and sad, whom no temptation could lure to that old life again.

"I thought it best to tell you all this, Esther," he said; "and perhaps then you will not think so hardly of me when I am away."

"But we shall not let you go, you know, Denis. Mrs. Darby will not hear of it."

"But I *must!*" he said, sharply.

Poor fellow, he was an invalid yet; I would not cross him. So I said, kindly, "Where would you go, Denis?"

"I do not know yet. Somewhere in the world I shall find room to live a better life."

Somewhere! the word seemed to echo over wood and hill like a lingering farewell. I looked at this man, whose fate seemed in some inevitable way interwoven with mine. Should I let him go from me forever—see him depart into the wide world, with the odds against him, and betake myself to ease and comfort?

"Denis," said I, "stay here; let me help you—let us be friends as of old."

"Woman!" he cried, turning sharply upon me, "do you think that I have no soul? that I have been buried in jail till every thing that makes manhood in other men is dead? Help me, forsooth! Shall I stand quietly by without feeling, without heart, while others live their warm, happy lives beside me? I tell you I am going away!"

"Poor Denis!" I said, soothingly. "You are feverish and weary. Sit down a little here on this mossy bank—"

"No," he answered, "I will never sit by your side again. I am not fit to be near such as you. Go your way to the wealth and peace that await you. Be Mr. Lowell's bride—you were made for joy and wealth and luxury. But you shall not patronize me, for, proud as you are, virtuous as you are, I tell you that I love you! Does it make your blood tingle with mortification to be loved by a convict? It is done, and I can not undo it."

There came upon me then, even while he spoke the harshly passionate words, a strange inspiration. An angel seemed to float down through the evening and touch my heart. Subdued and sad, I turned my face away and wept.

Standing apart from me, as touched with a sorrow he could not soothe, Denis at last said, wistfully, "What is it, Esther?"

"It is this, my friend," I answered: "I, too, can not undo it. I have tried. You stand to me for a life of hardship, Denis, a life of trial and struggle, and I have shamefully coveted ease and peace. But it is over. 'Where thou goest I will go, and where thou diest I will die;' for better than all else that I have loved, better than all sweetness and beauty, I love you, Denis!"

"Esther," said Mr. Lowell, quietly, a few days after, "thy friend Denis Owen has been speaking to me of thee. It is as I feared; yet I do not blame thee, Esther. Thy companionship has been very sweet to me, and I will not deny that I had thought it excellent to have thee with me to the journey's end, if thee had so elected. But thou hast chosen a higher path, sister, and if the hand of the Lord hath shown itself clearly to thee in this thing, let it be as thou sayest."

And it was so.

"Well, I declare!" said Mrs. Medlum, "wonders will never cease. To be sure, I always said he had the makin' of a gentleman in him, that Denis Owen; but to think of Mr. Lowell's making him boss o' the mill, and of his gettin' our Esther! Well, well, we must forgive and forget, as the Good Book says; for wasn't that there Judas, the very worst o' the whole on 'em, forgiven and forgotten?"

CONSTITUTIONAL LIMITATIONS.

A THOUGHTFUL and observing stranger who might visit our country with the design of studying our civil organization, and the theory and operation of our laws, would notice that there are two distinct systems of government in force, each founded upon a definite and well-known basis, styled a *Constitution*. For the national government, he would find that this instrument is made up of certain distinct grants of powers, and guarantees of public and private rights, agreed upon at first by all of the original States, and accepted unconditionally by the other States since admitted into the Union. As imperfections have been found they have been remedied by amendments, from time to time, in the manner therein provided, with the consent of at least three-fourths of the States for the time being, and with the same binding effect as if originally embodied in the Constitution. This fundamental law expressly declares that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people, and that the enumeration therein of certain rights shall not be construed to deny or disparage others retained by the people.

