"Uniformity of Legislation"

PAPER READ BEFORE THE

Mississippi Bar Association

—AT ITS—

Annual Convention, Vicksburg, Miss.

MAY 9, 1907

—BY—

W. O. HART

OF THE NEW ORLEANS BAR
"UNIFORMITY OF LEGISLATION."

PAPER READ BEFORE THE
MISSISSIPPI BAR ASSOCIATION

AT ITS ANNUAL CONVENTION, VICKSBURG, MISS., MAY 9, 1907.

BY W. O. HART,
OF THE NEW ORLEANS BAR.

When the great Divorce Congress, which met in Washington in February, 1906, adopted the following as its first resolution: "It is the sense of the Congress that no Federal divorce law is feasible, and that all efforts to secure the passage of a constitutional amendment—a necessary prerequisite—would be futile," the members thereof were of the unanimous opinion that uniformity of legislation could only be had through State action.

In adopting this resolution they took a strong stand against the movement which from time to time arises in this country to ask Congress to do everything.

The forty-five States of this great Union, each has its place in our system of government, and each has its duty to perform; and as, under the Constitution, "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States," it should be the duty of each State so to frame its laws on general subjects common to the people of every State, so as to make them uniform, and that thereby the citizen of each State may, in the common, ordinary business concerns of everyday life, know what his rights are in every other State. It is the duty of every lawyer not only to help his clients whose interests are confided to him, to the best of his ability; but he has a higher duty to perform, a duty to the State, and that duty is to assist, as far as may be, in making the laws as simple as possible, so that all may understand them and all be placed on an
equal footing thereunder. Every lawyer who loves his grand profession does all he can to keep his clients out of litigation in particular cases, and no lawyer worthy of the name would fail to do that which in a general way prevents or diminishes litigation.

The work of the Commissioners on Uniform State Laws is a work which particularly appeals to the lawyer, who, above all other things, should strive for certainty in the law. There have been sixteen conferences of the Commissioners, the last at St. Paul in August, 1906. The seventeenth conference will be held in Portland, Maine, in August, 1907. Thirty-four States, two territories and the District of Columbia have delegates accredited to the conference, though I regret to say that the delegates from several of the States have never appeared, and among the absentees are the delegates from this State. From my own State, commissioners were not appointed until 1903, but we have been represented since then at every conference. On two occasions all the members attended; at another time, two; at another, one.

The greatest work of the conference was the preparation and submission to the States of the Negotiable Instruments Law. This law was first adopted in the State of New York in 1897, and it has now been adopted by twenty-eight States, one Territory, and by Congress for the District of Columbia, and it is the hope of the Conference that at an early date it will be adopted in Mississippi and all the other States. It is a remarkable fact that, though the idea of the Negotiable Instruments Law was first suggested by the Alabama Bar Association, that State has not yet adopted it, and for the first time last year, through the efforts of the present speaker, that State was represented in the Conference. It required six years of effort in Louisiana to have the law passed. Our Legislature meets bi-annually, and on the first two occasions the law passed the Senate without difficulty, but failed in the House. In 1904 the chairman of our Commissioners on Uniform State Laws, Hon. Thomas J. Kernan, was the floor leader in the House, and through his efforts the bill easily passed that body; but this time opposition was encountered in the Senate, though finally the
bill was passed, and promptly approved by the Governor. Previous to the passage of this law, our Courts were constantly having before them cases involving negotiable instruments, but there has not been a single case since the passage of the law. Its provisions are so clear and precise that any intelligent man may easily understand them and follow the law without difficulty. As most of the business of the world is now done by means of negotiable instruments, uniformity in the law governing them is of the utmost importance, and to the lawyer of large practice, with clients scattered throughout the country, it is an indispensable help. How much more satisfactory is it to a lawyer, who is called upon by a client to know his rights as the holder of a piece of negotiable paper, which is made in another State, payable in a third, and where the parties reside, perhaps, in other States, to be able to turn to the Negotiable Instruments Law and answer the question immediately; but, if any of the States with which the paper is connected have not adopted the Negotiable Instruments Law, then the lawyer, before he may safely advise his client, must communicate with some lawyer in the State whose laws he is required to advise about. Strange as it may appear, opposition to the passage of the law has been met with in many commercial States, such, for instance, as Maine, Indiana and Illinois, though on what theory the opposition rests it is hard to conceive. While I desire above all things to see the Negotiable Instruments Law the law of this entire country, I cannot subscribe to the suggestion of the President of the Conference in his last annual address:

