CONSTITUTIONAL RIGHTS.

Speech of Hon. Chas. E. Littlefield on the Roberts Case, in the House of Representatives, Jan. 23, 1900.

(Continued.)

CANNON CASE.

As to that, it is only necessary to say that Cannon was a delegate from the Territory of Utah. He was the creature of Congress and was not a constitutional member of this House. He was subject to its control, and this House undoubtedly could have fixed provisions as to his admission if it saw fit when they created the office. It could deal with him as it saw fit, and it dealt with him in all sorts of ways, and all sorts of arguments were used. That is practically the history of the Cannon case. It is in no sense a precedent for action in case of a member of Congress. We submit that all these precedents appear to have been ill advised, ill considered, unusual, and are entitled to no controlling weight. The Stark case sustains the minority. These are the only precedents. What is there so inviolable about a precedent that should lead this House, in violation of the law, to slavishly follow it? I do not understand that the continuous repetition of a wrongful or unlawful act, has ever by prescription, ripened into a rightful act.

I remember very well—and I have occasion to remember it, because I reflect upon it with great pride—I remember very well when the man of iron stood in the chair in this House, and in response to the order of the Republican House established a ruling, overturning the precedents of a century. He took the House of Representatives, an obstructive body, and made it an instrument to register the people's will. That ruling was not made in violation of the law, it was not made on the basis of public policy, or because expediency required the Constitution to be wrenched, nor under the "general welfare" power, but it was made in accordance with the law of the land.

A decision in 62 New Hampshire, in 1882, had declared it, and since the ruling, the Supreme Court of the United States has sustained it. Unless precedents are based on sound legal reason they ought not to influence or control the action of this House.

MEMBERSHIP IN CONGRESS NOT AN "OFFICE UNDER THE UNITED STATES."

We submit with great confidence that there can be no question that this act of 1882 does not now, and never did, apply to the gentleman from Utah. Why? This statute we submit must be construed in connection with the conditions and circumstances under which it was enacted.

What were the conditions under which it was enacted? When it was enacted Utah was a Territory. To what did the act apply?

"No polygamist, bigamist, or any person cohabiting with more than one woman * * * in any Territory or other place over which the United States has exclusive jurisdiction."

It was then the Territory of Utah. Did that act, when it was passed, affect the eligibility of any member of Congress? Did it not affect the eligibility of a delegate to Congress from a Territory, and no one else? Did it affect the eligibility of a polygamist or a person unlawfully cohabiting in Utah, or in Maine, or New York? Was it not confined in its operations when it was passed to Utah and other Territories of the United States? No man a resident of the Territory of Utah, could become a member of Congress from elsewhere, and I submit that when that act was passed, the circumstances that surrounded it, demonstrate that it did not and could not, apply to a member of Congress, and that it could only apply to a Territorial delegate.

But eighteen years have now passed, and where is the act of the American Congress that has changed the enactment so as to make it apply to a member of Congress? It could not then apply to a member of Congress. How can it now? Unless a member of the House holds an office "under the United States," within the meaning of the Edmunds Act, there is no disqualification.

As to the nature of their offices, whether "under the United States" or otherwise, members of the House and Senate are evidently the same. The words "office" and "offices" occur in the Constitution and amendments twenty-three times, and the words "officer" and "officers" fifteen times, and, with the exception of perhaps two instances, these terms are never used, either directly or indirectly, as relating to, or in connection with, a representative or senator.

One possible exception referred to is found in Article I, section 3, and reads:

"Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy office of honor, trust, or profit under the United States."

The term "office" in the first clause, as to "removal from office," clearly does not relate to a member of either House, as it will be seen that the provisions as to impeachment do not apply to them. It would seem that a civil officer guilty of conduct that would justify impeachment ought not to be eligibile to a seat in Congress, though unless the clause "office of honor, trust, or profit under the United States" be held to include a member, he could not be disqualified thereby. Still, if a member is not the subject of impeachment, there is perhaps as much reason in exempting him from the disqualifications of impeachment.

The other possible exception is in Article I, section 9, paragraph 8:

"No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state."

Standing alone, we might understand the paragraph as broad enough and comprehensive enough to include members of Congress; but taken with the other provisions of the Constitution—and they are numerous—wherein the like terms do not embrace or apply to senators or representatives in Congress, what support can this paragraph possibly afford to those who invoke it as an authority for adding anything whatever to the prescribed qualifications of a representative.