In each of the several States he would find a Constitution, prepared in the first instance by delegates in convention, and in many cases afterward amended by the Legislatures, with the sanction of a popular vote. These delegates were in every instance elected by the people for the express purpose of preparing or revising their Constitution, wherein they commonly enjoyed unlimited powers; but they could enact no laws, create no corporations, and grant no monopolies; nor could they provide for themselves or their friends any official sta-

tions or desirable privileges that might not be secured by any citizen. More than this, they were well advised, both before their election and during their deliberations, as to what the people whom they represented desired and expected from their labors, and knew that the result must go before their constituents for final approval, and that their own reputation and future standing depended in a great degree upon a satisfactory discharge of these duties.

In comparing the provisions of the national Constitution with those of the States, it will be noticed that the former, besides embracing the details essential to the operation of a legislative, an executive, and a judicial department, with the powers and duties peculiar to each, contains also certain limitations upon the powers of the States, and a guarantee of certain public and private rights. In so far as any of these provisions, or those of any law clearly passed under their authority, may chance to come in conflict with those of a State Constitution, the former, being of paramount authority, are regarded as the law of the land, and the latter as inoperative and void. The limitations of the Federal Constitution upon the States are to be carefully considered in the revision of State Constitutions, and regarded as forbidden ground.

These fundamental laws of the nation and of the States are beyond legislative control, except in the qualified right of amendment; and whenever a case arises in which a judicial decision depends upon an alleged inconsistency between a law and the Constitution, it is the plain duty of the Supreme or other higher court to compare the former with the latter, and if it can not be reconciled upon a fair construction, it will be declared, so far as in conflict with the Constitution, to be null and void. It is further established that the construction given by State courts to State laws will, as a general rule, be accepted by the Federal courts, and that the higher tribunals of both may inquire into the validity of laws passed upon subjects forbidden by the Constitution of the United States, and if found to embrace provisions not allowed, they will declare them void.

In this respect our legislation differs from that of most other countries. An act of the British Parliament, for example, can not be questioned by the courts, except to ascertain its meaning; nor can it be annulled or suspended by them under any pretext. It is the province of their courts to interpret the laws as they find them, without seeking the grounds upon which they were enacted, or the propriety of the provisions which they may contain.

The Constitution of a State may embrace any provision not forbidden by the Constitution of the United States, or included among the powers already yielded to the general government, which a convention might choose to prepare and the people to adopt. This qualification would naturally secure such personal rights as might be considered possibly in danger from an arbitrary exercise of power, and would throw around the several departments of the State government such limitations as the people might deem necessary to protect themselves against oppression, their property from waste, and their local interests from danger, through the fault or misconduct of those who might temporarily gain places of power and trust.

Such evils could not long continue under our form of government, where the lease of power is short, and the accountability to those who gave it certain; but irreparable injury might be done within a short space of time, under the pretext of laws, were there not limitations beyond which they could not operate, and certain definite restrictions upon the several departments, to prevent the possibility of trespass upon rights not granted to them or distinctly confirmed to other branches of the government.

We will limit ourselves in this article to a consideration of the State legislative department, and will notice the limitations that have been placed upon its organization and action by the Constitutions of the several States, the tendencies shown in the various amendments that have been made to the said Constitutions, and some of the reforms that appear to be desirable in future revisions of the same.

The theory of equal representation in the State Legislatures is every where accepted, although in some of the Eastern States their representation by towns prevents its fair operation. In twenty-five States a census is taken for the purpose of equalization, the interval being six years in one, seven in one, eight in one, and ten in twenty-two. In twelve States they also use the Federal census, taken at intervals of ten years, and thus obtain an equalization every five years, based alternately upon their own and the national census. No change can usually be made except at the session next following the completion of a census return.

The basis of representation in Congress and in eighteen States is the total population, in four States the qualified voters, in three the white population, in one the white males over twenty-one years, in one the *permanent* inhabitants, in one the *taxable* inhabitants, and in one the taxable polls and amount of taxes. In two States they exclude from representation the Indians not taxed, in two Indians not taxed and soldiers in the United States army, in two aliens and Indians not taxed, in one aliens and persons of color not taxed, and in one aliens and Indians not civilized.