"Let Congress adopt our Negotiable Instruments Law as the law governing negotiable instruments arising in the Federal Courts or arising under interstate commerce."

While I deny the power of Congress to pass any such law, that is a matter of little consequence, because that question will take care of itself when the effort is made; but I do dey the basis of the suggestion made by our worthy President, which is that Congress can cure all our ills. Before I finish this paper I shall have something further to say on this subject and of the Federal Courts, and refer to it now only because it seems in logical order so to do.
To proceed with the work of the Conference. At the last session two laws were finally adopted for presentation to the States for passage, one making uniform the law of sales of personal property, and the other making uniform the law of warehouse receipts.

I shall not discuss the first named, but, as to the other, consider it second in importance only to the Negotiable Instruments Law. Dealing in warehouse receipts is, as we all know, growing larger every day, and to the States like yours (Mississippi) and mine (Louisiana), where our wealth is in agricultural products, the warehouse is as necessary to the realization of that wealth almost as the ground from which the wealth springs. The very moment that the law becomes certain and uniform as to warehouse receipts, that moment is an added value given to agricultural products. With the elements of risk eliminated or reduced to a minimum, higher prices will be paid than otherwise, and when a banker, no matter where he resides, may deal with a warehouse receipt, no matter where the warehouse is, with almost absolute certainty of the law, dealing will increase, there will be more competition, and prices will advance. The quantity of agricultural products raised and sold in the South and West is so great that almost the smallest fraction of increase in price brings enormous wealth, and that increase in price is sure to come with that confidence which certainty of rights and obligations brings. I await with impatience the next session of our Legislature, so that I may bring before it, I hope with the assistance of our entire Bar and commercial community, this Negotiable Warehouse Receipts Law, and I shall work with my best efforts to secure its passage; and I hope that in Mississippi and other States the same efforts will be made, and all be successful. There are no radical changes from the general law in this warehouse receipts bill, nor were there any in the Negotiable Instruments Bill. The draughtsmen of each bill took the law as interpreted where there was no conflict, and, where there was a conflict, followed the weight of authority, unless same seemed opposed to the best principles of substantive law. As we all know, a great part of the law on any given subject is jurisprudence, and the best jurisprudence has been enacted into positive statute in these two bills.
Two other important laws were presented at the last Conference, and will be discussed at the next—a bill to make uniform the law of Bills of Lading, and a bill to make uniform the law of Partnership. Bills of lading, while, of course, not as extensively dealt in as warehouse receipts, are yet so important an article of commerce as to cause all who are interested in certainty of law to favor a uniform law. In my own State the law as it now exists, and as interpreted by the Courts on both these subjects, is far from satisfactory, and my reading and intercourse with lawyers and businessmen throughout the country satisfies me that the condition of affairs in other States is about the same.