The clause in Article I, section 6, provides:

"And no person holding any office under the United States shall be a member of either house during his continuance in office."

Here it is clear that "any office under the United States" can not include a member, as otherwise it would be equivalent to a provision that no member of either house shall be a member of either house during his continuance in office—an absurdity. A clause in Article II, section 1, provides:

"But no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector."

Here the terms "senator or representative" and "person holding an office of trust or profit under the United States" are used in the alternative, or in contradistinction from each other. If they were one and the same, their separate enumeration was unnecessary. If identical, there would be no occasion to particularize "senator or representative."

If identical, the adjective "other" should have been used, so that the clause should read, "or person holding any other office of trust or profit under the United States," etc.

These observations apply to the following provisions:

"The senators and representatives before mentioned, and the members of several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, etc. (Constitution, Art. VI.)

"No person shall be a senator or representative in Congress or elector of President and Vice President, or hold office, civil or military, under the United States, or under any State, who having previously taken an oath, etc. (XIV Amendment, Sec. 3.)"

Article II, section 4—"The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and disdemeanors"—has been construed by the only tribunal therefor known to the Constitution, the Senate sitting as a court of impeachment, which held that a senator was not a "civil officer," and therefore was not liable to impeachment. It was the case of William Blount, a senator, who was impeached before the bar of the Senate by the House of Representatives. In his plea he claimed that as a member of the Senate he was not one of the "civil officers of the United States," and on the 11th of February, 1797, the Senate announced its conclusion, as follows:

"The court is of the opinion that the matter alleged in the plea of the defendant is sufficient in law to show that this court ought not to hold jurisdiction of the said impeachment, and that said impeachment is dismissed. (Annals of Congress, volume 8, page 2319.)"

Story concurs in this view. (Story on the Constitution, section 792.)

Who can be said to hold office "under the United States" was practically decided in United States vs Germaine (99 U. S., 508-512), where the court said:

"The Constitution, for purposes of appointment, very clearly divides all its officers into two classes. The primary class requires a nomination by the President and confirmation by the Senate. But foreseeing that when officers become numerous and sudden removals necessary this mode might be inconvenient, at was provided that, in regard to officers inferior to those specially mentioned, Congress might by law vest their appointments in the President alone, in the courts of law, or in the heads of departments. That all persons who can be said to hold an office under the government about to be established under the Constitution were intended to be included within one or the other of these modes of appointment there can be but little doubt."

In United States vs Mouat (124 U. S., 303-308) the Germaine case is cited and approved, the court saying:

"In that case, it was distinctly pointed out that, under the Constitution of the United States, all its officers were appointed by the President, by and with the consent of the Senate, or by a court of law, or the head of a department."

The same principle is affirmed in United States vs Hendee (124 U. S., 309-315.)

If, then, "all its officers," "under the Constitution," are appointed in the manner above indicated, clearly a member of either house does not hold an office "under the United States," and the Edmunds Act does not apply.

The fact, if it be a fact, that there are statutes in which the expression "office under the United States" is disclosed by the context to include a member of Congress, when there is no such context in this act and when the existing conditions expressly negative the idea, is of no probative force in construing this act of 1882. I submit upon this branch of the case that there is no question but that this act has no application whatever to the member from Utah, because an "office under the United States" does not include a member of Congress.

THE EDMUNDS ACT.

The committee quote section 8 of that act and then say:

"Reading that act as applicable to this case, eliminating the irrelevant portions, it appears as follows—"

And let us see haw they eliminate it—

"No polygamist shall be entitled to hold any office or place of public trust, honor, or emolument under the United States."

I sumbit to this House whether that is the act:

"No polygamist shall be entitled to hold office or place of public trust, honor, or emolument under the United States."

Where? According to the statement of the committee, when they have eliminated all they desire—(and I am prepared to concede that if this committee can amend the Constitution, the fundamental law of the land, they have equal authority and power at least, to amend the statutes of the United States without the assistance of Congress)—[laughter] where, after their elimination, does the act apply? Anywhere, everywhere, without limit. The only place where this act can operate—"any Territory or other place over which the United States has exclusive jurisdiction"—is "irrelevant," in the opinion of the committee. What does the act say?