In the Constitution of Illinois, adopted in 1870, we find the principle of *minority repre-*

sentation fully introduced in elections to the Lower House. From each district three members are chosen, and each voter may place three names on his ballot, which may be alike, and for one candidate only, if he pleases. This plan secures at least a partial representation, wherever a party is able, by nominating but one man, to concentrate their strength upon him in numbers sufficient to give him an election.

A modified form of this principle was temporarily applied in the first election of justices in the present Court of Appeals in the State of New York, in which there were *six* of these officers to be elected, while only *four* could be voted for by any elector. The benefits resulting from a fair representation of parties in a State government are manifest, as by their mutual vigilance they tend to exclude partisan action in the discharge of official duties which heavy majorities might favor or demand. An administration or a Legislature elected by a nearly even vote would naturally seek to deserve continuance by satisfying the expectations of the whole people, and the minority principle above noticed, and which has also been frequently applied in municipal appointments and local elections, we regard as eminently worthy of favor. In fact, a nearly equal division of certain offices between political parties, whatever may be their comparative numbers, has been found, in the inspection of elections and certain branches of administrative service, as the best guarantee against fraud, and as the only means of satisfying the people that their rights were fairly and fully maintained.

A pleasant illustration of this theory of non-partisan action was presented in the election of delegates to the convention that prepared the present Constitution of the State of New Jersey in 1844, in which, by an arrangement recommended by members of the Legislature in concurrence with influential persons throughout the State, the delegates from all of the districts but one were elected from each of the political parties of the day in equal numbers. The good sense and justice of this proceeding can not be too highly commended, and in no other way could the results of their labors have been so effectually placed beyond suspicion of partisan bias, or made more worthy of the public confidence. The Commission recently appointed for preparing amendments to be recommended for adoption in the Constitution of New York is designedly made neutral as to politics by being constituted of members selected from each of the leading parties of the day; and it is quite probable that no allusions will be made to the peculiar views of either in their discussions.

The tendency of reform in the arrangement of representative districts has been toward election by single districts. The first elections to Congress in New York and some other States were made upon general ticket, in the manner now practiced in the choice of Presidential electors. If these representatives be regarded as intrusted with the interests of the State as a whole, this may have been proper, and their selection might have been made without reference to their locality, upon the grounds of their intelligence, ability, and fitness for the place and duties assigned them. But a better view of the requirements soon led to an even distribution of the representation on the plan now every where adopted. The four great Senatorial districts of New York, under the Constitution of 1777, were subdivided into eight in 1821, and into thirty-two in 1846. There was a strong tendency in 1821 toward the adoption of single districts, and the committee in charge of this subject first reported in favor of seventeen. The supposed difficulty of obtaining an equal distribution of the population without dividing counties alone prevented the convention from adopting the smallest possible division as since established.

The subdivision adopted in the revision of the Constitution of Virginia in 1829–30 into the Trans-Alleghany, Valley, Middle, and Tide-water districts proved a fertile source of discontent for many years, and the very unequal vote which these great divisions returned upon the question of its ratification strongly indicates some undue advantages which the proposed Constitution promised to some and denied to others,* and the result afforded conclusive arguments in favor of single districts. The election of members to the Lower House by general ticket for counties and cities, formerly so common, has become almost unknown.

Among the first models of our Constitutions we find some experiments in State government that soon failed to satisfy the requirements, and were abandoned. For example, in Georgia, Pennsylvania, and Vermont the Legislature was at first composed of a single House, as was also the Continental Congress under the Articles of Confederation. The salutary check upon hasty and imprudent legislation afforded by two distinct branches was, however, early recognized, and is now, without exception, an essential feature in the organization of State and Territorial Legislatures, and in the common councils of the great cities. These two branches of the Legislature, distinct and independent in their organization, rules, and proceedings, and in power over their own members, are sensitive to the slightest

* The vote by great divisions upon the question of adoption was as follows:

Trans-Alleghany District.	2,123	for, and	11,289	against.
Valley District	3,842	" "	2,097	"
Middle District	12,417	" "	1,086	"
Tide-water District	7,673	" "	1,091	"

infringement upon their dignity and rights as free and independent bodies, and in the early period of the older States they were very formal in transmitting business from one to the other. No message could be carried except by committees duly appointed, announced, and received; and the ceremonies of opening the session, receiving the speech of the Governors, returning their reply, and the like, partook of much of the stately grandeur affected by colonial Governors, and derived from Parliamentary precedents. Most of these forms have given place to a plain and direct business-like style of proceeding, and we can now scarcely realize the grounds for the strong expressions of resentment which a neglect of some trivial formality on the part of one House in its dealings with the other occasionally called forth, and which were placed upon record in their journals.