At the Conference in 1903 Professor Ames, Dean of the Harvard Law School, volunteered to prepare, in course of time, a uniform law of partnership, and at the Conference of 1905 he made his first report, and showed in a few words the great diversity of the laws relating to partnerships in this country. I doubt if there are two States where the laws are similar; their wording may be alike, where there is any statute law on the subject, but the construction of same by the Courts, or the interpretation of the common law as applied to partnerships, is nowhere alike. In such a chaotic state did the learned Professor find the law that he announced to the Conference that he would not undertake to prepare the uniform law, unless it was the sense of the Conference that what he described as the mercantile idea of a partnership, as opposed to the legal idea, should be followed in the uniform law. This idea is given in Bouvier as follows:

"That a partnership is an entity, distinct from the partners, is the view of the business world everywhere, and such is the state of the law where the civil law is in force. In our law (meaning of course States which follow the common law) the partnership has not been clearly recognized as an entity. In an action at law, at least, the partners alone are recognized as parties at interest, yet even at law certain doctrines are explained only by recognizing the firm as an entity. The courts of equity show more recognition of the true character of a partnership; but even in equity this has not been made clear until recently."
There is now, however, a strong disposition on the part of the Courts to recognize the mercantile doctrine."

A student of the law, or a lawyer just beginning practice, when confronted with this description of a partnership, would certainly conclude that what he thought was a very simple matter was really of the greatest uncertainty. Louisiana, whose system of laws we lawyers of Louisiana believe the greatest and best the world has ever seen, has adopted as part of its civil law the mercantile idea of the partnership, for with us "a partnership is, in contemplation of law, a moral and civil being, distinct from the persons who compose it, and having peculiar rights and attributes."

But to return to the Conference. It was a source of great satisfaction to the Louisiana members of the Conference that they were able to indorse what Dean Ames said, and to show that, in asking the Conference to adopt his idea, he was paying a compliment to our laws; and I am happy to say that his suggestion was unanimously adopted and his law drawn on the lines stated. In Section 1 of the law he says: "A partnership is a legal person," and in Section 5, under the sub-heading, "Firm an Entity Distinct From the Parties," he says: "The legal title to partnership property is vested in the firm. Upon obligations in favor of the firm, * * * the firm as such is the obligee, and upon obligations * * * against the firm, the firm as such is the obligor," and "actions upon claims in favor of or against a firm must be brought in the firm name."

With the passage of this law by the different States the condition of affairs so well described by Bouvier will cease to exist, and a partnership in Maine will mean the same and have the same rights and obligations as a partnership in Mississippi or California, "a consummation most devoutly to be wished."