"No polygamist, bigamist, or any person cohabiting with more than one woman * * * in any Territory or other place over which the United States has exclusive jurisdiction."

Let us have an analysis of this law as it is, not as some of us wish it was. This will show that no ineligibility can be predicated upon section 8 of the Edmunds Act, upon the facts, as they must be conceded to exist. A brief statement of the history of the legislation involved may be useful.

The Edmunds Act became a law March 22, 1882. Section 1 amended section 5352 of the Revised Statutes of the United States and defined and prohibited polygamy. Section 3 defined and prohibited unlawful cohabitation, and reads as follows:

"Sec. 3. That if any male person, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $300, or by imprisonment for not more than six months, or by both said punishments, in the discretion of the court."

Section 8, relating to eligibility to hold office, reads:

"Sec. 8. That no polygamy, bigamist, or any person cohabitaing with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States."

The Edmunds-Tucker Act, which became a law March 3, 1887, supplemented the Edmunds law, imposed penalties for various kindred offenses, dissolved the corporation known as the Church of Jesus Christ of Latter-day Saints, and contained, among other things, various provisions as to dower and the law of descent. With reference to eligibility to office it contained, among others, this paragraph, in the last part of section 24:

"No person who shall have been convicted of any crime under this act, or under the act of Congress aforesaid, approved March 22, 1882, or who shall be a polygamist, or who shall associate or cohabit polygamously with persons of the other sex, shall be entitled to vote in any election in said Territory, or be capable of jury service, or hold any office or emolument in said Territory."

It will be noticed that this act applied only to "office or emolument in said Territory." It did not go as far as the similar provision in the Edmunds Act and apply to "any office under the United States."

February 4, 1892, chapter VII of the laws of the Territory of Utah was enacted. Section 1 defined and punished polygamy substantially as did section 1 of the Edmunds Act. Section 2 relating to cohabitation, in all material parts is an exact transcript of section 3 of the Edmunds Act. There is no provision whatever in this act relating to ineligibility to office by reason of any of these offenses. (Laws of Utah, 1892, page 5.)

The Enabling Act, authorizing the people of Utah to form a constitution and State government, and to be admitted into the Union, became a law July 16, 1894. This act required the convention to privde by ordinance irrevocable without the consent of the United States and the people of the State—

"First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; provided, that polygamous or plural marriages are forever prohibited."

The Constitution of Utah was adopted by the convention May 8, 1895, by the people November 5, 1895, and the proclamation of the President of the United States announcing the result of the election and admitting the State into the Union was issued January 4, 1896. Article III, ordinance of the Constitution, contained the provision as to religious liberty and polygamous or plural marriages in the exact language of the Enabling Act. (R. S. Utah, 1898, page 40.)

Article XXIV, section 2, of the Constitution reads as follows:

"Sec. 2. All laws of the Territory of Utah now in force not repugnant to this Constitution shall remain in force until they expire by their own limitation or are altered or repealed by the legislature. The act of the governor and the legislative assembly of the Territory of Utah entitled "An act to punish polygamy and other kindred offenses," approved February 4, 1892, in so far as the same defines and imposes penalties for polygamy, is hereby declared to be in force in the State of Utah. (R. S. Utah, 1898, page 67.)"

This did not give the State of Utah any law, making persons ineligible to any office, by reason of polygamy or cohabitation, as no such provisions existed in the act of 1892, chapter 24, or in any of the "laws of the Territory of Utah."

Sections 4208 to 4216, inclusive, of the Revised Statutes of Utah (R. S. Utah, 1898, page 899) are substantially the act of 1892. Section 2 of the act of 1892 and section 4209 of the Revised Statutes, relating to unlawful cohabitation, are precisely alike. This statute has not been changed.

The laws of the State of Utah, then, do not now impose, and never have imposed any disqualification for holding office, by reason of polygamy or unlawful cohabitation. Mr. Roberts was a resident of the Territory of Utah, and since its organization as a State has been a resident of the State of Utah. Under these circumstances we do not think that the disqualifications imposed by the Edmunds Act have had any operation as to him since the organization of the State of Utah. It is settled by an unbroken line of decisions that all Territorial congressional legislation, is superseded by the adoption of a State constitution and the organization of a State.