Although independent in most respects, neither House can adjourn to another place, or for more than a very limited time, without the other's consent, and both must concur in the passage of laws.

This collective body is in twenty-one States styled a "General Assembly," in thirteen a "Legislature," in two a "General Court," and in one a "Legislative Assembly." It meets biennially in eighteen States, annually in seventeen, and semi-annually in two; the sessions being limited to thirty days in one, to forty in two, to forty-five in one, to fifty in one, to ninety in two, and to one hundred in two of the States. There has been a change from *annual* to *biennial* sessions in thirteen of the States, which can be regarded in no other light than as an intimation by the people of their belief that their Legislatures had done *too much*.

The more numerous legislative branch is in twenty-eight of the States styled a "House of Representatives," in five an "Assembly," in three a "House of Delegates," and in one a "General Assembly." Their numbers are generally limited by the Constitution, and average about one hundred. They are elected for the national government and twenty-six of the States biennially, and for eleven of the States annually. In twelve States no person can be elected to the Lower House under twenty-one years of age, in one State under twenty-two, in three States under twenty-four, and in Congress under twenty-five years.

The smaller branch, known in every instance as a "Senate," varies in number from nine to fifty, or from a fourth to a half that of the other House. The average number is a little over thirty, and the terms of Senators range from one to six years, five States electing for one, eleven for two, two for three, eighteen for four, and one for six years. In eight of the States where the Senators are chosen for two years they are all elected at one time, and in three in classes, one-half annually. Wherever they hold for four years one-half are chosen every second year, and in States where they hold for three or six years one-third of the whole number are chosen annually or biennially. The limit of least age of Senators in Congress and in six States is thirty years, in two States twenty-seven years, in fourteen States twenty-five years, and in one State twenty-one years.

In all of the States the sessions of both Houses are held with open doors (except in special cases), the journals are published, and the members are privileged from arrest on civil process during attendance, and from being questioned elsewhere for words spoken in debate. In fourteen States bills for raising revenue must originate in the Lower House, and in seventeen States any bills may originate in either House, and be amended in the other.

In Delaware, North Carolina, Ohio, and Rhode Island bills become laws upon passage by both Houses. In all the other States bills must be approved by the Governor, or returned with his objections to the House where they originated. They may then be reconsidered and passed over the veto—in nine States by two-thirds of each House, in eight States by two-thirds *present*, in four States by two-thirds *elected*, in eight States by a majority *elected*, in two States by a majority *present*, and in one State by three-fifths *elected* to each House. The return must be made within three days in nine of the States, within five days in sixteen, within six days in one, and within ten days in Congress and in seven of the States.

Impeachments against public officers are in every State preferred by the Lower House, and tried by the Senate. With this exception, neither House exercises any judicial functions properly so called, although formerly, in several States, the Senators sat in the court of last appeal, with the judges of the higher courts.

Having thus briefly noticed the principal limitations upon the organization of State Legislatures, we come to consider the results of their operation, and the indications they suggest relative to the preservation of a due harmony of the system.

While the number of legislators, and the time allowed for legislation, are fixed, or are liable to but slight change, the increasing wealth and population of the country, and the development of new interests, are every year creating new subjects of legislation, and are rapidly bringing upon all of the States the necessity, already felt by many, for some relief from this growing burden of business, without the neglect of any important interest.

We will take New York as an example.