The integrity of the States is the integrity of each State; with the disappearance of the States, the nation would soon cease to exist, and it should be the duty of every lover of his country to work within his State for that State, and for the laws of each State as far as necessary or feasible to be uniform with the laws of every other State. The functions of the National Government should never be so exercised as to interfere
with the domestic concerns of the States, and the States should not surrender, even tacitly, any part of their right to legislate for themselves, and, through uniformity in legislation, indirectly for the citizens of other States, but should oppose by every means in their power the encroachments of Federal legislation. It is easy to foresee that, in the minds of many of those now high in authority in this country, the one idea is a centralized government. If these statesmen and publicists had their way, the States would be relegated to dependence for their laws upon the Federal Congress; and who is it that wants this centralized legislation? Who was it that clamored at the halls of Congress for a national insurance law? Who was it, in defiance of the decisions of the Supreme Court of the United States, wanted a declaration from Congress that insurance was commerce? Did the people as a whole ask for such legislation? Did the States demand it or want it? No; it was the great insurance companies, led by the president of one of them, a member of the Senate, who wanted this legislation. And why did they want it? Simply because it would be easier for them to comply with one law, when passed by Congress, than with the law of the several States where they intended to do business. And who was it that wanted a national incorporation law? Has any State asked for it? Has any considerable number of the people asked for it? Or is it not simply the desire of the powers that be in Washington and the great corporations of the country? Cannot we all see, if we stop and think for a moment, that the so-called Federal control of the railroads is but the beginning of the end unless checked, and that end will be some legislation by Congress depriving the States absolutely of all control over railroads and their property? And does anyone for a moment believe that, with national control of the railroads, to the exclusion of the States, the people will benefit? The combination of the railroads will be so strong that Congress will be influenced, if not controlled; but no combination can be made strong enough to control the forty-five sovereign States making up this Union. Corporations are creatures of State law as a general rule. A fiction of law says that a corporation created by one State cannot do business in another except as allowed by that State; but that principle, which I call a fiction, has been destroyed by the
Federal Courts ignoring State laws. Of course, railroads and other corporations which do business in many States want to be relieved of State control, of State supervision and of State taxation. They are now free practically from the State Courts, and, if the Republican Party, under its present leaders, remains in power much longer, in so far as corporations are concerned, the States will be non-existent. Are the States prepared to surrender their sovereign independence to the money power? If not, let them see to it that the encroachment of Federal legislation goes no further, and that uniformity of legislation is brought about by the acts of the States themselves. A very recent decision of the Supreme Court of the United States in the case of the Metropolitan Life Insurance Company of New York against the City of New Orleans and others, if not overturned in some form by Congressional interference, will do more to protect the States against foreign corporations, and give to the States the rights to which they are entitled, than any case decided for many years. In that case, the insurance company was held liable for taxes upon promissory notes negotiated, signed and paid in Louisiana, but removed to New York by the company, and only sent to Louisiana for collection. The effort of the insurance company to obtain the protection of the Louisiana laws in negotiating its loans and collecting its notes, and then to avoid responsibility and pay no taxes thereon, was frowned upon by the Supreme Court, and the obligation of the company, which obtained its protection from the laws of Louisiana, to pay taxes to Louisiana maintained and upheld. Of course, the large insurance companies would like such legislation from Congress as will relieve them from taxes to the State, and this power of taxation will be taken away from the States if we ever have a Federal insurance law or a Federal incorporation law. To the credit of the last Congress be it said that neither executive pressure nor corporation influence was sufficient to have it pass a law declaring insurance to be commerce after the Supreme Court of the United States, the greatest court in the world, had so often decided to the contrary. But we may not always have so conscientious a Congress, and it, therefore, behooves the States, through public sentiment, to take a stand against any such pernicious legislation.
What is known as the trust evil is the greatest evil of the
times, and the trust evil is a great evil because the States, which
create corporations, and without whose eneurling arm and pro-
tection a corporation can do no business, are deprived of control
of corporations through the usurpation of the Federal Courts.
The words of Thomas Jefferson were prophetic, but the prophecy
has been fulfilled:

"The judiciary of the United States is the subtle corps of
sappers and miners, constantly working underground to mine
the foundations of our confederated fabric. They are construc-
ting our Constitution from a co-ordination of a general and spe-
cial government to a general and supreme one alone."

When I speak of the Federal judiciary I speak of the system,
and not of individual Judges, because there is no Judge within
my acquaintance, either personally or through study, against
whom individually a word may be said, though we of the South
in times past could not always say this; but it is the system
against which I speak particularly as applicable to what are
euphemistically termed foreign corporations. Imperceptibly,
and perhaps unintentionally, the fact is that the corporations
believe that they own the Federal Courts, for I do not think in
one case in a thousand, where a corporation is defendant, that is
brought in the State court, does the corporation allow the ease
to be tried there, if it may be removed to the Federal Courts. A
corporation goes into a State other than that of its creation to
do business; it receives for its officers, its agents, and its prop-
erty, every protection from the State. The Federal Government
as such renders it none. It calls upon the State for police pro-
tection, for fire protection, and for protection through the crim-
inal courts, and yet, when suit is brought against it to enforce
one of its contracts, or to respond for damages for wrongs com-
mittcd, it immediately takes from the State, through its courts,
the right to adjudicate the issues presented in the case; and to
say that this is done because the State Courts will not do justice
to the corporation is a disgrace to the man who utters it. If
the corporation feels it cannot get justice in the courts of a
State, then it should stay out of that State and not do business
therein; but any right which the foreign corporation may be
entitled to under the Constitution and laws of the United States, which are paramount to any State law, no State can deprive it of, for the United States Supreme Court sits in Washington to prevent just such errors. Take the street railways of most of the cities, which are now leased or owned by foreign corporations. Without the consent of the State where they do business they could not lay a foot of track or run a car for five minutes, and yet the corporation takes upon itself to say whether or not, when sued, it will allow the State Courts to retain jurisdiction of the case, or whether it will take the case to some other forum. State control and supervision over corporations can never be complete until the Federal Courts are deprived of all jurisdiction over corporations, a jurisdiction which the Constitution does not give, and which should never have been usurped.