In discussing the effect of the adoption of the constitution of Louisiana upon the laws of Congress, the court, in Permoli vs First Municipality (3 How., 610), said:

"So far as they conferred political rights, and secured civil and religious liberties (which are political rights), the laws of Congress were all superseded by the State constitution; nor is any part of them in force unless they were adopted by the constitution of Louisiana, as the laws of the State."

The case of Strader et al vs Graham (10 How., 94) determines the same question, and says:

"The argument assumes that the six articles which that ordinance declares to be perpetual are still in force in the States since formed with in the Territory, and admitted into the Union. If this proposition could be maintained, it would not alter the question. For the regulation of Congress, under the old Confederation or the present Constitution, for the government of a particular Territory, could have no force beyond its limits. It certainly could not restrict the power of the States within their respective Territories; nor in any manner interfere with their laws and institutions; nor give this court any control over them. The ordinance in question, if still in force, could have no more operation than the laws of Ohio in the State of Kentucky, and could not influence the decision upon the rights of the master or the slaves in the State, nor give this court jurisdiction upon the subject.

"But is has been settled by judicial decision in this court, that this ordinance is not in force.

"The case of Permoli vs The First Municipality (3 How., 589), depended upon the same principles with the case before us."

The same doctrine is held in Pollard et al vs Hagan (3 How., 212.)

It is approved by all of the court, from Chief Justice Taney to Judge Curtis, in Dred Scott vs Sandford (19 How., 490.)

It is approved in Woodman vs Kilbourne Manufacturing company (1 Abb. U. S., 162), opinion by Justice Miller, of the United States Supreme Court. Columbus Insurance company vs Curtenius (6 McLean, 212.)

This precise question, in the application to the State of Utah of a law of Congress which was not continued in force by any legislation, has been determined in Moore vs United States (85 Fed. Rep., 468.)

The court were determining whether a law of Congress against unlawful combinations was in force in Utah, and held:

"By its terms, the provision of the statute under which this indictment was found applies only to the Territories of the United States, and while it may yet be in full force within the Territories, it is clear that no prosecution could be maintained under it for entering into a combination or conspiracy in restrain of trade in Utah after the date of her admission as a State * * * When Utah became one of the States of the Union, this statute ceased to be in force within its boundaries, unless by appropriate legislation it was continued in force for the purpose of prosecuting violations thereof committed during the existence of a Territorial government. * * * The act of July 2 was not repealed by the Enabling Act, for it yet applies to the Territories of the United States. It ceased to be in force in Utah only because it was superseded by the Constitution upon the admission of the State."

We have seen that there was no legislation of any kind continuing in force section 8 of the Edmunds Act, relating to disqualification. It is to be observed that this section does not undertake by its terms to operate within the limits of any State. It is expressly confined in its operation, by its terms, to "any Territory or other place over which the United States have exclusive jurisdiction." The meaning of the terms "polygamist" or "person cohabiting," with reference to the restriction as to voting, has been fully settled by the United States Supreme Court in Murphy vs Ramsey (114 U. S., 39; L. C. P., 47.)

This was an action for damages sustained by reason of being deprived, under this section, of the right to vote in the Territory of Utah; and among other things the court held:

"It is not, therefore, because the person has committed the offense of bigamy or polygamy at some previous time, in violation of some existing statute, and as an additional punishment for its commission, that he is disfranchised by the act of March 22, 1882, nor because he is guilty of the offense as defined and punished by the terms of the act. * * *

"The requirements of the eighth section of the act, in reference to a woman claiming the right to vote, are that she does not, at the time she offers to register, cohabit with a polygamist, bigamist, or person cohabiting with more than one woman. * * * Upon this construction the statute is not open to the objection that it is an ex post facto law. It does not seek in this section and by the penalty of disfranchisement to operate as a punishment upon any offense at all. * * *

"The disfranchisement operates upon the existing state and condition of the person, and not upon a past offense. It is therefore not retrospective. He alone is deprived of his vote who, when he offers to register, is then in the state and condition of a bigamist or a polygamist, or is then actually cohabiting with more than one woman. * * * So that, in respect to those disqualifications of a voter under the act of March 22, 1882, the objection is not well taken that represents the inquiry into the fact by the officers of registration as an unlawful mode of prosecution for crime."