The number of laws passed in the ninety-five sessions since the formation of the State

in 1777 is 30,440, and the number of printed pages which they occupy (exclusive of title-pages, indexes, etc.) is 56,516, of which the first 1512 are large folio, and the remainder octavo.

Grouping these laws into periods of ten years, we find the following in numbers:

From	1778 to 1787.....	650 laws.			
"	1788 " 1797.....	709 "	Increase.....	59	
"	1798 " 1807.....	1,421 "	"	712	
"	1808 " 1817.....	2,335 "	"	914	
"	1818 " 1827.....	2,831 "	"	496	
"	1828 " 1837.....	3,705 "	"	874	
"	1838 " 1847.....	3,547 "	Decrease.....	158	
"	1848 " 1857.....	4,795 "	Increase.....	1248	
"	1858 " 1867.....	6,004 "	"	1209	
Since	1867 (5 years) ...	4,443 "			
	Total.....	30,440			

If in the coming five years the number is as great as for the last, the increase in this decade will be 2882, or more than twice that of any former period of ten years.*

From this table we observe that, excepting the years from 1838 to 1847, which include a period of great commercial revulsion, a stoppage of work upon the State canals, a suspension of specie payments, and general stagnation of business, this increase has been continuous, and that the rate has been of late altogether beyond that of the population or wealth of the State. If we look over the titles of these acts, there will be found an immense number of laws which simply amend or repeal those of recent years, proving that much of this legislation has been hasty or needless. During the last few years there have also been a very large number of bills returned by the Governor with his objections, and in many of these cases his reasons assigned were that ample provision had already been made by general laws for the attainment of the end proposed by these bills.

What we have noticed in the State of New York is also true of other States, but in very unequal degree. Without counting their number, and judging only from the growing thickness of each succeeding volume, the rate of increase of laws in New Jersey and Pennsylvania must be fully as great as that in New York. In short, this improvident and unguarded legislation—so defective as to require amendment or repeal the next year, and so easily got that almost any special favor and privilege may be readily obtained through influences that would not always bear the test of inquiry—has become one of the great evils of the day, and must in time produce a confusion and uncertainty in the laws tending greatly to lessen their force, and to multiply the faults which they profess to remedy.

The only limitation besides the veto of the Governor that can be placed upon the passage of laws is through the restrictions that may be imposed by a Constitution; and where experience has shown that a discretionary power in the hands of the Legislature is liable to abuse, it should be placed beyond their reach, and other means should be provided for the attainment of the ends required. The limitations upon the duration of legislative sessions grew out of an abuse of privilege, and was an effort toward controlling excessive legislation. But we have seen these sessions continue a month or more beyond the time when the pay of the members ceased, and it has been amply shown that if the mischief arising from bad laws is to be lessened by restricting the time of session, this limit must be positive, and not left discretionary, or simply qualified by stopping the pay of members.

The veto power implies an obligation upon the Governor to obstruct the passage of laws which would be unconstitutional or detrimental to the public welfare. But, in practice, so much of this revision is thrown upon his hands during the last days of the session that he can scarcely consider the titles, much less detect the objectionable provisions that may lie concealed in the body of the bills that are laid before him. Since the sessions of the New York Legislature have been nominally limited to one hundred days, about ten per cent. only of the laws of each session have been perfected during the first seventy, and in some years fully three-fourths of the whole number passed during the session were signed during the last ten days, or after adjournment.

We would at this point stop to notice a practice which has come to prevail in the State of New York, in the signing of bills

* Comparing this result with that of the general government, we find that the latter at the end of the second session of the Forty-second Congress had passed 5840 public and 5885 private laws, and 1047 public and 367 private joint resolutions, making a total of 13,139 acts and resolutions requiring a consideration in both Houses and the approval of the President, or passage over his veto. In periods of ten years the numbers were as follows:

