of the act in question, announced, that the state had reached that stage of advancement where more members of this court had become essential to the carrying out of the purposes of the constitution, as expressed in its preamble, and in section 10 of the bill of rights. This was declared in clear and unequivocal language in the emergency clause of the act as follows:

"Section 4—Inasmuch as the act of February 28, 1907, providing for the assistance of two commissioners to the supreme court is about to expire by limitation thereof, and said court is now about one year behind with the trial of cases now on its trial docket, and additional cases are being filed therein faster than three justices, unaided, can speedily hear and determine them, thereby indirectly and in effect contravening the provisions of the constitution 'that justice shall be administered without delay,' it is hereby declared that the status of affairs is such that the prompt enforcement of this act is necessary for the immediate preservation of the public peace and safety, and an emergency is hereby declared to exist, and this act shall be exempt from the power of the referendum, and shall take effect and be in full force and effect from and after its approval by the governor." Laws 1909, p. 100.

We thus have a legislative interpretation, declaring that the time had arrived when more judges were essential to a compliance with the command of our fundamental law, "that justice shall be administered without delay." The authority to determine when the state has reached a point demanding such action rests with the lawmaking department only. Referring to this power, the principles applicable thereto are clearly, ably and concisely stated by Mr. Justice Bean, speaking for this court, as follows:

"Most unquestionably those who make the laws are required, in the process of their enactment, to pass upon all questions of expediency and necessity connected therewith, and must therefore determine whether a given law is necessary for the preservation of the public peace, health and safety. It has always been the rule, and is now everywhere understood, that the judgment of the legislative and executive departments as to the wisdom, expediency or necessity of any given law is conclusive on the courts, and cannot be reviewed or called in question by them. * * * The existence of such necessity is therefore a question of fact, and the authority to determine such fact must rest somewhere. The constitution does not confer it upon any tribunal. It must therefore necessarily reside with that department of the government which is called upon to exercise the power. It is a question of which the legislature alone must be the judge, and when it decides the fact to exist, its action is final." Kadderly vs. Portland, 44 Or., 118, 148.

Conclusion Is Clear.

In conclusion we will add that under any point of view it is manifest, from the various constructions placed by eminent counsel upon article 7, however different they may be, in view of the legislative interpretations thereof, that under light most unfavorable to the act in question, no one can say the constitution is free from ambiguity on the subject, or that such act under consideration is beyond a rational doubt unconstitutional. Placed, therefore, under the most damaging scrutiny possible, there is no escape from the conclusion that the legislative assembly did not, in the enactment of the law in question, exceed its constitutional powers. To hold otherwise would be to disregard, as hereinbefore disclosed, the well settled rules of construction heretofore promulgated by an unbroken line of decisions by this court from the earliest history of our state.

Judges Eakin and Moore concurred in short opinions.

Select Attalia School Site.

(Special Dispatch to The Journal.)

Attalia, Wash., Dec. 25.—A meeting of the electors of the Attalia school district has been called for December 30, to decide on a location for Attalia's new schoolhouse.