"In respect to the fact of actual cohabitation with more than one woman, the objection is equally groundless, for the inquiry into the fact, so far as the registration officers are authorized to make it, or the judges of election, on challenge of the right of the voter, if registered, are required to determine it, is not, in view of its character as a crime, nor for the purpose of punishment, but for the sole purpose of determining, as in case of every other condition attached to the right of suffrage, the qualification of one who alleges his right to vote. It is precisely similar to an inquiry into the fact of nativity, of age, or of any other status necessary by law as a condition of the elective franchise."

The principles which apply to eligibility as a voter, must apply to eligibility to office, as they are in the same section and the same language applies to each, and in order to be affected by the disqualification prescribed by this section, a person must be a polygamist or unlawfully cohabiting within the meaning of the section, "at the time" of entering upon the office. It is not enough to show that at some former period Mr. Roberts was a polygamist or unlawfully cohabiting, as the disfranchisement does not operate "upon a past offense." It would have been entirely competent for Roberts to have taken himself from under the operation of this section while Utah was still a Territory by simply ceasing to be a polygamist or cohabiting, or by moving into a State, as the "disfranchisement" operates upon "the existing state and condition of the person" only. In other words, the offense must be continuous. The offense and the disqualification are coterminous.

There is a further legal proposition, to well settled to require the citation of authority, and that is, no statute can operate, either directly or indirectly, extra-territorially. The statute in question does not undertake to.

The offense of polygamy and unlawful cohabiting is localized by the statute. The provision is not general. No polygamist or person thus cohabiting "anywhere, without any restriction as to place," is not the language. On the other hand, the prohibition is confined to a specified locality. No polygamist or any person, thus cohabiting—where? "In any Territory or other place over which the United States have exclusive jurisdiction." The United States had no power to make the prohibition apply to any other place, and did not attempt it. The offense and the place defined must coexist. He must be a polygamist or person unlawfully cohabiting in "any Territory," or the statute does not apply. The statute applies only to residents of the Territory.

In the light of these propositions let us analyze the case as it is. It is objected that he is disqualified, under this section, as a polygamist or person unlawfully cohabiting. The disqualification must exist, at the time of his becoming a member. But since January, 1896, he has resided in the State of Utah, and this statute has not since then, and does not now, operate upon him. It can not, therefore, now disqualify him. The conditions of offense and place required by the statute to coexist do not coexist in his case, and therefore the statute does not apply. In other words, it is said he is ineligible. Why? Because there is a statute of the United States which says that no polygamist or person unlawfully cohabiting, in "any Territory" is eligible, and he is a polygamist or person thus cohabiting. It is a complete answer to say, "While I am a polygamist, I am not such in 'any Territory.'"

While the penal provisions of the Edmunds Act are in full force in "any Territory," it would not for a moment be contended that Mr. Roberts would be liable to prosecution thereunder since January, 1896. Why? Simply because since that time he has committed no crime, within "any Territory," as all of his acts have been in the State of Utah. A fortiori the disqualifying provisions do not apply to him, as they do not even "operate as a punishment upon any offense at all." The moment Utah became a State, he, living in Utah, became a resident of the State, and one of the indispensable elements of the condition to which the disqualification attaches—residence within "any Territory"—ceased to exist, and the disqualification ceased to apply. The offense of polygamy or unlawful cohabitation in "any Territory" and the disqualification were no longer coterminous. He is now doing no act in "any Territory" to which the disqualification applies, and therefore it does not exist.

It is true that while Utah was a Territory Roberts was unlawfully cohabiting, and the disqualification existed, and his status was then that of ineligibility, and therefore it may be suggested it continues. But this would make the disqualification the result of a past offense, and the law says that it "operates upon the existing state and condition of the person, and not upon a past offense." It does not "operate as a punishment" at all, all of which it clearly would do, if the supposition were correct.

If the disqualification attaches to Roberts by reason of act committed in Roberts by reason of acts committed in be operating extra-territorially, outside of "any Territory" to which by its specific terms it is expressly confined. The fact that Roberts still resides in the same place where he resided in 1895, though Utah is now a State, but then, was a Territory to which the law applied, undoubtedly is the cause of some confusion of thought. It is clear that his legal rights are precisely the same as though, since 1896 he had been residing in Maine and had been elected to Congress from that State. It would not be contended that this act could have any application to him in such case, to affect his present status, as it never operated there. No more has it in Utah since January, 1896.