Congresses.	Laws.			Joint Resolutions.			Years.
	Public.	Private.	Total.	Public.	Private.	Total.	
1st to 5th	448	84	532	29	2	31	1789–1799
6th " 10th.....	426	89	515	14	..	14	1799–1809
11th " 15th.....	711	383	1,094	57	4	61	1809–1819
16th " 20th.....	653	606	1,259	32	1	33	1819–1829
21st " 25th.....	715	1440	2,155	58	10	68	1829–1839
26th " 30th.....	581	1001	1,582	116	47	163	1839–1849
31st " 35th.....	640	876	1,516	126	64	190	1849–1859
36th " 40th.....	1111	852	1,963	412	156	568	1859–1869
41st and two sessions of 42d	555	554	1,199	203	83	286	1869–1872
Total	5840	5885	11,725	1047	367	1414	

after the end of the session. The Constitution upon this point is precisely the same as that of the United States, and provides that if any bill be not returned within ten days (Sundays excepted) after it shall have been presented, the same shall be a law in like manner as if signed, "unless the Legislature shall, by their adjournment, prevent its return, *in which case it shall not be a law.*" It is well known that a bill not signed by the President before the adjournment of Congress fails; but in New York, during the twenty years after the adoption of the present Constitution, not less than 1036 bills were signed by the Governor after both Houses of the Legislature had returned home, and in some cases many months after. It is true that a judicial decision has been rendered in defense of this custom,* and it is not charged that corrupt influences have been brought to bear upon the Governors to procure or prevent their signature, but the practice is liable to abuse, and a prohibition should be laid upon it, like that recommended by the convention of 1867–68, that "no bill shall become a law by the approval of the Governor after the end of the session at which the same was passed, unless it shall be sent by him to the office of the Secretary of State within ten days (excluding Sundays) after the end of the session."

The privilege of returning a bill prepared by one Legislature to the next, as allowed in Nevada and Pennsylvania, can scarcely be commended or safely allowed, unless coupled with a requirement that all the facts upon which it was predicated be also laid before the Legislature finally approving.

It would be well to require that all bills should be presented and printed within a limited time, as, for instance, within fifty days after the organization of the Legislature, to the end that their provisions might be known in the localities and among the interests to be affected by them, and an opportunity allowed, by petition, remonstrance, and argument before committees, for presenting the reasons for or against their enactment.

We assume it as a general rule that no man who deserved and accepted an election to either House would, under such a restriction, neglect to inform himself upon the local interests of his district that would probably require his attention, between the time of his election and the date of meeting of the Legislature, or within the time limited for the introduction of bills; and that an *absolute necessity* for immediate legislation would seldom or never arise during the later period of the session.

The familiar maxim that "in union there is strength" is equally understood by the pioneer settlers who need the shelter of a log-cabin and by those both in and out of the Legislature who seek the passage of laws beyond their ability to secure single-handed. Hence we frequently find appropriations of money, and other legislative measures which could not stand alone upon their intrinsic merits, linked in with others of conceded necessity, and often under one title. An effectual remedy of this evil would be to so modify the veto power as to allow the Governor to object to specific items in general appropriations, or particular provisions in statutes, where clearly against the public interests, and to give him sufficient opportunity for revision before signature.

The Constitution of Illinois adopted in 1870 has a most commendable provision, which requires that all judges of courts of record inferior to the Supreme Court shall annually report in writing to the judges of the Supreme Court such defects and omissions in the laws as their experience may suggest; and that the judges of the Supreme Court shall, on or before the first day of each regular session, report in writing to the Governor such defects and omissions as they may find to exist, together with appropriate forms of bills to cure such defects and omissions in the laws.* These the Governor is required to lay before the Legislature.†

The septennial Council of Censors, which until recently existed under the Constitution of Vermont (and which was borrowed from the first Constitution of Pennsylvania), was required to make inquiry whether the Constitution had been preserved inviolate in every part during the last septenary (including the year of their service), and whether the legislative or executive branches of the government had performed their duty as guardians of the people, or assumed to themselves or exercised other or greater powers than they were entitled to by the Constitution. We regard this as a most salutary feature, except that it operated at too great intervals to be of greatest advantage. The judiciary would manifestly be the first to notice these defects, and should be required to report them.