To what does the judicial power of the United States extend? Section 2 of Article 3 of the Constitution says: "Between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming land grants of different States, and between a State or the citizens thereof and foreign States, citizens or subjects"; and, for the purpose of the present discussion, all we need to do is to determine what "citizen" means. Again referring to Bouvier, we find:

"In American law, one who, under the Constitution and laws of the United States, has a right to vote for representatives in Congress and other public officers, and who is qualified to fill offices in the gift of the people."

Of course, if matters as now drifting are carried to their legitimate conclusion, a corporation may meet the definition of Bouvier, and we may have a corporation for Congressman, Supreme Court Justice or President. But does anyone believe—can anyone conscientiously say—that the word "citizen," in the article of the Constitution just quoted, meant anything more or less than it said? It meant a person, a being made in the Divine image, and not a corporation, which has no soul.

The great Marshall, the expounder of the Constitution, in the well-known case of Bank of the United States vs. Deseauze, 5 Cranch, 61, said: "A corporation aggregate cannot, in its co-
porate capacity, be a citizen." This is common-sense and reason, and it is a great pity that it was ever departed from. The corporation involved in that case was a corporation created by the laws of the United States, and yet the jurisdiction of the Court was held to be determined by the citizenship of the members composing the corporation, and that the corporation itself was nothing with reference to the jurisdiction of the Federal Courts. We note that in many of the affairs of the day the dollar is put above the man, and, by the United States Courts taking jurisdiction over corporations as citizens, the thing is put above the individual. As to corporations, the Court presumes that the incorporators are citizens of the State of the formation of the corporation, but as to partnerships the Courts will not take jurisdiction unless every partner may sue or be sued in the Federal Courts.

The dissenting opinion of Mr. Justice Daniel in the case of Covington Drawbridge Company vs. Shepherd, 20 Howard, 234, must commend itself to all. It is as follows:

"In dissenting from the Court in this cause it is not designed to reiterate objections which in several previous instances have been expressed. I will merely remark, with reference to the present decision, and to others in this Court, numerous as they are said to have been, that they have wholly failed to bring conviction to my mind, that a corporation can be a citizen, or that the term citizen can be correctly understood in any other sense than that in which it was understood in common acceptation when the Constitution was adopted, and as it is universally, by writers on government explained, without a single exception."

When we read this opinion, brief though it be, but every word breathing with logic, it is almost impossible to believe that the Court could ever have held otherwise, and could have overruled, as it did in 2 Howard, 497; 16 Howard, 314, and 20 Howard, 227, the decision of Chief Justice Marshall in the Deveaux case. It is worthy of note that Marshall had ceased to be a member of the Court before the overruling began.

In the case of Ohio and Mississippi Railroad Company vs. Wheeler, 1 Black, 286, the learned reporter, evidently from his legal education, not in sympathy with the ruling of the Court,
in the headnotes, partially stated the law as it ought to be: "A corporation is not a citizen within the meaning of the Constitution of the United States, and cannot maintain a suit in the Court of the United States against the citizen of a different State from that by which it was chartered, unless the persons who compose the corporation body are all citizens of that State." With this declaration of the law no one can find fault; but, of course, the presumption of citizenship in the corporation was brought into play, and the usurpation continued. It seems to me, however, that the Supreme Court is not satisfied with the present condition of affairs, and that only stare decisis stands in the way of a return to first principles, for in the case of *St. Louis and San Francisco Railway vs. James*, 161 *United States*, 563, where the question before the Court was as to the citizenship of a corporation created under the laws of two States, the Court said:

"We are unwilling to sanction such an extension of a doctrine which, as heretofore established, went to the very verge of judicial power. That doctrine began, as we have seen, in the assumption that State corporations were composed of citizens of the State which created them; but such assumption was one of fact, and was the subject of allegation and traverse, and thus the jurisdiction of the Federal Courts might be defeated. Then, after a long contest in this Court, it was settled that the presumption of citizenship is one of law, not to be defeated by allegation or evidence to the contrary. There we are content to leave it."

When the Supreme Court of the United States takes occasion to describe a line of decisions which gave to the United States Courts a certain jurisdiction, by stating that the doctrine announced in the decisions "went to the very verge of judicial power," it is very evident that the Court knew that the doctrine was wrong, but did not have the courage to set it aside. But the time will come in the changed condition of affairs brought about by a proper appreciation of the rights of the people when the pernicious doctrine that a corporation is a citizen, for the purpose of giving jurisdiction to the Federal Courts, will be annulled and set aside.
If corporations are citizens within the meaning of Section 2 of Article 3 of the Constitution, then they ought to be citizens of Article 3 of the Constitution, then they ought to be citizens under every other article of the Constitution; but the Supreme Court has not so held.

In Paul vs. Virginia, 8 Wallace 168, which the President and many others desire to see reversed, the Court held that corporations were not citizens within the meaning of Section 2 of Article 4, which says, "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States," and further recognized in that case that States had some rights by holding that the privileges and immunities referred to meant those which a citizen received from other States because he was a citizen of one State.

In an address he delivered the other night, an eminent ex-Senator said: "In my view, almost any evil can be better borne than the infliction of a grievous wound upon our constitutional system of government, which is dual in its character, combining the sovereignty of the Federal and separately of the State governments. Through a hundred years, during which we have grown up a nation of over 80,000,000 persons, all in all, the most powerful in the world, the Constitution has been adequate." That is pretty sound doctrine, of which we cannot have too much just about this time of efforts to stretch, ride roughshod over and treat the Constitution as a dream of "back-date" and "has been" statesmen.

But the quoted statement of the distinguished gentleman, unfortunately, does not accord with his actions while a national legislator; but, if he now sees in the proper light that the integrity of the States should not be entrenched upon, his conversion gives great hope for a similar improvement to others.

While I am not prepared to indorse by any means all the doctrines of William J. Bryan, yet what he said in his recent answer to Senator Beveridge is directly pertinent to this paper, as to the Federal Courts, and a brief extract may not be out of place:

"If he will review the history of the last twenty-five years he will find that the very corporations which he now charges
with being friendly to State’s rights have constantly defied the States and sought shelter in the Federal Courts. Whenever a State has attempted the regulation of rates, the railroads have at once invoked the power of the Federal Courts to enjoin and suspend. The United States Courts are now filled with suits that ought to be tried in the State Courts, but which are dragged into the Federal Courts for two reasons—first, to get them as far away from the plaintiffs as to make litigation expensive; and, second, to secure trial before Judges who are appointed for life by Federal authorities, and often upon the recommendation of corporate representatives.”

Deprive the Federal Courts of jurisdiction over corporations, and the railway question will regulate itself. In the very nature of things, uniformity of legislation will follow, but it will be uniform legislation by the States, each acting for itself, and with a just regard for the rights of all.

It is almost an insult to a sovereign State for a foreign corporation to claim that it cannot get justice in civil matters in the courts of the States, when, without the protection of the State, its property would be at the mercy of evildoers.

I do not propose to argue the question whether this country is a Nation with a big “N”, or whether it is a confederation of States; but that the States created the Constitution, that the States adopted it, and that the States keep it alive, is apparent throughout that great instrument.