To be sure, it is suggested that he may be eligible while in Utah by reason of the fact that this statute does not operate upon him there; but that the moment he gets into the District of Columbia, this being under the exclusive jurisdiction of the United States, he is ineligible, which involves the further interesting proposition that the moment he returns to the State of Utah, he is also eligible again. Now you see it; now you don't. (Laughter.) Such a suggestion is not worthy of serious attention.

It seems to me beyond question that this act does not now apply to Mr. Roberts. Then there is no law having any application to this case by which the attempt is made to add anything to the constitutional qualifications. This House, by its independent action, can not make law for any purpose. The adding by this House, acting alone, of a qualification not established by law would not only be a violation of both Constitution and the law, but it would establish a most dangerous precedent, which could hardly fail to "return to plague the inventor." You might feel that the grave moral and social aspects of this case allowed you to—

"Wrest once the law to your authority
To do a great right, do a little wrong."

But what warrant have you, when the barriers of the Constitution are once broken down, that there may not come after us a House with other standards of morality and propriety, which will create other qualifications with no rightful foundations, that, in the heat and unreason of partisan contest—since there will be no definite standard by which to determine the existence of qualifications—will add anything that may be necessary to accomplish the desired result? Exigency will determine the sufficiency. It would no longer be a government of laws, but of men. To thus depart from the Constitution and substitute force for law is to embark upon a trackless sea without chart or compass, with almost a certainty of direful shipwreck.

THE UNDERSTANDING.

The ingenuity of the majority is not yet exhausted. They say:

"His election as a representative is an explicit and offensive violation of the understanding by which Utah was admitted as a State."

I would like to inquire of the majority where they find the authority for the proposition that the United States government can go into the question of an "understanding" that existed before a State was admitted into this Union, and then, having found it, exercise this domiciliary, supervisory, disciplinary power over the State. Where does it exist? What is it indicated by? Is it eral? They do not undertake to suggest it is in the Enabling Act, although they refer to it.

But is it an oral "understanding" that exists between the States by reason of this "general welfare" power? I assume that they invoke it under this "general welfare" proposition. Think of it! An "understanding" which is based on what? A compact or a contract? I had supposed it was too late at this stage of the history of the Republic, in these times of peace, to invoke the proposition of a contract, existing between the States and the general government.

I knew that the theory of a contract was the parent of the infamous heresy of secession, and I have believed that it was wiped out in blood from 1861 to 1865. More than 500,000 of the best, truest, most heroic, and bravest men that ever met on the field of battle—the blue and the gray, bretheren all—rendered up their lives that that infamous proposition should be blotted out, and blotted out forever. Let the dead past bury its dead. I submit that under these circumstances it ill becomes this House to undertake, in the interest, if you please, of civilization, to invoke anew the proposition of a contract existing between a State and the United States.

In what kind of a condition does it leave the State of Utah if this "understanding" exists? Let me give an illustration of the application of this "understanding." I suppose that the "general welfare" of the people of this great Republic is as fundamental as any other proposition involved in this "understanding." I imagine, and I can assume, that every State that came into the Union agreed to help to promote the "general welfare." Without such an "understanding," no State would have been admitted. On the basis of this "understanding," any State that is guilty of conduct that does not promote the "general welfare," or whose people are, violates the "understanding" under which it came into the Union, and therefore can be disciplined by the United States. Especially must they not imperil the "general welfare."

I would like to inquire, under this "understanding," if that theory is entirely true, if this view of the "general welfare" is to be followed, what would happen, for instance, to New Jersey, which is now the breeding ground of trusts and octopuses. (Laughter.) They are organizing corporations from $10,000,000 anywhere up to $125,000,000, based on air, and almighty thin air at that. (Laughter.)

There are a great many people that believe that the octopus, "as a roaring lion, walketh about seeking whom he may devour," and I would like to know why, if this proposition is true, if this nebulous, diaphanous, guazy, dangerous, insufficient, metaphysical, chimerical, hypercritical, impalpable, evanescent and nonsensical theory is to be applied to this dicussion (great laughter and applause) I would like to know how it is to be applied in the exercise of our practice under our "general welfare" clause. Will it be necessary to suspend New Jersey from representation upon this floor in order that she may not hereafter thus interfere with the "general welfare." (Renewed laughter and applause.)