Having thus noticed some of the principal faults in our legislative system, we would suggest the following remedies:

1. That the regulation of strictly local affairs of counties should be intrusted, within fixed limits, to boards of supervisors, county commissioners, or the county courts, according as they are severally charged with county business.

2. That the internal and local affairs of towns, cities, and villages, under like restrictions, should be left to the officers or boards elected for their government, subject to the approval of the people by an election, upon

* The People *v.* Bowen *et al.*, June, 1870. 7 *Smith's Reports*, 517.

* Article VI., § 31. † *Ib.*, § 21.

questions involving taxation and expenditures.

3. That the legalization of the acts of local officers, changes of names of persons and corporations, and other petty details which now burden our statute-books, should be left to judicial inquiry in courts of record, with power to apply the relief suited to each case according to its merits.

4. That corporations and societies of every kind be created under general laws, under fixed regulations, with accountability and power of control in the hands of some officer or board of the government, wherever the public interests may require.

5. That the relief of county and other local financial officers, the extension of time for the collection of taxes, and the like, be left to the controller or other chief auditing officer of the State.

6. That certain special interests, within fixed limits, be intrusted, with legislative powers, to boards elected or appointed for the purpose, and accountable to the Legislature for the faithful discharge of their trusts. The interests of education, public institutions, and charities might thus in a great degree be managed without special legislative care.

In short, we would allow to counties, towns, cities, and villages the largest liberty of self-government, in whatever concerns themselves alone, that is consistent with the public interests; to the courts, an inquiry into claims and rights, within the sphere of judicial inquest; and to public officers and special boards whatever details require supervision, accountability, or statistical report to the State government. This arrangement would leave the Legislatures with leisure to provide agencies for the care of new interests as they arise, or as existing ones multiply; to watch the operation of general laws, and amend them as found unequal or defective; and to exercise that general supervision which the public welfare of the whole might demand.

Experience has shown that general laws do not afford relief, unless special laws properly within their province are *absolutely forbidden*, and when they have been carefully perfected the courts should be empowered and required to declare such special legislation null and void.

Under these limitations, which the Constitutions may properly impose, the growth of a State need not increase the burden, although it might add to the responsibilities, of its Legislature; and its statutes would acquire a dignity that would command respect, and a certainty that would insure confidence, stability, and general prosperity.

THE INTERPRETER.

A WANDERER found a deep green spot
With shadowy verdure overrun:
Low grass, by any gleam forgot,
And small young vines whose highest knot
Had seldom seen the sun.

And every idle leaf and blade,
Catching at any wind astray,
With many-mingled murmur prayed
Some breath, beyond the narrow glade,
From the great night and day.

So that a stir was in the dell
As of a myriad beaten wings,
What time, with sudden fall and swell,
The captive wind began to tell
A tale of marvelous things.

Spell-bound with rapturous awe, like one
Within some secret, sacred place,
While up and down his pulses run
As if his heart were played upon,
The listener bowed his face.

But fain at length with little will
To plod once more through bush and brier,
Upon his lips there lingered still
An echo like the haunting thrill
Along the smitten wire.

So, when he reached the busy street,
The gathered throng about him hung,
Praying the utterance complete
Of that new song, so strangely sweet,
That trembled on his tongue.

As best he could he sang to them,
With many a false note here and there,
Till even the rose upon her stem
Let fall her dewy diadem
In tremulous despair.

But when the crowd in rapturous mood
Besought the singer once again,
He led them to the lonely wood;
And all the people silent stood
To hear the magic strain.

The wild sweet melody anew
Stirred all his soul to smiles and tears;
But nothing heard the gaping crew,
Except a noisy wind that blew
About their open ears.

Then straight besought the tuneless throng,
That scorned the master's instrument,
Its echo in that first rude song,
And praised and listened, right or wrong,
In measureless content.

And ever since that lucky rhyme
The world has heard, at second-hand,
With many a break of tune and time,
The strain whose freshly falling chime
It could not understand.

But who hath ears to catch the play
Of melodies unspoiled by men,
May hear the wandering wind to-day
Chanting the same sweet roundelay
Within the breezy glen.