I know the argument of many has been that, because the preamble of the Constitution begins with “We, the people of the United States,” therefore, the Constitution is the work of the people in their individual capacities as a whole, and not as States; but this argument is unsound and cannot bear the test of analysis. We all know that the preamble is no part of a law, and while, “in the interpretation of a statute, though resort may be had to the preamble, it cannot limit or control the express provisions of the statute.”

The Constitution was adopted, not by the delegates representing the people, but “by the unanimous consent of the States present”; and we all know that the ratification of nine States was necessary for the establishment of the Constitution.
So essentially is the Constitution the act of the States that it cannot be amended except by the States. Of the eighty millions of persons in this country, supposing that everyone were a voter, the unanimous vote could not change a letter or syllable of the Constitution, while the action of the States might reach such a condition that the vote of one legislator might be sufficient to change the Constitution, and this because that legislator's vote determined the vote of his State.

A prominent United States Senator recently remarked that he was glad that his State had no flag. So much worse for the State and so much worse for the Senator. As a Senator of the United States, he receives his credentials from his State, and sorry will the day be when any Senator or Representative shall forget his duty to his State or ignore its interests.

Let us strive, through uniformity of laws, to strengthen the power of the States, and no law can lay any claims to uniformity, even in a single State, with the present jurisdiction of the Federal Courts as to corporations.

We have one kind of justice for those who may go in the Federal Courts—usually corporations—and another kind for those who must remain in the State Courts. The United States Supreme Court, the bulwark of the people's liberties, will never rise to its greatest height until it returns to the doctrine of Chief Justice Marshall, and holds that corporations, as such, are not within the jurisdiction of the Federal Courts.

Restore to the States that absolute control over corporations, which they should have, because corporations are creatures of State law, just as inheritance laws must be administered by the State Courts, and we shall soon need no "trust-busters," no government control of railroads, no national corporation laws, and no efforts by acts of Congress to overrule the Courts; but we shall have orderly, legal and just control of corporations, with the Supreme Court of the United States to protect them should the State Courts infringe such rights as they may have legally under the Constitution; and, when the States have the proper control over corporations, uniformity of legislation will follow, so that a railroad running through many States, or other corporations doing business in many States, shall receive equal
protection in all of them, and the rights of the people will be protected as well as the so-called rights of corporations.

One of the candidates for Governor in my State, in his address to the people, so forcibly and in few words sets forth how we should reserve the rights of our States that, with his permission, I quote two paragraphs therefrom:

"I believe that the safety of our political institutions and the perpetuity of our splendid principles of popular government are bound up in the integrity of the State. The State is the unit in the governmental system; hence, the weakening of the fundamental unit necessarily means the sapping of the foundation upon which popular government rests.

"Therefore, wise and far-seeing statesmanship demands that the growing tendency to abandon these principles, manifested by men who have become weary of the long and thankless task of guarding this bulwark of the people's rights, should be firmly resisted. The usurpation on the part of the Federal Government of the powers reserved to the State, on the one hand, and, on the other, the tendency of weaklings in official positions in the States to surrender to the Federal Government the rights appertaining to the State, are equally menacing to the general welfare."

I love my country, as I am sure does everyone before me; I glory in its greatness—know that it is greater to-day than it was yesterday, and will be still greater to-morrow; but I love my State, my native State, and I want that State and every other State to occupy the position which the framers of the government intended they should occupy.

And to turn over the control of the States to corporations, foreign corporations as they are called—tramp corporations as many of them are—must never be done; but, unless a stop is put to Federal legislation and the jurisdiction of the Federal Courts over corporations, the States will soon exist in name only.

But we need not despair; the time will come when the important principles of constitutional government, which now lie dormant, will rise again, and, in the grand words of Lincoln, "Let us have faith that right makes might, and in that faith let us do our duty as we understand it."