If not, why not? Is it necessary to say more about that proposition? (Laughter.) I shall now make this suggestion. I have discussed this subject up to this time upon the basis of the propositions laid down by my friends on the majority of the committee.

Mr. Stewart of New Jersey. Does not my friend think that the prohibition laws of Maine are not more against the general welfare and against the people than the corporation laws of New Jersey?

Mr. Littlefield. There are those who think the Maine prohibition law against the sale of rum even worse than polygamy. I believe in the law.

Mr. Stewart of New Jersey. Has the gentleman read the corporation laws of New Jersey? They are fifty years old and the result of Democratic administration.

Mr. Littlefield. I have. I do not want to make any reflection upon the State of New Jersey. I only used that as an illustration. (Laughter.) I have read the corporation laws of New Jersey. I have also read the excellent speech made before the Buffalo Bar association by Mr. Keasby, advertising these corporation laws of New Jersey.

Mr. Stewart of New Jersey. Have you read Governor Voorhees's speech at the Republican club dinner in New York city lately?

(To be Continued.)

CHAPTER FROM AN OLD MAN'S LIFE.

(Continued from page nine.)

in circumference and eighteen feet in height, and as it makes about eight complete circuits each day it is computed that it travels during the year a distance of forty-four miles and an eighth. The position of the cells are changed daily, so that it would be a difficult matter for any prisoner to make a successful attempt at escape by filing the lars, or any other way, and as a means of further protection, the rotary could be kept on the move continually, which I understand is the case in some eastern prisons. As there are eleven windows to this room every cell is well lighted during the day, and after sundown until 9 o'clock electric lights illuminate them.

On the left, as you enter the room there is fourteen feet by twelve for exercise and on the right a similar space where meals are served and which is furnished with two long tables and benches.

THE SOUND OF BELLS.

All the movements of the prisoners are regulated by the sounding of a gong. Four bells summons them to rise, make their beds, sweep out their cells and wash. Three bells warns them that the rotary will be put in motion for them to get out for exercise, the prisoners emerging from their cells as they reach the opening in the cage, a gate being slid to one side, directly opposite the entrance to the room, and outside of which sits the jailor, behind another enclosure. So complete is the mechanical arrangement that the prisoners enter and leave their cells without coming near or within reach of the jailor, which precludes the possibility of an attack if such were contemplated. Two bells is a signal to march, single file, through a gateway to meals on the other side of the room. Not a word is spoken, the utmost decorum being maintained at the table. The meal finished all remain seated until the one bell is sounded when they march back to the "recreation grounds" for another fifteen minutes' exercise, where every freedom of conversation is allowed.

PRISON RULES.

As to conversation, if not too loud, they are able to do that at all times whether in or out of their cells. Three bells is again the tocsin to return to their cells.

The prisoners are fed three times a day, with the exception of Sunday, when two meals form the day's diet. Breakfast consists of porridge and milk, stewed beef, bread, molasses and coffee; dinner, soup, bread and water; supper, roast beef, potatoes, bread and tea. With the meats there is always a plentiful supply of rich, thick gravy. There is no special allotment of food; every prisoner is allowed as much as he can eat. On Sundays there are always extras, and an inviting dish of bread pudding with butter-sauce is added to the dinner fare.

While the menu may not meet the exactions of a fastidious epicure in dietetical elegancies, yet for cleanliness, purity, plentitude and healthiness, it would be difficult to excel what is furnished the inmates of the county jail.

Scrupulous cleanliness is the predominating feature, no matter when or where you look everything and place is as clean and bright as a new dollar, and prisoners take a bath once a week. The entire building is heated by steam so that a normal temperature is maintained at all times.

After a week's experience in the rotary I was promoted to the enviable position of "trusty," after which my detention became more tolerable and less objectionable. A "trusty" who is attentive to his duties will get along all right, and the hours will pass swiftly by, if not pleasantly.

There is a day and night jailor, but the onus of the work and responsibility rests upon the day official. The day official, while an exacting and strict disciplinarian, is at all times considerate and will listen attentively to any request of the prisoners, and grant the same, if practicable.

THE "BOSS OF THE RANCH"

is, undoubtedly, the cook, a short, stout, colored woman, who is as broad as she is long, with dark flashing eyes and a tongue when put in motion that sounds like a rasp covering the surface of a piece of steel. Woe betide the "trusty" that neglects to return a pan or pot, and should he forget himself by giving a short answer, he's in for it sure, and she'll cry out.

