Year	State	No. of Days	No. of Ballots	Senators Elected
1891	Florida.....	35	75	Wilkinson Call
	North Dakota..	3	17	H. C. Hansbrough
	South Dakota..	27	40	J. H. Kyle
1892	Louisiana.....	44	..	No Election
1893	Montana.....	50	44	No Election
	Nebraska.....	21	17	W. V. Allen
	North Dakota..	33	61	W. N. Roach
	Washington....	51	101	No Election
	Wyoming.....	..	..	No Election
1895	Delaware.....	114	217	No Election
	Idaho.....	51	52	G. L. Shoup
	Oregon.....	32	58	G. W. McBride
	Washington....	9	28	J. L. Wilson
1896	Kentucky.....	58	52	No Election
	Louisiana.....	9	6	S. D. McEnery
	Maryland.....	8	7	G. L. Wellington
1897	Florida.....	24	45	S. R. Mallory
	Idaho.....	15	..	Henry Heitfelt
	Kentucky.....	36	60	W. J. Deboe
	Oregon.....	53	None possible	No Election
	South Dakota..	29	27	J. H. Kyle
	Utah.....	17	53	J. L. Rawlins
	Washington....	7	25	George Turner
1898	Maryland.....	7	10	L. E. McComas
	Tennessee.....	7	7	T. B. Turley
1899	California.....	67	104	No Election
	Delaware.....	64	113	No Election
	Montana.....	17	17	W. A. Clark
	Nebraska.....	50	43	M. L. Hayward
	Pennsylvania..	92	79	No Election
	Utah.....	52	164	No Election
	Wisconsin.....	8	6	J. V. Quarles
1901	Delaware.....	52	46	No Election
	Delaware.....	52	46	No Election
	Montana.....	51	66	Paris Gibson
	Nebraska.....	72	54	C. H. Dietrich
	Nebraska.....	72	54	J. H. Millard
	Oregon.....	22	53	J. H. Mitchell
1903	Delaware.....	41	36	J. F. Allee
	Delaware.....	41	36	L. H. Ball
	North Carolina.	10	9	L. S. Overman
	Oregon.....	32	42	C. W. Fulton
	Washington...	9	13	Levi Ankeny
1904	Maryland.....	16	12	Isador Raynor
1905	Delaware.....	80	51	No Election
	Missouri.....	60	67	William Warner

[illegible] of water, [illegible] different parts of [illegible]

It was in [illegible] that the question of popular election of senators was defeated in the convention and not in the form in which we urge it today. We shall admit that it is the popular impression that our plan, whole and entire, word for word, found little sympathy in the convention, but again do we challenge its correctness and submit as proof, the minutes of the constitutional convention itself.

Since the advocates of popular election had won a victory in respect to the lower house it was finally decided as a compromise, not of the relation of the state and federal government, but as a compromise upon the broad question as to who should elect the senators, that they should be elected by the legislatures.

Running through all the debates of this convention there seems to have been one continual compromise. Articles were not placed in the constitution simply because they were deemed to be the best law, but with that reason was coupled the desire to insure the union of the states intact and had not the larger states compromised, the smaller ones would have withdrawn and the new born country would have been rent asunder. If these things are borne in mind the claim that our proposition overturns the policy of the constitutional fathers will carry but very little weight.

It has been said that the earlier amendments were only designed to carry into effect the spirit and purpose of the constitution itself. That may be but the thirteenth amendment stands out either as merely vapid declamation or as a most radical change in the policy of the government. Either under the original constitution slavery was permissible—and if so, the amendment reversing that policy reversed it as to a most important and material policy—or it was not permissible and that amendment was mere idle surplusage.

But we go further than that. In the early history of this country, it was contended that the government must be limited to the primary function of government itself. During the life time of those who drew up the constitution that view was universally accepted; but in the process of time we began a radical change. Take for instance the supreme court of the United States. In those earlier days John Jay was offered the position of chief justice, but he at first declined the offer on the ground that that court did not possess the power and authority to maintain its own dignity. And he was warranted in his assertion by the fact that the governor of Pennsylvania had called out the militia to resist the mandates of the supreme court and the state of Georgia passed a law that made it a misdemeanor to carry into effect the decisions of that body.

John Marshall was next offered the position and accepted it. This shining example of all that is great in American jurisprudence bears witness today that it was never understood or even dreamed of that the supreme court could set aside the act of what was deemed the great popular department of the government—the legislative. Less than a year before he took that seat he declared in the now famous Ware case that a court had no authority to set aside the act of a legislature as void because it contravened the constitutional limitations. But when he was elevated to that higher position he soon discovered that somewhere in this organization of government there had to be some power which could judge between conflicting interests and warring factions and he delegated that power to the supreme court when he declared that it was for the court to point out what the law was; and if an act of congress contravened what the court declared to be the law, that then the act of congress failed, because it would not be a law in the light of the declared will of the tribunal itself. In other words, with one stroke of his pen he placed the supreme court above the legislative department not alone as to those questions that go to the rights of citizens; but that court has gone on until today the American people, and wisely too, recognize its right to regulate the governmental and political policies of this nation by calling a halt upon legislative enactment. That tribunal sits there today, but we emphatically declare it is not the tribunal that the fathers of our country created.

Space and the indulgence of our readers forbid us to dwell at length upon the struggle by which this change was brought about, but every lawyer is familiar with that controversy and every layman is familiar with the fact that today the United States supreme court sits in that somber chamber of the capitol and there is no appeal from its decisions in the path of peace; and it sits there the most august tribunal on earth; the highest court under heaven; but I frankly declare that its position today is an absolute reversal of the policy, the purpose, and the will of the founders of this government.

In all fairness and candor are these not complete reversals of the policy, the purpose and the plan of the fathers of this country as expressed in the constitution itself?

It has been argued that this plan is a mere mushroom movement, to use the popular term; that it has been actuated by one man whose doctrines have been spread broadcast, the country over, and is not the will of the people. If that is so why is it that state after state has taken every means in its power within the limitations of the constitution to make the office of United States senator elective? Why is it that twenty-eight states of this union (Virginia, South Carolina, Georgia, Alabama, Mississippi, Louisiana,

(Continued on Page 13)

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