"Heah yo'! Come heah, lem me see de cullah of yo' eye when yo' talk to me dat way, yo rapscalion; I break yo' back. I 'clare dem dere trusties think of nufflink but eat, eat." Even the corpulent and rotund keeper of the keys relaxes before the awful gaze of the queen of the kitchen when she flourishes the great horn spoon. But after all she's a good old soul, and when the storm is over, she coddles the trusties with some little extra dainties, and her cooking is irreproachable.

RETROSPECTIVE.

Looking back over the past thirty days, were it not for the stigma that my error brought upon me I am prone to confess that the treatment and surroundings at the county jail are as humane and considerate that it is possible and practical for application under the circumstances. That my incarceration may be the turning point in my life is the earnest prayer and hope of the writer.

Is Your Heart Weak?

Nervous Exhaustion Brings on Serious Heart Trouble.

HUDYAN CURES

Ft. Collins, Colo.

DEAR DOCTORS: IT GIVES ME GREAT pleasure to state that HUDYAN cured me of Nervous Trouble, which was complicated with Heart Disease. My nervous system was wrecked. I could not sleep, had headaches nearly all the time, was thin and very weak. I could not work. I soon observed that my pulse was weak and irregular and my heart would flutter. My doctor said I had heart disease. He could not help me. I took your HUDYAN, and in a few weeks' time was entirely cured. HUDYAN is a splendid remedy, for I now feel splendid and work every day.

ARTHUR S. FERGUSON.

What HUDYAN did for Mr. Ferguson it will do for you.

HUDYAN is for sale by druggists—50c a package, or 6 packages for $2.50.

If your druggist does not keep HUDYAN, send direct to the HUDYAN REMEDY COMPANY, corner Stockton, Ellis and Market streets, San Francisco, Cal.

Consult the Hudyan Doctors—Free of Charge. Call or Write.

An Editor's Life Saved by Chamberlain's Cough Remedy.

During the early part of October, 1896, I contracted a bad cold which settled on my lungs and was neglected until I feared that consumption had appeared in an incipient state. I was constantly coughing and trying to expell something which I could not. I became alarmed, and after giving the local doctor a trial bought a bottle of Chamberlain's Cough Remedy and the result was immediate improvement, and after I had used three bottles my lungs were restored to their healthy state.—B. S. Edwards, Publisher of the Review, Wyant, Ill.

"Opportunity is the Cream of Time."

Now is your opportunity. There is no time when the system is so much in need of a good medicine, like Hood's Sarsaparilla, and no time when it is so susceptible to the benefits to be derived from such a medicine. By purifying, enriching and vitalizing the blood and toning up the system Hood's Sarsaparilla starts you right for a whole year of health.

Constipation is cured by Hood's Pills. 6

Children who are troubled with Worms are pale in the face, fretful, by spells, restless in sleep, have blue rings around their eyes, bad dreams, variable appetites, and pick the nose. WHITE'S CREAM VERMIFUGE will kill and expel these parisites. Price 25 cents. Z. C. M. I. Drug Dept.

REMOVAL SALE

. . WALL PAPER . .

ENTIRE STOCK

Must Be Sold Out In 30 Days

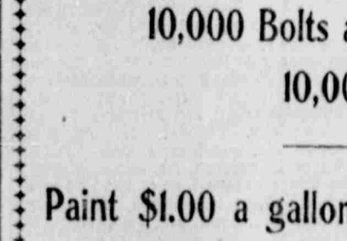
10,000 Bolts at 10c

10,000 Bolts at 15c

Paint $1.00 a gallon while it lasts. Picture frames and pictures all must go.

NEW YORK WALL PAPER CO.,

Opp. Walker House.



CORRECT TASTE IN DRESS FOR MEN

always includes double breasted frock coat for day dress. Its cut, fit and shape, its "hang" and finish must be irreproachable, and its construction must be by a tailor who is master of his art. When you wish to be well and correctly dressed, and have all the finesse that a swell tailor can impart, give your order to

BUCKLE & SON,

TAILORS AND WOOLEN DRAPERS.

Suits to Order, $25.00.
Pants to Order, $7.50.

CALL ON US AT 235 S. MAIN ST.

Established 1873.